



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

Date: Monday, 19 August 2019

Committee:
South Planning Committee

Date: Wednesday, 28 August 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

Andy Boddington
David Evans
Simon Harris
Nigel Hartin
Richard Huffer
Cecilia Motley
Madge Shingleton
Robert Tindall
David Turner
Tina Woodward

Substitute Members of the Committee

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 (Pages 1 - 8)

To confirm the minutes of the South Planning Committee meeting held on 30 July 2019.

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 2.00 pm on Friday, 23 August 2019.

4 Disclosable Pecuniary Interests

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

5 Land East Of The School House, Hopton Cangeford, Shropshire (17/04421/FUL) (Pages 9 - 36)

Erection of two detached dwellings with detached open fronted double garages

6 Proposed Residential Development Land East Of Upper House Farm, Hopton Cangeford, Shropshire (18/02529/FUL) (Pages 37 - 56)

Erection of three dwellings in a courtyard arrangement with access drive and parking.

7 Meadowtown Farm, Meadowtown, Shrewsbury, Shropshire, SY5 0DZ (18/03093/FUL) (Pages 57 - 86)

Conversion of two agricultural buildings into four holiday letting units, change of use of further agricultural building into stables, formation of manege, alterations to existing vehicular access and formation of parking areas.

8 Proposed Development Land East Of Meadowbrook Close, Alveley, Shropshire (18/03172/FUL) (Pages 87 - 118)

Erection of 6 affordable dwellings and associated works

9 Gutter Farm Wall Under Heywood, Church Stretton, Shropshire, SY6 7JA (19/02201/FUL) (Pages 119 - 128)

Erection of a building to house stables, tack room and store

10 13 Upper Linney Ludlow SY8 1EF19/02495/FUL (Pages 129 - 140)

Erection of a single storey extension to adjoin the side elevation of the existing rear extension

11 Schedule of Appeals and Appeal Decisions (Pages 141 - 162)

12 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, 24 September 2019, in the Shrewsbury Room, Shirehall.

This page is intentionally left blank



Committee and Date

South Planning Committee

28 August 2019

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 30 July 2019

2.00 - 4.02 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 257716

Present

Councillor (Chairman)

Councillors Andy Boddington, David Evans, Simon Harris, Nigel Hartin, Richard Huffer, Madge Shinton, David Turner and Tina Woodward

11 Apologies for Absence

Apologies for absence were received from Councillors Cecilia Motley and Robert Tindall.

12 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 4 June 2019 be approved as a correct record and signed by the Chairman.

13 Public Question Time

There were no public questions or petitions received.

14 Disclosable Pecuniary Interests

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

With reference to planning applications 18/03093/FUL, 18/04662/FUL and 18/05739/FUL, Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Management Board. He confirmed that he had taken no part in any discussion relating to these applications.

**15 Meadowtown Farm, Meadowtown, Shrewsbury, Shropshire, SY5 0DZ
(18/03093/FUL)**

The Consultant Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Mr B Payne, on behalf of local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Heather Kidd had provided a written statement, which was read out at the meeting and also circulated prior to the meeting.

In the ensuing debate, Members considered the submitted plans and noted the comments of the speaker, and it was,

RESOLVED:

That the application be deferred to a future meeting to enable the applicant to reconsider the design and layout, provide clarity regarding the removal of construction/demolition waste from the site and confirmation regarding proposed equestrian operations, i.e. whether holiday makers would have use of applicant's horses or will they be bringing their own onto site.

**16 Proposed Dwelling To The North Of Stiperstones, Snailbeach, Shropshire
(18/04662/FUL)**

The Consultant Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit that morning and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Mr P Middleton, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Heather Kidd had provided a written statement, which had been circulated prior to the meeting.

In the ensuing debate, Members considered the submitted plans and noted the comments of the speaker. Members raised objections regarding the proposal to site an open-market dwelling on the outskirts of the community and in open countryside, and it was

RESOLVED:

That, as per the Officer's recommendation, planning permission be refused for the following reasons:

1. The site lies beyond the established built-up area of Stiperstones village, in open countryside where, in the absence of any exceptional circumstances or evidence that the settlement housing guideline is unlikely to be met, a new open-market dwelling would fundamentally conflict with Policies CS1, CS4, CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD1, MD3, MD7a and S2 of the Shropshire Council Site Allocations and Management of Development Plan. Whilst the scheme might deliver some economic and social benefits these would be very modest and equally applicable to other more sustainable and policy-compliant sites within the designated settlements, and hence would not outweigh the disadvantages.
2. On account of the site's physical and visual separation from the established housing to the south and east, and also its prominence in elevated views from the east, the proposed dwelling would detract from the essentially open, verdant character and scenic quality of the Shropshire Hills Area of Outstanding Natural Beauty, contrary to the National Planning Policy Framework, Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Policies MD2 and MD12 of the Shropshire Council Site Allocations and Management of Development Plan.

17 5 Cape Street, Broseley, Shropshire, TF12 5NQ (18/05657/FUL)

The Consultant Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Cllr Ian West, representing Broseley Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Simon Harris, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- The walls of this area were built using Broseley Brick and were heritage assets;
- He drew Members' attention to the comments of the Shropshire Council's Conservation Officer, as set out in paragraph 6.3.3 and 6.3.4 of the report; and

- The front boundary wall was higher than the approved maximum height of 2.2m.

In the ensuing debate, Members considered the submitted plans and noted the comments of the speakers. Members were in agreement that the proposal did nothing to preserve or enhance the character of the Conservation Area and concurred with the views of the Conservation Officer.

RESOLVED:

That, contrary to the Officer's rec, planning permission be refused for the following reasons:

- The front extension, by reason of its location forward of the front elevation, the linkage of the brick boundary wall to the dwelling by a high brick wall and timber clad form with a shallow dual pitch roof elements of the structure, would not be in keeping with the existing property and would detract from the character and appearance of the Broseley Conservation Area, contrary to Shropshire Core Strategy policies CS6 and CS17, Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD13, and paragraphs 192 and 200 of the National Planning Policy Framework.

18 Proposed Dwellings East Of Doddington, Shropshire (18/05739/FUL)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, she drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit the previous day and had viewed the site and had assessed the impact of a proposal on the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Madge Shingleton, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- She expressed concerns regarding this proposal which had started off as a local home for a local person but had now become two large intrusive buildings;
- She objected to the large bridges and the vast amount of hard landscaping that would be done given that the site lay on the edge of Doddington and in close proximity to the Area of Outstanding Natural Beauty;
- The entrance had already been excessively widened and hardcore had been laid;
- The proposal would be overbearing and have an overwhelming impact on the small community.

In the ensuing debate, Members considered the submitted plans and noted the comments of the speakers. To reduce any overlooking Members commented on the

need to use appropriate screening using mature native species'. Members expressed concern regarding the junction onto the A4117 especially given the siting of existing road signage and as a means of improving visibility some suggested the erection of a highway visibility mirror.

RESOLVED:

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

- The agreement of the structural design of the bridges;
- The conditions set out in Appendix 1; and
- Delegated authority be granted to the Area Planning Manager to add/amend conditions to require further details of the bridge construction if necessary.

19 Royal Oak Alveley Bridgnorth Shropshire WV15 6LL (19/01487/FUL)

The Consultant Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members had undertaken a site visit on a previous occasion and had viewed the site and had assessed the impact of a proposal on the surrounding area.

Mr S Wigen, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Tina Woodward, local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- As the local Member making a decision on this application had been problematic. On the one hand she appreciated the role the Royal Oak played within the community and would not wish to see the Royal Oak close, but, on balance and based on the information before her and the reasons as set out in the Officer's report, she felt that she could not support this application;
- The pods had been relocated and there had been some planting of Leylandii. However, for the reasons as set out in the Officer's report she considered these changes to be ineffectual. The grouping of the pods did not improve the openness of the site and Leylandii was not a native species;
- The very nature of the pods, no matter where they were positioned, would cause concern; they are small and designed to be just a place to sleep. In warm and hot weather there appeared to be a natural tendency for people staying in the pods to migrate to the outside seating supplied by the public house. There had been reported concerns relating to noise and it was easy to see how this was taking place and could, even with a Management Plan, be problematic;

- There had been a number of mobile caravans permanently sited on the field and during the holiday periods the field had been full of caravans, caravan awnings, camper vans, cars and vans. The site had continued to operate and remained a cause for concern locally; and
- She supported the Officer's recommendation and urged the Committee to refuse the application as no very special circumstances had been demonstrated or existed that would be of sufficient weight to justify inappropriate development in the Green Belt. The development would therefore be contrary to the adopted Shropshire Core Strategy Policy CS5, Site Allocations and Management of Development (SAMDev) policy MD6 and the guidance set out in part 13 of the National Planning Policy Framework.

In the ensuing debate, Members considered the submitted plans and noted the comments of the speakers. Members particularly noted that no substantial changes had been made to mitigate the impact on the visual quality of the area.

RESOLVED:

That, as per the Officer's recommendation, planning permission be refused for the following reasons:

1. It is acknowledged that the proposed development would contribute to the rural economy, assist in the viability of the Public House and contribute to the role of Shropshire as a tourist destination to stay. However these benefits are considered to be outweighed by the harm the openness of the Green Belt and be at odds with one of the five purposes of the Green Belt, namely safeguarding the countryside from encroachment. No very special circumstances have been demonstrated or exist that would be of sufficient weight to justify inappropriate development in the Green Belt. The development would therefore be contrary to the adopted Core Strategy policy CS5, SAMDev policy MD6 and the guidance set out in the National Planning Policy Framework Part 13.
2. Notwithstanding the above, the benefits of proposed development are considered to be outweighed by the environmental harm. The introduction of the structures proposed would appear as incongruous additions to the area and as such would result in a detrimental impact upon the character and appearance of the area. Accordingly, the proposed development is contrary to Local Plan policies CS5, CS6, CS16 & CS17 of the adopted Core Strategy and policies MD2, MD11, MD12 of the SAMDev and national guidance contained within the NPPF, in particular paragraphs 83 and 110.

20 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 30 July 2019 be noted.

21 Exclusion of Public and Press

RESOLVED:

That under Section 100(A)(A4) of the Local Government Act 1972, the public be excluded during the consideration of the following item of business on the grounds that they might involve the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

22 Planning Enforcement Quarterly Report

RESOLVED:

That the Planning Enforcement Quarterly Report at 30 July 2019 be noted.

23 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Wednesday, 28 August 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and date
 South Planning Committee
 28 August 2019

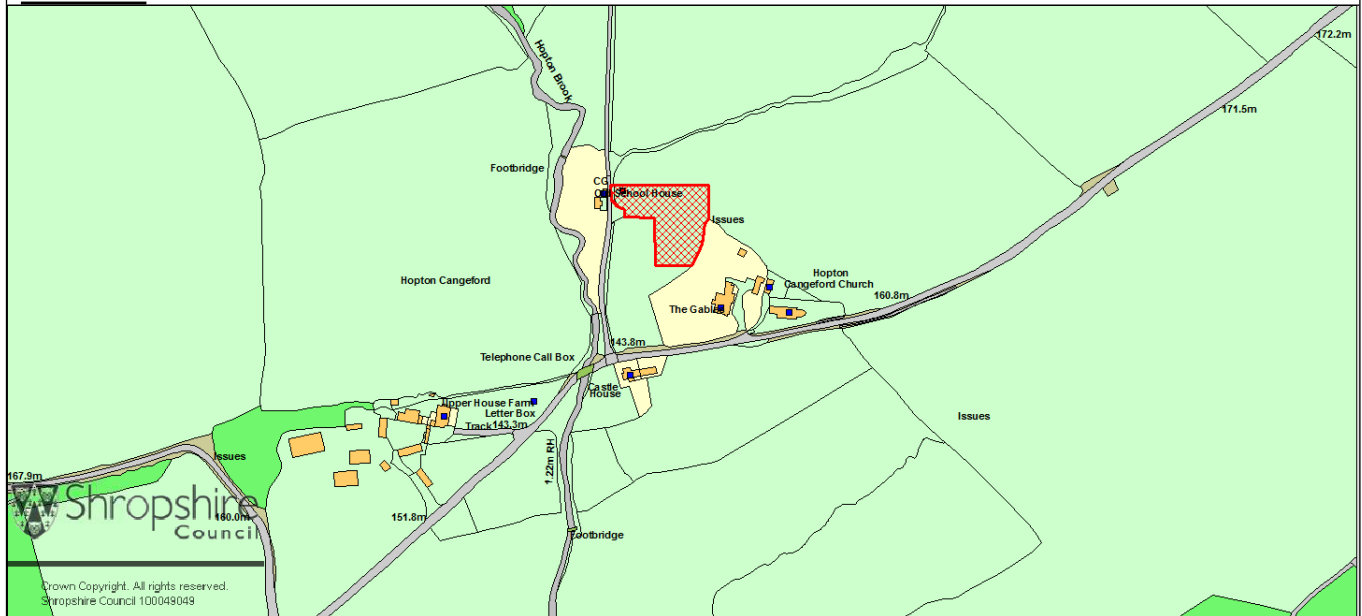
Development Management Report

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

Summary of Application

Application Number: 17/04421/FUL	Parish:	Hopton Cangeford
Proposal: Erection of two detached dwellings with detached open fronted double garages		
Site Address: Land East Of The School House Hopton Cangeford Shropshire		
Applicant: Mr Wiggin		
Case Officer: Heather Owen	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 354734 - 280478



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

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of two detached dwellings and two detached open fronted double garages.
- 1.2 Both of the properties proposed under this application would provide 4 bedrooms, plot 1 is proposed to provide approximately 147sqm of accommodation over two floors and plot 2 seeks to provide approximately 170sqm, again over two floors. Both dwellings are designed with the majority of first floor accommodation being set within the roof, served by dormers and roof lights. The two properties are proposed to be constructed with a mix of red brick, and timber weather boarding. The front elevation for plot 1 proposes an oak timber framed detailing. This oak frame detailing is also proposed for plot 2, although in this case wrapping around the upper part of the rear and front elevation.
- 1.3 The garages would measure approximately 5.3m in width by approximately 6m in depth and would have a height to ridge of approximately 5.7m.
- 1.4 This planning application has links with another planning application from the Downton Hall Estate, reference 18/02529/FUL, which is also on this South Planning Committee agenda for determination by members.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This application site is a relatively flat part of a field accessed off the public road network along a single width track which provides shared access to Lower Wood Farm and a residential property known as Old School House. This latter dwelling is set opposite the application site. Sharing a mature boundary hedge to the south east of the site is an existing residential property shown on plans as The Gables, but is also known as The Old Rectory. Beyond this property at around 60m lies The Old Church a converted grade II* listed church.
- 2.2 A public right of way runs west-east through the site which is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). To the south approximately 88m away lies a grade II listed dwelling and grade II listed telephone box.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This case is presented for committee determination as the Local Ward Member has “called in” this application within 21 days of it being validated. Following discussion of the reasons for call in with the Chair and Vice Chair of Planning Committee it was agreed that the reasons are material planning considerations and the call in request complies with the terms of the scheme of delegation as set out in Part 8 of the Councils Constitution.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Hopton Cangeford Parish Council: Objects:

- Due to the scale of the properties and their proximity to listed properties.
- It is a greenfield site.
- Two is excessive for the location, and the total of four new properties will have a massive impact on such a small hamlet.
- Inappropriate development for local need as the properties are too large and expensive.
- The Parish Plan is not being met as its too many properties in a very small area.

4.1.2 SC Rights of Way: Footpath No 9A runs through the development site. From looking at the plans it appears that the footpath will run along the proposed new access into the properties, although not directly affected by the development.

Recommend informative regarding the developers responsibilities to ensure the right of way remains open and safe for users during construction works.

4.1.3 SC Highways: No objection, recommend informatives on the works to a highway.

4.1.4 SUDs: The proposed foul water drainage is acceptable. Recommend condition relating to surface water drainage details, plan and calculations.

4.1.5 SC Ecology: 15th August 2018 – Final Comments - following submission of Great Crested Newt Assessment prepared by Teme Ecology (30th July 2018): Recommend conditions requiring an EPS licence before works starts to building 1, repeat previous recommended conditions relating to the provision of bat and bird boxes; details of external lighting and informatives regarding general wildlife protection during construction works.

SC Ecology: 20th November 2017: Great Crested Newt Survey is required – Information have been provide in relation to unmapped ponds in close proximity to the site, once of which contains Great Crested Newts as such further information is required.

SC Ecology: 16th November 2017: Recommend conditions relating to the provision of bat and bird boxes; details of external lighting and informatives relating to general wildlife protection during construction works.

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

- 4.1.7 SC Archaeology: Recommend condition requiring archaeological inspection of the ground works.
- 4.1.8 Shropshire Hills AONB: Standing advice regarding need to be considered the impact of development on the AONB designated. This standing advice does not indicate either an objection or no objection to the current application.
- 4.1.9 Ramblers Association: Observations - As has been commented on by the Rights-of-Way Department the block plan indicates that the access to the 2 houses opposite the Old School House will use the line of footpath 0535/9A/1 and legally the surface of the footpath can only be changed with the permission of the Department. In addition no new restrictions should be put on the line of the footpath without permission, so if there is a fence or boundary to the east of the properties then access through it must be of the least restrictive nature, as should be the access off the track leading to the Old School House and the new properties i.e. no locked or lockable gates or barriers difficult to pass through.
- 4.1.10 SC Conservation: No principle objections to developing of this site. The design of the proposed dwellings for both sites should be very modest in their character and appearance respecting the character and appearance of existing heritage assets as well as the wider rural setting. The use of local vernacular materials should be considered including red brick, timber framing and plain clay tiles.

4.2 Public Comments

- 4.2.1 This application was advertised for 21 days via site notice and press notice and directly in writing to 4 neighbouring properties.

5 objections have been received and are summarised below:

4.2.2 Impact on Hopton Cangeford and surroundings

- Development will fundamentally change the character of the hamlet.
- Overdevelopment of the village.
- Not a sustainable community - No amenities in Hopton Cangeford, no mobile phone signal and no school.
- We are in an area of the Government's 5% of the population which will continue to receive poor Broadband and Mobile Phone service provision. Additional dwellings and families demanding modern technology amenities will put greater pressure on very poor networks and will significantly impair existing business need for digital services.
- Doubling the size of the community is not small scale development.
- Housing on the Downton Hall Estate is mainly isolated farmhouses and cottages, rather than grouped development.
- Will ruin one of the last remaining picturesque villages in the area.
- There are far better, potentially brownfield sites, with better access and communications, that could and should be developed, long before any consideration is given for the greenfield development that these applications propose.

4.2.3 Residential Amenity

- The site entrance is 10m from our sitting room/bedroom windows – would be directly impact from traffic, noise and light pollution and loss of privacy.
- The site causes the maximum disruption to the maximum number of residents.
- The garden of one of the houses on site 1 will come up to the boundary with the garden of The Old Rectory (shown on plan as The Gables) – loss of amenity, privacy and noise disturbance.
- Noise and light pollution from the increase population would be an issue through the loss of peace and tranquillity – the settlement in in a hollow where sound travels.

4.2.4 Design and scale

- Scheme is too large and out of keeping with the area.
- The houses are 4 bed mansions – no locals could afford.

4.2.5 Highway Safety

- Increase in traffic on narrow and dangerous lanes.
- Already have a considerable amount of heavy goods vehicles, both agricultural and the lorries from a nearby scaffolding company. The little bridge over the stream and the narrow lanes were never designed for this and would not cope with the extra traffic.

4.2.6 Drainage and flooding

- The site has a natural spring and is constantly wet.
- The area already floods. The land was the site of the village well. By definition this area is permanently very wet and boggy. Concerns over potential for water course pollution from soakaways/cesspits - let alone the practical difficulty of building and insuring dwellings in such an area.

4.2.7 Biodiversity

- Site is a haven for wildlife.
- There are Great Crested Newts in the area and the buildings would disturb and destroy their habitat.
- Loss of hedgehogs and disturbance to owls.

4.2.8 Other matters

- Water supply to Hopton Cangeford is frequently at low pressure and sometimes interrupted. As farmers we source all of our water from the mains supply, because that is the correct manner in which to do so. Being at higher altitude than the main hamlet, we are the first to experience reduction or withdrawal of supply. This provides us with an animal welfare issue and additional demand of the system from new dwellings could only be satisfied if there were a very good improvement to water supply pressure.
- The Parish Plan is for affordable houses on the open market – the questionnaire stating there is strong support is invalid as no resident receive this questionnaire.
- The former vicarage as shown on old maps, was demolished over 50 years ago and should establish a pre-existing building for development.
- The true strength of feeling against this development is not being expressed

- due to the landlord/tenant relationship and the damage this could cause.
- Heritage is what you keep, not what you lose. The proposed developments are opposed by all the local inhabitants and in some measure the locality belongs in spirit to those that live there. These proposals are without merit or need. They need not just to be scaled back, but to be refused completely. The landowner may say they are meeting a need but this has been shown to be false from the responses of so many objectors.
 - As a planning authority you must weigh up the positives and negatives for planning proposals and hope you will take into account the total local opposition to these plans and the fact it would destroy a real jewel in the Shropshire landscape.
 - The Stoke St Milborough Parish Plan has been incorporated into Shropshire Council's Site Allocations and Management of Development Plan (SAMdev Plan). The Parish Plan was based on a community survey done in 2011/2012 and the SAMdev Plan was adopted in December 2015. These applications have been submitted based on the plan. The settlements of Stoke St Milborough, Hopton Cangeford, Cleestanton and Cleedownton form a community cluster where 'infilling and conversions on small scale sites will meet the local demand for housing to deliver 10 additional dwellings in the period to 2026'. These applications are not infilling or conversions on a small scale and there is no local demand for housing of any description.
- The SAMdev Plan states that 'the door is left open for communities to opt in to become part of a community cluster' as the Council acknowledges that community needs change over time. If this is the case, communities should be able to opt out. The community survey was six years ago with a very low questionnaire return rate of 30% and it is no longer valid in 2017.

5.0 THE MAIN ISSUES

Principle of development
 Siting, scale and design of structure
 Historic Environment
 Visual impact and landscaping – Shropshire Hills AONB
 Biodiversity
 Highway Safety
 Residential Amenity
 Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.

- 6.1.2 For new housing development, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in policy CS3; CS4 and set out in detail in the Council's SAMDev Plan, policy MD1.
- 6.1.3 Hopton Cangeford is identified as a community cluster alongside Stoke St Milborough, Cleestanton and Cleedowntown where settlement policy S7.2(iii) allows for limited infilling and conversions on small scale sites, which will meet local demand for housing to deliver around 10 additional dwellings in the period up to 2026. It is acknowledged that Hopton Cangeford is a small settlement with little in the way of services and facilities of its own. However its inclusion as a component of a Community Cluster under SAMDev Policies MD1 and S7 implies broadly that the location is sustainable, and this carries significant weight. National Planning Policy Framework (NPPF) stating that proposals which accord with an up-to-date local plan should be approved without delay.
- 6.1.4 The SAMDev Plan does not define development boundaries around these Cluster settlements and provides no definitive definition of infill, as such the question of whether or not specific schemes constitute infilling is a matter for judgment is required in each case. Whilst Core Strategy Policy CS4 confirms that new housing must be located within the settlements themselves and not on adjoining land or in the countryside in-between.
- 6.1.5 As noted above Hopton Cangeford is a small settlement, it has a rather dispersed and irregular development pattern, due to many of the properties being separated by existing fields and spread out either side of the highway. As such there is little opportunity for infill in the traditional sense (i.e. The dictionary defines 'infill' as 'the act of filling or closing gaps'.) It is also noted that the applicants have spent some time considering alternative locations within the settlement for the proposed dwellings, including the lower section of this field closer to the road. These alternative sites were dismissed as inappropriate and less viable options for reasons including poor drainage, access and land level concerns. In terms of whether the application site represents infill, there is existing residential development to the west and south east sides of the site and as such is judged to be one of the few appropriate infill locations for this settlement.
- 6.1.6 In terms of housing numbers, the Councils 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 Hopton Cangeford part of the statement advises that there have been 2 completions and 7 sites are with planning permission. It is acknowledged that should this application and its associated scheme both gain permission the number of houses with permission within the cluster would be over the 10 recommended within the settlement policy. However SAMDev Policy MD3 explains that the settlement housing guidelines are not absolute maxima 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.*

6.1.7 The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five year supply. It would provide some local benefit in terms of construction work and additional residents who in turn will spend money within the wider local area, albeit it is acknowledge that for small scale developments these benefits are small. Hopton Cangeford 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. There have been no planning permissions for new dwellings within Hopton Cangeford 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 these dwellings would not cause demonstrable harm to the character of the settlement in terms of delivering excessive housing to which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy.

6.1.8 Third party objectors question the validity of the questionnaire which as carried out to inform the parish plan and SAMDev and query whether the SAMDev is out of date. In terms of the formal inclusion of Hopton Cangeford as part of the cluster settlement within the SAMDev, this inclusion was following formal consultation with the local community and assessment of the local plan by the Planning Inspectorate. In terms of opting out of cluster settlements, a formal mechanism to enable this is via a local plan review which the NPPF requires Local Planning Authorities to carry out in whole or part to respond to flexibly to changing circumstances. The Council is currently carrying of a part review of the local plan, which has included review of the nominated hubs and cluster settlements in consultation with Parish Councils. It is noted that the Consultation document on preferred sites, published November 2018, continues to include Hopton Cangeford as part of the cluster settlement. The alleged manner in which the parish council conducted questionnaires is not a material planning consideration and nor can this planning application be an arena to assess whether or not a settlement should have been included as part of the community cluster or not, the planning application has to be considered on its merits and in accordance with the adopted development plan, which includes the SAMDev plan.

6.2 Affordable Housing Contribution

6.2.1 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 2 dwellings 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 Siting, scale and design of structure, Visual impact and landscaping – Shropshire Hills AONB

6.3.1 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.

6.3.2 Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy the more general design requirements under Policy CS6 and SAMDev Policy MD2. Both these latter policies seek to ensure that all development is appropriate in scale, density, pattern and design, taking into account the local context and character. The relevant SAMDev settlement policy at S7.2(iii) also states with regard to new development that it is expected to be sympathetic to the character and setting of the settlements.

6.3.3 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.

6.3.4 The two dwellings propose the use of local vernacular materials and detailing such as the timber oak framing and dormers which picks up on features existing on properties with the settlement. It is acknowledged that the two properties are sizable in terms of the floorspace they would provide, however both dwellings would sit within the individual plots comfortably and are reflective of the style of properties already existing within Hopton Cangeford.

6.3.5 The two detached garages are of simple form and single storey in character, as such would appear subsidiary additions to the dwellings they would serve.

6.3.6 In terms of the wider landscape impact of these dwellings and garages, the site is set back from the public road and the topography and mature landscaping around the site is such that the properties would not be highly visible from wider public view points. It is acknowledged that the dwellings would be visible from the public right of way which runs through the site, however the structures would be viewed as part of existing built development which makes up the village rather than as isolated developments in the countryside. The impact of the proposal on the character and

natural beauty of the Shropshire Hills AONB is as such considered to be neutral.

6.3.6 Objection is raised that the development of both this site and the site to the south (18/02529/FUL) would lead to the overdevelopment of the village and detract from the character of the settlement. It is noted that if both sites are permitted and subsequently built the size of the village would increase by 5 houses, which would effectively double the number of properties. Whilst the settlement policy provides a guideline to the number of new dwellings across the cluster as a whole it does not set a limit to the number of properties which should be built within each settlement named within the cluster. In this case the two application sites are almost at opposing ends of the settlement, which would spread the development out which retains the existing dispersed character of the settlement. Further it is noted the south site subject to application 18/02529/FUL, in particular seeks to introduce a number of smaller units to the settlement, which would assist with the policy aims of rural rebalancing. Overall on balance it is considered that the development of both sites would not significantly alter the character of the settlement in a detrimental manner sufficient to justify refusal of this application.

6.4 Heritage Assets

6.4.1 Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities must pay particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings. This is reflected by Part 12 of the NPPF, CS17 and SAMDev Policy MD13, which require great weight to be given to conserving designated heritage assets in particular.

6.4.2 A Heritage Impact Assessment and Heritage Asset Plan has been submitted as part of this planning application in accordance with paragraph 128 of the NPPF and policy MD13 of SAMDev. The Councils Conservation Officer considered this application at the same time as considering the subsequently withdrawn application on the site adjacent to Upper House Farm in the south of the settlement (17/4427/FUL) and the comments made remain valid for this application. It is noted that the Conservation Officer raises no principle objections to the developing of this site. The designated listed buildings are set away from the site and much of the site would be screened by mature landscaping or in the case of the grade II* the topography and presence of existing built development which sits in between. The scheme proposed utilises vernacular materials as recommended by the Conservation Officer including red brick, timber framing and plain clay tiles and conditions can be used to ensure the precise materials and finishes used as appropriate to the area. The dwellings are considered to sit comfortably within their plots and would not harm the setting of the nearby listed buildings and other non-designated heritage assets within the wider area.

6.4.3 The Councils Archaeologist notes that the land lies within the historic settlement of Hopton Cangeford and the estate map of 1860 and Historic editions of the Ordnance Survey maps of the late 19th and early 20th century indicate buildings, possibly a former cottage and outbuildings, on the site of proposed dwelling on plot 2. The building was demolished sometime in the mid to late 20th century. As a consequence, the proposed development site is deemed to have some archaeological potential. In view of the above the Councils Archaeologist

recommends an archaeological inspection of the ground works be made a condition of any planning permission for the proposed development.

6.5 Biodiversity

6.5.1 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.

6.5.2 During the process of this application it was brought to the Councils Ecologists attention that there are a number of unmapped ponds within 250m of the application site. As such additional information was requested relating to Great Crested Newts. An assessment by Teme Ecology dated 30th July 2018 was subsequently submitted to the Council by the applicant's agent.

6.5.3 The assessment found the presence of Great Crested Newts within the grounds of the Old Church, with a medium population recorded during the 2018 survey season. As the development is located close to this breeding pond and there is a risk of disturbance, killing/injury of individual great crested newts and potential destruction of the terrestrial habitat within the home range of the population any works for this application site will require an European Protected Species (EPS) Licence from Natural England must be obtained before any works commence.

6.5.4 The implications of the development on the sites conservation objectives are considered fully within the EPS Matrix attached to this report at Appendix 1. It is concluded that the development would meet the 'three tests' in that the development is in the public interest, there is no satisfactory alternative and that subject to conditions as recommended by the Councils Ecologist there would be no detriment to the maintenance of the species' populations at a favourable conservation status within their natural range.

6.5.5 Other Ecological enhancements can be secured via conditions requiring the implementation of bird and bat boxes and provision of a landscaping scheme which would also help soften the visual impact of the development.

6.6 Highway Safety

6.6.1 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.

6.6.2 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.

- 6.6.3 Access for these two plots would utilise the existing field access, off the existing shared access which leads to Lower Wood Farm. No alterations are proposed to the access where it joins with the classified C road which runs through Hopton Cangeford. The Councils Highways Team have reviewed the proposals here and raise no objection to the scheme concluding that it is unlikely that the addition of two dwellings will significantly adversely affect highway safety or local conditions.
- 6.6.4 In assessing this application the Councils Highways Team raise concern as to the design of the turning area proposed, particularly for Plot Two, where it is noted that a vehicle will have to reverse to the corner of the driveway to turn around to leave the site in a forward gear and it is preferable to have a turning area close to where cars are going to be parked. A condition is recommended to establish the final parking and turning area arrangements and to ensure they are laid out in full prior to the first occupation of the dwellings.
- 6.6.5 The Councils Highways Team also suggest that the applicants may want to consider the addition of a passing place along the share track that leads to the application site. However this is a private lightly trafficked access and vehicles would be typically travelling at low speed, it is therefore considered that the installation of such a passing place is not necessary for highway safety and such request would fail to meet the 'tests' within National Planning Practice Guidance on the use of conditions or obligations on planning applications.
- 6.6.6 The comments regarding the length of the driveway, position of letter boxes and walking surfaces are noted, however these are not matters which could compromise highway safety and thus are not factors which could justify refusal of a planning application.
- 6.6.7 Due to the narrow nature of the surrounding highway network it is considered that a Construction Method Statement should be provided to ensure that vehicles associated with the construction works are managed in an appropriate way to prevent congestion within the surrounding area and to protect amenity.
- 6.7 Residential Amenity
- 6.7.1 Policy CS6 requires that development should safeguard residential and local amenity. The closest neighbouring properties to this application site are The Old School House to the west of the site and The Gables (referred to as The Old Rectory by third party objectors) located to the south east of the site. Objection to the proposal in terms of impact on residential amenity and in particular though loss of privacy, and disturbance through noise are raised by both properties.
- 6.7.2 The two dwellings have been orientated in an L shape along the north and east sides of the application site. Plot one would be the closest property to the Old School House and is proposed to sit roughly in line with this existing property. The access track to the farm separates the two properties and the block plan indicates that there would be a distance of approximately 30m from the front elevation of this neighbouring property and the gable end of the dwelling proposed for plot 1. No openings are proposed in this side gable end, as such there would be no direct overlooking from plot 1 into The School House. The block plan also indicates a

degree of landscaping along the boundary between plot 1 which would mitigate potential for overlooking into the side garden of this application site from the occupiers of The Old School House and vice versa. Any degree of overlooking from this part of the site is mutual and it not considered to be sufficient to result in undue harm to the residential amenity of either the occupiers of the existing property or the future occupiers of plot 1. Plot 2 is set further to the south east of this neighbour at a distance of around 54m. At such distances it is not considered that the development of plot 2 would result in the loss of residential amenity to the occupiers of this neighbouring dwelling. The level of disturbance which maybe created by traffic coming to and from these two dwellings is unlikely to be of a significant level that could unduly harm the residential amenity of the occupiers of this property, particularly bearing in mind that the existing track provides access to a farm and utilises an existing field entrance, both of which could be frequented by tractors or other farm vehicles at any time of the day.

6.7.3 Plot 2 would share a contiguous boundary with the upper part of the curtilage around the neighbouring property known as The Gables/Old Rectory. The block plan indicates that the proposed dwelling for plot 2 at its closest point would be approximately 9.5m from the boundary with this neighbour. It is noted however that this closest point is with the upper corner of the neighbours overall curtilage, the neighbouring dwelling itself being approximately 36m to the south east of the proposed dwelling. A mature hedge currently defines the boundary between the sites and it is noted that this neighbouring property is set at a slightly higher ground level than this application site. As such it is considered that the application site would not unduly compromise the enjoyment of the occupiers dwelling or private amenity space to a level. The potential impact of noise created by the occupiers of the dwellings going about their daily business is not a material planning consideration sufficient to result in refusal of the application.

6.7.4 To mitigate with the temporary impact of the building works themselves a condition is recommended to restrict the hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays). The implementation of a construction method statement (as required by condition 6) would also help to mitigate potential temporary neighbour amenity impacts during the construction works.

6.8 Drainage

6.8.1 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. Objection is raised as to the flood risk on this site. The application site is outside of flood zone 2 or 3 which it is noted takes in part of the lower section of the field and track and is one of the reasons these lower sections of the field were dismissed as alternative locations for the development. The Councils Drainage Consultants have considered the application documents provide and are satisfied with the foul drainage detail which has been provided and are content that the surface water drainage interests can be safeguarded adequately through a pre-commencement planning condition.

6.9 Other matters – Water supply

6.9.1 Third parties have raised comments and concerns as to the capability of local infrastructure and services and whether there is capacity to cope with the additional demand arising from the 2 dwellings. It is the duty of the individual service providers to respond to increased demand in line with Government requirements. Many of the services, are involved at a strategic level in local planning and develop their services in accordance with projected increases in population.

7.0 CONCLUSION

7.1 The application site is situated within the settlement of Hopton Cangeford 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. In this case it is considered that the site would represent infill given the proximity of the site to existing built development.

7.2 The scale and design of the two dwellings and garages are considered to be reflective of the character of existing built development within Hopton Cangeford and it is concluded that the proposals would not harm the character or natural beauty of this part of the Shropshire Hills AONB.

7.3 There are no undue or insurmountable concerns regarding the historic environment, residential amenity, highway safety or drainage. Whilst there is an outside possibility of individual great crested newts being affected, with appropriate mitigation the three tests set out in the EPS matrix are satisfied, and no other significant ecological impacts are anticipated. Overall, therefore, the application is considered to accord with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

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.

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OW4NK8TDGIC00>

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Cecilia Motley
Appendices APPENDIX 1 – European Protected Species Matrix – 3 tests APPENDIX 2 - Conditions

APPENDIX 1 - EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

17/04421/FUL
Land East Of The School House
Hopton Cangeford
Shropshire
Erection of two detached dwellings with detached open fronted double garages

Date of consideration of three tests:

15th August 2018

13th August 2019

Consideration of three tests carried out by:

Nicola Stone
Planning Ecologist
01743 252556

Heather Owen
Technical Specialist Planning Officer
01743 258764

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

The scheme involves the erection of two new dwellings in a sustainable policy complaint location. Boosting housing supply in line with local planning policy is a key ambition of the NPPF, and is in the public interest as it would deliver clear social and economic benefits and help to reduce the pressure for development elsewhere.

2 Is there ‘no satisfactory alternative’?

The alternative would be to refuse planning permission so that the land remains undeveloped for housing. However this would downplays the role of economic and social progress in helping to achieve sustainable development.

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

Great Crested Newts

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

- Great Crested Newt Assessment prepared by Teme Ecology (30th July 2018).

The proposed works for the development at Site 1 will require an EPS licence to proceed within the law as the development is located close to a breeding pond for great crested newts located within the grounds of the Old Church and there is a risk

of disturbance, killing/injury of individual great crested newts and potential destruction of the terrestrial habitat within the home range of the population. A medium population was recorded during the 2018 survey season.

It is recommended that the method statement of the EPS licence outlines the full mitigation strategy to be agreed with Natural England and will include the timings of the works, and how measures to avoid conflicts with great crested newts will be implemented e.g. handsearching, then strimming the site prior to works and turf/soil strip, then implementing a suitable fencing design to prevent great crested newts re-entering the site during the construction phase. Any individuals discovered during the works should be removed from the site and relocated into suitable habitat around the field boundaries. All contractors should be made aware of the potential for great crested newts to be discovered within the site and should be briefed in how to safely move any individuals discovered to a pre-designated safe area away from the works activity.

Once the works are completed a licensed ecologist should be present on site during the removal of the amphibian fencing. A report of the actions taken under the licence should be sent to Natural England following the removal of the fencing. Habitat enhancement is already in place as the design includes new hedge and tree planting. All planting should be restricted to native species of local provenance. The planting scheme should be optimised to provide links through and around the site to offer maximum biodiversity gain.

The proposed activity will not be detrimental to the maintenance of great crested newts at a favourable conservation status within their natural range provided that the conditions detailed in the response from Nicola Stone to Heather Bradley (15th August 2018) are on the decision notice and are appropriately enforced.

1. No works to building 1 shall take place until either:
 - a) a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority; or
 - b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

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

2. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
 - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
 - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;

f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

Guidance for filling in the EPS form

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

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

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

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

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

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

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

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

2 Is there no satisfactory alternative?

An assessment of alternatives needs to be provided. If there are any viable alternatives which would not have an impact on a European Protected species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

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

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

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

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

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

No derogation under the EC Habitats Directive (1992) can be granted if it has a detrimental effect on the conservation status or the attainment of favourable conservation status for a species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected. Compensation measures do not replace or marginalise any of the three tests, all three tests must still be satisfied.

APPENDIX 2

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall commence (including any site clearance) until either:
 - a) a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority; or
 - b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

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

4. No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site is known to hold archaeological interest.

5. No development shall take place until a scheme of surface 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 (which ever is the sooner).

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

6. No development shall take place, 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 construction works
 - a Traffic Management Plan

Reason: This is a pre-commencement condition to avoid congestion in the surrounding area and to protect the amenities of the area.

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

7. 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.

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 safeguard the character of the development and setting of nearby 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 safeguard the character of the development and setting of nearby Heritage Assets.

10. No above ground works shall be commenced until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);

- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

- 11. 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 brick], suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes) or sparrows (32mm hole, terrace design).

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

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

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

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

- 13. Prior to the first occupation of the dwellings hereby approved details of the parking and turning area for vehicles shall be laid out in and surface in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area be kept clear and maintained at all times for that purpose.

Reason: To ensure adequate parking and turning area is are provided to avoid congestion on the highway network in the surrounding area.

14. Prior to the first occupation of the dwellings hereby approved the foul drainage scheme shall be carried out in accordance with the approved drainage scheme.

Reason: To ensure satisfactory drainage of the site.

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

15. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

Informatives

1. This permission does not entitle the developer to obstruct a public right of way. Development insofar as it affects a public right of way should not be started and the right of way should be kept open unless and until any necessary statutory orders have been made and confirmed. The applicants should ensure that:
 - The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
 - Building materials, debris, etc must not be stored or deposited on the right of way.
 - There must be no reduction of the width of the right of way.
 - The alignment of the right of way must not be altered.
 - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
 - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

2. Access via public right of way
 Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

Vehicular use of public rights of way

The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority

to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

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. As part of the SuDS, the applicant should consider employing measures such as the following:
 - o Water Butts
 - o Rainwater harvesting system
 - o Permeable surfacing on any new access, driveway, parking/paved area
 - o Attenuation
 - o Greywater recycling system
 - o Green roofs

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

Surface Water Soakaways

Percolation tests and sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate

change. Alternatively, the Council 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 of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

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

4. Nesting birds informative

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

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

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

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

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

General site informative for wildlife protection

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

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

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

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped

overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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

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.

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

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

-

This page is intentionally left blank



Committee and date
 South Planning Committee
 28 August 2019

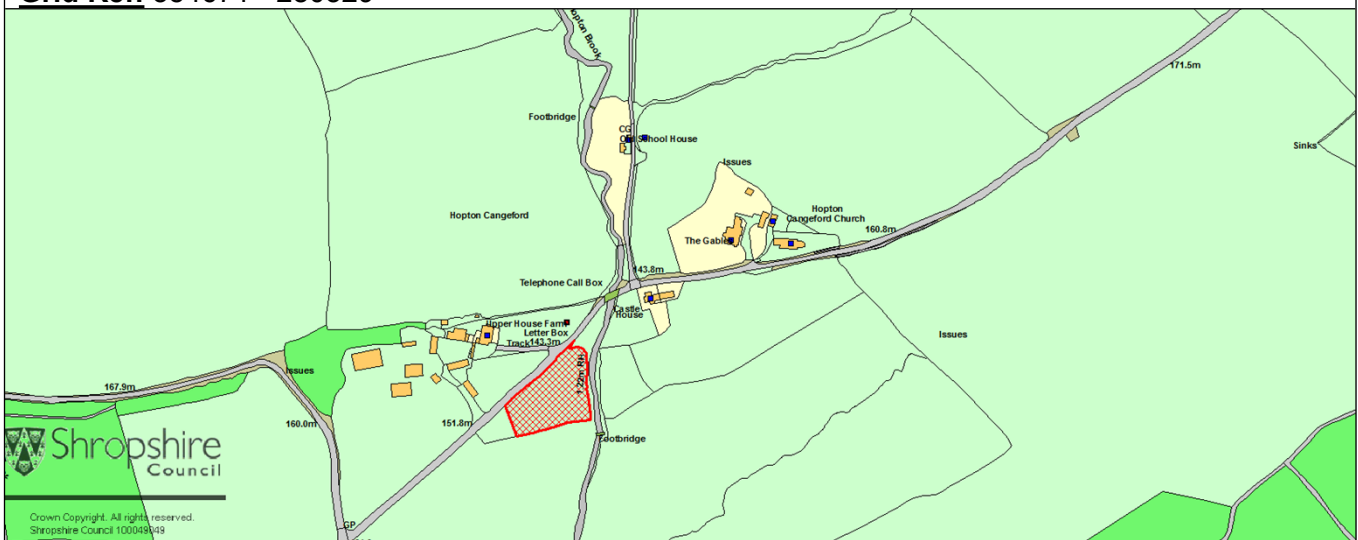
Development Management Report

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

Summary of Application

Application Number: 18/02529/FUL	Parish:	Stanton Lacy
Proposal: Erection of three dwellings in a courtyard arrangement with access drive and parking		
Site Address: Proposed Residential Development Land East Of Upper House Farm Hopton Cangeford Shropshire		
Applicant: Mr Wiggin		
Case Officer: Heather Owen	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 354671 - 280329



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

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

- 1.1 This application seeks full planning permission for the erection of three dwellings, a three-bay carport, alterations to an existing access and formation of a parking area.
- 1.2 The dwellings as proposed would provide one, two bed unit of approximately 57sqm of accommodation, and two, three bed units (providing approximately 79sqm and 89sqm of accommodation respectively). The adjoining car port is proposed to provide 3 parking bays one for each dwelling. The proposed design of the dwellings and car port is to appear as a converted set of traditional barns around a courtyard arrangement giving the buildings a U shaped footprint. The proposed car port and two bed unit would be set within the single storey part of the proposal with the remaining accommodation set over two floors.
- 1.3 The dwellings are proposed to be constructed in the main with red facing brick, the upper storey being clad in feather edge timber boarding under a plain clay tiled roof.
- 1.4 This proposal is an alternative proposal to planning application 17/04427/FUL on the land opposite this application site, which was subsequently withdrawn following discussion with the Conservation Officer and the Parish Council on alternative schemes.
- 1.5 The design and access statement which accompanies this application advises that the purposes of these dwellings are as starter units for tenants of the Downton Estate. This application also has links with another planning application from Downton Hall Estate which is on land adjacent to The Old School House, Hopton Cangeford, reference 17/04421/FUL.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a parcel of land, peppered with fruit trees and located opposite to a farm house and group of farm buildings known as Upper House Farm to the south east of a single track 'C' classified road which runs through Hopton Cangeford. Access to the site is via an existing farm gate located towards the north west part of the field, where a public right of way runs through and across the north east part of the site and down to a footbridge to cross Hopton Brook which runs along the eastern boundary of the site. The site boundaries are defined by mature tree and hedge boundaries.
- 2.2 The site lies within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), approximately 65m to the north-east lies a grade II listed dwelling and a grade II listed telephone kiosk. Further afield at approximately 179m to the north east lies The Old Church, a grade II* listed building.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This case is presented for committee determination as the Local Ward Member has “called in” this application within 21 days of it being validated. Following discussion of the reasons for call in with the Chair and Vice Chair of Planning Committee it was agreed that the reasons are material planning considerations and the call in request complies with the terms of the scheme of delegation as set out in Part 8 of the Councils Constitution.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Stanton Lacy Parish Council: The councillors do not object to this planning application. They do however have concerns about road safety with an increase in traffic on very narrow roads.

4.1.2 SC Rights of Way: It is reassuring to see that the public footpath UN4 that runs across the development area has been accurately identified in the Design & Access Strategy and accommodated within the planning design.
Recommend informative regarding the developers responsibilities to ensure the right of way remains open and safe for users during construction works.

4.1.3 SC Conservation (Historic Environment): No principle objections to this proposal, where it is considered that the proposal would have a negligible impact upon the setting of the adjacent heritage assets, where the proposal demonstrates appropriate and sensitive/restrained design.
Recommend conditions with regards to joinery (fenestration and roof verge details), along with other external facing materials (samples) and finishes, including a specification for the proposed flush fitting conservation rooflights.

4.1.4 SC Archaeology (Historic Environment): No comments to make on this application with regards to archaeological matters

4.1.5 SC Affordable Housing: There are no affordable housing obligations associated with this proposal.

4.1.6 SC Ecologist – 04th July 2019 - Final comments following receipt of bat and dormice reports by Teme Ecology: Recommend conditions relating to design of external lighting and the installation of ecological enhancements through bird, bat and hedgehog boxes and informatives relating to wildlife protection during development.

SC Ecology – 09th October 2018 - Comments on submitted Ecological Assessment by Teme Ecology: Additional information required relating to bat and dormice surveys as recommended within the Ecology report.

SC Ecology – 03rd July 2018 – Initial comments: Additional information is required in the form of an Ecological Assessment.

4.1.7 Shropshire Wildlife Trust: 09th July 2018:

- There have been reports of priority species (hedgehogs) on the development site.
- The site appears to be an old orchard site, so may potentially be considered as priority habitat (traditional orchards)
- Proximity of the Hopton Brook – potential high ecological interest including presence of species such as otter.
- Site falls within the Shropshire Environmental Network.

No ecological assessment appears to have been submitted and given the issues listed above there is insufficient information on which to base a planning decision.

4.1.8 Shropshire Hills AONB Partnership: Standing advice regarding need to be considered the impact of development on the AONB designated. This standing advice does not indicate either an objection or no objection to the current application.

4.1.9 SC Highways: No objection, recommend conditions regarding parking and turning, installation of gates and informatives on the use of a public right of way for vehicular traffic and works to a highway.

4.1.10 SuDs: Recommend surface water and foul drainage condition and informatives relating to the design of surface water drainage.

4.2 Public Comments

4.2.1 This application has been advertised for 21 days via site and press notices and directly in writing to two adjoining properties.

2 objections have been received:

- Location not part of the community cluster - The proposed development states that Hopton Cangeford is "a community cluster" and that "limited infill" is approved. To define the boundaries of the Hopton Cangeford cluster you need to draw a line between Castle Cottage and Upper House Farm. The proposed development is outside this line and "new housing in open countryside is unacceptable".
- Highway Safety – there is limited visibility of road users leaving the proposed development. The site entrance opens on to a narrow single-track lane and vehicles would need to pull out into the middle of the lane to check for oncoming traffic.
- Objections raised on the previously withdrawn application still apply and even more so as number of homes on this scheme has increased from 2 to 3.
- No activity in Hopton Cangeford which warrants doubling the housing stock and population.
- Led to believe the homes will not be offered for sale on the open market but rather tenanted houses on the Downton Hall Estate.
- Detrimental to the Shropshire Hills AONB.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Historic Environment
Visual impact and landscaping – Shropshire Hills AONB
Biodiversity
Highway Safety
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.
- 6.1.2 For new housing development, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in policy CS3; CS4 and set out in detail in the Council's SAMDev Plan, policy MD1.
- 6.1.3 Hopton Cangeford is identified as a community cluster alongside Stoke St Milborough, Cleestanton and Cleedowntown where settlement policy S7.2(iii) of the SAMDev plan allows for limited infilling and conversions on small scale sites which will meet local demand for housing. This policy aims to deliver around 10 additional dwellings in the period up to 2026. It is acknowledged that Hopton Cangeford is a small settlement with little in the way of services and facilities of its own. However its inclusion as a component of a Community Cluster under SAMDev Policies MD1 and S7 implies broadly that the location is sustainable, and this carries significant weight. National Planning Policy Framework (NPPF) stating that proposals which accord with an up-to-date local plan should be approved without delay.
- 6.1.4 Whilst Core Strategy Policy CS4 confirms that new housing must be located within the settlements themselves and not on adjoining land or in the countryside in-between. The SAMDev Plan does not define development boundaries around these Cluster settlements and provides no definitive definition of infill, as such the question of whether or not specific schemes constitute infilling is a matter for judgment in each case.
- 6.1.5 As noted above Hopton Cangeford is a small settlement with a rather dispersed and irregular development pattern, due to many of the properties being separated by existing fields and spread out either side of the highway. As such there is little opportunity for infill in the traditional sense (i.e. The dictionary defines 'infill' as 'the act of filling or closing gaps'). It is also noted that the applicants have spent some

time considering alternative locations within the settlement for the proposed dwellings. These alternative sites were dismissed as inappropriate and less viable options for reasons including poor drainage, access and land level concerns. In terms of the application before members it is noted that there is existing built development opposite the site in the form of Upper House Farm, which it is considered marks the western edge of development the Hopton Cangeford settlement. To the north east lies the residential property known as Castle House. Whilst the application site does not share a contiguous boundary with these properties, they are partially visible from the site, in particular the built structures of Upper House Farm. As such it is considered that the site does relate spatially and visually to Hopton Cangeford and would on balance represent infill in this case.

6.1.6 In terms of housing numbers, the Councils 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 Hopton Cangeford part of the statement advises that there have been 2 completions and 7 sites are with planning permission. It is acknowledged that should this application and its associated scheme both gain permission the number of houses with permission would be over the 10 recommended within the settlement policy. However SAMDev Policy MD3 explains that the settlement housing guidelines are not absolute maxima 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.*

6.1.7 The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five year supply. It would provide some local benefit in terms of construction work and additional residents who in turn will spend money within the wider local area, albeit it is acknowledge that for small scale developments these benefits are small. Hopton Cangeford 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. There have been no planning permissions for new dwellings within Hopton Cangeford 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 these dwellings would not cause demonstrable harm to the character of the settlement in terms of delivering excessive housing to which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy.

6.1.8 Objection is raised that the development of both this site and the site to the north (17/04421/FUL) would lead to the overdevelopment of the village and detract from

the character of the settlement. It is noted that if both sites are permitted and subsequently built the size of the village would increase by 5 houses, which would effectively double the number of properties. Whilst the settlement policy provides a guideline to the number of new dwellings across the cluster as a whole it does not set a limit to the number of properties which should be built within each settlement named within the cluster. In this case the two application sites are almost at opposing ends of the settlement, which would spread the development out which retains the existing dispersed character of the settlement. Further it is noted this application in particular seeks to introduce a number of smaller units to the settlement, which would assist with the policy aims of rural rebalancing. Overall on balance it is considered that the development of both sites would not significantly alter the character of the settlement to justify refusal of this application.

6.2 Affordable Housing Contribution

6.2.1 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 3 dwellings 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 Siting, scale and design of structure, Visual impact and landscaping – Shropshire Hills AONB

6.3.1 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.

6.3.2 Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy the more general design requirements under Policy CS6 and SAMDev Policy MD2. Both these latter policies seek to ensure that all development is appropriate in scale, density, pattern and design, taking into account the local context and character. The relevant SAMDev settlement policy at S7.2(iii) also states with regard to new development that it is expected to be sympathetic to the character and setting of the settlements.

6.3.3 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.

- 6.3.4 The proposed design of these dwelling units is based on a traditional 'barn', with the applicant's agent advising design inspiration has been taken from Wormsley Barn, a barn conversion scheme permitted under 15/03350/FUL which is located some 1.1km to the west of Hopton Cangeford. The detailing of the scheme proposed here has been kept relatively uncomplicated using simple roof forms and keeping elevational treatments relatively plain, with side hung timber casement windows. Red brick and clay tiled roofing are a local vernacular material and the use of timber cladding is not an unusual feature within a rural area.
- 6.3.5 It is acknowledged that the site would be visible from public view points, both from the public highway and from the right of way which runs through the northern part of the site. Sectional drawings of the proposal have been provide to demonstrate how the dwellings would sit within the site, including views of the site from the highway, where the design and orientation of the dwellings is such that the single storey sections of the proposal would run alongside the boundary with the road resulting a partly low lying development to reduce the visibility of the built form at this view point. From the public right of way, more of the development would be visible, however the scheme would be viewed with the backdrop of existing mature landscaping and the built development of Upper House Farm. Further the 'barn' style design is judged to help retain the rural character of this part of the settlement. The scheme would include the removal of approximately 10m of hedgerow along the north boundary of the site to enable the access improvements, to mitigate this loss a new native hedge is proposed to be planted behind the line of the visibility splay. Overall it is judged that the development would not detract unduly from the generally open character or scenic beauty of the wider landscape.
- 6.4 Historic Environment
- 6.4.1 As identified with the site description of this report the site is adjacent to a number of heritage assets, including 3 listed structures. The Conservation Officer also identified a number of non-designated heritage assets including Upper House Farm, Old School House and The Gables (former Vicarage). The wider landscape setting forms part of the historic Downton Estate where that should be considered as a non-designated heritage asset in its own regard. Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 local planning authorities must pay particular regard to the desirability of preserving the special architectural or historic interest and setting of listed buildings. This is reflected by Part 12 of the NPPF, CS17 and SAMDev Policy MD13, which require great weight to be given to conserving designated heritage assets in particular.
- 6.4.2 A Heritage Impact Assessment and Heritage Asset Plan has been submitted as part of this planning application in accordance with paragraph 128 of the NPPF and policy MD13 of SAMDev. The assessment concludes that there shall be no significant detrimental impact of the proposal(s) upon the setting of the respective heritage assets, where many of them are screened by existing planting and hedgerows. The Councils Conservation Officer has reviewed this and concurs with

the conclusions, considering that the impact upon the respective settings of the designated and non-designated assets shall be negligible.

6.5 Biodiversity

6.5.1 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.

6.5.2 In support of this application Ecological reports have been submitted in the form of an initial Ecological Assessment (Teme Ecology, September 2018), followed by more detailed Bat and Dormouse Assessments (Teme Ecology, May 2019). The Councils Ecologist has reviewed the information submitted and is content with the level of survey work which has been carried out and is satisfied that Ecological interests can be safeguarded by conditions and informatives.

6.6 Highway Safety

6.6.1 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.

6.6.2 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.

6.6.3 The scheme seeks to utilise an existing field entrance, as noted above alterations are proposed to improve visibility from this access. The Councils Highways Team have reviewed the proposals and raise no objection to the proposed access itself and are content that the wider highway network can accommodate the additional traffic which maybe generated by the proposal. A condition is recommended to secure the precise design and surfacing of the parking, turning area. Due to the narrow nature of the surrounding highway network it is also considered that a Construction Management Statement should be provided to ensure that vehicles associated with the construction works are managed in an appropriate way to prevent congestion within the surrounding area and to protect amenity.

6.6.4 The Highway team's comments raised regarding the size of car ports, or the impact of the length of driveways on the convenience of occupiers of the property or for those making deliveries are not material planning considerations that would compromise highway safety and thus are not factors which could justify refusal of a planning application. Further the site is within rural South Shropshire where the presence of long access drives to properties is not untypical.

6.5 Residential Amenity

6.5.1 Policy CS6 requires that development should safeguard residential and local amenity. As already discussed within this report there are neighbouring properties to both the north and the west of the application site. Both of these properties are set away from the application by some distance, approximately 50m for Upper House Farm and around 96m from Castle House. At such distances it is considered that the proposed development would not result in a detrimental loss of light, overbearing impact or loss of privacy to harm the residential amenity of these properties and warrant refusal of this application.

6.5.2 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue has been addressed through conditions on the hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays) to mitigate the temporary impact.

7.0 CONCLUSION

7.1 The application site is situated within the settlement of Hopton Cangeford 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. In this case on balance it is considered that the site would represent infill as it does relate spatially and visually to Hopton Cangeford.

7.2 The design and scale of the proposed dwellings are considered to have responded to the site constraints, taking into account the location of the public right of way and proposing a design which is of rural character and materials reflective of the existing settlement whilst still introducing its own individual character to enhance the distinctiveness of Hopton Cangeford. It is acknowledged that the site would be visible from public view points, however its design and location in proximity to other existing built development would mean the scheme should not result in the loss of the generally open character of the countryside or the natural beauty of this part of the Shropshire Hills AONB.

7.3 There are a number of designated and non-designated heritage assets within the area, however the Conservation Officer is content that the scheme would not result in the loss of these assets or unduly harm the setting. Further the proposal can be carried out without harm to highway safety, the biodiversity of the area, drainage or residential amenity.

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.

RELEVANT PLANNING HISTORY:

17/04427/FUL Erection of two link detached dwellings; formation of new vehicular access
WITHDRAWN 3rd July 2018

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=P9T8SGTDLUL00>

List of Background Papers

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member
Cllr Cecilia Motley

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. All site clearance and landscaping shall occur strictly in accordance with section 4.2.3 and 4.2.5 of the Ecological Assessment (Teme Ecology, September 2018).

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

4. The development shall carried out in accordance with the approved method statement for works set out within Section 5.2 of the Dormouse Assessment (Teme Ecology, May 2019). Prior to first occupation / use of the dwellings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the dormice RAMMS, as set out in section 5.2 of the Dormouse Assessment (Teme Ecology, May 2019).

Reason: To demonstrate compliance with the dormice RAMMS to ensure the protection of dormice, which are a European Protected Species.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

Reason: This is a pre-commencement condition to avoid congestion in the surrounding area and to protect the amenities of the area.

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

7. 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.

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 safeguard the character of the development and setting of nearby 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 safeguard the character of the development and setting of nearby Heritage Assets.

10. Prior to first occupation / use of the buildings, 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.
 - A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific).
 - A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design).
 - A minimum of 1 hedgehog box.

The makes, models and locations of bat and bird boxes shall of first been submitted to and approved in writing by the Local Planning Authority. 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 retained in position and 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.

11. 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.

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

12. 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

13. Prior to the first occupation of the dwellings hereby approved details of the parking and turning area for vehicles shall be laid out in and surface in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The approved parking and turning area be kept clear and maintained at all times for that purpose.

Reason: To ensure adequate parking and turning area is are provided to avoid congestion on the highway network in the surrounding area.

14. Prior to the first occupation of the dwellings hereby approved the alterations to the existing access shall be carried out in full accordance with the approved site layout plan, drawing number FL17/06/12A.

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

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

15. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

16. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

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

Informatives

1. This permission does not entitle the developer to obstruct a public right of way. Development insofar as it affects a public right of way should not be started and the right of way should be kept open unless and until any necessary statutory orders have been made and confirmed. The applicants should ensure that:

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
- Building materials, debris, etc must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

2. General site informative for wildlife protection

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

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

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

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

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

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

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

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

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

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

Nesting birds informative

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

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

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

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist

should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

3. SURFACE WATER DRAINAGE

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

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

FOUL DRAINAGE

The foul water drainage system should comply with the Building Regulations H2. If main foul sewer is not available for connection, British Water Flows and Loads: 4 should be used to determine the number of persons for the proposed development and the sizing of the septic tank/ package sewage treatment plant and drainage fields should be designed to cater for the correct number of persons.

4. Access via public right of way

Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

Vehicular use of public rights of way

The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact the Public Rights of Way Section, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

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

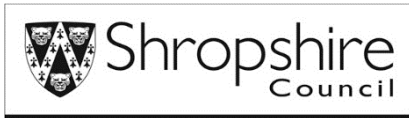
<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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.

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

6. 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.

-



Committee and date

South Planning Committee

28 August 2019

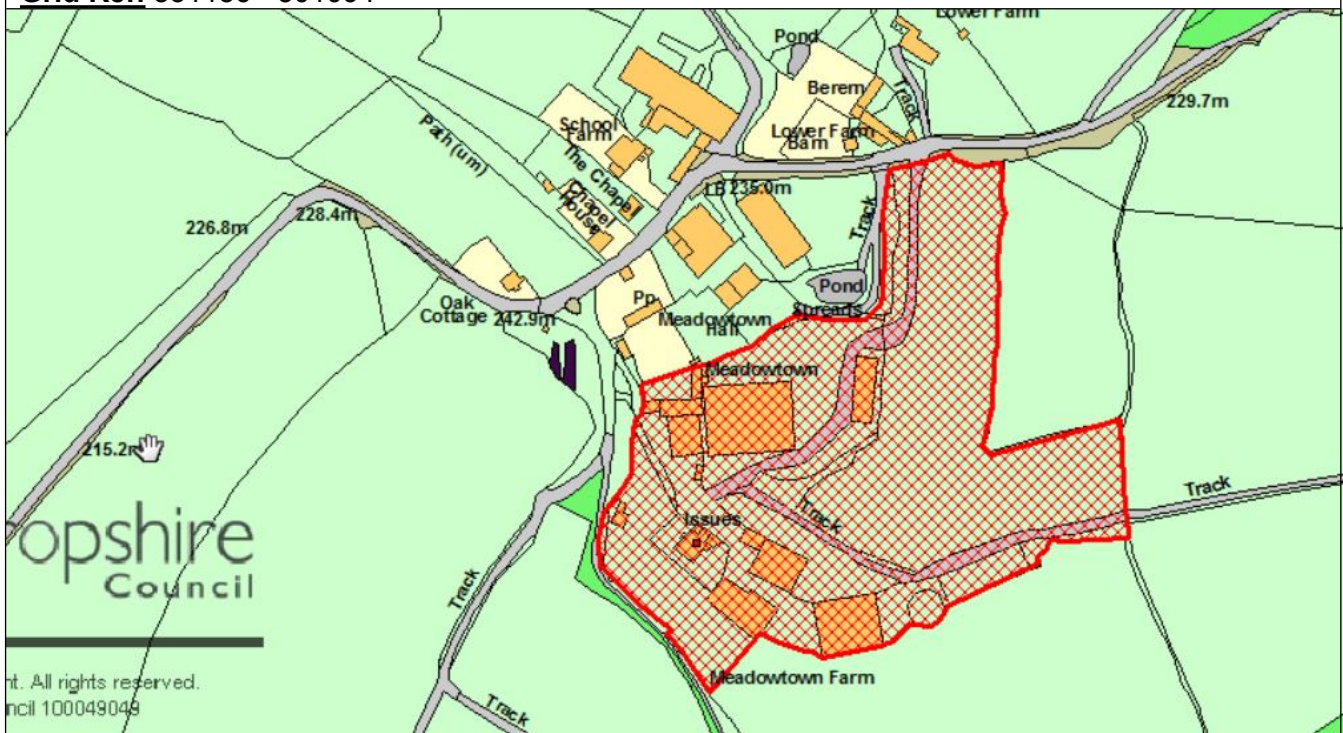
Development Management Report

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

Summary of Application

Application Number: 18/03093/FUL	Parish:	Worthen With Shelve
Proposal: Conversion of two agricultural buildings into four holiday letting units, change of use of further agricultural building into stables, formation of manege, alterations to existing vehicular access and formation of parking areas		
Site Address: Meadowtown Farm Meadowtown Shrewsbury Shropshire SY5 0DZ		
Applicant: Mr & Mrs Dalley		
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 331156 - 301094



Recommendation: Grant permission subject to the conditions set out in Appendix 1 of previous committee report (attached as Appendix A), albeit with Condition 18 amended to read:

The stables and manège included in the development hereby permitted shall only be used by occupiers of the existing dwelling on the site or by holidaymakers resident at the site, and no horses except those owned by the occupiers of the aforementioned dwelling shall be stabled or kept at the site.

Reason: To define the consent, and in the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

UPDATE REPORT

1.0 Purpose of report

1.1 This application seeks full planning permission to convert two former agricultural buildings (referred to as the 'Grain Barn' and the 'Milking Barn') into four units of self-contained holiday accommodation, use another building for stabling horses, form car parking/turning areas alongside, reinstate an overgrown access drive off a field gate to the north, and form a 20 x 40-metre manège (outdoor riding arena). Members of the Planning Committee first considered the scheme at their last meeting, on 30th July 2019, but deferred determination pending clarification on/amendments to the following aspects:

- The design of the Milking Barn and its relationship with a further barn behind
- The access route between the end of the new driveway and the parking area alongside the Milking Barn
- Management and disposal of waste material from the construction process
- Whether guests would only use the applicants' horses, which are kept at the site, or be able to bring their own

1.2 The purpose of this report is to brief Members on additional/revised details subsequently submitted, and enable them to reach a decision on the application.

1.3 The case officer's original report and recommendation, addressing all other issues, are attached as Appendix A.

2.0 Situation and design of 'Milking Barn'

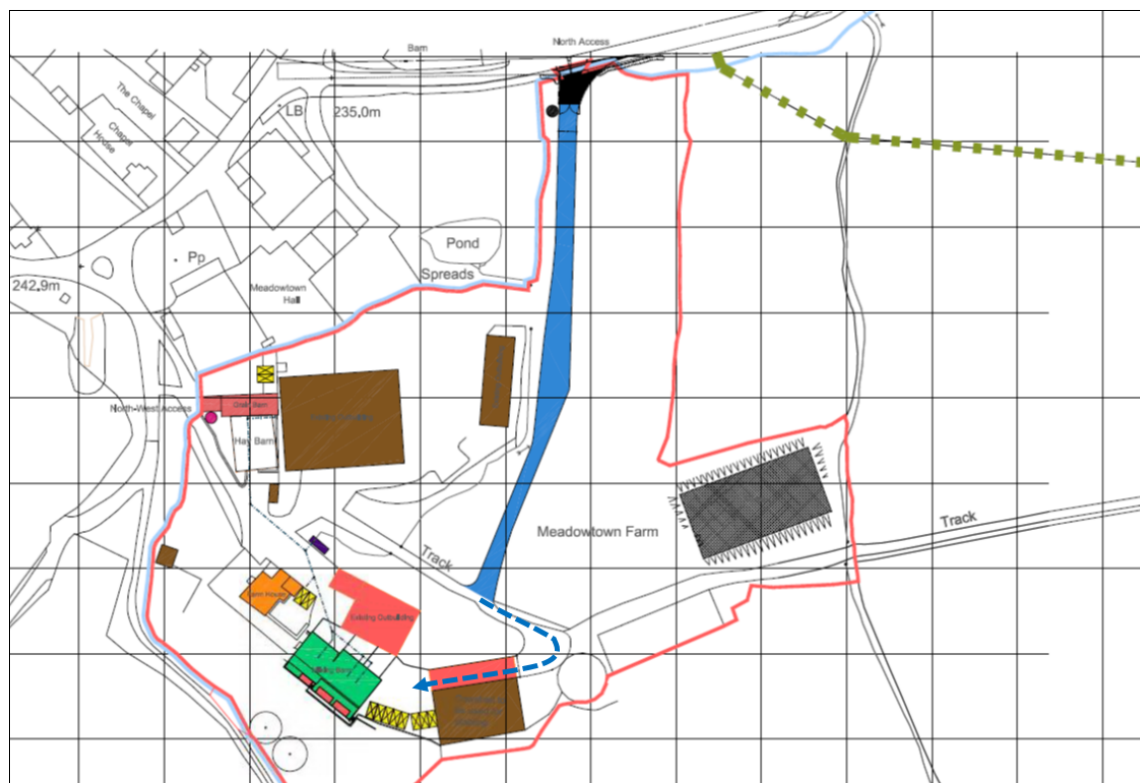
2.1 Despite officer advice that holidaymakers staying for short periods of time would not necessarily expect or require the same standard of amenity as permanent residents, Members were concerned about the Milking Barn's proximity to the adjacent barn to the northeast, which was to have remained available for general storage. In response the applicants have now agreed to demolish that building, as shown on an amended block plan, in order to improve the outlook from the Milking Barn's bedrooms and rear garden decks. The applicants' agent also emphasises that the outlook from the main 'living' spaces would be across an open paddock to the southwest.

2.2 Additionally, the Milking Barn's proposed elevations have been revised in an attempt to enhance its outward appearance. Previously the building would have been truncated on its southwest side, resulting in unusually high eaves and asymmetrical

gable ends. Instead it is now proposed to cut away only relatively narrow recesses (to improve natural lighting and outdoor access for each letting unit), whilst the sections in-between and at either end would retain their current eaves line and proportions. Moreover on their southwest face the existing brickwork would be left exposed as a feature, and although the other external walls would be weatherboarded over, the agent argues that this is both appropriate to the rural context and an effective means of improving insulation. Precise details of the external finishes would still be secured under the conditions recommended previously.

3.0 Vehicular access within site

3.1 The new or reinstated northern access drive would connect to an existing track which loops around a tree/scrub-covered embankment and retaining wall on the northeast side of the farmyard. Although the current, western route through to the Milking Barn parking area would be blocked by the holiday lets’ decking, partial demolition of the stables building (as shown shaded pink on the block plan, reproduced below) would enable access via the eastern route indicated with a dashed blue line. This would avoid the need to cut a new, direct route through the embankment and wall.



4.0 Construction management

4.1 Despite the scheme involving demolition of several portal-framed buildings, the agent does not envisage large quantities of waste material needing to be transported away from the site. He says that most steel members and sheeting would be reused on-site, and the remainder cut down so that they could be taken away in smaller vehicles for recycling elsewhere. He adds that the new materials and equipment used would generally be of a domestic scale, with minimal heavy machinery. Meanwhile officers note that there is plentiful space available within the farmstead for parking, manoeuvring and storing contractors’ vehicles and equipment.

4.2 Should Members consider it necessary to control working hours or secure a full construction management plan, they could seek to impose conditions accordingly.

5.0 Ownership of horses

5.1 The agent has now stated categorically that there is no intention to allow holidaymakers to bring their own horses to the site. This could be reinforced by amending the previously recommended Condition 18 to read:

The stables and manège included in the development hereby permitted shall only be used by occupiers of the existing dwelling on the site or by holidaymakers resident at the site, and no horses except those owned by the occupiers of the aforementioned dwelling shall be stabled or kept at the site.

5.0 Conclusion

5.1 Given the above, and for the reasons explained in the original report, officers remain of the view that, overall, the application accords with the principal determining criteria of the relevant development plan policies. Again, therefore, approval is recommended, subject to conditions to reinforce the critical aspects of the scheme (largely as set out previously).

APPENDIX A

**COPY OF OFFICER REPORT AND RECOMMENDATIONS
CONSIDERED AT 30TH JULY 2019 SOUTH PLANNING COMMITTEE MEETING**



Committee and date
South Planning Committee
30 th July 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: 18/03093/FUL	Parish:	Worthen With Shelve
Proposal: Conversion of two agricultural buildings into four holiday letting units, change of use of further agricultural building into stables, formation of manege, alterations to existing vehicular access and formation of parking areas		
Site Address: Meadowtown Farm Meadowtown Shrewsbury Shropshire SY5 0DZ		
Applicant: Mr & Mrs Dalley		
Case Officer: Trystan Williams	email: planningdmsw@shropshire.gov.uk	

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 convert two former agricultural buildings into four units of self-contained holiday accommodation, use another agricultural building for stabling horses, form car parking/turning areas alongside, adapt an existing field gate and reinstate a compacted hardcore driveway beyond, and form a 20 x 40-metre manège (outdoor riding arena) comprising a level 125mm dressed surface over membranes and a stone sub-base, enclosed with kick boards and 1.5-metre high post-and-rail fencing. Some parts of the three buildings concerned would be demolished.
- 1.2 Amended plans show the manège repositioned, changes to the parking arrangements, and a new southern entrance omitted. They also provide further details of the proposed alterations to the northern access. Furthermore, despite some earlier references to day visitors and off-site riding lessons, the applicants' agent has now confirmed that these are no longer included in the application, with

the stables and manège to be used only by the applicants themselves and holidaymakers staying on-site. It should also be noted that interim versions of the plans proposed two vehicle passing places along the road to the northeast, but these have since been omitted following production of a 'Transport Statement'.

- 1.3 A previous similar application (17/04572/FUL) was withdrawn pending bat emergence surveys plus further access and transport details.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site comprises a farmstead and two paddocks on the southern edge of Meadowtown, a hamlet 2½ miles southwest of Worthen in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). It is bounded to the north by the Grade II-listed, 17th Century timber-framed Meadowtown Hall, plus unrelated agricultural buildings and land, to the west and southwest by a byway with a small overgrown quarry (now a Site of Special Scientific Interest (SSSI)) beyond, and to the east and southeast by larger fields owned by the applicant. Meanwhile siding the road opposite the northern entrance is a brick, stone and render residential barn conversion. The ground rises from north to south.

2.2 Besides the farmhouse the buildings are now largely redundant. Those in question are as follows:

- The 'Grain Barn', siding an existing entrance off the byway to the west, is a traditional linear stone building of 1½ storeys including a loft, but with two lower bays to the west and an open-sided wing to the rear. Much of its southern frontage has been rebuilt in concrete blockwork, albeit concealed behind an adjoining portal-framed hay barn which would be demolished. The roofs are now covered with corrugated sheets. It would be converted into one single-storey holiday let.
- The 'Milking Barn' southeast of the house is an early-mid 20th Century brick-built former milking parlour with a lean-to along its northeast side, and again corrugated roof sheets. Its conversion into three holiday lets would involve foreshortening the building on its southwest side.
- East of the Milking Barn, the wider southern range of a relatively modern 'double-pile' portal-framed cowshed would be retained for stabling.

2.3 Three other buildings, again comparatively modern, would be unaffected. Initially it was proposed to site the manège between two of them, but instead the amended plans show it tucked into the narrow eastern 'leg' of the L-shaped paddock beyond the proposed driveway.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the Council's adopted 'Scheme of Delegation', the application is referred to the planning committee because the officer recommendation of approval is contrary to an objection from the Parish Council, and Shropshire Council's Local Member and planning committee chairman and vice chair feel that the full committee should consider the material planning considerations raised.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Shropshire Council Flood and Water Management – no objection:

Any permission granted should include an informative encouraging the use of sustainable surface water drainage systems.

4.1.2 Shropshire Hills AONB Partnership – comment:

No site-specific comments. However this indicates neither objection nor lack of objection to the application, and in reaching its decision the local planning authority must still satisfy its legal duty to take into account the purposes of the AONB designation, planning policies concerned with protecting the landscape, plus the statutory AONB Management Plan.

4.1.3 Shropshire Fire and Rescue Service – comment:

Since the premises would be used as guest accommodation they would fall within the scope of the Regulatory Reform (Fire Safety) Order, with which their proposed open-plan internal layouts may not comply. Improved escape arrangements and installing sprinkler systems are therefore recommended. Early consideration should also be given to access for emergency fire vehicles, although ultimately this issue will be addressed under the Building Regulations.

4.1.4 Shropshire Council Highways Development Control:

25/7/18 – objection:

The local road network could prove difficult to visitors owing to its narrowness, lack of passing places, convoluted routing, poor drainage and often poor surface.

4.1.5 The application contains insufficient details of proposed parking provision. The southern car park with access off the byway would have insufficient turning space, and it is unclear how two parking spaces behind the Grain Barn would be accessed.

4.1.6

The northern site entrance already exists, but will need improvement for domestic vehicles. 2.4 x 30-metre visibility splays are generally required where traffic speeds are likely to be in the region of 20mph, and their inside boundary treatments should be no higher than 900mm, or 600mm where adjacent to a footway or shared road space. The first six-metre stretch of the shared driveway should be at least 4.2 metres wide so that in- and out-bound vehicles can pass without obstructing the road. Additionally its gradient must not exceed 1 in 24, or 1 in 10 thereafter. Any gates must open inwards and be set back by at least 15 metres if the access would still be used by agricultural vehicles.

4.1.7

Sufficient space must be provided for temporary roadside bin storage, without obstructing the access, visibility splays or the highway.

4.1.8

7/9/18 – objection:

The further details now submitted are still insufficient. Vehicle movements associated with the holiday lets appear to have been underestimated, it seeming unlikely that guests would remain on site for the duration of their stay. Furthermore the agent's supporting statement references "day-time visitors", which suggests that other people besides resident guests would travel to and from the site to participate in daytime activities such as organised rides and riding lessons. Full details of total visitor numbers and vehicle types (e.g. cars, trailers and horseboxes) are therefore required, and provision of passing places may be necessary.

4.1.9

18/10/18 – objection:

The following are required:

- Clarification of the number of access points proposed, and their locations
- Clarification of the number, locations and allocation of parking spaces on-site
- Clarification of the extent/nature of the business, and a traffic assessment, as requested previously

4.1.10 The proposed parking provision may be inadequate bearing in mind that two- and three-bedroomed holiday lets could be shared by guests making separate journeys in different vehicles, and especially if day visitors would also use the livery facilities and participate in riding lessons. The parking spaces behind the Grain Barn could only be served by the existing access west of the site, but this may not be viable given the steep gradient. It is also unclear, following omission of the southern entrance and car park proposed originally, how the parking spaces now shown between the Milking Barn and the stables could actually be accessed. Certainly those directly alongside the Milking Barn would appear to block a direct emergency access route to the stables.

4.1.11 Additionally, previous comments on refuse collection and the need for improvements to the northern access are reiterated.

4.1.12 Any permission granted should include informatives advising on the need to keep the adjacent roads clear of mud and surface/waste water from the site, and the requirement for a licence for any works on or abutting highway land.

4.1.13 28/5/19 – comment:

No objection subject to the development being carried out in accordance with the submitted details, and to relevant conditions and informatives.

4.1.14 A Transport Statement now clarifies that:

- there would be four holiday lets in total;
- the manège would only be used by the applicants and occupiers of the holiday lets;
- car parking provision would comprise two spaces per holiday let, two for the farmhouse and a further six alongside the manège;
- the northern entrance would be improved to serve the manège and the Milking Barn, whilst the Grain Barn and farmhouse would utilise the existing farm entrance to the west;
- visitors would ride ponies and horses already accommodated on site; and
- a small/medium-sized horsebox is already kept at the property and will be used by the applicants and their children to visit shows approximately every 3-4 weeks.

4.1.15 The Transport Statement also identifies three routes to the site. Highways officers have subsequently travelled them and noted that, whilst they are all narrow country lanes with limited passing places, they are lightly trafficked.

4.1.16 The route west through Rorrington to the B4386 is the poorest in terms of gradient,

surface, mud, water run-off and visibility. The section immediately southwest of the site is such that vehicles would have to reverse some distance to enable passing. The Statement suggests the applicants should discourage visitors from using this route.

4.1.17 Overall the Statement has adequately demonstrated the local conditions and circumstances to the highway authority's satisfaction, and it is therefore considered that an objection on highway safety grounds cannot be sustained. Conditions should:

- ensure that the northern access is improved as per the amended plans, and its apron constructed in accordance with the Council's standard specification, before the development is brought into use; and
- remove 'permitted development' rights in order to avoid any fencing or other obstructions being placed within the visibility splays in the future.

Meanwhile informatives should be as recommended previously.

4.1.18 Worthen with Shelve Parish Council:

26/8/18 – objection:

- Works in connection with this scheme may have commenced already.
- Access would be via a single-track rural road with few passing places, and also along a byway to the west. There are no details of likely vehicle movements, but the number of parking spaces proposed, the possibility of horseboxes or vehicles with trailers accessing the site, and also access by construction vehicles, give rise to significant highway safety concerns.
- Although it is proposed to convert existing buildings, the level of activity at the site, and also the proposed manège, could harm the character and appearance of the AONB.
- A recent permission for a horse-walker at another property nearby (ref. 18/00872/FUL) was conditional upon it being for private rather than commercial use.

4.1.19 2/11/18 – objection:

- The passing places now proposed are insufficient given the general state of the roads and the amount of traffic which could potentially be generated (the estimates now provided by the applicant's agent do not include trips made by holidaymakers during their stays, including on foot, cycle or horseback, or journeys by delivery vehicles). Certainly on occasions when these roads have been used as a diversion route the additional traffic has caused problems.
- Other points are as per the previous comments.

4.1.20 22/5/19 – objection:

Councillors stand by their previous comments. Additionally the number of parking spaces proposed indicates that the projected vehicle movements have been understated.

4.1.21 Shropshire Council Rights of Way – comment:

The adjacent byway would not appear to be affected directly. Nevertheless the applicant must ensure that it remains unaltered and unobstructed at all times, unless first agreed otherwise by the Rights of Way Team.

4.1.22 Shropshire Council Historic Environment (Conservation) – comment:

The 19th Century Grain Barn should be regarded as a non-designated heritage asset whose reuse is supported in principle, provided a structural survey is undertaken to confirm its capability of conversion. The external alterations proposed are mainly sympathetic, especially over-cladding the previously much-altered frontage with weatherboarding provided this is left to weather naturally. It is, however, suggested that the amount of glazing on the lower section should be reduced, whilst the proposed wood burner flue should have a matt black finish.

4.1.23 The Milking Barn is a relatively modern structure, probably dating from the 1950s, and has limited historic and architectural significance. Furthermore, in its case the proposed weatherboarding and domestic-style windows look somewhat incongruous. It is therefore suggested that the conversion of this building be omitted from the scheme.

Shropshire Council Historic Environment (Archaeology) – comment:

4.1.24 The site lies on the edge of the historic, probably medieval, settlement of Meadowtown, north of a possible former motte site, and east of a complex of lynchet field boundaries and ridge and furrow earthworks. Its proximity to Grade II-listed Meadowtown Hall is also noted. Previously undisturbed ground therefore has some archaeological potential, so an archaeological inspection of groundworks should be secured by condition.

Shropshire Council Ecology:

4.1.25 8/8/18 – objection:

Although a licensed ecologist has completed a ‘Preliminary Ecological Appraisal’, further details of the proposed bat mitigation measures are required.

3/9/18 – comment:

4.1.26 The ecological consultant’s report has now been updated. It concludes that the Grain Barn contains occasional/transitional roosts of common pipistrelle and brown long-eared bats, probably associated with larger roosts/colonies off-site. This building’s conversion will therefore require a low impact class European Protected Species (EPS) licence from Natural England. The revised report proposes the following mitigation, compensation and enhancement measures, which would form part of the licence application:

- At least one bat box suitable for pipistrelles, and one tube suitable for brown long-eared bats, will be installed on another building or a mature tree before work begins.
- An Ecological Clerk of Works (ECW) will check for bats immediately before work begins, and remain present to oversee sensitive operations such as the removal of roofing.
- Any bats found will be placed in the pre-installed bat box.
- Any external lighting will be of the passive infra-red type, set on a short timer and orientated downwards, away from boundary vegetation.

4.1.27 Subject to conditions requiring a copy of the EPS licence, ensuring that the consultant’s recommendations are followed and the proposed bat boxes are actually installed, and also controlling external lighting, it is agreed that the favourable

conservation status of bats in the local area is likely to be maintained. However an EPS 'three tests' matrix will need to be completed by the planning officer, in order to demonstrate that the development is necessary for reasons of "overriding public interest" and that there is "no satisfactory alternative". This should be included in the officer's report and discussed/minuted at the committee meeting.

4.1.28 Two ponds were identified within 250 metres. One is a slurry pit unsuitable for great crested newts, but permission to survey the other was not forthcoming, so it must be assumed that great crested newts are present there. Thus, whilst the application site itself offers poor quality terrestrial habitat, the consultant has produced a method statement including the following:

- An ECW will brief site workers, carry out a pre-commencement walk-over, inspect potential refugia, and remain present to oversee clearance works.
- Any excavations will be backfilled immediately, and after checking by the ECW, or else covered with plywood or equipped with a ramp to provide any newts with a means of escape.
- All building materials will be stored on pallets, and where possible kept on hardstanding.
- Any environmentally hazardous materials will be stored within an area determined by the ECW.
- In the event of great crested newts being discovered on site, work will cease and the ECW will be contacted for further advice.

4.1.29 Although no setts were observed, a badger trail was noted along a section of the northern site boundary. Again, therefore, the ecological consultant has produced a method statement, which recommends the following:

- All work will cease at least one hour before sunset, and none will start until an hour after sunrise.
- Any temporary lighting will be directed away from badger paths.
- No badger path will be obstructed at any time.
- Any excavations will be filled in or covered over at the end of each working day, or else equipped with a means of escape.
- Any potential dangers to badgers will be reported to an appointed ecological consultant, who will then take measures to minimise the risk.
- Any temporary spoil heaps will be left un-compacted and will not be allowed to grass over, in order to discourage badgers from excavating new setts on site. Alternatively electric fencing will be used to prevent badger access.
- Any exposed pipework will be capped to prevent badgers from entering.

4.1.30 Adherence to these two method statements should be ensured through a condition requiring the ECW to submit a verification report to the Council before the development is first used.

4.1.31 No bird nests were observed in any of the buildings, although scattered trees and hedges around the site's perimeter do offer some nesting opportunities. This vegetation should therefore remain wherever possible, and artificial nesting provision should be secured by condition. Meanwhile as a precaution, an informative should advise on the statutory protection afforded to any active nests.

4.1.32 No evidence of any other protected or priority species was observed on or close to

the site, and in any event following the great crested newt and badger method statements would also help to safeguard other species. This should be reinforced with an informative advising on general measures to protect wildlife.

4.1.33 Additionally the consultant's report recommends a sensitive landscaping scheme in order to further enhance the site's ecological value, and again this should be secured by condition.

4.1.34 Natural England

The development is unlikely to affect the interest features of the Meadowtown Quarry SSSI, or others nearby.

4.1.35 The Shropshire Hills AONB Partnership should be consulted, and the Council's decision guided by paragraph 172 of the National Planning Policy Framework (NPPF), which affords such designated landscapes the highest level of protection.

4.1.36 Additionally the Council should consider potential impacts on protected or priority species and habitats, any locally designated wildlife or geological sites, ancient woodland and veteran trees, plus opportunities for environmental enhancements.

4.2 **Public comments**

4.2.1 Objections received from eleven separate properties make the following points:

- The application is not supported by any detailed business plan or market research.
- It is unclear that the applicants have the necessary expertise to run an equestrian business, or that there has been any application for a licence under relevant animal welfare legislation.
- It remains unclear whether the manège and stables would be used exclusively by the holiday lets' occupiers and the applicants, or by day visitors as well.
- The fact that permission No. 18/00872/FUL for a horse-walker at another property nearby was conditional upon that development being solely for private use establishes a precedent to refuse the current application, which by contrast is specifically for commercial, and much more extensive, equestrian facilities.
- It is unclear whether the manège would be inside a building or open-air. Either way it would be noisy and visually intrusive in its revised position.
- The development would cause light pollution in this area of dark skies.
- The development could increase littering.
- Additional traffic, people noise and general disturbance would detract from the area's tranquillity and residential amenity.
- The development could devalue neighbouring properties.
- The tall window shown on the Grain Barn's northwest elevation is actually much shallower at present, and deepening it would result in holidaymakers overlooking Meadowtown Hall's kitchen and living room windows 23 metres away, plus its garden. In fact the position of Meadowtown Hall is labelled incorrectly on the location and block plans. Car parking provision behind the Grain Barn would also disturb the neighbours.
- At no point has the applicant engaged with local residents about the scheme.
- The site is served by a winding single-track road with few passing places, a poor surface and poor drainage. This is unsuitable for further traffic, especially large

vehicles like horseboxes, and drivers unfamiliar with the conditions.

- Various wholly inconsistent traffic projections have been supplied, and the latest figures are still grossly underestimated. Holidaymakers are unlikely to stay on site all week, especially as there are no local facilities, and in reality would probably make several trips per day. Additionally staff, deliveries, contractor's vehicles, any day visitors plus journeys made on horseback would increase traffic even further.
- The latest Transport Statement contains no evidence in support of its conclusions about traffic levels and speeds. Its random sample of road widths is meaningless as many narrower pinch-points have been ignored, and there are many unreported road traffic incidents along these lanes.
- The Statement itself admits that the road from Rorrington is unsuitable to serve this development, yet any attempt to restrict visitors to the alternative routes would be impossible to enforce. Furthermore, it would only exacerbate the hazardous effects of additional traffic on the allegedly preferred routes.
- The fact that this was once a dairy farm is irrelevant, as that use ceased some years ago and would probably have generated far less traffic anyway. Moreover traffic from other properties has increased in the meantime.
- The proposed passing places have now been omitted, and in any event they would only have assisted on the very short stretch of road in one direction alongside the applicant's own land.
- Already horses kept at this site are being ridden irresponsibly, for example by children without high visibility clothing or supervision.
- Although shown as existing, the northern access track has not actually been used in recent years and is now completely grassed over. It is directly opposite the entrance to two neighbouring houses omitted from the plans.
- The Camping and Caravanning Club's recently refused a small campsite at Meadowtown Farm owing to concerns over access, implying that this planning application should also be refused on highway safety grounds.
- The adjacent byway and its current users would be affected by increased vehicular and horse traffic.
- The application makes no provision for the safe storage of additional refuse on collection days.
- Additional noise and lighting would impact on nesting curlew, a rare horseshoe bat colony in the farmhouse, and other wildlife.
- The submitted ecological report only assumes the presence of great crested newts nearby, whereas in fact the species has been confirmed at neighbouring properties.
- Barn owls use the buildings proposed for conversion.
- The current drainage systems may have insufficient capacity for such a large development, and their overuse could pollute nearby watercourses.
- Drainage and other ground works have commenced already, in breach of the Archaeology Team's recommendations. Additionally trees and hedges have also been removed and an entrance has been widened.
- If the development would have a private water supply this could affect the supply to other residents, as could disruptions or pollution caused by construction works.

5.0 THE MAIN ISSUES

- Principle of development
- Design and impacts on historic environment and wider landscape
- Impact on residential amenity
- Access and highway safety
- Ecology
- Drainage and water supply

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Part 6 of the NPPF says local planning authorities should support sustainable rural tourism and leisure developments which respect the character of the countryside. Meanwhile the Council's Core Strategy Policies CS13 and CS16 support schemes aimed at diversifying the rural economy for tourism, cultural and leisure uses which are appropriate in location, scale and nature, plus high quality visitor accommodation proposals in accessible locations served by a range of services and facilities. In rural areas it requires visitor accommodation to again be of an appropriate scale and character for the surroundings, and close to or within settlements or an established and viable tourism enterprise. It also emphasises the desirability of reusing existing buildings where this would accord with Policy CS5. The latter sets out a hierarchical approach to rural conversions, giving priority to small-scale economic/employment-generating development (specifically including tourism uses), affordable housing and "other uses appropriate to a countryside location", but also allowing unfettered residential use where the building is a 'heritage asset'.

6.1.2 Officers acknowledge that Meadowtown is small, quite remote and very rural in character, and that it lacks any services or facilities. Nevertheless it *is* a recognisable settlement, and moreover one which is designated part of a 'Community Cluster' under Policies MD1 and S2 of the Council's Site Allocations and Management of Development (SAMDev) Plan. This implies that the location is broadly 'sustainable', and in fact even facilitates *permanent* new housing, as opposed to the settlement being regarded as open countryside for planning purposes.

6.1.3 Additionally the current scheme involves converting and reusing existing former agricultural buildings of permanent and substantial construction as visitor accommodation and associated stabling. In principle this would accord with the Policy CS5 hierarchy even were the site outside the settlement, and despite only the Grain Barn being of heritage value. Although the manège would be entirely new it *would* actually be an open-air facility rather than a building, and the applicants' agent has now confirmed categorically to officers that both it and the stables would be exclusively for private use by occupiers of the holiday lets and the applicants themselves, and not available to the general public. Furthermore keeping and riding horses are land-based activities which require a rural, or at least semi-rural, location.

6.1.4

In these circumstances, with the location and nature of the development being fundamentally policy-compliant in any event, officers would not usually expect to see a detailed business plan. Meanwhile with reference to the public comments, the planning system is concerned solely with the use of the land and not aspects such as the applicants' experience or compliance with separate animal welfare legislation.

6.1.5

Regarding the point about the Council preventing commercial use of a nearby horse-walker, officers do not find that case directly comparable since the site was outside any Cluster settlement, and the application had been made solely on the basis of personal use so no details of traffic or other potential impacts associated with commercial activity were submitted or considered in any detail. By contrast the current application has always proposed commercial facilities, so such a restriction would be incompatible. It would, however, be reasonable and necessary to impose conditions restricting occupancy of the accommodation and use of the equestrian facilities to holidaymakers, and also tying them to the farmhouse. Besides defining the consent in line with what has been applied for, this would maximise the benefits to the rural economy, ensure the availability of on-site management in the interests of sustainability, help manage the increase in traffic (discussed further below), and address the issue of the proposed units offering an insufficient standard of amenity for permanent residents given their situation amongst the commercial activity and remaining farm buildings, without separate curtilages or means of access.

6.2 Design and impacts on historic environment and wider landscape

6.2.1 Core Strategy Policy CS5 requires conversion schemes to contribute positively to the character of the building and its surroundings, whilst SAMDev Policy MD7a and Historic England guidelines normally expect traditional rural buildings to be converted in their present form without significant reconstruction or alteration. Both national and local policies require tourism schemes to preserve and enhance landscape quality and character, and expect all development affecting heritage assets to safeguard their significance, whilst Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 obliges the Council to pay special regard to the desirability of preserving the architectural or historic interest and setting of listed buildings.

6.2.2 In this case there has now been submitted a structural appraisal confirming that the Grain Barn is capable of conversion without substantial rebuilding, and this can be reinforced by a condition preventing demolition. It is agreed with the Conservation Officer that weatherboarding over the concrete blockwork on the south elevation, and removing the hay barn in front, will enhance the building's appearance and setting, and better reveal its original form. It is also noted that the new fenestration would generally utilise existing or former openings, including the more extensive glazing on the front of the single-storey section, which would originally have been an open-fronted cart shed. Precise details of the new windows and doors, along with all other external materials and finishes, can again be secured by condition.

6.2.3 As mentioned already, the fact that the Milking Barn is newer and not a heritage asset does not preclude its retention and conversion into holiday accommodation. Officers have attempted to secure design improvements by leaving the brickwork exposed and at least retaining the current roof form as an overhanging canopy on the southwest side, but ultimately it is not considered that a refusal on design grounds could be substantiated. The aforementioned conditions would apply to this building also.

6.2.4 Besides demolition of the parallel northern range, no external changes are needed

to convert the cowshed into stabling. Meanwhile the manège, despite being uncovered and now shown repositioned higher up the hillside away from the buildings, should in fact be reasonably discreet as it would largely be surrounded by established hedges, whose retention could be ensured as part of a standard landscaping condition.

6.2.5 Officers have visited the site several times and are unaware of any hedgerow removal or tree felling, other than clearance of an overgrown field entrance onto the byway, where a replacement gate has now been installed. However neither this nor minor drainage repairs around the farmhouse amount to development requiring planning permission. It is therefore still possible to address the Archaeology Team's comments by condition. Meanwhile the Conservation Officer raises no concerns regarding the setting of listed Meadowtown Hall, which should not be harmed bearing in mind the minimal alterations to the Grain Barn and the established boundary treatments in-between.

6.2.6 A condition controlling external lighting, though intended primarily to avoid disturbing bats, would also help to minimise light pollution. Meanwhile any instances of littering would be a criminal offence rather than a planning matter. The issue of noise is discussed below.

6.3 **Impact on residential amenity**

6.3.1 Although one north-facing window on the Grain Barn would be deepened, because its accommodation would all be at ground floor level there should be no significant overlooking of Meadowtown Hall. A gap in the boundary wall would presumably be rebuilt, and assuming this is in the applicant's control it can be ensured as part of the landscaping condition.

6.3.2 The manège would be a reasonable distance from all of the neighbouring dwellings, and whilst some sound from horses and people using it would inevitably carry, this is unlikely to be so loud or continuous as to be anything like a statutory nuisance. It also seems unlikely that traffic noise would warrant refusing the application.

6.3.3 Government guidance is clear that effects on property values are not a planning consideration, and neither is there any statutory requirement for the applicants to have engaged in their own neighbour consultation.

6.4 **Access and highway safety**

6.4.1 As mentioned already, despite it having initially been intended to open the equestrian facilities to day visitors as well, the applicants' agent has now confirmed that they would be restricted to family members and holidaymakers residing on-site. This can be reinforced by condition, whilst further reassurance is provided by the latest block plan's omission of separate parking provision alongside the manège. Whilst this would not necessarily prevent individuals from riding horses out on the local road network, it should help to avoid the numbers of journeys (both vehicular and on horseback) which might be expected of a non-exclusive riding school or DIY livery, for example.

6.4.2 It is recognised that the local roads are relatively poor, and furthermore that the Council cannot ultimately prevent holidaymakers from using the poorest route (to/

from Rorrington). Nevertheless it would be difficult to substantiate a refusal on these grounds, even without any passing places being proposed, given that the Highways Development Control Team fundamentally accepts the Transport Statement, that intensive agricultural activity could resume without planning permission, and also bearing in mind Meadowtown's designation as a Cluster settlement, where permanent new housing would be acceptable in principle and could potentially generate more traffic than holiday accommodation.

6.4.3 Regarding objectors' other points:

- The northern access, although overgrown, does still exist as a field gate, and the details for its upgrading are acceptable to the Highways Development Control Team notwithstanding its position opposite an entrance to other properties. Conditions could be used to ensure its improvement before other aspects of the development are brought into use, and to prevent installation of any gates closer to the road.
- The plan of the northern entrance also makes provision for temporary refuse storage.
- The internal arrangement of the remaining parking spaces is now satisfactory.
- No new access would now be formed off the byway to the west/southwest, although the existing farmyard entrance off it would be used to access the Grain Barn.
- Officers have no details of the apparently rejected application to the Camping and Caravanning Club, or the assessment criteria used by that organisation. However this does not prevent determination of the current planning application, including its Transport Statement, against the relevant policies.

6.5 Ecology

6.5.1 The EC Habitats Directive 1992 requires strict protection of certain species and their habitats, including all UK bat species. Disturbance or destruction of breeding sites or resting places is allowed only in the interests of public health and safety, or for other imperative reasons of overriding public interest, and provided there is no satisfactory alternative and no detriment to maintaining the species' populations at a favourable conservation status within their natural range.

6.5.2 In this instance, as summarised above, the Grain Barn's conversion would disturb or destroy occasional, possibly satellite roosts of two different bat species. With appropriate mitigation this could likely be covered by a low impact class licence. Nevertheless officers have fully considered the implications for the site's conservation objectives in the EPS matrix attached as Appendix 2. It is concluded that the development would indeed meet the three 'tests' outlined above, subject to conditions similar to those suggested by the Ecology Team. These include one controlling external lighting, raised as a specific concern by objectors.

6.5.3 The objectors' evidence of great crested newts simply confirms the assumption by the applicants' consultant that the species is present nearby, so does not necessitate any changes to the proposed method statement. Adherence to the latter can be reinforced by the suggested Condition 10, but working on the usual basis that all conditions will be complied with in any event, it is not reasonable or necessary to secure a further, verification report by an ECW. This same condition would also serve

to protect badgers and other forms of wildlife.

6.5.4 There was no evidence of barn owls nesting within any of the buildings, whilst the issue of nesting birds in general can be addressed through an informative and a condition securing bird boxes. Landscaping, meanwhile, would be controlled under the aforementioned Condition 3.

6.5.5 It is also noted that neither Natural England nor the Council's Ecology Team has any concerns regarding the nearby SSSI.

6.6 **Other matters raised in representations**

6.6.1 Surface water run-off is unlikely to increase significantly, and the Flood and Water Management Team advises that an informative encouraging the use of sustainable systems would suffice. Meanwhile the adequacy of the existing foul drainage system would be established at the Building Regulations stage.

6.6.2 Finally private water supplies and fire safety matters are also controlled under separate legislation which the planning system need not duplicate. Informatives can be included in these respects, however.

7.0 **CONCLUSION**

7.1 The development is acceptable in principle given the location within a Community Cluster settlement, and the fact that it would reuse existing redundant farm buildings. The design is satisfactory, and there are no undue or insurmountable concerns regarding the historic environment, landscape character, residential amenity, highway safety, drainage, water supply or fire safety. Furthermore, although two small transitional bat roosts would be disturbed, the three tests set out in the EPS matrix are satisfied. Overall, therefore, the application accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

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.

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

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.

10.0 **BACKGROUND**

Relevant Planning Policies:

Central Government Guidance:

National Planning Policy Framework

Shropshire Local Development Framework:

Core Strategy Policies:

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS7 - Communications and Transport

CS9 - Infrastructure Contributions

CS11 - Type and Affordability of housing

CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure

CS17 - Environmental Networks

CS18 - Sustainable Water Management

SAMDev Plan Policies:

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD11 - Tourism Facilities and Visitor Accommodation

MD12 - Natural Environment

MD13 - Historic Environment

S2 – Bishop’s Castle Area Settlement Policy

Relevant Planning History:

17/04572/FUL Conversion of agricultural buildings into four holiday letting units with associated car parking and amenity space; formation of manège with associated car parking and stables (within existing barn); alterations to existing access road (withdrawn February 2018)

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PBAY4STDMJO00>

List of Background Papers:

Application documents available on Council website

Cabinet Member (Portfolio Holder):

Cllr G. Butler

Local Member:

Cllr Heather Kidd

Appendices:

Appendix 1 – Conditions and Informatives

Appendix 2 – EPS matrix

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

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

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

2. The development shall be carried out in strict accordance with the approved, amended plans and drawings listed below.

Reason: To define the consent and ensure a satisfactory development in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

3. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include:
 - Positions of all existing trees and hedgerows on the site and along its boundaries
 - Identification and measures for the protection of existing trees and hedgerows which are to be retained
 - Details/schedules of proposed planting
 - Full details of the alignment, height and construction of any walls, fences, retaining structures or other boundary treatments/means of enclosure
 - Details/samples of hard surfacing materials
 - Timetables for implementation

The landscaping works shall be completed in accordance with the approved details. Thereafter all fences, walls, hardstandings and other hard landscaping features shall be retained in accordance with the approved details, whilst any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the external appearance of the development is satisfactory, safeguard the visual amenity of the Shropshire Hills Area of Outstanding Natural Beauty, help maintain the residential amenities of the area, and maintain/enhance the site's ecological value, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed in order to ensure a sustainable development.

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

4. The applicant/owner/developer shall notify Shropshire Council's Historic Environment Team in writing not less than three weeks prior to the commencement of ground works

associated with the development hereby permitted. A representative of that team shall thereafter be afforded reasonable access onto the site during the course of the development in order to monitor the ground works and record any archaeological evidence as appropriate.

Reason: To ensure that any evidence associated with known archaeological sites nearby is recorded satisfactorily in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This notification is required prior to commencement of the development since it relates to matters which need to be confirmed before subsequent phases proceed, in order to ensure a sustainable development.

5. No works associated with the conversion of the building labelled 'Grain Barn' on the approved block plan, including demolition or clearance of the adjoining structures, shall commence until there has been submitted to and acknowledged/approved in writing by the local planning authority:
 - a) a European Protected Species (EPS) Mitigation Licence from Natural England, in respect of bats; or
 - b) a statement from an appropriately qualified and experienced ecologist explaining why such a licence is not required, and setting out any additional mitigation measures as appropriate.

Thereafter all works on site shall be carried out in strict accordance with the stipulations of the EPS Mitigation Licence or method statement.

Reason: The proposed development would disturb a bat roost which is protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Species and Habitats Regulations 2017. As such an EPS licence from Natural England is required before this aspect of the development can proceed.

6. No works associated with the conversion of the building labelled 'Grain Barn' on the approved block plan, including demolition or clearance of the adjoining structures, shall commence until there have been submitted to and approved in writing by the local planning authority precise details of bat boxes/tubes to be provided at the site. These shall be broadly as recommended in Section 3.7 of the submitted 'Preliminary Ecological Appraisal Report' by Pearce Environment Ltd., referenced 040118MM, dated June 2018 and received by the local planning authority on 10th August 2018. They shall thereafter be retained for the lifetime of the development.

Reason: To maintain and enhance roosting opportunities for bats, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy. This information is required prior to commencement of the development since certain of the bat boxes need to be in situ and available for use throughout the duration of the construction works, as advised in the Bat Roost Assessment report, in order to safeguard protected species.

7. Except for demolition works, no above-ground development shall commence until samples/precise details of all external materials/finishes have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and retained thereafter.

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

8. Prior to the installation of any external windows or doors, precise details of their materials, form and style, including details of glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and retained thereafter.

Reason: To ensure that the external appearance of the development is satisfactory, and to safeguard the character and appearance of the historic farm building, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

9. Prior to the first use or occupation of any part of the development, artificial nesting opportunities for wild birds shall be provided at the site in accordance with details which shall first be submitted to and approved in writing by the local planning authority. This provision shall include a minimum of four artificial 'nests' (either integrated into the building's fabric or external boxes) suitable for starlings (i.e. 42mm hole, starling-specific design), sparrows (32mm hole, terrace design), swifts (swift 'bricks' or boxes) and/or other small birds (32mm hole, standard design). These shall be retained thereafter for the lifetime of the development.

Reason: To maintain/enhance nesting opportunities for wild birds, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

10. The development (including demolition and site clearance works) shall, subject to the provisions and requirements of Conditions 5 and 6 above, be carried out and completed in strict accordance with the bat, great crested newt and badger mitigation/enhancement measures recommended in Section 3.7 and Appendix 4 of the submitted 'Preliminary Ecological Appraisal Report' by Pearce Environment Ltd., referenced 040118MM, dated June 2018 and received by the local planning authority on 10th August 2018.

Reason: To safeguard protected and priority species in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

11. Prior to the first use of any part of the development, the northern access to the site shall be upgraded and parking/turning areas provided in accordance with the approved plans and the details agreed under Condition 3 above. These areas shall thereafter be retained for their intended purposes and, in the case of the access visibility splays, maintained clear of any obstruction above 900mm in height.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

12. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that

Order), no new entrance gates or other means of enclosing the vehicular accesses to the site shall be erected or installed within five metres of the edge of the adjacent highway carriageway without the prior written consent of the local planning authority. Any gates shall be hung so as to open inwards, away from the highway.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

13. No parts of the existing buildings shown to be retained on the submitted plans and drawings shall be demolished or rebuilt.

Reason: To ensure that the buildings are converted in their present form. Substantial demolition and rebuilding may be contrary to Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy, and Policies MD7a and MD13 of the Shropshire Council Site Allocations and Management of Development Plan.

14. All external sections of flue included in the development shall be treated with a matt black finish, which shall be retained for the lifetime of the development.

Reason: To safeguard the character and appearance of the traditional farm buildings, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

15. No new or additional external lighting shall be installed or provided on the site other than in strict accordance with a detailed scheme which shall first be submitted to and approved in writing by the local planning authority. This shall be designed so as to take into account the guidance contained in the Bat Conservation Trust document 'Bats and Lighting in the UK'.

Reason: To minimise disturbance to bats, and to help safeguard the visual and residential amenities of the area, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

16. The buildings labelled 'Grain Barn' and 'Milking Barn' on the approved block plan shall only be occupied by holidaymakers whose main residence is elsewhere. The owner/operator of the holiday accommodation enterprise shall maintain an up-to-date register of occupiers and their main home addresses, and shall make this information available to the local planning authority at any reasonable time.

Reason: To define the consent and avoid the establishment of new permanent dwelling units without further consideration of relevant planning issues, in accordance with Policies CS5, CS6, CS11 and CS16 of the Shropshire Local Development Framework Adopted Core Strategy.

17. The existing dwelling on the site, labelled 'Farm House' on the approved block plan, shall provide the requisite supervision and management of the holiday accommodation enterprise hereby permitted. As such it shall not be sold separately or otherwise severed from the holiday accommodation without the prior written consent of the Local Planning Authority.

Reason: In the interests of sustainable tourism development, and to help safeguard the residential amenities of the area, in accordance with Policies CS5, CS11 and CS16 of the Shropshire Local Development Framework Adopted Core Strategy.

18. The stables and manege included in the development hereby permitted shall only be used by occupiers of the existing dwelling on the site or by holidaymakers resident at the site.

Reason: To define the consent, and in the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

INFORMATIVES

1. Your attention is drawn specifically to the conditions above which require the Local Planning Authority's prior approval of further details. In accordance with Article 27 of the Town and Country Planning (Development Management Procedure) Order 2015 a fee (currently £116) is payable to the Local Planning Authority for each request to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority.

Where conditions require the submission of details for approval before development commences or proceeds, at least 21 days' notice is required in order to allow proper consideration to be given.

Failure to discharge conditions at the relevant stages will result in a contravention of the terms of this permission. Any commencement of works may be unlawful and the Local Planning Authority may consequently take enforcement action.

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

Before carrying out any such works the developer must obtain a licence from Shropshire Council's Street Works Team. For further details see <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>.

Please note that Shropshire Council requires at least three months' notice of the developer's intention to commence any works affecting the public highway, in order to allow time for the granting of the appropriate licence/permit and/or agreement of a specification and approved contractor for the works.

3. The applicant/developer is responsible for keeping the highway free from mud or other material arising from construction works.

4. If the new vehicular access and/or parking/turning areas hereby permitted would slope towards the public highway, surface water run-off should be intercepted and disposed of appropriately. It is not permissible for surface water to drain onto the public highway or into highway drains.
5. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the incorporation of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.
6. If the development would be served by a private water supply, the quality of the water will need to meet the microbiological and chemical standards of the Private Water Supplies (England) Regulations 2016. Additionally it should be demonstrated that there is a sufficient and sustainable supply available to meet the needs of future residents.

Regulation 13(2) of the 2016 Regulations stipulates that a water supply must not be brought into use unless the local authority is satisfied that it does not constitute a potential danger to human health. You must therefore provide sufficient information to allow the local authority to consider this, including sampling results. It is advised that Shropshire Council is appointed to carry out the sampling in order to ensure this is done in a way which satisfies the legislative requirements.

For further information see <https://shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/private-water-supplies/>.

7. This planning permission does not authorise the obstruction, realignment, reduction in width, resurfacing or other alteration of any public right of way, temporarily or otherwise. Before carrying out any such operation you should consult Shropshire Council's Outdoor Recreation Team and obtain any closure order or further consents which may be required.
8. This consent does not convey any right of vehicular access over any public right of way, and it is a road traffic offence to drive a motor vehicle on a public footpath, bridleway or restricted byway without lawful authority. Any person intending to use a right of way for vehicular access should first satisfy themselves that such a right exists, if necessary by taking legal advice.
9. This development may be liable to a payment under the Community Infrastructure Levy (CIL) which was introduced by Shropshire Council with effect from 1st January 2012. For further information please contact the Council's CIL team (cil@shropshire.gov.uk).
10. 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, containing eggs or chicks or on which fledged chicks are still dependent. If possible all demolition, clearance and/or conversion work associated with the approved scheme should be carried out outside the nesting season, which runs from March to September inclusive. If it is necessary for work to commence during the nesting season a pre-commencement inspection of buildings and vegetation for active nests should be carried out. If vegetation is not obviously clear of

nests an experienced ecologist should be called in to carry out the check. Only if no active nests are present should work be allowed to commence.

11. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected against killing, injury and trade by the Wildlife and Countryside Act 1981 (as amended). Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are also protected from trade, whilst 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 the course of development works to ensure that these species are not harmed.
 - If piles of rubble, logs, bricks, other loose materials or other potential wildlife refuges would be disturbed, this should be carried out by hand during the active season (March to October) when the weather is warm.
 - Any grass should be kept short prior to and during construction, in to avoid creating wildlife habitats which would then need to be disturbed.
 - All storage of building materials, rubble, bricks and/or soil should be either on pallets or in skips or other suitable containers, in order to avoid use as refuges by wildlife which could then become trapped.
 - Wherever possible any trenches formed as part of the construction work should be excavated and closed during the same day in order to prevent wildlife becoming trapped. If it is necessary to leave a trench open overnight it should be sealed with a close-fitting plywood cover or provided with a means of escape in the form of a shallow-sloping earth ramp, board or plank. Any open pipework should be capped overnight, and all open trenches or pipework should be inspected for trapped animals at the start of each working day.
 - Any reptiles or amphibians discovered should be allowed to disperse naturally. If large numbers are present, advice should be sought from an appropriately qualified and experienced ecologist.
 - Should a hibernating hedgehog be found, it should be covered over with a cardboard box and advice should be sought from either an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (tel. 01584 890 801).
12. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework Paragraph 38.

**APPENDIX 2 –
EUROPEAN PROTECTED SPECIES: CONSIDERATION OF THE ‘THREE TESTS’**

Application name and reference number:

18/03093/FUL

Meadowtown Farm, Meadowtown, Shrewsbury, Shropshire, SY5 0DZ

Conversion of two agricultural buildings into four holiday letting units, change of use of further agricultural building into stables, formation of manege, alterations to existing vehicular access and formation of parking areas

Date of consideration of three tests:

3rd September 2018/12th July 2019

Consideration of three tests carried out by:

Sophie Milburn, Assistant Biodiversity Officer
Trystan Williams, Planning Officer

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

The scheme includes converting a dilapidated agricultural building known as the Grain Barn into holiday accommodation. This is of public benefit in that this building is a heritage asset of vernacular interest, and contributes positively to the local landscape. The NPPF recognises that retaining heritage assets in viable use is often the best way to secure their long-term conservation. Conservation has wider social, cultural, economic and environmental benefits, including preserving non-renewable resources for future generations to enjoy, making the most efficient use of existing fabric so as to reduce the consumption of building materials, energy and land through new-build, making a positive contribution to local character and sense of place, and contributing to our knowledge and understanding of our past.

- 2 Is there ‘no satisfactory alternative’?**

The most likely alternative would be for the barn to remain unconverted and unused, it no longer being suited to modern farming practices even if agricultural activity were to resume at this site. This would likely result in its further deterioration, which would diminish its significance as a heritage asset and possibly also its value as bat roosting habitat. Furthermore it would not be an efficient use of the existing resource, and downplays the role of economic and social progress in helping to achieve sustainable development.

Another option might be conversion for other uses. However there is no evidence that this would be feasible or indeed any less disruptive to roosting bats.

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

Surveys have established that the Grain Barn contains occasional/transitional roosts of common pipistrelle and brown long-eared bats, probably associated with larger roosts/colonies off-site. Since its conversion would disturb or destroy the roost site(s), this aspect of the scheme will need to occur under a low impact class European Protected Species (EPS) licence from Natural England. However subject to conditions ensuring that this licence is indeed obtained, reinforcing the requirement for appropriate mitigation, compensation and enhancement measures, and controlling external lighting, the development will not be detrimental to the maintenance of bat populations at a favourable conservation status within their natural range.

This page is intentionally left blank



Committee and date
 South Planning Committee
 28 August 2019

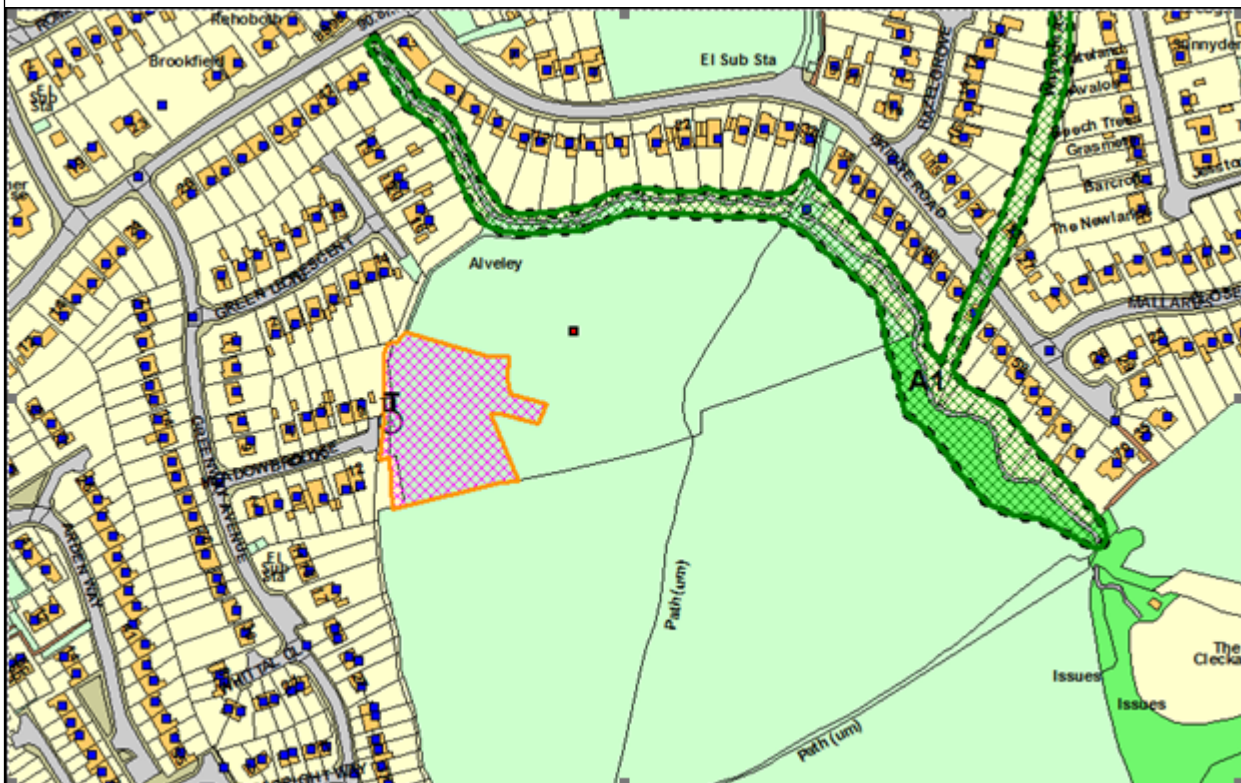
Development Management Report

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

Summary of Application

Application Number: 18/03172/FUL	Parish:	Alveley And Romsley
Proposal: Erection of 6 affordable dwellings and associated works		
Site Address: Proposed Development Land East Of Meadowbrook Close Alveley Shropshire		
Applicant: Mr Harry Pitt		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 376405 - 284457



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

Recommendation:- Permit, subject to the completion of a Section 106 Agreement to secure the properties as affordable dwellings and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application was first considered at the 9th April 2019 South Planning Committee, when the decision was deferred to enable the applicant to give further consideration to the design of the dwellings and landscaping of the site.
- 1.2 The proposed development has been the subject of a number of amendments following its initial submission, in response to comments made by technical consultees and third parties. The proposal, as amended, is to erect six affordable dwellings on a parcel of land immediately adjacent to, but outside of, the Alveley village Green Belt inset.
- 1.3 Access to the proposed development would be obtained from Meadowbrook Close. This would entail crossing the watercourse at the eastern end of Meadowbrook Close, through the installation of culvert pipes over which the new road into the development would run. It is not intended to offer this road for adoption by the Highway Authority. The road would curve gently to the east on entering the site to allow for the retention of an existing oak tree on its northern side. The land under the canopy of this tree would be part of the open space for the proposed development. A larger, approximately rectangular area of open space, bounded by existing and proposed hedgerows to the west, south and east, would be on the southern side of this road section.
- 1.4 The road would follow a curving alignment taking it in a northerly direction, with a spur to the east forming the vehicle turning head which would be of a sufficient size to accommodate refuse collection vehicles. The site layout considered by the Committee in April proposed that, on the south eastern side of the road, and to the south of the turning head, would be two dormer bungalows in the form of a semi-detached pair. Each dwelling would contain two bedrooms and an open plan kitchen, dining and lounge area on the ground floor, with a third bedroom, ensuite and dressing room within the first floor roof space. The roof space bedroom in each would be lit by a dual pitched roof dormer on the rear elevation, with two rooflights on the front elevation serving the stairs and ensuite. The front garden areas to each property would provide parking for two vehicles, with a semi-circular lawn area positioned adjacent to the back edge of the footpath to separate the parking areas. The areas immediately to the side and rear of the dwellings would be paved, with the garden areas also including bicycle stores. 1.8m high close boarded fencing would enclose the rear garden areas, along with existing fencing to the south and new hedgerow planting on the easternmost garden boundary with the field.
- 1.5 In the revised layout now submitted, on the south eastern side of the road, there would now be a smaller area of open space, to the east of which would be a detached bungalow and two dormer bungalows on the form of a semi-detached

pair. The detached bungalow would be two bedroomed with an open plan kitchen, dining and lounge area. The elevational treatment would feature off-set short projecting front gable, which would feature an area of vertical timber boarding above and below the window that would be adjacent to the front door. The external walls would be rendered (Cream on the drawings submitted), with a dual pitched roof of concrete smooth grey interlocking tiles. The semi-detached pair of dormer bungalows would be of a similar form and palette of materials, with a similar ground floor layout to the two bedroomed bungalow and a third bedroom with an ensuite shower room in the roof space, lit by a combination of two rooflights on the front elevation and a dual pitched roof dormer on the rear elevation. There would be a bicycle store in each rear garden area. The front garden areas to all three properties would be a tarmac hardstanding, capable of accommodating at least two vehicles per dwelling, with a small lawn area in front of the semi-detached pair of properties. New hedgerow planting is proposed to the west and east sides of the open green space and the eastern site boundary, with the existing hedgerow along the southern site boundary retained.

- 1.6 On the north western side of the road in the layout considered at the April meeting there would have been two pairs of semi-detached properties, of two different designs. The first pair would be two bedroomed bungalows with open plan kitchen, dining and lounge areas. The second pair would be two storey, three bedroomed dwellings, with separate living rooms to the kitchen dining area. There would be forecourt parking to accommodate two vehicles for each dwelling, with a lawn separating the parking areas for the bungalows. The front garden areas to each property would provide parking for two vehicles, with a semi-circular lawn area positioned adjacent to the back edge of the footpath to separate the parking areas. The areas immediately to the side and rear of the dwellings would be paved, with the garden areas also including bicycle stores. 1.8m high close boarded fencing would enclose the rear garden areas, supplemented with hedgerow planting on the boundaries to an area of open space and the field.
- 1.7 In the revised layout now submitted, on the north-western side of the road there would be an area of open green space by the existing oak tree, which would be separated from the side garden area to the adjacent dwelling. All the dwellings on this side of the road would now be bungalows, comprising of a semi-detached pair of two bedroomed bungalows and a detached two bedroomed bungalow. Their external material palette would match those of the properties on the other side of the road described at 1.5 above. The front garden area to the semi-detached pair would include a lawn area with a semi-circular head closest to the road and a tarmac hardstanding for two vehicles. The detached bungalow would also have a front lawn area and a tarmac hardstanding able to accommodate at least two cars, and a garden area along its northern side. Within the rear garden areas of all three properties there would be bicycle stores. The northern boundary of the gardens to the field and the western boundary to and adjacent to the stream would be defined by new hedgerows.
- 1.8 The detailed landscaping drawing submitted proposes that the new hedge planting be a mix of *Crataegus monogyna* (hawthorn); *Prunus spinosa* (sloe); *Corylus avellana* (hazel); *Viburnum opulus* (guelder rose); *Ilex aquifolium* (holly) and *Euonymus europaeus* (spindle tree). This hedge planting would extend around the edge of the

vehicle turning head where it would abut the adjacent field. A total of 22 new trees are proposed, comprising of acer campestre (field maple); alnus glutinosa (alder); amelanchier lamarckii (snowy mespil); betula pendula (silver birch); malus 'Shropshire Pippin'; malus 'Shropshire Prune'; malus slyvestris (crab apple); prunus avium (wild cherry); prunus domestica (sloe); pyrus 'Tettenhill Dick'(pear) and quercus robur (pedunculate oak), which would be positioned within the new hedgrows; the green spaces areas and in the front garden/lawn areas of two of the dwellings. A list of transplants, ornamental shrubs, bulbs and wildflower mix have been supplied, with detailed planting specifications for all planting.

- 1.9 It was originally proposed to install a package sewage treatment plant in the field immediately to the north of these dwellings that would discharge to the adjacent watercourse. The agent has subsequently confirmed that the foul drainage would now be connected to the public foul sewer. With regard to surface water drainage, a trial pit and soakaway report has been submitted. The report advises that:-

“As the porosity tests show a very slow infiltration rate, an unreasonable large soakaway will be needed to drain the surface water on the site. The large storage volume of soakaway is driven by the necessary time (24 hours) to discharge to half-volume.

Thus, the proposed drainage scheme is to use an attenuation storage tank that discharges into the existing stream nearby the property, and also allows the water to infiltrate into the ground. This leads to a required storage volume of moderate size that can be fitted on the site.

The calculations and sizes have been carried out in accordance with BRE Digest 365 and CIRA publication C753 – The SUDS Manual, and are contained in Appendix C and D, respectively (Of the Trial Pit and Soakaway Report)”.

Subsequently, following further comments from the Council's Drainage Consultants, a Trial Pit and Attenuation Storage Tank Report has been submitted. This advises that two attenuation storage tanks would be required that would discharge into the existing stream. The calculations and sizes for the attenuation drainage system have been carried out for a storm event of 1 in 100 year plus a 35% for climate change, in accordance CIRA publication C753 – The SUDS Manual. The proposed locations for the attenuation storage tanks and associated works are within the field immediately to the north of the proposed dwellings and the area of open space in the southern portion of the site.

- 1.10 The application is accompanied by a planning statement, ecology report, arboricultural report and a construction management statement.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms part of a field which is bordered by dwellings on Meadowbrook Close and Greenleys Crescent to the west, the remainder of the field to the north and east which is traversed by a public footpath, beyond which are the dwellings on Bridge Road, and agricultural land to the south. There are a number of trees by the watercourse adjacent to Meadowbrook Close, which includes a mature oak tree which is the subject of a Tree Preservation Order.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Officer view is contrary to the officer recommendation and the Shropshire Council Local Member has requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that due to sensitivity of development in this Green Belt location and the material planning considerations have been raised, that determination of this application should be by the South Planning Committee.

4.0 Community Representations

- Consultee Comments

Where technical consultees have made several comments, the latest comments are set out first below in order to show where earlier concerns have been overcome.

- 4.1 Alveley and Romsley Parish Council – Strongly Objects:

The notes that the proposal no longer requires the immediate removal of the mature oak tree which is now subject to a tree preservation order. However, the Council is concerned that the groundworks for the road and bridge that would access this development would inevitably damage the root system for this tree and threaten its long term survival.

Access to the proposed development via Meadowbrook is extremely problematic. Meadowbrook is a cul-de-sac which is not wide enough to accommodate the variety of traffic which will need to access the proposed development, both during and after construction. On-pavement parking is already commonplace in Meadowbrook, creating safety risks for residents and pedestrians. This development would substantially increase the problem and the safety risk to exiting residents.

The rendered finish of the new houses would be out of keeping with the style and finish of the neighbouring properties, and the need to realign the new houses will accentuate the discrepancy.

- 4.2 SC Highways Development Control (28.03.19) – No Objection:
Shropshire Council as Highway Authority have now had an opportunity to consider the further information submitted by the applicants agent, sent 15th March 2019 and submitted revised Construction Management Statement (Final2), confirming that Meadowbrook Close will be used for heavy plant for 1-2 days in order to bring in the pipe for the culvert and light plant and equipment will access the site via Meadowbrook Close during the construction period.

Whilst it is would be desirable that all vehicles associated with the construction of the development use the access off the A442, it is considered that measures can be put in place during the construction period will not lead to conditions that would be detrimental to highway safety. Whilst a Construction Management Plan has

been submitted, it is recommended that a condition is attached to any permission granted that requires the applicant to adhere to the submitted Construction Management Statement, and any statements should be reviewed to reflect the phasing of the Development, any revised plan should include details of proposed communication with neighbouring properties on Meadowbrook Close in terms of delivery times and access vehicles.

In terms of the applicants suggestion with regard to a formal road closure, it is not something we would normally request as part of the construction, however the Developer/contractor will need to submit a formal application to Shropshire Council's Streetworks team, for permission to work on the Highway, which will include the closure of the turning head. Consideration should also be given to introducing a temporary traffic regulation order to restrict parking on Greenway Avenue and Meadowbrook Close whilst the pipe for the culvert is delivered and constructed, and signing on the local Highway network to inform delivery drivers to the site.

4.2.1 SC Highways Development Control (08.10.18) – No Objection:

Shropshire Council as Highway Authority would have no objection to the Development road remaining private.

In terms of access to the site, then it is acknowledged that residents have raised concerns with regard to the restricted carriageway width of Meadowbrook Close. Whilst from a Highways perspective we would typically require a carriageway width of 4.8metres, this can be reduced on occasion to 4.2 metres. Meadowbrook Close whilst is considered restricted carriageway width, from a Highways perspective we have to take into account that it has good forward visibility so drivers can take into account oncoming vehicles. We also have to consider that Meadowbrook Close currently provides access to 12 properties, which are primarily are bungalows, and therefore it would be considered to be lightly trafficked, and the restricted carriageway width encourages lower vehicle speeds.

The proposed development seeks to provide affordable dwellings, which in number of average trips is generally lower than open market housing as the occupants typically generate less trips outside the peak hours and have lower rates of car ownership. We therefore have to consider the number of trips this development is likely to attract and the impact on the surrounding Highway. In terms of location, then the development would be considered a sustainable location, with access to local amenities such as the Medical Centre and Primary School, providing opportunities for walking and cycling.

Concerns have been raised with regard to the parking of vehicles that already takes place on Meadowbrook Close, and the level of parking proposed within the development. In terms of proposed layout of the development whilst it is to remain private then it is considered that there is sufficient parking and turning areas within the curtilage of the site, and will not impact on Meadowbrook Close. The majority of properties on Meadowbrook Close have a minimum of two parking spaces per dwellings, it is acknowledged however that with deliveries and visitors, parking may take place on Meadowbrook Close, and because of the restricted carriageway

width, these vehicles are likely to park on the footway. However, it should be noted that parking on the footway causing an obstruction is a Police issue.

Concerns have been raised with regard to the construction access, it is noted that the applicant has confirmed that alternative arrangements have been made, and no construction traffic will access the site via Meadowbrook Close. (This statement has subsequently been amended by the applicant in relation to the culvert construction, as discussed at paragraph 6.5.3 below). It is recommended that in the event planning permission is granted, a condition is attached to any permission that requires the applicant to submit a Construction Management plan, that will provide details of the proposed routing of vehicles, and what measures will be put in place to ensure construction vehicles do not access the site from Meadowbrook Close.

In terms of Policy consideration, Paragraph 109 of the NPPF states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. In order to refuse the proposed development on Highway grounds we would need to be satisfied that the proposed development would have an unacceptable impact on highway safety. In view of the scale of Development and type of housing proposed, it is not considered that the development should be refused on Highway grounds. Shropshire Council as Highway Authority raise no objection to the granting of consent, however would recommend that a condition is attached to any permission granted which requires the applicant to submit a Construction Management Plan prior to commencement and that measures should remain in place for the duration of the Development.

4.2.2 SC Highways Development Control (24.07.18) – Further information required on road specifications, parking layout, bridge/culvert construction and whether the proposed road would be adopted or remain private

4.3 SC Drainage (23.07.19) – Comment:
The Council's Drainage Consultants have commented that drainage calculations should limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval, for the sizing of the attenuation surface water storage tank. The attenuation drainage system should be designed so that storm events up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.
Recommend Condition:
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.

4.3.1 SC Drainage (18-02-19) – Comment:

1. The proposed surface water soakaways calculations are indicative only as an assumed soil infiltration rate has been used in the calculations. Percolation tests should be carried out in accordance with BRE Digest 365 and the drainage calculations should be revised based on the actual percolation test results.

2. Full details, plan and sizing of the proposed package sewage treatment plant including should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the package sewage treatment plant should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

Condition:

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.

Informative Notes:

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

4.3.2 SC Drainage (09.10.18) – Comment:

Outstanding drainage details and calculations requested in our drainage comments of 24.07.18 and 02.08.18 have not been addressed.

4.3.3 SC Drainage (02.08.18) – Comment:

Culverting of the new access road over the watercourse requires Ordinary Watercourse Consent from Shropshire Council.

A hydraulic calculations should be provided based on the surface water runoff from natural catchments using IH 124 Method for catchments > 0.4km² or the ADAS Method for catchments 0.4km² designing for storm events of up to 1 in 100 year + 35% for climate change.

Reason: To ensure that it complies with the Land Drainage Act 1991

4.3.4 SC Drainage (24.07.18) – Comment:

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 an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant

should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development.

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.

The site to the west along the watercourse is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least 150mm above the ground level.

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority. If main foul sewer is not available for connection, full details, plan and sizing of the proposed septic tank/ package sewage treatment plant including percolation tests for the drainage field should be submitted for approval.

4.4 SC Trees (24.10.18) – No Objection:

I have reviewed the further arboricultural and engineering details submitted 25th September 2018 and I can report that I do not object to the proposed development on arboricultural grounds, providing the extensive tree protection measures and working methods are adopted as described in the revised arboricultural report (Old Oak Tree Care, OOTC/PC18/251 Rev 1).

The engineering drawing for the culvert (3105-MCA-DRG-001 Rev A01, section C-C) suggests that the stepped backfill behind the headwall should minimise excavation of the existing bank profile in the vicinity of the protected oak tree. However, the potential for damage to significant roots of this tree is noted and therefore it is imperative that the method described in sections 8.12 and 8.13 of the tree report is strictly adhered to.

Equally important is the use of a no-dig cellular confinement system and network of air ducts for the access road, where it crosses the Root Protection Area (RPA) of the protected oak tree. Sections 8.1 to 8.8 and Appendix I of the tree report and its

associated drawings (Figures 1 – 3) give details of the construction method to be used, but it is noted (section 8.11 of the tree report) that precise engineering drawings are required. The submitted ‘typical footway and carriage detail’ and sectional drawings of the culvert and access road (3105-MCA-DRG-001 Rev A01, sections A-A and B-B) do not include the design and specification of the network of air ducts to be used to provide for gaseous exchange beneath the road. This is essential for ongoing health of the protected tree’s roots under the road.

Also important are the root zone enhancement measures specified in sections 8.9 and 8.10 of the tree report, which specify how mulching is to be used within the extended RPA of the protected oak tree.

I would therefore recommend attaching the following conditions to any permission granted for this application:

- All pre-commencement tree works, wood chip mulching and tree protection measures detailed in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) shall be fully implemented to the written satisfaction of the LPA, before any construction-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.

- Prior to commencement of development, a task-specific method statement and detailed engineering drawing(s) shall be submitted to the written satisfaction of the LPA, for the specialised ‘no-dig’ construction and associated drainage and air vent features to be used to construct the section of access road within the root protection area of the retained oak tree identified as Ok3 in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care).

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

- The development shall be implemented in strict accordance with Sections 6, 7 and 8 and Tree Protection Plan (Appendix B Rev 1) of the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) and with the approved Method Statement and its associated drawings for construction of the access road and associated drainage and air vent features. 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.

- 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, 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.

- The approved 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 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.

4.4.1 SC Trees (31.08.18) – No Objection:

I have no objection on arboricultural grounds to the proposed development, providing suitable measures are put in place to safeguard existing trees on the site and new trees are planted where appropriate, as part of a quality landscaping scheme.

4.4.2 SC Trees (03.08.2018) – Comment:

Recommend deferring determination of this application until a suitable arboricultural report is received.

4.5 SC Ecology (09.08.2018) – No Objection:

An Ecological Assessment was carried out on this site in December 2017 by Churton Ecology. The ecological survey covers a much larger area than is being affected by this planning application.

Habitats

‘The development site is part of a much larger field of poor semi-improved grassland, with grass species dominant and only a few herbs present. The field is damp and supports patchy rush and sedges, as well as a few damp-loving herbs along the margins. Lack of management in recent years has allowed this grassland to become a thick and tall sward. The site is bordered by i) a broad high hedgerow

along the south boundary ii) a tiny stream with associated shrub and trees along part of the west boundary and iii) Blackthorn hedge along the north-west boundary.’

‘The area of swampy ground was holding water on the survey date (after a snow melt) but is likely to be dry/damp for much of the year – there was no evidence of aquatic plants,’.

‘Hedgerow is a UK priority habitat, and the south boundary is an ‘important’ hedgerow’ under the Hedgerow Regulations 1997. ‘The south side of the hedgerow has a broad open and potentially sunny margin of rough grassland with some scrub content.’

‘The tiny stream along the west boundary runs through a narrow corridor of trees and shrub. A section near the access (just off site) appears to have been felled, and the stream culverted; the west boundary here is fence. Downstream of this, there are very occasional trees or scrub on the east bank – a mature Oak, two Alder and a multi-stemmed immature Sallow. The west bank is garden boundary and supports a mix of immature Cypress trees, fence and a little native shrub (Hawthorn and Elder). The stream corridor is accompanied by a 5-6m margin, along the field edge, of tall herb’, including damp-loving and shade-loving species.

The stream, southern hedgerow and mature trees should be protected during the development through the implementation of a Construction Environmental Management Plan. Appropriate buffer zones between development works and the stream, hedgerow and mature trees should be maintained, with no groundworks or storage of materials within the buffers.

‘With planting of a new native hedgerow along the south-west boundary (alongside the newly landscaped area), the gap created by recent landscaping on adjacent land in the original wildlife corridor will be re-instated.’

‘The tiny stream bordering the site along the west, and the nearby large stream, are both classed as ‘corridor’ on the Shropshire Environmental Network. The east part of the field in which the site lies is classed as ‘buffer’ habitat.’ ‘With the necessary precautions in place regarding run-off in the construction phase and drainage in the operational phase’ and the planting of native tree, hedgerow and shrub species of local provenance, I am satisfied that the functions of the Environmental Network will be maintained.

Bats

‘The mature Oak along the west boundary, near the proposed access’ has moderate suitability to support bat roosts.

No direct impacts on this tree are anticipated. As mentioned previously, this tree should be protected with an appropriately-sized buffer, with no groundworks or storage of materials within the buffer.

Should any works to the tree be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine

whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

‘Bat species are likely to forage and commute along the boundary habitats. The field, in its ungrazed state; may also offer some foraging opportunities.’

Bat boxes should be erected on the new dwellings to provide potential roosting opportunities for bats.

‘The potential impact of illumination of the west stream corridor, the boundary hedgerows, potential tree roosts in the Oak and new roosts put up as enhancements, in the operational phase, may result in the deterioration of bat roosts and foraging and/or commuting habitat.’

Otters and water voles

The tiny stream offers very little foraging opportunities for Otter; the larger stream [to the ‘north’] may be used infrequently for foraging by this species but its proximity to housing renders it unlikely to be used for holts or shelter near the site.’

‘Both streams lack suitability for Water Vole – the banks are too shallow, with a section of the tiny stream lined with sheer stone wall, and the margins lack suitable bank-side vegetation. ‘Any Vole noted (a neighbour has noted Voles) is likely to be Bank or Field Vole which frequent the grassland on the site.’

The Construction Environmental Management Plan will ensure that the stream (and any associated flora and fauna) will be protected during the development.

Reptiles

‘The thick grassland is considered to have some potential to support reptiles (Slow-worm and/or Grass Snake) and comments by a neighbour suggest that these species may have been seen in nearby gardens.’

‘The fact that this field has been historically cropped or grazed (sheep grazed until approximately three years ago, additional cutting some time prior to this) severely depreciates any possible local importance of the site for reptiles and indicates that it would not be a core reptile habitat i.e. a habitat that is stable in the long-term and fairly extensive in area’.

‘Since this site is i) likely to be used only for minor dispersal in spring and summer and is unlikely to be used as a hibernation area because the field is considered to be too damp and ii) the [larger] field offers an additional 1.86ha of similar grassland habitat, the loss of 0.3ha habitat is unlikely to have a negligible (detrimental) impact on local populations if they are, indeed, present.’

‘However, reptiles migrating or foraging in the grassland may be killed or injured during construction works; this would constitute an offence.’

‘Prior to any works commencing, the grassland must be cut before early April. A

flail topper is recommended because cuttings are mulched and spread out in the process and this avoids cut grass lying on the surface. Some toppers can be used behind and alongside a tractor but using a hedge cutter flail arm is an alternative here to reduce the need to drive machinery over the wetter ground.'

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

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

Habitat piles could be created in suitable locations along the site boundaries to enhance the refuge opportunities for reptiles.

Any future development further into the field will require a reptile survey.

Great crested newts

No mapped ponds are present within 250m of the site. 'A tiny unmapped garden pond in an adjacent garden is set into decking and supports Frog, Toad and small newts (personal comment by owner). It is highly unlikely that a breeding population of Great Crested Newt is present in this pool because of its tiny size, sheer sides and relative isolation from other pools'.

The site currently supports suitable sheltering habitat throughout, but historically (while the grassland was grazed) only the hedgerows would have offered good terrestrial habitat. Given i) the lack of suitability of the tiny pool for breeding GCN and ii) the distance of the other pools from the site, it is highly unlikely that Great Crested Newt is present on the site.

The working methods for reptiles will also ensure that amphibians are protected during the works.

Birds

The hedgerows and trees provide potential nesting opportunities for birds.

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

Bird boxes should be erected on the new dwellings to provide potential nesting opportunities for birds.

Other species

No evidence of any other protected or priority species was observed on, or in close proximity to, the site and no additional impacts are anticipated.

Conditions and informatives

Conditions recommended requiring the approval of a construction environmental management plan; provision of bat and bird boxes and external lighting.

Informatives relating to bats and trees; nesting birds; wildlife protection.

4.6 SC Rights of Way – No comments.

4.7 SC Affordable Housing – No Objection:
No objection and would support the proposal on the basis of evidenced housing need. I can confirm that as of March 2019 there are 15 households on the Housing Waiting List that have indicated a local connection. Previous experience has shown that in rural areas, there is usually 'hidden need' i.e. those households that are in need, but do not register.

The scheme would be a replica of the cross subsidy scheme at the Working Men's Club (ref.15/03425/FUL) i.e. discounted rented dwellings and discounted market dwellings (3 of each, hence cross subsidy).

We can confirm that there is evidence of need to support the proposal.

4.8 - Public Comments
32 Objections have been received which are summarised below (9 parties have submitted several letters during the period the application has been under consideration). The full text of the comments may be viewed on the Council's web site.

- Site not included in the preferred sites put forward via the Local Plan Review.
- Other sites in the emerging Local Plan that will accommodate affordable housing.
- Could lead to further development of another six if the six properties are approved before the final plans are passed for the Alveley Community Hub.

- Loss of Green Belt land; No exceptional circumstances to allow the development.
- In recent survey only 5% of villagers were prepared to see a loss of Green Belt land.
- Village is treated as countryside for the purposes of Development Plan housing policies.
- Would be urban encroachment.

- Proposed access is problematic bridging a watercourse.

- Destructive of an established streetscape.

- Revised scheme still includes a two storey dwelling, whereas all dwellings in Meadowbrook Close are bungalows.

- Soakaways are being put forward when the area is a heavy clay cap, with extreme implications for uncontrolled run-off towards the brook. Highlights how inappropriate this site is for development.

- Soakaways as a method of disposal of surface water run-off will not work.

- Question drainage calculations.

- Outfall pipe from sewage treatment plant passes through land outside of the application site boundary.

- No access to water treatment plant for maintenance purposes.

- Why is a sewage treatment plant being proposed rather than connection to the main foul sewer in the village; has it been established that the watercourse has sufficient year-round flows of water to take the output from a sewage treatment plant?

- Noise disturbance from treatment plant.

- Heavy construction traffic entering Meadowbrook Close would cause disruption and distress to residents.

- Agent originally advised that no construction traffic would access the site from Meadowbrook Close but this is contradicted by the revised statement of 26-11-18, and is contrary to the advice of the Highways Officer.

- Beyond belief that high volume/heavyweight materials will be transported in minimal quantities on small vehicles.

- Applicant has no right of access to the site for heavy machinery from Bridge Road.

- Bringing heavy machinery across the fields would affect a recognised public footpath used by dog walkers, ramblers and school children.

- Construction Method Statement inadequate and has vital information missing.

- Disruption from installation of culvert operation alone likely to be severe in accordance with the NPPF.

- Culvert pipes installation would disrupt use of turning area and damage root zone of adjacent oak tree.

- No structural calculations to show culvert could accommodate road and traffic loads or that it would have adequate capacity.

- Will increase flood risk.

- Area susceptible to flooding.

- Should have been notified of the submission of additional information.

- Applicant has failed to demonstrate land ownership for all aspects of the development.

- Frequent cancellation and amendment of drawings does not instill confidence that development should take place.

- There may be two or more cars per household.

- Despite opportunities to walk or cycle many people will still use their cars.

- Highways Officer does not provide any evidence to substantiate claim that affordable dwellings generate less trips outside peak hours and have lower rates of car ownership than open market dwellings.

- No dependable public transport infrastructure.

- Parked vehicles could obstruct access for emergency vehicles along

Meadowbrook Close.

-Meadowbrook Close is too narrow to serve additional dwellings being only 4.2 metres wide.

-Will there be any stipulation to prevent the affordable dwellings being extended?

-Harm character of area.

-Harm privacy and visual amenity of adjacent dwellings.

-Current residents of the Close are mainly elderly and many have health problems.

-Houses should be replaced by bungalows.

-Will not function well or add to the overall quality of the area.

-Layout designed to allow for further dwellings.

-No evidence of need.

-Applicants aim is to erect 30 properties on Green Belt land, which is not part of the Local Plan for Alveley.

-Other areas around the village that can be utilised for development.

-Field is a rich micro-environment for owls, bats etc.

-Do not agree with contents of ecological survey.

-Where would any excavated material be disposed of?

-Additional burden on already stretched infrastructure and facilities of the village.

-Do not agree with minutes of the April meeting as posted; as usual the minutes favour the applicant and are not a true reflection of how the defrred decision was reached.

Statement from Gail Booton (From April additional representations sheet):

With reference to the above planning application I wish to make the following statement of facts.

As at the time of writing, Drainage Plan drawing 3105-MCA-DRG-002 REV: A02 dated 16.01.19 shows the location of the sewage treatment plant and the position of the outfall pipe discharging into the watercourse/stream. When compared with Amended Proposed Site & Location Plan drawing 17-2812/04B dated 16.01.19 you will note that this outfall pipe passes through land outside of the 'red line' Planning Application Boundary to reach the watercourse. Where this happens, the pipe is passing through my land.

I wish to make you aware and confirm the following: -

- The developer has made no verbal or written request to use my land as part of this development.
- I have not given the developer verbal or written consent to use my land.

- I have absolutely no intention of ever giving the developer consent to use my land.

Given the above facts I trust that Shropshire Council, Planning Officers and Planning Committee Members will exercise due diligence in dealing with this matter.

4.7.1 Alveley Green Belt Preservation Group – Object:

- Should be refused or deferred pending the Local Plan and review of current Green Belt boundaries.
- In the latest housing needs survey only 5% of respondents said new housing should be in the Green Belt.
- The seven households the development would accommodate would be better on the Central Garage site where local facilities (School, play area and bus route) are closer, but noting the downside of that site being on the other side of the A442.
- No evidence that the properties would be occupied by those who need to work locally.
- Majority of Alveley residents, including those in social or Housing Association properties, commute by private car to the West Midlands conurbation or the market towns.
- Support the objections of Alveley residents and particularly those living in Meadowbrook Close.
- Would set a precedent for the settlement to become oversubscribed in social/affordable housing.
- House owners will struggle with the liability for septic tank maintenance.
- Not clear if new road, bridge or culvert would be adopted by the highway authority.

4.7.2 Bridgnorth District CPRE – Object:

- The access to the site is unsuitable and goes over a stream that feeds the Daddlebrook, then the River Severn. Several important and well used footpaths cross this site and must be kept open at all times.
- A very important hedge and wild life corridor must be kept intact. Householders must not remove any of this hedge or divert the stream for landscaping purposes. Over time several large trees have been removed causing owls leaving the area. The housing proposed sits on a slope and will stand out. Three other housing sites have all resulted in people from outside the area having them and still seven Alveley people remain on the housing list. All housing numbers have been grossly exaggerated.

5.0 THE MAIN ISSUES

Principle of development
Affordable Housing
Siting, scale and design of structures
Visual impact and landscaping
Highway Safety
Residential Amenity
Drainage
Ecology

Open Space

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's Core Strategy, the National Planning Policy Framework (NPPF) has been published and needs to be given weight in the determination of planning applications. The NPPF in itself constitutes guidance for Local Planning Authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan.

6.1.2 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan, and a range of Supplementary Planning Documents.

6.1.3 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. This proposal, however is for a 100% affordable housing development outside of the Alveley Green Belt inset boundary. Core Strategy Policy CS5 relates to the Countryside and Green Belt, where affordable housing to meet a local need in accordance with national planning policies and policy CS11 (Type and affordability of housing) may be permitted on appropriate sites, where the need and benefit for the development is demonstrated by the applicant.

6.1.4 While this site is situated in the Green Belt where there is a presumption against inappropriate development, the National Planning Policy Framework lists a number of exceptions at paragraph 145. These exceptions include **f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exceptions sites);*"

Core Strategy Policy CS11 is supplemented by the Council's adopted Type and Affordability of Housing Supplementary Planning Document. In pre-application discussions the Council's Housing Enabling Team advised that they would support the principle of affordable housing that corresponds with the tenure/type and size of the evidenced need.

6.1.5 There is considered to be no in-principle planning policy objection to affordable housing development on land within the Green Belt on the edge of the village. Whether or not this particular proposal is acceptable turns on consideration of the

detailed matters set out below.

6.2 Affordable Housing

6.2.1 With regard to evidenced need the agent has made reference to discussions with the Council's Housing Enabling Officer confirming that as of 1st January 2018 there were seven households on the waiting list who have expressed a first preference to live in Alveley and who have a strong local connection. Four of the households on that waiting list require two bed roomed accommodation, with the remaining three households seeking a one bed unit, a three bed unit and a four bed unit. The Council's Housing Enabling Officer has provided an update to these figures, advising that as of March 2019 there are 15 households on the housing waiting list that have indicated a local connection. She comments also that previous experience has shown that in rural areas there is usually a 'hidden need' i.e. those households that are in need, but do not register. It is considered that this proposal could not be refused on the grounds of there being no unmet need for affordable housing in the village.

6.2.2 A Section 106 Agreement would be required as part of any grant of planning permission to secure the properties as affordable housing, in a similar manner to that used for the affordable housing development on land south of Daddlebrook Road, Alveley (Ref. 15/03425/FUL). This will also address the issue of the appropriate tenure for the dwellings, which would be three discounted rent dwellings and three discounted market dwellings, hence it being a cross subsidy scheme. The Housing Enabling Officer confirms there is evidence of need to support the proposal.

6.3 Siting, scale and design of structures

6.3.1 The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 127 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate an appropriate amount and mix of development. These themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.3.2 The proposed bungalows and dormer bungalows would be well proportioned and appropriate for this location. The use of render and brick for the external wall finishes and the brick detailing would reflect features found in and around Alveley. The scale of the proposed properties and their ridge heights would be similar to that found in the adjacent housing developments, which are a mix of bungalows and two storey houses. The density of the proposed development and the garden sizes would also be comparable to other housing in the immediate locality.

6.4 Visual impact and landscaping

- 6.4.1 Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes the hedgerows and trees to the south and west of the application site. The proposed development would retain these features and supplement them with additional tree and hedge planting. The species mix, density of planting, measures for their protection while they become established and the replacement of any losses are matters which can be addressed through conditions on any approval issued.
- 6.4.2 The County Arboriculturalist is content that the protected oak tree close to the access road culvert can be safeguarded by the road construction works being carried out in accordance with the method statement set out in the tree report, to avoid significant root damage, and the use of a no-dig cellular confinement system and network of air ducts for the access road, where it would cross the root protection area of the protected oak tree. There are some design and specification details required, as set in the County Arboriculturalist's comments at 4.4 above and the recommended conditions set out there would be attached to any approval issued.
- 6.4.3 The County Arboriculturalist has considered the landscaping plan submitted following the deferment of the application and considers it suitable and fit for purpose. He considers that it strikes a good balance between retaining and supplementing the existing trees and hedges, as well as creating a small orchard area of traditional fruit trees and wildflower meadow mix, with more ornamental tree and shrub planting within the built environment. The planting and maintenance specifications are also considered reasonable and appropriate. He has suggested some minor adjustments, which have been put to the agent.

6.5 Highway Safety

- 6.5.1 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. It also seeks to secure safe developments. The National Planning Policy Framework, at paragraph 108, advises that in assessing development proposals it should be ensured that a safe and suitable access to the site can be achieved for all users, and that any significant impacts on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Opportunities to promote sustainable transport modes should also be explored. It continues by stating at paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.5.2 It is acknowledged that Meadowbrook Close, which currently serves 12 dwellings (Two of which also have frontages onto Greenway Avenue), has a relatively narrow carriageway width of some 4.2 metres. The Council's Developing Highways Area Manager – South and Central, has commented that while a carriageway width of 4.8 metres is typically sought, this can be reduced on occasion to 4.2 metres. In this particular case account can be taken of the good forward visibility available so

drivers can take into account oncoming vehicles. The existing turning head area provides a wider section of highway for vehicles to pass that would be entering or leaving the proposed development, in which the carriageway width would be 4.8 metres for its curving alignment. Meadowbrook Close is likely trafficked and the restricted carriageway width encourages lower vehicle speeds. There are considered to be no highway capacity issues of sufficient weight to prevent Meadowbrook Close from accommodating safely the additional traffic likely to be generated by the proposed dwellings. The local highway network to which Meadowbrook Close connects is also not considered to have any capacity problems. The amount of off road parking available, at two spaces per dwelling, would be sufficient for the development proposed and the road turning head would be able to accommodate safely service vehicles.

6.5.3 The final version of the construction traffic management plan submitted shows that it is intended that heavy machinery and plant would be delivered to the site across fields from the A442, in order to avoid the use of either Meadowbrook Close or Bridge Road. However there would be a need to use Meadowbrook Close for the installation of the heavy pipes and aggregates required for the construction of the culvert. Once the culvert is in place the route via Meadowbrook Close would be used by light plant and equipment only. Examples of such equipment given include mini digger, power barrows, plate compactor and small delivery lorries. A parking area for vehicles of site operatives and visitors would be provided within the site on the area that would become open space to avoid vehicles seeking to park on Meadowbrook Close. The applicant proposes that deliveries of building materials to the site would be in small loads to minimise its storage on site, with the bulk of materials being stored off site at his farm. Wheel washing facilities would be used to address the possibility of mud being deposited on the road and the emission of dust would be controlled by a sprayer. It is considered that these measures would be sufficient to ensure that, during the construction phase, the development would not lead to conditions that would be detrimental to highway safety.

6.6 Residential Amenity

6.6.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those on Meadowbrook Close. The juxtaposition of the existing and proposed dwellings, and the separation distances between them, would ensure that there would be no mutual loss of privacy or overbearing impacts. In addition there would be no such conflicts between the proposed dwellings in the development itself.

6.6.2 It is inevitable that building works anywhere cause some disturbance to adjoining residents. The temporary impacts would be mitigated by the Construction Method Statement discussed at 6.5 above in relation to highway safety. It can also be addressed by a condition restricting construction times to 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturdays and no construction on Sundays, Bank or Public Holidays.

6.7 Drainage

6.7.1 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 the existing runoff rate and not result in an

increase in runoff. SAMDev Plan policy MD2 also seeks to incorporate sustainable drainage techniques in developments. The proposed drainage arrangements in this application comprise of the installation of a sustainable drainage system and use of an existing water course for the disposal of surface water, and, as amended, a foul water connection to the public foul sewer..

6.7.2 The culverting of the water course requires a separate Ordinary Watercourse Consent from Shropshire Council as land drainage authority.

6.7.3 The comments received from third parties have raised concerns over the suitability of the land for the installation of soakaways, and on the flows within the watercourse. The Council's Drainage Consultants have advised that further drainage details and calculations are required to ensure that the systems would be effective, but as their comments set out in section 4.3 above show, they have advised that the proposed foul and surface water can be the subject of a pre-commencement planning condition on any approval issued.

6.7.4 The additional , amended drainage details now submitted show the proposed locations of two attenuation tank for surface water drainage, accompanied by a set of drainage calculations. The Council's Flood and Waste Water Management Team is content that the precise foul and surface water drainage details can be the subject of a pre-commencement planning condition on any planning approval issued in this case. This would prevent any development taking place in advance of the approval of a satisfactory drainage scheme. Should no drainage scheme be approved, the development could not be carried out.

6.8 Ecology

6.8.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species. 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.

6.8.2 The Council's Ecology Team has considered the Ecological Assessment submitted with the application. They are content that the proposed development could be carried out without harming ecological interests. Planning conditions are recommended with respect to development being carried out in accordance with an approved construction environmental management plan; the provision of bat and bird boxes; and the approval of any external lighting scheme.

6.9 Open Space

6.9.1 SAMDev Plan policy MD2 advises that the amount of public open space to be provided by a residential development should be calculated on the on the basis of 30sqm per bedroom. This proposed development, as amended, would contain 14 bedrooms, which would equate to a target amount of some 420 sqm of open space. The proposal would contain areas of open space sufficient to address this target. (In the order of some 367sqm together with some 83sqm in the vicinity of the oak tree), which would be in locations accessible to existing residents as well as those

of the proposed dwellings, and would be viewable from the road.

7.0 CONCLUSION

7.1 There is considered to be no in-principle planning policy objection to affordable housing development on land within the Green Belt on the edge of the village. As of March 2019 there are 15 households on the housing waiting list that have indicated a local connection. There is often also a 'hidden need' in rural areas. It is considered that this proposal could not be refused on the grounds of there being no unmet need for affordable housing in the village. The proposed dwelling types would be well proportioned and appropriate for this location, as would be the layout. The County Arboriculturalist is content that the protected oak tree close to the access road culvert can be safeguarded during the construction works

7.2 There are considered to be no highway capacity issues of sufficient weight to prevent Meadowbrook Close from accommodating safely the additional traffic likely to be generated by the proposed dwellings. The local highway network to which Meadowbrook Close connects is also not considered to have any capacity problems. The amount of off road parking available, at two spaces per dwelling, would be sufficient for the development proposed and the road turning head would be able to accommodate safely service vehicles.

7.3 The juxtaposition of the existing and proposed dwellings, and the separation distances between them, would ensure that there would be no mutual loss of privacy or overbearing impacts. In addition there would be no such conflicts between the proposed dwellings in the development itself. The temporary impact of construction works on the residential amenities of the area and on the local road network can be satisfactorily mitigated by works adhering to the construction method statement and a restriction on construction hours.

7.4 Drainage and ecological interests can be satisfactorily safeguarded through the recommended planning conditions.

7.5 The application is recommended for approval, subject to the completion of a Section 106 Agreement to secure the properties as affordable dwellings.

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:

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS11 - Type and Affordability of housing
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD3 - Managing Housing Development
 MD6 - Green Belt & Safeguarded Land
 MD7A - Managing Housing Development in the Countryside
 MD12 - Natural Environment
 Settlement: S3 – Bridgnorth

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

18/00204/FUL Erection of 6 affordable dwellings and associated works WDN 10th July 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) Planning Statement Ecology Report Arboricultural Report Construction Management Statement
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.

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

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

4. All pre-commencement tree works, wood chip mulching and tree protection measures detailed in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) shall be fully implemented before any construction-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.

5. Prior to commencement of development, a task-specific method statement and detailed engineering drawing(s) shall be submitted to and approved in writing by the Local Planning Authority for the specialised 'no-dig' construction and associated drainage and air vent features to be used to construct the section of access road within the root protection area of the retained oak tree identified as Ok3 in the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care). The work shall be carried out in accordance with the approved details.

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. The development shall be implemented in strict accordance with Sections 6, 7 and 8 and Tree Protection Plan (Appendix B Rev 1) of the approved Arboricultural Report (OOTC/PC18/251 Rev 1, Old Oak Tree Care) and with the approved Method Statement and its associated drawings for construction of the access road and associated drainage and air vent features. 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.

7. The development shall be carried out in accordance with the landscaping scheme, planting and maintenance specifications shown on landscape plan MBK-LP-01, received by the local planning authority on 22nd July 2019.

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

8. The approved 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 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.

9. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

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

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

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

10. 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.
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes), sparrows (32mm hole, terrace design) an/or starlings (42mm hole, starling specific).

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

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

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

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

12. No development shall take place until a scheme of foul drainage, and surface 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.

13. Before development commences details of the proposed finished ground floor levels of the dwellings, relative to existing ground levels, 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: This is a pre-commencement condition in the interests of the visual amenities of the area.

14. The access, turning area, parking areas and visibility splays shall be constructed in accordance with details to be approved in writing by the Local Planning Authority, with the access and turning area constructed to at least base course macadam level and the visibility splays provided before any dwelling is first occupied. The turning and parking areas shall thereafter be retained for those purposes and the visibility splays shown on the approved drawings kept clear of obstruction.

Reason: In the interests of highway safety.

15. The approved Construction Method Statement shall be adhered to throughout the construction period.

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

16. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

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

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

Shropshire Core Strategy and SAMDev Plan policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

MD2 Sustainable Design
MD3 Delivery of Housing Development
MD6 Green Belt
MD7a Managing Housing Development in the Countryside
MD12 The Natural Environment

SPD on the Type and Affordability of Housing

3. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990. The S106 may include the requirement for a financial contribution and the cost of this should be factored in before commencing the development. By signing a S106 agreement you are legally obliged to comply with its contents, irrespective of any changes to Planning Policy or Legislation.

4. 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.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

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.

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

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

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

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

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

6. 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.

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 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 reptiles or amphibians are present.

If a hibernating hedgehog is found on the site then 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).

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



Committee and date

South Planning Committee

28 August 2019

Development Management Report

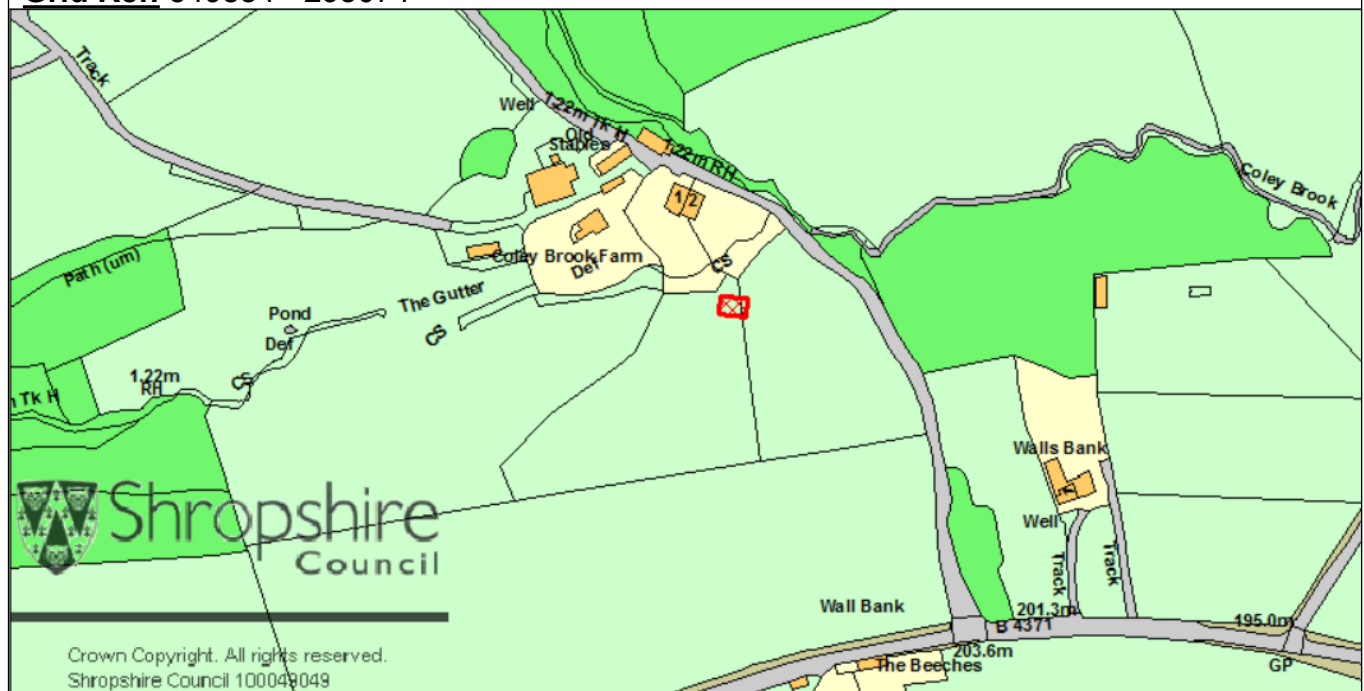
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 19/02201/FUL	Parish: Rushbury
Proposal: Erection of a building to house stables, tack room and store	
Site Address: Gutter Farm Wall Under Heywood Church Stretton Shropshire SY6 7JA	
Applicant: Mr David Hartill	
Case Officer: Cathryn Robinson	email: planningdmc@shropshire.gov.uk

Grid Ref: 349854 - 293074



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

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks permission for the erection of a building to house stables, tack room and store.
- 1.2 The building would measure approximately 13m in width by approximately 11.5m in length with a height to the ridge of approximately 5m and is proposed to be located in a field to the south of the dwelling which the structure would serve. The building would provide for 3 stables, a tack room and storage area and is proposed to be constructed with concrete panels, and timber boarding under a fibre cement roof.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Gutter Farm sits some 1k North-West of the village of Wall under Heywood. The detached dwelling sits within a cluster of buildings, including a former agricultural barns and rural outbuildings. The property is accessed via a private access track protruding from the B4371. To the south of the dwelling lies a field where it is proposed to sit the building subject to this application. There is a separate access to this field from the track. A neighbouring property lies adjacent to the applicant dwelling and to the north west of the application site.
- 2.2 The development site falls within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have provided views contrary to the Officers recommendation. This has been discussed with the Local Member whom is also seeking a committee determination for this application. The application has been discussed by the Chair and Vice Chair of planning committee, who confirm a committee determination to be appropriate in this case as there are material planning considerations which warrant committee assessment.

4.0 Community Representations

4.1 Consultee Comments

- 4.1.1 Rushbury Parish Council: Object:
This application was reviewed by the parish councillors at their meeting on 15 July 2019. Concerns expressed over proposed structure appearing to be excessive in height and size in proportion to the land that is suggested for its siting.

It is also noted that in the Application Form ref:IAP00042157-001 under section: Assessment of Flood Risk it states that the proposal in not within 20 meters of a watercourse. Concern expressed that this may not be the case and that it may be within that distance with further concerns raised in relation to the soakaway or disposal of liquid waste or materials.

This was also the first occasion that the councillors were aware of a case where covered accommodation is required for a horse box.

Whilst there was discussion that a structure of this nature being used for agricultural purposes may not be out of keeping, it was noted that this property does not appear to be a farm for the keeping and use of livestock and is a farm in name only.

In view of these concerns, the councillors object to the application in its current form.

4.1.2 Cardington Parish Council (adjoining parish council):

Members of the Parish Council have carried out a site visit and have no objection to this application.

4.1.3 Shropshire Hills AONB Partnership:

The Shropshire Hills AONB Partnership notes that this application affects the nationally designated area and provides general advice on legal and policy considerations for decisions affecting the AONB. The AONB designation remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.

4.2 Public Comments

4.2.1 This application was advertised via notice at the site. At the time of writing this report, two representations had been received in response to this publicity objecting to the proposal. The main concerns are surmised as follows –

- Building considered wholly disproportionate to its intended use
- Building is industrial its appearance
- Proposed location is open and high profile as opposed to discreetly sited alongside a boundary
- Building would despoil the AONB
- An extant permission for stabling exists for the property, thus there is concern for excessive stabling provision at this site

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Impact on visual amenity and the wider AONB
Neighbouring amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS5 of the Shropshire Core Strategy: ‘Countryside and Green Belt’ strictly controls development in the countryside, permitting only those on appropriate sites which maintain and enhance the countryside vitality and character. This is reiterated within SAMDev MD7b: ‘General Management of Development in the

Countryside' which support proposals for agricultural buildings, dependent on their scale and type being consistent with its required purpose and the nature of the existing site, with emphasis on proposals being fully compliant with CS6 and MD2 with no unacceptable impacts upon the surrounding environment or residential amenities.

- 6.1.2 Alterations and development are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extensions and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 7 of the National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.1.3 Shropshire Core Strategy Policy CS17: Environmental Networks is concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets. MD12: The Natural Environment of the Site Allocations and Management of Development (SAMDev) plan seeks to conserve and enhance Shropshire's natural assets, such as its AONB.

6.2 Siting, scale and design of structure

- 6.2.1 Proposed is the erection of a building to house stables, tack room and store. Occupying an internal footprint of some 145m², the proposal is of notable scale. The applicant has confirmed that the building is intended to accommodate their horse box lorry, alongside a tractor and other small farm implements alongside the required stabling accommodation. Though relatively large, the building is relatively modest in accounting for its proposed uses. Equally, in comparison to rural agricultural buildings, the building is not out of character in terms of scale; though not intended exclusively for agricultural use, the building – in its overall design and silhouette – is consistent with a modern farm construction, thus would not look unduly alien at this location. Indeed, an outbuilding measuring some 120m² of agricultural character is located some 80m North of the development site thus providing some visual context for the development proposed.
- 6.2.2 In terms of siting, the building – when viewed on plan form – appears somewhat isolated. Upon studying the site context in further detail, this siting allows an adequate turn circle for the aforementioned equipment to enter and exit the building; some 9m separates the North elevation of the building from the access gate. Moving the building closer to the existing tree cover, to offer a context against which the building would be read against, is an option to consider; however – due to the need for the building to be perpendicular to said vegetation in order to provide access – the building would appear more prominently from the right of way to the East being directly opposite it rather than an angled viewpoint. Equally, the

sloping land and overhead power line running through this field pose as constraints that the current proposal do well to avoid. Accordingly, on balance, the siting of this proposal is deemed acceptable.

6.3 Impact on visual amenity, the wider AONB and neighbouring amenity

6.3.1 The development site falls within the Shropshire Hills AONB. Additionally there are numerous public footpaths located within 100m of the development site, which provide potential for close to medium range views of the development site. Accordingly, visual amenity must be carefully considered prior to the permitting of development at this location.

6.3.2 Standing at some 5.4m in height, the building is of notable height; the applicant has confirmed that the height will be necessary to store the aforementioned machinery. The building sits on lower ground than the neighbouring properties some 50m North. Thus, comparatively within the street scene, the visual impact of the proposal is not considered detrimental. Equally, in terms of the local topography, the land climbs quite suddenly South and South-West; this offers a context against which the building shall be read.

6.3.3 In terms of overall design and appearance, the building is consistent with the typical design of rural outbuildings. Weather boarding – as opposed to corrugated sheeting – works to soften the overall appearance of the building and help it better blend into the landscape. The building will not appear unduly isolated where the applicant keeps chickens in the vicinity of the site, and domestic paraphernalia from the property curtilage some 20m away; a cluster of former agricultural and domestic buildings sit within some 40m, thus seeing this development not unacceptably sporadic.

6.3.4 In terms of neighbouring amenity, the proposal is intended to store existing implements and stable horses under the applicants' ownership. Installing stables on site, within easy walking distance of the main house, will reduce the number of vehicular journeys needed to be made by the applicant to tend to the horses wherever currently stabled. Though bringing the horses to site shall come with some disturbance, it's considered that loss of the vehicular movements will result in a generally neutral neighbour amenity impact.

6.4 Other matters

6.4.1 The public representation references an extant permission - SA/01/1110/F – which permitted stabling associated with Gutter Farm. This posed concern for the potential implementation of both stables, and potential changes of use of the buildings or capacity to run a commercial equestrian enterprise. Having assessed the extant permission, it is noted that the land associated with the previous stable permission is no longer within the ownership of the occupiers of Gutter Farm. Notwithstanding this, conditions shall be attached against any approval here granted ensuring that the stable building shall remain only for the private use of residents of Gutter Farm and shall not be used for commercial activity.

7.0 CONCLUSION

7.1 On balance, the works are judged to be in scale and character with the locality, and of no demonstrable harm in terms of neither residential nor visual amenities. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and SAMDev Policies:

CS5 - Countryside and Greenbelt
CS17 - Environmental Networks
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

13/03336/FUL Conversion of semi detached bungalows into single dwelling including re roofing, external render and insulation, new dormers and bay, timber cladding and stonework and additional en suite internal alterations and stairwell GRANT 4th October 2013
18/04545/FUL Erection of a 3 bay stable block and hay barn APPRET
19/02201/FUL Erection of a building to house stables, tack room and store PCO
SA/77/0350 Erection of two dwellings. PERCON 12th July 1977
SA/77/0806 Erection of a pair of semi-detached bungalows for agricultural workers. (Ref. Outline application No. S77/350/206/77 dated 12th July 1977). PERCON 11th October 1977
SA/05/0912/F Erection of first floor accommodation, raising roof and erection of a two storey extension in association with changing a pair of semi detached bungalows into a single dwelling PERCON 7th September 2005
SA/01/1110/F Erection of a 4 bedroom detached dwelling following demolition of existing pair of semi-detached bungalows, conversion of existing out building to one holiday let, erection of a stable block and alterations to existing access. PERCON 21st November 2001
SS/1/02/13118/F Alterations to (existing) vehicular access. PERCON 15th April 2002

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PRK4Q4TDMB800>

List of Background Papers

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

Cllr Cecilia Motley

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. The materials to be used in the construction of the external walls shall consist of concrete panels and weatherboarding left naturally to weather. The roofing materials shall consist of fibre cement sheet roofing in natural grey colouring. The development shall be carried out in complete accordance with the approved details and remain so for the lifetime of the development.

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

4. The stables hereby approved shall be used for purely private purposes in conjunction with the dwelling known as Gutter Farm and not for any commercial use. The stables shall remain associated with Gutter Farm for the lifetime of the development.

Reason: To safeguard the amenity of the area and to safeguard the amenities of nearby residential properties.

Informatives

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

-

This page is intentionally left blank



Committee and date

South Planning Committee

28 August 2019

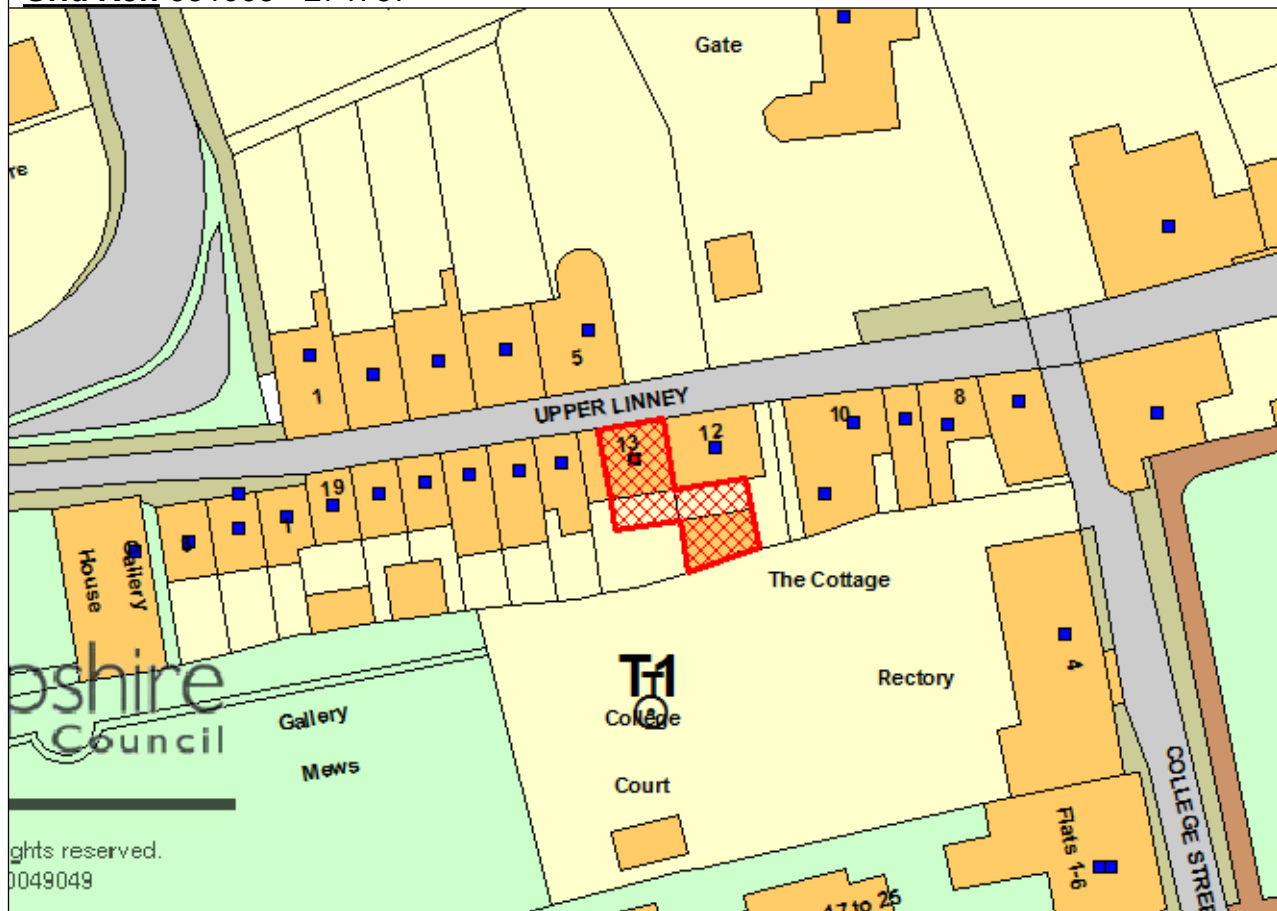
Development Management Report

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

Summary of Application

Application Number: 19/02495/FUL	Parish:	Ludlow Town Council
Proposal: Erection of a single storey extension to adjoin the side elevation of the existing rear extension		
Site Address: 13 Upper Linney Ludlow SY8 1EF		
Applicant: Mr M Cawley		
Case Officer: Elizabeth Davies	email: planningdmsw@shropshire.gov.uk	

Grid Ref: 351065 - 274757



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

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single storey extension for 13 Upper Linney, Ludlow but due to the layout of the rear amenity space, the proposal would be at the rear of 12 Upper Linney and would adjoin the side elevation of a previously erected rear extension at No.13.
- 1.2 Indicated to measure 3.8m wide by 2.5m deep the proposal would have a mono pitched roof with a ridge height of 3.285m.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located within the conservation area and the core of the historic medieval town of Ludlow, and less than 5m from the Town Wall, which is a scheduled ancient monument, and a Grade II Listed Building.
- 2.2 Due to the unusual layout of these dwellings in Upper Linney, the rear gardens are located to the rear of the adjoining dwellings, in addition, the application site can be accessed via a right of way that runs from Upper Linney, between No.12 and No.10 Upper Linney and then across the rear elevation of No.12 to a gate that leads to the rear garden area of No.12.
- 2.3 The rear garden area of No.12 comprised of an outbuilding located in the southeast corner of the site and which received consent under SS/1/04/16296/F and SS/1/04/16297/LBC to be removed. This consent also included the erection of an extension to the rear elevation of No.13 that has been constructed and therefore these permission remain “live” and this outbuilding could be removed at any time. Adjacent to this outbuilding lies an elevated gravelled seating area, with mature planting. This leads down to an area of concrete that lies at the rear of No.12 and access to the kitchen of No.13.
- 2.4 The application site is bounded with a wicker fence to the to the east, a wicker fence and the side wall of the outbuilding to the west , and the the Town Wall located to north and the rear elevation of No.12 to the south.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have made a comment that would be contrary to the Officers recommendation. In addition, the Local Member has “called in” this application within 21 days of it being validated to be presented to the Planning Committee and the Chair and Vice Chair of the Planning Committee have confirmed that the call in reasons are material planning matters and thus as Committee decision is necessary under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.

4.0 Community Representations

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

4.1.1 Ludlow Town Council – Objection

The proposed extension extends sideways outside of the established building line of the property, whilst the town council accepts that the applicant owns the land for the proposed extension, the extension attached to the neighbouring property, save a small gap and flashing, will create unacceptable issues.

The neighbour property will suffer loss of amenity due to being overlooked. Specifically, an upper bedroom window will look down into the roof lights of the extension, and vis versa. There will be a loss of privacy, which will impact on the resident's use of their own property, and significant potential for invasive noise due to window / roof lights. There are significant security issues due to proposed height of the roof. Maintenance of an older property will also be an issue because there will be no access to sewage pipes. The very close proximity of the extension and the existing wall is also a potential cause of damp issues.

The property is also very close to the town walls ancient scheduled monument.

Ludlow Town Council believes that the complexities of this application should be considered by the South Planning Committee.

4.1.2 SC Historic Environment – Conservation Team– Comments

The application proposes the erection of a single storey extension to the side of the existing rear extension at 13 Upper Linney, Ludlow. The site lies within the conservation area and within close proximity to the Ludlow Town Walls Scheduled Ancient Monument. Historic England have been consulted in relation to the impact upon the town wall and our colleagues in archaeology have commented in relation to archaeological matters. Therefore these comments relate purely to conservation matters and in particular the impact of the proposal on the conservation area.

Due to the location of property boundaries the proposed extension is located on land belonging to 13 Upper Linney but that lies directly behind 12 Upper Linney. This is a somewhat unusual scenario. However, from a conservation perspective the principle of a modest extension in this location which under normal circumstances would be related to the property to which is directly behind, i.e. number 12, would not raise conservation objections in itself. Therefore, the fact that the land ownership is unusual is not a reason in conservation terms that a modest extension to the rear of a property would be inappropriate.

Issues of maintenance relating to either property would be a civil matter rather than conservation.

4.1.3 SUDs – No objection subject to the development being carried out in accordance with the approved plans and the recommended informative being included on any planning permission that may be granted.

4.1.4 SC Historic Environment – Archaeology Team – Comments

With regard to the direct archaeological impact and in relation to Paragraph 199 of the NPPF (Revised 2018) 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.

4.1.5 Historic England – No comments

4.2 Public Comments

4.2.1 The application has been advertised by notices at the site and in the press. Four surrounding residential properties have been individually notified. Six representations have been received in response to this publicity. In summary the following points are made:

- An upper bedroom window will look down into the roof lights of the extension and it follows that there will be a reverse view of the bedroom window.
- I have seen that on recent sunny days the height and width of the proposed structure will cause the 'overshadowing' of my kitchen window and part of my courtyard in the afternoons.
- The arrangement of gardens behind the Upper Linney terrace is uncommon. But this unusual historical townscape should not be an open licence for reducing the amenity of neighbouring properties, This proposed structure will simply add more bricks, tiles, concrete and glass to this sensitive conservation area, adding to the present 'imbalance' of the natural habitat, and would do nothing to 'enhance' the historic monument (town wall) a mere four meters away.
- The proposed extension is in the Ludlow Conservation area and within the setting of the town walls, an ancient monument. The proposal would improve the stability of the ground between the new foundation and the town wall.
- This is a very unusual application where a side extension is attached to the back of a neighbour's property, with a tiny gap and flashing. The proposal will lead to a significant loss of amenity for the neighbours and devalue property price.
- The 'drawings' shows a shallow mono pitched roof, finishing below my Bathroom and Landing window sills. This would mean that anyone standing in the bathroom and on the landing outside my bedroom would be at eye level with the 'knees' of anyone of average height standing on the roof along with security issues regarding my open windows.
- As this 'room' is a side extension of the existing kitchen extension at number 13 and the 'skylights' and 'door' would be under my rear windows and within a few meters of my bedroom window, cooking smells and general 'domestic' noise will 'travel' throughout my home. Lights turned on in the room at night will shine up through the skylights onto my rear windows.

- The proposed extension will create significant problems with maintaining the rear wall / foul waste pipe drains and a downpipe for 12 Linney. The wall is already suffering from damp inside no.12.
- No plans showing the ground floor levels of No.12 in relation to the foundations of the rear wall.
- The physical position of the 'right of way' gate between the two properties shown, is in dispute.
- There is no available public parking for the builder's use outside the properties and access for materials/builders etc. would be via the narrow 'right of way' across my property and past my kitchen window and impacting negatively on my daily use of my kitchen door for street access and access to my courtyard and pose a security risk for my home.
- The applicant's garden is overlooked by the rear of No 12 Upper Linney. The intended sunroom would offer the applicant some privacy.
- 12 Upper Linney recently built a high brick wall for privacy, the applicant should have equal rights.
- 12 Upper Linney in their objection refer to noise/cooking smells. when living in such close proximity to your neighbours, this is something that has to be expected. The proposal is to be a sun room not a kitchen, so these issues do not even apply.
- In reference to the Surveyor's (R O Sandbrook) three page letter in support of Mr Davis's objections, we find some of those comments to be of an irregular and emotive nature. The term 'bodged' for example seems quite unprofessional and frankly unfounded.
- Having looked at the detail of this application and made a site visit, I believe it should be scrutinised by the South Planning Committee and formally request a call in (WARD MEMBER).

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure

Visual impact and landscaping, Character and appearance of Conservation Area, impact on setting of Town Walls

Residential amenity

Archaeology

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'. Paragraph 11 of the National Planning Policy Framework 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.
- 6.1.2 Alterations and development to properties are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any extension and alterations are sympathetic to the size, mass, character and appearance of the original property and surrounding area and should also safeguard residential and local amenity. Policy MD2: Sustainable design of the adopted Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Section 12 of the National Planning Policy Framework also requires development to display favourable design attributes which contribute positively to making better for people, and which reinforces local distinctiveness.
- 6.1.3 The proposed site is within a designated Conservation Area, the proposal therefore has to be considered against policy CS17 'Environmental Networks' and MD13: Historic Environment of SAMDev which requires that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment and does not adversely affect the visual, ecological, geological or heritage values of these assets, their immediate surroundings. Legally, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.1.4 On the basis of the above, it is considered by Officers that there is no objection to the principle of the construction of an extension to the property. Other issues relating to scale, design, impact on neighbours etc. will be discussed further in this report.
- ### 6.2 Siting, scale and design of structure
- 6.2.1 The proposal would be rectangular in shape and constructed from brick work for the walls to match the existing kitchen extension, to the front and side elevations while the rear wall would be of timber and sloudbloc plasterboard allow access to the rear wall of No.12 which the proposal would sit adjacent to but would not adjoin. The side elevation of the proposal will extend beyond the side building line of the dwelling but would still remain within the dwellings' curtilage due to the unusual nature of the layout of these dwellings and garden areas.
- 6.2.2 The design of the extension is purposely simple, with a large 3-pane window to the rear formed in traditional joinery flanked with two brick piers between the frames and a large window either side of these pillars. A door would be added to the side elevation for access. The roof would be mono-pitched and tiled to match the existing dwelling with 2 roof lights.

- 6.2.3 It is considered that that proposal is sympathetic to the size, mass, character and appearance of the original dwelling house and would be in accordance with Shropshire Core Strategy Policy CS6 and SAMDev MD2. All the proposed materials will be reinforced by condition to ensure that the materials used will complement those of the existing dwelling.
- 6.3 Visual impact and landscaping, character and appearance of the Conservation Area.
- 6.3.1 The arrangement of the gardens behind Upper Linney terrace is uncommon with the garden areas being located behind the neighbour dwelling's rear elevational wall. The impact on the Conservation Area is minimal due to its location at the rear of the property, out of public view, and likewise the impact on the town wall would potentially be minimal due to the limited foundations required for the proposed extension. Neither the Councils Conservation Officer or Historic England raise objection to the proposed extension.
- 6.4 Residential Amenity
- 6.4.1 Various concerns regarding the impact of the proposal on the neighbouring dwelling has been submitted. It is accepted that the relationship is already poor between these properties, and the amenity of each occupant is already compromised.
- 6.4.2 No.12 Upper Linney has a Juliette balcony (which does not allow for seating) at 2nd floor level and 2 windows at 1st floor level. It is acknowledged that these actually cause more of a loss of residential amenity to No.13 as they allow for overlooked into their garden area. It is considered, that the proposed would actually increase the level of privacy for both dwellings. The proposed roof lights are angled away from the rear wall of the proposal which would help reduce sound and light seepage, and it would be hard from these proposed roof lights, due to the angles they would be positioned at within the roof to look up into the windows and Juliette balcony of No.12.
- 6.4.3 There would be minimal loss of light to the ground floor kitchen window of No.12, as the proposal would be approximately 2.5m away from the existing boundary fence and Right of Way access gate, and due the uncommon arrangements for the garden areas within Upper Linney this is considered to be a sufficient distance away from the proposal. In addition this kitchen window for No.12 currently looks out onto the outbuilding belonging to No.12 and a tall brick wall with an opening containing ironworks to which the Right of Way gate is attached to, and this would already contribute to overshadowing to this window.
- 6.4.4 Given the scale and siting of the proposed extension and the current comprised residential amenity due to the nature of Upper Linney, it is not considered that the proposal will cause any additional harm to the residential amenities of the neighbouring property in terms of overlooking, loss of light or privacy and would accord with the above policies. Additionally, it is not considered that the levels of activity associated with a minor increase in living accommodation shall give rise to levels of disturbance sufficient to cause undue harm to the neighbouring property.

6.5 Archaeology

6.5.1 The site can therefore be deemed to have some archaeological potential and therefore the application has been considered by Shropshire Council's Archaeology Officer. No objection has been raised and it is considered that the archaeological potential of the site can be satisfactorily managed by a condition requiring that a programme of archaeological work be submitted to the LPA for approval prior to the commencement of the works.

6.5.2 In view of the above, it is considered that the proposed development will not have a detrimental impact and that the proposal meets the requirements of paragraph 199 of the NPPF policy and MD13 of SAMDev.

6.6 Other Matters

6.6.1 As part of the public consultation process a number of objection comments have been received in relation to drainage, noise, cooking smells, devaluation of property value, security, right of way, as well as access for maintenance for the rear wall and for builders. Such issues are considered to be civil matters and do not form part of the consideration of this application.

7.0 CONCLUSION

7.1 The siting, scale and design of the proposed scheme is not considered to harm the visual amenity of the conservation area, unduly impact on the original dwelling or affect neighbours enjoyment of the residential area. The proposals comply with the relevant development plan policies and it is therefore considered to be a suitable scheme and recommendation is given to approval.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and SAMDev Plan Policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment
SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

SS/1/04/16297/LB Erection of extension and alterations to dwelling; demolition of (existing) outbuildings and lean-to roofing. PERCON 17th November 2004
SS/1/04/16296/F Erection of extension and alterations to dwelling; demolition of (existing) outbuildings and lean-to roofing. PERCON 17th November 2004

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PSL680TDMTB00>

List of Background Papers Design and Access/Heritage Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Andy Boddington
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. 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.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. 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. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable 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.
2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, 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. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation. Your attention is specifically drawn to any conditions above that require the Local Planning Authority's approval.

In accordance with Article 27 of the Town & Country Planning (Development Management Procedure) Order 2015 a fee may be payable to the Local Planning Authority for applications to discharge conditions. If a fee is necessary this will be required per request. The required forms are available from www.planningportal.gov.uk or from the Local Planning Authority.

Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given. Failure to discharge pre-commencement conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

4. The provisions of the Party Wall etc. Act 1996 apply in respect of this development and you are required to notify all neighbours affected by the proposal before any work commences on the site.
5. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

Committee and date

South Planning Committee

28 August 2019

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS

AS AT COMMITTEE 28 AUGUST 2019

LPA reference	18/01496/CPL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Phillip Broome
Proposal	Lawful development certificate for the proposed erection of leisure building, garages and garden room
Location	The Birches Cross Road Albrighton Shropshire WV7 3BJ
Date of appeal	18.07.19
Appeal method	Written Representation
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	17/05642/CPE
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Simon Reed
Proposal	Application for a Lawful Development Certificate for the use of the Pheasant Inn Public House as a single dwelling house
Location	The Pheasant Inn Britons Lane The Smithies Bridgnorth Shropshire WV16 4TA
Date of appeal	18.07.19
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/03245/CPE
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Pavan Banger
Proposal	Application for certificate of lawful development to continue to use the stable block as a dwelling and the erection of a carport having been completed more than 4 years preceding the date of this application
Location	Clematis Cottage 4 Rudge Heath Road Rudge Heath Claverley WV5 7DJ
Date of appeal	18.07.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/02281/FUL
Appeal against	Non determination
Committee or Del. Decision	n/a
Appellant	Churchill Retirement Living
Proposal	Demolition of the existing buildings and redevelopment to form 50 retirement living apartments, including communal facilities, access, car parking and landscaping.
Location	Land At Innage Lane Bridgnorth Shropshire
Date of appeal	18.03.2019
Appeal method	Written Representations
Date site visit	13.05.2019
Date of appeal decision	12.07.2019
Costs awarded	
Appeal decision	Allowed

LPA reference	18/05619/FUL
Appeal against	Non determination
Committee or Del. Decision	n/a
Appellant	Fifield Court Ltd
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
Date of appeal	18.3.2019
Appeal method	Written representations
Date site visit	17.06.2019
Date of appeal decision	30.07.2019
Costs awarded	
Appeal decision	Dismissed

LPA reference	18/01901/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	N S Avery
Proposal	Conversion of agricultural buildings to 5No. dwellings off existing access (re-submission)
Location	Barn At Chesterton Mill Chesterton Bridgnorth
Date of appeal	30/7/2019
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/03796/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr T Hughes
Proposal	Outline application for the erection of 2No. dwellings to include means of access
Location	Proposed Residential Development Land At Secret Cottage Linley Brook Broseley
Date of appeal	13.02.2019
Appeal method	Written Representations
Date site visit	23.04.2019
Date of appeal decision	15.08.2019
Costs awarded	
Appeal decision	Dismissed

LPA reference	18/03509/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Kirbycraft Ltd
Proposal	Change of use of land for the siting of 10 glamping tents plus one communal tent, formation of car park and replacement of existing building to provide shower/amenity block (part retrospective) (amended description)
Location	Proposed Camping Site And Amenity Block Adj The Old Vicarage Knowlesands Bridgnorth
Date of appeal	16.08.2019
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/02099/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	D Nicholson & S Marnick
Proposal	Erection of three storey apartment building (6 apartments) following demolition of garage block
Location	Land Adj 50 Shrewsbury Road Craven Arms Shropshire
Date of appeal	11.02.19
Appeal method	Written Representations
Date site visit	
Date of appeal decision	15.08.19
Costs awarded	
Appeal decision	Dismissed



Appeal Decision

Site visit made on Monday 13 May 2019

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/L3245/W/18/3218397

Land at Innage Lane, Bridgnorth WV16 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Churchill Retirement Living against Shropshire Council.
 - The application Ref 18/02281/FUL, is dated 16 May 2018.
 - The development proposed is demolition of the existing buildings and redevelopment to form 50 retirement living apartments, including communal facilities, access, car parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing buildings and redevelopment to form 50 retirement living apartments, including communal facilities, access, car parking and landscaping on land at Innage Lane, Bridgnorth WV16 4ER in accordance with the terms of the application, Ref 18/02281/FUL, dated 16 May 2018, subject to the conditions in the schedule at the end of this decision.

Procedural matter

2. A Preliminary Ecological Appraisal submitted in relation to a revised application for the appeal site, validated on 15 March 2019, confirmed the need for further survey work in order to determine the effect of development on wildlife and to detail mitigation and enhancement measures. In response to the appellant's request, I agreed to delay the determination of this appeal on the basis that the survey work was received before the end of June 2019 and the Council was given the opportunity to consider it. The Ecological Assessment was received on 26 June 2019 and the Council was given a week in which to pass comment on it if it so wished. No comments were received.

Main Issues

3. On the basis of its appeal statement, report on the application and the absence of comment on the Ecological Assessment, the local planning authority has no objection to the proposed development. Given the previous dismissed appeal¹ for the same type of development on the site, and the third party representations received at application and appeal stage, the main issues in this appeal therefore are:
 - the effect of the proposed development on the character and appearance of the area, including heritage assets such as Innage Gardens Conservation

¹ Ref APP/L3245/W/16/3161114

Area, the Bridgnorth Conservation Area and the loss of buildings on the site; and,

- whether the proposed development should make an appropriate financial contribution towards off-site affordable housing provision.

Reasons

4. As the appeal site is located within the Key Centre of Bridgnorth the development of open market dwellings is supported by the spatial strategy of the Shropshire Local Development Framework: Core Strategy ('Core Strategy') and so is acceptable in principle.

Character and appearance

5. The character and appearance of the area is heavily influenced by the conservation areas located on both sides of the appeal site. The Bridgnorth Conservation Area to the south is the larger of the two and encompasses the town centre and its environs which contain well designed older and historic buildings. On the northern side of the appeal site is the Innage Gardens Conservation Area which is characterised by Edwardian and Victorian buildings of quality. The significance of both Conservation Areas is therefore architectural and historical.
6. The appeal site is occupied by three non-designated heritage assets (NDHAs): Innage Lea, an early 19th Century house; its outbuilding; and, 'The Barn'. The last of these three buildings has been heavily modified by modern showroom additions. The significance of the buildings, which make a moderate contribution to the character and appearance of the area, is due primarily to their location on what was historically the rural fringe of Bridgnorth and their association with the Apley Estate. The rest of the appeal site is largely occupied by commercial showrooms and hardstanding whose utilitarian design detracts from the setting of the NDHAs and the adjacent Conservation Areas. As a result, these latter features do not make a positive contribution to the streetscene.
7. For the reasons given by the previous Inspector in relation to 20th Century development within and around the site, I agree that the NDHAs do not materially contribute to the setting of either Conservation Area. When compared to the public benefits of providing 50 units of accommodation I find that the significance of the NDHAs does not justify resisting redevelopment of the appeal site.
8. In comparison to the previous scheme dismissed on appeal, the massing of the building along Innage Lane and Hospital Walk is better broken up into smaller parts through the use of a more varied roof line. As a consequence of this approach and the gradual increase in height from two storeys to three storeys from north to south along the Lane the proposed building complements the scale of development on both sides of the site. The removal of features such as the pastiche octagonal tower of which the previous Inspector was critical has also improved the quality of the building's design. Subject to the use of a condition requiring the approval of the profiles and sections of windows and doors, the use of UPVC in the proposed building would not be problematic.
9. Taking all these matters into account I therefore conclude that the proposed development in scale, layout and appearance would be well designed and would complement the character and appearance of the area, including the setting of the adjacent Conservation Areas, and that the removal of the

existing buildings which are NDHAs on the site would be acceptable. It would therefore comply with policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of the Site Allocations and Management of Development Plan (SAMDev) which seek high quality design and adopt a reasoned approach to the protection of the historic environment. It would also comply with the National Planning Policy Framework ('the Framework') which in relation to development affecting NDHAs requires a balanced judgement to be made.

Contribution towards the provision of off-site affordable housing

10. Policy CS11 of the Core Strategy currently seeks the provision of 20% affordable housing in new residential schemes in Bridgnorth. On the basis of the evidence provided to him the previous Inspector was not persuaded that the 55 apartment scheme for the elderly he was considering would be unable to make a financial contribution towards the provision of off-site affordable housing.
11. Since then the appellant has produced an updated viability report. The Council and its advisors, who were critical of the viability report on the previous scheme, accept that the current appeal proposal cannot support the provision of any on site affordable housing, or a contribution towards the same. In the absence of dispute in relation to this matter, and given the thoroughness demonstrated by the Council's experts in assessing viability matters in relation to development of the site, I have no good reason to disagree with the Council's position that no affordable housing contribution can be supported by the scheme.

Other matters

Highway safety

12. Adequate on-site parking is necessary in order to minimise highway safety problems associated with poor on-road parking and reduced intervisibility between pedestrians and other highway users. 22 parking spaces are proposed for the scheme. Given that the appeal site is located opposite a public car park, next to medical facilities and within easy walking distance of the town centre, I agree with the Council that such parking provision would be acceptable for the size of development proposed.
13. Whilst the access to the site is close to a bend, a 20mph speed limit applies and owing to the adjacent pedestrian crossing on-road parking is prevented close to the access. As a result, I am satisfied that there would be adequate opportunity for vehicles to safely exit the site and join the highway.

Living conditions

14. The south eastern elevation of the proposed apartment building would face Bridgnorth Hospital across the side boundary of the site. As a result, apartment windows within this element of the building would face windows in the hospital. However, the plans show that the tall mature hedge and trees along the side boundary which serve as an effective screen would be retained and conditions requiring the protection of existing trees and hedges could be attached to the permission. Moreover, the separation distances between the facing elevations would increase from approximately 14m at the western end of the buildings to around 20m at their eastern end. With the lower half of many of the hospital windows obscurely glazed and the blinds that I saw are in use, I therefore find that acceptable levels of privacy would remain.

Biodiversity

15. The Ecological Assessment, dated 19 June 2019, identifies that bats use parts of the site for foraging and commuting and that the house is used as a day roost by one bat. Hedgehogs were seen on the site, but no reptiles were observed.
16. Measures to mitigate the effect of development on bats, hedgehogs and birds during demolition, site clearance and construction are described in section 4 of the Assessment. This section also advises that once the development is complete appropriately designed external lighting, bird / bat boxes and the enhancement of remaining trees and soft landscaping with appropriate planting would provide foraging, commuting and nesting opportunities for the wildlife described.
17. Based upon the submitted evidence, I therefore find subject to the implementation of the measures described that biodiversity on the site would be protected and slightly enhanced. The proposed development would therefore comply with policy CS17 of the Core Strategy and policy MD12 of the Site Allocations and Management of Development Plan (SAMDev) which both seek to protect and enhance ecology.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Conditions

19. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. To define the permission and ensure that the onsite parking is commensurate with the likely demand occupation needs to be limited to people of retirement age.
20. To protect the living conditions of nearby residents and hospital patients, the hours of construction and demolition together with the location of external lighting need to be controlled. For the same reason, a Construction Method Statement is necessary.
21. To protect the trees and hedges on the site that are to be retained the Arboricultural Method Statement together with a tree protection plan need to be implemented. To protect and enhance biodiversity, bird and bat boxes need to be provided and precautionary, mitigation and enhancement measures carried out.
22. To encourage the use of sustainable modes of transport a Travel Plan is necessary. To ensure satisfactory drainage of the site and to avoid flooding a scheme for foul and surface water drainage is required.
23. To provide a record of Innage Lea in accordance with paragraph 199 of the Framework, a photographic survey needs to be carried out and appropriate steps taken to record and deal with any unknown evidence of historic character that is encountered during the development. Given that it has been assessed that the site has moderate potential for medieval and post medieval archaeology a programme of archaeological work is required.
24. As the site has had a mixture of uses over the years and the land occupied by the buildings has not been considered a land contamination assessment is required.

25. In order to ensure that the development complements its surroundings further details on materials to be used on external surfaces and details of all windows and doors are required. The proposed landscaping needs to be implemented in a timely manner and for any planting to become well established it needs to be well maintained.
26. In the interests of highway safety, further details on the design, construction and drainage of the access, parking and turning areas are required.
27. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
28. Following the site visit, to accord with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the appellant was invited to comment on conditions 6 to 11. As a response was not received, in accordance with Regulation 2(1)(b), consent for these pre-commencement conditions has been deemed to have been given.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 30027BN/P-300, 30027BN/P-301, 30027BN/P-302, 30027BN/P-303, 30027BN/P-304, 30027BN/P-305, 30027BN/P-306, 30027BN/P-307, 30027BN/P-308, 30027BN/P-309 A, 30027BN/P-311
- 3) Demolition and construction work shall not take place outside the following times: - Monday to Friday 0730hrs to 18.00hrs, Saturday 08.00hrs to 13.00hrs and not at any time on Sundays, bank or public holidays.
- 4) The landscape works shall be carried out in full compliance with the approved plan and schedule in the first planting and seeding seasons following the completion of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 5) The development shall be implemented in accordance with the approved Arboricultural Method Statement (Section 2 and Table 2 of the Arboricultural Appraisal and Method Statement, 15423-AA5-CA, Barrell Tree Consultancy, May 2018) and the approved Tree Protection Plan (15423-BT6, Barrell Tree Consultancy).
- 6) No development approved by this permission shall commence until a pre-demolition photographic survey has been submitted to and approved by the Local Planning Authority. The photographic survey shall include in particular previously unrecorded areas of Innage Lea.

- 7) No penetrative ground works or ground re-profiling approved by this permission shall commence until a programme of archaeological work has been secured based on a specification (written scheme of investigation (WSI)) submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall thereafter be carried out in complete accordance with the approved specification.
- 8) 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 and timing of traffic movements to and from the site;
 - 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; and,
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 9) Prior to commencement of development and before any development-related equipment, materials or machinery are brought onto the site, a final Arboricultural Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority, in accordance with Section 2.5 of the approved Arboricultural Method Statement (Arboricultural Appraisal and Method Statement, 15423-AA5-CA, Barrell Tree Consultancy, May 2018). The development shall be carried out in accordance with the approved Arboricultural Construction Method Statement.
- 10) No development, with the exception of site clearance works, shall take place until a scheme for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before first occupation of the development.
- 11) (a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- (b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

- 12) Prior to the construction of the new access, parking and turning areas, details of their design and construction, together with details of the disposal of highway surface water shall be submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied and the access, parking and turning areas shall be maintained thereafter free of any impediment to their designated use.
- 13) Prior to the first occupation of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented within one month of first occupation of the development. The travel plan measures shall relate to the entirety of the whole site, and reflect the appropriate uses of the site.
- 14) The external facing materials shall comprise of the palette of materials specified in the materials key of the approved elevation drawings, or any alternative schedule of materials which has first been approved in writing by the Local Planning Authority prior to their first use in the development. The development shall be carried out in accordance with the approved details
- 15) Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 16) Prior to their installation in the building, details of all external windows and doors including their materials, finish, profiles, sections and depths of external reveals shall be submitted to and approved in writing by the Local Planning Authority. All doors and windows shall be installed in complete accordance with the approved details.
- 17) If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered during the course of building works, an appropriate record, together with recommendations for dealing with it in

the context of the scheme, shall be submitted to and approved in writing by the Local Planning Authority.

18) Prior to first occupation of the building, details for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority, and installed in accordance with the approved details. The details shall include the erection of:

- A minimum of 5 external bat boxes or integrated bat bricks suitable for nursery or summer roosting for small crevice dwelling bat species;
- A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

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

19) Other than where there is conflict with condition 18, the precautionary, mitigation and enhancement measures identified in Section 4 of the Ecological Assessment (dated 19 June 2019) carried out by Tyler Grange shall be implemented during the demolition, site clearance and construction phases of the development with enhancement measures completed prior to first occupation of the building.

20) The apartments hereby approved shall be occupied solely by persons aged 60 or over, and any partners of those persons of at least 55, or a widow or widower of such a person.

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

-----End of Conditions Schedule-----

This page is intentionally left blank



Appeal Decision

Site visit made on 17 June 2019

by Michael Wood RIBA

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/L3245/W/19/3226433

Fifield, Barratts Hill, Broseley, TF12 5NJ

- The appeal is made under the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Fifield Court Ltd against Shropshire Council.
 - The application Ref 18/05619/FUL is dated 21 November 2018.
 - The development proposed is the erection of a dormer bungalow with associated parking and external works and restoration of a glass house following demolition of a derelict classroom and WC block.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Background and Main Issues

2. The Council is satisfied that it can demonstrate a deliverable five year housing land supply to meet identified housing need and this is not disputed by the Appellant. In light of the above, the Council states that policies on the amount and location of residential development should be regarded as being up-to-date and there is no pressing need at this time to support sites beyond the boundaries of the designated settlements by way of supplementing the housing targets of Shropshire.
3. The main issues are; firstly, whether the proposal would preserve or enhance the character or appearance of the Broseley Conservation Area (CA); and secondly, whether there are special circumstances sufficient to justify a departure from Development Plan policies relating to housing development within the open countryside.

Reasons

Character and appearance of the Broseley Conservation Area

4. The Appellant wishes to replace a derelict former classroom block within the grounds of a large house in an elevated position on the edge of the urban area of Broseley. Fifield House overlooks the proposed development site and beyond it, the largely undeveloped Benthall Valley, with its substantial woodlands and mature trees. The proposed house would be in Broseley CA, which is associated with the industrial origins and development of nearby Ironbridge.
5. Policy MD2 of Shropshire Council's Site Allocations and Management of Development Plan (SAMDev) of 2015 sets out, for development proposals to be

acceptable, that they should respond positively to Town Plans protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting.

6. The Broseley Town Plan 2013 - 2026 of 2013 (the Town Plan) contains a map of the designated development boundary, which cuts through the grounds of Fifield House and through the appeal site. The Appellants hold the view that even though the proposed curtilage of the house would be largely outside the development boundary of Broseley, development should be acceptable because the house and its site would be adjacent to the boundary. From the statements of both Appellants and the Council, there is no dispute that the former classroom is outside the development boundary and it appears, from the plans before me, that the development boundary would pass close to the north-east end of the house. I conclude that, for the purpose of the appeal, the house should not be considered within the designated development boundary and that it would conflict with the Town Plan.
7. Whilst the harm to the setting of buildings within the CA would be less than substantial, I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
8. The Broseley CA appraisal describes the setting at this location as having a strong rural and agricultural character, with pasture, hedgerows and trees, farmhouses and scattered buildings contained within the Benthall Valley. Concerns have been expressed by officers and I agree that development would dilute the open and spacious character of the area. The development would be of significant harm to the Broseley CA and to the countryside and fail to preserve or enhance the character or appearance of the CA. I conclude that the development would not be in accordance with policies MD2, MD7a, MD12, MD13 and MD17 of SAMDev and, not in accordance with policies CS1, CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy of 2011.

Whether there are special circumstances

9. Paragraph 196 of the National Planning Policy Framework (the Framework) of 2019 refers to where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset and advises that this harm should be weighed against the public benefits. The Appellant contends that the removal of the derelict classroom weighs in favour of permitting a new dwelling. I have taken the benefit of this into account and also that the proposed site would be concealed and well located in relation to services and town centre facilities. However, I conclude that the harm to the immediate rural character and also to the CA, from this substantial house, would significantly outweigh any limited benefit and that there are no special circumstances sufficient to justify a departure from Development Plan policies relating to housing development within the open countryside.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

Michael Wood
INSPECTOR



Appeal Decision

Site visit made on 23 April 2019

by **Martin H Seddon BSc DipTP MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2019

Appeal Ref: APP/L3245/W/19/3221693

Secret Cottage, Linley Brook, Bridgnorth, Shropshire, WV16 4SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Hughes against the decision of Shropshire Council.
 - The application Ref: 18/03796/OUT, dated 24 August 2018, was refused by notice dated 29 November 2018.
 - The development proposed is residential development (outline).
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in February 2019. However, this mainly concerned the housing delivery test. I consider that there is no prejudice to the main parties from basing my decision on the revised version as a material consideration.

Main Issues

3. The application is in outline with all matters reserved except means of access. The main issues are:
 - whether the proposal is a suitable location for new residential development having regard to the spatial strategy of the development plan, and
 - the effect on the character and appearance of the area.

Reasons

4. The appeal site is located within the small rural settlement of Linley Brook and within the open countryside. Secret Cottage is situated in its own grounds at the end of a track which leads from the B4373. Nearby houses form a random low density assemblage on the valley side. They vary in age and design, being generally detached houses on large plots. An indicative site layout plan has been submitted showing how the proposed dwellings could be accommodated on the site. I have treated this as being for illustrative purposes only.

Whether the proposal is a suitable location

5. The development plan includes the Shropshire Core Strategy (2011) and the Shropshire Site Allocations and Management of Development Plan (SAMDev

Plan) (2015). The Council can demonstrate that it has a 5 year housing land supply and hence the development plan can be considered to be up to date. Core Strategy policy CS1 indicates the broad distribution of development between Shrewsbury, Market Towns and Key Centres, and the rural area. It explains that in rural areas development and investment will be located predominantly in community hubs and community clusters and will contribute to social and economic vitality.

6. Core Strategy policy CS4 forms the basis for community hubs and settlements as part of a rural rebalance approach to development. Outside these settlements, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing. Linley Brook is not identified as a hub or cluster in SAMDev Plan policy MD1.
7. The spatial strategy does not set a complete prohibition of housing development in the countryside. Core Strategy policy CS5 supports development proposals on appropriate sites which maintain and enhance countryside vitality and character and where they improve the sustainability of rural communities by bringing local economic and community benefits. This is consistent with rural housing objectives in the Framework. Linley Brook is around 6 km from Bridgnorth and has no public services or facilities, or easy access to services. In view of that situation the proposed 2 houses could only contribute in a very limited way towards meeting these development plan and national policy objectives.
8. The Framework also indicates that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this. Even if the site was to be considered to be appropriate in accordance with Core Strategy policy CS5, no compelling need for entry level housing in Linley Brook has been identified by the Council or demonstrated by the appellant.
9. The appellant has submitted details of the bus timetable for Telford to Bridgnorth via Linley Brook. This service does not appear relatively frequent, with no late evening buses and none on Sundays. The bus stop is said to be a short distance away, but the B4373 has no pavements near the appeal site and is difficult for pedestrian use, even in daylight, because of passing traffic and the road layout. In these circumstances I consider that any occupants of the proposed buildings would be heavily reliant on private car use.
10. The proposal would not be in a sustainable location and development would conflict with Core Strategy policy CS6 which sets the broad framework for considering the sustainability and development credentials of individual applications. I find that the proposed development would conflict with the spatial strategy of the development plan and Core Strategy policy CS5, which indicates that new development will be strictly controlled in accordance with national planning policies protecting the countryside.

Effect on the character and appearance of the area

11. Secret Cottage is a solitary detached dwelling with an outbuilding, but although secluded, could not be considered to be isolated. The proposed dwellings would introduce additional built development in this rural location and diminish the open character of the landscape. I consider that it would be possible to

build dwellings which met the design sustainability aspects of Core Strategy policy 17 and SAMDev policy MD2. However, because of its rural location, development would be harmful to the character and appearance of the countryside, contrary to Core Strategy policies CS6 and CS17 which, amongst other things, seek to protect and enhance the high quality and local character of Shropshire's natural environment.

Other Matters

12. The appellant has referred to an appeal that was allowed for 4 dwellings (including one affordable) at Queens Head. However, the site constituted a gap in a small group of dwellings, the bus route had a half hourly service in either direction and there was a nearby neighbouring settlement which contained a village shop and primary school accessible by a 10-15 minute walk. I consider that the circumstances differ significantly from those in the appeal before me and this previous appeal decision is insufficient reason to justify allowing the appeal.
13. The appellant considers that the site constitutes brownfield land, being garden land not in a built up area. The Framework defines previously developed land as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure". Despite this, the definition notes that it should not be assumed that the whole of the curtilage should be developed.

Conclusions

14. The proposal could result in local economic and community benefits through employment and services in the construction stage; there would be a potential CIL contribution; the buildings could be energy efficient and use sustainable urban drainage systems; be specifically developed to preserve and enhance biodiversity and to prevent crime. It would also make a small contribution towards the housing land supply as a windfall development, potentially utilising previously developed land. However, these claimed benefits would be clearly outweighed by the conflict with the spatial strategy and harm to the character and appearance of the countryside in an unsustainable location.
15. I have taken all other matters raised into account. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 23 April 2019

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2019

Appeal Ref: APP/L3245/W/18/3214977

Former garages, Newington Way, Craven Arms, Shropshire, SY7 9NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Nicholson & Mr S Marnic against the decision of Shropshire Council.
 - The application Ref: 18/02099/FUL, dated 2 May 2018, was refused by notice dated 16 July 2018.
 - The development proposed is demolition of vacant garages and erection of 6 apartments.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in February 2019. However, this mainly concerned the housing delivery test. I consider that there is no prejudice to the main parties from basing my decision on the revised version as a material consideration.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. Craven Arms is identified in Shropshire Council Local Development Framework Core Strategy policy CS3 as a Key Centre. The scale of development proposed in the development plan reflects both the role of Craven Arms as the local growth point in the A49 corridor and the potential of the town to deliver housing, employment and services. This policy is supported by Site Allocations and Management of Development (SAMDev) Plan policy S7 for the Craven Arms Area. The Council advises that there is a particular need for housing in Craven Arms because of the relatively low completion rate. The appeal site is in a sustainable location with good access to services and facilities in Craven Arms.
5. The appeal site is situated between a two storey housing terrace and a public car park. There is a further car park and the modern building of the Craven Arms Community Centre to the rear. The proposed apartment block would be

three storeys high and would have twin gables at its front elevation facing Shrewsbury Road. There is a high apartment block further along Shrewsbury Road and permission for another block at Station Road. However, residential development in the immediate vicinity of the appeal site is predominantly two storeys.

6. The proposed apartments would have limited private amenity space. However, I accept that the site is located near adequate alternative recreational facilities including a playing field and play area, and facilities at the community centre.
7. The appellants advise that the Council has encouraged design quality and three storey landmark schemes within the town. However, development should respect and complement its surroundings. Core Strategy policy CS6 seeks, amongst other things, to ensure that development is appropriate in scale, density, pattern and design, taking into account the local context and character. The proposed apartment block would appear out of character and dominant in the street scene because of its proposed height and bulk. Its prominence would be increased because it would be sited forward of the adjacent housing terrace, with limited frontage space. It would also appear out of scale with the terrace and, whether or not the sizes of the flats meet national floorspace standards, it would still represent an overdevelopment of the site.
8. I find that the proposal would harm the character and appearance of the locality and the street scene at this main route through the settlement. It would conflict with Core Strategy policy CS6 and with SamDev Plan policy MD2 regarding sustainable design and the design objectives of the National Planning Policy Framework.

Conclusions

9. The proposal would make a modest contribution towards the housing land supply. However, the benefits would be outweighed by the harm from the proposed apartment block to the character and appearance of the street scene. I have taken all other matters raised into account. For the reasons given above, the appeal is dismissed.

Martin H Seddon

INSPECTOR