



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

Date: Monday, 14 October 2019

**Committee:
Southern Planning Committee**

Date: Tuesday, 22 October 2019
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

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

Members of the Committee

David Evans (Chairman)
David Turner (Vice-Chair)
Andy Boddington
Simon Harris
Nick Hignett
Richard Huffer
Cecilia Motley
Tony Parsons
Madge Shingleton
Robert Tindall
Tina Woodward

Substitute Members of the Committee

Roger Evans
Nigel Hartin
Christian Lea
Elliott Lynch
Dan Morris
Kevin Pardy
William Parr
Kevin Turley
Claire Wild
Leslie Winwood
Michael Wood

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 - 16)

To confirm the minutes of the Southern Planning Committee meeting held on 24 September 2019 and the Central Planning Committee held on 29 August 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, 18 October 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 Pennerley House, Pennerley, Shrewsbury, Shropshire, SY5 0NE (18/04261/OUT) (Pages 17 - 36)

Erection of dwelling (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved).

6 Cressage Men's Club, Sheinton Road, Cressage, Shrewsbury SY5 6BY (19/03422/FUL) (Pages 37 - 50)

Application under Section 73A of the Town and Country Planning Act 1990 for the formation of a decked area (re-submission).

7 Schedule of Appeals and Appeal Decisions (Pages 51 - 56)

8 Exclusion of Press and Public

To consider a resolution under Section 100 (A) of the Local Government Act 1972 that the proceedings in relation to the following items shall not be conducted in public on the grounds that they involve the likely disclosure of exempt information as defined by the provisions of Schedule 12A of the Act.

9 Planning Enforcement Quarterly Report (Pages 57 - 64)

10 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 19 November 2019, in the Shrewsbury Room, Shirehall.

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Committee and Date

Southern Planning Committee

22 October 2019

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 24 September 2019

2.00 - 4.01 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 David Evans (Chairman)

Councillors Andy Boddington, Simon Harris, Richard Huffer, Cecilia Motley, Tony Parsons, Madge Shingleton, Robert Tindall, David Turner (Vice-Chair), Tina Woodward and Claire Wild (Substitute) (substitute for Nick Hignett)

36 Election of Chairman

RESOLVED: That Councillor David Evans be elected Chairman for the remainder of this municipal year.

37 Apologies for Absence

An apology for absence was received from Councillor Nick Hignett (Substitute: Claire Wild).

38 Appointment of Vice-Chairman

RESOLVED: That Councillor David Turner be appointed Vice Chairman for the remainder of this municipal year.

39 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 28 August 2019 be approved as a correct record and signed by the Chairman.

40 Public Question Time

There were no public questions or petitions received.

41 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 agenda item.

With reference to planning application 19/03195/FUL, Councillor Richard Huffer declared that the applicant was his son and he was also the local Ward Councillor and would leave the room during consideration of this item.

With reference to planning applications 18/00027/FUL, 18/03868/OUT and 19/02268/FUL Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Strategy and Performance Committee. She confirmed that she had taken no part in any discussion relating to these applications.

With reference to planning applications 18/00027/FUL, 18/03868/OUT and 19/02268/FUL Councillor David Turner declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Strategy and Performance Committee. He confirmed that he had taken no part in any discussion relating to these applications.

42 Cartway Cottage, Woodbank, Abdon, Craven Arms, Shropshire (18/00027/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 that morning and had assessed the impact of a proposal on the surrounding area.

Councillor R Price, representing Abdon and Heath Parish 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 Cecilia Motley, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- Regardless of how far it was sunk into the ground, the view from the hill will be that of a utilitarian structure;
- She questioned why a three-bay garage and log store needed to be so far away from the farmhouse especially given the deep slope to and from the structure;
- Abdon and Heath Parish Council has been consistent in its objection to this proposal and especially because of its location within a most sensitive area of the Area of Outstanding Natural Beauty (AONB);
- Any building in this location is the wrong building; and
- The proposal will be contrary to the 'Type and Affordability of Housing' Supplementary Planning Document which expects domestic additions to be sympathetic to the size, mass, character and appearance of the original dwelling and to the local context (see paragraph 6.2.1 of the report).

Mrs Graham, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members she explained the reasons why a land swap would not be feasible. She confirmed that the building would be used to store oil pink and not logs and there was no intention of using the building as a separate dwelling.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

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

The proposed detached garage, by reason of its elevated, exposed, open position and size would not serve to conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty, and its adverse visual impact will not be adequately mitigated by the proposed tree planted earth bund. The proposal is therefore contrary to Shropshire Core Strategy policies CS5, CS6 and CS17; Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD12; paragraphs 127, 170 and 172 of the National Planning Policy Framework (NPPF); and it would not satisfy the environmental objective of sustainable development set out in the NPPF

(Councillor Robert Tindall joined the meeting during consideration of this item and abstained from voting.)

43 Proposed Dwelling To The East Of Corfton, Shropshire (18/03863/OUT)

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 that morning and had assessed the impact of a proposal on the surrounding area.

Mr M Jones, representing local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Councillor D Hedgley, representing Corfton Parish 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 Cecilia Motley, local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- Corfton has unfairly been selected for more and more open market development;

- There is an underlying need for affordable housing for local families. It is becoming impossible for local families to afford housing in places such as Corfton;
- The scheme is neither a conversion or infilling and sits within the AONB;
- The proposed access out onto Hollow Lane, even with a large visibility splay, will have a narrow turning circle and will involve the destruction of part of the hedge of the ancient hollow way serving Corfton Bache; and
- Need to take into account the problems Corfton is experiencing because of the concentration of open market housing in the area.

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

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

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

1. The proposed siting and access to the development would involve the destruction and removal of part of the historic stone wall and hedgerow, significantly harming and changing the character of the adjacent lane and the surrounding area and would not therefore serve to conserve the landscape and scenic beauty of the Area of Outstanding Natural Beauty. In addition the proposal is not considered to constitute an infill plot as it would be development eroding the gap between Corfton and Corfton Bache. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS4, CS6 and CS17; Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD12 and paragraphs 127, 170 and 172 of the National Planning Policy Framework (NPPF); and it would not satisfy the environmental objective of sustainable development set out in the NPPF.
2. Whilst it is acknowledged that Corfton is part of a Community Cluster in the adopted Site Allocations and Management of Development (SAMDev) Plan where open market housing development by infilling is acceptable on suitable sites. However, this scheme for an open market dwelling would add to the number of permissions already granted within Corfton and would further increase the number of permitted dwellings above the cluster guideline, with the result that the settlement having a disproportionate concentration of new housing in the cluster group, to the detriment of the character of the area.. Accordingly, a further open market dwelling in this location would conflict with Shropshire Core Strategy Policies CS4 and SAMDev Policies MD1, MD3 and Policy S7.2(ii) of the Shropshire Council Site Allocations and Management of Development Plan.

(At this juncture, the meeting adjourned at 03:10 pm and reconvened at 03:16 pm.)

44 Proposed Commercial Development Land To The North Of Bishops Castle Business Park, Bishops Castle, Shropshire (19/02268/FUL)

(At this juncture, Councillor Claire Wild left the meeting and did not return.)

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Ruth Houghton, local Ward Councillor, and also representing Bishops Castle Town Council, 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 support for this application; and
- The development was very much welcomed particularly by existing businesses, would support small start-ups and provide employment.

Members considered the submitted plans and it was:

RESOLVED:

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

45 St Mary's Church, Bridgnorth (19/02793/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.

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

Rev. S Cawdell, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and responded to questions from Members of the Committee.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members debated the impact on the surroundings and neighbouring properties. In response to a question, the Technical Specialist Planning Officer explained that this application, if granted, would enable Shropshire Council to set parameters which would control the use and operating times of the car park at all times.

RESOLVED:

That, as per the Officer’s recommendation, planning permission be granted subject to the conditions as set out in Appendix 1 to the report.

46 Park Farm, Angel Lane, Farden, Ludlow, Shropshire (19/03195/FUL)

In accordance with his declaration at Minute No. 41. Councillor Richard Huffer left the room during consideration of this item.

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

RESOLVED:

That, as per the Officer’s recommendation, planning permission be granted subject to the conditions as set out in Appendix 1 to the report.

47 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 24 September 2019 be noted.

48 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 Tuesday, 22 October 2019 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



Committee and Date

Southern Planning Committee

22 October 2019

CENTRAL PLANNING COMMITTEE

Minutes of the meeting held on 29 August 2019

2.00 - 3.58 pm in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Shelley Davies

Email: shelley.davies@shropshire.gov.uk Tel: 01743 257718

Present

Councillor Ted Clarke (Chairman)

Councillors Nat Green (Vice Chairman), Julian Dean, Nick Hignett, Tony Parsons, Roger Evans (substitute for David Vasmer) and Kevin Pardy (substitute for Pamela Moseley)

27 Apologies for absence

Apologies for absence were received from Councillors Alex Phillips, Pam Moseley (Substitute: Kevin Pardy), Keith Roberts and David Vasmer (Substitute: Roger Evans).

28 Minutes

RESOLVED:

That the Minutes of the meeting of the Central Planning Committee held on 4th July be approved as a correct record and signed by the Chairman.

29 Public Question Time

There were no public questions or petitions received.

30 Disclosable Pecuniary Interests

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

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

The Chairman agreed to alter the order of the agenda and noted the following revised order in which the Planning Applications would be considered:

- 19/03076/VAR - Holiday Lets at Black Lion House, Church Pulverbatch, Shrewsbury
- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury
- 19/02898/FUL - Land to the rear of Wenlock Road, Shrewsbury

31 Holiday Lets at Black Lion House, Church Pulverbatch, Shrewsbury - 19/03076/VAR

The Area Planning Manager introduced the application to vary Condition No. 2 attached to planning permission 11/05008/FUL dated 18th January 2012 to regularise the internal construction and configuration and to reflect changes to the applicants' business plan and confirmed that the Committee had undertaken a site visit to assess the impact of the proposed development on neighbouring properties and the surrounding area that morning.

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

RESOLVED:

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

At this point Cllr Nat Green joined the meeting.

32 Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury - 19/01866/OUT

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

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

The Planning and Enforcement Officer gave an overall presentation in regard to the following four Planning Applications which he explained were interlinked and had been jointly submitted by Shropshire Council and the Diocese of Lichfield:

- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury

The Planning and Enforcement Officer introduced the outline application (access for consideration) for the erection of Scout and Guide headquarters building; including demolition of existing building and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation from the Case Officer to clarify the reason the application required consideration by the Central Planning Committee and to state that Shropshire Council was neither the landowner nor the applicant.

Councillor Teresa Lewis, on behalf of Bayston Hill Parish Council spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ted Clarke addressed the Committee as the local ward Councillor to state that he was in full support of the application and then left the table, took no part in the debate and did not vote on this item.

In response to a query from a Member whether it would be possible to include pedestrian and cycle access from the site to into the town, the Area Planning Manager stated that at the reserved matters stage the applicant could be asked if they were willing to provide this access but unless it was seen to be necessary by Highways, Officers could not insist that the access be provided by the developer.

Having considered the submitted plans and listened to the comments made by the speakers Members unanimously expressed the view that the application be approved as per the Officer's recommendation.

RESOLVED:

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

33 Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury - 19/01873/OUT

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

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

Before consideration of item 19/01866/OUT – Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury, the Planning and Enforcement Officer had given an overall presentation in regard to the following four Planning Applications which he explained were interlinked and had been jointly submitted by Shropshire Council and the Diocese of Lichfield:

- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury

The Planning and Enforcement Officer introduced the hybrid (full and outline) application for residential development (outline) and the erection of community building with car parking (full) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation from the Case Officer in relation to the submission of a Flood Risk Assessment by WSP and comments in response provided by the Council's SUDS team and the following amendment to the recommendation:

Grant permission subject to the conditions set out in Appendix 1 and the completion of a Memorandum of Understanding to secure S106 on the transfer of the land.

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

- A Working Group had been working on the closure of the School for the last 10 years, with the Diocese of Lichfield included in the proposals around 5 – 6 years ago;
- The proposals had been subject to numerous consultations and the village broadly accepted the development of the site; and
- There was a need for single storey accommodation in Bayston Hill.

The Solicitor explained that Shropshire Council as part landowner could not agree a S106 with themselves and therefore a memorandum of understanding was required to ensure that a S106 was secured on the transfer of land. It was added by the Solicitor in response to comments from a Member that an informative could be added to the decision notice and included in the memorandum of understanding to request that the developer liaises with the Parish Council regarding the future plans for the site.

Having considered the submitted plans and listened to the comments made by the local ward Councillor, the majority of Members expressed the view that the application be approved as per the Officer's recommendation subject to an informative being added to the decision notice and included in the memorandum of understanding in relation to the Committee's request that the developer liaises with the Parish Council regarding the future plans for the site and requested that the Reserved Matters Application be considered by the relevant Planning Committee.

RESOLVED:

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

- The conditions set out in Appendix 1;
- The securing of affordable housing and public open space by a s106 agreement with the Diocese of Lichfield and the completion of a memorandum of understanding to secure a s106 on the transfer of the Council owned land;
- An informative being added to the decision notice and included in the memorandum of understanding in relation to the Committee's request that the developer liaises with the Parish Council regarding the future detailed plans for the site including the level of affordable housing; and
- The Reserved Matters Application to be considered by the relevant Planning Committee.

34 Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury - 19/01859/OUT

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

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

Before consideration of item 19/01866/OUT – Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury, the Planning and Enforcement Officer had given an

overall presentation in regard to the following four Planning Applications which he explained were interlinked and had been jointly submitted by Shropshire Council and the Diocese of Lichfield:

- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury

The Planning and Enforcement Officer introduced the outline application (all matters reserved) for residential development including demolition of existing library building and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation from the Case Officer noting that the level of housing proposed would not meet the threshold for affordable housing and open space provision and such provision related to planning application 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury.

Barry Shepherd, local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Teresa Lewis, on behalf of Bayston Hill Parish Council spoke in relation to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In response to the speakers, the Planning and Enforcement Officer explained that drainage issues would be improved by the proposal and he advised Members that if they were minded to approve the application an additional condition was recommended to ensure that tree protection measures as detailed in an Arboricultural Impact Assessment were submitted at the first Reserved Matters stage.

The Area Planning Manager, in response to concerns from Members explained that the need for single storey dwellings could be considered at the reserved matters stage but stressed that Officers could not insist that the developer provided single storey dwellings on this site.

Having considered the submitted plans and listened to the comments made by the speakers Members unanimously expressed the view that the application be approved as per the Officer's recommendation subject to an additional condition to ensure that tree protection measures as detailed in an Arboricultural Impact Assessment were submitted at the first Reserved Matters stage and that the

Chairman writes to the Leader of Shropshire Council to request that the Shropshire Housing Company develops the land in line with the local aspirations for this site.

RESOLVED:

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

- The conditions set out in Appendix 1;
- An additional condition to ensure that tree protection measures as detailed in an Arboricultural Impact Assessment are submitted at the first Reserved Matters stage; and
- That the Chairman writes to the Leader of Shropshire Council to request that the Shropshire Housing Company develops the land in line with the local aspirations for this site.

35 Proposed Vicarage SW Of Christ Church, Glebe Road, Bayston Hill, Shrewsbury - 19/01865/FUL

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

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

Before consideration of item 19/01866/OUT – Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury, the Planning and Enforcement Officer had given an overall presentation in regard to the following four Planning Applications which he explained were interlinked and had been jointly submitted by Shropshire Council and the Diocese of Lichfield:

- 19/01866/OUT - Bayston Hill Youth Club, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01873/OUT - Former Oakland County Primary School, Glebe Road, Bayston Hill, Shrewsbury
- 19/01859/OUT - Mary Webb Library, Lythwood Road, Bayston Hill, Shrewsbury
- 19/01865/FUL – Proposed Vicarage SW of Christ Church, Glebe Road, Bayston Hill, Shrewsbury

The Planning and Enforcement Officer introduced the application for the erection of one residential dwelling with integral community facilities; to include removal of trees and other tree works and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation from the Case Officer to clarify that the application had been brought to committee for determination due to Shropshire Council being partial

landowner (not applicant) and due to the complex nature of the four applications being inextricably linked in planning terms.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1), Councillor Ted Clarke addressed the Committee as the local ward Councillor to question the need for a vicarage and the encroachment on the existing parking area and then left the table, took no part in the debate and did not vote on this item.

In response to the local ward Councillor, the Planning and Enforcement Officer explained that the application would result in a loss of parking but additional parking would be provided in one of the linked applications which would offset this loss.

Having considered the submitted plans and listened to the comments made by the speaker Members unanimously expressed their support for the application as per the Officer's recommendation.

RESOLVED:

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

36 Land To The Rear Of 239 Wenlock Road, Shrewsbury - 19/02898/FUL

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

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

The Technical Specialist Planning Officer introduced the application for the erection of 1 dwelling and formation of vehicle access and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area.

Members' attention was drawn to the to the Schedule of Additional Letters which included a representation in objection to the application from a neighbour. The Technical Specialist Planning Officer advised Members that if they were minded to approve the application an additional condition to remove Permitted Development rights in relation to extensions and roof alterations should be added to any permission granted.

Janet Harper, local resident spoke in objection to the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

- He agreed with the comments made by the previous speaker in objection to the application;
- He referred to the planning history of the site as detailed in the Officer’s report; and
- Noted he was concerned that approval of the application, following a number of unsuccessful appeals it would give the wrong message to developers.

In response to questions from Members, the Technical Specialist Planning Officer confirmed that the proposal provided adequate parking and overlooking was not possible with the windows proposed. She added that the development had been designed to overcome the issues raised by previous appeal decisions.

Having considered the submitted plans and listened to the comments made by the speakers the majority of Members expressed their support for the application as per the Officer’s recommendation.

RESOLVED:

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

- The conditions set out in Appendix 1; and
- An additional condition to remove Permitted Development rights in relation to extensions and roof alterations.

37 Schedule of Appeals and Appeal Decisions

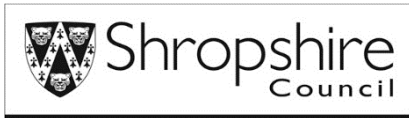
RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the Central area as at 29th August 2019 be noted.

Signed (Chairman)

Date:

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Committee and date

South Planning Committee

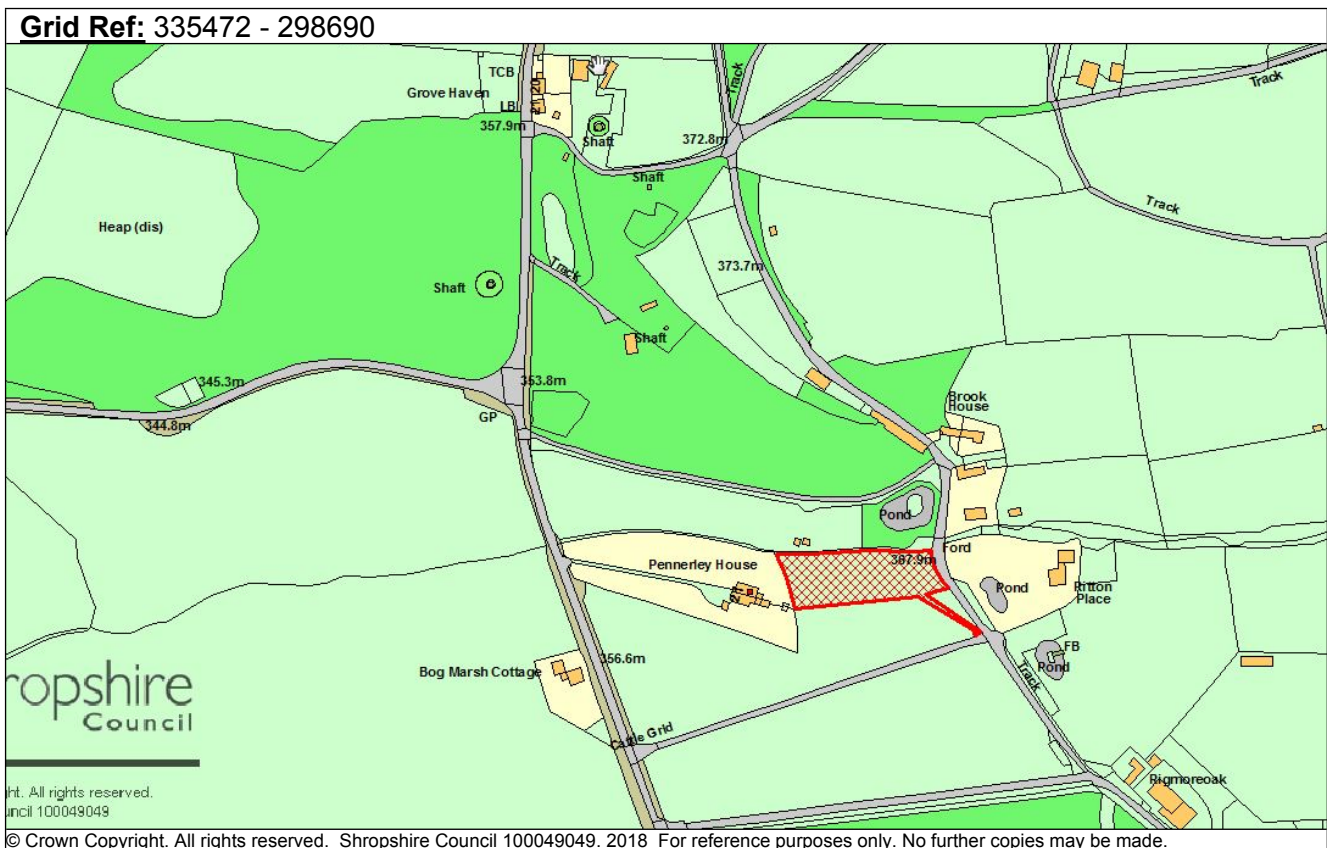
22 October 2019

Development Management Report

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

Summary of Application

Application Number: 18/04261/OUT	Parish:	Worthen with Shelve
Proposal: Erection of dwelling (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved)		
Site Address: Land east of Pennerley House, Pennerley, Shrewsbury, Shropshire, SY5 0NE		
Applicant: Mr A Lawton		
Case Officer: Trystan Williams	email: planning.southern@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 outline planning permission to erect a new open-market dwelling. Also sought at this stage is approval of the means of vehicular access, which, as shown on an amended site layout/block plan, would be via a new driveway off an existing private road to the south. Matters of appearance, landscaping, layout and scale are reserved for consideration under a separate application in the future, so in those respects the submitted drawings (which now include a site section and a 'typical front elevation') are largely indicative. That said, the elevation drawing does specify maximum eaves and ridge heights to define scale. The block plan also indicates a detached garage.

2.0 SITE LOCATION/DESCRIPTION

2.1 Pennerley is a small but widely scattered former lead mining settlement on the western slopes of the Stiperstones ridge in the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The application site is a 0.2-hectare corner of pasture field rising behind Pennerley House, a two-storey stone property set back off the Class C road towards the neighbouring hamlet of The Bog, and which was originally two semi-detached cottages. The site is bounded to the east by a byway off which access was originally proposed, and beyond which the applicant's existing home, Ritton Place, stands in extensive grounds. Instead the new driveway would now cross the southeast side of the field, joining the aforementioned private road at its junction with the byway. Across that road, with its avenue of young trees, is another field owned by the applicant. Meanwhile beyond a tree-lined stream/ditch along the north boundary is further, unconnected agricultural land, and to the northeast a small farmstead named Brook House.

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 the chairman and vice chair of its planning committee consider that the issues raised warrant the full committee's consideration.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Shropshire Council Flood and Water Management – comment:

Full surface water and foul drainage details should be secured by condition.

4.1.2 Shropshire Council Ecology:

26/9/18 – objection:

A general ecological assessment and a great crested newt assessment should be carried out.

- 4.1.3 17/10/18 – objection:
A 'Preliminary Ecological Assessment' by a licensed ecologist has now been submitted.
- 4.1.4 A pond approximately ten metres north of the site was found to have excellent suitability for great crested newts, whilst two others twenty and sixty metres away have average suitability. Although the consultant's report recommends reasonable avoidance measures, the close proximity of the first pond suggests there is in fact a significant likelihood of newts being encountered on the site itself. Further survey work is needed to ascertain this, and hence whether or not the development will require a European Protected Species licence.
- 4.1.5 21/11/18 – comment:
There has now been further discussion with the applicant's ecological consultant.
- 4.1.6 The Stiperstones and The Hollies Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI) lies approximately 340 metres to the east. The Council has therefore now completed a Habitats Regulations Assessment (HRA), but this has identified no pathways by which the development might affect the SAC.
- 4.1.7 Habitats on the application site itself comprise intensively grazed improved pasture, hedgerows and ruderals. A multi-stemmed laburnum and a number of semi-mature silver birch and holly trees were noted in the north boundary hedge, whilst a standalone oak is situated to the immediate south. The site is also directly adjacent to a brook highlighted as a wildlife corridor. However the latter is unlikely to be affected provided a five-metre buffer is retained between it and the development footprint, and neither is it considered that the scheme would cause any fragmentation of habitats. That said, planning conditions should secure a Construction Environment Management Plan (CEMP) and a landscaping plan as part of any future reserved matters application, to ensure that the environmental network would indeed be retained and enhanced.
- 4.1.8 Despite the proximity of ponds suitable for great crested newts, it has now been confirmed that this species is unlikely to utilise the site itself since it is largely short-grazed pasture unsuitable as terrestrial habitat. Whilst there is a low risk of newts crossing the site to reach breeding ponds or hibernacula/refugia during their terrestrial phase, this can be addressed through the proposed 'reasonable avoidance measures' method statement. Adherence to this should be ensured by a condition requiring a designated ecological clerk of works to submit a verification report.
- 4.1.9 The site contains no potential bat roost features. Whilst the adjacent oak tree has tear-out wounds which may be suitable, its removal is not anticipated. An appropriate protection zone should be established, whilst external lighting should be controlled by condition to ensure that the tree remains unilluminated. A further condition should secure a bat box to enhance roosting opportunities.
- 4.1.10 Although the boundary vegetation could support a number of common passerine bird species, its removal is not anticipated. Nevertheless an 'informative' should advise on the legal status of active nests, and enhanced nesting opportunities should be

secured through a condition requiring bird boxes.

- 4.1.11 No evidence of any other protected or priority species was observed on or close to the site. In any event the newt method statement would also serve to protect other small animals.
- 4.1.12 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.
- 4.1.13 Natural England – comment:
No significant adverse impacts on any statutorily protected ecological sites are likely. However the Council should also consider possible impacts on the AONB and on protected and priority species and habitats, plus opportunities for environmental enhancements.
- 4.1.14 Shropshire Council Highways Development Control – comment:
The development is likely to be acceptable from a highway safety perspective as the proposed access, parking and turning arrangements are adequate. However it would be preferable for the southern stretch of the byway to be used for access, as the junction at its north end is substandard.
- 4.1.15 Any entrance gates should be set back at least five metres to avoid obstructions, whilst the access apron should be given a bound surface to avoid loose material becoming displaced onto the highway. In fact the whole driveway could be given a bound surface to aid pedestrian access. Alternatively gate-side post and paper boxes could be provided. Occupiers would have to walk to the public highway to put out and retrieve refuse bins on collection days, and the maximum distance recommended is 25 metres. A smooth level space is required for temporary roadside bin storage, without obstructing the access or its visibility splays.
- 4.1.16 Shropshire Council Regulatory Services – comment:
Given the historic lead mining activity nearby, there is a significant risk of ground contamination. Any permission granted should therefore include a condition securing a site investigation report and, as appropriate, remediation strategy, implementation of the remediation strategy, reporting and remediation of any further contamination uncovered during the construction phase, plus a verification report.
- 4.1.17 Shropshire Council Rights of Way – comment:
Access would be via the byway to the east. This is a highway over which the general public have a right to vehicular access, though is used mainly for walking, cycling and horse-riding and is maintained accordingly. Whilst the right of way would not appear to be affected directly, the applicant should be advised to ensure that it remains unobstructed and unaltered at all times.
- 4.1.18 Shropshire Council Affordable Housing – no objection:

Although the Council considers there to be an acute need for affordable housing in Shropshire, its housing needs evidence base and related policy predate a Court of Appeal judgment and subsequent changes to the Government's Planning Practice Guidance (PPG) regarding the use of Section 106 agreements to secure affordable housing contributions. On balance, therefore, if the development is otherwise plan-compliant then at this time national policy prevails and no contribution is required.

4.1.19 Worthen with Shelve Parish Council:

2/11/18 – objection:

Councillors strongly object to this application and request that it is determined by Shropshire Council's planning committee.

4.1.20 The development would prejudice delivery of the Site Allocations and Management of Development (SAMDev) Plan by further exceeding the local housing target. Furthermore this is not an infill plot, and is not considered to form part of any designated 'Community Cluster' settlement, loose-knit or otherwise. Instead it has the characteristics of open countryside, the surrounding properties being very sparse and separated by agricultural land. Shropshire Council's local plan review documentation defines infill sites as "land with built development on at least two sides and which is also clearly within the built form of a settlement".

4.1.21 The development would not reflect local distinctiveness or integrate harmoniously into its setting, instead harming the character and appearance of this highly valued landscape within the AONB.

4.1.22 Access would be via a byway which is unmaintained, deeply rutted and often flooded, making it suitable only for walkers, farm vehicles or robust 4x4s.

4.1.23 There are concerns about the drainage given the topography, whilst historic mining activity may have contaminated the ground.

4.1.24 The ecological report submitted appears to relate to another location.

4.1.25 28/11/18 – objection:

The revised access point is noted, but otherwise the previous comments still apply.

4.1.26 29/8/19 – objection:

Councillors remain firmly opposed to this development for the reasons explained previously. Additionally its proximity to neighbouring properties would result in overlooking and loss of amenity.

4.2 **Public comments**

4.2.1 Objections received from or on behalf of eight separate households raise the following concerns:

- There was inadequate public consultation on Pennerley's designation as part of a Community Cluster. It is a small, dispersed settlement with no services or facilities, rather than being discernible as a village, has no allocated development sites, and is therefore unsuitable for market housing under the terms of Core Strategy Policy CS4.
- The number of new dwellings already approved in this Cluster exceeds the

SAMDev Plan guideline.

- Pennerley may lose its status as a Cluster settlement under the current local plan review. Limited weight should therefore be given to Core Strategy Policy CS4 in this instance.
- In any event the site lies outside Pennerley, whose historic rural district and parish boundary with The Bog is still denoted by the tree-lined brook along the site's north boundary. Most existing housing lies much further north, beyond the former mine, whilst south of the boundary there are just three dwellings in proximity to the site. The Bog settlement lies further south beyond open fields, has its own distinctive character and does not form part of a Community Cluster.
- The recent approval of application No. 18/00924/OUT, for a new dwelling opposite Pennerley House and adjacent to Bog Marsh Cottage, sets no precedent since it was determined erroneously under delegated powers, relying on a tenuous interpretation of infill development, and with insufficient weight given to objections made by the AONB Partnership, Shropshire Council's Local Member and local residents.
- Certainly this site is not an infill plot as it does not have contiguous development on at least two sides, being separated from Ritton Place by the byway.
- On the question of infilling, this proposal is comparable with previously refused applications for new housing at Lee (near Ellesmere) and Worthen.
- The development would not meet local needs or any other of the criteria for new housing in the countryside set out in the National Planning Policy Framework (NPPF) or the Council's Core Strategy Policy CS5.
- The plans fail to show a large existing, supposedly agricultural outbuilding at Ritton Place, which in fact appears to be habitable and could potentially end up as yet another dwelling. The implications of this should not be ignored.
- Approving this application could set a precedent for developing other land in the same ownership.
- Combined with recently approved application No. 18/00924/OUT, this scheme would result in a nucleated grouping of seven properties out of character with the area's historic development pattern.
- It is perplexing why elevation details have now been submitted given that this is an outline application with matters of scale and appearance reserved, and that *any* form of development on this site is unacceptable as a matter of principle.
- Given the topography the proposed dwelling could end up being considerably higher than Pennerley House, and hence unduly prominent within the landscape.
- A 1½-storey house as the elevation drawing indicates would provide insufficient headroom.
- The materials indicated (i.e. a brick plinth, rendered upper walls and tiled roof) are out of keeping with the stone and slate of existing buildings here.
- The indicative sectional drawing again fails to depict accurately the existing buildings at Ritton Place, and its differing vertical and horizontal scales are misleading.
- The revised proposal to access the property off the private road to the south would increase the loss of open agricultural land.
- The development would increase light pollution in an area renowned for dark skies.
- Together with application 18/00924/OUT, this scheme would result in new

housing both in front of and behind Pennerley House, significantly altering its outlook.

- Given its higher level the new dwelling would overlook Pennerley House and its garden.
- Changing the access has necessitated repositioning the house and its garage, which would exacerbate overlooking of Pennerley House.
- The additional trees shown to be planted would tower over Pennerley House.
- The adjacent byway is unmaintained and unsuitable for vehicular access.
- Larger vehicles such as delivery lorries and vans, fire engines and oil tankers would be unable to make the sharp turn into the entrance now proposed off the narrow private drive to Ritton Place. Access would only be possible through shunting manoeuvres on the adjacent byway, or by reversing off/back down to the 'main' road.
- The existing driveway to Ritton Place is unsuitable to serve another dwelling as it is long and narrow with no passing places.
- The increasing volume and speed of traffic on the road between Pennerley and The Bog is already of concern, and further new housing would worsen the situation.
- The consultant ecologist's credentials are uncertain and should be verified.
- Inconsistent site boundaries are shown on the various plans within the ecological assessment, making it difficult to understand what has actually been surveyed, and how relevant the report's recommendations are. Certainly the dataset relied upon is actually centred on the site of application No. 18/00924/OUT, and as a consequence another pond known to support great crested newts has not been considered.
- Yet another pond approximately 125 metres to the northwest should also be assessed for great crested newts.
- The possible presence of great crested newts on the site itself should be investigated further.
- There is considerable bat activity over the adjacent pond and possibly in neighbouring buildings, so presumably over the application site as well. Again this should be investigated further.
- The ecological assessment fails to consider the impact on the adjacent watercourse.
- The development would disrupt connectivity between the environmental network along the north boundary and other ecological sites nearby, including a Local Wildlife Site.
- 'Rothamsted' insect trapping shows Pennerley House to be amongst the most diverse of ninety sites involved in the project nationwide, and comparable with flagship Natural England sites. Rare Trichoceridae, plus a previously unknown variety, have been recorded. The surrounding habitat should therefore remain undisturbed.
- The ecological assessment describes the adjacent oak tree as 'over-mature'. It is unclear what this means, but generally the older the tree the more diverse an ecosystem it supports. This tree must therefore be protected from development.
- Already a section of the eastern boundary hedge has been removed, and the proposed access there could also damage overhanging branches of two large oak trees.
- Drainage on this steep and generally damp field could prove problematic, and

cause flooding of neighbouring land and properties.

- The local water supply is inadequate.
- Overhead power lines could be affected.
- The applicant did not consult the community in advance.

5.0 THE MAIN ISSUES

- Principle of development
- Affordable housing contribution
- Layout, scale, design and landscape impact
- Impact on residential amenity
- Access and highway safety
- Ecology
- Other matters raised in representations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 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 seek to steer new open-market housing to sites within market towns, other 'key centres' and certain smaller settlements ('Community Hubs and Clusters') as identified in the SAMDev Plan (which was adopted in December 2015, and still has seven years left to run). Isolated or sporadic development in open countryside (i.e. outside the designated settlements) is generally unacceptable unless there are exceptional circumstances.

6.1.2 Despite Pennerley being such a small, loose-knit settlement and lacking community services and facilities, it is formally designated as a component of a Community Cluster under SAMDev Policies MD1 and S2. This designation followed extensive consultation in line with the Council's published Statement of Community Involvement and national guidance, and ratification by the Secretary of State. It implies that the location *is* broadly suitable for new housing and carries considerable weight, the NPPF stating that proposals which accord with an up-to-date local plan should be approved without delay. Policy S2 gives a guideline of approximately fifteen additional homes across the Cluster by 2026, and besides conversion schemes the intention is for these to comprise infill development on suitable small-scale 'windfall' sites. The policy also notes a Parish Council preference for no more than five dwellings to be built during each third of the Plan period.

6.1.3 Since these Cluster settlements lack predefined development boundaries, and the Council's current policies do not explicitly define 'infill', the locational suitability of specific sites is a matter for judgment in each case. However the explanatory text accompanying Core Strategy Policy CS4 confirms that, in order to avoid fragmented development, new housing must be located within the settlements themselves and not on adjoining land or in the countryside in-between. Meanwhile the ongoing local plan review proposes the definition quoted by the Parish Council, although that is currently some way off formal adoption.

- 6.1.4 According to the 'Type and Affordability of Housing' Supplementary Planning Document (SPD), a settlement is characterised partly by the relationship between its various properties, its limits being defined by where that relationship peters out. The SPD also acknowledges that this varies from settlement to settlement, depending on the number of houses and their proximity to each other. In this case, despite some objectors arguing that there is a greater concentration of properties to the north, officers have observed that Pennerley's houses are widely dispersed throughout, with very few of them sharing contiguous boundaries and many also lacking road frontages. In this context it is very difficult to identify obvious or 'conventional' infill plots, and it is not considered that the proposed dwelling's separation from Ritton Place by the intervening byway would be out of character.
- 6.1.5 Furthermore, whilst it is appreciated that the tree-lined watercourse to the north was historically a political boundary between Pennerley and The Bog, this is not considered decisive given the presence of Pennerley House, Ritton Place and Bog Marsh Cottage beyond it. Certainly the proposed dwelling would not stand isolated. It should also be noted that The Bog *is* in fact designated part of the same Community Cluster, and again widely dispersed, making it difficult to draw a clear line between where the one ends and the other begins. Overall the consensus among officers is that the visual coherence between Pennerley's existing dwellings, although loose, has not petered out at this point, and indeed is not markedly different to the relationship between most of the properties further north. On balance, therefore, it is judged that the site does lie within the established area of development in accordance with the policy requirements.
- 6.1.6 Regarding housing numbers, the Council's Five Year Housing Land Supply Statement provides the most recent data available. It confirms that, as of 31st March 2018, only one new dwelling had actually been completed in this Cluster. This under-delivery so far can be given some weight, bearing in mind the importance planning policy attaches to delivering housing on the ground. Although 21 more dwellings had received permission and may be built in time, to date only three have been approved in Pennerley itself, and one of them through subdividing an existing house. Furthermore, SAMDev Policy MD3 explains that the settlement housing guidelines are not absolute maxima, and this has been emphasised in appeal decisions elsewhere. It would therefore be difficult to sustain a refusal of the current proposal on the grounds that it would result in an over-proliferation of development in Pennerley, or exceed either the overall Cluster guideline or the Parish Council's phased delivery strategy so greatly that, for example, local infrastructure might be stretched to breaking point, especially as under the local plan review Pennerley *is* currently still indicated as part of a Cluster set to receive an additional housing guideline beyond 2026.
- 6.1.7 With reference to other points made by the objectors:
- Officers do not find the case directly comparable with the Worthen and Lee applications as those settlements have quite different characteristics, being more nucleated and, in the case of Worthen, much larger.
 - This application should be considered on its own merits. Officers maintain that the decision on application No. 18/00924/OUT nearby followed the Council's adopted Scheme of Delegation procedure: Any concerns on the handling of that

application are not material in determining the present case.

- Officers agree that Pennerley does not necessarily meet any formal definition of a *village*, but nevertheless it is a recognisable settlement and its designation as part of a Community Cluster is beyond the scope of any individual planning application. In fact the wording of Core Strategy Policy CS4 itself refers to Cluster ‘settlements’ rather than ‘villages’, whilst its explanatory text uses the terms interchangeably.
- If the site is accepted as being within Pennerley an unfettered open-market dwelling would comply with Policy CS4. Consequently Policy CS5 concerning development in open countryside would not be engaged, and the applicant would not be required to demonstrate a specific need or other exceptional circumstances.
- Concerns over the use of the agricultural building at Ritton Place should again be raised through the proper channels, and have no material bearing on the current application. Certainly any future application to convert that building, or for that matter any other proposals for new dwellings in Pennerley, would need to be considered on their own merits based on the particular circumstances.

6.1.8 Given the above the application is, on balance, considered acceptable in principle.

6.2 **Affordable housing contribution**

6.2.1 The Affordable Housing Team’s comments reference the Court of Appeal decision which led to the reinstatement of a Written Ministerial Statement and Government PPG advising against the use of planning obligations to secure tariff-style affordable housing contributions below certain thresholds. This is now reinforced by the revised NPPF, which states categorically (at Paragraph 63) that affordable housing provision should not be sought in connection with small-scale developments. It must therefore be accepted that the Council’s policies in this respect are out-of-date and can no longer be given significant weight. An affordable housing contribution cannot be sought in this case.

6.3 **Layout, scale, design and landscape impact**

6.3.1 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. These expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing. Meanwhile the NPPF requires great weight to be given to conserving landscape and scenic beauty in AONBs.

6.3.2 It is emphasised that scale is among the reserved matters in this case, and there is no longer any statutory requirement for outline applications to specify upper and lower limits for the height, width and length of proposed buildings. Nevertheless planning authorities can still request additional information where there is room for doubt that a development can be designed in a way which would actually be acceptable, for example because the location is visually sensitive. Meanwhile applicants can choose to supply illustrative plans to amplify their intentions, and certainly if such plans show desirable features and it is reasonable to do so, these can be secured through a specific planning condition.

6.3.3 Here, without prejudice to the committee's ultimate decision on the principle of developing the site, officers sought clearer assurance that the scale of the house would not cause landscape harm, bearing in mind the elevated and sloping levels, and the particularly scenic setting below the landmark of the Stiperstones ridge. In response the agent has firmly committed to maximum eaves and ridge heights of 3.3 and 7.4 metres, as can be reinforced by condition. Whilst the elevation drawing is otherwise indicative, these parameters would at most equate to a 1½-storey dormer form as shown. Though the low roof would obviously restrict headroom somewhat it does not appear to be unworkable, and indeed would reflect the modest scale and humble character of traditional former miners' cottages in the area. Other aspects such as materials and detailing, and also landscaping of the plot, would be subject to agreement at the reserved matters stage.

6.3.4 The sectional drawing indicates how a dwelling of the height specified would sit between the levels of Pennerley House and the main building at Ritton Place. Though the latter's orientation appears incorrect the drawing is to an identified and consistent scale, and hence still useful in showing the three properties' relative heights. Additionally officers have observed that from the road to the southwest the new dwelling should sit just below the skyline of the hillside behind, and be filtered by the trees along the driveway to Ritton Place. As mentioned already it would also be seen in the context of Pennerley House rather than in isolation, yet without appearing cramped, whilst from the north and west it would be well screened by the established vegetation along the stream. Inevitably there would be some landscape impact, but on balance, in the context of Pennerley's designation as a Cluster settlement and the dispersed character of the established housing, it is suggested that a modest and sympathetically designed dwelling here would be visually acceptable.

6.3.5 The external materials do not form part of the current application, although officers consider that those indicated would not necessarily be unsuitable. Meanwhile, with appropriate controls over landscaping (at the reserved matters stage) and external lighting (see Condition 10), the revised vehicular access and light spillage are also unlikely to impact significantly on the wider landscape.

6.4 **Impact on residential amenity**

6.4.1 It is acknowledged that Pennerley House, whose occupiers have been used to very opening surroundings, would to some extent be enclosed both front and rear assuming planning permission No. 18/00924/OUT is also implemented. However there is no legal right to unobstructed views across neighbouring land, and in planning terms the impact of the proposed dwelling would be acceptable, despite the site's elevation, given that the houses themselves are likely to be separated by a distance of around 60-70 metres plus Pennerley House's large outbuilding. Similarly tree planting on the site is unlikely to cause excessive shading.

6.4.2 No other properties would have a direct view of the development.

6.5 **Access and highway safety**

6.5.1 There is an established field gate where access is now proposed off the private drive to Ritton Place, and a grass verge in front of it, so presumably agricultural vehicles have been able to enter and exit reasonably easily. Although larger vehicles may

need to join the byway briefly then reverse into the access, the byway does carry vehicular access rights and is certainly passable at this point, whilst the reversing manoeuvre should not prove dangerous since both the byway and the private drive are very lightly trafficked. Moreover the driveway's straightness would afford drivers entering it good visibility of any obstructions or oncoming vehicles, and they could simply wait at the bottom.

6.5.2 The driveway's junction with the 'main' road again has reasonably good visibility, bearing in mind likely traffic volumes and average speeds. Concerns about instances of speeding are not a matter for the planning authority.

6.6 Ecology

6.6.1 As summarised above, both the Council's Ecology Team and Natural England accept that significant effects on the nearby SAC/SSSI are unlikely. The full HRA is available on the 'Planning' pages of the Council website, appended to the Ecology Team's comments dated 21st November 2018.

6.6.2 As per those comments, the ecological value of the adjacent watercourse and an associated buffer strip could be safeguarded through a condition (No. 4) requiring a detailed CEMP concurrent with any reserved matters application. Landscaping is one of the reserved matters themselves, and details would be secured by standard condition No. 1.

6.6.3 Despite the presence nearby of ponds suitable for great crested newts, the Ecology Team also now accepts that this species is unlikely to be affected given the site's poor terrestrial habitat, and that work would be subject to the precautionary method statement submitted. Adherence to this should indeed be controlled by condition, but, based on the fundamental principle that this would be complied with it any event, it would be unreasonable to require a further, verification report.

6.6.4 The landscaping scheme would be expected to include satisfactory tree and hedgerow protection measures, whilst as mentioned already, external lighting would be controlled under the suggested Condition 10. Thus, although bats doubtless use the site for foraging and commuting, and may roost in the adjacent oak, they should not be affected unduly and survey work is unnecessary. In fact supplementary planting (including plugging gaps in hedges), together with the provision of bat and bird boxes as per the suggested Condition 7, would enhance the site's value.

6.6.5 Regarding other points made by the objectors:

- The applicant's ecological consultant is well known to the Council's Ecology Team, who have no concerns over his competency or qualifications. He is known to hold the relevant protected species licences from Natural England.
- Although the site boundaries vary between some of the figures in the ecological assessment, they are sufficient for identifying the location and relevant features. The Ecology Team is satisfied that the correct field was surveyed and that no relevant habitats were omitted. Moreover, whilst the wider data search does appear to be the same as that used for application 18/00924/OUT, given the two sites' proximity a further search centred exactly on the current location is unlikely to make any material difference to the report's conclusions.

- The site itself does not form part of any mapped environmental network, and supplementary planting will improve wildlife connectivity between the adjacent watercourse and other habitats nearby.
- It is recognised that there are areas of high quality habitat nearby, seemingly including the gardens of Pennerley House. However since the site itself is primarily intensively grazed improved pasture, it is unlikely to provide the flora necessary to support rare or priority invertebrates. In fact, the change to a domestic garden with supplementary planting is likely to increase its diversity long-term, potentially benefitting the species recorded by the neighbour as part of the Rothamsted study.

6.7 Other matters raised in representations

- 6.7.1 The Flood and Water Management Team is content for drainage details to be secured by condition. The aim of sustainable surface water drainage systems would be to mimic greenfield attenuation rates and hence avoid increasing flood risk to neighbouring land and property.
- 6.7.2 The issue of contaminated land is addressed by the suggested Condition 5. Meanwhile the adequacy of the public water supply, and any diversion of power lines, would be matters for the applicant to resolve with the utility providers.
- 6.7.3 Finally, although the Council encourages applicants to consult the community in advance they are under no legal obligation to do so.

7.0 CONCLUSION

- 7.1 Given the site's location adjacent to two existing residential properties and proximity to other scattered housing, it is, on balance, judged to form part of the loose-knit Cluster settlement of Pennerley, and hence an open-market dwelling is acceptable in principle. Whilst there would be some impact on the landscape the indicative drawings show how the site could potentially accommodate a modest dwelling without causing undue harm in this particular context. There are no significant or insurmountable concerns regarding access, residential amenity, ecology, drainage or contamination, whilst other issues pertaining to the development's layout, landscaping, scale and design would be addressed at the reserved matters stage. Furthermore, greater weight is given to Paragraph 63 of the updated NPPF than to the Council's own policy requirement for an affordable housing contribution. Overall, therefore, the application is felt 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

- 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
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management

SAMDev Plan Policies:

- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design
- MD3 - Managing Housing Development
- MD7A - Managing Housing Development in the Countryside
- MD12 - Natural Environment
- S2 – Bishop’s Castle Area Settlement Policy

Supplementary Planning Documents:

Type and Affordability of Housing

Planning History:

None of relevance

11.0 ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PEYL30TDGB300>

<p>List of Background Papers: Application documents available on Council website</p>
<p>Cabinet Member (Portfolio Holder): Cllr G. Butler</p>
<p>Local Member: Cllr Heather Kidd</p>
<p>Appendices: Appendix 1 – Conditions and Informatives</p>

APPENDIX 1 – CONDITIONS AND INFORMATIVES

STANDARD CONDITIONS

1. Details of appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins, and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

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

Reason: In accordance with Section 92 of the Town and Country Planning Act, 1990.

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: In accordance with Section 92 of the Town and Country Planning Act, 1990.

CONDITIONS THAT REQUIRE APPROVAL BEFORE DEVELOPMENT COMMENCES

4. Concurrent with the submission of the first application for reserved matters approval, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. This shall include:

- a) an appropriately scaled plan identifying 'wildlife/habitat protection zones' where construction activities will be restricted/prohibited, and where protective measures will be implemented or installed and ecological enhancements provided;
- b) precise details of protective measures (both physical measures and sensitive working practices) to avoid/minimise ecological impacts during and post-construction;
- c) a timetable setting out phasing of construction activities so as to avoid periods during which bats and other wildlife would be most vulnerable to adverse impacts;
- d) identification and definition of the roles of persons (including an appropriately qualified ecological clerk of works) responsible for ensuring compliance with planning conditions relating to ecological conservation (including the installation, inspection/monitoring and maintenance of physical protection measures and sympathetic working practices during construction), and for briefing/training construction personnel in respect of the wildlife/habitat protection zones; and
- e) pollution prevention measures.

The development shall be carried out in accordance with the approved details, and any post-development protective measures shall be maintained for the lifetime of the development.

Reason: To safeguard the ecological value of the adjacent watercourse and associated habitats/species, 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.

5. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for investigation, shall commence until a Site Investigation Report (SIR) assessing the nature and extent of any contamination on or under the application site has been submitted to and approved in writing by the Local Planning Authority. The SIR shall be undertaken by a competent person and conducted in accordance with DEFRA's and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11).
- b) In the event of the SIR finding the site to be contaminated no development shall commence until a further report detailing a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy must ensure that, following remediation, the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use.
- 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 of any further, previously unidentified contamination being found during the course of development it shall be reported immediately in writing to the Local Planning Authority. Before development proceeds an investigation and risk assessment shall be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of (b) above and implemented in full.
- e) Following completion of the measures identified in the approved remediation strategy/strategies, and prior to the first occupation/use of the development hereby permitted, a verification report demonstrating that the contamination identified has been made safe and that the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to its intended use shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any contamination associated with historic mining activity in the vicinity is addressed satisfactorily, thereby minimising potential risks to developers, future users of the site and off-site receptors, 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.

6. No development shall commence until precise details of surface water and foul drainage systems have been submitted to and approved in writing by the Local Planning Authority. These shall include:
- Percolation test results and sizing calculations for any surface water soakaways, and provision for a silt trap or catch pit upstream of the drainage field

- Details of other/alternative means of surface water drainage, to include measures to avoid run-off onto adjacent land
- Sizing calculations and a specification for a package treatment plant or septic tank, and details of its means of discharge
- Details of any alternative foul drainage system
- A drainage layout plan

The approved drainage system(s) shall be implemented in full prior to the first use/occupation of the development, and shall thereafter be retained.

Reason: To ensure that the development is provided with satisfactory means of drainage and avoid causing or exacerbating flooding or pollution on the site or elsewhere, in accordance with Policies CS6, CS17 and CS18 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

7. Prior to the first use/occupation of the dwelling hereby permitted, artificial roosting opportunities for bats and 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. These shall include:
- a minimum of one external Woodcrete bat box or integrated bat 'brick', suitable for nursery or summer roosting for small crevice-dwelling bat species; and
 - a minimum of one nesting box or integrated 'brick' suitable for sparrows (32mm hole, terrace design).

These shall be retained for the lifetime of the development.

Reason: To maintain and enhance roosting opportunities for bats and 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

8. The development, including site clearance works, shall be carried out in accordance with the 'Reasonable Avoidance Measures' method statement set out in Sections 3.7 and 3.8 of the 'Preliminary Ecological Appraisal' report by Salopian Consultancy Ltd., referenced SC:208_v2, 26th September 2018 and received by the local planning authority on 27th September 2018.

Reason: To ensure the protection of great crested newts, which are a European Protected Species, in accordance with Policy CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

9. The dwelling hereby permitted shall have eaves no higher than 3.3 metres above ground level, and roof ridges no higher than 7.4 metres above ground level.

Reason: To define the consent, and to help safeguard the visual amenity of the Shropshire Hills Area of Outstanding Natural Beauty, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

10. No 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 amenity of the Shropshire Hills Area of Outstanding Natural Beauty, in accordance with Policies CS6 and CS17 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 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).
3. 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.

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



Committee and date

Item

Public

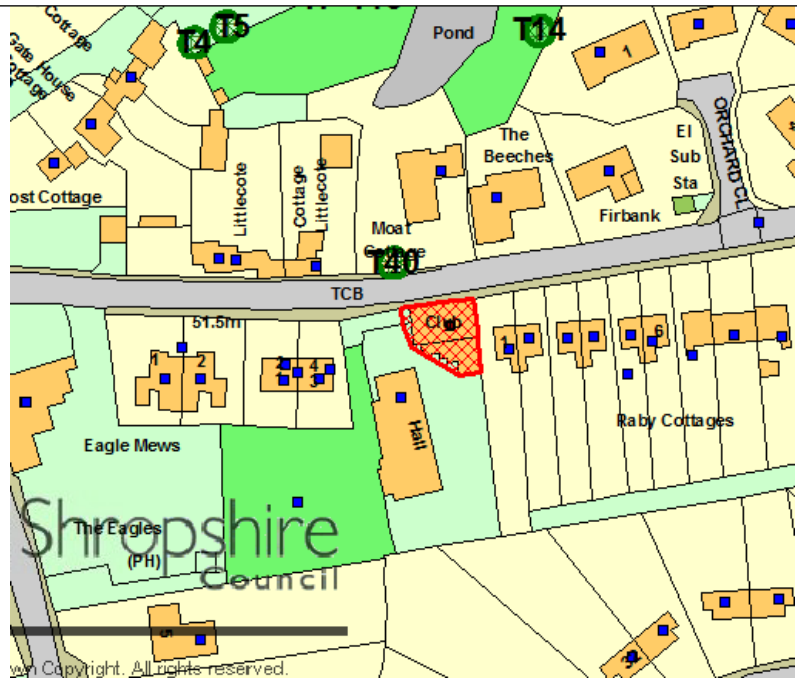
Development Management Report

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

Summary of Application

Application Number: 19/03422/FUL	Parish:	Cressage
Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for the formation of a decked area (re-submission)		
Site Address: Cressage Mens Club, Sheinton Road, Cressage, Shrewsbury SY5 6BY		
Applicant: Cressage Social Club		
Case Officer: Andrew Sierakowski	email: planning.southern@shropshire.gov.uk	

Grid Ref: 359265 - 304134



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

REPORT

1.0 THE PROPOSAL

1.1 This is a re-submission of a retrospective application under s.73A Town and Country Planning Act 1990 for the installation of a decked area on the western gabled end of the Cressage Social Club.

1.2 The decked area has already been constructed using off-the-shelf decking components. It comprises a five-sided area of decking measuring 5.70m x 4.35m constructed on slightly rising ground so that it is 0.66m above ground level on the north side adjacent to the pavement along Sheinton Road and 0.20m high above ground level on the south side. It includes a handrail, constructed of boards at a height of 0.56m above the level of the decking. The sides are finished off with horizontally mounted boards. There are concrete steps up to the decking on the north side and a timber ramp on the south side, adjacent to entrance to the club. The purpose of the decking is to provide an outside seating area that accommodates benches.

1.3 There was a previous application (Ref. 18/05041/FUL) that was submitted in November 2018 and was refused consent following determination by the former Central Planning Committee on 18th January 2019. The reason for refusal was:

“The proposed decking is not designed and built to a sufficiently high quality which respects and enhances local distinctiveness or to provide adaptable and safe access to constitute sustainable design and is therefore contrary to the Shropshire Local Development Framework Adopted Core Strategy (March 2011), Policy CS6 Sustainable Design and Development Principles and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015), Policy MD2 Sustainable Design”.

1.4 This application amends the design of the decking as it has been built to include a 110cm high handrail with vertical balustrade railings/spindles below the handrail, removal of steps on the road side of the decking, vertical or horizontal boarding around the edge of the base of the decking, a new step to replace the timber ramp at the rear of the decking with a gate, 24 hour CCTV to deter and record any anti-social behaviour on the decking and a sign stating the decking must be vacated by no later than 9pm.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site comprises an area adjacent to the western gable end of the Cressage Social Club, on the south side of Sheinton Road, approximately 90m east of the junction of Sheinton Road, the B4380, Station Road, and the A458 Much Wenlock to Shrewsbury Road.

2.2 Cressage Village Hall is located behind the Social Club on the south side of Sheinton Road, with residential properties making up most of the other properties along the north and south side of Sheinton Road, including directly opposite the Club. The Village Hall includes a car park at the rear of the Social Club, the access into which, is immediately adjacent to the area of decking.

2.3 The Social Club is a single storey red brick-built building with flat-roofed extensions to the side adjacent to the area of decking and to the rear.

3.0 REASON FOR COMMITTEE DETERMINATION OF THE APPLICATION

3.1 The Parish Council have submitted views contrary to the Officers recommendation. The Local Member has been consulted and has requested that the application be determined by the Committee. The Principal Planning Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, consider that the material planning considerations raised and the Committee decision on the previous application require a committee determination of this application.

4.0 COMMUNITY REPRESENTATIONS

Cressage, Harley & Sheinton Parish Council

4.1 The Parish Council objected to the original application as the structure for the following reasons:

- The visual impact of the decking;
- Because licensing rules state that a beer garden should not be within view of a bedroom;
- The noise impact which is made worse by the structure being raised like a stage and in summer when neighbours have windows open or when they are using their gardens;
- Proximity to adjacent and nearby dwellings, given the above objections;
- Pedestrian safety in that there is no gating, inadequate barriers and the structure is adjacent to a narrow pavement and car park meaning there is a high risk of young children running into the path of traffic; and
- Because the open nature of the structure means it is used by members of the public who are not members of the Social Club with the potential to lead to anti-social behaviour and unregulated use of the decked area.

4.2 In relation to the current application the Parish Council considers that few changes have been made compared with the original application. It therefore maintains its objection on grounds of safety, anti-social behaviour, noise and traffic moving between the Social Club and the Village Hall, raising a concern about the safety of pedestrians.

Public Comments

4.3 In addition to the comments from the Parish Council there have been eight third party representations, of which two offer objections and six express support.

4.4 The representations making objections in summary make the following points:

- That the alterations to the design make little difference in terms of making the decking acceptable;
- That the decking is in a very prominent location;
- That the decking creates a pinch point for vehicles accessing the Village Hall car park;
- That the use of the decking creates noise and nuisance for the adjacent residential properties;
- That the decking is unacceptably close to a Listed Building;
- That the Central Planning Committee previously determined that “The proposed decking is not designed and built to a sufficiently high quality which respects and enhances local distinctiveness or to provide adaptable and safe access to constitute sustainable design and is therefore contrary to the Shropshire Local Development Framework etc..”
- That the amended details in the current application do not offer any enhancement or contribute to a comprehensive safety strategy. From the submitted photographs they appear both flimsy and inadequate;
- That the re-submission does not include any improvements to the basic structure which the Committee deemed “...not built to a sufficiently high quality”.
- That there are implicit social, environmental, and licencing concerns;
- That although referred to as decking the structure is in reality a stage constructed on the side of a road with adjacent residential dwellings in close proximity;
- That it was erected in June 2018 without planning consent and without consultation with nearby residents.
- That when occupied, the raised nature of the structure means any noise is immediately audible, and any occupants clearly visible from nearby residencies;
- That once constructed, the area was immediately used and, on several occasions loud, and abusive language was used to the distress of local residents;
- That the decking cannot be supervised by the club management during the many hours the premises remain closed;
- That during the last year, the decking has been used as a general seating area by local children, adult passing cyclists and walkers as well as by Social Club members;
- That the main structure remains unchanged in the re-application and that it is difficult to see how such a substandard construction designed specifically for the consumption of alcohol fits in with the general

- residential nature of the immediate area;
- That although the revised application makes some provision for general safety, the additions do not appear robust enough to provide a permanent solution;
- That the re-application makes no mention of any policy to deal with safety and environmental issues in relation to the use of glasses for drinking, their collection and return, litter, and use of the decking as a designated smoking area; and
- That the Club management has made no attempt to engage with local residents on this proposal, who's concern is that if the re-application is successful, the neighbourhood will be permanently blighted by an inferior structure, giving rise to the noise and intrusion as was experienced in June and July 2018.

4.5 The representations in support of the application include a petition with 60 signatures expressing support for the development. These in summary make the following points:

- That the Steward of the Social Club has had no reports of anti-social behaviour since the original decking was installed in September 2018;
- That there is a high level of support for the application in Cressage and the surrounding area;
- That Social Club is now the only licensed premises in Cressage and that the decked area is the only outside area that members and guests can use as an outdoor social and smoking area;
- That the concrete steps (to which the Parish Council has objected) pre-date the installation of the decking and were constructed in the 1970s to provide access to a seat installed by a former Chair of the Parish Council and Mayor of the former Shrewsbury and Atcham Borough Council;
- That there has been a close relationship between the Village Hall and the Social Club, with the two supporting each other;
- That there have been no known incidents of anyone falling down the steps;
- That there has been no anti-social behaviour on or around the decking;
- That the decking does not create a pinch point for vehicles access the Village Hall car park; the pinch point is between the walls of the two buildings;
- That the Social Club has gone out of its way to meet the concerns of the Parish Council;
- That the concerns about the design of the decking are subjective;
- That there have been no issue or concern (on the part of an adjoining resident) to the decking;
- That the decking has replaced an untidy garden area;
- That there have been no problems with noise or traffic as result of the decking having been constructed;
- That the decking can only seat about 4 people as it is so small so that there is no significant likelihood of problems with anti-social behaviour;

- That the Social Club is a non-profit making organisation run under the control of a Committee. It has been completely refurbished internally and a new roof has been provided. The decking has provided a significant improvement compared with the previous garden area; and
- That the decking area is an asset to both the Social Club and the village.

Technical Consultees

- 4.6 Shropshire Council - Highways: Has no objection, subject to the development being constructed in accordance with the approved details. They comment that the proposed alterations to the railing and decking would appear to make the existing situation safer, but that the applicant should ensure that the handrail along the top of the balustrade does not protrude on the footway side, in the interest of pedestrian safety. They also comment that the applicant should be mindful of glasses in the area and ensure that these are frequently cleared, and that any breakages dealt with immediately. They advise the inclusion of an informative relating to works on, within or abutting the public highway.
- 4.7 Shropshire Council - SUDS: Advise the inclusion of an informative on sustainable drainage.
- 4.8 Shropshire Council – Regulatory Services: Advise, due to the proximity of neighbouring properties, that the decking area should be closed to patrons of the club after 10.30pm, so as to reduce noise disturbance to nearby dwellings.

5.0 THE MAIN ISSUES

- **Design and Build Quality;**
- **Residential Amenity; and**
- **Highway and Pedestrian Safety**

6.0 OFFICER APPRAISAL

6.1 Design and Build Quality

- 6.1.1 The key issue in the determination of this application, as set out in the previous reason for refusal is whether, with the alterations now proposed, it is of sufficiently high design and build quality that it can be considered to respect and enhance local distinctiveness and provide adaptable and safe access.
- 6.1.2 As set out in the officer's report on the original application the decking is unusual in having been constructed on the street frontage adjacent to the pavement outside the Cressage Social Club and Village Hall. It is essentially similar to an area of decking that might be constructed on the rear of a residential property or possibly attached to a pub. As such, it may be considered to be a little incongruous in the street scene along the Sheinton Road. However, the buildings along the adjacent

section of the road, which include the Village Hall and residential properties, are of varying ages, designs, forms and material finishes, including Victorian/Edwardian houses and mid and late 20th century properties, with timber-framed, brick and rendered finishes. Some are located on the street front and others set back behind high hedges and walls. There is no coherent architectural style and there is a plethora of different material finishes, although much of the length of the road is fronted by hedges.

- 6.1.3 It the time that the original application was considered by the former Central Planning Committee, the concern was with, both, the aesthetic design quality of the decking and with its safety. In relation to design, the combined effect created by the raised platform, which is 66cm high, but with no more than low, 56cm high, handrail without a balustrade, was not considered to be of sufficient quality. In relation to safety, the concerns were that the low handrail without a balustrade, the steps on to the pavement and the narrow timber ramp to the rear of the decking all presented unacceptable risks.
- 6.1.4 In response to these concerns, the applicant has now attempted to come forward with an amended design which addresses both the design and safety shortcomings, that there were considered to be, in the original design. This has most significantly resulted in the replacement of the low hand rail with a full height handrail (110cm high) and balustrade with vertical balustrade railings/spindles which are to be spaced at no more than 100mm apart, the closing-off and decking over of the steps at the front of the decked area down to the pavement, the replacement of the timber ramp, with a step and timber gate, and vertical or horizontal boarding around the edge of the base of the decking. The applicant has liaised with Building Control, even though no Building Regulations application is required, and has attempted to liaise with the Parish Council to come up with an acceptable design, albeit that the Parish Council, has despite the changes, maintained its objection.
- 6.1.5 From a design and safety point of view the amended design will, and will appear to, be significantly more substantial, with the inclusion of a significantly high handrail and balustrade, than the original design. To the extent that that there is no coherent architectural style and there is a plethora of different material finishes along much of the length of the Sheinton, Road, it is difficult argue that the design is inconsistent with the street scene along the Sheinton Road. The design is an improvement on the original and it does address all the safety concerns that there were about the original proposal. Potentially use of dark stain in the finishing of the balustrade may make the visual appearance less obstrusive, and this can be dealt with by condition.
- 6.1.6 Overall, the design is an improvement on the original and the applicant has attempted to come up with an amended proposal that addresses both the design and safety concerns of the original application and has attempted to do in conjunction with Building Control and the Parish Council. There are no immedaitely nearby Listed Buildings, the setting of which, would be affected.
- 6.1.7 Relevant development plan policy includes the Shropshire Local Development

Framework Adopted Core Strategy (March 2011), Policy CS6 on Sustainable Design and Development Principles and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015), Policy MD2 on Sustainable Design. These seek to ensure the design of new development responds appropriately to the form and layout of existing development and the way it functions, including the mixture of uses, streetscape, building heights and lines, scale and that is reflects locally characteristic architectural design and details including building materials, form, colour and the texture of detailing.

- 6.1.8 In the context of the mix of uses, architectural styles and material finishes along Sheinton Road, with the amendments to design proposed to the decking, the advice the Committee is that, whilst constructed of off-the-shelf materials, it is sufficiently improved to overcome the previously stated concerns set out in the reason for refusal included in the previous decision notice and it can therefore be considered to be compliant with Core Strategy Policy CS6 and SAMDev Policy MD2.

6.2 Residential Amenity

- 6.2.1 Residential amenity was raised as an issue by objectors in relation to the original application, with concerns expressed by the Parish Council and the neighbouring objector. It should however be noted that adverse amenity impact was not included in the original reason for refusal. The issue nevertheless been raised again by the Parish Council and objectors.

- 6.2.2 The issue was considered in the officer's report on the original application, particularly concerns that noise and overlooking would have an adverse impact on the adjacent properties. There was a concern that two properties in particular, could be affected, these being the two immediately adjacent properties to the west and north of the Social Club. Both however are relatively well screened by the presence of fences, trees and hedges, so that there is unlikely to be any significant overlooking, and whilst the north side of the decked area is 0.66m high, this is not so high that it will have a major impact in terms of increasing overlooking or have any impact on noise. Because of the proximity of the decking to the adjacent pavement, the most significant impact is likely to be the slightly overbearing impact on passing pedestrians, albeit that this would only be transient.

- 6.2.3 Whilst it is understandable that there are concerns that use of the decking, particularly on summer nights, could give rise to additional noise and disturbance, from a planning perspective there is currently no control over the use of the outside area adjacent to the Social Club for social activities. It is also already an area that will be frequented by visitors to the adjacent Village Hall, entering, leaving and attending events there, that may similarly spill out on to the outside area adjacent to the Hall and the Social Club. In addition, the area of decking is relatively small and is not capable of accommodating a significant number of people, particularly compared with the number that may attend an event at the Village Hall. On the other hand, it may to some extent result in the presence of people and the noise of people talking and mingling resulting low-level noise for longer periods of time and in a less transient way than is currently the case. Overall, however, it is difficult to

argue that the area of decking would give rise to any more significant noise and disturbance, than the current activities in and around the Social Club and the Village Hall.

6.2.4 In response to the concerns raised by the Parish Council and the neighbouring objectors, the Social Club has offered to limit the use of the area of decking to no later than 9pm at night and has indicated that it would be agreeable to the inclusion of a condition limiting its use up to this time. The amended application includes details of the sign making clear that the decking must be vacated by no later than 9.00pm. This will ensure that there is no late-night disturbance arising from the use of the decking in association with the activities at the Social Club. Accordingly, a condition is included to this effect.

6.2.5 In addition, there have also been concerns raised that the decking has attracted unauthorised users given rise to anti-social behaviour, when it is not in use by Social Club members. The Club has confirmed it has not itself received any complaints about anti-social behaviour. Nevertheless, to deal with this the Club is proposing to close-off the direct access from the pavement and is to install 24 hours CCTV. With these alterations there is no reason to consider that the use of the decking cannot be effectively managed, so that its construction and use can be considered to be compliant with Core Strategy Policy CS6, which seeks to safeguard amenity.

6.3 Highway and Pedestrian Safety

6.3.1 In relation to highway and pedestrian safety, the concern raised by objectors is that the construction and use of the decking creates a pinch point in the access to the Village Hall car park which could present a risk to pedestrian. The construction of the decking does not however itself constrain access to any greater extent than was previously the case and does not add to the use of the area when the Social Club is open or when there are events at the Village Hall, that would give rise to any significant increased risk to pedestrians. The Highways Authority has not objected to the development or raised any concerns in relation to the construction of the decking creating a pinch point.

7.0 CONCLUSION

7.1 In the context of the mix of uses, architectural styles and material finishes along Sheinton Road, with the amendments to design proposed to the decking, it is sufficiently improved to overcome the previously stated concerns set out in the reason for refusal included in the previous decision notice and it can therefore be considered to be compliant with Core Strategy Policy CS6 and SAMDev Policy MD2. Whilst the concerns about potential noise and disturbance are understandable, these are not likely to be so significant, especially with a restriction on the hours of use to no later than 9pm, offered by the applicant, to warrant refusal of consent. The amended design includes adequate safeguards to deter anti-social behaviour and the it cannot be considered to give raise to any unacceptable highway and pedestrian safety concerns. Accordingly, it can be considered to be acceptable in relation to Core Strategy Policy CS6 and SAMDev Policy MD2.

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; and
- 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.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

10.1 Development Plan Policy:

- Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011):
 - Policy CS6: Sustainable Design and Development Principles.
- Shropshire Council, Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015):
 - Policy MD2: Sustainable Design.

10.2 National Planning Policy:

- National Planning Policy Framework (2019).

10.3 Relevant Planning History

- SA/80/0653 Erection of a pitched roof rear extension to provide beer store, server lounge and WCs (as per amended plans received 1/10/80). Approved 21st October 1980;
- SA/82/0345 Alterations and additions of 2 no. flat roofed extensions to provide lounge, beer store and servery at rear, and side entrance lobby. Approved 25th May 1982;
- SA/87/0622 Alterations and additions to provide a single storey flat roof beer store extension. Approved 30th July 1987; and
- SA/95/0577 Erection of a first-floor extension to provide a two-bedroom flat. Refused 26th July 1995;
- 18/05041/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the formation of a decked area (retrospective) Refused 18th January 2019.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PVGVGNTDGNW00>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Claire Wild
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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

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

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

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

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

3. Prior to the resumption in use of the decked area, the balustrade and handrail shall be installed in its entirety in accordance with the approved plans and details , and shall be painted or treated a colour which has first been approved in writing by the Local Planning Authority. The balustrade and handrail shall thereafter be maintained in position and in the approved colour(s).”

Reason: In the interests of public safety and to ensure that the external appearance of the development is satisfactory in compliance with the Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011), Policy CS6:

Sustainable Design and Development Principles and Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015), Policy MD2 Sustainable Design.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. The decked area hereby approved shall not be used between 9.00pm and 9.00am the following day.

Reason: To safeguard the residential amenity in compliance with the Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011), Policy CS6: Sustainable Design and Development Principles.

INFORMATIVES

General

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

Highways

Works On, Within or Abutting the Public Highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge); or
- carry out any works within the publicly maintained highway; or
- authorise the laying of private apparatus within the confines of the public highway including any new utility connection; or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway.

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details: <https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

Drainage

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.

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Committee and date

South Planning Committee

22 October 2019

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS

AS AT COMMITTEE 22 OCTOBER 2019

LPA reference	19/02287/OUT
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Peter Konieczny
Proposal	Outline application for the erection of one single storey dwelling with vehicular and pedestrian access
Location	Proposed Dwelling To The West Of Betley Lane Bayston Hill Shrewsbury Shropshire
Date of appeal	22.08.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/05623/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs Ian Galliers
Proposal	Erection of a pair of 2no semi-detached houses together with associated driveways, landscape and drainage (amended description)
Location	Proposed Residential Development Land To The West Of Green Lane Exfords Green Shrewsbury Shropshire
Date of appeal	16.08.2019
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	18/05705/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr & Mrs Drummond
Proposal	Erection of single storey rear extension with roof terrace above
Location	47 Folley Road Ackleton Shropshire WV6 7JL
Date of appeal	20.08.2019
Appeal method	Fast Track
Date site visit	17.09.2019
Date of appeal decision	08.10.2019
Costs awarded	
Appeal decision	



Appeal Decision

Site visit made on 17 September 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2019

Appeal Ref: APP/L3245/D/19/3232383

47 Folley Road, Ackleton WV6 7JL

- 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 & Mrs Drummond against the decision of Shropshire Council.
 - The application Ref 18/05705/FUL, dated 11 December 2018, was refused by notice dated 9 April 2019.
 - The development proposed is single storey rear extension with roof terrace above.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my visit construction work was taking place to the rear of the host property with what appeared to be foundations being dug. However, as I cannot be certain that the works taking place on site are the same as those shown on the submitted plans, I have assessed the proposal as shown on the submitted plans.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties having particular regard to outlook and privacy.

Reasons

4. The appeal site comprises a detached dwelling with relatively large front and rear gardens. The host property is positioned close to the side boundaries of the site and detached dwellings of a similar scale and appearance are positioned to either side of it. These are also positioned close to the common side boundaries. The relative position of the rear elevations of the three properties is staggered with the rear of No 45 being set further back than the host property and the original part of No 49 being set further forward with a conservatory and extension projecting off it to the rear.
5. The neighbouring properties have similar sized rear gardens and all the dwellings have ground and first floor windows in their rear elevations, with No 45 also having a ground floor side facing window near to the common side boundary with the host property which is largely marked by timber fencing with some intermittent landscaping. The boundary with No 49 is also marked by

- timber fencing and there is a line of tall Fir trees positioned within the garden of No 49 along the side boundary near to the rear elevations of Nos 47 and 49. There are views over neighbouring rear gardens from existing first floor windows at the host property.
6. The proposed single storey rear extension would be the full width of the main part of the host property and would have a depth of approximately 2.5m. It would have a flat roof which would be enclosed by a 1.1m high glazed screen along the rear elevation and 2m high obscurely glazed privacy screens to either side. The roof terrace would be accessible via bi-folding glazed doors serving two first floor bedrooms and a study.
 7. Although there are existing views of neighbouring properties and gardens from the first floor windows of the host property, these windows serve bedrooms and a study and the relatively high cill level of the windows means that such views are only visible when in the rooms and standing close to the windows. By contrast, the erection of the roof terrace would allow for views of a significant proportion of neighbouring rear gardens from the entire rear width of the host property.
 8. Whilst the erection of privacy screens to the side of the terrace would prevent direct overlooking of the rear elevations and rear terraces of the neighbouring properties, they would not prevent overlooking of neighbouring gardens from the rear of the terrace which I consider would be more harmful to the living conditions of the occupiers of neighbouring properties than the existing arrangement. The depth and length of the terrace is such that it could be used in numerous ways and by a relatively large number of people and could involve people standing or sitting in various positions on it, allowing extensive views over neighbouring gardens. The fact that the terrace would be accessed via first floor rooms, that it would face east and that there is a formal barbeque/recreational area in the garden of the host property would not in my view mean that its use would be limited to such a degree so as not to be harmful with regard to privacy, particularly given that it is likely to be used more frequently during the summer months when neighbouring occupiers are also more likely to use their gardens.
 9. With regard to outlook, the erection of the proposed extension and privacy screens would adversely affect the outlook from the ground floor utility room at No 45 as it would reduce the already limited outlook from the window serving that room. However, having regard to the modest size and secondary use of the room, I do not consider that this loss of outlook would materially affect the living conditions of the occupiers of No 45. The height and position of the extension and privacy screens relative to the rear elevations and rear gardens of neighbouring properties together with the height and position of existing boundary treatment means that the proposal would not materially affect the outlook from these properties and gardens, notwithstanding that No 49 is set at a lower level than the host property.
 10. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of neighbouring properties having particular regard to privacy. It is therefore contrary to Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted

December 2015. These policies seek, amongst other things, to ensure that development safeguards residential amenity and responds appropriately to the form and layout of existing development.

Other Matters

11. Both the appellants and the Council consider the proposed extension without the roof terrace to be permitted development. However, I have no evidence before me regarding this matter and in any event the proposal comprises the extension and roof terrace which, for the reasons stated above, is considered to be harmful. In addition, any benefits of the altered and extended living accommodation to the occupiers of the host property would not outweigh the harm that I have identified.

Conclusion

12. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR

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By virtue of paragraph(s) 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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