



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

Date: Monday, 17 June 2019

**Committee:**  
**North Planning Committee**

**Date:** Tuesday, 25 June 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  
Head of Legal and Democratic Services (Monitoring Officer)

**Members of the Committee**

Roy Aldcroft  
Nicholas Bardsley  
Gerald Dakin  
Pauline Dee  
Rob Gittins  
Roger Hughes  
Vince Hunt (Vice Chairman)  
Mark Jones  
Paul Milner  
Peggy Mullock  
Paul Wynn (Chairman)

**Substitute Members of the Committee**

Joyce Barrow  
Karen Calder  
Steve Davenport  
Ann Hartley  
Simon Jones  
Matt Lee  
David Minnery  
John Price  
Brian Williams

Your Committee Officer is:

**Emily Marshall** Committee Officer

Tel: 01743 257717

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive apologies for absence.

## 2 Minutes

To confirm the Minutes of the meeting of the North Planning Committee held on 28<sup>th</sup> May 2019, attached, marked 2. (TO FOLLOW)

Contact: Emily Marshall on 01743 257717

## 3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is Monday, 24<sup>th</sup> June 2019 at 2.00 p.m.

## 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 Pauls Moss Community Room, Pauls Moss, Whitchurch, Shropshire, SY13 1HH (18/05901/FUL) (Pages 1 - 58)

Proposed re-development to include the demolition of Pauls Moss and associated supported living accommodation; erection of one building comprising 74 supported residential units; health centre, pharmacy, central hub space of cafe and community rooms; 85 car parking spaces, alterations to existing vehicular access, creation of two new vehicular accesses (Rosemary Lane and Dodington); landscaping scheme including removal of trees; link to adjacent public open space

## 6 The Bungalow, Golf House Lane, Prees Heath, SY13 3JR (19/00744/FUL) (Pages 59 - 76)

Erection of two dwellings, formation of new vehicular access

## 7 The Stables, Booley Road, Stanton Upon Hine Heath, SY4 4LP (18/05167/FUL) (Pages 77 - 88)

Erection of an occupational dwelling and detached garage

## 8 Appeals and Appeal Decisions (Pages 89 - 112)

## 9 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 23<sup>rd</sup> July 2019 in the Shrewsbury Room, Shirehall, Shrewsbury.



Committee and Date  
 North Planning Committee  
 25<sup>th</sup> June 2019

Item  
**5**  
 Public

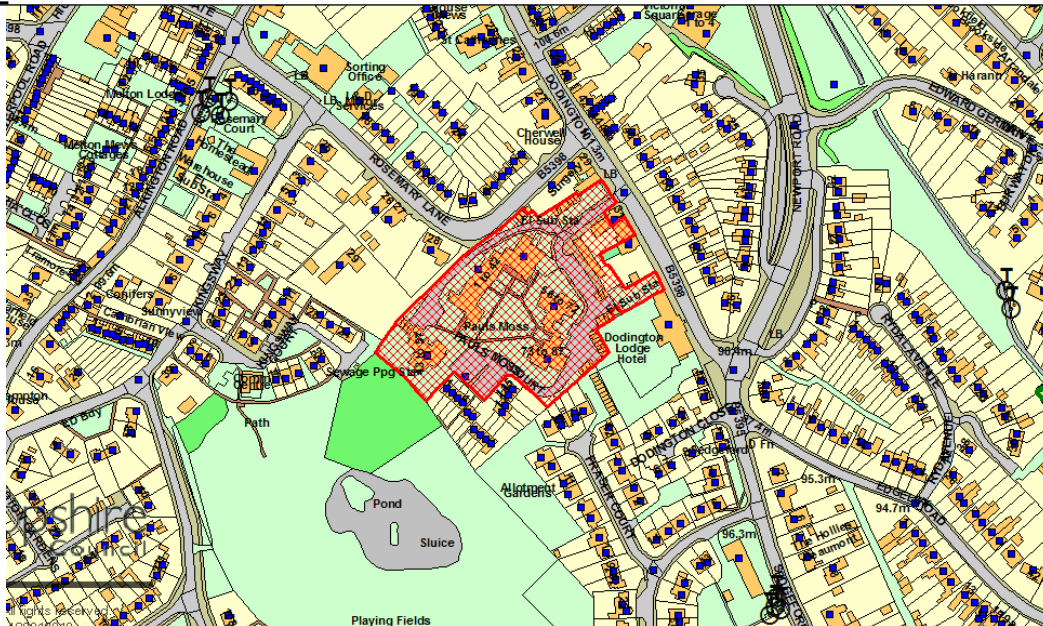
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 18/05901/FUL	<b>Parish:</b> Whitchurch Urban
<b>Proposal:</b> Proposed re-development to include the demolition of Pauls Moss and associated supported living accommodation; erection of one building comprising 74 supported residential units; health centre, pharmacy, central hub space of cafe and community rooms; 85 car parking spaces, alterations to existing vehicular access, creation of two new vehicular accesses (Rosemary Lane and Dodington); landscaping scheme including removal of trees; link to adjacent public open space	
<b>Site Address:</b> Pauls Moss Community Room Pauls Moss Whitchurch Shropshire SY13 1HH	
<b>Applicant:</b> Wrekin Housing Trust	
<b>Case Officer:</b> Philip Mullineux	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>

**Grid Ref:** 354329 - 341094



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**Recommendation:-** Refuse subject to the conditions as set out below.

- 1. The boundary of the Whitchurch Conservation Area was drawn to incorporate the Pauls Moss mansion when designated in 1987 and this building is considered specifically to make a positive contribution to the character and appearance of the conservation area by virtue of its design, detailing, historic character and visual significance within the site. The proposed demolition of the Pauls Moss house would cause total loss of a non-designated heritage asset and substantial harm to the significance of the Conservation Area which is a designated heritage asset. Whilst the community benefits of the scheme are acknowledged insufficient justification has been provided in order to justify the substantial harm to a designated heritage asset. Therefore the application does not comply with the National Planning Policy Framework and in particular paragraphs 192, 193, 194 and 195 and Policy CS6 of the Shropshire Core Strategy and Policies MD2 and MD13 of the SAMDev**
- 2. The application proposes development of a scale and mass that is considered to represent over development of the site, incongruous to the built form and urban grain of the surrounding area, which will therefore have an overbearing detrimental impact on the character of the surrounding area. The design and external construction materials of the development are not considered to provide any enhancement to the surrounding Conservation Area. As such the development is considered contrary to Policies CS3 and CS6 of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev, the National Planning Policy Framework and Section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the Conservation Area.**
- 3. The application proposes insufficient open space and landscaping provision on a site considered overdevelopment. Further still it has not been adequately demonstrated that off-site provision and connectivity can be provided as indicated in information submitted in support of the application. The application is considered contrary to Policies CS6, CS9 and CS17 of the Shropshire Core Strategy, Policies MD2, MD8, MD12 and S18 of the SAMDev and the National Planning Policy Framework.**
- 4. The application does not provide adequate mitigation/compensation for loss of trees on site, many of which are considered worthy of retention and contribute positively to the character of the location and the Conservation Area. The application is considered contrary to Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD12 of the SAMDev and the National Planning Policy Framework on this matter.**

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The Application is made in 'Full' and proposes re-development which includes the demolition of Pauls Moss House and associated supported living accommodation; erection of one building comprising of 74 supported residential units; health centre, pharmacy, central hub space for cafe and community rooms; 85 car parking spaces, alterations to existing vehicular access, creation of two new vehicular accesses (Rosemary Lane and Dodington); landscaping scheme including removal of trees; link to adjacent public open space at Pauls Moss, Whitchurch, SY13 1HH.
- 1.2 The application is accompanied by a set of proposed elevation and floor plans, existing elevation and floor plans, landscaping plan, block plan, site location plan, planning statement, tree survey, noise impact assessment, highway transport assessment and travel survey, heritage statement, flood risk assessment, ecological appraisal, design and access statement and 3 dimensional views plans. During the consideration of the application further information was received which included existing and proposed buildings impacts plans, visual impact addendum, detail in relation to the proposed medical centre aspect of the proposal, housing impact assessment, case studies, options assessment, planning update assessment, site alternatives report and soft work plan. Late in the application processing period information was received which included a re-development potential report, financial viability report and a planning statement summary on the planning balance.
- 1.3 The proposed development is not considered to meet any of the criteria of the schedules of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and as such an Environmental Statement in support of the application is not considered necessary.
- 1.4 The development as proposed was subject to pre-application advice dated 27<sup>th</sup> July 2018, (reference PREAPP/18/00245) the conclusion of which stated:

*'The site for the proposed development is located in planning policy terms within a designated development area within a town, where the principle of re-development is considered acceptable subject to satisfactory consideration to issues as discussed in this letter.*

*Clearly 'Paul's Moss house' is considered a significant non-designated heritage asset and its retention on site is to be preferred. Any application which includes provision for demolition of Paul's Moss House will need to adequately demonstrate the overall benefits of its demolition and any replacement building will need to be of high quality in both design and construction. Has any consideration been given to retaining the Paul's Moss House on site and re-configuration its internal layout, as the dwelling is not presently a designated listed building and as such there is no overall protection in relation to internal fittings? (The site visit though did reveal the entrance hall and stairwell to be construction of considerable interest and worthy of preservation.*

*Also of concern is provision of open space requirements and it is concluded that this area needs re-looking at in order to be in-line with relevant local plan policies on this matter.*

*Demolition and replacement of the remaining structures on site, (fairly recent in construction), is considered acceptable subject to any re-development being in keeping with the prevailing built theme and design of the surrounding area.*

*The principle in relation to the 'health business use on site as indicated appears acceptable in principle as any retailing appears to be in relation to the core principle of the development, i.e. dispensing chemist and hairdresser in relation to occupants of the proposed complex).*

*This advice is given in the context of your request and the information provided in support and has regard to the Council's planning policy. Should you wish to submit a planning application I would recommend that this advice is taken into account. However this advice is offered without prejudice to any future decision the Council may make following the formal consideration of a planning application'*

## 2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The site is located to the south of Whitchurch town centre and within the recognised development boundary of the town, in part of the designated Conservation Area. On site is a recognised non-designated heritage asset in the form of Pauls Moss Mansion House, this house is considered to make an important contribution to the designated Conservation Area,. Pauls Moss comprises a substantial late 19th century suburban mansion house which was previously set within landscaped grounds. It was built c.1891-5 for Edward Philips Thompson; a wealthy Liverpool banker who settled in Whitchurch and became both a significant figure in the community and a major benefactor to the town. It is situated behind frontage development with its primary elevations to the South and West. Consequently views to the house are more limited from Doddington but more significant when viewed from Rosemary Lane which runs parallel in part to the North boundary of the site, the larger scale of the original house in relation to other development means that it is legible and can be viewed within the townscape.
- 2.2 A conservation area is an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.(s69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers). It appears that that the Conservation Area boundary appears to have been specifically drawn up to include the Pauls Moss House within it. (Historic England's advice).
- 2.3 The site is surrounded by existing housing much of it interwar, an allotment, community park, (Queens Park), and local public highways. The site has 3 main buildings on it at present situated with open grounds. The main building is Pauls Moss House, which as indicated above is considered a non-designated heritage asset. The other buildings which are of much later construction are effectively annexes to the Paul Moss house building.
- 2.4 Existing development is mainly of external brick construction and 3 storeys in height albeit

Pauls Moss itself sits higher in the townscape given its high internal ceilings and high pitched roof. The development site is also located to the rear, and within the setting of, two Grade II listed buildings which front onto Doddington: 29 Doddington and Doddington Lodge.

- 2.5 The application proposes the demolition of Pauls Moss house and the associated three storey supported living apartments. Detail as contained within the applicants planning statement indicates that these buildings are all no longer fit for purpose.
- 2.6 The applicants Planning Statement indicates that in order to create a modern, site responsive new build scheme creating high quality retirement living accommodation, community facilities and state of the art medical centre a wholesale redevelopment of the site is necessary. The applicants consider the new development responds to the site's opportunities and constraints in a positive, exciting way to deliver a contemporary building which will help facilitate all of the core project objectives. The building mass is a mix of two and three storey heights which alter across the site depending on the changing site levels.
- 2.7 It is proposed to retain the exiting vehicular access point into the site with some minor improvements. The plans as submitted indicated a new vehicular access point adjacent to Doddington Hotel. A third vehicular access point is proposed off Rosemary Way but for use by health care staff only.

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

- 3.1 Officers recommendation is contrary to the position of Whitchurch Town Council and the application is considered to represent significant development that has generated considerable public interest. Therefore in accordance with the Council's Constitution it is the view of the Planning Services Manager in consultation with the Committee Chair and Vice Chair that this application should be considered by Committee.

### 4.0 **Community Representations**

- 4.1 **Whitchurch Town Council** (Supports) has responded to the application indicating:

*Whitchurch Town Council takes on board the general concerns raised at this Planning Committee by residents, however there is a need for a medical centre in Whitchurch and therefore this Council supports the development.*

*Whitchurch Town Council requests a site visit is organised by Shropshire Council Planners for the North Planning Committee to understand the concerns raised about overlooking and increased traffic.*

*The Pauls Moss building is in poor repair apart from the entrance hall, therefore Whitchurch Town Council request that the developers consider incorporating some artefacts from the current building into the new centre.*

*After a proposal from Cllr Duffy, seconded by Cllr O'Neill it was PLAN/10/RESOLVED to support the development and note objections of residents and request a site visit by North Planning Committee, Shropshire Council.*

## 4.2 Consultee Comments

### 4.3 Historic England (Objects to demolition of Pauls Moss) has responded to the application indicating:

*Thank you for your letter of 14 May 2019 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.*

#### *Historic England Advice*

*Historic England welcomes the additional information that has been provided though we consider that the Visual Impact Assessment and Planning Update underplay the contribution Pauls Moss makes to the significance of the conservation area in terms of evidential and historical value as described in our letter of 23 January 2019. We also consider that the options appraisal is limited by its apparent reliance on a specific model and business plan that does not consider the reuse of the historic building other than as a medical centre and does not clearly conclude that a funding gap exists or explore its size.*

*The wireframes show that the height and form of Pauls Moss currently provide a historical focal point within the later development of flats. The historic building thus maintains the legibility of this part of the conservation area and is critical to its special architectural and historic interest. Proposed views clearly demonstrate its demolition will remove the historical focal point and its replacement will increase the amount of development in the conservation area of a form that is already considered negative and will harm significance.*

***To conclude, the additional information has not addressed our concerns we therefore refer you to the advice set out in our letter of 23 January 2019.***

#### *Recommendation*

*Historic England has concerns regarding the application on heritage grounds.*

*We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194, 196, 200 and 201 of the NPPF.*

*In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.*

*Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.*



The earlier response indicated:

*The architect designed house built in 1895 for E.P. Thompson, a notable Whitchurch resident, is a non-designated heritage asset that makes a positive contribution to the significance of the Whitchurch Conservation Area. Paragraph 201 of the NPPF is clear that its loss should be treated as either substantial or less than substantial harm. Historic England considers that the proposed demolition and redevelopment results in substantial harm to this part of the conservation area and considerable harm to the conservation area as a whole. In its current form we are therefore unable to support the application and urge you to negotiate a scheme that allows the incorporation of the historic house into the overall development.*

#### *Historic England Advice*

*The site lies within the Whitchurch Conservation Area at its southern extremity and where its boundary appears to have been drawn to specifically include the house and former gardens of Paul's Moss. The key characteristics of the conservation area are those of a medieval town occupying a site of more ancient settlement and which developed during the following centuries into a thriving market town and administrative centre in the North Shropshire Plain. The area of Dodington, though a separate manor until the later medieval period, was amalgamated into the town and now forms the southern gateway to the conservation area. It is characterised by good quality and elegant brick houses reflecting the prosperity and growth of Whitchurch in the eighteenth and early nineteenth centuries. The west side of the main road is developed to the back of footway but a mixture of single storey buildings and boundary walls create a low density character that is typical of its edge-of-town location and a spaciousness that enhances the more closed in streetscape beyond the junction with Rosemary Lane where historic buildings line the road on either side.*

*The Building Recording and Heritage Survey submitted with the application demonstrates that Paul's Moss was an 1895 redevelopment of a roadside property to create a large dwelling set within its own grounds and bounded by walls in the style of a mini estate. It was built for a Liverpool banker (E.P. Thompson) who became a major benefactor of the town, a JP in 1903 and who built other houses in Whitchurch for his staff. It was designed by Liverpool architects formerly articulated to architects of national renown: Alfred Waterhouse and Norman Shaw. The style of the building is typical of the time and, though changed by use as the offices for the Urban District Council and latterly as apartments, it retains much of its character both internally and externally. As such it has evidential, historical and aesthetic value that clearly establish it as a non-designated heritage asset.*

*The site contributes to the significance of the conservation area in terms of its evidential and historical value as an example of late nineteenth century edge-of-town residential redevelopment. It contributes to the associative historical value of the conservation area as the home of a major Whitchurch benefactor who brought money, ideas and investment in building to the town. It contributes to the aesthetic value of the conservation area as part of the lower density development on the edge of the historic centre being of materials and a style and quality of design that create an attractive streetscape. The location of the house away from, but clearly visible from the main road is characteristic of this. Though not widely*

*seen the interior of the hall and main staircase contribute to the depth and richness of the aesthetic quality of the conservation area as part of its collection of historic buildings. The loss of the garden setting for the building through redevelopment has diminished but not negated its contribution to the significance of the conservation area. The same is true of the appearance of the blocks of flats which in themselves are negative features in the conservation area.*

*The proposal to demolish the historic house and the blocks of flats and to erect a single, large three storey building covering the majority of the site will have a considerable impact on the conservation area and involves the total loss of a non-designated heritage asset that makes a positive contribution to the conservation area's significance.*

*The NPPF is clear that great weight should be given to the conservation of designated heritage assets (193) and that any harm or loss requires a clear and convincing justification (194), including public benefits where this harm is less than substantial (196). In considering new development in conservation areas the NPPF emphasizes the importance of enhancing or better revealing their significance (200) and considers that loss of a building that makes a positive contribution to significance should be treated as causing either substantial or less than substantial harm (201).*

*It appears to Historic England that the inclusion of the site in the conservation area is reliant on the survival of the house itself. Without the house the site makes a minimal contribution to the evidential and historical value of the conservation area and none its aesthetic value. We therefore conclude that the proposed demolition of the house will result in substantial harm to this part of the conservation area and considerable harm to the conservation area as a whole. In considering the other aspects of the application, while the existing twentieth century blocks of flats are negative elements in the conservation area, their proposed redevelopment does not outweigh the loss of the historic house. The scale and design of the proposed new building is in sharp contrast to the scale of development that characterises the conservation area and we do not consider that it either enhances or better reveals significance.*

*Historic England is not expert in assessing public benefit but in considering this application we are clear that there are no heritage benefits to off-set the considerable harm caused. The application does not appear to be supported by information demonstrating that retention of the historic house within the redevelopment is not viable. Given that the house has previously been in public use we query whether it could not be incorporated into the redevelopment and would urge you to explore this option with the applicant prior to determination.*

#### *Recommendation*

*Historic England has concerns regarding the application on heritage grounds.*

*We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 193, 194, 196, 200 and 201 of the NPPF.*

*In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to*

*the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.*

*Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.*

**4.4 SC Land Drainage Manager (No Objection) has responded indicating:**

*The proposed surface water drainage is acceptable.*

An earlier response indicated:

*Drainage Comment:*

*The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.*

*All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.*

*1. The proposed surface water drainage strategy in the FRA is acceptable in principle.*

*Confirmation is required that Urban Creep has been taken into account in the drainage calculations.*

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

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

*Residential Dwellings per hectare Change allowance % of impermeable area*

*Less than 25 10*

*30 8*

*35 6*

*45 4*

*More than 50 2*

*Flats & apartments 0*

*Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum.*

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

*2. Highway Gully Spacing calculations should be submitted for approval.*

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

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

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

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

*Condition:*

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

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

**4.5 SC Affordable Housing** (No Objection) has responded indicating:

*Shropshire has an aging population and this development will provide 74 much needed affordable homes for older residents. We agree with the applicants statement regarding the benefits of Extra Care provision and have seen the improvements in residents health and wellbeing in the recently completed extra care schemes in Shrewsbury and Oswestry*

Further comments on behalf of Affordable Housing indicates excellent examples of recently developed extra care accommodation in the County. Comment is also made with regards to 55 households on the waiting list in Whitchurch where the applicant is over 55 years of age.

4.6 **SC Trees Manager** (Concerns raised))has responded indicating:

*Summary*

- *The proposal does not appear to follow the advice given in its own tree report at 4.11:*

*“However, existing trees are mainly of good quality, and many could be carefully incorporated so that they form an appropriate relationship with any new buildings. This would greatly enhance any new development providing an immediate appearance of maturity. Once the right balance is found, this will ensure that they are a true asset to the site and go on to provide a wide range of material considerations for their perceived life expectancy .In particular, the development should aim to primarily retain trees in the ‘A’ and ‘B’ Categories and as many of Group ‘C’ as can be retained depending on the design plan”.*

*Despite this recommendation the “A” and “B” category trees are shown as removed.*

- *The proposed development has very little space to support new large canopy trees through to maturity which have the best long term benefits for urban sites. Mature trees currently present which have achieved full canopies are proposed for removal. The proposed landscape planting does not allow space for trees such as the Scots Pine to achieve long ultimate size and pressure on to remove them.*
- *There is existing open space adjacent Queensway Fields however access to this from the site has not been approved by the owner / managers and therefore cannot be used as mitigation for lack of POS and new tree planting*
- *It is not clear that the current proposed layout of the development represents sustainable development in accordance with the aspirations set out in the NPPF and local policies CS6 & CS17 and MD2 & MD12.*

*These comments relate to the following plan: 18-140-01 SOFTWARES PLAN*

*Further to my previous comments that 2 “A” category trees a mature Lime and Yew should be designed into the scheme, I have been informed that this is not feasible under the current proposals.*

*If the scheme does undergo any redesign retaining these trees should be given further consideration in order to retain mature elements and canopy cover - not achieved easily with new planting. The Lime in particular would need to be in open space to retain the*

*rooting area.*

*I note from the submitted tree survey that “The trees along the western stream boundary, the southern boundary of conjoined woodland, and the eastern boundary with neighbouring properties have moderate landscape benefits. It is recommended that compensation planting is undertaken and located to enable the landscape value of this area to be reinforced, if any trees with landscape value are to be removed from the site”.*

*With this in mind T12 Norway Maple a “B” category tree on the eastern boundary appears to be removed to accommodate a bin store – surely this could be retained?*

*T18 a “B Category” Silver Birch on the south boundary appears that it could be easily retained as part of the landscaping proposed for this boundary.*

*Removal of G19 8 Weeping Willow appears to be to accommodate an off-site ramp for access into the adjacent POS however I note the following objection to this:*

*“We/ the Association, (Queensway Playing Fields Association) total object to any trees been removed adjoining the public open space, (Queensway Park), as this part of the park is our Nature Reserve and would be total detrimental to wild life that has been established We the Association have NOT given any approval/ consent for anybody to come on to the Queensway Park “*

*An Area of Wild flower meadow to the NE curtilage is proposed with new standard tree planting of Scots Pine.*

*My own view of the planting of 7 Scots Pine is that this species may have been chosen for being native and for scale with the proposed tall buildings as it has a naturally elongated stem and small crown at maturity. However It is not a locally distinctive tree and does not contribute as much to canopy cover as some of the other broadleaved native trees such as Oak and Lime. I concede that there is not a lot of planting space on this site for trees which will be large at maturity but would like to suggest some attractive fastigiate form trees as an alternative to the Scots Pine for a greater diversity and colour palette:*

*Ginkgo biloba (Maidenhair tree)*

*Liquidambar Styraciflua (American Sweet gum)*

*Quercus robur Fastigiata “Koster” (Cypress Oak)*

*For a large scale conifer then the Dawn redwood Metasequoia glytostroboides would make a statement tree.*

*The 11 proposed Betula “Grayswood Ghost” in the courtyard garden could be varied with other suitable trees for example Acer griseum Paper bark Maple or Acer Campestre for autumn colour.*

**An earlier response indicated:**

*A predevelopment Arboricultural Impact Assessment has been provided with the application and this has identified 4 individual trees and 13 groups of trees which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate although I would give T15 an “A” category rather than a “B” as it is the stand out tree on the site, shown below.*

*A pre-development survey is used as a design aid with category “A” and “B” trees usually retained and designed into a scheme as discussed at 4.1.1 of the report (emphasis mine):*

*4.1.1 Tree Removal and Retention Plans: Development plans for the site are not available, therefore it is not possible to determine which trees are most suitable for accommodation within the scheme. However, existing trees are mainly of good quality, and many could be carefully incorporated so that they form an appropriate relationship with any new buildings. This would greatly enhance any new development providing an immediate appearance of maturity.*

*If however, existing trees are poorly sited and suffer from juxtaposition to newly developed structures, then they may cause new occupants anxiety and unacceptable nuisance to the extent that even legal protection will often not ensure their long-term retention. To avoid such problems and to ensure equilibrium between existing trees and new development, the physiological requirements of trees must be carefully considered within the planting layout.*

*Once the right balance is found, this will ensure that they are a true asset to the site and go on to provide a wide range of material considerations for their perceived life expectancy. In particular, the development should aim to primarily retain trees in the ‘A’ and ‘B’ Categories and as many of Group ‘C’ as can be retained depending on the design plan. If trees are to be removed to accommodate new development, suitable replacement planting within the scheme area could adequately mitigate for losses of category C1 trees. It is recommended that category U trees are removed.*

**Recommendation**

*T5 Yew and T15 Lime are both trees worthy of being designed into the scheme but are shown as removed. Consideration should be given to incorporate these trees into the design of the scheme as recommended in the submitted Tree Report - T15 would need to be placed within a large garden area like the area currently shown as more central to the site.*

*A Tree Protection Plan is required to show how root protection areas of retained trees (off site) are to be protected during construction*

4.7 **SC Planning Ecology** (No Objection in Principle) has responded to the application

indicating:

*Recommendation:*

*Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.*

*I have read the submitted Phase 1 Preliminary Ecological Appraisal (Stefan Bodnar, September 2017). I am happy with the level of survey work and recommend that the following conditions and informatives are included on the decision notice:*

*The following conditions and informatives are recommended for inclusion on the decision notice:*

*Bat and bird boxes condition*

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

- *A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.*
- *A minimum of 20 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, including starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).*

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

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

*Lighting Plan condition*

*Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.*

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

*Bats informative*



*All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).*

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

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

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

#### *Nesting birds informative*

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

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

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

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

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

#### *General site informative for wildlife protection*

*Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under*

*section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.*

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

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

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

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

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

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

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

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

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

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

### *Landscaping informative*

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

#### 4.8 **SC Conservation Manager** (Objects) has responded to the application indicating:

*Following submission of our previous consultee comments on 4 April (2019),, the Applicant has now submitted additional information; including an Archaeological Desk Based Assessment and an Addendum – Visual Impact Assessment, both by Henshaw and Associates, and a Planning Update report by WW Planning.*

*This advice provides a further joint consultation response on behalf of the Historic Environment Team following consideration of this information. It should be read in conjunction with our previous comments.*

*In providing the following advice we also note that Historic England have restated their objections to the proposed development in their latest letter of 29 May 2019.*

#### **RECOMMENDATION:**

*Taking matters in turn, and starting with the previously identified archaeological interest of the proposed development site, the Applicant has now provided the previously requested Desk Based Assessment. It is confirmed that this now provides an acceptable assessment of this archaeological interest, and that we concur with its findings regarding the archaeological potential of the site and recommended mitigation measures (namely an archaeological watching brief).*

*In our previous advice we set out why we consider Pauls Moss, the large, late 19th century suburban mansion house that stands within the proposed development site, to be a non-designated heritage asset.*

*We also indicated that this building has been intentionally included within the Whitchurch Conservation Area (which in planning terms is a designated heritage asset), and that it makes a substantial, positive contribution to its character and appearance. In addition to the reasoning set out in our previous advice, we further note that Pauls Moss would meet many of the criteria for ‘positive contributors’ outlined in Table 1 on page 21 of Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management. We have also acknowledged that we considered the late 20th century extensions and surrounding former sheltered housing buildings detract from it the character and appearance of the Conservation Area.*

*In line with our pre-application advice, in our previous advice we indicated that Applicant needed to provide a fuller assessment of the impact the proposed development would have upon the character, appearance and significance of the Conservation Area and the settings of nearby Listed Buildings that may be affected. In response, the Applicant has now provided an Addendum – Visual Impact Assessment by Henshaw & Associates to supplement the previously submitted Building Recording and Heritage Survey report. Whilst it is acknowledged that this document does now provide the Applicant’s assessment of the impact that proposed development would have upon the Conservation Area, together*

*with the settings of relevant listed buildings, we strongly disagree with the Assessment's key findings. In particular, and for the reasons stated in our previous advice, we cannot agree with the Assessment conclusion that "...in terms of the historic significance of Pauls Moss and its connections to its wider setting in the Conservation Area, the removal of the house would constitute only a slight impact.". We will now provide a further explanation regarding our position in this respect.*

*Firstly, the starting point for the Local Planning Authority's assessment of the impact on the Conservation Area is the positive legal duty imposed upon it by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. When determining planning applications within Conservation Area this requires that "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." (our emphasis). The fact that 'special attention' has to be paid to these considerations indicates that they have to be assigned considerable weight in undertaking the planning balance. Likewise, it also establishes a statutory presumption against the grant of planning permission in instances where a scheme cannot be demonstrated to either preserve or enhance the character or appearance of the Conservation Area.*

*In our opinion the proposed development will fail to preserve the character and appearance of the Conservation Area because it will result in the loss of a large and prominent unlisted historic building within it. Likewise, we consider that the design of the proposed development cannot be considered to provide an enhancement to the Conservation Area. This is because, and to compensate for the loss of the historic building, the design of the new building would have to be architecturally outstanding. Instead, and having considered the three comparative views that have now been provided by the Applicant (Drawing No. 2361-75, 2361-76 & 2361-77), it is our opinion that the application scheme, due to its size, scale, massing and materials, would be wholly incongruous to the built form and urban grain of the surrounding area, and therefore substantially out of keeping the character and appearance of the Conservation Area. For these reasons, we consider that the applicant fails both of the tests imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

*Turning now to the national and local planning policies relating to the historic environment, these require the Local Planning Authority to make its own assessment of the level of harm that proposed development will cause to the significance of both designated and non-designated heritage assets. As we have previously indicated, the proposed demolition of the Pauls Moss mansion would result in the total loss of significance to the building itself as a non-designated heritage asset. More significantly, however, it is also our opinion that it would cause substantial harm to the significance of the Conservation Area as a designated heritage asset.*

*In reaching this view we are aware that substantial harm is a high test. However, we note the guidance on this matter provided by section 018 Reference ID: 18a-018-20140306 of the National Planning Practice Guidance, which states that "If [an unlisted] building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework." (our emphasis). We have previously set out the reasons why we consider this building to make a strong positive contribution to the character and appearance of the Conservation Area. Further, we have*

*also indicated that the boundary of the Whitchurch Conservation Area was intentionally drawn to incorporate the Pauls Moss mansion when it was formally designated by North Shropshire District Council on 11 December 1987 (the boundary at this location largely corresponds with that of the former grounds of the house), by which time we note that the modern extensions and other surrounding former sheltered housing buildings were already present.*

*The fact that the mansion is integral to the character and appearance of this part of the conservation area is further reinforced by the Whitchurch Conservation Area Summary Character Appraisal. Whilst it is acknowledged that this document incorrectly attributes a Georgian date to the Pauls Moss mansion, it nonetheless makes it clear that it is integral to the character and appearance of Area of Distinctive Character 11. On this basis it is our opinion that the demolition of Pauls Moss would effectively remove the justification for retaining this part of the Conservation Area, and therefore necessitate a revision of its boundary. It is for these reasons that we consider the demolition of the Pauls Moss mansion would cause substantial harm to the significance of the Conservation Area.*

*We consider the proposed development does not comply with Paragraphs 192, 193, 194 and 195 of the National Planning Policy Framework. Paragraph 192 requires Local Planning Authorities to take account of three factors when determining planning applications. In relation to these factors, we consider that the proposed development will not sustain or enhance the significance of heritage assets - either the Pauls Moss building itself as a non-designated heritage asset or the Conservation Area as a designated heritage asset – because it is proposing demolition rather than a viable reuse of the building; it makes no positive contribution to the sustainable conservation of heritage assets; and the scheme would not make a positive contribution to local character or distinctiveness for the reasons outlined above and in our previous advice.*

*Paragraph 193 establishes that great weight has to be given to the conservation of designated heritage assets, which in this case comprises the Whitchurch Conservation Area. Because Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged, as outlined above, case law further indicates that very substantial weighting has to be given to the conservation of the designated heritage asset when undertaking the planning balance.*

*Paragraph 194 requires that clear and convincing justification is provided to justify any harm to a designated heritage asset; whilst Paragraph 195 states that local planning authorities should refuse planning consent in cases of substantial harm unless the series of tests which it establishes can be met. We have considered the additional information the Applicant has submitted by way of further justification for the scheme. However, in our opinion this information appears to take little or no account of the guidance provided in sections 015 Reference ID: 18a-015-20140306 and 016 Reference ID: 18a-016-20140306 of the NPPG. Likewise, whilst it is accepted that Pauls Moss mansion is not capable of being adapted as a modern health centre, in our opinion the range of alternative options that have been considered for its re-use are very narrow and constrained by the application of a single business model. Likewise, this information is not supported by any detailed viability appraisal that demonstrates why these options, or any others for that matter, are not feasible. For these reasons we consider that the additional information fails to provide either a clear or convincing planning justification for the harm that the proposed development would cause to the historic environment, and that it also fails to meet the tests*

set out in Paragraph 195.

*For the same reasons that we consider that the proposed development is contrary to Local Plan Policies CS6, MD2 and MD13.*

*In conclusion, we therefore restate our objection to the application and recommend that it is refused.*

**The earlier response indicated:**

*Pauls Moss comprises a substantial late 19th century suburban mansion house which was previously set within landscaped grounds. It was built c.1891-5 for Edward Philips Thompson; a wealth Liverpool banker who settled in Whitchurch and became a both a significant figure in the community and a major benefactor to the town. The architects were the Liverpool based practice Willink and Thicknesse, who specialised in schools and office developments, including the Grade II\* listed Cunard Building in Liverpool. Thompson was presumably aware of their work through his links to the banking sector in the city, and Pauls Moss represents one of their few domestic commissions. The two story house with attics and basement is in a mixed revivalist architectural style and is of good quality red brick with red sandstone detailing beneath a hipped, dormered roof of slate with ceramic bonnet tiles and around a central light well. Internally, it has a late Victorian variation of the villa plan, arranged around a large and impressive double-height hallway which retains the original staircase, doors and door cases and deeply moulded and brightly coloured ceiling with ocular ceiling light. Original fixtures and fittings also survive well in the lounge, including the fireplace and joinery. However, many of the other rooms have been altered as a result of the later refurbishment of the building for institutional uses and following its acquisition by Whitchurch Urban Council in 1957. Although not a listed building, because of its date, architectural associations with Willink and Thicknesse, and its historic links with E. P. Thompson, it is considered to be non-designated heritage asset of at least county level importance.*

*Pauls Moss and parts of its former grounds have been intentionally included within the Whitchurch Conservation Area, and its environs a defined as a specific character area in the Whitchurch Conservation Area Summary Character Appraisal. Although set back from the frontage, there are clear sight lines through to it from Doddington and, because of its imposing size and scale, it therefore retains a substantial presence in the streetscape. Likewise, important views of the building, set behind its boundary wall, are also gained from Rosemary Lane to the north. For these reasons the former mansion house is considered to make a significant, positive contribution to the character and appearance of the Conservation Area. However, the late 20th century extensions and surrounding former sheltered housing detract from it.*

*The proposed development site is also located to the rears, and within the settings of, two Grade II listed buildings which front onto Doddington: 29 Doddington (NHLE ref. 1366534) and Doddington Lodge (NHLE ref. 1055974)*

*The proposed development site also falls within part of the area of the Roman cemetery (HER PRN 00910) to the south of the Roman town at Whitchurch. A number of Roman coins (HER PRN 00569) are also recorded to have been found on the proposed development site itself. The area of the site towards the street frontage also falls forms part of the tenement plots (HER PRN 05952) associated with the post-medieval suburb of Doddington. As a consequence, and despite the later 19th and 20th century development, the proposed development site is considered to have moderate archaeological potential for Roman and post medieval remains.*

**RECOMMENDATION:**

*The following advice is provided as a joint consultation response on behalf of the Historic Environment Team.*

*We understand that an application to list Pauls Moss has recently been made to Historic England. Whilst they have subsequently determined not to recommend it for listing, they do note that it has "...has a distinct presence in the conservation area...". In addition, in their formal consultation response on the planning application of 23 January 2019, Historic England raises a strong objection to the application scheme in its current form on the basis that "...the proposed development results in substantial to this part of the conservation area and considerable harm to conservation area as whole."*

*We previously provided pre-application advice on the proposed development (ref. PREAPP/18/00245), much of which is reproduced on pages 6 and 7 of the Applicant's Planning Statement. In this advice we indicated, in relation to Paragraph 189 of the NPPF (previously Paragraph 128 in the edition of the Framework in place at the time) and Policy MD13 of the Local Plan, that any planning application should be accompanied by a Heritage Assessment. It was stated that this should comprise an archaeological desk based assessment; a Level 2 historic building assessment of Pauls Moss house; and an assessment of the impacts from the proposed development on the settings of Listed Buildings and the character and appearance of the Conservation Area.*

*A Building Recording and Heritage Survey by C. Henshaw and Associates has been submitted with the application. This provides a comprehensive survey and analysis of Pauls Moss house itself and acknowledges that it should be considered a non-designated heritage asset. However, it gives very limited consideration to the contribution the building makes to the character and appearance of the Whitchurch Conservation Area, or to the impact that its demolition would have upon its significance as a designated heritage asset. Likewise, it does not include an archaeological desk based or make any attempt to assess any impacts the proposed development would have upon settings of nearby listed buildings. For these reasons we object to the proposed planning application on the basis that the Heritage Assessment, as currently submitted, does not comply with the requirements set out in Paragraph 189 of the NPPF (Paragraph 128 in the edition of the Framework in place at the time) and Policy MD13 of the Local Plan*

*Notwithstanding this, however, we consider that the proposed demolition of Pauls Moss house would cause substantial harm to the significance of the Whitchurch Conservation Area. In reaching this conclusion we are mindful of the guidance provided in section 018 Reference ID: 18a-018-20140306 of the National Planning Practice Guidance, which states that "If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework.". It is our opinion, as outlined above, that the building makes a significant positive contribution to the character and appearance of the Conservation Area. Furthermore, that there would be very little or no justification for retaining its current boundary at this location if it were to be removed. In addition, demolition would also result in a total loss of significance to Pauls Moss house itself as a non-designated heritage asset.*

*We have no objection in principle to the demolition of the existing later 20th century extensions and sheltered housing adjoining and south-east of the historic Pauls Moss house. For this reason we could support a sensitively designed redevelopment scheme for the site which retains the former mansion. However, it should be noted that, in addition to*

*the proposed demolition of Pauls Moss, we also have serious concerns about the design of the currently proposed replacement retirement living scheme, health centre, pharmacy and community hub building, in terms of the impact a building of this size, scale, massing and materials would have the character and appearance of the Conservation Area and the settings of nearby listed buildings. This would be likely to cause significant harm to the significance of the Conservation Area in its own right, such that in our opinion the design of the proposed development provides no justification for the harm that would be caused through the demolition of Pauls Moss house.*

*As a consequence, it is advised that, because of the proposed demolition of Pauls Moss house, paragraphs 193, 194, paragraph 195 and 197 all apply. To date, the Applicants have made no attempt to justify the proposed development in relation to tests set out in paragraph 195 in particular. Likewise, and with reference to Section 72(i) of the Planning (Listed Buildings and Conservation*

*Areas) Act 1990, it is further considered the proposed development fails to either preserve or enhance the character and appearance of the Conservation Area, therefore establishing a statutory presumption against the grant of planning permission. For these reasons, we also advise that proposed development is contrary to Local Plan Policies CS6, MD2 and MD13.*

*In conclusion, we therefore object to the application in its current form and recommend that it is refused.*

- 4.9 **SC Regulatory Services** (no objections in principle) has responded to the application recommending conditions be attached to any approval notice issued with regards to construction hours condition (0730-1800 Monday to Friday, 0830-1300 Saturday) and given the size and nature of the site and proximity of the neighbouring properties they advise a condition with regards to a demolition method statement (BS6187 and relevant BRE and Institute of Air Quality management documents) and a construction method statement detailing noise ,vibration and dust suppression to be submitted.

- 4.10 **SC Highways Manager (no objections in principle)** has responded indicating

#### **LOCAL CONTEXT**

*The site is proposed to be served by three accesses, one from Rosemary Lane and the others from Dodington. Rosemary Lane is the B5476, a road of near 10m in width which accommodates two-way traffic and some on street parking near the site. On the section approaching the junction with Dodington informal on street parking is available on both sides of the street allowing about 20 on street parking spaces near to the site. A site visit to the area identified 13 of these to be in use. Dodington is the B5398, it currently serves two-way traffic. The road length fronting the development site does have defined on street parking bays available on the development site side and some additional capacity for informal on street parking opposite. Capacity would appear to be around 16 spaces and site visit have identified around 8 of these to be in use.*

*At just 340m to the north of the site via Dodington and Bridgewater Street lies the community parking facility adjacent to Tesco and the Swimming Pool. This car park has a capacity in excess of 250 spaces and has a 3hr stay limit. A midweek site visit between 10.00am and 11.00am identified this car park to be half full and therefore well in excess of 100 spaces available for use. Pedestrian routes between the development site and this car*



*park are good and the walk generally takes between 4 and 5 minutes. The 340m distance falls within the generally accepted 400m walking distance parameter for planning and evaluation purposes of development.*

## **ON-SITE PARKING**

### *Extra Care Facility*

*Extra Care apartments traditionally do not attract particularly high car ownership numbers and the provision of one parking space per three sheltered units is considered acceptable. Based upon this development, the Extra Care facility should provide in the order of 25 spaces. However for robustness and taking on board some local concern regarding these units, I consider the application of 1 space per 2 units to be more suitable and therefore the provision of 38 spaces. There are 49 spaces accessed from the Dodington access located across the bottom side of the site. It isn't clear from the application what the servicing/care needs of the extra care facility residents is but with an excess of the assumed parking this does not cause a particular concern. As some of these 49 parking spaces are also fairly close to the medical centre, it can be expected that some of these spaces could be used by visitors to the medical centre also.*

### *The Medical Centre*

*The Medical Centre consisting in part of 21 consulting rooms has 25 parking spaces within a separate car park from the Extra Care facility. A further 11 parking spaces have been set aside for staff use only, totalling 36 spaces. Information provided indicates that 18 full time staff and 32 part time staff are to be employed by the surgery. I am assuming this figure is inclusive of staff which will work within the pharmacy also.*

*The allocated staff parking is accessed from Rosemary Lane where 11 spaces are proposed. Five of the parking bays are in a tandem arrangement, which is only really suitable if the staff utilising these spaces leave work at the same time or a mass backing up exercise is required if someone needs to get out during the day. However, being reasonable, I am confident the use of these spaces can be carefully managed between staff and if this area wasn't allocated for formal parking it would get parked in anyway and the same potential issue would result.*

*Using the Travel Survey data provided, an initial presumption can be made that 50 staff would require 40 spaces but just 18 of these are full time so it would be unreasonable to expect such a high level of staff parking. All the staff will not be on-site at any one time and 32 staff are part time. No specific information regarding working patterns has been submitted but it is appreciated that shift and working patterns are difficult to predict as things change and it would also be difficult to control over time. 25 spaces are provided for visitors and patients to the medical centre. The facility is proposing 21 consulting rooms and it is understood that all the rooms will not be in use at any one time; the proclaimed two third occupancy is not an unreasonable assumption.*

*Overall, it is considered that the parking for the medical centre should be considered holistically rather than by accounting for every possible staff and visitor scenario. Therefore, I would accept that there will be a crossover use between parking spaces and would assign 4 parking spaces per consulting room (medical professional, supporting staff*

*member, patient and patient waiting per room) resulting in a required provision of 56 parking spaces required when considering the expected occupancy level. The travel survey data however does suggest this could be reduced by a further 10% to account for non-car travel and therefore 51 spaces would seem appropriate.*

#### **PARKING SUMMARY**

*It is considered that sufficient parking is proposed for the extra care units in that 49 spaces are provided and 38 would be required. This results in a potential net availability to the other operations on the site of 11 spaces. The medical facility holistically is assumed to require 51 spaces with 36 being provided; a deficit of 15 spaces which could be balanced by the 11 from the extra care element to an extent.*

*It is noted that some concern has been raised through the planning consultation regarding parking provision on the site but any parking overspill which may occur from the site could be sufficiently picked up by local on street parking provision and the use of the public car park off Bridgewater Street, which is within accepted walking distance of the facility and appears to have available capacity during a standard weekday.*

*Whilst Shropshire Council currently has no adopted parking standards the above assumptions on parking within the site could be considered to be based on first principles; moreover, consideration would have to be given to how any refusal recommendation based on parking provision could be justified. It is our view that an objection to this development on parking grounds is not justified.*

*However, notwithstanding the above, what is important is how the available on-site parking is properly managed. In order for the on-site parking provision to work efficiently and at its most effective, the careful marking up and allocation of bays including associated instructional and directional signage will be required on site. It is considered this could be dealt with by submission of specific detail and delivery under condition prior to commencement in use.*

#### **CYCLE PARKING**

*The site will cater for two differing businesses, with some staff on site 24 hours per day in the Extra Care facility for example. The development as a whole is offering five cycle stands for the site, these can cater for 10 cycles. For the cycle parking the two businesses should be dealt with separately. Cycle parking facilities for the staff should reassure staff that their cycle is secure and protected from the weather.*

##### **The Medical Centre**

*There should be, as a minimum, a four-cycle secure sheltered facility provided. For visitors/users, who tend not to leave their cycles for long periods, as a minimum a further two non-sheltered but secure cycle stands for four cycles should be provided. These need to be located close to an access point into the main building and be in an overlooked and prominent position.*

##### **Extra Care Facility**

*This facility will be a 24 hour per day operation, to encourage the use of sustainable*

*transport (cycling) it needs to provide similar to the above at a location prominent, overlooked and close to the main entrance of the Extra Care facility.*

*The provision of cycle parking facilities goes hand in hand with the sites travel plan and therefore I would be happy for specific details of the cycle parking to be included in an updated travel plan that can be suitably conditioned on any consent given.*

#### **TRAVEL PLAN**

*The purpose of a Travel Plan is to set out the intentions of the applicants in regard to users and staff of the development facilities and their use of sustainable transport through the life of the development.*

*The Travel Plan, as currently drafted, fails to offer any up-front enticers or encouragement that will help engage staff or users, to consider the use of sustainable transport from the initial opening of the development.*

*Typically, this would be but not exclusively:*

- to offer public transport information*
- to provide cycle purchase scheme membership opportunities*
- to provide offer shower/changing facilities for cyclists*
- to promote car sharing parking preferences*
- to provide a clear Car parking management strategy*

*This is seen as a missed opportunity to help staff in particular to adjust to new modes of transport whilst having to alter to new travel routes. Accordingly, I feel the travel plan should be revised to reflect the points above. I consider that this could be done under a suitably worded negative planning condition.*

#### **RECOMMENDED PLANNING CONDITIONS:**

##### **Access**

*Prior to the development hereby permitted being first brought into use or occupied, the staff car park access onto Rosemary Lane is delivered, constructed in full with visibility splays of 2.4m x 33m and is in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.*

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

##### **Car Parking**

*The development hereby permitted shall not be brought into use until a car parking management plan has been submitted to and approved in writing by the Local Planning Authority. Details within this plan will include a strategy for the instructional and directional signage of the parking within the site and that available off site. The parking shall be delivered in accordance with this plan, also properly laid out, hard surfaced and drained prior to first occupation of the facility and then maintained as such for the life of the development, unless otherwise agreed in writing with the Local Planning Authority.*

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

#### *On-site Construction*

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

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

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

#### *Travel Plan*

*Notwithstanding the submitted draft travel plan, a detailed Travel Plan shall be submitted to include upfront incentives, measures and additional onsite cycle parking facilities. This updated travel plan shall be submitted for approval by the Local Planning Authority and implemented upon first occupation of the development. The Travel Plan shall remain in place for the lifetime of the development.*

*Reason: To minimise the use of the private car and promote the use of sustainable modes of transport*

#### *Informative:*

*Works on, within or abutting the public highway (Includes all footways & verges)*

*This planning permission does not authorise the applicant to:*

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

- *undertake the placing of a skip, scaffolding, hording or fencing on or immediately adjacent to the highway, or*
- *use the highway for any purpose associated with the construction of this development, such as unloading delivery vehicles, parking of plant or machinery or the storage of materials, etc.*

*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.*

*It should also be noted that the Developer may be directed by Shropshire Council to carry out works, within the public highway, overnight or at weekends (outside of the scope of the planning consent) to ensure through traffic disruption and health & safety requirements are managed appropriately.*

**4.11 SC Parks and Recreation Manager (objects without modification)** has responded indicating:

*Due to matters brought to our attention regarding the access from the development down to the existing POS we have reconsidered our comments on this planning application.*

*We wish to withdraw our comments made to the Planning application 18/05901/FUL and refer back to our initial comments that we made at the PREAPP stage.*

*Under Shropshire Council's SAMDev Plan and MD2 policy requirement, adopted 17th December 2015, all development will provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom.*

*For developments of 20 dwellings and more, the open space needs to comprise a functional area appropriate to the development. This should be provided as a single area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.*

*The types of open space provided need to be relevant to the development and its locality and should take guidance from the Place Plans. The ongoing needs for access to manage open space must be provided for and arrangements must be in place to ensure that the open space will be maintained in perpetuity whether by the occupiers, a private company, a community organisation, the local town or parish council, or by Shropshire Council.*

*Based on the current design guidance the development will deliver 102 bedrooms and*

*therefore should provide a minimum 3060m<sup>2</sup> of usable public open space as part of the site design.*

*Currently the site design identifies only a small area of POS provision and therefore it does not meet the MD2 policy requirement. The site must be redesigned and altered to meet the policy requirements.*

**The earlier response indicated:**

*There are 102 bedrooms within this development and in previous comments we have stated that 3060sqm of POS is required. Within this planning app they are providing 627sqm of POS in a central point and then 212sqm of raised terrace with access via a ramp and steps to the existing Public Open Space below the site. It appears that the applicant has agreed to link this development with the existing Public Open Space which is classified as Parks and gardens on the PPG17 so as long as the access is provided an offsite contribution should be appropriate to account for the loss of POS within the development.*

**4.12 Public Comments**

4.13 Two hundred and forty three letters of objections/comments have been received from members of the public at the time of writing this report. Key planning issues raised can be summarised as follows:

- The main building on site, (Pauls Moss House), proposed for demolition is considered an important part of the integral history of Whitchurch and should be retained as part of the overall development.
- Impact on local bat population as a result of site clearance.
- Concerns with regards to the proposed access into the site and vehicle parking provision on site.
- Proposal fails to preserve or enhance the surrounding Conservation Area.
- Is there need for all the services on site as proposed. (Chemist etc).
- Concerns about loss of existing trees on site.
- Proposal represents over-development of the site.
- Concerns with regards potential impact on trees on site.
- Concerns that the adjacent Queensway Park has a high water table and with such a loss on site of open space and trees where will all the drainage water go?
- An alternative proposal submitted by 'Save Pauls Moss' by way of objection to this proposal, demonstrates how the Pauls Moss site could look with a plan that respects the conservation area by keeping Pauls Moss House and using it as a hub providing a medical centre of identical capacity to that planned by Wrekin Housing Trust, in a layout that is suitable for phased development if necessary to meet time constraints imposed by grant-funding respects and enhances the conservation area by arranging 74 flats in small units more in keeping with the size of other buildings in the vicinity set in appropriate open space in relation to development on site.

Also received is a petition opposing the application signed by 820 signatories.

4.14 **The Victorian Society** (objects to demolition of Pauls Moss house) has responded to the application indicating:

*The Victorian Society would like to make it clear that it does not object to the principle of development on the site. We do however strongly object to the proposed demolition of Pauls Moss, a non-designated heritage asset of 1894 (Pevsner), designed by Willink & Thicknesse for the Liverpool Banker and local philanthropist Edward Philips Thompson.*

*Historic England, in a letter of 23rd January, has responded in detail to the proposed demolition of Pauls Moss House and the Victorian Society endorses their comments and shares their concerns over the loss of the building. In addition, the Society would like to highlight that the applicant has submitted, what is in substantial part, a Historic Building Recording Report (May 2018) but no separate Heritage Statement that we would expect to contain an assessment of significance of both the conservation area and the building, and an assessment of harm and the impact on significance of the proposals, amongst others. The „Building Recording and Heritage Survey“ (“the Survey”) states in Section 3. The Survey Level that,*

*“The primary aim of this study is to meet the requirements of the local planning authority, Shropshire Council, for a Level 2 Historic England survey. It is to provide a detailed record and understanding of the building.”*

*This planning application is accompanied by what can be described as a „hybrid“ building recording report and a very brief and inadequate heritage statement, both contained in the Survey. As a consequence, we believe that the „Building Recording and Heritage Survey“ does not fully conform to the required format of a Level 2 or a Level 3 historic building recording report as set out in the Historic*

*England guidance<sup>1</sup>, for reasons noted below, or to that of an adequate heritage statement. The latter is of considerable concern to us given the severity of the proposals which will have a considerable impact on a designated heritage asset, the Whitchurch Conservation Area, and will result in the total loss of a non-designated heritage asset, Pauls Moss House.*

*The Survey contains a „Planning Guidelines“ section (2) but it fails to adequately address all applicable legislation, national and local planning policy. The insertion of this section addressing planning is surprising as we would not expect a Historic Building Recording Report to contain this detail. However, we do expect a Heritage Statement to address applicable and current planning legislation and policy and if the intention here is to address in part the requirements of a Heritage Statement, it fails to adequately do so. We are most concerned by the absence of detail contained in Section 8. Heritage Statement which extends to three short paragraphs. It does not contain an assessment of significance of the building or an assessment of the potential harm and impact of the proposals on both the Conservation Area and Pauls Moss House. Where comment is made, specifically in Section 9. Contribution to the Conservation Area, it appears to be confused and unclear in its assertions. In this regard, we would like to refer your authority to Historic England’s clear and concise assessment of the contribution that the building makes to the Whitchurch Conservation Area, which we are in agreement with, when considering Section 9 of the*

*Survey.*

*We would like to remind your authority of paragraph 189 of the National Planning Policy Framework (“the NPPF”, revised July 2018) that states,*

*“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

*The Society would like to reiterate again that we are surprised by the insertion of sections 8 and 9 in the Survey as we would not expect a Historic Building Recording Report to contain this detail. We are aware of circumstances in which a Historic Building Recording Report is commissioned in the pre-planning stage with the aim of informing a detailed planning application submission which is then also accompanied by a Heritage Statement. Indeed, Historic England state that one of the general reasons for compiling a record of a historic building is “to inform decisions relating to the approval or implementation of a scheme of development as part of the planning or conservation process” (p.1, 2016). Historic England acknowledges that an early record is invaluable in these circumstances, even though it may subsequently require expansion. The Society is therefore pleased that your local authority appears to have requested a record early in the pre-planning application process. However, we are disappointed that the application was validated in the absence of a separate Heritage Statement that we would expect to be informed by the Historic Building Recording Report. Furthermore, we are of the opinion that the application lacks clear and convincing justification for the harm to a designated heritage asset and the loss of a non-designated heritage asset. In this regard, we would like to remind your authority of paragraphs 193, 194 and 197 of the NPPF which state,*

*““When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”*

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

*As your authority appears to have requested that a Level 2 record be carried out, it is probably aware that the four levels of record as set out in the Historic England guidance, and widely adopted, typically consist of a drawn record, photography and a written record. The level of detail required under these*

*1 Understanding Historic Buildings: A Guide to Good Recording Practice (Historic England, 2016) record types is determined by the purpose of the record, generally guided by the project brief, with the requirements under Levels 1 – 4 clearly set out in the guidance. The*



*Chartered Institute for Archaeologists (“CIfA”) also have Standard and guidance (Standard and guidance for the archaeological investigation and recording of standing buildings or structures, 2014) on historic building recording and the format and contents of reports. It is expected that the forms of record will fulfil the requirements of those for whom historical understanding is the principal objective.*

*The Survey states that it provides “a slightly more detailed level 2/3 survey to meet the complexity and size of the property.” and further states in Section 3. The Survey level that the recording is “suitably enhanced and adapted to the requirements of the site with a greater degree of description, photography and use of annotated existing survey drawings.” The Survey does provide a detailed description as expected. However, it omits basic but important detail on when the record was made, the recorder(s) and their requisite experience relevant to recording. More importantly, we observe that the Survey does not appear to contain to scale or fully dimensioned measured plans or an adequate number of photographs to illustrate the detailed description of the interior especially given the “complexity and size of the property”. For example, within the description of the ground floor (5.3.2) it states,*

*“The doorcases to the Hall are well crafted and, at ground-floor level, have richly decorated eared architraves, bold carvings in the frieze, and triangular pediments; the room-side architraves are a little simpler, but still with moulded eared architraves and cornices. The doors are quite different to their neo-classical surrounds, with panels of various shapes more redolent of the early-17th century;”*

*However, there are no detailed photographs of these features as we would expect. The photographs contained within the Survey, specifically, Plates 8-9, 13 intimate the survival of important historic features. On this basis, we believe that before any consideration is given to the proposal for demolition of Pauls Moss House, a Photographic Survey should be carried out in accordance with Historic England guidance with the purpose of contextualising the descriptions in the Survey. We also urge your authority to request that the applicant submits a standalone Heritage Statement.*

*As stated above, the Society has no objection to the principle of development of the application site. A development scheme that incorporates the extant historic building and is sensitive and responsive to it and the Whitchurch Conservation Area has the potential to bring about heritage-based public benefits. The Society is not aware of any evidence which suggests that the building is structurally unsound and which may necessitate demolition and the application lacks clear and convincing justification for the proposed demolition.*

- 4.15 A letter of objection has been received from **Equity Housing Group**. This raises objections mostly on public highway and transportation matters and in particular in relation to on site transportation layout in relation to the site as a whole that includes the residential element and the public facility provisions.
- 4.16 A letter of objection has also been received from ‘**Save Britain’s Heritage**’. The conclusion states:

*SAVE believes this proposal is contrary to local and national planning policy and strongly recommends that this application be refused. The planning application does not set out a*

*convincing justification for the demolition of Pauls Moss House, and clearly has not convinced many local people of its case. We urge the applicants to reconsider the loss of the House and to re-submit plans which retain and adapt the building, whilst still delivering a new build that offers the services Whitchurch needs. The value of a well-loved heritage asset to the wellbeing of vulnerable residents should not be overlooked.*

- 4.17 Also objecting to the proposal is **Queensway Playing Fields Association** which has indicated they totally object to any trees been removed adjoining the public open space, (Queensway Park), as this part of the park is our Nature Reserve and would be total detrimental to wild life that has been established in that area. We the Association have NOT given any approval/ consent for anybody to come on to the Queensway Park.
- 4.18 Also objecting to the application are **Whitchurch Allotment and Community Association** which has indicated that they are the only allotments in Whitchurch and that their site is oQueensway Playing Fields directly alongside the proposed development. This allotment site was developed 10 years ago. Concerns are raised with regards to flash flooding in the area and that the park lies on lower ground than the Pauls Moss site and concerns are raised with regards to increased run off from the application site owing to the significant increase in built development. The Association is also concerned about comments made in the Design and Access Statement on page 14 submitted by the applicant. *'Outside the red line boundaries of the proposed development area the current Planning Application proposes a possible new link with the existing Public Open Space (P.O.S.) to the South of the Pauls Moss site. It is hoped that by providing a raised terrace area with steps and ramp down to the lower POS ground level Residents of the Pauls Moss Extra Care scheme will be able to enjoy the wider open space and the small lake to the south of the site. A possible pathway/ boardwalk is also being proposed to encourage possible future use and easier pedestrian linkage between the Extra Care development and the existing allotments which are a short walk away.'*

This access between Pauls Moss and the Park is not suitable and has been rejected by the Queensway Playing Fields Association as being impractical. This side of the park has been set aside to be a nature reserve and has evolved due to the fact that this area is very wet. Shropshire Wildlife. A path from Pauls Moss to the allotments would require regular maintenance due to the wet, boggy nature of the land. Whitchurch Allotment and Community Orchard Association has never been approached by the Wrekin Housing Trust to be able to explain to them that a direct link from the apartments to the allotments is not viable.

- 4.19 '**Save Pauls Moss**' (action group set up to oppose the proposed development), have submitted alternative plans for development on site. These indicate development that they indicate complies with the Developers brief and is a much more sympathetic alternative for development on site which retains Pauls Moss House and provided better open space. The submission also compares the site as it is at present in relation to both the proposed scheme as submitted by the applicants as well as an alternative proposal drawn up by their own architects.
- 4.20 At the time of writing this report **thirty three letters of support** have been received from members of the public mainly indicating that the need for a health centre in the town

outweighs the benefits of saving the historic building on site. Also a letter supporting the plans submitted subject to the application under discussion rather than the plans as submitted by the Save Pauls Moss Action Group.

4.21 **SC Public Health** has made the following comments in support of the application:

*This response has been prepared by Shropshire Council (SC) Public Health.*

*The planning proposal is for housing and healthcare facilities in the Pauls Moss area of Whitchurch. The development proposes bringing together the existing 3 GP practices together under one roof in a purpose-built medical centre and community space. As part of wider regeneration plans, the scheme will offer combined housing and care services for the over 55 age group.*

*1. Policy Context*

*National Context*

*It is increasingly recognised, in England and further afield, that development plans and policies can have important long-term effects on physical and mental health and wellbeing of their areas population. It is also important for reducing inequalities in health.*

*The NPPF (2018) recognises the importance of promoting healthy communities in order to achieve sustainable development. It states that planning policies and decisions should aim to achieve places which promote:*

- Opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and plan in the vicinity;*
- Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.*

*National Planning Policy Guidance (NPPG)*

*“The National Planning Policy Framework encourages local planning authorities to engage with relevant organisations when carrying out their planning function. In the case of health and wellbeing, the key contacts are set out in this guidance. Engagement with these organisations will help ensure that local strategies to improve health and wellbeing) and the provision of the required health infrastructure (see National Planning Policy Framework paragraphs 7, 156 and 162) are supported and taken into account in local and neighbourhood plan making and when determining planning applications.”*

*The NPPG goes on to say that through the plan-making and decision-making processes, in respect of health and healthcare infrastructure local planning authorities should consider how:*

- The healthcare infrastructure implications of any relevant proposed local development have been considered, and how;*
- Access to the whole community by all section of the community, whether able-bodied or disabled, has been promoted.*

*Access to services*

*Local planning policies, and the location of new developments and facilities, should enable people to have a choice of high quality and attractive places to live and allow them to reach the services they need and, for the services they need to reach them.*

*Key amenities should be within a reasonable distance for travelling or walking to and provide the opportunity to choose a healthy lifestyle. This includes adequate access to green spaces, education and health facilities, reasonably priced healthy food choices and limitations on unhealthy lifestyle outlets.*

*Local amenities, such as community/health centres, schools, and food stores should be within a 5-minute walkable distance, reducing the need for car use, promote physical activity and integrate facilities and services into the heart of the community where they can be well used by all. Having facilities within a reasonable distance to travel to will help to reduce loneliness and social isolation of residents in the neighbourhood.*

#### *Community spaces*

*Community centres, educational facilities and other local spaces can support the wider community through the range of facilities they can offer and by creating a focus to the neighbourhood. They can provide for example a community hub, meeting space, place for adult learning, job club and luncheon club; thereby having a key role in the community they are part of.*

#### *Health facilities*

*A national review identified problems associated with patient access to health services, especially in rural areas. The main reasons people cannot access health services are:*

- *Availability and physical accessibility of transport*
  - *Cost of transport*
  - *Inaccessible location of health services*
  - *Services delivered at times which reduce the opportunities for patients to attend*
  - *Safety and security*
  - *Travel horizons – people on low incomes travel shorter distances from home*
- Models can be used to support decision making around the health services required for a geographic location, based on the proposed development. These include health activity levels, GP and community health facility needs, increase in population size and other healthcare requirements.*

#### *2. Public Health Response*

#### *Population Growth*

*The population of Whitchurch area is forecast to rise from 9,700 in 2011 to 12,300 in 2026. This is a rise of 26.1% over this period. The largest part of this increase is expected between 2016 and 2026, where the population is forecast to rise by approx. 2,200 people or 21.7%.*

*The number of dwellings is also forecast to increase from 4,400 in 2011 to 5,500 in 2026. This is an increase of 25%.*

#### *Healthcare provision and health outcomes*

*Access to Healthcare provision has been a common theme emerging during feedback from discussions with local stakeholders and members of the public, with few specialist facilities to support people with their current health and wellbeing needs. In addition to this, the current model of primary care is not sustainable in the longer term with a growing population and out of date facilities adding pressure on services.*

*Feedback from the voluntary sector has also suggested there is a need to support the sector to provide services, including social prescribing in the area. Models of Health and community services in a combined setting, have demonstrated positive impacts on health and wellbeing outcomes across the Country. These models providing more efficiently provision, while promoting earlier intervention, prevention and a more social approach to healthcare.*

*Whitchurch has recorded poorer health outcomes historically for some long-term conditions (asthma and COPD), mental health, obesity and dementia diagnosis. All of these conditions can be supported and managed in community and primary care settings. In addition, outcomes for smoking in pregnancy and breastfeeding rates have been poorer in the area. Provision of these services through community health and wellbeing hubs has seen positive results on health outcomes in other areas of the Country and could be provided on the proposed site.*

#### *Community Resilience*

*Specific local examples of improving community resilience are the Shropshire Care Closer to Home programme and Shropshire's successful model of Social Prescribing, which will both benefit from Whitchurch having a purpose built medical centre adjacent to a community hub. This would support community based health, social care and voluntary sector services to use all the resources available to them to meet the needs of Whitchurch's growing population from one location.*

#### *Conclusion*

*SC Public Health are supportive of this development proposal which it believes will bring improved access to health care and community services in the local area and promote wider improvements to wellbeing.*

- 4.22 **Shropshire Clinical Commissioning Group**, (CCG) has submitted a letter in support of the application. They indicate that they are fully committed to improving primary care services and developing new models of care throughout Shropshire.

*The response refers to The NPPG which indicates that through the plan-making and decision-making processes, in respect of health and healthcare infrastructure local planning authorities should consider how:*

- *The healthcare infrastructure implications of any relevant proposed local development have been considered, and how;*
- *Access to the whole community by all section of the community, whether able-bodied or disabled, has been promoted.*

*The NPPF advises at page 13 on decision-making. It says:*

- *Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*

*Paragraph 11 of the NPPF advises on the presumption in favour of sustainable development and taking planning decisions. It says:*

- *Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:*
- *plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
- *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
- *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*You will of course be aware that the provision of a new Medical Centre in Whitchurch is a priority within the local and Neighbourhood Plan and that the development of the Medical Centre is critical to the sustainability of healthcare services within Whitchurch.*

*Without the delivery of this project Whitchurch would face an uncertain future in terms of its primary care provision as the existing three GP premises have a limited lifespan either through future lack of availability or their ongoing suitability. There are a number of GP's reaching retirement age and recruitment is becoming a significant issue. Without fit for purpose premises or certainty of any location, Whitchurch will struggle to attract any new GP's and therefore overall provision of Primary Care services could reach a critical position. Delivering General Practice from a single, purpose built premises for the whole population of Whitchurch is a significant step forwards in the provision of sustainable and resilient future Primary Care.*

*NHS England is also supporting the project through the provision of a £1 million Estates and Technology Transformation Fund grant. It is important to note that this grant is time limited and is only available until March 2021. The building has to be completed by this*

*date in order to draw down the grant funding and therefore will be lost if this project is not delivered on time.*

*The new medical centre in Whitchurch is not affordable without the grant funding and the land which has been gifted by The Wrekin Housing Trust at no cost to the NHS. The delivery of this project is therefore critical to the sustainability of health care in Whitchurch and important to the long-term effects on physical and mental health and wellbeing of its population.*

## 5.0 THE MAIN ISSUES

- Principle of development
- Historic environment and impact
- Siting, scale and design.
- Visual impact, landscaping and open space provision. .
- Economic and social benefits
- Trees on site.

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The development plan in Shropshire consists of the Core Strategy (adopted in February 2011 and the Site Allocations and Management of Development (SAMDev) Plan adopted in December 2015. While planning applications are considered against the policies of the development plan as a whole, specifically relevant policies to this application are set out further below.

Core Strategy Policy CS6: Sustainable design and development principles states that to create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. It further states that all development will protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance.

- 6.1.2 Policy MD2 of the SAMDev on Sustainable Design indicates for development proposals to be considered acceptable development must respond positively to local design aspirations

and contribute to and respect local distinctive or valued character.

- 6.1.3 Policy MD13: The Historic Environment in the SAMDev states that Shropshire’s heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that where ever possible proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings and that ensuring that proposals which are likely to have an adverse effect on the significance of a non-designated heritage asset, including its setting will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect.
- 6.1.4 Paragraph 3.132 in support of Policy MD13 states Heritage assets are buildings, monuments, sites, places, areas or landscapes that merit consideration as part of the planning process. The term includes all designated and non-designated assets and makes reference to ‘Conservation Areas’ as a designated asset.
- 6.1.5 The National Planning Policy Framework, (NPPF) sets out the Governments planning policy, it was revised in February 2019 and is a significant material planning consideration for decision takers. Paragraph 38 of the framework says that “Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.” The NPPF indicates a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan.
- 6.1.6 The NPPF states that achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are:
- 6.1.7 An **economic** objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- 6.1.8 A **social** objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- 6.1.9 An **environmental** objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.



- 6.1.10 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.1.11 The principle of the development is considered acceptable in consideration of this form of development within the town of Whitchurch,. The key considerations in this case are whether the merits of the proposal in providing the new medical centre and extra care housing through both its use and the design of the replacement building outweigh the loss of Pauls Moss, a building that makes a positive contribution to the historic and architectural character and appearance of the Whitchurch Conservation Area. The key material considerations are considered further below.

## 6.2 Historic environment and impact

- 6.2.1 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining planning applications within Conservation Area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. There is a statutory presumption, and according to the Courts, a strong one, against the grant of planning permission in instances where a scheme cannot be demonstrated to either preserve or enhance the character or appearance of the Conservation Area unless these very strong considerations are outweighed by other material planning considerations Caselaw has established that an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering Harm to the Conservation Area must be given considerable importance and weight in that balance even if that harm is less than substantial.

- 6.2.2 **Section 16: Conserving and enhancing the historic environment in the National Planning Policy Framework**, (NPPF), indicates:

*‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

*Local planning authorities should not permit the loss of the whole or part of a heritage asset*

*without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.*

*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

*Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*

*Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies' In this instance the heritage asset, (Conservation Area), would be significantly damaged by loss of the non- designated heritage asset. (Pauls Moss House).*

- 6.2.3 Paragraph 189 of the NPPF indicates: *In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.* It is considered that detail in support of the application does not adequately address para 189 as it fails to give adequate weight to the loss of Pauls Moss House indicating development as proposed will not cause substantial harm to the Conservation Area. As indicated in this report the Conservation Area was drawn up to specifically include Pauls Moss House within its area.
- 6.2.4 Paragraph 190 indicates that *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.* It is considered that this matter has been adequately considered by the Council as referred to in paragraph 4.8 of this report.

- 6.2.5 Paragraph 192 indicates: *In determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) *the desirability of new development making a positive contribution to local character and distinctiveness.* This matter is further considered later in this report.
- 6.2.6 Paragraph 193 indicates ‘*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
  - b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
  - d) *the harm or loss is outweighed by the benefit of bringing the site back into use.* It is clear in that the responses received from statutory consultees as well as interested historic parties all consider development as proposed will cause substantial harm to the character of the Conservation Area in consideration of the loss of Pauls Moss House as well as the scale and mass of development as proposed. Officers concur with these conclusions.
- 6.2.7 Paragraph 197 states: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. (This matter is discussed in more detail later in the report).* Whilst the Paul’s Moss House on site is considered a non-designated heritage asset, it is located within the Whitchurch Conservation Area a designated heritage asset in its own right. The Council’s Conservation Manager’s response is clear in that the mansion house known as Pauls Moss House has been intentionally included within the Whitchurch Conservation Area and that this makes a substantial, positive contribution to its character and appearance.
- 6.2.8 The starting point for the Local Planning Authority’s assessment of the impact on the Conservation Area is the positive legal duty imposed upon it by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. When determining planning applications within Conservation Area this requires that “...*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*” (our emphasis). The fact that ‘special attention’ has to be paid to these considerations indicates that this issue should be assigned considerable weight in undertaking the planning balance.

- 6.2.9 The Council's Conservation response clearly states that the Conservation Area has been drawn up in this area in specific recognition of the Paul's Moss House and therefore this building is considered to make a significant and positive contribution to the Conservation Area (a designated heritage asset), and as such its demolition would have detrimental impact on the character and appearance of the Conservation Area. This carries considerable weight and weighs heavily in the planning balance in relation to this application. The Conservation team managers response clearly does not share the findings of the applicants 'Visual Impact Assessment' by Henshaw & Associates which supplements the previously submitted Building Recording and Heritage Survey report., and does not agree with the assessment's conclusion that "*...in terms of the historic significance of Pauls Moss and its connections to its wider setting in the Conservation Area, the removal of the house would constitute only a slight impact.*"
- 6.2.10 It is considered that the loss of the mansion house and intensive, high density development and its layout, with very little in the way of green usable open space as proposed will fail to preserve the character and appearance of the Conservation Area, because it will result in the loss of a large and prominent unlisted historic building classed as a non-designated heritage asset on which basis the integrity of the Conservation Area is dependent upon. Any new development on site in order to satisfy the tests on historic impact must be architecturally outstanding. Officers consider that the application scheme, due to its sheer size, scale, massing and materials, would be wholly incongruous to the built form and urban grain of the surrounding area, and therefore substantially out of keeping in relation to the character and appearance of the Conservation Area. For these reasons, Officers consider that the proposal fails both of the grounds in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.2.11 Historic England in its response to the application has indicated that it considers the applicants Visual Impact Assessment and Planning Update to underplay the contribution Pauls Moss makes to the significance of the Conservation Area in terms of evidential and historical value and also consider that the options appraisal is limited by its apparent reliance on a specific model and business plan that does not consider the reuse of the historic building other than as a medical centre and does not clearly conclude that a funding gap exists or explore its size.
- 6.2.12 Historic England further indicate that the applicant's wireframes information show that the height and form of Pauls Moss currently provide a historical focal point within the later development of flats. The historic building thus maintains the legibility of this part of the Conservation Area and is critical to its special architectural and historic interest. Proposed views clearly demonstrate its demolition will remove the historical focal point and its replacement will increase the amount of development in the Conservation Area of a form that is already considered negative and will harm significance. Thus Historic England do not believe the proposals meet the requirements of paragraphs 193, 194, 196, 200 and 201 of the NPPF. Their response further states that *in determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.*

- 6.2.13 ‘Save Britain’s Heritage’ has also responded to the application indicating that this proposal *is contrary to local and national planning policy and strongly recommends that this application be refused. The planning application does not set out a convincing justification for the demolition of Pauls Moss House, and clearly has not convinced many local people of its case. We urge the applicants to reconsider the loss of the House and to re-submit plans which retain and adapt the building, whilst still delivering a new build that offers the services Whitchurch needs. The value of a well-loved heritage asset to the wellbeing of vulnerable residents should not be overlooked.*
- 6.2.14 The Victorian Society also object to the proposal and in their response indicate *no objection to the principle of development of the application site. A development scheme that incorporates the extant historic building and is sensitive and responsive to it and the Whitchurch Conservation Area has the potential to bring about heritage-based public benefits. The Society is not aware of any evidence which suggests that the building is structurally unsound and which may necessitate demolition and the application lacks clear and convincing justification for the proposed demolition.*
- 6.2.15 Also received are many letters of objections from members of the public and whilst many support the principle of the provision of improved health care facilities for Whitchurch, these objections strongly object to the loss of the Pauls Moss House, many indicating that it should be included in development proposals for the site.
- 6.2.16 In relation to impacts on the designated Conservation Area and the non-designated Pauls Moss House and the setting, this proposal is considered to be contrary to Policies CS6, MD2 and MD13 of the local plan as well as the NPPF and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3 Siting, scale and design.**
- 6.3.1 Policy CS6 of the Core Strategy is concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Policy MD2. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduced reliance on private motor traffic, be respectful of its physical, landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. Significantly, Policy MD2 allows for appropriate modern design and promotes “embracing opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”
- 6.3.2 Paragraph 127 of the NPPF indicates that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Comment is also made that innovation and appropriate change should not be discouraged such as increased densities.

- 6.3.3 While Pauls Moss House is considered an important historic and architectural feature within the site as discussed earlier in this report, it is also acknowledged that the free standing residential blocks built within the grounds of the house, , are negative features, not of any architectural or historic significance and do not enhance the Conservation Area and therefore their removal is considered acceptable in principle.
- 6.3.4 Notwithstanding this previous inappropriate development, the current application proposes development of much greater scale and massing that it is considered will significantly overdevelop the site, and dominate adjoining development such that it will completely overwhelm the site, in context to the surrounding area, (dwellings to the immediate south of the site), It is also considered to be of poor overall design in that there is no legible focal point when viewed from key vantage points and little attempt appears to have been made to address the higher standards of design expected in a conservation area, particularly in the corner element of the site that is proposed to replace Pauls Moss House. This does not possess any features of design, detailing or scale that might be advanced by way of justification for loss of the historic building.



AERIAL VIEW 1

- 6.3.5 Development as proposed will have an overwhelming impact on the surrounding area and involves the total loss of a non-designated heritage asset that makes a positive contribution to the Conservation Area's significance.
- 6.3.6 As such the applicants' conclusions in their Planning Statement indicating '*There is heritage change resultant from this proposal. However the unlisted Pauls Moss is considered to be of relatively poor quality and its setting already severely degraded by later annexes or additions to the original building and site it occupies. Moreover the replacement building is considered to be wholly acceptable in conservation area terms and the character and appearance of the conservation area will not be harmed as result of the scheme,*' are not shared by Officers, whilst acknowledging the later additions to the site do not preserve

or enhance, these do not overwhelm the site as a whole, in a design that the current proposed it is considered will do.

6.3.7 In terms of siting, scale and design the application is not considered to be in accordance with Policies CS6 and MD2 of the local plan as well as the NPPF, the development as proposed considered to be of a scale and mass that will overwhelm the character of the surrounding area and of a design and mass that will neither enhance or preserve the surrounding Conservation Area.

#### 6.4 **Visual impact, landscaping and open space provision.**

6.4.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy encourage development that improves the sustainability of communities whilst requiring development to protect and conserve the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, and the achievement of local standards for the provision and quality of open space and ensure sustainable design and construction principles are incorporated within the new development.

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

6.4.3 Policy CS17 ‘Environmental Networks’ states that development will identify, protect, enhance, expand and connect Shropshire’s environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.

6.4.4 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire’s heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.4.5 The applicants Design and Access Statement indicates a *key connecting feature between the Extra Care and the new Health Centre is the circular Hub and central public plaza which will bring people together and will become the focal point of the scheme. The area is accessible for all key user groups and offers the opportunity for the Café to spill out into a south facing terrace for users to enjoy. The vibrant Hub, with its communal facilities, will not just be easily accessible for the Extra Care residents, but will also act as an attraction inviting people from the wider community to engage with each other providing opportunities to develop new relationships across all age ranges and backgrounds.*

6.4.6 Whilst acknowledging the provision of the public plaza it should be noted that this is the

only significant public open space provided within the development which proposes on site residential accommodation containing 102 bedrooms within this development as well as the new Health Centre and associated café, hairdressers etc. 102 bedrooms are proposed as part of the on-site residential development and the Council's Parks and Open Space Manager has stated that this would require 3060 square metres of public open space. The applicants propose 627 square metres of POS in a central point as referred to above as well as 212 square metres of raised terrace (part of which appears to be outside of the application site red line in accordance with the plans submitted for planning consideration), with access via a ramp and steps to the existing Public Open Space, below the site in accordance with detail in support of the application. They indicate that they have agreed to link this development with the existing Public Open Space, (Queensway Park), which is classified as Parks and Gardens. However, a letter of objection from Queensway Playing Fields Association indicates that no consent has been given for entry onto Queensway Park from the Paul's Moss site and that further still this part of the park is a Nature Reserve and would be totally detrimental to wildlife that has been established in that area.

- 6.4.7 Clearly whilst it is accepted that future residents of any development on site are not likely to require significant provision of private gardens/open space and therefore it could be argued that space provision in accordance with policy guidance in this instance is not essential, the application proposes a substantial shortfall in open space provision and this is considered unacceptable, given the scale of the development as proposed, as residents are likely to require some form of open space provision on site and it is noted the central public plaza will be used by users of the café in accordance with information in support of the application. Whilst the applicants have indicated access to the adjoining Queensway Park, there appears to be no consent to this and as such it is considered open space provision and landscaping on site is inadequate and the lack of open space further contributes towards the overriding concern of over development of the site and visual impact, which in turn leads to an overwhelming detrimental impact on the surrounding area.
- 6.4.8 Given the above in relation to landscape and visual impact it is considered by Officers that the development is contrary to Policies CS6, CS17, MD2 and MD12 of the local plan as well as the NPPF on this matter.

## 6.5 **Economic and Social benefits.**

- 6.5.1 Paragraph 80 of the NPPF indicates that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It also requires that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.5.2 Paragraph 82 of the NPPF indicates that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
- 6.5.3 Paragraph 195 of the NPPF states:

*'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse*



*consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use’.*

- 6.5.4 Policy CS3 refers to development in market towns and key centres, which will maintain and enhance their roles in providing facilities and services to their rural hinterlands and providing foci for economic development and regeneration, on an appropriately located mostly brownfield site.
- 6.5.5 Policy CS13 of the Shropshire Core Strategy indicates support for Shropshire’s Market Towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands in accordance with Policy CS3, which indicates balanced housing and employment development of an appropriate scale and design that respects each town’s distinctive character and is supported by improvements in infrastructure. Policy CS11: Types and affordability of Housing seeks to create mixed, balanced and inclusive communities which includes supporting the provision of housing for vulnerable people and specialist housing provision such as extra care facilities.
- 6.5.6 Policy CS15 indicates that recognised town and key centres will be the locations for new retail, office and other town centre uses. As such the location for development in principle is considered acceptable.
- 6.5.7 The application proposes a significant quantum of development which in principle is recognised and supported having regard to the policies outlined above. The applicants have submitted information in support of their application indicating that significant housing growth in Whitchurch will have a dramatic effect on the health services within the town. The Pauls Moss development is designed to accommodate this growth in population and without the development the Primary Care services will not be able to cope. (Appendix 4). Reference is made that the Place Plan for Whitchurch, (not planning policy, (Infrastructure priorities)), refers to the “Provision of a joint community medical centre” and Extra Care Housing both as key priorities in Whitchurch. Whilst this is not specifically earmarked for the site at Pauls Moss and it is acknowledged that improved health facilities within Whitchurch is a priority, grant funding would almost certainly be available for other in planning terms more suitable sites. The applicants indicate the development at Pauls Moss will deliver on both of these priorities and more. The investment of £17 million to address these matters they consider a one-off opportunity which provides the town with facilities the community itself has prioritised. This is a fact reflected in the level of support from the community with regards to the uses proposed for the site.
- 6.5.8 The applicants’ summary of community benefits in support of the application indicates that the development will deliver a significant number of benefits to the community. The generic

benefits include:

- Improved GP services*
- Improved health services*
- Provision of age specific housing for older people*
- Provision of affordable housing*
- Inward investment*
- Job creation*
- Economic impact*

6.5.9 *With regards to job creation, some of these will be short term through the development and construction phases and some will be permanent within the completed building. In addition to these jobs, there are existing jobs that will be protected and the local supply chain will benefit in terms of servicing the development once it is operational. It is estimated that the equivalent of up to 30 further part time jobs could be created within the wider economy.*

*The project will also deliver a wide range of intangible benefits such as:*

- Wider range of accommodation choices for older people*
- Improved access to primary care and new models of care*
- Increased capacity for clinical services out of hospital*
- Extended hours for GP access*
- Greater GP training capacity*
- Modern healthcare environment that meets current NHS standards*
- Delivery of Shropshire Care Closer to Home strategy*
- Increased levels of wellbeing*
- Better community cohesion*
- Increased social interaction*
- Reduced isolation for elderly residents*
- Better mental health outcomes*
- Development of social prescribing*
- Volunteering opportunities*
- Better community outcomes from joined up approach to delivery of services*
- Fully accessible buildings*

6.5.10 The applicants' summary of community benefits report concludes that the option that would include retention of the old house would cost £1.29 million more than a new build option. The key issues for this are the costs associated with refurbishing the old building, the high cost of asbestos removal and the most significant cost pressures being no grant available to be applied to the apartments and VAT on the whole of the building works to the old building. The only viable option therefore is the new build option submitted for planning

approval. It is considered on this aspect information as submitted is limited in the range of options as put forward.

- 6.5.11 It is noted that Shropshire Council's Public Health has responded to the application indicating that they are supportive of this development proposal which it believes will bring improved access to health care and community services in the local area and promote wider improvements to wellbeing
- 6.5.12 A site alternatives report in support of the application indicates that the application site is considered to be the only site sufficiently large, suitably located and available site to meet the needs identified by the application. Because of the lack of any alternative site there was no need to consider the financial or project delivery and timing implications of any alternative site.
- 6.5.13 The report indicates that the two GP practices within Whitchurch have identified issues that will impact upon future health services in Whitchurch should the Pauls Moss development not proceed indicating concerns with regards to the long term viability and sustainability of medical health provision within Whitchurch.
- 6.5.14 The report also indicates that the development will incorporate an Extra Care facility that will consist of 74 apartments, with a mixture of one and two bedrooms. The Wrekin Housing Trust is a registered social landlord and will offer all of the units on the basis of affordable rent. The accommodation is for people over the age of 55 with varying levels of care needs. The care provided to each resident is based upon their individual needs and can be increased or decreased based upon on-going assessment of their specific requirements.  
The facility will provide 24/7 support and care provision on site.
- 6.5.15 A letter of support from Shropshire Clinical Commission Group states that the provision of a new Medical Centre in Whitchurch is a priority within the local and Neighbourhood Plan and that the development of the Medical Centre is critical to the sustainability of healthcare services within Whitchurch. However, it should be noted that the proposal is not specifically identified in the adopted Local Plan as an allocated site for this purpose (or any other use) and Whitchurch does not have an adopted (or emerging) Neighbourhood Plan. The CCG go on to state that without the delivery of this project Whitchurch would face an uncertain future in terms of its primary care provision as the existing three GP premises have a limited lifespan either through future lack of availability or their ongoing suitability. There are a number of GPs reaching retirement age and recruitment is becoming a significant issue. Without fit for purpose premises or certainty of any location, Whitchurch will struggle to attract any new GP's and therefore overall provision of Primary Care services could reach a critical position. Delivering General Practice from a single, purpose built premises for the whole population of Whitchurch is a significant step forwards in the provision of sustainable and resilient future Primary Care.
- 6.5.16 NHS England is also supporting the project through the provision of a £1 million Estates and Technology Transformation Fund grant. It is important to note that this grant is time limited and is only available until March 2021. The building has to be completed by this date in order to draw down the grant funding and therefore will be lost if this project is not

delivered on time.

- 6.5.17 It is accepted that improved health care provision and facilities are an identified local infrastructure requirement and the situation with regards to current health care provision within Whitchurch is noted and this would accord with relevant development plan policies.
- 6.5.18 It is considered that the application lacks adequate information relating to why re-use of the Pauls Moss building cannot be included as part of development on site or an alternative use in association, information submitted considered vague, as well as financial justification demonstrating why this proposal is the only viable option. The Pauls Moss House is clearly a large dwelling of considerable historic interest in relation to the development of Whitchurch, to which Officers consider the applicants have failed to adequately demonstrate why this building could not be incorporated into any development on site in relation to health and extra care facilities within Whitchurch. As such it is considered that this application does not conform with the criteria of paragraph 195 of the NPPF. Information submitted only refers to comparisons with new build and does not adequately explore alternative viable uses of Pauls Moss House.

## 6.6 **Other matters.**

### 6.6.1 **Ecology**

- 6.6.2 The applicants have submitted in support of the application a Phase 1 Preliminary Ecological Appraisal (Stefan Bodnar, September 2017). The Council's Planning Ecologist has responded indicating the level of survey work including reference to bats is considered acceptable, recommending conditions and informatives are attached to any approval notice if the Council is mindful to support the application. As such ecological matters are considered acceptable.

### 6.6.3 **Public highway access and on-site transportation issues.**

- 6.6.4 The applicants have also submitted in support of the application a Highways Transport Assessment and Highways Travel Plan. The SC Highways Manager raises no significant concerns in relation to the proposal indicating other than access into the site off Rosemary Lane, highway and transportation matters with adequate on-site parking and vehicle movement management that development is considered acceptable subject to conditions with regards to assess, car parking, on site construction and a travel plan being attached to any approval notice issued. (It is noted this was a matter of concern raised by members of the public in comments to the application).

### 6.6.5 **Drainage.**

- 6.6.6 A drainage strategy and flood risk assessment accompanies the application and conclusions indicate that in accordance with the Environment Agency Flood Maps the site is outside of a recognised floodplains and therefore within Flood Zone 1. The proposed Extra Care facility, GP Surgery and Community Hub re-development to have finish floor

levels set 150mm above the proposed surrounding ground levels to mitigate against any possible groundwater flooding and pluvial flooding. Dry access and egress is available to and from the building always via the proposed access onto Dodington adjacent to the north eastern boundary of the site. In terms of the risk of flooding from pluvial sources (surface water runoff), a surface water drainage strategy has been prepared. The strategy proposes to discharge of surface water to ground via infiltration tanks with an emergency overflow controlled to 50% of the existing peak discharge rate for the 1% AEP into the existing off-site surface water sewers in case of future failure of the infiltration system. Providing the mitigation measures or similar measures are implemented it is considered that the risk of flooding to the site and adjacent land will be minimal.

- 6.6.7 SC Drainage response raises no objections on clarification from the applicants with regards to urban creep. The Drainage response prior to this one recommending a condition with regards to prior to development on site a scheme of the surface and foul water drainage being submitted to the Local Planning Authority. With this condition attached to any approval notice on drainage issues, on balance the proposed development is considered acceptable and in accordance with local plan policies on drainage matters.
- 6.6.8 **Trees.**
- 6.6.9 A tree survey and tree protection plan accompany the application. It is noted that the tree survey which assesses trees on site indicates in its introduction that at the time of the authors writing the report no plans were available indicating proposed development on site.
- 6.6.10 SC Tree Team has responded to the application raising concerns with regards to loss of 2 “A” category trees, a mature Lime and Yew and that these should be designed into the scheme. The applicants have indicated that this is not feasible under the current proposals. The response indicates that the Lime in particular should be in open space to retain the rooting area.
- 6.6.11 Concerns are also raised with regards to loss of a ‘Norway Maple’ (a “B” category tree), on the eastern boundary in order to accommodate a bin store.
- 6.6.12 Also of concern is the loss of a Weeping Willow in order to accommodate an off-site ramp for access into the adjacent Public Open Space and other trees alongside the southern boundary. (Silver Birch).
- 6.6.13 The Association, responsible for the management of the adjacent Queensway Park have objected to the application indicating that they totally object to any trees been removed adjoining the public open space, (Queensway Park), as this part of the park is their Nature Reserve and would be totally detrimental to wildlife that has been established. The letter further states that the Association have NOT given any approval/ consent for access on to the Queensway Park from the site. Concerns have also been raised that the section of the park adjacent to the application site is a natural ecology site associated with wetland.
- 6.6.14 The response from SC Trees also raises concerns with regards to compensation/mitigation

proposed in that the planting of 7 Scots Pine which may have been chosen for being native and for scale with the proposed tall buildings, as they have a naturally elongated stem and small crown at maturity. However the response indicates that these are not a locally distinctive tree and do not contribute much to canopy cover like other broadleaved native trees, such as Oak and Lime. The response from SC Trees also makes comment that in consideration of development as proposed there is not a lot of planting space on this site for trees which will be large at maturity. Alternatives to Scots pine are suggested.

- 6.6.15 Clearly there are concerns with regards to tree retention and mitigation on site and it is clear that the Queensway Park Management Association object to the proposed development.
- 6.6.16 Policy CS6: Sustainable design and development principles in the Shropshire Core Strategy indicates support for sustainable development designed to a high quality that respects and enhances local distinctiveness, protecting, restoring, conserving and enhancing that natural, built and historic environment and that development must be appropriate in scale, density, pattern and design taking into account local context and character and those features which contribute to local character.
- 6.6.17 Policy CS17: Environmental Networks in the Shropshire Core Strategy indicates that all development will protect and enhance the diversity and local character of Shropshire's natural, built and historic environment and will not adversely affect the visual, ecological and heritage functions of these assets and their immediate surroundings.
- 6.6.18 Policy MD12: The Natural Environment in the SAMDev indicates supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area.
- 6.6.19 The development site is within a Conservation Area which as referred to earlier in this report is classed as a designated heritage asset. Trees have been an important feature of the site in association with the Pauls Moss Mansion House on site. As such they also have an association with the adjacent Queensway Park on the southern side of the site to which the principal elevation of the house looks into.
- 6.6.20 Development on site as proposed is considered dense in scale and mass and does not provide sufficient consideration to soft planting and in particular tree planting as mitigation enhancement in relation to development on site or for loss of existing trees on site. As such the proposal is considered contrary to Policies CS6, CS17 and MD12 as well as the NPPF on this issue.
- 6.6.21 **Additional supporting information**
- 6.6.22 As referred to in paragraph 1.2 of this report, the applicant has recently submitted further information with a view to providing further justification of the scheme including a report considering the re-development potential of the existing Pauls Moss house, a financial viability report and a planning statement summary considering the planning balance.

- 6.6.23 Whilst it is considered that the residual method development appraisal approach adopted by the applicants appears to be sound, on design viability the applicants have indicated that the Health Technical Memoranda sets out prescriptive parameters for the size of various room types, accessibility and layout of public spaces etc. Buildings such as Paul's Moss are considered difficult to convert to health care uses, mainly because it is almost impossible to design set room sizes efficiently around numerous supporting walls, chimneys, level changes etc, as such it is accepted that this can impact on the possible use of the building and is a limiting factor reflected in design.
- 6.6.24 The applicants' construction costs also based on the information they have provided appears to be reasonable. In conclusion, the approach, methodology and assumed costs and valuations included in the applicants' additional information appears to be reasonable on balance.
- 6.6.25 However in accordance with National Planning Practice Guidance on viability and heritage assets, paragraph: 016 Reference ID: 18a-016-20140306 indicates that appropriate marketing is required to demonstrate the redundancy of a heritage asset in the circumstances as set out in paragraph 195, of the NPPF and on this matter Officers consider that the applicants have not demonstrated redundancy of the asset in line with policy and as such it is considered that in relation to viability information as submitted does not raise significant material considerations that tip the planning balance towards supporting this application. The applicants 'Planning Balance' update suggests that the loss of Pauls Moss House would not cause substantial harm. However officers consider that Pauls Moss house, all be it a non-designated heritage asset is integral to the Conservation Area (a designated heritage asset). This report has established in paragraph 6.2.10 that the Conservation Area has been drawn up in this area in specific recognition of the Paul's Moss House and therefore this building is considered to make a significant and positive contribution that carries significant and substantial weight in relation to the Conservation Area and as such its demolition will have a significant and substantial detrimental impact on the character and appearance of the Conservation Area. In the planning balance it is considered there are not significant enough material considerations to outweigh the harm to the Conservation Area. Further still the application proposes development that is considered to represent over development of the site, incongruous to the built form and urban grain of the surrounding area, which will therefore have an overbearing detrimental impact on the character of the surrounding area. There is also insufficient open space and landscaping provision and inadequate mitigation/compensation for loss of trees on site, many of which are considered worthy of retention and contribute positively to the character of the location and the Conservation Area. It is noted that no further information or amended plans have been received addressing these latter issues.
- 6.6.26 It is acknowledged that an alternative scheme has been put forward as part of a letter of objection from the 'Save Pauls Moss' action group and whilst these plans do indicate some considerable improvements in design and layout terms in relation to the scheme subject to this application, it is noted no financial or viability information accompany the plans, the alternative scheme does not form part of this application under consideration.

## 7.0 THE PLANNING BALANCE.

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The starting point must be the Development Plan and then other material considerations must be considered and weighed up against the requirement also to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation as required by s72 of the planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.2 Having carefully considered the proposal against adopted planning policy and guidance, it is considered that the proposal overall is contrary to several policies of the local plan and the NPPF. The tests in paragraph 195 of the NPPF are engaged and application needs to include sufficient justification for the loss of this heritage asset. As such there has to be substantial material considerations on which basis to override the historic considerations.
- 7.3 The NPPF is configured to deliver sustainable development, there is a presumption in favour of this and it identifies three mutually dependent dimensions which should be sought jointly and simultaneously through the planning system, namely: an economic role; a social role; and an environmental role. Officers consider there will clearly be economic and social benefits arising from the development, mainly attributable to the provision of improved health facilities for the town of Whitchurch and its hinterland as well as an Extra Care facilities that will consist of 74 apartments, with a mixture of one and two bedrooms and the community hub. These are significant material considerations on which basis to determine the application.
- 7.4 Whilst loss of the Pauls Moss House will have a significant impact on the character of the Conservation Area in this part of the town, also of concern is the scale and mass of the proposed development which is considered overbearing and of poor overall design. Public open space within the site is lacking, and whilst the applicants have indicated access to the adjacent Queensway Park on the southern side of the site the Association responsible for this Park object and has confirmed that it has not given authority for access into the Park. Furthermore it is noted this application is for extra care provision and whilst it is acknowledged by Officers that the policy requirement for open space in relation to the amount of bedroom provision on site in this instance is probably not considered essential, open space provision on site falls well short of the required open space area. Of further concern is the loss of trees on site and lack of mitigation compensation for their loss.
- 7.5 The NPPF clearly sets out at paragraph 195 a number of tests in situations where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, and it indicates that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and



- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use’.

- 7.6 Provision of improved health care in Whitchurch is to be welcomed and it is noted that this aspect is generally supported in consideration of responses received in relation to the application. There is currently health care provision within Whitchurch provided as from three existing doctor’s practices, as well as from the cottage hospital. (applicants have indicated two Doctor’s practices), and as such it could be debated whether providing GP services in one location is more sustainable or not. Further still it is also acknowledged by Officers that health care provision and ‘GP’ recruitment and in particular in the more rural areas is currently a national concern.
- 7.7 It is considered the application lacks sufficient justification in relation to the harm to the Conservation Area and the loss of Pauls Moss house as well as overwhelming development of the site as discussed above. Justification for not pursuing the re-use of Pauls Moss House as part of overall development on site has been considered late in the application processing by the applicants however as indicated in paragraph 6.6.25 there are still some overall concerns with regards to viability issues.
- 7.8 Officers consider that the range of alternative options that have been considered for its re-use are very narrow and constrained by the application of a single business model, and viability assessment is limited and does not adequately demonstrate why other options are not feasible.
- 7.9 The economic and social contributions are recognised but there are no positive environmental considerations and as the NPPF makes clear in Section 2 on achieving sustainable development, these overarching objectives are interdependent and need to be pursued in mutually supportive ways.
- 8.0 **CONCLUSIONS**
- 8.1 Taking into consideration the significant material considerations as discussed in this report, the merits of the proposal are not considered to outweigh the harm arising from the loss of Pauls Moss house. and consequently the proposal is considered contrary to local plan policies CS3, CS6, CS9 and CS17 of the Shropshire Core Strategy, Policies MD1, MD2, MD8, MD12, MD13 and S18 of the SAMDev as well as the NPPF and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As such the recommendation is refusal for the following reasons:

- The boundary of the Whitchurch Conservation Area was drawn to incorporate the Pauls Moss mansion when designated in 1987 and this building is considered specifically to make a positive contribution to the character and appearance of the conservation area by virtue of its design, detailing, historic character and visual significance within the site. The proposed demolition of the Pauls Moss house would cause total loss of a non-designated heritage asset and substantial harm to the significance of the Conservation Area which

is a designated heritage asset. Whilst the community benefits of the scheme are acknowledged insufficient justification has been provided in order to justify the substantial harm to a designated heritage asset. Therefore the application does not comply with the National Planning Policy Framework and in particular paragraphs 192, 193, 194 and 195 and Policy CS6 of the Shropshire Core Strategy and Policies MD2 and MD13 of the SAMDev

- The application proposes development of a scale and mass that is considered to represent over development of the site, incongruous to the built form and urban grain of the surrounding area, which will therefore have an overbearing detrimental impact on the character of the surrounding area. The design and external construction materials of the development are not considered to provide any enhancement to the surrounding Conservation Area. As such the development is considered contrary to Policies CS3 and CS6 of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev, the National Planning Policy Framework and Section 72(i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the Conservation Area.
- The application proposes insufficient open space and landscaping provision on a site considered overdevelopment. Further still it has not been adequately demonstrated that off-site provision and connectivity can be provided as indicated in information submitted in support of the application. The application is considered contrary to Policies CS6, CS9 and CS17 of the Shropshire Core Strategy, Policies MD2, MD8, MD12 and S18 of the SAMDev and the National Planning Policy Framework.
- The application does not provide adequate mitigation/compensation for loss of trees on site, many of which are considered worthy of retention and contribute positively to the character of the location and the Conservation Area. The application is considered contrary to Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD12 of the SAMDev and the National Planning Policy Framework on this matter.

## 9.0 Risk Assessment and Opportunities Appraisal

### 9.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

## 9.2 Human Rights

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

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

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

## 9.3 Equalities

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

## 10.0 Financial Implications

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

## 10. Background

Relevant Planning Policies

Central Government Guidance:

Core Strategy and Saved Policies:

CS1 - Strategic Approach  
 CS3 - The Market Towns and Other Key Centres  
 CS6 - Sustainable Design and Development Principles  
 CS8 - Facilities, Services and Infrastructure Provision  
 CS11 - Type and Affordability of housing  
 CS13 - Economic Development, Enterprise and Employment  
 Economic Development, Enterprise and Employment  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 MD12 - Natural Environment  
 MD13 - Historic Environment  
 Settlement: S18 - Whitchurch  
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

PREAPP/18/00245 Demolition of existing sheltered housing accommodation and general needs flat and erection of retirement living scheme, health centre, pharmacy and community hub PREAMD 27<sup>th</sup> July 2018

18/05901/FUL Proposed re-development to include the demolition of Pauls Moss and associated supported living accommodation; erection of one building comprising 74 supported residential units; health centre, pharmacy, central hub space of cafe and community rooms; 85 car parking spaces, alterations to existing vehicular access, creation of two new vehicular accesses (Rosemary Lane and Dodington); landscaping scheme including removal of trees; link to adjacent public open space PDE

PREAPP/19/00238 Pre-application advice for the re-development of Pauls Moss PCO

## 11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Gerald Dakin
Appendices None



Committee and Date  
 North Planning Committee  
 25<sup>th</sup> June 2019

Item  
**6**  
 Public

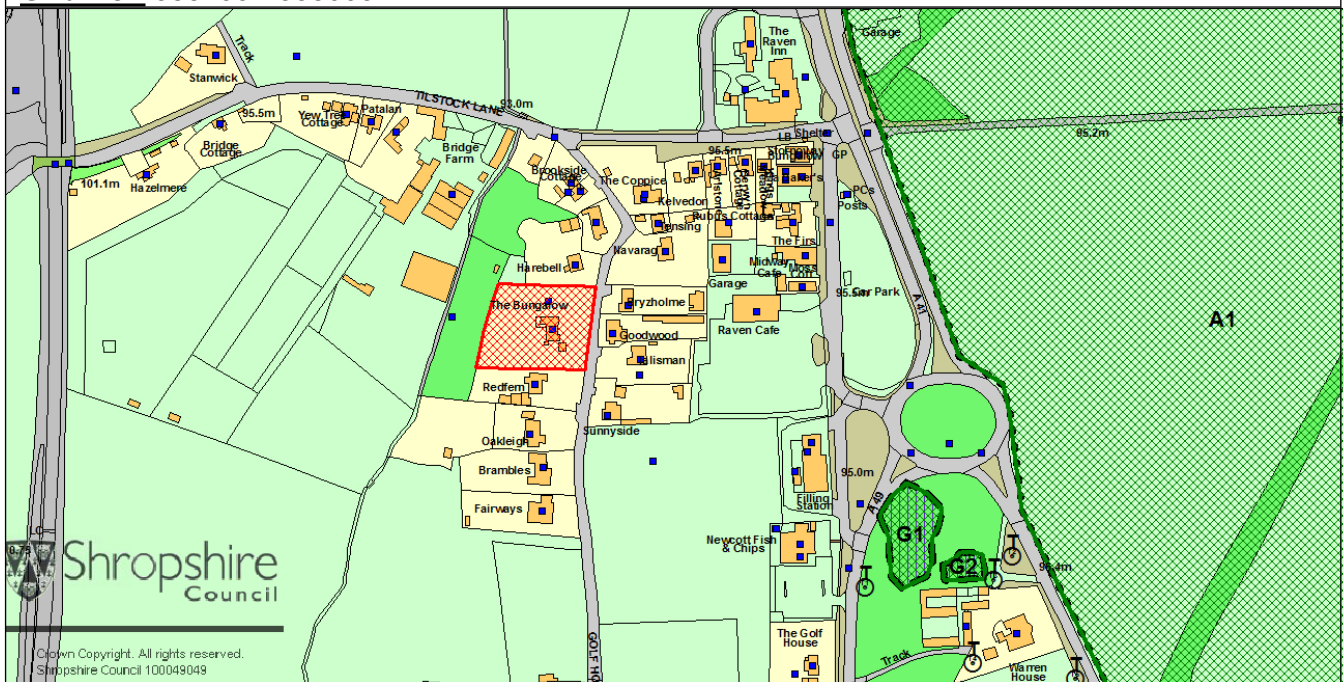
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 19/00744/FUL	<b>Parish:</b>	Whitchurch Rural
<b>Proposal:</b> Erection of two dwellings, formation of new vehicular access		
<b>Site Address:</b> The Bungalow Golf House Lane Prees Heath SY13 3JR		
<b>Applicant:</b> Mr & Mrs P Bennett		
<b>Case Officer:</b> Jane Preece	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 355499 - 338003



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the 'Erection of two dwellings, formation of new vehicular access' at The Bungalow, Golf House Lane, Prees Heath.
- 1.2 There is an existing bungalow on the site and the proposal is to position a new dwelling to either side of the existing and slightly set back from it. As per the existing bungalow, the proposed dwellings frontages will face east, with access and parking provided to the frontages, off Golf House Lane. Private gardens will be provided to the rear (west).
- 1.3 The dwelling proposed to the north side (plot 1) will be a 4 bed property of dormer design and incorporating the provision of a single integral garage.
- 1.4 The dwelling proposed to the south side (plot 2) was initially proposed to be of the same dormer design as plot 1. However, in response to objections and concerns a revised house type has been submitted. The revised design is for that of a single storey, 3 bed bungalow with on-site parking/turning.
- 1.5 Both dwellings are intended to be constructed of facing brickwork and interlocking concrete tiles to match the surroundings.
- 1.6 Foul drainage was originally to be disposed of to a package treatment plant. However, confirmation has since been received that a connection to the mains foul sewer will be made. Surface water drainage is to be disposed of to soakaways.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site forms part of the curtilage of an existing residential property known as The Bungalow, Golf House Lane, Prees Heath.
- 2.2 Prees Heath is identified in the adopted development plan for the area as part of a Community Cluster for Whitchurch Rural & Ighfield and Calverhall (policy s18.2(ii)).
- 2.3 The site is currently garden land, primarily bounded by existing hedging. Other residential dwellings exist immediately to the north and south and on the opposite side of Golf House Lane (east). To the west is a strip of woodland, beyond which there is a business premises.

S18 Inset 4 Prees Heath



### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Officers views of support are at a variance with the Parish Councils views of objection. Therefore, as the Parish Council has raised material planning considerations then committee consideration is warranted.

### 4.0 Community Representations

#### 4.1 Consultee Comments

4.1.1 **SUDS** - Informative notes regarding sustainable drainage for the disposal of surface water.

4.1.2 **SC Affordable Homes** – If the development is policy compliant then whilst there is an acute need for affordable housing in Shropshire, recent changes to the NPPG mean that national policy prevails and no affordable housing contribution would be required.

4.1.3 **SC Regulatory Services** – No comments.

4.1.4 **SC Highways** – Re-consultation comments: Recommendation: No objection – subject to the development being constructed in accordance with the approved details and the recommendations forwarded in the previous Highway Advice Note dated 04.03.2019.

Previous Highway comments: Recommendation: No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Conditions:

Pre-commencement: - 1. No development shall take place until details of the accesses, including the extension of access apron to The Bungalow and Plot 1, construction, and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Prior to occupation: - 2. The parking and turning areas shall be satisfactorily completed and laid out in accordance with the Plans and Elevations as Proposed Drawing No. BUNG 01 prior to the dwellings being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

Informative Notes: Works on, within or abutting the public highway; Access via public right of way; Waste Collection

Observations/Comments: The development proposes the erection of two dwellings including the formation of a new access onto the restricted byway, Golf House Lane.

Golf House Lane, forms in affect 'a loop' with one junction onto the Class III road, Tilstock Lane to the north and the other to the east onto the A49. The private lane forms a restricted byway and varies in width, and surface treatment, with its width narrowing considerably to the south of the site and the quality of the bound surface also becoming more of a track. The two new properties are positioned either side of property 'The Bungalow' towards the northern section of the private lane. Whilst it is not realistically enforceable to restrict the direction of traffic to and from the site, taking into account the nature of Golf House Lane, it is considered likely that the main routeing of traffic generated by the new properties will be to and from the north where the surface of the lane and its width is more favourable to drive along. The junction of the lane onto Tilstock Lane provides a large junction apron for the efficient simultaneous entry and exit of vehicles and provides an acceptable level of visibility.

Whilst the general nature of the lane is noted, it is considered that the likely additional traffic generated by the dwellings using the junction onto Tilstock Lane would be unlikely to materially affect highway conditions to be able sustain an objection. It is however considered that the movement of vehicles along the lane adjoining the site frontage could be improved by providing some localised widening by extending the existing access apron in a southerly direction. Extending the length of the apron will also provide a measure of intervisibility which is being provided by the proposed access splays for plot 2.

There has been the subsequent submission of planning applications for developments of plots served off the lane. The potential incremental increase in use of the restricted byway by traffic generated by these proposed developments will be assessed at that time with a continuing recommendation for some localised works to help mitigate against any particular disruption or disadvantage to the adjacent local community using the byway.

In the event that permission is forthcoming the applicant may wish therefore to



satisfy themselves that there are established access rights to the site over the adjoining restricted byway between the site and the public highway. Stipulations governing the use of and the status of the restricted byway are covered by the Shropshire Council's Outdoor Recreation Team and they should be consulted as the new access opens directly onto the definitive right of way.

4.1.5 **SC Planning Policy** - No comments received.

4.1.6 **SC Ecology** – Conditions and informatives are recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Conditions – Landscaping, bat and bird boxes, lighting

Informatives – Nesting birds, general site informative for wildlife protection

4.1.7 **SC Trees** - No important amenity or protected trees are affected by this proposal. Boundary trees and hedges are shown as retained. I have no comments or objections on arboreal grounds.

4.1.8 **SC Rights of Way** - The application proposes access over a route that is recorded as a public Restricted Byway and does not appear to carry public vehicular rights.

The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of planning permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles.

It is a road traffic offence to drive a motor vehicle on a public footpath, bridleway or restricted byway without lawful authority and a property that is not able to demonstrate a lawful right of access with vehicles may be unsaleable.

No works must be carried out that might affect the footpath without prior approval of the Rights of Way Officer.

4.2 **Public Comments**

4.2.1 **Whitchurch Rural Parish Council - Re-consultation comments**: The Parish Council objects to this application on the grounds that the development site falls outside the development boundary as specified in the Local Plan (contrary to CS4 and does not meet criteria of CS5 to permit development). To develop this plot would amount to development in open countryside, contrary to planning policy. Councillors also consider the proposals to be overdevelopment of the site.

4.2.2 **Public Representations** – Four representations of objection have been received. The main points of objection raised relate to:

- Overdevelopment, out of keeping with area. All houses are on substantial plots.
- Access/traffic. Golf House Lane is a private, un-adopted road and

restricted byway. It is narrow/single track, with little passing place/no passing points only neighbours drive ways and blind bends. Additional traffic will cause issues for all residents. Lane has pot holes and is rarely maintained. In past 18 months have been 2 large houses built and now 3 more proposals to build. This will increase traffic flow and safety issues and add to lane maintenance problems.

- Driveway of plot 2 will impede access to two properties opposite.
- Lounge window of Goodwood is directly opposite. Strongly object if boundary hedge is to be removed.
- Loss of light and overshadowing. Dormer bungalow on plot 2 will be close to boundary of and stepped forward of Redfern. Will restrict light to lounge, kitchen and conservatory windows of Redfern and overshadow property.
- Overlooking and loss of privacy. Living room windows in south elevation of plot 2 dormer bungalow will directly face conservatory and kitchen window of Redfern.
- Services/utilities. Mains water pressure already fluctuates at peak times. Fear further demand on water supply will result in further loss of pressure. Overhead electrical cables are constantly failing.

## 5.0 THE MAIN ISSUES

- Policy and principle of development
- Siting, scale and design
- Impact on residential amenity
- Impact on natural environment
- Access
- Drainage
- Other matters

## 6.0 OFFICER APPRAISAL

### 6.1 Policy and principle of development

- 6.1.1 The site is within the settlement of Prees Heath which is designated as part of a Community Cluster in the adopted development plan, where planning policies CS4 and S.18.2(ii) support new market housing in principle.
- 6.1.2 The housing guideline for the settlement under S18.2(ii) is 10 dwellings; to be delivered through the development an allocated site for 5 dwellings on land adjoining the former Cherry Tree Hotel at Prees Heath, with the remainder coming forward through 'infill' development on sites well related to the settlement.
- 6.1.3 The application site is considered to constitute infill development, the location of which is well related to the settlement. Whilst the Parish Council have made an objection on the basis that '*The plot falls outside the designated development boundary area and would therefore be considered to be rural countryside*', Prees Heath does not have a designated development boundary. The site is currently garden land serving an existing dwelling and is bounded by other residential properties on both sides (north and south) and opposite (east) on the other side of Golf House Lane. To reiterate, therefore, the site is considered to constitute 'infill'. Furthermore, the site sits within the cluster of development in this location.

Given this site context, the location of the site is considered planning policy CS4 and S.18.2(ii) compliant in principle.

- 6.1.4 In relation to the housing guideline for the settlement, the Council's Planning Policy Officer has provided the following figures for Prees Heath:
- *Between 2011/12 and 2017/18 there were 5 completions within the settlement of Prees Heath.*
  - *Furthermore, as at the 31<sup>st</sup> March 2018 there were 12 dwellings committed on sites with Planning Permission, Prior Approval or Allocated without Planning Permission within the settlement of Prees Heath (7 dwellings have Planning Permission and 5 dwellings are allocated on a site without Planning Permission as at the 31<sup>st</sup> March 2018).*
- 6.1.5 The above figures demonstrate that the housing guideline for the Community Cluster has already been exceeded. However, policy MD3(2) of the SAMDev Plan does not prohibit development that would result in the housing guideline being exceeded. As supported by the Inspectorate in recent appeal decisions, the guideline is not a maximum figure.
- 6.1.6 Community Infrastructure Levy: The development will be subject to the Community Infrastructure Levy and a completed CIL Form 0 accompanies the application. The completed form indicates that the applicant wishes to claim a self-build exemption but no additional completed CIL Form 7 appears to accompany the application. Ultimately, the CIL issue is one to be administered by the Council's CIL Team aside from the planning process.
- 6.2 **Siting, scale and design**
- 6.2.1 Whilst the principle of development is accepted for infill development in this location, objections have been raised in relation to the scale of development. Both the Parish Council and some local residents consider the proposals to represent overdevelopment of the site and be out of character with the pattern and character of development in the immediate locality.
- 6.2.2 Whilst acknowledging these objections, officers are mindful of the decision of the Inspectorate made in relation to a neighbouring site opposite - on garden land south of Talisman, Golf House Lane in May 2018. In that case the Inspectorate overturned the Council's refusal on overbearing and detrimental impact in relation to the surrounding built character and layout, scale and density. The Inspector noted the mixed pattern of development locally and generally spacious plots but opined that the space that would remain for the plot would be comparable in size to other dwellings in the area and the development would not result in a cramped appearance or overdevelopment of the site. The same argument can be applied in this case. A copy of the neighbouring Inspectors appeal decision is attached as Appendix 2.
- 6.3 **Impact on residential amenity**
- 6.3.1 Policies CS6 and CS17 of the Core Strategy refer to the need to safeguard residential and local amenity and recognise the importance of ensuring that developments do not have unacceptable consequences for neighbours.

- 6.3.2 Objections have been received from the neighbours to the south and east on the grounds of overlooking etc.
- 6.3.3 The proposed dwellings will be set well back on the site and separated from the existing dwellings to the east by Golf House Lane. Therefore, it is not considered that the development proposals will cause any undue overlooking to any existing dwellings to the east.
- 6.3.4 In response to the concerns from the neighbour to the immediate south (at Redfern) a revised house type has been submitted, together with the following explanation of the revisions:
- 6.3.5 *‘We have made it a single storey only and reduced the overall size of the proposed dwelling to address the issues raised. We have reconstructed the roof from a gabled roof to a hipped roof to maximise the daylight, prevent overbearing and to mirror the neighbouring dwelling. There are no windows in the south side elevation of the new proposed dwelling next to the neighbouring property thus addressing the concern of overlooking and loss of privacy. At present the proposed dwelling is still sited slightly forward of the neighbouring dwelling as now we have changed it to a single storey bungalow and with the change in design we did not feel that it would be as visible from their front window as there is also a large thick 6ft conifer hedge between us there. However, if you feel that it is better that we pull the proposed dwelling back in line with the neighbouring dwelling we would be happy to do this.’*
- 6.3.6 The revised house type and been subjected to re-consultation with neighbours and no further representations of objection have been received.
- 6.3.7 Overall, having regard to the siting and context and the revised house type now received for plot 2, officers are satisfied that the proposal will not result in any unacceptable impact on neighbouring residential amenity.
- 6.4 **Impact on natural environment**
- 6.4.1 Core Strategy Policies CS6 and CS17 state that all development should protect the natural environment whilst enhancing environmental assets. Although the land at The Bungalow is garden land, the site does contain established greenery, boundary hedges and a garden pond.
- 6.4.2 To assess value of the site an Extended Phase One Habitat Report has been undertaken by Arborist & Ecological Services Ltd on behalf of the applicant. The report concludes that no habitat was found to support any protected species and that the adjacent woodland and boundary hedges have the potential to support foraging bats and wild birds respectively. However, the proposals are not likely to impact foraging bats as most of the trees and shrubs will be retained. Further, the site boundary trees will not be affected by the proposals any hedgerow removal to create the access will need to be undertaken either outside the nesting season or subjected to a pre-commencement inspection for any active nests.
- 6.4.3 The Report has been considered by the Council’s Ecology Team. Given the

contents of the report, Ecology raises no objection to the application but recommends the imposition of conditions and informatives to ensure the protection of wildlife and to provide ecological enhancements.

- 6.4.4 As regards trees, the Council's Tree Officer is satisfied that no important amenity or protected trees are affected by this proposal. Boundary trees and hedges are shown as retained, with the exception of any removal required to create the access proposals.
- 6.4.5 In the circumstances, and with the conditions and informatives in place as recommended by the Council's Biodiversity Officer, the proposal is considered capable of protecting the natural environment and enhancing environmental assets as outlined in Core Strategy Policies CS6 and CS17, SAMDev policy MD12 and the NPPF.
- 6.5 **Access**
- 6.5.1 The application is for two dwellings with access off Golf House Lane; with plot 1 sharing the existing access drive with the existing bungalow and plot 2 being served by a newly formed access entrance and drive. The number of residencies to be served by Golf House Lane, the condition of the lane and the fact that it is an unadopted road and restricted by way have all been raised as issues by the local residents.
- 6.5.2 Although neighbours have raised objections on access and traffic generation grounds the application proposals have been assessed by the Council's Highway advisor. The Highway advisor has raised no objection in principle to the development for two dwellings but comments on the need for improvements to the access arrangements. Currently this is dealt with by way of a recommended pre-commencement condition by Highways, which would (in the event of planning permission being granted) require: *'No development shall take place until details of the accesses, including the extension of access apron to The Bungalow and Plot 1, construction, and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use. Reason: To ensure a satisfactory means of access to the highway.'*
- 6.5.3 Where pre-commencement conditions are proposed, then in accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, if the Local Planning Authority is minded to grant planning permission subject to pre-commencement condition(s) then they may only do so with the written agreement of the applicant to the terms of the condition(s). The applicant has been provided with a full copy of the Highway comments and has consequently responded with written confirmation accepting the proposed pre-commencement condition.
- 6.5.4 To reiterate, Highways have raised no objection, subject to the imposition of two conditions; firstly a pre-commencement condition requiring the prior approval of details of the access, including the extension of access apron to The Bungalow and Plot 1, construction and sightlines (to which the applicant has provided written confirmation of agreement in accordance with the Regulations governing the use of pre-commencement conditions); and secondly, that the parking and

turning areas shown the submitted plan shall be provided and maintain for this purpose thereafter. Therefore, there are no grounds on which to withhold planning permission in relation to access matters.

6.5.5 As regards the use and status of the lane as a restricted byway then the application has been referred to the Council's Right of Way Team for comment. As confirmed by the Rights of Way Officer, the granting of planning permission neither grants nor implies the existence of any right for the benefit of the applicant to use the lane with vehicles. The onus will rest with the applicant to satisfy themselves that they can demonstrate a sufficient right of access before committing further resources to the proposal.

## 6.6 **Drainage**

6.6.1 Core Strategy Policy CS18: Sustainable Water Management states that development will integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality.

6.6.2 Foul drainage is to be disposed of the mains and surface water is to be disposed to soakaways.

6.6.3 The application has been referred to the Council's Drainage advisor for comment. In response, the Drainage advisor has raised no objections and simply recommends attaching an informative to any planning decision issue setting out advisories in relation to sustainable drainage disposal.

6.6.4 In light of the above and subject to compliance with the relevant building regulations the proposal is considered capable of complying with Core Strategy Policy CS18.

## 6.7 **Other matters**

6.7.1 The concern of local residents regarding the potential impact on services such as water and electric is a matter for the service provider and not a material planning consideration.

## 7.0 **CONCLUSION**

7.1 Overall and subject to recommended conditions it is considered that the proposal meets with the housing policies and general requirements of the NPPF and otherwise complies with policies CS1, CS4, CS6, CS17 and CS18 of the Shropshire Core Strategy; SAMDev policies MD1, MD2 and MD12; the Councils SPD on the Type and Affordability of Housing and the NPPF. Accordingly approval is recommended, subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

Relevant Planning Policies**Central Government Guidance:**

National Planning Policy Framework

**Core Strategy and SAMDev Plan Policies:**

CS1 - Strategic Approach

CS4 - Community Hubs and Community Clusters

CS6 - Sustainable Design and Development Principles

CS9 - Infrastructure Contributions

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD12 - Natural Environment

SPD Type and Affordability of Housing

Settlement: S18 - Whitchurch

RELEVANT PLANNING HISTORY:

10/02010/FUL Erection of extensions to side and rear, erection of front porch, provision of new rooflights, roof lantern and window in gable end to serve new bedroom in roof space GRANT  
9th July 2010.

## 11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr Gwilym Butler
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Local Member
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Cllr Gerald Dakin
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Appendices APPENDIX 1 – Conditions APPENDIX 2 – Neighbouring appeal decision
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**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

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

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

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

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

3. Construction works shall not take place outside 07:30 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to maintain the amenities of the area.

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

4. No development shall take place until details of the accesses, including the extension of access apron to The Bungalow and Plot 1, construction, and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use and thereafter retained to the same standard.

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

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

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved.

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

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

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

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

7. The parking and turning areas shall be satisfactorily completed and laid out in accordance with the Plans and Elevations as Proposed Drawing No. BUNG 01A prior to the dwellings being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

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

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

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting.

The boxes shall thereafter be maintained for the lifetime of the development.

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

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

10. All foul drainage shall be directed to the mains foul sewerage system prior to the occupation of any dwellings.

Reason: To ensure the proper drainage of the site and to minimise the risk of pollution.

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

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APPENDIX 2 – Neighbouring appeal decision



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## Appeal Decision

Site visit made on 22 January 2018

**by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 11<sup>th</sup> May 2018**

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**Appeal Ref: APP/L3245/W/17/3186632**

**Talisman, Golf House Lane, Prees Heath, Whitchurch SY13 3JR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Chris Jones against the decision of Shropshire Council.
  - The application Ref 17/01870/OUT, dated 22 April 2017, was refused by notice dated 1 June 2017.
  - The development proposed is for the erection of 1No. dwelling (all matters reserved).
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of 1No. dwelling at Talisman, Golf House Lane, Prees Heath, Whitchurch SY13 3JR in accordance with the terms of the application, Ref 17/01870/OUT, dated 22 April 2017, subject to the following conditions:
  - 1) Details of the access, 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 takes place and the development shall be carried out as approved.
  - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
  - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
  - 4) The development hereby permitted shall be carried out in accordance with the following approved plan: HS010/00 Rev A.
  - 5) No development shall take place until details for the parking of vehicles have been submitted to and approved by the local planning authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

### Procedural matter

2. The appeal is submitted in outline with all matters reserved for future approval. I have considered the appeal on this basis. A sketch scheme showing proposed

Appeal Decision APP/L3245/W/17/3186632

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plot arrangements and street scene have been submitted for illustration purposes. I have treated these drawings as illustrative material only.

3. A revised location plan showing a widened frontage area onto the Golf House Lane accompanied the appeal documents. I have considered the appeal on the basis of this revised plan; however as this plan formed part of the appeal particulars, I do not consider that the Council's position has been prejudiced by such consideration.

#### **Main Issue**

4. The main issue in this appeal is the effect of the development on the character and appearance of the area.

#### **Reasons**

5. The appeal site comprises part of the side garden area to the property known as Talisman, a detached bungalow situated in an extensive plot within the settlement of Prees Heath. The site is bounded by residential development on its northern, southern and western sides with commercial properties to the east. Golf House Lane comprises a loop road that does not have a bound surface but discharges onto the A49 to the east and the Class III Tilstock Lane to the north. The loop road is a private lane that forms a restricted byway serving a large number of properties within the settlement area.
6. It is recognised that that the existing pattern of development is one of a mix of single and two storey dwellings situated in generally spacious plots. However, from my observations at the site visit, Talisman is especially spacious and the space that would remain for the plot would be comparable in size to other dwellings in the area.
7. I acknowledge that adopted policies CS6 of the Shropshire Core Strategy (CS) and MD2 of the Site Allocations and Management of Development (SAMDev) Plan amongst other things seeks to ensure that the design of new developments respect and enhance local distinctiveness and responds appropriately to local context in terms of form and layout. However, the policies do not expressly exclude developments on existing gardens provided the character is maintained. In my view there is sufficient curtilage such that the development of this parcel of land would not have a cramped appearance or represent an overdevelopment of the site. I therefore consider that a suitably designed housing scheme comprising a single dwelling would be accommodated without causing unacceptable harm to the character and appearance of the area. Neither do I consider that the proposed development would be overbearing or create an unneighbourly sense of enclosure nor would it dominate the outlook from the adjoining dwelling.
8. Consequently I consider that the proposed development would comply with policies CS6 of the CS and MD2 of the SAMDev Plan. These policies are consistent with section 7 of the National Planning Policy Framework that seeks to ensure developments achieve good design that contribute positively to making places better for people.

#### **Conditions**

9. In addition to the standard outline conditions, the Council has suggested that two further conditions be imposed. I have considered the suggested conditions

Appeal Decision APP/L3245/W/17/3186632

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in the light of the advice contained in the Planning Practice Guidance. Whilst accepting that the provision of parking facilities within the site is necessary in the interests of highway safety and amenity, I do not consider that a condition withdrawing permitted development rights would serve a useful purpose in planning terms.

**Conclusion**

10. For the above reasons and having regard to all other matters raised, this appeal is allowed.

*Gareth W Thomas*

INSPECTOR



Committee and Date  
 North Planning Committee  
 25<sup>th</sup> June 2019

Item  
**7**  
 Public

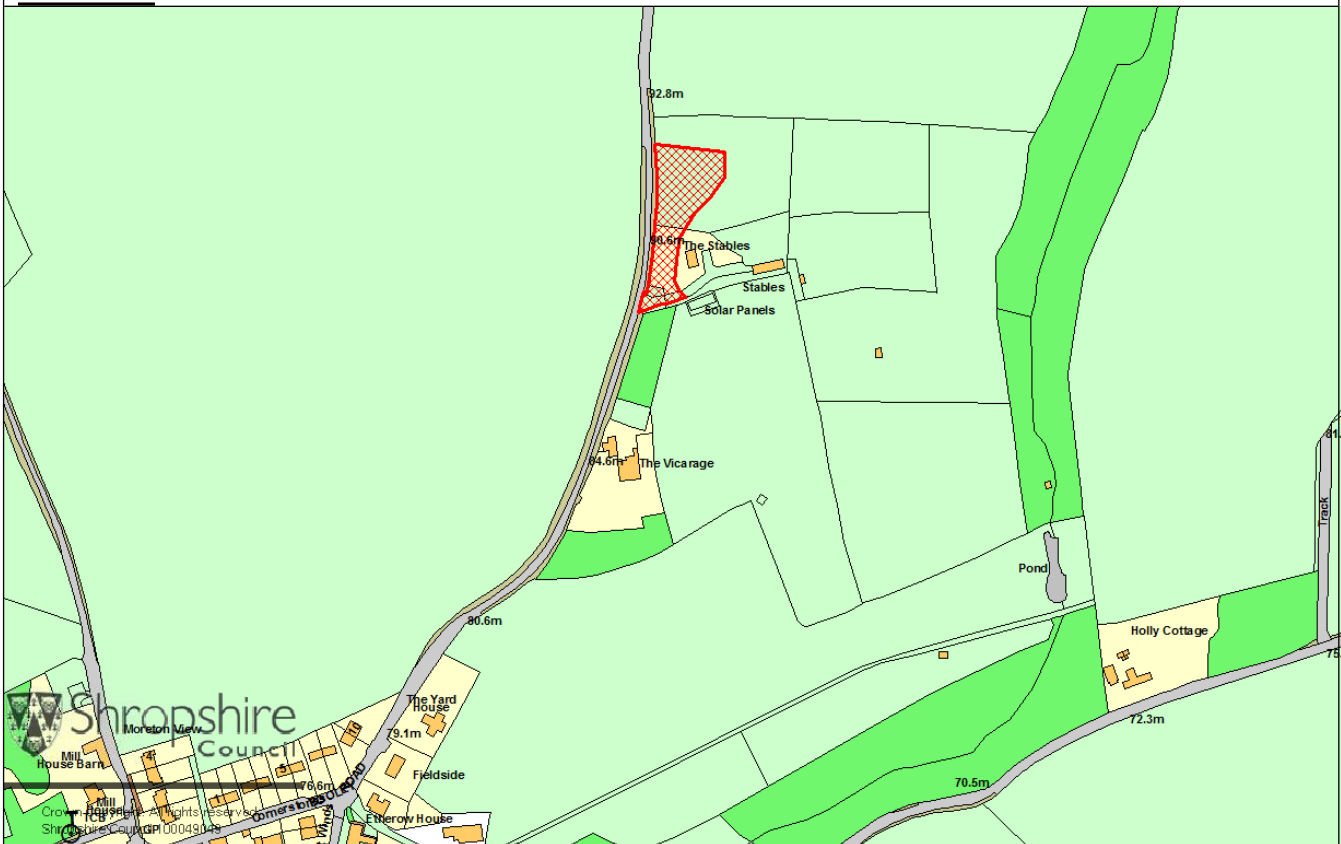
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 18/05167/FUL	<b>Parish:</b>	Stanton Upon Hine Heath
<b>Proposal:</b> Erection of an occupational dwelling and detached garage		
<b>Site Address:</b> The Stables Booley Road Stanton Upon Hine Heath SY4 4LP		
<b>Applicant:</b> Mr J Start and Ms C Bayliss		
<b>Case Officer:</b> Richard Denison	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>	

**Grid Ref:** 357138 - 324443



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**Recommendation:- Refusal.**

## Reason for Refusal

1. The proposed dwelling is not considered commensurate in relation to the business concerned and its financial ability, the dwelling considered excessive in scale as the existing business does not provide an adequate income to support a permanent dwelling and as such the development would not constitute sustainable development and would be contrary to policies CS5 of the Shropshire Core Strategy and MD7a of the SAMDev Plan and the National Planning Policy Framework in relation to sustainable development.

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

- 1.1 This application relates to the erection of a detached rural workers dwelling in association with the rural equine enterprise based at The Stables, Stanton Upon Hine Heath which imports Lustiano mares in foal, foaling them and selling on mares and foals, together with some livery. The proposed dwelling will replace an existing temporary occupational dwelling and will include an entrance hall, sitting room, kitchen/dining room, office, boot room, shower room and two bedrooms (both with en-suite shower rooms) on ground floor and a master bedroom with en-suite and reading balcony overlooking the sitting room at first floor. The proposed application also includes the provision of a detached double garage.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is an area of land located in open countryside and is situated to the north of the village of Stanton-Upon-Hine Heath with access off a single width highway (Booley Road). The equine business covers an area of 10.5 acres of good quality pasture land and is in the main bounded by mature hedgerows which are interspersed with mature/semi-mature trees. A long block of 5 stables is provided together with an exercise menage and individual paddocks including field shelters. Consent for temporary dwellings has been granted and renewed and this is currently occupied by the applicants.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have submitted a view contrary to officers based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the committee chairman and vice chair agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

**4.0 COMMUNITY REPRESENTATIONS****4.1 Consultee Comments**

- 4.1.1 **Shropshire Council, Highways Development Control** - The development is in effect seeking permanent consent for the erection of a dwelling directly tied with



permitted use of the adjoining landholding. The temporary siting of a workers dwelling in association with the permitted equine business was approved under reference 10/05482/FUL and renewed under reference 13/04946/FUL. The traffic generation is not likely to change from the established movements experienced since the original temporary consent. The occupation/tenancy of the dwelling is intrinsically linked to the equine business which in the absence of an onsite residential unit could potentially generate daily traffic movements by the applicant in association with the husbandry demands of the livestock. No objection is raised subject to a safeguarding condition regard the proposed driveway, parking and turning area be satisfactorily completed and laid out.

- 4.1.2 **Shropshire Council, Trees & Woodland Amenity Protection Officer** - This proposal does not appear to affect any important or protected trees and therefore I have no objection on arboreal grounds.
- 4.1.3 **Shropshire Council, Housing Enabling Officer** - Rural workers dwellings are noted as an exception in the SPD Type and Affordability of Housing from the need to contribute to the provision of affordable housing as per Policy CS11 of the Core Strategy. This is on the proviso that such dwellings are legally tied to a S106 Agreement which requires that the dwelling will default to affordable housing if no longer required for a rural workers Dwelling. The usual size of a property of this type is 100sqm for consistency with the maximum size allowed for a single plot affordable exception site.
- 4.1.4 **Shropshire Council, Planning Ecologist** - No objection subject to safeguarding conditions and informatives.
- 4.1.5 **Shropshire Council, Flood & Water Management Team** - 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:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

- 4.1.6 **Stanton Upon Hine Heath Parish Council** support this application and welcomed the design as it was in keeping with the surrounding area, but had slight concerns over light pollution.

## 4.2 **Public Comments**

- 4.2.1 No public representations have been received.

## 5.0 **THE MAIN ISSUES**

- Background
- Policy & Principle of Development
- Functional Appraisal
- Financial Appraisal
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Drainage

## **6.0 OFFICER APPRAISAL**

### **6.1 Background**

- 6.1.1 Planning permission was originally granted in June 2006 for the change of use of agricultural land to equestrian (ref. NS/06/01074/FUL). Due to the narrowness of the access road, lack of suitable parking and turning area it was considered that the site would not be suitable for use for commercial purposes and was conditioned for private use only and prevented any commercial use. Planning permission was granted in November 2007 for the provision of two rows of stables separated by a yard to provide 10 rooms used for stables, tack room and feed room for the applicants 6 horses (ref. NS/07/01852/FUL). This application was also conditioned for private use only and prevented any commercial use.
- 6.1.2 However, two subsequent applications were granted in September 2010 to vary conditions on both of the above applications to allow the site to be used for foaling and rearing of Lustiano mares and for livery purposes. It was considered that the proposed use of the site for breeding of Lustiano horses and for livery purposes would not have an unacceptable impact upon the residential amenities of the area. A condition was imposed preventing the land from being used for other commercial equestrian purposes including competitions, events, gymkhanas and rider instruction or training.
- 6.1.3 Planning permission was granted in February 2011 for the siting of a timber clad rural workers dwelling in association with the horse breeding and livery business and met the tests set out in previously adopted Planning Policy Statement 7 in providing a functional requirement (ref. 10/05482/FUL). This dwelling was restricted for a temporary period of three years. This application was subsequently varied to enable a smaller mobile home type dwelling to be provided instead (ref. 11/01262/VAR).
- 6.1.4 Planning permission was granted in May 2013 for an illuminated exercise manege (40 metres by 40 metres) and is used in association with the business and by several owners whose horses are kept at the livery.
- 6.1.5 Planning permission was approved in January 2014 to renew the siting of the temporary dwelling for a further five years until January 2019 (ref. 13/04946/FUL). The occupation of the dwelling was restricted to a person mainly working or last working in the equestrian business.

## 6.2 **Policy & Principle of Development**

6.2.1 Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy indicates that new development will be strictly controlled in accordance with national policies protecting the countryside. The policy indicates that dwellings to provide accommodation for rural workers would be acceptable in principle and would have to meet National Planning Policy Guidance and the Supplementary Planning Guidance on the 'Type and Affordability of Housing'. Policy 5 'Delivering a Sufficient Supply of Homes' of the National Planning Policy Framework indicates in paragraph 79 that it should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Sustainable development in rural areas should be located where it will enhance or maintain the vitality of rural communities. However, it indicates that local authorities should avoid isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work. This is re-iterated in Policy MD7a 'Managing Housing Development in the Countryside' of the SAMDev Plan. The principle for providing permanent accommodation for an essential countryside workers dwelling is considered acceptable subject to the provision of a detailed functional and financial appraisal.

## 6.3 **Functional Appraisal**

6.3.1 The Supplementary Planning Document for Type and Affordability of Housing (September 2012) indicates that new rural workers dwellings in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work. Policy MD7a of the SAMDev Plan indicates that essential rural workers dwelling would be permitted if there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business.

6.3.2 The applicant breeds Portuguese Lusitano horses which are in strong demand due to a recent surge in popularity of Working Equitation a competitive equestrian sport which started in 1996 which involves a mixture of flat riding and obstacles. The only breed which is suited is the Lusitano mare due to its agility and is native to Portugal and is effectively still a wild breed. A small number of breeders in specific parts of Portugal are taming the animals and breeding small numbers in high disease control conditions, suitable for export. Supply of quality breeding mares is very limited and only available via specific contacts.

6.3.3 The applicant imports Lusitano mares in foal, foaling them and selling on mares and foals, together with some livery. The applicant is required to monitor and supervise settling of the horses on arrival and during their pregnancy and due to their wild nature require much greater supervision than trained horses. Care is provided during and after foaling where it is essential that they are supervised and monitored regularly as if any difficulties arise instant assistance can be given. Colic in particular is identified as a major welfare issue and if not treated immediately (within hours) can lead to sudden death. Foals are prone to septicaemia which needs to be diagnosed and treated with antibiotics within two hours and failure to provide close attention will hinder the ability to attract clients. Therefore, the applicant is required to supervise

the foal during the first four month of life when accidents and disease risk are at their greatest and 24 hours care for the animals is required. Following a burglary in 2010 when equipment was stolen the applicant is keen to provide onsite security due to the value and scarcity of the horses.

- 6.3.4 The Supporting Statement indicates that the applicant on average currently cares for 6 brood mares and 6 young foals, whilst the mixture of livery facilities includes 2 horses on grass livery, 2 horses on DIY livery, 1 horse on part livery and 1 horse on competition livery (total 6 horses).
- 6.3.5 The applicants wish to expand the business and have identified a gap in the market for equine rehabilitation working with vets offering post-operative care and treating and caring for injured horses. The breeding of the Lustiano horse will continue as the applicants now have their own stallion. It has been confirmed that 10 more horses can be accommodated on site (5 rehabilitation clients and 5 further breeding import mares). Although this will require the additional construction of the 5 stables.
- 6.3.6 It has been clearly justified that there is a functional need in previous applications to live on site to supervise and care for the horses and officers consider that this is still relevant to the existing business and future plans.

#### 6.4 **Financial Appraisal**

- 6.4.1 The applicant has confirmed that they moved onto the site in 2012 when the first horses arrived from a specialist breeder in Portugal. Unfortunately, in 2014 the applicant was thrown from a client's horse and sustained neck and spinal injuries and spent 18 months recovering. Although the applicants partner worked on the yard one of the mares was sent to a yard in North Wales to foal. Financial figures have therefore been providing for the subsequent years.
- 6.4.2 The applicant has provided yearly cash flows which indicate a modest profit for 2015/16, 2016/17 and 2017/18. The stock holding of the business in 2015/16 and 2016/17 was also modest and identical for both years and included 1 mare, 1 gelding and 1 yearling. This increased two fold in 2017/18 with 1 foal, 2 mares in foal, 2 gelding and 1 colt. All of these horses except the mares are due for sale this year. No financial figures have been provided for 2018/19. The financial information clearly indicates a modest profit over a three year period with an increase in potential profit for the following year. Having regard to the financial figures provided the business falls short of providing the minimum wage salary for the UK. As such it has not been indicated that the business can finance the construction and sustain a relatively large contemporary style dwelling to operate the business based on the financial information submitted in support of the application.

#### 6.5 **Design, Scale and Character**

- 6.5.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value.

6.5.2 The proposed design and appearance of the dwelling is in principle acceptable and would provide a modern approach to a rural workers dwelling. Whilst having regard to the existing screening and topography of the land will not be out of character with this rural landscape.

6.5.3 However, in locations where market housing is not normally permitted occupational dwelling are justified on their functional need. Should the need disappear they will default to become rural affordable housing. As such the residential curtilage would be restricted to 0.1 hectares. The proposed access, driveway and residential curtilage extends to 0.176 hectares which is significantly larger and would be at conflict with the guidance as set out in the Housing SPD.

6.5.4 In accordance with the adopted Core Strategy and the Housing SPD and the nature and ability of the business concerned, the proposed dwelling should be restricted to 100 square metres of internal gross floor space plus an additional business floor area. The proposed internal gross floor area of the dwelling is 158 square metres, although the proposed boot room, shower room and office would likely to be used in connection with the business. However, this only equates to 25 square metres of the overall floor area of the dwelling. The dwelling does include a large void above the sitting room which could easily be utilised for a fourth bedroom increasing the floor area. Officers consider that the layout and scale of the proposed dwelling is excessive and does not comply with the adopted guidance for rural workers dwellings.

6.5.5 The applicant has provided an informal plan indicating a similar style property which provides a two bedroom dwelling with ground floor accommodation only. The layout and design is very similar, although the ground floor area is only 111 square metres. The eaves have been lowered to 3 metres and ridge line to 6.6 metres, although clearly an internal staircase could be provided and accommodation included within the large roof void. The scale and appearance of the dwelling including a large glazed gable elevation provides the dwelling with an appearance of a two storey property rather than a modest single storey design. Officers do not consider that the scale of this informal revised plan would be acceptable either based on the financial information submitted in relation to the business concerned and overall sustainable development.

## 6.6 **Impact on Residential Amenity**

6.6.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. The nearest residential property is The Vicarage which is located 120 metres away to the south and separated by trees and mature hedgerows. Open agricultural fields are located to the north and east and on the opposite side of the country lane running to the west. Having regard to the distance away the proposed dwelling will not result in any detrimental impact on the neighbouring property.

## 6.7 **Highways**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling

and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

- 6.6.2 The previous application for a temporary dwelling considered the proposed traffic movements from the existing business, together with that of the proposed dwelling. It was considered that the proposed access was acceptable and would not lead to any highway safety issues. The proposed application will affectively replace the existing temporary accommodation with a permanent dwelling and will therefore not affect the existing traffic movements. No objection is raised on highway grounds.

## 6.8 **Drainage**

- 6.8.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul drainage will be dealt with via a septic tank and no objection has been raised by the Drainage Engineer subject to the design being in accordance with Building Regulations. The application indicates that surface water will be disposed of via a sustainable drainage system the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommend that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

## 7.0 **CONCLUSION**

- 7.1 The proposed business indicates a functional need to provide residential accommodation on site for a rural equine worker for the care and welfare of the breeding Lusitano mares and livery business. However, the proposed dwelling is of a scale considered excessive in relation to a rural workers dwelling which should aim to have a maximum gross internal floor area of 100 square metres and in particular with regards to the ability of the existing business which does not based on financial information provided produce a sustainable income does to support a permanent dwelling and as such the development would not constitute sustainable development and would be contrary to policy MD7a of the SAMDev Plan, and policy CS5 of the Shropshire Core Strategy and the National Planning Policy Framework.
- 7.2 With consideration to overall sustainability credentials and exceptional circumstances Officers consider that the applicant should seek a further temporary permission for the existing mobile home in order to allow the applicants the opportunity to demonstrate the business can sustain the construction of a permanent dwelling for use as a rural workers dwelling.
- 7.3 Shropshire Council seeks to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of an area in accordance with the National Planning Policy Framework. However, in this case the application is not considered in principle to fulfil this objective having regard to relevant development plan policies and material planning considerations.

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

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose.

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

### **8.2 Human Rights**

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

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

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

### **8.3 Equalities**

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

## **9.0 FINANCIAL IMPLICATIONS**

- 9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature

of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## **10.0 BACKGROUND**

### **10.1 Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

#### **National Planning Policy Framework:**

##### **Shropshire Council Core Strategy (February 2011):**

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS18 : Sustainable Water Management

Supplementary Planning Document - Type and Affordability of Housing

##### **Site Allocations and Management Development Plan (December 2016):**

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD7a : Managing Housing Development in the Countryside

### **10.2 Relevant Planning History**

13/04946/FUL - Retention of temporary planning permission (10/05482/FUL) for siting of a workers dwelling in association with equine business and alterations to existing vehicular access. Granted 21<sup>st</sup> January 2014.

13/00554/FUL - Formation of a manege with floodlighting. Granted 2<sup>nd</sup> May 2013.

11/01262/VAR - Variation of condition 2 (change to mobile home) and 3 (colour) attached to planning permission reference 10/05482/FUL dated 11/02/2011 for the temporary siting of a workers dwelling in association with equine business and alterations to existing vehicular access. Granted 17<sup>th</sup> May 2011.

10/05482/FUL - Temporary siting of a workers dwelling in association with equine business and alterations to existing vehicular access. Granted 11<sup>th</sup> February 2011.

10/01681/VAR - Variation of condition number 2 attached to planning permission reference N/06/404/SH/248 dated 16<sup>th</sup> June 2006 to allow for commercial purposes. Granted 21<sup>st</sup> September 2010.

10/01680/VAR - Variation of condition number 5 attached to planning permission reference NS/07/01852/FUL dated 20<sup>th</sup> November 2007 to allow for commercial purposes. Granted 21<sup>st</sup> September 2010.

NS/07/01852/FUL - Proposed erection of stables, tack room and a feed room. Granted 20<sup>th</sup> November 2007.



NS/06/01074/FUL - Change of use of land from agricultural to equestrian. Granted 16<sup>th</sup> June 2006.

**11.0 ADDITIONAL INFORMATION**

List of Background Papers - Planning Application reference 18/05167/FUL

Cabinet Member (Portfolio Holder) - Cllr Gwilym Butler

Local Member - Cllr Karen Calder

Appendices - None

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<u>Committee and Date</u>
North Planning Committee
25 <sup>th</sup> June 2019

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

## Development Management Report

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

### SCHEDULE OF APPEALS AS AT COMMITTEE 25<sup>TH</sup> JUNE 2019

#### Appeals Lodged

<b>LPA reference</b>	19/02736/rREF
<b>Appeal against</b>	Refusal of planning permission
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Mr P Davies – C/O Mr P Richards
<b>Proposal</b>	Application under Section 73A of the Town & Country Planning Act 1990 for the extension and resurfacing of an agricultural field access track.
<b>Location</b>	Land East Of Erdington Close Shawbury
<b>Date of appeal</b>	12 <sup>th</sup> June 2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

#### Appeals determined

<b>LPA reference</b>	18/03422/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs Gaddoure
<b>Proposal</b>	Outline application (all matters reserved) for the provision of three holiday chalets
<b>Location</b>	Summerhill, Trefonen, Oswestry Shropshire, SY10 9DT
<b>Date of appeal</b>	02.01.2019
<b>Appeal method</b>	Written reps
<b>Date site visit</b>	04.03.2019
<b>Date of appeal decision</b>	02.05.2019
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>Dismissed</b>

<b>LPA reference</b>	18/05083/PMBPA
<b>Appeal against</b>	Refused prior approval of permitted development rights
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Don Carissimo
<b>Proposal</b>	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use
<b>Location</b>	Agricultural Building A rear of Rose Cottage Prees Green Whitchurch
<b>Date of appeal</b>	11 <sup>th</sup> March 2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	6 <sup>th</sup> June 2019
<b>Costs awarded</b>	Dismissed
<b>Appeal decision</b>	<b>Allowed</b>

<b>LPA reference</b>	18/04556/COU
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs A White
<b>Proposal</b>	Application under Section 73A of the Town and Country Planning Act 1990 for change of use of grassed area to residential curtilage (retrospective)
<b>Location</b>	Land East Of Rose Cottage Primrose Lane Prees Shropshire
<b>Date of appeal</b>	4 <sup>th</sup> April 2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	10 <sup>th</sup> June 2019
<b>Costs awarded</b>	Dismissed
<b>Appeal decision</b>	<b>Dismissed</b>

<b>LPA reference</b>	18/02122/FUL
<b>Appeal against</b>	Refusla
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs W M Jones
<b>Proposal</b>	Erection of one detached bungalow
<b>Location</b>	Land adj 10 Walsham Avenue, Whittington, Oswestry
<b>Date of appeal</b>	08 <sup>th</sup> February 2019
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	11 <sup>th</sup> June 2019
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>Dismissed</b>

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## Appeal Decision

Site visit made on 4 March 2019

**by Jan Hebblethwaite MA Solicitor (non-practising)**

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> May 2019

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**Appeal Ref: APP/L3245/W/18/3218574**  
**Summerhill, Trefonen, Oswestry, SY10 9DT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by S Gaddoura against the decision of Shropshire Council.
  - The application ref 18/03422/OUT, dated 24 July 2018, was refused by notice dated 2 October 2018.
  - The development proposed is the provision of three holiday chalets.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The site address in the heading to this letter is as used by the Council and as set out on the appeal form. I have adopted the address from the appeal form and consider it to be accurate.
3. The application is made in outline form with all matters reserved.

### Main Issue

4. The main issue is whether the benefits of the proposed chalet development to tourism and economic development in the countryside are sufficient to outweigh the policy requirement that such development should be within or close to existing settlements.

### Reasons

5. The site is located in the countryside some 5 minutes' drive from the village of Trefonen. The chalets are proposed to be built within the extensive grounds of a recently renovated cottage. The site of the chalets is lower than the road and is part-way down steeply sloping paddock land, with views over countryside towards the village. The appellants intention is to cut the chalets into the slope, thereby reducing their impact on the immediate area.
6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications and appeals are to be determined in accordance with the development plan policies for the area unless material considerations indicate otherwise.

7. Policy CS1<sup>1</sup> sets out the strategic approach for Shropshire and confirms that development will be located primarily in community hubs and clusters. Outside these settlements, development will primarily be for economic diversification and to meet local needs for affordable housing. SAMDev<sup>2</sup> contains a table at MD1.1 which identifies community hubs and clusters. Trefonen does not appear in the table.
8. Policy CS5 provides that development in the countryside will be strictly controlled in accordance with national planning policies. The policy states that development on appropriate sites which maintain and enhance the countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. These may include small scale new economic development diversifying the rural economy, including farm diversification schemes.
9. Policy CS5 requires applicants for development in the countryside to demonstrate the need and benefit for the development proposed. Development is expected to be in primarily recognisable named settlements or linked to other existing development and business activity.
10. Policy CS16 deals with tourism culture and leisure. This policy acknowledges the role tourism plays in the local economy and lists matters which will be relied upon in making decisions on planning applications. These include supporting new tourism development which is appropriate to its location, and which enhances and protects the existing tourism offer in Shropshire.
11. SAMDev policy MD11 deals with tourism facilities and visitor accommodation. Where holiday accommodation is not a caravan and is not related to the conversion of existing rural buildings, development will be resisted.
12. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development which in this case means granting permission for development which accords with the up-to-date local development framework.
13. The roads leading to the development site are narrow and with bends which could place pedestrians at risk. It is unlikely that the occupiers of the chalets would walk to Trefonen around the roads, not least because there is a steep hill to climb on the way back. The public footpath which runs through the site, descends steeply to access the village. The appellant has indicated that cycles will be available for use by the visitors free of charge, but there is no guarantee that they would be used. The steep hill up to the site presents the same difficulty for cyclists as for walkers.
14. The appellant points out that most supermarkets make deliveries which means that the occupiers would not need to use a car to shop. However, no guarantee can be offered that supermarket deliveries would always be used by the occupants. In any event, the delivery of goods by van would also create vehicular trips.
15. The policies require that new tourism development should be appropriate to its location. Whilst the setting for the chalets is peaceful and attractive, there is a lack of connection with existing facilities which would attract tourists, necessitating car journeys to attractions at some distance from the site.

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<sup>1</sup> Shropshire Local Development Framework

<sup>2</sup> Shropshire Council Site Allocations and Management of Development Plan



16. The appellant has described the potential for “visitor spend” as a benefit of the development. I have some doubts that this spend would be in the locality because of the need to travel by car to reach popular visitor attractions and other local services. As a result, there is likely to be little by way of contribution to community benefits or the local economy. Furthermore, the proposals do not arise from an existing business and are not linked to an existing settlement.
17. For these reasons, the proposal is not development which is appropriate to its location under Policy CS16 and does not fall into the categories of development which would be permitted in the countryside under Policy CS5. The proposal for holiday-let accommodation is not a conversion of an existing building and does not therefore comply with Policy MD11. I have looked at the development proposals in the context of Policies MD2 and CS17 (design and protection of the environment). Whilst I accept that the proposed development would have no adverse effect, the absence of harm does not satisfy the requirements of the policies which require protection and enhancement of the natural environment.
18. I conclude that the proposal is not sustainable development and the presumption in favour of sustainable development (NPPF para 11) does not apply.

#### **Other matters**

19. The Council acknowledge that the appearance of the development would not give rise to visual harm and as all details are reserved, the Council would have control over the detailed design and exact location of the chalets, if the appeal were to be allowed. This matter does not add to or alleviate my concerns.
20. The appellant states that his proposals will demonstrate that the buildings will be sustainable because they would be wholly recyclable. As the application was made in outline form with all matters reserved, I am only considering the principle of development in this decision letter, rather than the design and construction of the buildings.

#### **Conclusion**

23. I note the support of the Parish Council for the scheme, nevertheless, for the reasons given above and having regard to all other matters raised, I conclude that the appeal be refused

*Jan Hebblethwaite*

INSPECTOR

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## Appeal Decision

Site visit made on 8 May 2019

**by W Johnson BA(Hons) DipTP DipUDR MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 June 2019

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**Appeal Ref: APP/L3245/W/19/3220888**

**Agricultural Building A, Rose Cottage, Prees Green, Whitchurch, Shropshire SY13 2BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
  - The appeal is made by Mr Don Carissimo against the decision of Shropshire Council.
  - The application Ref 18/05083/PMBPA, dated 2 November 2018, was refused by notice dated 21 December 2018.
  - The development proposed is described as 'Building A is located to the east of Rose Cottage with access shared and taken off the A49. It is proposed to convert the 84sqm building into a 3 bedroom, one storey dwelling'.
- 

### Decision

1. The appeal is allowed and prior approval is granted for the change of use of the 84sqm agricultural building into a 3 bedroom, 1 storey dwelling at Agricultural Building A, Rose Cottage, Prees Green, Whitchurch, Shropshire SY13 2BN in accordance with the terms of the application, Ref 18/05083/PMBPA, dated 2 November 2018, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The Government published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. The principle changes to the Framework relate to the Housing Delivery Test. However, the changes have no material bearing to the main issues before this appeal.
3. For clarity and precision, I have inserted 'Agricultural Building' into the address in the banner heading, which I have taken from the appeal form and the Council's decision notice.
4. The description of the development in the banner heading above is taken from the application form. However, in my decision, I have inserted 'agricultural' into the description of the development from the appeal form, since this is more precise.

### Application for costs

5. An application for costs was made by Mr Don Carissimo against Shropshire Council. This application is the subject of a separate Decision.

## Background and Main Issues

6. Class Q of Schedule 2, Part 3 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses). Additionally, Class Q allows building operations and partial demolition which are reasonably necessary to convert the building to a Class C3 use.
7. The Council refused the application on the basis of the building and demolition operations proposed. However, the Council in their submission have raised concerns on whether the change of use would be permitted development having regard to when the building was constructed. In determining whether or not the proposal would be permitted development, it is necessary for me to consider whether the requirements set out in the GPDO for development to be permitted under Class Q would be met.
8. The main issues in this appeal are whether the proposed change of use constitutes permitted development pursuant to Class Q of Schedule 2, Part 3 of the GPDO, having particular regard to:
  - a) whether the site was used solely for an agricultural use as part of an established agricultural unit on the required date;
  - b) whether the building operations and partial demolition of the building is reasonably necessary for the building to function as a dwellinghouse.and, if those requirements are met, whether the proposed change of use would require prior approval under Class Q.2 (1) of Schedule 3, Part 2 of the GPDO.

## Reasons

- a) *Whether the site was used solely for an agricultural use as part of an established agricultural unit*
9. Paragraph X of the GPDO for the purposes of Class Q defines an "established agricultural unit" as agricultural land occupied as a unit for the purposes of agriculture on or before 20 March 2013 or for 10 years before the date the development begins. Paragraph Q.1(a) states that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use.
10. The appeal relates to the change of use and conversion of a barn positioned east of Rose Cottage and accessed from a shared driveway from the A49. The Council in its Statement has raised concerns on the length of time that the building has been in place and indicates that it has been relocated, providing aerial photographs and drawings to support its assertions. In response the appellant has confirmed that there were errors in using base mapping information that was not up to date on previous submissions to the Council and that the building was re-built to a smaller size in March 2011.
11. Additionally, in response to the concerns raised the appellant has provided dated photographs taken during the construction of the building and a letter<sup>1</sup> from the building contractor, providing corroborative evidence. Furthermore, I

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<sup>1</sup> Letter from J W Roofing dated 28 April 2019

note all of the previous schemes submitted to the Council dating back to 2015, one which was the subject of an appeal<sup>2</sup> that form the planning history of the building.

12. Taking into account the evidence before me, I find that the Council's evidence is not sufficient for me, as a matter of fact and degree, to conclude that the building was in anything other than agricultural use on 20 March 2013, or at the time at which the application was considered by the Council and at present. Therefore, I conclude that the criteria under Paragraph Q.1(a) are satisfied.

b) *Whether the building operations and partial demolition are reasonably necessary*

13. Paragraph Q.1(i) states that development is not permitted by Class Q if it would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse. Paragraph Q.1(i) also confirms that partial demolition is permitted to the extent reasonably necessary to carry out the building operations allowed by the same paragraph.
14. The barn is a portal frame building with a dual pitched roof and a mesh reinforced concrete slab floor. The existing walls comprise 5 courses of concrete blockwork. Set on the blockwork wall is a timber frame with a sole plate bolted to the solid concrete blockwork wall and a double member at eaves level again bolted together with a central horizontal member. Plastic coated steel profiled external cladding is fixed to this frame to form the upper sections of the walls and the roof. Within the roof are also translucent panels and on each gable end are 2 metal sliding doors.
15. The appeal proposal is for the change of use of a modern barn to form a single dwelling. The proposed external works to the barn would involve the retention of the existing wall cladding and roofing material, the infilling of the existing double door openings to the east and west elevations with materials to match the existing; and the insertion of timber doors and windows as specified on the submitted drawings. The internal structure and beams will remain. Internally, the alterations proposed are limited to create 3no bedrooms, 2no bathrooms, a utility room, and a living / kitchen / dining area. Paragraph 105 of the PPG states that it is not the intention of the permitted development right to include the construction of new structural elements for the building. It also states that internal works are not generally development.
16. The GPDO does not define what is meant by 'reasonably necessary'. However, the Main parties have referred me to the Hibbitt<sup>3</sup> judgment, which considers how this element of the GPDO should be interpreted. The Hibbitt judgment found that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. As such, if the operations proposed would amount to rebuilding, the appeal should be dismissed on the basis that the proposed development is outside the relevant Class. Whether or not the proposed works go beyond the scope of conversion is a matter of fact and degree and requires an element of judgement.

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<sup>2</sup> APP/L3245/W/16/3164599

<sup>3</sup> Hibbitt and another v Secretary of State for Communities and Local Government and another [2016] EWHC 2853 (Admin)

17. Furthermore, Planning Practice Guidance<sup>4</sup> confirms that “It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right”.
18. The structural appraisal<sup>5</sup> (the SA) submitted in support of the appeal development indicates no structural defects with the building, and this is not directly challenged by the Council. During my visit the building appeared to be in good condition with no evident structural issues. It further noted that the building is structurally adequate for a conversion to future residential use and no new structural elements would be required for the existing structure. I have no good reason to doubt the conclusions of the SA. Given that the SA appears to have been produced by a suitably qualified authority and in the absence of an equivalent report on the part of the Council, I have given it significant weight. I have found no good reason to conclude that SA is unreliable in any significant respect.
19. Accordingly. The evidence indicates that the works required for the conversion could be built off the existing structure, nor that substantial works would be required to enable the residential conversion of the building or that the works required would be extensive. On this basis, having regard to all the evidence, the building operations would be reasonably necessary in this instance and would not constitute a rebuild as described in the Hibbitt Judgement. Therefore, the proposed development would comply with paragraph Q.1(i) of the GPDO in terms of the extent or scale of building operations being reasonably necessary to convert the building with respect to Class Q (b).

*Whether the proposed change of use would require prior approval under Class Q.2 (1)*

20. Having confirmed that the proposal would meet Paragraph Q.1 in full, I am satisfied that the proposal would be permitted development, it is necessary to consider matters required to be addressed under prior approval in Paragraph Q.2 (1) of the GPDO as to (a) transport and highways impacts, (b) noise impacts, (c) contamination, (d) flooding, (e) location or siting, and (f) the design or external appearance of the building. The Council has indicated in its Officer Report that it considers the scheme to not satisfy Q.2(1) (c), (d), (e) and (f).
21. However, I note that no objections have been raised from the Council’s Regulatory Services in respect of contaminated land, or from the Council’s Drainage Engineer to the details that have been submitted for the disposal of foul and surface water. With regards to the proposed location and siting, I do not find that the proposed arrangements would be impractical or undesirable given that the animals have been removed from the site in 2016 with no indication from the appellant that they are likely to return.
22. Accordingly, I do not consider it likely that the former pigsties or chicken units would be brought back into agricultural use. Furthermore, the window

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<sup>4</sup> Paragraph Reference: 13-105-20180222 - What works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use?

<sup>5</sup> HWA (Structural Engineers) Limited dated 10 October 2018

proposed in the elevation facing the rear garden of the existing house would serve a utility room and as such I find that along with the distances maintained, there would be no significant harmful effects to the living conditions of the occupiers of the existing house. Although, there would be windows on elevations of the building adjacent to the existing yard area. I do not find that this would result in any significant harmful effects to the living conditions of future occupiers. Whilst the proposed development would introduce new openings to the building, I do not consider that this would to the detriment of the design and appearance of the building.

23. Therefore, none of the matters set out at Paragraph Q.2(1)(a) to (f) in the context of this appeal indicate that prior approval should be withheld.

### **Conditions**

24. Paragraph Q.2(3) of the GPDO specifies that development under Class Q must be completed within a period of 3 years starting with the prior approval date, so it is not necessary or reasonable to impose a separate time limit as requested by the Council.
25. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. To ensure certainty and clarity, it is necessary to impose a condition setting out the approved plans.
26. It is necessary to include conditions in relation to the provision of bat and bird boxes and external lighting in the interests of biodiversity and protected species. A condition relating to foul and surface water drainage is also necessary to ensure satisfactory drainage and flood / pollution prevention. I have amended the Council's suggested conditions where necessary to better reflect the requirements of the PPG.

### **Conclusion**

27. For the reasons set out above, I conclude that the appeal is allowed and prior approval is granted.

*W Johnson*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 01B, 02D, 04E
- 2) Prior to first occupation / use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
  - A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and / or house martins (house martin nesting cups).

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

3) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out in accordance with the approved details and thereafter maintained and retained for the lifetime of the development.

4) The dwelling hereby permitted shall not be occupied until the surface / foul water drainage works have been implemented fully in accordance with the approved details and thereafter maintained and retained for the life of the development.





## Costs Decision

Site visit made on 8 May 2019

**by W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 June 2019**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/19/3220888 Agricultural Building A, Rose Cottage, Prees Green, Whitchurch, Shropshire SY13 2BN**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Don Carissimo for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of the Council to grant prior approval required under Schedule 2, Part 1, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development proposed is described as 'Building A is located to the east of Rose Cottage with access shared and taken off the A49. It is proposed to convert the 84sqm building into a 3 bedroom, 1 storey dwelling'.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Planning Practice Guidance (PPG) advises that where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. It states that one of the aims of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, and not to add to development costs through unavoidable delay.
3. Examples of behaviour which may lead to a substantive award of costs against the local planning authority are set out in the PPG at paragraph 49. The applicant considers that the Council has adopted an entrenched, inconsistent and negative approach towards the application which has led to an appeal which is wholly unnecessary.
4. Furthermore, the applicant considers that as part of the current appeal, the Council has sought to introduce new matters which did not form part of the reasons for refusal. The appeal proposal is a re-submission of a scheme previously refused by the Council and subsequently dismissed at appeal. It was supported by a structural appraisal to address the deficiencies identified in that Inspector's decision letter.
5. Having regard to this, whilst I find the Council acted unreasonably through introducing new matters from those specified on the decision notice, it did not delay development in this respect. The Council further supported their reason

for refusal with a full statement of case. From the evidence before me, and in the absence of any additional information to the contrary, it follows that I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal. The Council's submission clearly identifies the issues, identifying the evidence both, for and against the proposal, and going on to clearly explain the reasoning behind its conclusion.

6. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme, and therefore the appeal could not have been avoided. It follows that I am satisfied that the Council has shown that it was able to substantiate its reason for refusal. While the Council's behaviour was unreasonable in respect of raising additional matters, it did not cause the applicant to incur wasted costs as the appeal was inevitable in any event.
7. On the basis of the evidence before me, I conclude that it has not been demonstrated that the Council's unreasonable behaviour caused unnecessary or wasted expense in so far as an award of costs could be justified. Consequently, the application for a full award of costs is refused.

*W Johnson*

INSPECTOR



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## Appeal Decision

Site visit made on 3 June 2019

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> June 2019**

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**Appeal Ref: APP/L3245/W/19/3223925**

**Rose Cottage, Primrose Lane, Prees SY13 2EH**

- 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 and Mrs A White against the decision of Shropshire Council.
  - The application Ref 18/04556/COU, dated 27 September 2018, was refused by notice dated 13 December 2018.
  - The development proposed is the change of use of grassed area to residential garden.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. At the time of my site visit the change of use had already taken place. However, retrospective as referred to in the application form and decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is being sought for the change of use of grassed area to residential garden, which is reflected in my description of the development.

### Application for costs

3. An application for costs was made by Mr and Mrs A White against Shropshire Council. This application is the subject of a separate Decision.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

5. The appeal site is located within the open countryside and currently forms part of the extensive plot associated with Rose Cottage. It is largely lawned with sporadic tree planting and shrubbery. There is an existing timber stable on the site surrounded by a post and rail fence, which provides a small paddock. The site is surrounded by open, verdant fields and is bounded by well-established hedging and trees, which overall make a positive contribution to the rural setting.
6. There is a dispute between the parties as to what the current use of the land is. The Council suggest that there is an element of grazing due to the stable and paddock area. However, the appellants contend that the stable and paddock

have not been in use for its intended purpose for some time. Based on the evidence before me, it would appear that the appeal site is currently used as a garden area associated with Rose Cottage, but there is no indication as to how long it has been in sole use as this. Nevertheless, this is somewhat of an irrelevant argument as there is no evidence that the lawful use of the land is for a garden/residential use. Whilst it is not entirely clear from the evidence before me what the lawful use of the appeal site is, given the location of the site and being surrounded by agricultural fields, on the balance of probabilities, it is likely that it would be agriculture.

7. The site is well screened from public views due to the high hedge boundary with Primrose Lane, although it can be seen through the north eastern access gate to the site directly off the Lane. The site is very much read as a garden area, with the well-maintained lawn and planting being in contrast to the surrounding agricultural fields. Moreover, it is not just the appearance of the land itself that defines it as residential, the potential introduction of domestic paraphernalia, eg. garden furniture and play equipment, and its use for general domestic activities, eg. playing games and outdoor domestic activities, would introduce a land use and treatment which would appear overly domestic. This encroachment of residential development erodes the agricultural characteristics of the surrounding area and the overall rural setting, therefore causing significant harm to its character and appearance.
8. I have had regard to the imposition of a condition to effectively remove certain permitted developments on the land. However, this would not adequately mitigate the harm caused by domestic activities and paraphernalia that do not amount to development.
9. I note the appellants' argument that the appeal site has no future use as agricultural land due to its restricted size, shape and proximity to the existing dwelling. However, I do not agree. Whilst it is relatively small compared to other surrounding fields, it is large enough to graze a small number of animals and has its own access off the Lane. It need not be linked with adjacent fields, physically or in terms of ownership for it to be used for agricultural purposes. It is not uncommon for farming enterprises to utilise land away from the main farming base and/or rent land. Furthermore, whilst it is close to Rose Cottage, it would be no closer than the field to the west of the dwelling or be an uncommonly close relationship in general.
10. I also note the numerous planning permissions granted by the Council, as referred to me by the appellants. Based on the limited evidence before me, by reason of their size, location and site constraints, these sites were unlikely to be capable of being used for agricultural use. As I have found that the appeal site could be used as such, I do not find that there are any direct comparisons with the proposal before me. In any event, I have determined the appeal on the basis of the proposal's individual planning merits. Whilst the Council objects to the proposal, there is no indication that they outright prohibit the change of use of land to residential garden.
11. I find therefore that the proposal would significantly harm the character and appearance of the area, contrary to Policies CS5, CS6 and CS17 of the Shropshire Core Strategy 2011 and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan, which, amongst other things, seek to ensure that development maintains and enhances countryside

character; respects and enhances local distinctiveness; and, protects the local character of Shropshire's natural environment.

**Other Matters**

12. I acknowledge that the appellants wish to regularise the use of the land in case they wish to sell the property in the future. However, this has had no bearing on my consideration of the planning merits of the proposal.
13. I have had regard to the appeal decision<sup>1</sup> referred to me regarding the appeal site and find no conflict between the Inspector's and my own findings'.

**Conclusion**

14. For the reasons given above, the appeal is dismissed.

*Alexander Walker*

INSPECTOR

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<sup>1</sup> Appeal Ref APP/L3245/W/17/3191701

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## Costs Decision

Site visit made on 3 June 2019

**by Alexander Walker MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> June 2019**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/19/3223925 Rose Cottage, Primrose Lane, Prees SY13 2EH**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr and Mrs A White for a full award of costs against Shropshire Council.
  - The appeal was against the refusal of planning permission for the change of use of grassed area to residential garden.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Council's reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would conflict with. These reasons were adequately substantiated by the Council in its statement of case, which demonstrates how the proposal would harm the character and appearance of the area. Furthermore, the Council has provided justification as to why the proposal differs to other decisions for changes of use to gardens and I find no inconsistency in their consideration of these schemes. Whilst I appreciate that the applicant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
4. Furthermore, in respect of the consideration of the imposition of a condition removing certain permitted development rights, I do not find that such a condition would adequately mitigate the harm to the character and appearance of the area. Accordingly, the Council did not behave unreasonably by not granting permission with such a condition imposed.
5. For the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

*Alexander Walker* INSPECTOR

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## Appeal Decision

Site visit made on 3 June 2019

**by Beverley Wilders BA (Hons) PgDurt MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> June 2019**

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**Appeal Ref: APP/L3245/W/19/3220269**

**Land adjoining 10 Walsham Avenue, Whittington SY11 4DZ**

- 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 Mrs W M Jones against the decision of Shropshire Council.
  - The application Ref 18/02122/FUL, dated 8 May 2018, was refused by notice dated 12 July 2018.
  - The development proposed is erection of 1 detached bungalow.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. An updated revised National Planning Policy Framework (the Framework) was published on 19 February 2019. As this pre-dates the determination of the appeal, in reaching my decision I have had regard to the updated revised Framework. Although the appeal was submitted before it was published, the main parties have had the opportunity to comment on the updated revised Framework.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

4. The appeal site comprises the side garden of a semi-detached bungalow positioned towards the end of a cul-de-sac comprising similar properties. It is an irregular shape due to the presence of the turning head for the cul-de-sac at the front of the appeal site. At the time of my visit the majority of the site appeared to have been separated from No 10 and was enclosed at the sides and rear by a solid timber fence.
5. The proposal includes the demolition of the existing side garage at No 10 and also a significant reduction in the size of the garden of the host building with the resultant plot size of No 10 being significantly smaller than most other properties within the cul-de-sac. Whilst the plot size of the proposed dwelling appears to be slightly larger than that proposed for No 10, its irregular shape together with the footprint and positioning of the proposed dwelling and off road parking spaces means that built development would occupy the majority

of the plot with a very modest sized L-shaped amenity area positioned to the side and rear of the proposed dwelling.

6. Though I note that the design of the proposed dwelling is sympathetic to and reflective of surrounding properties, nevertheless the size and particular shape of the appeal site together with the proposed footprint of the dwelling and retained plot size of No 10 means that the proposal would have a cramped and awkward appearance. This would be discordant with and harmful to the generally spacious character of the cul-de-sac.
7. My attention has been drawn by the appellant to the increase in density towards the end of the cul-de-sac and the plot size of 5 Walsham Avenue, however neither these factors nor the fact that the dwelling would be set back and separated from No 10 would adequately mitigate the harm to character and appearance which would result from the proposal.
8. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to policies MD1, MD2 and MD3 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan adopted 17 December 2015, Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 and to relevant paragraphs of the Framework. These policies seek, amongst other things, to support sustainable development including housing and to ensure that proposals are of a high quality design responding to and respectful of existing development.

#### **Other Matters**

9. In reaching my decision I note that an attempt has been made to amend the proposal to overcome the Council's previous concerns and that pre-application advice was sought from the Council. However, for the reasons stated, the proposal remains unacceptable.
10. I also note that the existing garden of No 10 is too large for the needs of the current occupier and that the proposal would overcome maintenance issues for her. The proposal would also provide an additional modest sized single storey dwelling in an accessible location and would contribute to the supply of housing in the area, though any economic and social benefits of the proposal would be limited due to the fact that only one dwelling is proposed. However, any benefits of the proposal would not outweigh the harm identified.

#### **Conclusion**

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

*Beverley Wilders*

INSPECTOR