



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

Date: Wednesday, 29 May 2019

Committee:
Central Planning Committee

Date: Thursday, 6 June 2019

Time: 2.00 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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

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

Members of the Committee

Ted Clarke
Nat Green
Julian Dean
Nick Hignett
Pamela Moseley
Tony Parsons
Alexander Phillips
Keith Roberts
David Vasmer
Vacancy
Vacancy

Substitute Members of the Committee

Peter Adams
Roger Evans
Hannah Fraser
Jane MacKenzie
Alan Mosley
Dan Morris
Kevin Pardy
Lezley Picton
Claire Wild

Your Committee Officer is:

Shelley Davies Committee Officer

Tel: 01743 257718

Email: shelley.davies@shropshire.gov.uk

AGENDA

1 Election of Chairman

To elect a Chairman for the ensuing year.

2 Apologies for absence

To receive apologies for absence.

3 Appointment of Vice-Chairman

To appoint a Vice-Chairman for the ensuing year.

4 Minutes

To confirm the Minutes of the meeting of the Central Planning Committee held on 9th May 2019 – TO FOLLOW

Contact Shelley Davies on 01743 257718.

5 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2 p.m. on Wednesday, 5th June 2019.

6 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.

7 Former Copthorne Barracks, Copthorne Road, Shrewsbury - 19/01288/REM (Pages 1 - 12)

Approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT, for a mixed residential development of 150 dwellings (additional 8 dwellings) for part of the site (an amendment to reserved matters approval 18/03637/REM), (amended description).

8 Proposed Affordable Dwelling South Of Woodfield, Cruckton, Shrewsbury - 19/01303/OUT (Pages 13 - 36)

Outline application for the erection of one (affordable) dwelling to include access.

9 37 Regents Drive, Shrewsbury - 19/01594/FUL (Pages 37 - 46)

Erection of a two-storey rear extension and alterations to single storey roof at front of house.

10 Date of the Next Meeting

To note that the next meeting of the Central Planning Committee will be held at 2.00 pm on Thursday, 4th July 2019 in the Shrewsbury Room, Shirehall.



<u>Committee and date</u>
Central Planning Committee
6 June 2019

<u>Item</u>
7
Public

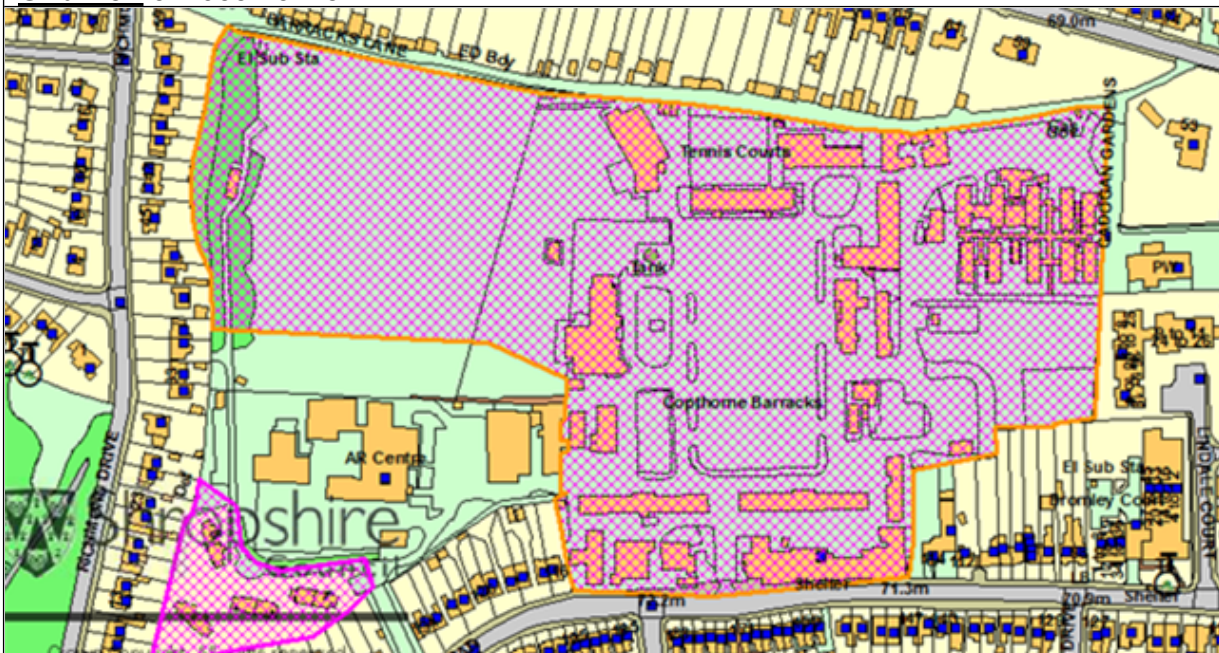
Development Management Report

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

Summary of Application

<u>Application Number:</u> 19/01288/REM	<u>Parish:</u>	Shrewsbury Town Council
<u>Proposal:</u> Approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT, for a mixed residential development of 150 dwellings (additional 8 dwellings) for part of the site (an amendment to reserved matters approval 18/03637/REM), (amended description)		
<u>Site Address:</u> Former Copthorne Barracks Copthorne Road Shrewsbury Shropshire SY3 8LZ		
<u>Applicant:</u> Bellway Homes Ltd		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 347955 - 312842



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT, for a mixed residential development of 150 dwellings (an additional 8 dwellings) for part of the site, an amendment to reserved matters approval 18/03637/REM.
- 1.2 The whole site already has detailed approval for 216 dwellings and this application only relates to the northern part of the site to allow for a change in the house types and minor alterations to the layout to include 8 additional dwellings (224 in total across the whole site).
- 1.3 This proposal does not change the road layout or the open space provision but changes the house types and house and plot sizes to provide 150 dwellings (plots 27 to 168 and 217 to 224) instead of 142 dwellings (originally plots 27 to 168). 74 dwellings on the southern part of the site (plots 1 to 26 and 169 to 216) will remain as originally approved.
- 1.4 The total increase in house numbers from 216 to 224 also results in an increase in the provision of affordable homes to 45 instead of the 43 previously approved which is a slight over provision.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is part of the former Copthorne Barracks and relates to the part of the site occupied by plots 27 to 168 inclusive on the previously approved layout.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 When the outline application was considered at Committee in August 2017 members resolved that planning permission be granted as per the Officer's recommendation and subject to any Reserved Matters Application being considered by the Central Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 **SC Archaeology:** We have no comments to make on this application with respect to archaeological matters.
- 4.1.2 **SC Conservation:** I would refer you to our earlier consultee comments regarding development affecting this site for background. The proposed amendments to the scheme appear to be generally limited to some changes of house type resulting in a limited number of additional dwellings being added to the approved layout.

Having considered this change we have no further comments to add on heritage matters beyond our last set of comments.

- 4.1.3 **SC Ecology:** During the previous planning applications at this site it was agreed that the following roosting opportunities would be provided (18/03637/REM):
- 20 bat roost features,
 - 20 swift boxes.
 - 20 bird boxes

(SC ecology also recommended the inclusion of one bat loft into the site design).

SC Ecology recommended that all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This was to conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

The above points are repeated for the 2019 REM application.

SC Ecology would ask the applicant to also confirm if demolition works at this site have been completed. Following comments from the 2018 REM application, regarding condition 20 EPS licence, works to building B7 and B15 were to occur under an NE mitigation. What additional survey work has been undertaken to allow for demolition without a licence?

- 4.1.4 **SC Drainage:** 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.

Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' 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 below) within the development site or contribute to surface water flooding of any area outside of the development site.

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.

Gully spacing calculations should be provided demonstrating that the above requirements have been met.

- 4.1.5 **SC Trees:** There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 151 individual trees, 7 groups of tree and 8 hedgerows 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.

The site layout has been designed following a number of discussions with the LPA in respect of trees to be retained. Whilst the proposal will result in a large number of trees being removed, these are mainly the lower value specimens, situated within the site where losses would not significantly impact on the wider appearance and character of the area. To mitigate these losses and maintained canopy cover, a landscaping scheme has been submitted that provides for a significant level of large species tree planting.

Where possible, boundary trees have been retained and incorporated into the site layout, with larger gardens provided for properties with trees along the north boundary. The site layout provides a reasonable balance between retaining existing trees and providing new planting.

The proposed landscaping is acceptable in terms of species choice and site position, however additional details regarding planting pits and soil resources are required, particularly where trees are to be situated in or adjacent to hard landscape. Tree soil volumes will need to be calculated for each species and it must be demonstrated that this will be available for each tree. Tree protection details provide in the tree protection plan and arboricultural method statement are acceptable.

No objection is raised to the proposed development subject to the additional tree planting information being provided and a tree protection condition being attached to any grant of planning permission.

4.2 - Public Comments

- 4.2.1 **Sustainable Transport Shropshire:** Representation summarised as follows:

- Permeability and access to the site deserves reconsideration.
- Previously pointed out that cycle users and pedestrians are poorly served in this development and this is an opportunity to make amends.

- A single pedestrian and cycle access is not enough and would like to see more explicit and considered access points between Barracks Lane, the Mount, and the others.

4.2.2 One letter of objection summarised as follows:

- The proximity of the house on plot 86 to the rear access to Cadogan House a large Grade II listed Georgian House is not appropriate.
- The large open area in the north east corner of the site (above plot 86) should be left open to assist in the turning and waiting of vehicles in Barracks Lane.
- The entrance on the corner of Barracks Lane and The Mount is tight just for a vehicle and with the addition of more footfall it could be very dangerous for cars turning into Barracks Lane from The Mount.
- Not happy about the additional effect on traffic and schools.
- Not happy with the size of the communal space on the site.

5.0 THE MAIN ISSUES

5.1 The principle of development was approved at the outline stage and detailed Reserved Matters approval has already been granted for the whole site which also covered all the details required to be submitted by conditions 5- 17 inclusive including landscaping, open space provision, tree protection, ecological protection and enhancement, access, parking and traffic implications and developer contributions.

5.2 The main issues relating to this proposal for the development of the 150 houses on the northern part of the site are:

- the layout, scale and appearance of the houses and
- the landscaping of the individual plots.

6.0 OFFICER APPRAISAL

6.1 Layout, scale and appearance

6.1.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) 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 and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.

6.1.2 The north part of the site is adjacent to Barracks Lane which is on the edge of a Conservation area and the north east corner is adjacent to a listed building

(Cadogan House). The proposal has the potential to impact on these designated heritage assets. Special regard needs to be given to the desirability of preserving the setting of listed buildings and preserving or enhancing the character and appearance of the Conservation area as required by section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.1.3 The houses in the locality include a wide range of scale, design and period of buildings and display a wide palette of materials. A variety of scale and design of dwellings is proposed using a mix of materials (both render and brick and different coloured roof tiles). The revised layout includes (as previously) a mix of detached, semi-detached and terraced properties including a mix of 2, 3 and 4 bedroom homes, both open market and affordable.
- 6.1.4 The road layout and the orientation of the houses is not changing, and as previously approved the proposed development will back onto Barracks Lane with the majority of the existing boundary wall retained. This is considered acceptable from both a highway and visual impact perspective maintaining the enclosure of the site and its relationship with Barracks Lane.
- 6.1.5 It is considered that the scale of the buildings along the northern boundary of the site and the plot widths will be in keeping with the existing development that also backs on to Barracks Lane and that the development as amended will continue to preserve the character and appearance of the locality and adjacent conservation area.
- 6.1.6 In addition to retaining the existing wall it is proposed that this is extended in an easterly direction continuing around the north east corner replacing the unsightly security fencing and the wide-open gap that currently gives views of MOD buildings of no architectural merit. It is considered that the closure of this gap with a wall will both improve the character and appearance of the locality on the edge of the conservation area and enhance the setting of Cadogan House.
- 6.1.7 It is considered that the proposal would not harm the setting or the significance of Cadogan House. The enclosure of the development site in this north east corner (the same as previously approved) would not reduce the width of Barracks Lane or make it difficult for vehicles to manoeuvre and Highways previously had no objection to this.

6.2 **Landscaping**

- 6.2.1 The wider landscaping of the site remains the same as previously approved. The landscaping the subject of this application relates to the individual plots including hard surfaced areas (patios and driveways), lawned areas and boundary treatments. These are not noticeably different to the private gardens and driveways previously approved and the proposed landscaping of the individual plots is considered acceptable. A tree protection condition and landscaping implementation tree planting condition is recommended (the same as imposed on the earlier reserved matters approval) to ensure the protection of trees to be retained and to ensure the provision, establishment and maintenance of a reasonable standard of landscaping.

6.3 Other Matters

- 6.3.1 Access – The internal road layout and the vehicular and pedestrian access to the site is not included in the red line of this application and is not proposed to change. Sustainable transport Shropshire have requested that the cycle and pedestrian access is reviewed. This was fully considered under the earlier Reserved Matters application for the whole site.
- 6.3.2 Although the provision of a cycle and pedestrian link at both ends of the development site on to Barracks Lane might have helped provide greater permeability between Copthorne Road and The Mount and encourage cycling and walking in the area it has been demonstrated that is not possible to provide additional DDA compliant pedestrian links. There was also public opposition to this from residents in Richmond Drive and the Mount.
- 6.3.3 The proposed emergency access onto Barracks Lane provides an alternative pedestrian and cycle route to the main access onto Copthorne Road. The proximity to the town centre and the opening-up of the site by the creation of this single access onto Barracks lane will improve permeability between Copthorne Road and the Mount for pedestrians and cyclists (but not vehicles) and will hopefully help promote sustainable modes of transport for both the new residents and the existing residents in the locality.
- 6.3.4 Ecology – The Ecologist has sought confirmation that the proposed enhancement for bats and birds secured as part of the earlier applications will also be provided as part of this revised application. Condition 15 (bat roost features) and 17 (bird boxes and artificial nests) attached to the outline planning permission continues to be relevant and requires the approved details to be implemented prior to the first occupation of the relevant part of the development.
- 6.3.5 Drainage – The drainage team have requested additional information and clarification (as they did when considering the earlier reserved matters application for the whole site) and the following condition was imposed:

2. The submitted surface water drainage proposals are acceptable in principle but prior to above ground works commencing full details of a scheme of foul and surface water drainage to include Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding, and to ensure that the drainage system remains in good working order throughout its lifetime.

An application has been submitted to discharge this condition, but the detail is not yet approved. It is therefore necessary to impose this same condition.

7.0 CONCLUSION

7.1 The principle of development has been established by the Outline permission. It is considered that the proposed minor amendments to the proposed scale, layout and appearance of the houses on the individual plots on this part of the site and the associated landscaping is acceptable and would not adversely impact on the character and appearance of the locality or residential amenity. The character and appearance of the conservation area and the setting of the listed Cadogan House would also not be adversely affected. Sufficient open space and landscaped areas will continue to be provided in accordance with the outline permission and earlier reserved matters approval for the whole site, in addition to satisfactory ecological enhancement and appropriate measures for the protection of the significant trees to be retained. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS17, MD2, MD12 and MD13 and the aims and provisions of the NPPF.

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 three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS6, CS17, MD2, MD12 and MD13

RELEVANT PLANNING HISTORY:

16/04228/OUT Outline application (including access) for residential development and associated open space for up to 228 dwellings (C3 use) (including up to 45 apartments for retirement living and the conversion of the Armoury (the 'Keep') to provide up to 9 residential apartments) with landscaping, layout, scale and appearance reserved for later approval (amended description) GRANT 21st December 2017

18/03637/REM Approval of reserved matters (appearance, layout, scale and landscaping) pursuant to the Outline Permission 16/04228/OUT for the erection of 216no. dwellings (conditions 15 and 17 amended and 25 removed by 18/01826/AMP) (Amended description) GRANT 21st December 2018

11. Additional Information

List of Background Papers

19/01288/REM - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POMI5DTD0HG00>

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Julian Dean

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

2. The submitted surface water drainage proposals are acceptable in principle but prior to above ground works commencing full details of a scheme of foul and surface water drainage to include Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied.

Reason: To ensure satisfactory drainage of the site and to avoid flooding, and to ensure that the drainage system remains in good working order throughout its lifetime.

3. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the first building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and Arboricultural Method Statement have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved plans and must be fully completed in accordance with a timetable to be submitted to and approved in writing by the LPA. Prior to the planting of any trees additional details regarding planting pits and soil resources shall be submitted for approval. Tree soil volumes will need to be calculated for each species and it must be demonstrated that this will be available for each tree. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

5. The materials for the new build properties shall be as indicated on the approved materials plan.

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

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<u>Committee and date</u>
Central Planning Committee
6 June 2019

<u>Item</u>
8
Public

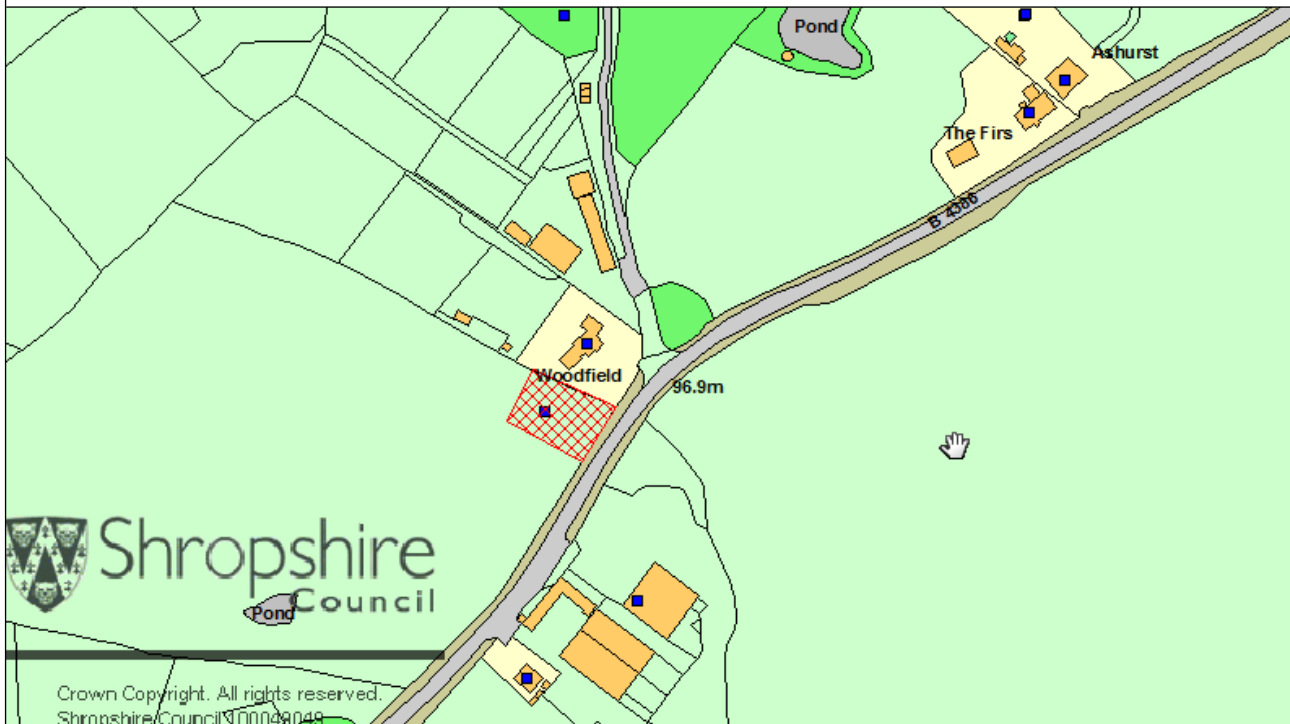
Development Management Report

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

Summary of Application

<u>Application Number:</u> 19/01303/OUT	<u>Parish:</u>	Pontesbury
<u>Proposal:</u> Outline application for the erection of one (affordable) dwelling to include access		
<u>Site Address:</u> Proposed Affordable Dwelling South Of Woodfield Cruckton Shrewsbury Shropshire		
<u>Applicant:</u> Mr & Mrs D Harrison-Rogers		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 343374 – 310924



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Recommendation: Refuse
Recommended reason for refusal:

1. The proposed site located along Montgomery road is not considered to be within or adjacent to the named settlement of Cruckton and would constitute isolated and sporadic development and is therefore not a suitable site for an affordable dwelling. The development of this site to provide an affordable dwelling in a countryside location is contrary to Core Strategy policies CS5 and CS11 and SAMDev policy MD7a and the Type and Affordability of Housing SPD.

REPORT

1.0 PURPOSE OF REPORT

- 1.1 This application was previously considered by the Central Planning Committee at its meeting on 9th May 2019. At that meeting members resolved that consideration of the application be deferred to a future meeting of this Committee at the request of the agent, local member and Parish Council to allow for further information to be provided in relation to the location of the site and its relationship to Cruckton.
- 1.2 Additional information has now been submitted and this report provides members with a summary and assessment of the additional information and public comments received.
- 1.3 This report should be read in conjunction with the Committee Report of 09 May 2019 (Appendix 1) and the additional letters schedule (Appendix 2) and the late representation from the agent and the Parish Council (PC) provided to members at the committee (Appendix 3).

2.0 SUMMARY OF ADDITIONAL PUBLIC COMMENTS RECEIVED

- 2.1 A total of four letters from local residents have been received, three letters contained within the additional letters schedule at Appendix 2 of this report and one additional letter received since the 9 May committee summarised as follows:
 - The Hare and Hounds pub has a postal address of Cruckton and is approximately 100 yards from the application site.
 - If the centre of Cruckton is at Cruckton Hall School, as it is being suggested, this is 0.6miles from the site and closer distance than some local village radius: Baschurch is approximately 1.3miles, Ruyton XI Towns is 1mile, Bickton is 1.3miles, Worthen is 0.9miles.
 - In comparison, Tricia and Dan are planning to build their family home on a site of a similar distance, if not closer, to the centre of their desired village of Cruckton.
 - For the past 10 years has known the family as living in and being part of Cruckton, and they are a strong part of the community where the family work and Tricia runs her business.
 - They have many friends in the area and the children are incredibly happy and

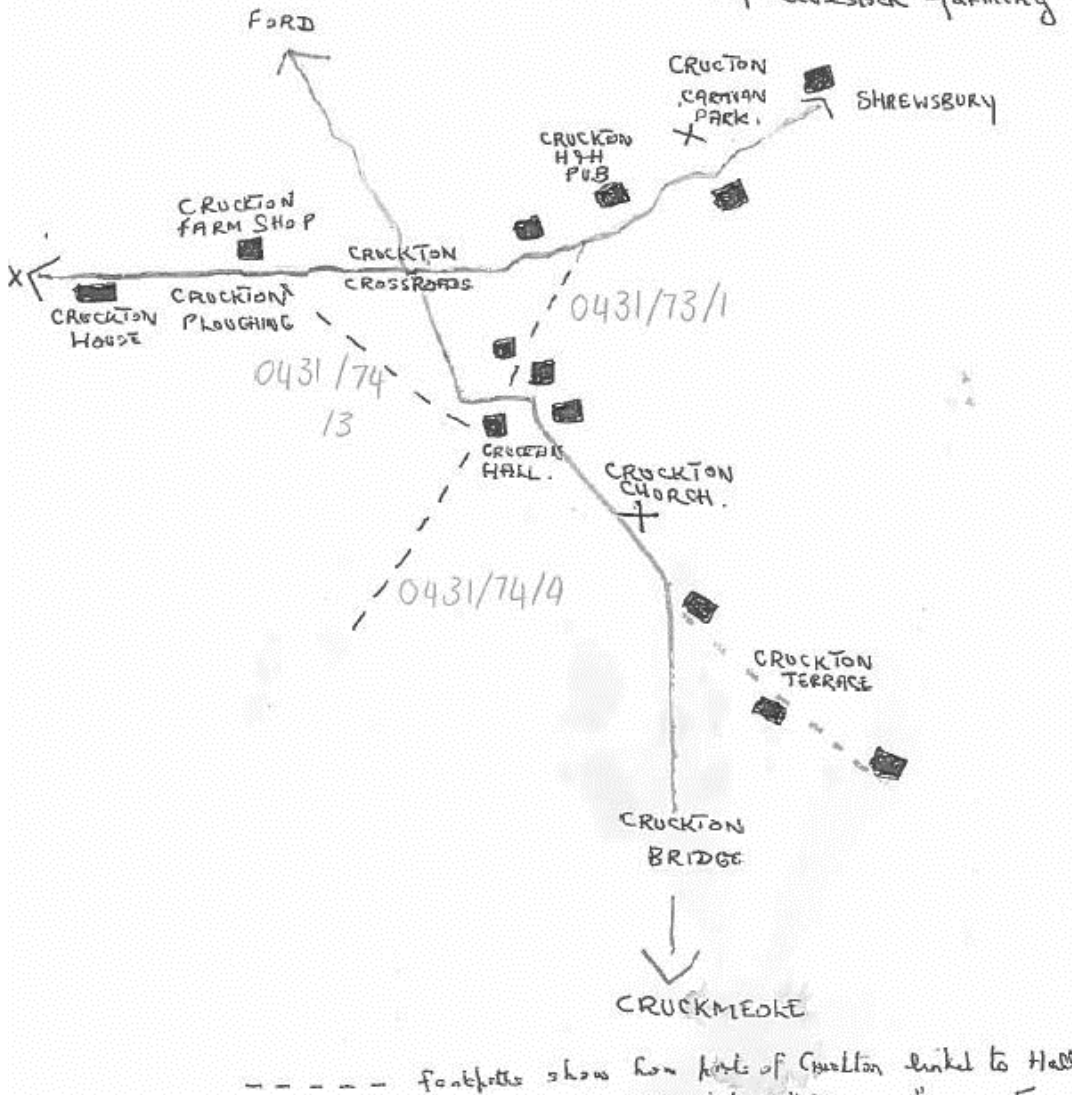
settled near their friends and school. It would be heart-breaking to have to move the children from where they are so happy and for Tricia to lose business and income if they were to move away from the area, all because of a dispute of location.

3.0 **SUMMARY OF ADDITIONAL INFORMATION RECEIVED FROM AGENT**

3.1 The applicants Trish and Dan, local residents - who also spoke at committee, the parish council and the local ward member all believe that Cruckton is a loose knit settlement which has evolved around Cruckton Hall and its estate land over the last 200 years.

3.2 In 1945 Cruckton was a dispersed 'T' shaped settlement with no nucleus and with several footpaths running through it linking the settlement together.

3.3 *1945 = linear dispersed settlement, partly result of pattern of land holding, partly the predominance of livestock farming*



3.4 Above is a map showing the footpath links across the settlement linking the hall to the

local pub (usually the heart of a settlement) and which is adjacent the application site. Note that there are 14 houses in total and only 5 in what planning officers refer to as the nucleus. Since 1945 both the dispersed element and the nucleus have expanded.

3.5 Also note that all the addresses have 'Cruckton' place names. To the west of the T shape is Cruckton farm shop, the Cruckton ploughing match which has taken place for the last 86 years and Cruckton House. Further east of the site there are a number of properties, the most Easterly of which is Cruckton caravan park.

3.6 Cruckton was formerly an estate and Cruckton Hall employed a large number of people many of which walked to their place of work via footpath links and then motorised vehicles, which lead to the road pattern. Following the breakup of the estate, the hall and its land was divided into 6 separate holdings, the majority of which are located along the Montgomery Road.

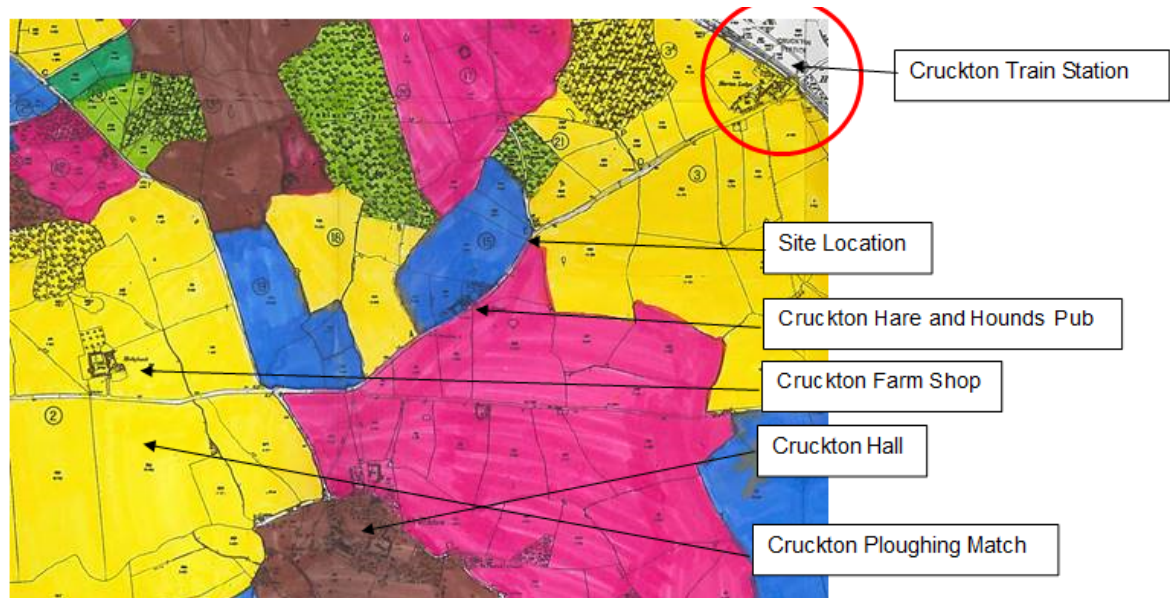
3.7 The map below shows the location of Cruckton train station in the north eastern part of the settlement and much of the land along the northern side of the main road towards the train station has now been built on.

3.8



3.9 The third map below is an estate map from 1929 and again shows Cruckton Hall, a farmstead opposite, the chapel to the east, the pub to the north east and several properties along the Montgomery Road.

3.10



- 3.11 Today there are approximately 16 properties along the main road which are all deemed to be within Cruckton, and not Nox, Ford, Cruckmeole or Shrewsbury. The nucleus as Planning officers describe it relates to a housing estate which was developed relatively recently (last 50 years) which is at odds with the historic organic pattern of growth of the settlement.
- 3.12 The views of the parish council, local residents and local ward member are in support of the site location and all believe the plot is within the confines of the loose knit settlement. All of the residents of Cruckton consider themselves to live in the village of Cruckton whether they live on the main road or not. Cruckton ploughing match has taken place along the main road for the last 86 years and not in the boundaries of what planning officers consider Cruckton to be.
- 3.1.3 Further letters of support state that the site is located between two important landmarks in the village those being Cruckton Train Station and the Hare and Hounds Pub. They consider the view that the school and hall is the settlement to be very wrong.
- 3.1.4 The site location was amended to have a road frontage and sits neatly adjacent to an existing property and in close proximity to the Hare and Hounds pub that one of the applicant's parents ran for many years. The applicants have strong local connections to the area and would like to bring their children up in the area close to family members and friends and they are exactly the people the affordable housing policy has been set up to assist to get on the housing ladder.
- 3.1.5 The parish council have fought for 3 years now on various applications to confirm to you that the settlement is not just focused around the hall and Church Close, but

along the Montgomery Road, with a variety of infill development along the road and the super imposed 1950's development of Church Close. As I'm sure you are aware, the character of settlements varies widely across the county and rarely is the pattern clear cut. We would like to confirm that this site is within the named settlement of Cruckton – the origin of the settlement is a T shaped village with a large number of properties along the Montgomery Road. To rely heavily in your argument that the road sign states that Cruckton isn't on the main road is misleading – as road signs are notoriously misleading.

- 3.1.6 The SPD states that *'Recognisable settlements are also characterised by how local people refer to them – by a place name that is shared by a number of dwellings... Whether a site is in a recognizable settlement will be influenced by the character of the settlement ...The views of the local Shropshire Council Member about whether the site is in or adjoining a recognisable settlement...The case officer may seek the views of the Parish Council for additional assistance in cases where it is a finely balanced judgement.'*
- 3.1.7 We feel there is a finely balanced judgement to be made in this case and that it should be looked at on its own merits. The site location has the huge support from the parish council, local member and local residents, which seems to have been rather dismissed within the report. The SPD allows officers to look proactively upon these types of applications and their relationship to settlements. All too often the age of people living within the rural settlements are getting older and young people and families are unable to afford a house in the area in which they were raised.
- 3.1.8 The single plot exception site policy was adopted as a way to engender additional community resilience and sustainability, and increase the affordable rural housing stock. This site will have a low visual impact upon the landscape, it utilises an existing access and sits between existing development along Montgomery Road. It will be extending the outer edges of the settlement, rather it is nestled amongst existing properties which call themselves Cruckton. We very much you can take these comments on board in writing your officer's report.

4.0 **MAIN ISSUE FOR CONSIDERATION**

- 4.1 Whether the site is within or adjacent the settlement of Cruckton.

5.0 **OFFICER APPRAISAL**

- 5.1 As stated in the officer report to the May 2019 Central Committee the Housing SPD advises that 'exception sites' must be demonstrably part of or adjacent to a recognisable named settlement. Paragraph 5.17 advises the following:

'Because a settlement is a relationship between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors. For example, a site a short distance from a loose-knit settlement may be considered "adjoining" while a similar distance in a tightly clustered settlement would not be.'

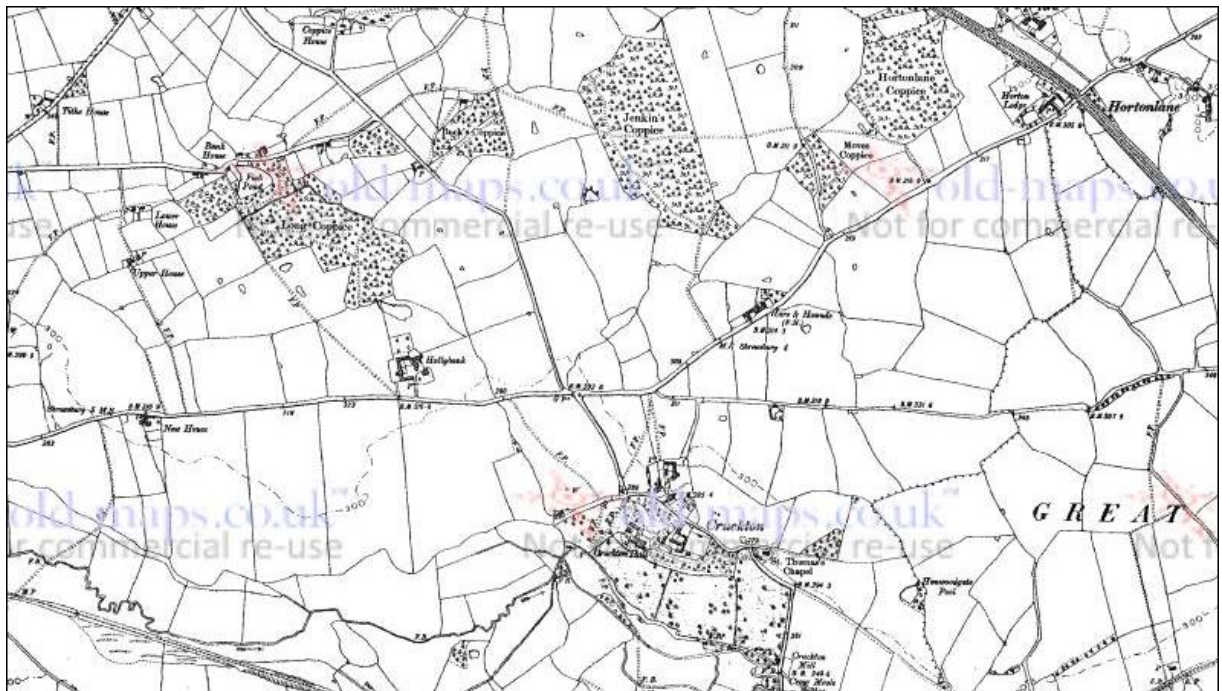
Paragraph 5.15 also advises that the place name *'might not necessarily be reflected*

in the postal address'.

5.2 Whilst all the houses along Montgomery Road might have the name Cruckton in their address this does not mean that they are in the settlement of Cruckton. All buildings or sites have either a hamlet, village or town in their address and it is usually the nearest settlement, but this does not indicate that the site is situated within the settlement stated in the address but that it is associated with or near to that settlement.

5.3 Officers acknowledge that when looking at historic maps provided by the agent (see below) that the properties addressed as Cruckton were more dispersed than the settlement as it exists today. But even in the map provided by the applicant below it is the nucleus around Cruckton Hall that is named as Cruckton.

5.4



5.5 Notwithstanding the history of a settlement local plan policy has to be applied to a settlement as it exists today, whether that be a small hamlet such as Cruckton or a larger village such as Ford or the town of Shrewsbury.

5.6 Cruckton has evolved over the last 50 -100 years and whilst there has been some growth along the Montgomery Road the significant growth has been in the centre close to Cruckton Hall. That Cruckton ploughing match is held along Montgomery Road is not evidence that Montgomery Road is part of Cruckton but more that it is in the countryside. A ploughing match would not be held in the confines of a village but on farmland outside of a village. Similarly, the Farm shop along Montgomery Road is a 'Farm Shop' and not a 'Village shop' and it is considered by officers to be outside the settlement. Caravan sites although having the name of a settlement in their address are usually located outside of a settlement and in the countryside, as is the case in Cruckton.

5.7 The agent has referred to the location of the former railway station to the north east of

the site as being further evidence that this stretch of Montgomery Road is part of the settlement of Cruckton. Officers do not concur with this view as many (and probably the majority) of rural railway stations were not located within the village, but for obvious reasons had to be located alongside the railway line.

- 5.8 Furthermore the site of the railway station and all the houses and farms around it are labelled on the map as Horton and not Cruckton. The application site is adjacent to Montgomery Road situated in an open countryside location and outside of the settlement of Cruckton and this is clearly emphasised by the road sign at the cross roads north of Cruckton stating 'Cruckton ¼ of a mile'.
- 5.9 The housing SPD clearly states that sites that do not lie in a settlement, constituting isolated or sporadic development, are not considered acceptable. Officers consider that the proposed site (and any other site) along Montgomery road would constitute isolated or sporadic development and is not a suitable site for an affordable home.
- 5.10 At the 09 May committee the local member referred to the SPD and that the Case Officer had not engaged with the local member or the Parish Council. The SPD states that *'the views of the local Shropshire Council Member about whether the site is in or adjoining a recognisable settlement as required by Core Strategy Policy CS11 will be canvassed by the case officer at the pre-application stage to inform their professional judgement'* and that *'the case officer may seek the views of the Parish Council for additional assistance in cases where it is a finely balanced judgement'*.
- 5.11 It was and is not considered that the decision is a finely balanced judgement and officers are clear that the application site is not within or adjacent to Cruckton. The local member was consulted at the pre-application stage and confirmed his view that the site was within the settlement. Officers disagreed with this view at the pre-app stage and advised both the agent and the local member that an application for an affordable dwelling in this location would not be supported. Officers have always been consistent when considering this and other sites in and around Cruckton.
- 5.12 As referred to in the May report other applications for affordable dwellings and that have been approved and are considered to be close to the centre of Cruckton, are located adjacent to and opposite Coppice Farm (16/03379/FUL and 17/05333/FUL respectively). An application for a site on the other side of Terrace Farm (17/02233/FUL) and further away from Coppice Farm and the centre of Cruckton was refused as that site was not considered to be within or adjacent the settlement.
- 5.13 Officers have also been consistent when considering applications for open market housing along Montgomery Road. In 2017 an application in the garden of 'The Chestnuts' fronting the B4386 Montgomery Road (17/02589/OUT) was refused by officers and dismissed at appeal by the Inspector who considered that the ribbon of development along Montgomery Road fell *'outside the reasonable limits of Cruckton'* (APP/L3245/W/17/3185134).
- 5.14 Similarly, at a time when the Council could not demonstrate a 5 year land supply, an open market dwelling was allowed adjacent Ivy Cottage in the centre of Cruckton (14/04459/OUT). The Inspector for the appeal at The Chestnuts noted that the application at Ivy Cottage *'appeared to me to be within the settlement itself with the*

planning officer clearly explaining that the proposal would not result in any encroachment into the countryside’.

6.0 CONCLUSION

6.1 For the reasons given above and within the original report to committee dated 09 May 2019 officers consider that the proposed site is not within or adjacent to the named settlement of Cruckton and that the proposed site along Montgomery road would constitute isolated or sporadic development and is not a suitable site for an affordable home. The development of this site to provide an affordable dwelling in a countryside location would therefore be contrary to Core Strategy policies CS5 and CS11 and SAMDev policy MD7a and the Type and Affordability of Housing SPD.

7.0 Risk Assessment and Opportunities Appraisal

7.1 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.

7.2 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.

7.3 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.

8.0 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.

9. Background

RELEVANT PLANNING POLICIES

Central Government Guidance: NPPF

Core Strategy and SAMDev Policies: Core Strategy policies CS5 and CS11, SAMDev policy MD7a and the Type and Affordability of Housing SPD.

RELEVANT PLANNING HISTORY:

18/05272/OUT Outline application for the erection of a single plot affordable dwelling to include means of access WDN 9th January 2019

10. Additional Information

List of Background Papers

19/01303/OUT - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POO6NGTDKV600>

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Roger Evans

APPENDICES

APPENDIX 1: Committee Report 09 May 2019

APPENDIX 2: Additional letters schedule for 09 May 2019 Central Committee relating to this site

APPENDIX 3: Late representation from the agent and PC provided to members at the 09 May 2019 Central Committee

APPENDIX 1: Committee Report 09 May 2019



Committee and date
CENTRAL
09 May 2019

Item
Public

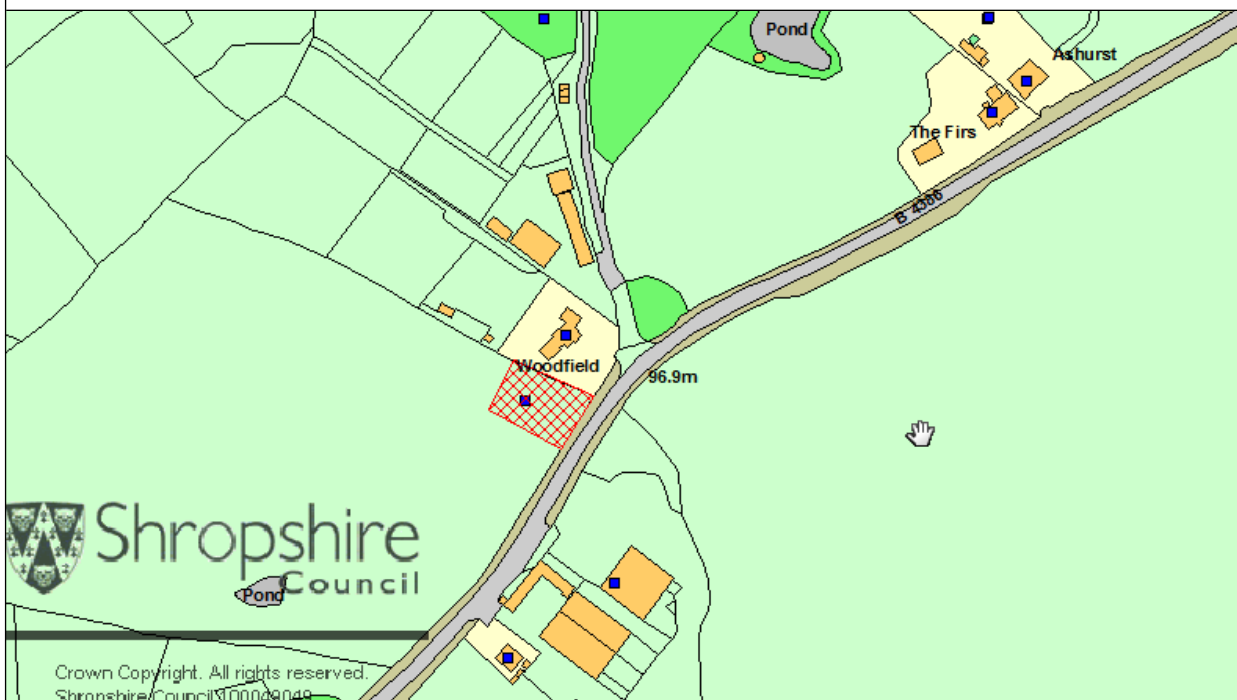
Development Management Report

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

Summary of Application

Application Number: 19/01303/OUT	Parish:	Pontesbury
Proposal: Outline application for the erection of one (affordable) dwelling to include access		
Site Address: Proposed Affordable Dwelling South Of Woodfield Cruckton Shrewsbury Shropshire		
Applicant: Mr & Mrs D Harrison-Rogers		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 343374 – 310924



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Recommendation: Refuse**Recommended reason for refusal:**

1. The proposed site is not considered to be within or adjacent to the named settlement of Cruckton and the development of this site to provide an affordable dwelling in a countryside location would therefore be contrary to Core Strategy policies CS5 and CS11 and SAMDev policy MD7a and the Type and Affordability of Housing SPD.

REPORT**1.0 THE PROPOSAL**

1.1 This application relates to outline planning permission for the erection of a single plot affordable dwelling to include means of access with all other matters reserved.

1.2 The application is a re-submission of an earlier application that was withdrawn by the applicant when they were advised that the application was recommended for refusal under delegated powers.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is the north east part of a field situated to the south of 'Woodfield' which is a house owned by the parents of the applicant.

2.2 Woodfield is situated 5 miles south west of Shrewsbury, 4 miles north east of Pontesbury and approximately a mile north of Cruckton.

2.3 The site is situated off the B4386 and is proposed to be accessed via an existing drive that serves 'Woodfield'.

2.4 The earlier application that was withdrawn was for a site to the north of 'Woodfield', set back from the highway and was proposed to be accessed via a track that is also a public footpath.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have submitted a view contrary to officers and the Local Member has requested that the application be referred to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Planning Services Manager in consultation with the committee chairman and vice chairman to be based on material planning reasons.

4.0 Community Representations**4.1 - Consultee Comments**

4.1.1 **WSP on behalf of SC Highways:** No Objection subject to the development being constructed in accordance with the approved details, and the suggested conditions

and informatives.

The proposal seeks outline consent with access as a determined matter and all other matters reserved for the development of an affordable dwelling on land to the south of Woodfield, Cruckton, Shrewsbury. The development will share the existing access to Woodfield off the B4386 rural road, which is likely to require some improvements to accommodate the additional traffic from a further dwelling. A shared access drive should be a minimum of 4.2m in width, maintained for the first 6 metres. If it is bounded by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is to allow a vehicle to enter at the same time as a vehicle leaving the premises without obstructing the adjoining highway. Vehicles entering the property from the south west will have an immediate tight turn to run along the new access drive parallel to the road and sufficient space should be available for a vehicle entering from the south west to pull clear of the public highway before making the turn.

Any future planning application should provide any and all details necessary to assist with the appropriate determination from a Highways and Transport perspective. As well as, demonstrate that the proposed new vehicular access, associated visibility splays, parking and turning facilities are commensurate with the prevailing local highway conditions, in accordance with 'Manual for Streets 1 & 2'.

4.1.2 **WSP on behalf of Shropshire Council Drainage:** Provides advice on sustainable drainage.

4.1.3 **SC Affordable Houses:** Has confirmed that the requirements relating to 'housing need' of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

4.2 - Public Comments

4.2.1 **Pontesbury Parish Council:** Strongly supports this application in terms of its location within Cruckton and the local connections of the applicant.

In light of the longstanding difference of opinion regarding the nature and extent of the Cruckton settlement, Pontesbury Parish Council, having consulted with residents in all parts of Cruckton, including the Montgomery Road, maintains its view that the applicant's site is within Cruckton. To suggest that it is not is to ignore the long history of Cruckton as a linear, dispersed settlement as outlined in the Design and Access Statement and accompanying map. Planning policy indicates that each settlement must be viewed on its own merits and in the case of Cruckton this means its special character and layout as a product of the Cruckton Hall estate. Given that there are at least seventeen houses along the Cruckton section of the Montgomery Road it is hard to argue that the applicant's site constitutes isolated or sporadic development.

The Parish Council notes that this application contains significant improvements to the previous one namely;

- i) improved access which no longer uses the bridleway/footpath
- ii) the house is sited further away from farm buildings

- iii) the site is closer to the road and therefore has less impact on open landscape
- iv) the proposed site near an existing farmstead is very much in character with other relatively recent additions in Cruckton

When similar improvements were made to a recent application at Coppice Farm in Cruckton the planning officers gave it their approval despite maintaining that it was not part of Cruckton settlement, presumably on the balance of material planning concerns. Therefore, in the important matter of planning consistency the Parish Council supports this application.

The Parish Council would like to add the following proviso - that any property built should be in keeping with the adjoining property in terms of design, style and character.

- 4.2.2 **Local Member (Cllr Roger Evans):** I have looked again at this application and note the comments from the Parish Council. I fully support their comments and was present when the application was considered by that Parish Council. They raise a number of material planning reasons that should enable it to be approved. This should be supported and if officers are minded to refuse then formally request that this be considered by the Central Planning Committee.

5.0 THE MAIN ISSUES

This application is for outline planning permission with access included and all other matters reserved for later approval. The main issues are:

- ☐ Principle of development
- ☐ Access

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The Housing Supplementary Planning Document (SPD) and Policy CS11 of the Core Strategy provide a positive supportive framework for the consideration of single plot exception sites in rural areas subject to a number of criteria including local housing need and location.
- 6.1.2 Local housing Need: The SPD requires prospective occupiers to demonstrate to the satisfaction of the Councils Housing Enabling Officer that they are in housing need and are unable to identify or afford a suitable alternative home currently available for sale on the open market in the local area or within 5km of the proposed site. They are also required to demonstrate that their housing need should be met in the local area and that they have a strong local connection to the area. The Councils Enabling Officer has confirmed that a local need has been demonstrated and that there are no suitable affordable properties available in the area. The Parish Council support the application and have also confirmed a local connection.

- 6.1.3 Location: The site falls outside any defined development boundary or Community Hub or Cluster settlement identified under MD1 and is therefore considered to be situated in the countryside. Shropshire Core Strategy Policy CS5, supported by SAMDev Policy MD7a, indicates that new development in open countryside will be strictly controlled in accordance with national planning policies protecting the countryside and green belt. However exception may be made if the proposal is for affordable housing to meet a local need in accordance with national and local plan policies.
- 6.1.4 Policy CS11 indicates that exception schemes for local needs affordable housing may be considered on suitable sites in and adjoining recognised named settlements, subject to suitable scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
- 6.1.5 Policy MD7a states that suitably designed and located exception site dwellings will be positively considered where they meet evidenced local housing needs and other relevant policy requirements.
- 6.1.6 The Housing SPD advises that ‘exception sites’ must be demonstrably part of or adjacent to a recognisable named settlement. Paragraph 5.17 advises the following:
- ‘Because a settlement is a relationship between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors. For example, a site a short distance from a loose-knit settlement may be considered “adjoining” while a similar distance in a tightly clustered settlement would not be.’*
- Paragraph 5.15 also advises that the place name ‘*might not necessarily be reflected in the postal address*’.
- 6.1.7 The Parish Council and the local member both consider that Cruckton is a dispersed or loose knit settlement and that houses along the B4386 (the majority of which have ‘Cruckton’ in their name) are within the settlement. However officers consider that Cruckton is a close knit community or settlement and that the application site and existing houses along the B4386 are not considered to be within or adjacent the settlement of Cruckton but are situated in the countryside.
- 6.1.5 The map below indicates the site circled in red and illustrates that it is separated from the settlement of Cruckton approximately a mile by road to the south of the site. Other applications for affordable dwellings referred to by the Parish Council and that have been approved, are located adjacent to and opposite Coppice Farm (16/03379/FUL and 17/05333/FUL respectively). An application site further away from the centre of Cruckton and Coppice Farm and on the other side of Terrace Farm (17/02233/FUL) was refused as it was not considered to be within or adjacent to the named settlement of Cruckton.



6.1.5 The proposed site is situated close to the B4386 approximately a mile to the North of the centre of Cruckton. That it is not within the settlement is further confirmed by the road sign at the cross roads north of Cruckton (and ½ of a mile south west of the application site) stating 'Cruckton ¼ of a mile'.



6.2 Access

6.2.1 Access is included in this outline application and is not reserved for later approval. The proposal indicates a shared access drive with the existing access to Woodfield

off the B4386. Highways have no objection to the access proposed but have commented that it is likely to require some improvements to accommodate the additional traffic from a further dwelling. If the decision was for approval it is recommended that the conditions suggested by Highways are included on the decision notice to ensure the provision of parking and turning space and a satisfactory means of access to the highway.

7.0 CONCLUSION

7.1 The proposed site is not considered to be within or adjacent to the named settlement of Cruckton and the development of this site to provide an affordable dwelling in a countryside location would therefore be contrary to Core Strategy policies CS5 and CS11 and SAMDev policy MD7a and the Type and Affordability of Housing SPD.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

RELEVANT PLANNING POLICIES

Central Government Guidance: NPPF

Core Strategy and SAMDev Policies: Core Strategy policies CS5 and CS11, SAMDev policy MD7a and the Type and Affordability of Housing SPD.

RELEVANT PLANNING HISTORY:

18/05272/OUT Outline application for the erection of a single plot affordable dwelling to include means of access WDN 9th January 2019

11. Additional Information

List of Background Papers

19/01303/OUT - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POO6NGTDKV600>

Cabinet Member (Portfolio Holder) - Cllr R. Macey

Local Member - Cllr Roger Evans

APPENDIX 2: Additional letters schedule for 09 May 2019 Central Committee relating to this site

CENTRAL PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 9 May 2019		
NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting		
Item No.	Application No.	Originator:
8	19/01303/OUT - Cruckton	Neighbour: Support
<p>We have known the Harrison family for many years and found them to be an integral part of the Cruckton Community and the family have lived at Woodfield for over 60 years. Her parents ran the Hare and Hounds, next door to the proposed site which has always been known as the village pub or the Hare and Hounds, Cruckton, which I believe dates back as far as 1860.</p> <p>Woodfield has always been part of Cruckton village, as are all of the houses further along the B4386 towards Shrewsbury and the other way towards Nox. Cruckton is not just the part around the church and Cruckton Hall. On your own planning site, you are classing this whole area as Cruckton.</p> <p>We live on one of the small holdings on the land from the Cruckton Estate which covered an area up to where the proposed planning site is. These were built for ex servicemen after the 1st world war, which was a similar scheme to the modern local needs planning. All of the residents of Cruckton consider themselves to live in the village whether they live on the main road or not. Along the main road, you have Cruckton House, Cruckton Farm Shop and Cruckton caravan site.</p> <p>The Cruckton ploughing match that has been going for 86 years and started along this road, not in the boundaries of what the planners are saying is Cruckton.</p> <p>The family that are submitting the application are also part of the Cruckton community. Tricia runs her business from there and this is essential that she is able to be on site at all times due to the horses and the care they need.</p> <p>In all too many cases, children who have grown up in communities have to move away from there as property is either too scarce or too expensive. Surely in a time where there are huge developments arising all over Shrewsbury, allowing a local family to live near to their relatives, where they grew up and want to bring up their own family and run their business should go through straight through the planning process. Rather than the</p>		

debating of something that people of the village have known for decades – we are all Cruckton.

Item No.	Application No.	Originator:
8	19/01303/OUT - Cruckton	Neighbour: Support

I have known the family at Woodfield in Cruckton since I was a child, where I have seen it handed down through the generations of family.

It is currently owned and lived in by Don and Pat Harrison, who along with their daughter Trish, who also ran and lived at the Hare and Hounds in Cruckton for many years, which was a successful public house and a strong local hub in the community of Cruckton.

I live at Woodlands Farm, which is situated between Woodfield (proposed site) and the Hare and Hounds.

I have always strongly considered that I live within the Cruckton settlement especially as all the neighbouring properties along the main road (B4386) all have Cruckton with in there addresses and on early maps showing that I also reside between two significant landmarks being Cruckton Station, situated near Horton Lodge and Crucktons Public House, The Hare and Hounds. I therefore believe the officers are wrong to assume that the settlement is only focused around the school/ hall.

It is widely talked about through the media that there is a demand for local affordable housing, which is greatly supported by the government. Therefore I'm in full support of Trish and her family being able to stay within the community and to be able to further her equine business with the support of her parents who provide crucial childcare.

Item No.	Application No.	Originator:
8	19/01303/OUT - Cruckton	Neighbour: Support

We have known Trish and Dan and her immediate family, who reside at Woodfield Cruckton for many years.

I have also worked alongside Trish on many occasions within the local community, instructing and examing local pony club members and teaching individuals in the area.

In our opinion the proposed site which will enable them to build within the affordable housing scheme for them and there two young children is ideal, as it will allow Trish to continue to work and support the local community as facilities that already exist at Woodfield enable her to continue her equine business, especially as being on site provides essential support from her parents providing necessary childcare.

Another point I'd like to raise is their contribution to Shropshire as a county, not only in her equine business, but that of her son Jacob, who plays national Tennis and represents Shropshire and is proud to do so.

We hear constantly from the media that the government advocates a serious lack of affordable housing in the UK at present, therefore in instance, where the candidates are solid, reliable and well respected members of the local community, in our opinion there should be no doubt to them being granted the permission to build. They will be laying solid foundations within the community of Cruckton for future generations to come.

We truly hope you give this matter your sympathetic consideration for a very genuine young family to lay down solid roots in an area where they and their family can continue to give back to the community.

Item No.	Application No.	Originator:
8	19/01303/OUT - Cruckton	Agent
<p>Having reviewed your committee report and had several discussions with the parish council, applicant and neighbouring residents over the last few days, we have more evidence to present to you in relation to the location of the site being within the settlement of Cruckton and the evolution of the village. The parish council consider the report to be factually misleading in parts in relation previous applications and how they have been dealt with in Cruckton, and we would appreciate a little bit of time to come back to you on this please? We are all extremely conscious of the tight deadline within which to get this to you and do not consider there will be enough time or opportunity to convey this to you/planning committee in enough detail at the meeting tomorrow.</p> <p>I am therefore asking if you would please grant us an extension of time or deferment from this committee to the next one, to allow time to correlate the information?</p>		

APPENDIX 3: Late representation received from the agent and the PC provided to members at the 09 May 2019 Central Committee

From: Amy Henson
Sent: Wednesday, May 8, 2019 10:15 PM
To: Jane Raymond
Subject: RE: 19/01303/OUT Cruckton

Good Evening Jane

Further to our conversation earlier I have been asked to send you additional information as my clients Trish and Dan are understandably anxious about the meeting tomorrow and your recommendation to refuse their application.

As you know they are a local family with two children – their eldest Jacob plays to a high competition standard and represents Shropshire at regional level across the country. Only this weekend they were at a tournament in Brighton (the cost of which is always met by Trish and Dan as Jacob is too young yet to benefit from any funding). In order to maintain his current standard Jacob is required to play tennis 6 days a week, which includes weekly tournaments across the country. The older that Jacob gets the more commitments he faces with his tennis career if he is continues at the standard which he is currently performing at. Their youngest child Izzy is at pre-school. Trisha's parents provide them with a huge amount of support – both in terms of child care and helping Trish to run her equine business, which she does so from Woodfield. Trish runs a livery yard and is a riding instructor. She has to muck out and ride out several horses each day and then travel to various venues to provide instruction to her clients. Often clients will call and book a lesson at short notice which means Trisha's parents are often drafted in to look pick up or drop off children at various clubs and activities or look after them until Dan gets home in the evening as Trisha's commitments can change within minutes depending upon client's needs and her availability – she relies heavily upon her support network in these regular situations.

This application has been submitted following an earlier application on a site to the rear of the farm buildings that was to be refused by officers under delegated powers. We chose to withdraw the application before a decision was made. We have tried to work proactively with officers and taken their views on board with regard to the location – and have moved the

location of the site to this one before you today. This field is the extent of the land owned by Trish's parents and which is available to them. Due to the curves in the highway is it not possible to site the plot any closer to the former Hare and Hounds pub, as we need to share the existing access into Woodfield in order to comply with highways safety requirements. Trish and her family used to run the Hare and Hounds pub up until approx. 20 years ago, it was a thriving community asset at the time. They are truly local people with a genuine housing need to live in the area.

As you can see from the letters of support on the application and the strong support from the parish council, the local community strongly believes that the site is within the settlement of Cruckton. Many properties along the main road are addressed as being within Cruckton. Much of this is to do with the evolution of the settlement over the past 200 years. As we have already alluded to in the planning statement, the settlement of Cruckton estate was a dispersed linear settlement which was linked by footpaths around Cruckton Hall. The village pub is located to the west of this planning application and was extremely popular in former years, having been run by the applicant's family up until 20 years ago. Cruckton Farm Shop is located further along the Montgomery Road to the west of the site – again this is accessible by public footpath. The nucleus that planning officers keep referring to comprises an infill housing development which was constructed in recent years completely at odds with the organic growth and evolution of the settlement within the estate.

The committee report goes to compare the assessment of this application with several other applications which have been submitted in Cruckton. There was substantial debate around each of those applications which we feel hasn't been fully conveyed in the report and is slightly misleading. In addition to this, the parish council have made substantial comments on this application and have thoroughly considered the proposal and the reasons why they support the application – unfortunately we do not feel that their comments have been given full and proper consideration with no detailed justification on why their comments aren't agreed with.

Thank you very much for your time in reading this statement and for giving us the opportunity to comment further. Trisha and Dan are exactly the type of family that the single plot exception site policy has been set up to support. They are in housing need, living with parents and bringing up two children. They have been fully accepted as being eligible by the council's housing enabling team and have strong need to live in the area. This application has been submitted in outline in order to keep the financial cost and risk as low as possible for Trisha and Dan and we have tried to work with officers in a proactive way to source a site that is acceptable to all.

Kind regards
Amy.

Amy Henson

MPlan MRTPI

Senior Planning Consultant

Berrys

From: Allan Hodges <ahodges@pontesbury.org.uk>

Sent: 08 May 2019 23:59

To: Amy Henson <amy.henson@berrys.uk.com>; Jane Raymond

<jane.raymond@shropshire.gov.uk>

Subject: RE: 19/01303/OUT Cruckton

Further to Amy's email I hope the following will make clearer the 2 points raised in paragraph 5.

1. Your report to Committee simplifies the Parish Council's view of Cruckton settlement and is potentially very misleading. We have, over a long period of time, stated that Cruckton is not simply a dispersed settlement but is a dispersed settlement to which has been added relatively recently both infill and some nucleation. Unless the Committee is presented with this complexity it will find it very difficult to understand the very strongly held views of local people regarding the extent and nature of their settlement.

2. This application has made similar improvements to those requested for Coppice Farm which then resulted in the Case Officer changing her stance from rejection to recommended approval. I would respectfully suggest that in the important planning matter of consistency this application merits approval also.

You may have been very surprised when checking the history of the Coppice application that the planner's report to the committee, whilst recommending approval, still stated that it was outside Cruckton. When questioned by a committee member regarding this apparent contradiction between the report's recommendation and the clearly stated policy that it MUST be in Cruckton the understandably embarrassed officer replied "*it is within easy walking distance*". On this basis you appear to have a more flexible policy than your planning guidance and your approach to Trisha's application suggests.

I hope these comments are helpful.
Allan Hodges, [Parish Council]

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Committee and date
 Central Planning Committee
 6 June 2019

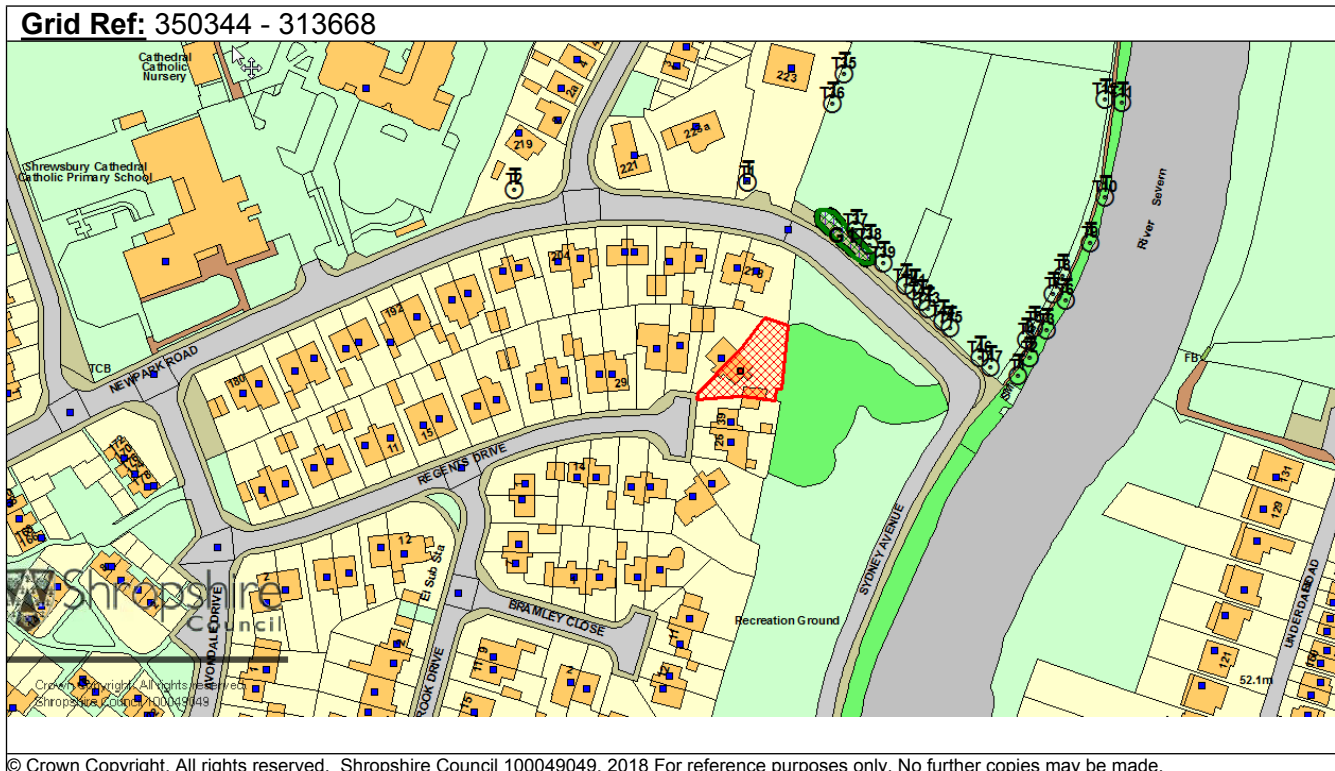
Item
9
 Public

Development Management Report

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

Summary of Application

Application Number: 19/01594/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a two-storey rear extension and alterations to single storey roof at front of house		
Site Address: 37 Regents Drive Shrewsbury Shropshire SY1 2TN		
Applicant: Mrs Jane Mackenzie		
Case Officer: Aileen Parry	email: planningdmc@shropshire.gov.uk	



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application is seeking full planning permission for the erection of a two-storey rear extension and alterations to the single storey roof at the front of the house.
- 1.2 The D&A statement accompanying the planning application advises that this planning application contains revised proposals to the property which relate to planning permission 15/00842/FUL granted 21.05.15 which was for the erection of a first floor and single storey extension to rear elevation including a Juliet balcony; insertion of porch, conversion of garage to provide a residential annexe. This in turn was a modification to the previously approved planning application 14/05496/FUL granted 27.01.15 which was for a first-floor rear extension to a residential dwelling to extend an existing bedroom and to provide an en-suite bathroom.
- 1.3 The key changes noted from the D&A statement are as follows:
- ② Widening of the sun room by about 1m so it goes past the kitchen door.
 - ② Alteration to the doors on the sun room to glass bi-folds or sliders with a meeting corner.
 - ② Extension of the sunroom roof outwards at the eaves and the verge in order to get a support post clear of where the glass doors meet.
 - ② Creation of a small balcony as a result of extending the roof outwards. This replaces the currently approved Juliet balcony.
 - ② Alteration to the glazing to the 1st floor extension as the ceiling will be to the underside of the new roof
 - ② Change in the glazing to the new WC to avoid looking in from the porch.
 - ② General changes to materials including zinc roof to the first-floor extension and small areas of timber cladding.
- 1.4 External materials proposed include:
- Walls - Clay brick to match and horizontal cedar rain screen cladding
 - Roof - Marley Eternit Ludlow Major tiles
 - Windows - RAL 7016 (Anthracite Grey) aluminium
 - Doors - RAL 7016 (Anthracite Grey) aluminium
 - Lighting - New bulkhead or wall lights under the porch and under the overhanging roof at the rear

2.0 SITE LOCATION/DESCRIPTION

- 2.1 37 regents Drive is an existing semi-detached 3-bedroom property located within a modest curtilage and situated at the head of a residential cul-de-sac within a

residential estate in the Castlefields area of Shrewsbury. The site falls just outside of the Shrewsbury Conservation Area.

- 2.2 The adjoining property lies to the north west of the application site. To the south is a further semi-detached dwelling lying approximately 8 metres away. The rear boundary of the site borders the Underdale Road Special Character Area which is a part of the Shrewsbury Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the applicant is an elected member of the Council and therefore the application must be determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 - Consultee Comments
Conservation (Historic Environment)
No objection.

Drainage

No objection. Informative recommended.

- 4.2 -Shrewsbury Town Council
The Town Council raises no objections to this application.

- 4.3 - Public Comments
The site has been advertised in accordance with statutory provisions. No public representations have been received at the time of writing this report.

5.0 THE MAIN ISSUES

Principle of Development
Design, Scale and Character
Impact on Residential Amenity

6.0 OFFICER APPRAISAL

- 6.1 Principle of development

- 6.1.1 Within the development plan policy, there is a general presumption in favour of extensions to dwellings provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not

have any detrimental impact on residential amenities. The proposal is considered to comply with this presumption.

6.1.2 Due regard has also been made to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2 Design, Scale and Character

6.2.1 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. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.

6.2.2 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.

6.2.3 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.

6.2.4 In addition, 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.

6.2.5 Policy CS18 'Sustainable Water Management' requires all developments to integrate sustainable water management measures to reduce flood risk.

6.2.6 The proposal has been assessed by the Councils Conservation Officer who has stated that the extension and alterations proposed affect the easterly half of a relatively modern semi-detached residential building, with the easterly boundary line forming the north-westerly boundary of the Underdale Road Special Character Area, a part of the larger Shrewsbury Conservation Area.

6.2.7 Having regard to the legislative requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Councils Conservation Officer does not consider the proposal will have an unacceptable impact on the character or appearance of the Conservation Area, and they raise no objections to the proposal.

6.2.8 Officers consider that the proposed scale, design and appearance of the

development will respect the existing character of the dwelling and will not result in any visual impact in the locality. The proposed development will be built from materials which will be sympathetic to the existing character of the property, whilst it will be sustainably constructed meeting the current Building Regulation standards as a minimum. The development will also not result in the significant loss of garden area and will provide an appropriate level of amenity space for the enlarged dwelling.

6.2.9 Officers consider that the proposal meets the relevant criteria within the NPPF, CS6, CS17, MD2 and MD13 and is therefore acceptable in principle.

6.3 Impact on Residential Amenity

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity. Having regard to the proposed orientation and distance away from neighbouring properties it is considered that the proposed windows and balcony will not result in any detrimental impact from overlooking or loss of light. It is felt that the proposed layout, design and scale of the development in relation to the boundary will also not result in any detrimental overbearing impact or result in any noise disturbance.

6.3.2 Officers also note that there have been no concerns raised by neighbours during or after the public consultation period and that the Town Council raises no objection to proposal.

6.3.3 However, to further protect neighbour health and wellbeing during the development, a condition will also be imposed restricting the hours of construction and/or demolition work.

7.0 **CONCLUSION**

Officers consider that the proposed scale, design and appearance of the development will respect the existing character of the dwelling and will not result in visual impact or cause any detrimental impact on neighbouring properties.

Officers therefore recommend that planning permission is granted.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 Risk Management

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

- ☒ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be

awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- ⑦ The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. BACKGROUND

Relevant Planning Policies

Central Government Guidance:
NPPF

Core Strategy and SAMDev Policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD13 - Historic Environment

Relevant Planning History:

14/05496/FUL Erection of a first-floor extension to the rear; including insertion of a Juliet balcony GRANT 27th January 2015

15/00842/FUL Erection of a first floor and single storey extension to rear elevation including a Juliet balcony; insertion of porch, conversion of garage to provide a residential annexe - modification to previously approved application 14/05496/FUL (Amended description) GRANT 21st May 2015

19/01594/FUL Erection of a two-storey rear extension and alterations to single storey roof at front of house PDE

SA/74/0492 To erect extension to provide rear entrance porch. PERCON 15th October 1974

SA/85/0853 Alterations and additions at the rear to provide a flat roof utility room and sun lounge with balcony over for domestic use. PERCON 14th November 1985

SA/79/0833 Erection of a 2-storey flat roofed extension to provide enlarged lounge, kitchen, entrance hall, and dining area with additional bedrooms above. REFUSE 9th October 1979

SA/80/0408 Erection of an extension to existing kitchen. PERCON 29th April 1980

11. ADDITIONAL INFORMATION

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Alan Mosley
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. No construction and/or demolition work shall commence outside of the following hours:

Monday to Friday 07:30 - 18:00,

Saturday 08:00 - 13:00.

No works shall take place on Sundays and bank holidays.

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

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

4. The external materials and their colour shall be provided strictly in accordance with the details indicated in the submitted application form and on the approved plans.

Reason: To ensure a satisfactory appearance to the development and in the interests of the visual amenities of the area.

Informatives

1. Sustainable drainage scheme

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

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

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new

surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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

3. Your application is viewable online <http://planningpa.shropshire.gov.uk/online-applications/> where you can also see any comments made.

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