

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

Date: Monday, 11 January 2021

Committee:
Southern Planning Committee

Date: Tuesday, 19 January 2021
Time: 2.00 pm
Venue: THIS IS A VIRTUAL MEETING

Members of the public will be able to listen to this meeting by clicking on this link: <https://www.shropshire.gov.uk/southernplanningcommittee19january2021/>

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The Council's procedure for holding Virtual Planning Committees can be found by clicking on this link: <https://www.shropshire.gov.uk/planning/applications/planning-committees/>

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

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

Members of the Committee

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

Substitute Members of the Committee

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

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the minutes of the South Planning Committee meeting held on 17 November 2020

Contact Tim Ward (01743) 257713.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Friday, 15 January 2021.

4 Disclosable Pecuniary Interests

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

5 Former Council Offices Westgate Bridgnorth Shropshire (20/02056/FUL) (Pages 5 - 58)

Demolition of existing buildings; erection of mixed residential scheme of 30 dwellings; highway works; landscaping scheme to include felling of trees; all associated works (Amended Description)

6 13 St Marys Lane Much Wenlock TF13 6HD (20/03576/COU) (Pages 59 - 74)

Application under Section 73A of the Town and Country Planning Act 1990 for the change of use from use as hotel bedrooms in connection with the Raven Hotel to six commercial units

7 Rosedene Horderley Craven Arms Shropshire SY7 8HR (20/04021/FUL) (Pages 75 - 86)

Change of use of agricultural land to site for 5 camping pods, roadway with parking area and septic tank installation

8 Sunninghill Summerhouse Lane Longden Shrewsbury SY5 8HA (20/04317/FUL) (Pages 87 - 100)

Erection of a single storey rear extension (following demolition of existing) and two-storey side extensions to include double garage (revised description)

9 Schedule of Appeals and Appeal Decisions (Pages 101 - 120)

10 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 16 February 2021



Committee and Date

Southern Planning Committee

19 January 2021

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 17 November 2020

2.00 - 3.20 pm

Virtual meeting held via Teams Live

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

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

153 Apologies for Absence

There were no apologies for absence

154 Minutes

RESOLVED:

That the Minutes of the meeting of the Southern Planning Committee held on 20 October 2020 be approved as a correct record and signed by the Chairman.

155 Public Question Time

There were no public questions.

156 Disclosable Pecuniary Interests

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

Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Strategy and Performance Committee, she confirmed that she had not taken part in any discussion about the application.

Councillor Cecilia Motley advised the meeting that she was a member of the Shropshire Council Housing Supervisory Board

Councillor Robert Tindall declared that he was a member of The Shropshire Hills AONB Partnership, he confirmed that he had not taken part in any discussion about the application.

Councillor David Turner declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Strategy and Performance Committee, he confirmed that he had not taken part in any discussion about the application.

Councillor Simon Harris advised the meeting that he was the Chair of Star Housing and that he was a member of the Shropshire Council Housing Supervisory Board

Councillor Tony Parsons advised the meeting that he was a member of the Shropshire Council Housing Supervisory Board

157 Proposed Dwellings To The North Of Leigh Road Minsterley Shrewsbury Shropshire (20/02247/REM)

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Nick Hignett, local Ward Councillor, having submitted a statement, took no part in the debate and did not vote on this item.

The Consultant Planner introduced the application, which was an application for the approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline consent 18/05802/OUT for residential development of 28No. dwellings to include some demolition and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

In accordance with virtual meeting speaking protocol the following Public Speaker statements were read out:

- Councillor Susan Lockwood on behalf of Minsterley Parish Council
- Councillor Nick Hignett – Local Member. (In accordance with the public speaking protocol Councillor Hignett read his statement)
- Stuart Thomas (Agent) on behalf of the applicants

During the ensuing debate Members comments included

- Regret that there were no bungalows included in the scheme
- That the lighting scheme should be appropriate and designed in such a way to avoid light pollution

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted subject to the conditions set out in Appendix 1

158 Single Plot Exception Affordable Dwelling Lower Lane Wistanstow Shropshire (20/03378/FUL)

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor David Evans, local Ward Councillor, having submitted a statement, took no part in the debate and did not vote on this item.

Councillor David Turner (Vice Chairman) took the chair for this item.

The Principal Planner introduced the application, which was an application for the erection of an affordable dwelling with detached garage to include package treatment plant, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planner drew Members attention to the information contained in the schedule of late representations.

In accordance with virtual meeting speaking protocol the following Public Speaker statements were read out:

- Councillor David Evans – Local Member (In accordance with the public speaking protocol Councillor Evans read his statement)
- Amy Henson (Agent) on behalf of the applicants.

During the ensuing debate Members comments included

- There are several properties on the peripheries of the village which are no further away from the settlement than the proposed site
- Council should be doing all it can to enable young families to remain in villages.
- This is an exception site with all the associated conditions.

RESOLVED:

That contrary to the Officer recommendation planning permission be granted, subject to the agreement of a S106 Agreement to ensure that the property remains affordable in perpetuity and that delegated authority be given to the Area Planning Manager to apply conditions as necessary to include: -

- Highways matters
- Ecology
- Drainage and
- Materials
- Landscaping
- Withdrawal of permitted development rights

159 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 17 November 2020 be noted.

160 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 15 December 2020

Signed (Chairman)

Date:

Development Management Report

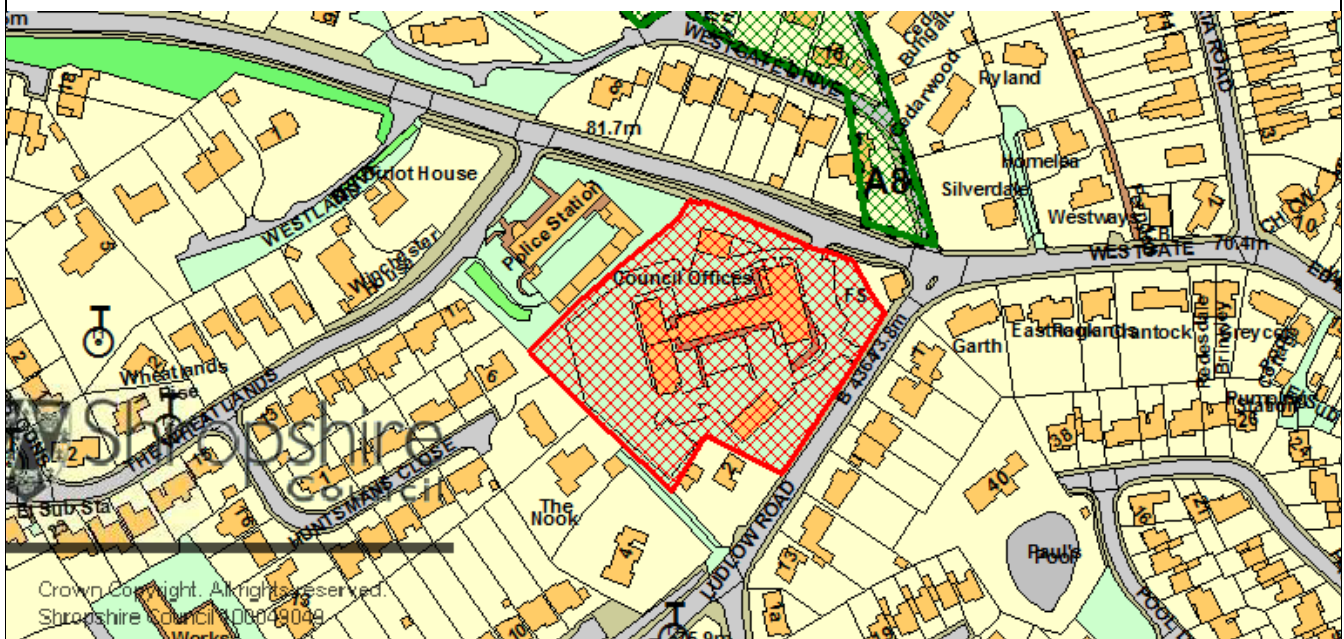
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 20/02056/FUL	Parish:	Bridgnorth
Proposal: Demolition of existing buildings; erection of mixed residential scheme of 30 dwellings; highway works; landscaping scheme to include felling of trees; all associated works (Amended Description)		
Site Address: Former Council Offices Westgate Bridgnorth Shropshire		
Applicant: South Staffordshire Housing Assoc. Ltd		
Case Officer: Mike Davies Richard Fortune (Update)	email : planning.southern@shropshire.gov.uk	

Grid Ref: 370847 - 293201



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Recommendation:- Grant Permission subject to a Memorandum of Understanding to ensure on the disposal of the site by Shropshire Council that there is in place a Section 106 Agreement in respect of the affordable housing provision within the scheme, retention and maintenance of public open space and a financial contribution for the Traffic Regulation Order, and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application was deferred at the October 2020 South Planning Committee meeting to allow officers to have further discussions with the developers over the layout, scale and density of the development. The Report which was considered at the October 2020 meeting is attached at Appendix 3.
- 1.2 The alterations made to the proposed development comprise:
- a) A reduction in the number of dwelling units by one to 30 to free up space in the centre of the development.
 - b) Introduces a new public garden space in the centre of the design, which can be used as informal public open space (POS) with seating and planting.
 - c) Re-orientated the dwelling to the west of the central access road as part of creating the public open space area and a proposed raised table highway design with enhanced materials adjacent to the new area of POS to create a different feel within the central area. The end of the junction also includes a small landscaped area to enhance the public realm.
 - d) The development fronting Ludlow Road has been re-designed. (The agent states this has been done in consultation with Bridgnorth Town Council, who were met on site along with some neighbours who were interested on the day). The key element of the re-design here has been to re-arrange the access arrangements to allow for a greener and higher quality frontage onto Ludlow Road to reflect neighbouring properties. The dwellings have also been pushed further back into the site with the front garden materials incorporating a material such as grasscrete in combination with tandem parking (to increase planting) on the drives to allow residents to park and informally manoeuvre vehicles within their curtilage.
- 1.4 In total, 20% of the properties provided on Site will be 'affordable' in line with the prevailing rate applicable to Bridgnorth. The unit mix and tenure remains as previously proposed and comprises:
- 1 x 2 bedroom semi-detached (Shared Ownership)
 - 1 x 3 bedroom semi-detached (Shared Ownership)
 - 2 x 2 bedroom semi-detached (Affordable Rent)
 - 2 x 3 bedroom semi-detached (Affordable Rent)

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at the former Shropshire Council offices at Westgate in the east of the market town of Bridgnorth. The site is situated between the Wenlock Road and the B4364 Ludlow Road and is bounded by established residential properties set in mature gardens to the north, east, south and west and the Bridgnorth Police Station to the north-west. The site area is 0.955 hectares and within walking distance of all the shops, facilities and amenities of Bridgnorth town centre. There is currently vehicular and pedestrian access on Wenlock Road and an exit on Ludlow Road (Although the latter was closed with a bollard when the

office use ceased). Mature and semi-mature trees, shrubs, walls and hedgerows surround the site.

2.2 The site has established vehicular and pedestrian accesses, with an entrance on Wenlock Road and an exit on Ludlow Road. These are expected to be retained as part of any future residential scheme.

2.3 The Former Council Offices were constructed in the 1960s and were bespoke for its former purpose of two storeys in height. The building is constructed of buff brick with a pitched pan tiled roof and is orientated to face the junction of Wenlock Road and Ludlow Road; its main elevation is symmetrical in appearance with an ornate central doorway.

2.4 The site is located within Flood Zone 1 and lies to the west of the Bridgnorth Conservation Area.

2.5 The site is located within an area characterised by residential uses. To the north of the site, on the opposite side of Wenlock Road, is the rear of detached two storey properties that front onto Westgate Drive. Detached residential properties are also to the south west fronting onto The Wheatlands, and the south fronting Huntsmans Close and Ludlow Road respectively. All these properties look to have been constructed at a similar time during the 1950s and are of a similar style, using materials such as redbrick with tiled roofs. Residential properties are also to the east on the opposite side of Ludlow Road however, these are detached and semi-detached and date from the 1920s/30s.

2.6 The Police Station, situated immediately adjacent to the Site. The Wheatlands provides access to the Station, and is also where its primary elevation is orientated, facing away from the Site. The Police Station looks to have been built in the 1970s and is constructed of a dark brown/grey brick with facing tiles on the first floor.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Town Council have raised some concerns in relation to the details of the scheme. The Ward member has also requested that the application be considered by Planning Committee. The site is also in the ownership of Shropshire Council and formerly in use as Council Offices. In these circumstances, and given the material planning considerations raised, it is considered the application should be determined by Committee.

4.0 **Community Representations**

4.1 - Consultee Comments

Consultation Responses received on the proposals considered at the October 2020 Committee meeting are set out in the report at Appendix 3. The responses set out below relate solely to the amended drawings submitted in response to concerns raised by the South Planning Committee. (Consultation date 17.12.2020).

- 4.1.1 Bridgnorth Town Council – Object:
Bridgnorth Town Council objects to the amended plans on the grounds that it is an overdevelopment of the site (insufficient public open space for compliance with policy MD2) and that it still does not address our concerns that there are a large number of access points directly onto Ludlow Road and that vehicles joining Ludlow Road from those properties may end up reversing out of their driveways.
- 4.1.2 SC Highways Development Control – No comments received on amended drawings. Previous comments set out in Appendix 3.
- 4.1.3 SC Trees – No comments received on amended drawings. Previous comments set out in Appendix 3.
- 4.1.4 SC Conservation (06.10.2021) – Note that the amendments are to the landscaping, provision of open space and the reduction of one unit. Overall no further comments to add to those made previously. (No objections subject to conditions for all facing materials and finishes and Level 2 recording of existing building).
- 4.1.5 SC Drainage (04.01.2021) – Comments unchanged (Pre-commencement drainage condition recommended).
- 4.1.6 Officer Comment: The adjustments made have no implications for the archaeological, ecology, regulatory services and waste management comments set out in the October 2020 report at Appendix 3. The reduction in the number of proposed dwellings by one to 30 means that six units would need to be affordable dwellings, without the financial contribution for a fraction of a dwelling that was also needed when the total proposed was 31.
- 4.1.7 - Public Comments
9 Objections:
- Revised plans show no changes/improvements to the highway safety or the units on Ludlow Road, so objections stand.
 - Appreciate efforts to try and ensure the frontages fit into the surrounding area; would wish to see a planning restriction to ensure that trees/shrubbery to front gardens are not removed to make way for carparking, storage of caravans or large commercial vehicles.
 - Should also be a restriction preventing colours/textures and overall features are not altered in a way detrimental to visual aspects of area.
 - Speed of vehicles entering the Ludlow Road from Bridgnorth is concerning and suitable parking restrictions are needed to prevent collisions with parked or vehicles exiting from peoples drives; suggest reinstatement of double yellow lines in front of 3 Ludlow Road with consideration given to extending restrictions further up the road.
 - Little has changed regarding the density and layout of the development.
 - Problems identified on Ludlow Road have not been addressed.
 - Conflict of interest with Shropshire Council acting as the authority for Planning and also the vendor selling the site.
 - Viability of scheme is affected by the price the site is being sold for as well as what can be built on the site; Shropshire Council should be acting for the long-term interests of the town and not their short-term financial gain.

- Proposed Ludlow Road development not in keeping with the style or density of existing housing on that section of road.
- Overlooking from the two proposed three storey houses on Ludlow Road; not in keeping and too densely positioned together.
- The turn left into Ludlow Road should be made sharper to slow vehicles down.
- Disappointed there has been no community engagement with the developer.
- Should just be trees/walls/railings/ landscaping fronting Ludlow Road and no houses, to address concerns and maintain the integrity and character of the road.
- Need accurate survey of traffic volume and speed on Ludlow Road before application finally decided; it is a main route into Bridgnorth town and also for through traffic towards Highley and Broseley.
- Revisions do not address concerns already raised about neighbour privacy; high density; and design, appearance and materials being significantly different to neighbouring properties and detrimental to character of area.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Affordable Housing
Highway Safety and Parking
Ecology
Residential Amenity
Flood Risk and Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, and notes planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF sets out core planning principles which include, among other matters, encouraging the effective reuse of land that has been previously developed.

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

6.1.3 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, and CS11 state that new open market housing will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Policy CS11 sets out the Council's affordable housing requirements arising from residential developments.

- 6.1.4 The application site falls within the development boundary for Bridgnorth in the SAMDev Plan Policies Map. Policy S3 advises that, in addition to allocated sites, residential development will be permitted on appropriate sites within the development boundary of Bridgnorth. Core Strategy policy CS3 identifies Bridgnorth as a Market Town which will provide a focus for development within the constraints of its location on the edge of the Green Belt and on the River Severn, with Core Strategy policy CS1 stating that the Market Towns and other key centres will accommodate around 40% of Shropshire's residential development over the plan period. The achievement of this proportion of housing in Market Towns includes an allowance for windfall sites, of which the current proposal would be an example. To boost significantly the supply of housing in sustainable locations, such as Bridgnorth Town, remains a key objective of the National Planning Policy Framework.
- 6.1.5 An outline application for proposed residential development, including the creation of new vehicular and pedestrian access roads was considered at the January 2015 meeting of the South Planning Committee (ref. 14/02693/OUT). That application was submitted by Shropshire Council. The Committee resolved to grant planning permission subject to the completion of a Memorandum of Understanding to secure affordable housing and maintenance of any public open space by an appropriate body through a Section 106 Agreement when the site is sold by Shropshire Council. (The reason for this reference to a Memorandum of Understanding is because Shropshire Council cannot have a Section 106 Agreement with itself). The assessment of the principle of re-development of an employment site, against the criteria set out in SAMDev Plan policy MD9, was considered in detail at that time and the Committee accepted the report's conclusion that a refusal on the grounds of loss of an employment site would be most unlikely to be sustained at appeal. There has been no material change in planning circumstances since 2015 concerning the retention of the site for employment purposes to now warrant a different conclusion on this issue. The principle of the development proposed in the current full planning application is considered acceptable.
- 6.2 **Siting, scale and design of structures**
- 6.2.1 The nature of the site means that the layout is quite regulated in its form. The density whilst higher than the immediate surrounding area, is not uncommon in a town centre location and is therefore not considered inappropriate in the context of the site location on the edge of the town centre. The changes made to the site layout in response to the concerns raised by the Committee would create a more open, spacious feel to the centre of the development, providing it with a key focal point to complement the open space with established trees along the northern site boundary with Wenlock Road.
- 6.2.2 Adjustments to the row of eight dwellings on the eastern side of the main access road have changed a pair of semi-detached properties at the southern end of the row, opposite the central area of public open space, into two detached properties to assist in giving a more spacious feel to this area of the proposed development. It is a small reduction in the depth of the rear gardens to this row of dwellings which has enabled the proposed dwellings along the Ludlow Road frontage to be set back sufficiently from Ludlow Road to have tandem parking and a better balance to the

road, in terms of the proportion of access works taking up the road frontages to those plots. It is accepted that the revised treatment would better respect the character of the immediate area.

- 6.2.3 The architectural detailing of the proposed dwellings was not a factor in the reasons for the Committee deferring the application at the October 2020 meeting and these details remain unchanged. Minimum privacy distances would still be achieved across the site and with surrounding existing properties so the scheme is considered to adequately address privacy/overlooking concerns that have been expressed.

6.3 **Open Space and Landscaping**

- 6.3.1 The amount of open space in the proposed development has been increased by the creation of central green square/focal point at the 'T' junction within the development. Total proposed open space provision is now some 1656sqm.
- 6.3.2 The band of open space and tree planting along the road frontage with Tasley Bank/Wenlock Road has been retained as this area contains some significant trees and is an important part of the green corridor along Wenlock Road and down Tasley Bank which is a characteristic of this western approach to the centre of Bridgnorth. The open space area would be planted with new native trees.
- 6.3.3 It is also pertinent that within some 300 metres of the site is the large Crown Meadow recreation area which is available for informal recreation and is equipped with play equipment, as well being the location for tennis, bowls and football activities. While on-site Open Space provision is below the quantity that would normally be expected on a development of this size, it is important to consider the proximity of the site to the town centre along with the quality and usability of the open space which is arguably a better measure of its value than its quantity. On balance it is considered the additional area of public open space now proposed at the centre of the development, in combination with the larger area along the Wenlock Road frontage which is a key feature to the quality of the Bridgnorth townscape, coupled with the relatively close proximity of the Crown Meadow recreation area, that the proposed on-site provision would be adequate in this case.

6.4 **Affordable Housing**

- 6.4.1 Core Strategy Policy CS11 seeks to meet the diverse housing needs of Shropshire residents now and in the future and to create, mixed, balanced and inclusive communities by securing an affordable housing contribution on all new open market residential development. Policy CS11 and the associated SPD on the Type and Affordability of Housing applies. The current prevailing rate for affordable housing in Bridgnorth is 20%, meaning there is an expectation that at least 6 of the dwellings would be affordable units. The development provides for 6 affordable units in line with planning policy requirements under CS11 and the accompanying SPD. The provision will be in the form of 4 affordable rent units and 2 shared ownership units. The provision of this affordable housing will be secured by way of a section 106 agreement.

6.5 Highway Safety and Parking

- 6.5.1. The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.”

Core Strategy policy CS6 seeks to secure safe developments. The site is triangular in shape and tails down to the junction of Ludlow Road (B4364) and Wenlock Road, where Wenlock Road traffic has right of way. The development of the site will result on development on both sides of these roads with vehicles accessing the road close to the junction. It is therefore important to ensure that any displaced parking that currently uses the site does not result in vehicles being parked on the street around this junction creating a highway safety issue (The site has now been closed to prevent public parking).

As part of the scheme crossing improvements will be implemented to assist in getting pedestrians to and from the town centre safely. A Traffic Regulation Order (TRO) would also be introduced to prevent parking around the Ludlow Road/Wenlock Road junction and the new access into the development.

A travel plan will also be required to be submitted via condition.

- 6.5.2 The revisions shown on the amended site layout drawing in respect of the Ludlow Road frontage move the vehicular access of the plot closest to the junction of Ludlow Road with Wenlock Road further from that junction, easing visibility at that point. The amount of off- road parking in the development would remain a minimum of two spaces per plot. It remains the officer view that a refusal on the grounds of the proposed development being detrimental to highway safety could not be sustained in this case.

6.6 Ecology

- 6.6.1 An ecological assessment has been provided in support of the application. The County Ecologist is satisfied with the contents of the report and has recommended a series of planning conditions and informatives to mitigate the impact of the development on flora and fauna should planning permission be granted. At Appendix 2 of this Report is the completed European Protected Species three test form, due to the presence of bats in building B4 (A single common pipistrelle bat day roost having been observed in August 2019 in the front section of the main office building). With respect to test 1, the re-development of this brownfield site is in the public interest in securing the delivery of housing in a sustainable location; putting the site to a viable long term use and to ensuring the efficient use of land in this urban area in a manner which would not detract from residential and visual amenity. With respect to test 2, without re-development the site is likely to become increasingly derelict and a danger to public health and public safety.

6.7 Residential Amenity

6.7.1 The site layout has been designed to ensure minimum privacy distances are achieved between new and existing dwellings. It is not considered that the development will have any long term impact on future or existing residents amenities. A condition limiting the hours of construction will be imposed on any consent granted along with a requirement for a detailed construction management plan to safeguard the amenity of residents during the build phase of the development.

6.8 Flood Risk and Drainage

6.8.1 The site is with Flood Risk Zone One which is the lowest level of flood risk. A condition will be attached requiring the submission and agreement of drainage details prior to the commencement of development.

7.0 CONCLUSION

7.1 The site is situated within an existing settlement and the principle of the residential redevelopment of the site is acceptable in planning policy terms. The site is a previously developed site which is no longer in use. (An October 2020 site inspection revealed that the site is no longer accessible for parking which had been taking place following the closure of the offices). The development therefore has significant overheads in terms of site clearance on and therefore the developer has sought to maximise the density of development on the site having regard to the prevailing urban character of its surroundings. It is accepted that the development is more dense in character than its immediate surroundings however, it is considered that the proposed scheme incorporating some contemporary design details is unduly out of character in this respect. The revisions made in response to the concerns raised by Committee at the October 2020 meeting are enhancements which improve the public realm within the development and the impact of housing on the Ludlow Road frontage. It remains important to note that housing delivery in Bridgnorth is significantly behind the levels envisaged in the Development Plan and this development will go some way towards boosting these figures.

7.2 There is a deficiency in the provision of open space provided on site. However, it is considered that given the quality of the landscaping/open space along with the mitigation planting proposed will help to address this issue. Clearly, the constrained nature of the site and the abnormalities associated with site clearance have impacted the viability of the scheme which has led the developer to the current scheme. The proposal provides affordable housing at the required rate and taking all other factors into account it is considered that on balance the proposals should be supported despite the open space deficiency on site. (This deficiency having now been addressed in part by the changes to the site layout to provide within it a central planted 'square' of public open space).

7.3 A Section.106 Agreement will be required to secure the affordable housing in perpetuity along with a financial contribution of £3,000 to cover the cost of the TRO. With the site still being in the ownership of Shropshire Council (The applicants are prospective purchasers) and Shropshire Council not being able to enter into a Section 106 Agreement with itself which all those with an interest in the land would need to sign), the recommendation to permit is subject to there being a Memorandum of Understanding with the Estates Team that on disposal of the site a

Section 106 Agreement will be required to secure the affordable housing; delivery and maintenance of the public open space and a financial contribution to be used for the Traffic Regulation Order.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee

members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD8 – Infrastructure Provision
MD9 – Protecting Employment Areas
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S3 – Bridgnorth

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

BR/74/0696/FUL Use of existing garage and store buildings for the repair and maintenance of Council vehicles for a period of three years NPW 23rd January 1975
14/02693/OUT Proposed Residential Development including creation of new vehicular and pedestrian access roads (Outline Proposal) PDE
BR/84/0266 Alterations to garage/store to form additional office accommodation GRANT 5th June 1984

BR/79/0493 The use of part of Council depot as offices and alterations to include the installation of new door and windows GRANT 26th September 1979
20/02056/FUL Demolition of existing buildings; erection of mixed residential scheme of 31 dwellings; highway works; landscaping scheme to include felling of trees; all associated works PDE
BR/APP/REG3/04/0163 Erection of extension and alteration to entrance ramp and steps GRANT 30th March 2004
BR/APP/REG3/04/0062 Erection of a prefabricated building GRANT 2nd March 2004
BR/APP/REG3/04/0038 Erection of a portable building as an office extension REFUSE 2nd March 2004
BR/APP/FUL/03/0978 Erection of a two storey extension and external staircase and alterations to main entrance ramp and steps REFUSE 4th February 2004
BR/APP/REG3/03/0995 Renewal of temporary permission for stationing of portable building GRANT 3rd February 2004
BR/APP/FUL/03/0900 Erection of a portable building as an office extension GRANT 7th January 2004
BR/APP/REG3/03/0173 Erection of one block of temporary office accommodation GRANT 1st April 2003
BR/APP/REG3/02/0820 Erection of one block of temporary office accommodation GRANT 10th December 2002
BR/APP/REG3/02/0766 Renewal of planning permission 00/0534 for the erection of two blocks of temporary office accommodation GRANT 12th November 2002
BR/APP/REG3/02/0582 Extension, including access ramps, to magistrates court, and conversion to offices and replacement roof, external alterations and extension to print block, to form additional offices GRANT 16th September 2002
BR/APP/FUL/05/0175 Renewal of temporary planning permission ref 03/0173 approved 1/4/03 for the erection of one block of temporary office accommodation GRANT 26th April 2005
BR/APP/FUL/00/0534 Renewal of planning permission ref:98/0846 for the erection of two blocks of temporary office accommodation GRANT 19th September 2000
BR/TRE/TCA/00/0001 This is a test application raised by Tim REC
BR/88/0677 INSTALLATION OF NEW WINDOW GRANT 6th September 1988
BR/94/0023 RENEWAL OF APPLICATIONS REF: 89/0063 AND 93/0387 FOR THE ERECTION OF TWO BLOCKS OF TEMPORARY OFFICE ACCOMMODATION GRANT 21st February 1994

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Ecological Report
- Noise Impact Assessment
- Planning Statement
- Site Investigation Report
- Tree Report

Waste Management Plan
Transport Statement
Air Quality Assessment

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

Cllr Les Winwood
Cllr Elliot Lynch

Appendices
APPENDIX 1 – Conditions
APPENDIX 2 – European Protected Species three tests form
APPENDIX 3 - Report to the October 2020 South Planning Committee

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

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

4. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon

written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

5. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

6. Prior to the commencement of the development the design and construction of any roadways, footways, accesses shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (whichever is the sooner).

Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

7. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

8. No construction (and/or demolition) works and associated deliveries to and removal of materials from the site shall take place outside the hours of 07:30 to 18:00 Mondays to Fridays; 08:00 to 13:00 on Saturdays nor at anytime on Sundays, Bank or Public Holidays.

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

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

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

10. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Licence with respect to (EPS name) has been obtained

and submitted to the local planning authority.

Reason: To ensure the protection of (species), a European Protected Species. This a pre-commencement condition due to the requirement for the information to be submitted before any works commence as commencement of work may adversely affect European Protected Species.

11. All works to Building 4 shall occur strictly in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

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

-A minimum of 6 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

-A minimum of 6 artificial nests, of either integrated brick design or external box design, sparrows (32mm hole, terrace design).

-A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

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

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

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

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

14. A Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any element of the development. The approved Travel Plan shall be implemented within one month of the first occupation of any part of the development and thereafter be adhered to.

Reason: In order to minimise the use of the private car and promote the uses of sustainable

modes of transport, in accordance with the NPPF, Policy CS6 of the Shropshire Core Strategy and Policy MD2 of the Shropshire Sites and Management of Development Plan.

15. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

16. Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the main access road and the parking spaces associated to the properties along Ludlow Road, with the public highway, shall be provided and thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

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

17. Notwithstanding any of the submitted details the development shall not take place until full construction detail of any new roads, footways, retaining features, accesses, street lighting, transition features, full block paved surfacing of shared space areas together with details of disposal of surface water to a suitable outfall have been submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the buildings occupied.

Reason: To ensure the development is completed to the required standards for future adoption.

18. Development shall not take place until a detailed design for:

- a) Tactile crossing points at the main access into the site and in the vicinity of the main site access (off of Wenlock Road), that allows pedestrians to cross onto the footpath on the opposite side of the road
- b) And any other associated engineering works

have been submitted and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans and fully implemented prior to the first occupation of any dwelling within the development.

Reason: In the interests of pedestrian safety.

19. No development shall be commenced by any freehold owner of the site save for Shropshire Council (acting by themselves or through their nominees) until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed to secure affordable housing in accordance with the Council's

adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it); the retention and maintenance of public open space and a contribution to a Traffic Regulation Order to control on-street parking in the vicinity of the development.

Reason: To ensure the provision of affordable housing and open space in accordance with Development Plan policy and in the interests of highway safety.

20. No development approved by this permission shall commence until a photographic survey (Level 2 survey), as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice' of the interior and exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the buildings prior to development.

Informatives

1.

No works shall take place to Building 4 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained by the developer from Natural England, in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

2. Nesting birds

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

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

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

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

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

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

3. General site informative for wildlife protection

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

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

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

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

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

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

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

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

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

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British

Hedgehog Preservation Society (01584 890 801).

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

4. Under the Highways Act 1980 - Section 184(11) you are required to submit an application to form a crossing within the highway over a footway, grass verge or other highway margin. Please note that there will be a charge for the application. Applications forms can be obtained through the web site www.shropshire.gov.uk/hwmaint.nsf. If you wish further advice please contact the Shropshire Council's Highway Development Control Team.

5. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

6. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

7. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

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

9. 1. The Environment Agency has updated the guidance on Climate Change and a 35% should be used for residential development in the Severn catchment. The drainage calculations and plan should be amended accordingly.

2. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should ensure that the finished floor levels are set at least 300mm above the ground level. The Finished Floor Level and the Ground Level for each individual dwelling should be shown clearly on the Proposed Site Levels Plan.

3. Highway Gully Spacing calculations should be submitted for approval.

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

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width.

The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

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

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

4. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

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

11. This planning permission does not authorise the applicant to:

- o authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team.

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

APPENDIX 2

EUROPEAN PROTECTED SPECIES: The ‘three tests’

Application reference number, site name and description:

20/02056/FUL

Former Council Offices Westgate Bridgnorth Shropshire

Demolition of existing buildings

Date:

27th June 2020

Officer:

Sophie Milburn

Ecology Officer

sophie.milburn@shropshire.gov.uk

Tel.: 01743 254765

Test 1:

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

The re-development of this brownfield site is in the public interest in securing the delivery of housing in a sustainable location; putting the site to a viable long term use and to ensuring the efficient use of land in this urban area in a manner which would not detract from residential and visual amenity.

Test 2:

Is there ‘no satisfactory alternative?’

Without re-development the site is likely to become increasingly derelict and a danger to public health and public safety.

Test 3:

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

Bat surveys between July and August 2019 identified a day roost of a single common pipistrelle in Building 4.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

Section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019) sets out the following mitigation and compensation measures, which will form part of the low impact class licence application:

The Registered consultant will provide a toolbox talk to site workers.

A single crevice bat box will be erected on a suitable tree prior to the commencement of works.

‘The Registered Consultant will carry out an examination of the roost areas and determine the presence of any bats prior to the commencement of works.’

‘The Registered Consultant will then instruct and supervise the careful removal, by hand, of the roof slates / tiles and the fascia at the known roost and any other features determined to have opportunities suitable for use by roosting bats.’

‘If a single (or a low number of) pipistrelle bat is present the Registered Consultant will carefully collect the bat (using a hand held static net or by direct handling), place the bat in an appropriate container and either release the bat at the site later the same day or place the bat in the bat box, as detailed below. Instruction will then be provided to proceed carefully with the removal of the remainder of the relevant parts of the roof under the supervision of the Registered Consultant, as appropriate.’

‘If bat(s) are found unexpectedly in cold or adverse weather conditions then the protocol in Appendix II of the BMCL will be followed.’

‘If any other species of bat is present or a large number of bats are present it is essential under the terms and conditions of the BMCL that the Registered Consultant contacts Natural England immediately for advice.’

‘Based on the results of the surveys and the types of roost present there is no timing restriction on the commencement of works.’

‘If bats are discovered during the works when the licensed bat worker / Registered Consultant is not present, all workers must withdraw from the area and the bat worker must be contacted for guidance’.

‘If the licensed bat surveyor / Registered Consultant has any concerns regarding the quality of workmanship or there is non-compliance with the terms and conditions of the BMCL and the mitigation strategy and / or guidance provided by the licensed bat worker then this will result in additional site visits to make inspections.’

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 27th June 2020) are included on the decision notice and are appropriately enforced. The conditions are:

Working in accordance with protected species survey;

European Protected Species Licence;

Erection of bat boxes; and

Lighting plan.

**APPENDIX 3 TO REPORT 20/02056/FUL – REPORT CONSIDERED AT OCTOBER 2020
SOUTH PLANNING COMMITTEE MEETING**



Committee and date

Item
Public

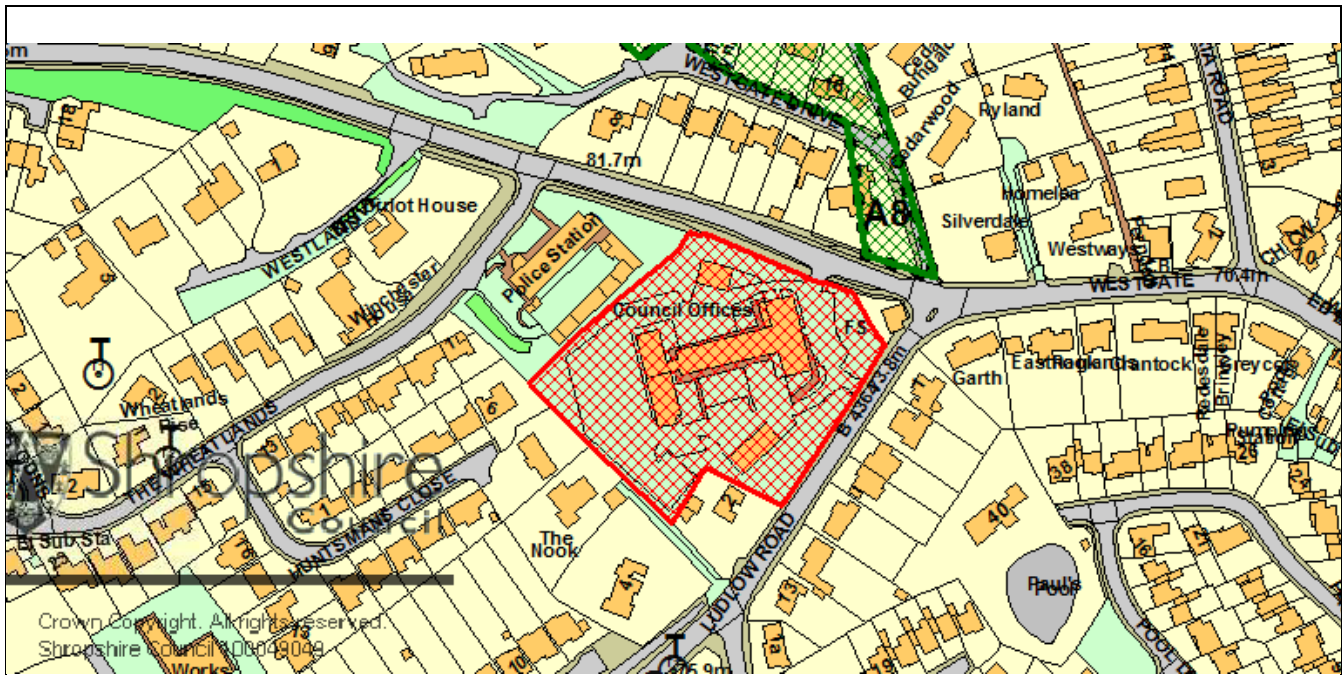
Development Management Report

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

Summary of Application

Application Number: 20/02056/FUL	Parish:	Bridgnorth
Proposal: Demolition of existing buildings; erection of mixed residential scheme of 31 dwellings; highway works; landscaping scheme to include felling of trees; all associated works		
Site Address: Former Council Offices Westgate Bridgnorth Shropshire		
Applicant: South Staffordshire Housing Assoc. Ltd		
Case Officer: Mike Davies	email : planning.southern@shropshire.gov.uk	

Grid Ref: 370847 - 293201



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Recommendation:- Grant Permission subject to a Section 106 Agreement in respect of the affordable housing provision within the scheme and a financial contribution for the Traffic Regulation Order, and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for 31 dwellings including highway works, landscaping, the felling of trees and associated works. The housing offer consists of a mixture of detached and semi-detached properties. There will be 3 x 2 bed semis, 15 x 3 bed semis, 2 x 4 bed semis and 6 x 3 bed detached units.
- 1.2 Of the above properties, six of the above properties are proposed to have their own integral garages with two detached garages at the Site. All other properties will have dedicated parking bays or driveways. Excluding the garages, a total of 62 parking spaces will be provided, representing 2 spaces per dwelling.
- 1.3 In total, 20% of the properties provided on Site will be 'affordable' and the unit mix and tenure is proposed to be:
- 1 x 2 bedroom semi-detached (Shared Ownership)
 - 1 x 3 bedroom semi-detached (Shared Ownership)
 - 2 x 2 bedroom semi-detached (Affordable Rent)
 - 2 x 3 bedroom semi-detached (Affordable Rent)

- 1.4 It is proposed to close the existing site access points from Wenlock Road and Ludlow Road and provide a new singular access point into the main development via Wenlock Road further away from the junction with Ludlow Road. Dwellings which front onto Ludlow Road will have individual private drives which can be accessed from the main road.
- 1.5 The site provides an area of open space to the north of the site alongside Wenlock Road. That area has been identified to provide a green frontage to the site that is accessible for use by future residents of the scheme and to provide informal recreation opportunities. As set out within the accompanying Arboricultural Appraisal, that area will be utilised to provide a managed area for existing and replacement trees to mitigate for tree loss elsewhere on the site.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located at the former Shropshire Council offices at Westgate in the east of the market town of Bridgnorth. The site is situated between the Wenlock Road and the B4364 Ludlow Road and is bounded by established residential properties set in mature gardens to the north, east, south and west and the Bridgnorth Police Station to the north-west. The site area is 0.955 hectares and within walking distance of all the shops, facilities and amenities of Bridgnorth town centre. There is currently vehicular and pedestrian access on Wenlock Road and an exit on Ludlow Road (Although the latter was closed with a bollard when the office use ceased). Mature and semi-mature trees, shrubs, walls and hedgerows surround the site.
- 2.2 The site has established vehicular and pedestrian accesses, with an entrance on Wenlock Road and an exit on Ludlow Road. These are expected to be retained as part of any future residential scheme.
- 2.3 The Former Council Offices were constructed in the 1960s and were bespoke for its former purpose of two storeys in height. The building is constructed of buff brick with a pitched pan tiled roof and is orientated to face the junction of Wenlock Road and Ludlow Road; its main elevation is symmetrical in appearance with an ornate central doorway.
- 2.4 The site is located within Flood Zone 1 and lies to the west of the Bridgnorth Conservation Area.
- 2.5 The site is located within an area characterised by residential uses. To the north of the site, on the opposite side of Wenlock Road, is the rear of detached two storey properties that front onto Westgate Drive. Detached residential properties are also to the south west fronting onto The Wheatlands, and the south fronting Huntsmans Close and Ludlow Road respectively. All these properties look to have been constructed at a similar time during the 1950s and are of a similar style, using materials such as redbrick with tiled roofs. Residential properties are also to the east on the opposite side of Ludlow Road however, these are detached and semi-detached and date from the 1920s/30s.

2.6 The Police Station, situated immediately adjacent to the Site. The Wheatlands provides access to the Station, and is also where its primary elevation is orientated, facing away from the Site. The Police Station looks to have been built in the 1970s and is constructed of a dark brown/grey brick with facing tiles on the first floor.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council have raised some concerns in relation to the details of the scheme. The Ward member has also requested that the application be considered by Planning Committee. The site is also in the ownership of Shropshire Council and formerly in use as Council Offices. In these circumstances, and given the material planning considerations raised, it is considered the application should be determined by Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Bridgnorth Town Council** - Whilst the proposed development would allow a much needed redevelopment of a derelict brownfield site and contribute to the vitality of the town centre (by virtue of it being in such close proximity to the main shopping area), Bridgnorth Town Council has 3 major areas of concern:

1. The effects on traffic and its unacceptable impact on highway safety.

a. The Transport Analysis states (6.2.1) that "No committed developments have been identified by SCC; none have been included as part of our assessments." However, SAMDev includes approval for a significant number of houses around Tasley, which will result in a significant increase in traffic along Wenlock Road. This traffic growth needs to be included in the analysis before making an informed decision.

b. In relation to the location of units 25-31 inclusive - This area of the Ludlow Road experiences high traffic levels during peak times; being on a main route into the town and to primary schools in the area. With direct access onto Ludlow Road for these 7 units, we have serious concerns regarding visibility for road users and residents of the proposed and neighbouring properties in such close proximity to a busy junction. The proposed layout for these 7 units will undoubtedly lead to visitors parking on the roadside or part way across the pathway and increase road safety hazards.

c. In relation to units 1 - 24 the limited on-site parking available (in a cul-de-sac) is likely to force visitor/overflow parking to head towards making use of the busy Wenlock Road which will add to the already existing traffic safety and congestion problems.

2. Inappropriate density.

a. The density of the site appears to be completely out of character with adjoining properties and changes the vista significantly; the area is currently very open and light as are the vast majority of properties in the vicinity. The internal road appears

to be wholly insufficient to accommodate visiting traffic, be that relatives and friends, delivery vans or other services. The entrance to the site is also the only exit. There are no turning circles at the ends of the cul-de-sac. As a prime example; there appears to be insufficient space for a refuse truck or fire engine to enter the site and turn around (the previous plans for a slightly larger site did include such provision). The solution offered in the applicants Transport Statement of turning around at the internal T Junction is seen as unsatisfactory in allowing for the efficient delivery of goods and access by service and emergency vehicles.

b. The apparent need to maximise the number of properties appears to have resulted in the 7 properties being accessed from the Ludlow Road as opposed to being from an internal road on the site. This makes the proposal look like 2 adjoining developments rather than one flowing development. The proposed design lacks innovation and does not demonstrate a desire to improve the character of the area. We note that the land available to the development has been reduced (now that the land occupied by the police station is longer available) by some 30%, yet the number of properties has only been reduced by approximately 20%.

c. The scale of housing apparently requires a compromise on Shropshire Council's policy on open space requirements (MD2/CS6) and results in excessive loss of established trees.

3. Insufficient regard for achieving sustainable development

a. The proposals do not specify a target SAP rating to be achieved - just an indication of how building regulation SAP ratings may be achieved. We would expect Shropshire Council to insist on specification of a suitable low energy approach, capable of net zero carbon emissions by 2030 at the latest. This should include a specific standard, such as the BREEAM Home Quality Mark. We can find no mention solar energy or charge points for electric vehicles, for example.

4.1.2 **County Arborist** - I appreciate the financial restrictions and other constraints to development imposed by this site, as discussed in the Updated Planning Statement (Barton Wilmore, May 2020, registered 15th June 2020). Sections 3.6 – 3.8 of that document explain why the applicant considers that 31 units, 6 of which are to be 'affordable', is the minimum number of units necessary to make the development viable. The assessment leading to this conclusion contains confidential information that has not been made public. However, fitting 31 units into the site has significant implications for the retention or otherwise of existing trees, as well as the delivery of future open space and new tree planting in the completed development. I would therefore recommend that the viability assessment is made available to Shropshire Council and scrutinised by appropriate persons, in order to be certain that this number of units is absolutely necessary for commercial viability. I suggest that this basic assumption should be verified prior to determination of this application, because of the implications it has for the trees, open space and landscape of the site. My concerns regarding these implications are discussed below.

The proposed development of 31 units will provide 102 bed spaces, which in accordance with SAMDev Policy MD2 generates a requirement for $30 \times 102 = 3,060$ square metres of open space. The Open Space Provision plan (LL575-150-0005) shows that less than 50% of this amount is to be available as usable open space

within the proposed scheme (assuming that shared street surface and private gardens do not qualify as usable open space).

In addition to this substantial shortfall in open space provision, the development will entail the loss of many existing trees from the site. Section 7.19 ('Trees') of the Planning Statement is misleading in this regard. It states that 15 individual trees are to be removed but does not mention the 5 tree groups that are also to be removed, the most significant of which, groups G2 and G4, comprise an additional 18 birch trees between them. Were more space available to be set aside within the site, it might have been possible to retain one or other of these groups of birch. However, as described in the Tree Schedule to the Arboricultural Appraisal (SC:349, Salopian Consultancy Ltd, 19.05.2020), the component trees in both these groups have limited prospects due to their etiolated stem form and mutually suppressed canopies. Pruning for clearance of adjacent overhead power lines has further disfigured the trees on the west of group G2. On balance, in my opinion, the loss of these category 'B' groups (trees of moderate quality and value) can be accepted, subject to satisfactory replacement planting.

Other notable proposed tree losses include the early-mature birch T1, which provides screening of the site from the rear of the neighbouring property at 2, Ludlow Road, and the six early-mature or mature cypress trees T4 – T9 and the two early-mature field maple trees T10 and T11, which form a visually dominant group fronting Ludlow Road. Unfortunately, the ground level changes required to construct the proposed dwellings precludes the retention of these trees. Their removal will expose the existing houses on the opposite side of Ludlow Road to a full and uninterrupted view of the new development. Mitigation planting is proposed to replace tree T1 with a new tree in a similar place and trees T4 – T11 are to be replaced with 6 fastigiate 'Koster' oaks in front of the new properties. I consider that this would provide sufficient compensation in the mid- to long term for loss of the existing trees, but there will undeniably be a short to mid-term visual impact until the new trees establish and grow to any significant degree.

Overall, in terms of simple numbers, the proposed new tree planting will outweigh the loss of the 33 existing trees to be removed. Analysis of the Tree Proposal plan (LL575-150-0072) shows a total of 57 new trees are proposed. However, 31 of these are small species of tree and of those, 26 are to be located within private rear gardens and therefore of limited public amenity. 13 medium sized trees are to be planted, 12 of which are in front of house locations and therefore in public view. 2 large trees and the 6 fastigiate 'Koster' oaks are also to be planted in front of house locations in public view. However, it is Shropshire Council Tree Team's experience that trees planted in private curtilage, be that front or back garden, are often removed by incoming residents for one reason or another. Furthermore, it would be difficult to make and defend a tree preservation order to protect small trees of limited amenity value. I therefore consider it unlikely that all of the planned new tree planting will be retained in the long term. Only 5 new large trees are proposed to be planted in public open space, where they might be expected to have good prospects of survival to full maturity. Given the limited amount of open space available, and the presence of existing trees to be retained within it, I do not think there is room to plant a greater number of new trees than has been proposed within the area of public open space.

On a general point, I am concerned that even for the small and medium sized tree

species proposed, there may be insufficient soil rooting volume available to allow the trees to grow to their full sizes at maturity, where they are to be planted at the front of properties and adjacent to road and block paving hard standing. I suggest that soil volume requirements for the chosen species should be calculated and assessed against the amount of soil available as soft landscape at each front of house planting station. Where there is a shortfall in available soil volume, this should be made good by using subterranean structural soil cells underneath hard surfaces, to supplement the soil available in the adjacent soft landscape area and ensure the planted trees have access to enough soil rooting volume to survive and flourish. I would also recommend that proprietary root barriers are used to protect adjacent hard surfaces, where trees are to be planted close to paths, patios and parking areas etc. The following link gives more information on calculating soil volume requirements: <https://www.greenblue.com/gb/resource-centre/soil-volume-calculator/>

The use of subterranean soil cells, where necessary, will add significantly to the cost of planting. Therefore, it may not be possible within the available budget to plant as many trees as currently proposed. However, Shropshire Council Tree Team would rather see fewer trees, better planted in appropriate locations, with a good chance of success, than many trees poorly planted with little chance of survival or flourishing in the future. Failed or failing tree planting detracts from the appearance and quality of the development.

As a final comment, I would draw attention at this stage to a few points of specific concern, as opposed to the general issues raised above. These being as follows:

- Oak tree T12 is proposed to be retained and is located immediately to the east of Unit 25. The Site Layout Plan (001-A100-41-P Rev B) shows the canopy of this tree would already be touching the roof of the dwelling and overhanging its drive. I consider it important that this tree be retained – it would be the only surviving tree fronting Ludlow Road, following the removal of trees T4 to T11. The tree has the potential to increase significantly in size and I consider it likely to be a cause of conflict if the house is built as shown on the plan. I therefore object to the layout of this Unit and request that the dwelling be moved away from the tree, so as to achieve a successful and sustainable juxtaposition between tree and dwelling.

In this regard, I note that Unit 28 has an attached garage to the west side of the property. If this garage was removed, so as to match the adjacent Unit 27 for example, this would appear to give scope to shift all the Units 28 to 25 to the south-west, thereby creating more clearance from the oak tree T12.

- The Tree Proposal plan shows a pair of *Carpinus betulus* (hornbeam) to be planted in front of Units 7 and 17. I consider these large trees will ultimately grow too big for their location close to the houses and would therefore recommend substituting these trees for smaller species, such as a narrow growing form of *Acer campestre* (field maple), such as 'Streetwise', for example.
- *Prunus avium* (wild cherry) and *Betula pendula* (silver birch) are proposed to be planted at Units 8, 12, 13, 15 and 31. These species are known to cause problems on residential estates due to dropping fruit and shedding prolific

seed respectively. They are also both prone to shallow rooting that can cause problems with cracking or distortion of nearby hard surfaces. I would therefore recommend that these species are also substituted, perhaps with a field maple as suggested above, or Liquidambar (sweet gum), which is well known for its attractive autumn foliage. These alternative species are put forward merely as suggestions and of course other species could be equally suitable.

I would request that the issues raised in this response are considered and addressed prior to determination of this application. If, however, it is decided to move to a decision with the application as submitted, I would welcome the opportunity to provide some recommended tree protection and landscaping conditions to be applied in the event of permission being granted.

4.1.3 **Conservation Officer** - The proposal affects a site to the west of Bridgnorth town centre approximately 200 meters to the east of the boundary Bridgnorth Conservation Area. The site also lies adjacent a Conduit Head which is a grade II listed structure that lies on junction of Ludlow Road and Wenlock Road. The proposal includes the demolition (as noted on the submitted Demolition Plan) the former Bridgnorth District Council (Westgate) offices, where according to the historic mapping post-dates 1954 where it is assumed that the existing buildings date from circa 1960 with later additions being added more towards the rear of the plot during the 1970s. It is not considered that the existing buildings are a non-designated heritage asset (as defined under Annex 2 of the NPPF), but as a previous significant civic building serving Bridgnorth, it is acknowledged that it has some historic and architectural interest with its symmetrical appearance and central portico which showcases its civic status. The principal building is constructed in brick with a hipped concrete tiled roof and is a contrast to the typical early post-war civic building, being more inter-war in fashion and less utilitarian in its architectural articulation and use of materials (ie panels and concrete). In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

The existing building would have been constructed for Bridgnorth Rural District Council that became Bridgnorth District Council as part of the 1974 Local Government reorganisation where this in turn was followed by a further organisation where the District Council was abolished following unitary status in 2009. Given the most recent reorganisation, the existing offices are surplus to requirements and is therefore subject to redevelopment/repurposing. It is noted that the adjacent police headquarters has been subject to similar exercise, though a decision has been made for them to stay put in the existing building where it is noted that this site no longer forms part of the proposal as per the original 2014 scheme.

Given the building's origins and similar to other Council offices, local government was responsible for certain roles during the Cold War, where certain parts of the buildings were dedicated to civil defence including monitoring and having to deal with any possible nuclear attack that was prevalent especially during following the

World War II including the early 1960s (Cuban Missile Crisis) and the 1980s with the provision of radios, as well as rooms and bunkers that could be sealed off and used post attack. For instance the former South Shropshire District Council offices had a bunker room. It is noted that these offices had a 'control room' or some form of communications centre. The documentary evidence seems somewhat scant without the benefit of consulting the relevant archives. However given this historic significance it is requested that the existing building should be subject to Level 2 recording in accordance with Historic England's document 'Understanding Historic Buildings: A Guide to Good Recording Practice', prior and during demolition, where this should be conditioned accordingly.

The proposed design and layout of the site is noted. The site is a key gateway into the historic town of Bridgnorth from the west and therefore this site needs to be carefully considered. The area is generally leafy and suburban in character with soft boundaries consisting of trees with building lines set back in their plots which gives a spacious and leafy feel as part of the transition from the historic core to the rural hinterland beyond. The proposed landscaping is noted where it is welcomed that many of the existing open areas and trees, especially along Wenlock Road shall be preserved. In turn retaining such natural features should aid the site to have a more established character as well as screening the development.

The proposed design of the dwellings is generally contemporary with gabled frontages. The general design approach is generally supported where there is an opportunity to use materials and fenestration in a more innovative way such as the articulation of the brickwork. However the proposed materials should be more locally distinctive such as the use of Broseley brick. The proposed hard landscaping and the use of Dutch clay pavers is noted.

A HIA should be submitted to assess the setting of the Conduit Head and adjacent conservation area.

No objections subject to (HIA) and conditions for all facing materials and finishes including Level 2 recording as recommended above.

Additional Comments - These comments supplement those previously submitted on 11/6/20. The two key principal issues were the provision of a proportionate Heritage Impact Assessment (HIA) in order to take account of the setting of the adjacent Bridgnorth Conservation Area and the grade II listed Conduit that lies on the junction of Wenlock Road and Ludlow Road. The second issue was the recommendation of a Level 2 recording condition to record the former Westgate offices.

The revised submitted Planning Statement covers the issues with regards to the setting of the adjacent Bridgnorth Conservation Area and the conduit, where having consulted the content of the revised statement and the relevant accompanying correspondence, this is considered to be satisfactory. It is still however considered that there should be a recording condition attached to any approval, though SC Conservation would be more than happy to liaise with the appointed recording contractor in order to discuss the relevant elements of the building in order to ensure that the most significant components of the building are recorded and illustrated in the end report which shall be incorporated into the Historic

Environment Record (HER).

Should approval be given, conditions should be attached with regards to all facing materials and finishes with locally distinctive materials.

County Archaeologist - No Comments

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

4.1.5

Condition:

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

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

Informative Notes:

1. The Environment Agency has updated the guidance on Climate Change and a 35% should be used for residential development in the Severn catchment. The drainage calculations and plan should be amended accordingly.
2. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should ensure that the finished floor levels are set at least 300mm above the ground level. The Finished Floor Level and the Ground Level for each individual dwelling should be shown clearly on the Proposed Site Levels Plan.
3. Highway Gully Spacing calculations should be submitted for approval. Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102).

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width.

The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

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

Shropshire Councils Surface Water Management: Interim Guidance for Developers,

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

4. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

4.1.6 **Affordable Housing** - As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The current affordable housing contribution rate for this area is 20% and as such a proposal for 31 dwellings would be liable to make a contribution equivalent to 6.2 i.e. six affordable dwellings and a financial contribution for the remaining fraction. The six affordable dwellings being proposed are acceptable in respect of their tenure, siting and size.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of financial contribution can be calculated and agreed.

The development and financial contribution should be secured through a S106 Agreement.

4.1.7 **Regulatory Services** - Given the close proximity of the proposed development to existing residential dwellings there is potential for amenity impact during construction of the development. I would therefore recommend that any required pre- commencement construction management plan must include details of construction noise and dust control measures and working time restrictions.

4.1.8 **SC Waste Management** - It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here:

<https://new.shropshire.gov.uk/media/7126/shropshire-refuse-and-recycling-planning-guidance-july-2017-002.pdf>

We would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that the vehicle can access and turn on the estate. Details of the vehicle size and turning circles are in the document linked above.

Highway Authority - The principle of the development is acceptable from a transport and highways perspective.

- 4.1.9 The TA demonstrates that there is a low number of accidents and no clusters or patterns of accidents. It also satisfactorily demonstrates that the proposed traffic generated by the development will have an acceptable impact on the highway network.

However there are a number of issues queries that need addressing. In order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant:

- There is mention in the Planning Statement of a Framework Travel Plan. This does not seem to be included within the submitted documents.
- A pre-application (which appears to be related with this application) has recently been returned for the site in which the local highways authority wished for pedestrian connectivity in the vicinity of the site.

In particular, it was requested that a standard tactile crossing to be implemented in the vicinity of the main site access on Wenlock Road, that allows pedestrian to cross onto the footpath on the opposite side of the road. The pedestrian crossing arrangements at the Wenlock Road/Westgate/Ludlow Road junction aren't ideal (splitter island), so this would give pedestrians an alternative, potentially safer route into Bridgnorth town centre as well as the inbound bus stop on Westgate.

Consideration should also be given to any possible upgrade to the pedestrian crossing arrangements at the junction of Wenlock Road/Westgate/Ludlow Road.

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

4.1.10

I have provided a European Protected Species 3 tests matrix at the end of this response. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

The bat surveys observed a single common pipistrelle bat re-entering a weep hole above a ground-floor window of Building 4 during one of the three activity surveys.

Works to Building 4 will have to take place under a European Protected Species

Licence from Natural England. A low impact class licence is considered suitable at this site.

Section 9.3 of the report sets out the mitigation and compensation measures which will form part of the licence application.

I have provided a European Protected Species 3 tests matrix at the end of this response. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing sections 1 and 2 but please get in touch if additional assistance is required.

I have recommended the erection of additional bat and bird boxes to provide replacement and additional roosting and nesting opportunities.

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

European Protected Species Mitigation Licence condition

No works shall take place to Building B4 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority. Reason: To ensure the protection of bats, which are European Protected Species.

Working in accordance with method statement condition

All works to Building 4 shall occur strictly in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

Bat and bird boxes condition

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

- A minimum of 6 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 6 artificial nests, of either integrated brick design or external box design, sparrows (32mm hole, terrace design).
- A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

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

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

Lighting Plan condition

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

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

European Protected Species Mitigation Licence informative

No works shall take place to Building 4 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained by the developer from Natural England, in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

Nesting birds informative

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

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

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

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

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

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth

newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

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

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

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

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

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

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

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

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

boards) to allow wildlife to move freely.

- Advertised by press and site notice; 29 neighbour notification letters sent. 13 Public Comments received (Some submitting more than one set of comments) which have been categorised as 2 neutral, 7 in support and 4 objections. Issues raised in the responses are summarised as follows and may be read in full on the file:

4.2

- Flooding risk increased off site
- Highway Safety
- On Street Parking
- Need for TRO on Ludlow Road
- Traffic calming required
- Overlooking from high level windows
- Loss of Privacy
- High density development not in keeping with character of the area
- Lack of community engagement by developer
- Loss of mature Trees
- No details of services and utilities for the site
- Construction noise
- Loss of car parking for town centre

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Affordable Housing
Highway Safety and Parking
Ecology
Residential Amenity
Flood Risk and Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, and notes planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF sets out core planning principles which include, among other matters, encouraging the effective reuse of land that has been previously developed.
- 6.1.2 For the purposes of the assessment of this application the development plan presently comprises the adopted Shropshire Council Local Development Framework Core Strategy 2011, the Site Allocations and Management of Development (SAMDev) Plan and a range of Supplementary Planning Documents.
- 6.1.3 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, and CS11 state that new open market housing will only be permitted on

sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified in the SAMDev Plan. Policy CS11 sets out the Council's affordable housing requirements arising from residential developments.

- 6.1.4 The application site falls within the development boundary for Bridgnorth in the SAMDev Plan Policies Map. Policy S3 advises that, in addition to allocated sites, residential development will be permitted on appropriate sites within the development boundary of Bridgnorth. Core Strategy policy CS3 identifies Bridgnorth as a Market Town which will provide a focus for development within the constraints of its location on the edge of the Green Belt and on the River Severn, with Core Strategy policy CS1 stating that the Market Towns and other key centres will accommodate around 40% of Shropshire's residential development over the plan period. The achievement of this proportion of housing in Market Towns includes an allowance for windfall sites, of which the current proposal would be an example. To boost significantly the supply of housing in sustainable locations, such as Bridgnorth Town, remains a key objective of the National Planning Policy Framework.
- 6.1.5 An outline application for proposed residential development, including the creation of new vehicular and pedestrian access roads was considered at the January 2015 meeting of the South Planning Committee (ref. 14/02693/OUT). That application was submitted by Shropshire Council. The Committee resolved to grant planning permission subject to the completion of a Memorandum of Understanding to secure affordable housing and maintenance of any public open space by an appropriate body through a Section 106 Agreement when the site is sold by Shropshire Council. (The reason for this reference to a Memorandum of Understanding is because Shropshire Council cannot have a Section 106 Agreement with itself). The assessment of the principle of re-development of an employment site, against the criteria set out in SAMDev Plan policy MD9, was considered in detail at that time and the Committee accepted the report's conclusion that a refusal on the grounds of loss of an employment site would be most unlikely to be sustained at appeal. There has been no material change in planning circumstances since 2015 concerning the retention of the site for employment purposes to now warrant a different conclusion on this issue. The principle of the development proposed in the current full planning application is considered acceptable.

6.2 **Siting, scale and design of structures**

- 6.2.1 The nature of the site means that the layout is quite regulated in its form. The density whilst higher than the immediate surrounding area, is not uncommon in a town centre location and is therefore not considered inappropriate in the context of the site location on the edge of the town centre.

The properties have been designed as traditional two storey houses across the site with the majority being semi-detached with 6 detached dwellings also being included. Minimum privacy distances have been achieved across the site and with surrounding existing properties so the scheme is considered to adequately address privacy/overlooking concerns that have been expressed.

The triangular shape of the site itself and its constrained nature means that the layout of the site is very much dictated by the need to get a sufficient quantum of

development on site to make the scheme viable. The majority of scheme will be accessed off Wenlock Road via a single spine road which will branch out in the form of a T junction within the site. Seven properties will front onto Ludlow Road with direct access onto the carriageway.

6.3 **Visual impact and landscaping**

6.3.1 On-site Open Space provision is below the quantity that would normally be expected on a development of this size. However, it is important to consider the proximity of the site to the town centre along with the quality and usability of the open space which is arguable a better measure of its value than its quantity.

6.3.2 An area of open space will be provided along the Wenlock Road frontage of the development which will be split by the new access road into the site. The open space will be planted with native species trees.

6.3.3 The County Arborist has also expressed concern at the loss of existing trees across the site. However, as previously mentioned the constrained nature of the site effectively dictates the layout of the site and most of the trees to be lost would be in the back gardens of new properties which means they would have little amenity value within the street scene and would no doubt cause issues during construction as well as likely be removed by future residents at some point due to them overshadowing gardens and houses.

6.4 **Affordable Housing**

6.4.1 Core Strategy Policy CS11 seeks to meet the diverse housing needs of Shropshire residents now and in the future and to create, mixed, balanced and inclusive communities by securing an affordable housing contribution on all new open market residential development. Policy CS11 and the associated SPD on the Type and Affordability of Housing applies. The current prevailing rate for affordable housing in Bridgnorth is 20%, meaning there is an expectation that at least 6 of the dwellings would be affordable units.

6.4.2 The development provides for 6 affordable units in line with planning policy requirements under CS11 and the accompanying SPD. The provision will be in the form of 4 affordable rent units and 2 shared ownership units. The provision of this affordable housing will be secured by way of a section 106 agreement.

6.5 **Highway Safety and Parking**

6.5.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.”

6.5.2 Core Strategy policy CS6 seeks to secure safe developments. The site is triangular in shape and tails down to the junction of Ludlow Road (B4364) and Wenlock Road, where Wenlock Road traffic has right of way. The development of the site will result on development on both sides of these roads with vehicles accessing the road close to the junction. It is therefore important to ensure that any displaced

parking that currently uses the site does not result in vehicles being parked on the street around this junction creating a highway safety issue (The site has now been closed to prevent public parking).

6.5.3 As part of the scheme crossing improvements will be implemented to assist in getting pedestrians to and from the town centre safely. A Traffic Regulation Order (TRO) would also be introduced to prevent parking around the Ludlow Road/Wenlock Road junction and the new access into the development.

6.5.4 A travel plan will also be required to be submitted via condition.

6.6 Ecology

6.6.1 An ecological assessment has been provided in support of the application. The County Ecologist is satisfied with the contents of the report and has recommended a series of planning conditions and informatives to mitigate the impact of the development on flora and fauna should planning permission be granted. At Appendix 2 of this report is the completed European Protected Species three test form, due to the presence of bats in building B4 (A single common pipistrelle bat day roost having been observed in August 2019 in the front section of the main office building). With respect to test 1, the re-development of this brownfield site is in the public interest in securing the delivery of housing in a sustainable location; putting the site to a viable long term use and to ensuring the efficient use of land in this urban area in a manner which would not detract from residential and visual amenity. With respect to test 2, without re-development the site is likely to become increasingly derelict and a danger to public health and public safety.

6.7 Residential Amenity

6.7.1 The site layout has been designed to ensure minimum privacy distances are achieved between new and existing dwellings. It is not considered that the development will have any long term impact on future or existing residents amenities.

6.7.2 A condition limiting the hours of construction will be imposed on any consent granted along with a requirement for a detailed construction management plan to safeguard the amenity of residents during the build phase of the development.

6.8 Flood Risk

6.8.1 The site is with Flood Risk Zone One which is the lowest level of flood risk. A condition will be attached requiring the submission and agreement of drainage details prior to the commencement of development.

7.0 CONCLUSION

The site is situated within an existing settlement and the principle of the residential redevelopment of the site is acceptable in planning policy terms. The site is a previously developed site which is no longer in use. (An October 2020 site inspection revealed that the site is no longer accessible for parking which had been taking place following the closure of the offices). The development therefore has significant overheads in terms of site clearance on and therefore the developer has sought to maximise the density of development on the site having regard to the prevailing urban character of its surroundings. It is accepted that the development

is more dense in character than its immediate surroundings however, it is considered that the proposed scheme incorporating some contemporary design details is unduly out of character in this respect. It should also be noted that housing delivery in Bridgnorth is significantly behind the levels envisaged in the Development Plan and this development will go some way towards boosting these figures.

There is a deficiency in the provision of open space provided on site. However, it is considered that given the quality of the landscaping/open space along with the mitigation planting proposed will help to address this issue. Clearly, the constrained nature of the site and the abnormalities associated with site clearance have impacted the viability of the scheme which has led the developer to the current scheme. The proposal provides affordable housing at the required rate and taking all other factors into account it is considered that on balance the proposals should be supported despite the open space deficiency on site.

A S.106 Agreement will be required to secure the affordable housing in perpetuity along with a financial contribution of £3,000 to cover the cost of the TRO.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS9 - Infrastructure Contributions
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD8 – Infrastructure Provision
MD9 – Protecting Employment Areas
MD12 - Natural Environment
MD13 - Historic Environment

Settlement: S3 – Bridgnorth

SPD Type and Affordability of Housing
RELEVANT PLANNING HISTORY:

BR/74/0696/FUL Use of existing garage and store buildings for the repair and maintenance of Council vehicles for a period of three years NPW 23rd January 1975

14/02693/OUT Proposed Residential Development including creation of new vehicular and pedestrian access roads (Outline Proposal) PDE

BR/84/0266 Alterations to garage/store to form additional office accommodation GRANT 5th June 1984

BR/79/0493 The use of part of Council depot as offices and alterations to include the installation of new door and windows GRANT 26th September 1979

20/02056/FUL Demolition of existing buildings; erection of mixed residential scheme of 31 dwellings; highway works; landscaping scheme to include felling of trees; all associated works PDE

BR/APP/REG3/04/0163 Erection of extension and alteration to entrance ramp and steps GRANT 30th March 2004

BR/APP/REG3/04/0062 Erection of a prefabricated building GRANT 2nd March 2004

BR/APP/REG3/04/0038 Erection of a portable building as an office extension REFUSE 2nd March 2004

BR/APP/FUL/03/0978 Erection of a two storey extension and external staircase and alterations to main entrance ramp and steps REFUSE 4th February 2004

BR/APP/REG3/03/0995 Renewal of temporary permission for stationing of portable building GRANT 3rd February 2004

BR/APP/FUL/03/0900 Erection of a portable building as an office extension GRANT 7th January 2004

BR/APP/REG3/03/0173 Erection of one block of temporary office accommodation GRANT 1st April 2003

BR/APP/REG3/02/0820 Erection of one block of temporary office accommodation GRANT 10th December 2002

BR/APP/REG3/02/0766 Renewal of planning permission 00/0534 for the erection of two blocks of temporary office accommodation GRANT 12th November 2002

BR/APP/REG3/02/0582 Extension, including access ramps, to magistrates court, and conversion to offices and replacement roof, external alterations and extension to print block, to form additional offices GRANT 16th September 2002

BR/APP/FUL/05/0175 Renewal of temporary planning permission ref 03/0173 approved 1/4/03 for the erection of one block of temporary office accommodation GRANT 26th April 2005

BR/APP/FUL/00/0534 Renewal of planning permission ref:98/0846 for the erection of two blocks of temporary office accommodation GRANT 19th September 2000

BR/TRE/TCA/00/0001 This is a test application raised by Tim REC

BR/88/0677 INSTALLATION OF NEW WINDOW GRANT 6th September 1988

BR/94/0023 RENEWAL OF APPLICATIONS REF: 89/0063 AND 93/0387 FOR THE ERECTION OF TWO BLOCKS OF TEMPORARY OFFICE ACCOMMODATION GRANT 21st February 1994

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement Flood Risk Assessment and Drainage Strategy Ecological Report Noise Impact Assessment Planning Statement Site Investigation Report Tree Report Waste Management Plan Transport Statement Air Quality Assessment
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Les Winwood Cllr Elliot Lynch
Appendices APPENDIX 1 – Conditions APPENDIX 2 – EPS Three tests

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be

submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

5. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

6. Prior to the commencement of the development the design and construction of any roadways, footways, accesses shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied (whichever is the sooner).

Reason: This detail is required prior to commencement to ensure a satisfactory means of access to the highway.

7. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area.

8. No construction (and/or demolition) works and associated deliveries to and removal of materials from the site shall take place outside the hours of 07:30 to 18:00 Mondays to Fridays; 08:00 to 13:00 on Saturdays nor at anytime on Sundays, Bank or Public Holidays.

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

9. No development shall take place until a scheme of surface and foul water drainage has

been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

10. No development, demolition or site clearance procedures shall commence until a European Protected Species (EPS) Licence with respect to (EPS name) has been obtained and submitted to the local planning authority.

Reason: To ensure the protection of (species), a European Protected Species. This a pre-commencement condition due to the requirement for the information to be submitted before any works commence as commencement of work may adversely affect European Protected Species.

11. All works to Building 4 shall occur strictly in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

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

-A minimum of 6 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

-A minimum of 6 artificial nests, of either integrated brick design or external box design, sparrows (32mm hole, terrace design).

-A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).

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

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

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

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

14. A Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any element of the development. The approved Travel Plan shall be implemented within one month of the first occupation of any part of the development and thereafter be adhered to.

Reason: In order to minimise the use of the private car and promote the uses of sustainable modes of transport, in accordance with the NPPF, Policy CS6 of the Shropshire Core Strategy and Policy MD2 of the Shropshire Sites and Management of Development Plan.

15. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

16. Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the main access road and the parking spaces associated to the properties along Ludlow Road, with the public highway, shall be provided and thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

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

17. Notwithstanding any of the submitted details the development shall not take place until full construction detail of any new roads, footways, retaining features, accesses, street lighting, transition features, full block paved surfacing of shared space areas together with details of disposal of surface water to a suitable outfall have been submitted to, and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the buildings occupied.

Reason: To ensure the development is completed to the required standards for future adoption.

18. Development shall not take place until a detailed design for:

- a) Tactile crossing points at the main access into the site and in the vicinity of the main site access (off of Wenlock Road), that allows pedestrians to cross onto the footpath on the opposite side of the road
- b) And any other associated engineering works

have been submitted and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved plans and fully implemented prior to the first occupation of

any dwelling within the development.

Reason: In the interests of pedestrian safety.

Informatives

1.

No works shall take place to Building 4 until a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained by the developer from Natural England, in accordance with section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019).

2. Nesting birds

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

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

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

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

[Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.]

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

3. General site informative for wildlife protection

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

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

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

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

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

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

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

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

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

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

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

4. Under the Highways Act 1980 - Section 184(11) you are required to submit an application to form a crossing within the highway over a footway, grass verge or other highway margin. Please note that there will be a charge for the application. Applications forms can be obtained through the web site www.shropshire.gov.uk/hwmaint.nsf. If you wish further advice please contact the Shropshire Council's Highway Development Control Team.

5. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

6. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

7. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

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

9. 1. The Environment Agency has updated the guidance on Climate Change and a 35% should be used for residential development in the Severn catchment. The drainage calculations and plan should be amended accordingly.

2. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should ensure that the finished floor levels are set at least 300mm above the ground level. The Finished Floor Level and the Ground Level for each individual dwelling should be shown clearly on the Proposed Site Levels Plan.

3. Highway Gully Spacing calculations should be submitted for approval.

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

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width.

The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

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

within the development slopes beyond the development boundary.

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

4. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

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

11. This planning permission does not authorise the applicant to:

- o authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or
- o undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team.

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

APPENDIX 2

&&

EUROPEAN PROTECTED SPECIES: The 'three tests'

Application reference number, site name and description:

20/02056/FUL

Former Council Offices Westgate Bridgnorth Shropshire

Demolition of existing buildings

Date:

27th June 2020

Officer:

Sophie Milburn

Ecology Officer

sophie.milburn@shropshire.gov.uk

Tel.: 01743 254765

Test 1:

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

The re-development of this brownfield site is in the public interest in securing the delivery of housing in a sustainable location; putting the site to a viable long term use and to ensuring the efficient use of land in this urban area in a manner which would not detract from residential and visual amenity.

Test 2:

Is there 'no satisfactory alternative?'

Without re-development the site is likely to become increasingly derelict and a danger to public health and public safety.

Test 3:

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

Bat surveys between July and August 2019 identified a day roost of a single common pipistrelle in Building 4.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

Section 9.3 of the Ecological Survey and Assessment (ERAP, September 2019) sets out the following mitigation and compensation measures, which will form part of the low impact class licence application:

The Registered consultant will provide a toolbox talk to site workers.

A single crevice bat box will be erected on a suitable tree prior to the commencement of works.

'The Registered Consultant will carry out an examination of the roost areas and determine the presence of any bats prior to the commencement of works.'

'The Registered Consultant will then instruct and supervise the careful removal, by hand, of the roof slates / tiles and the fascia at the known roost and any other features determined to have opportunities suitable for use by roosting bats.'

'If a single (or a low number of) pipistrelle bat is present the Registered Consultant will carefully collect the bat (using a hand held static net or by direct handling), place the bat in an appropriate container and either release the bat at the site later the same day or place the bat in the bat box, as detailed below. Instruction will then be provided to proceed carefully with the removal of the remainder of the relevant parts of the roof under the supervision of the Registered Consultant, as appropriate.'

‘If bat(s) are found unexpectedly in cold or adverse weather conditions then the protocol in Appendix II of the BMCL will be followed.’

‘If any other species of bat is present or a large number of bats are present it is essential under the terms and conditions of the BMCL that the Registered Consultant contacts Natural England immediately for advice.’

‘Based on the results of the surveys and the types of roost present there is no timing restriction on the commencement of works.’

‘If bats are discovered during the works when the licensed bat worker / Registered Consultant is not present, all workers must withdraw from the area and the bat worker must be contacted for guidance’.

‘If the licensed bat surveyor / Registered Consultant has any concerns regarding the quality of workmanship or there is non-compliance with the terms and conditions of the BMCL and the mitigation strategy and / or guidance provided by the licensed bat worker then this will result in additional site visits to make inspections.’

I am satisfied that the proposed development will not be detrimental to the maintenance of the population of common pipistrelles at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 27th June 2020) are included on the decision notice and are appropriately enforced. The conditions are:

Working in accordance with protected species survey;

European Protected Species Licence;

Erection of bat boxes; and

Lighting plan.

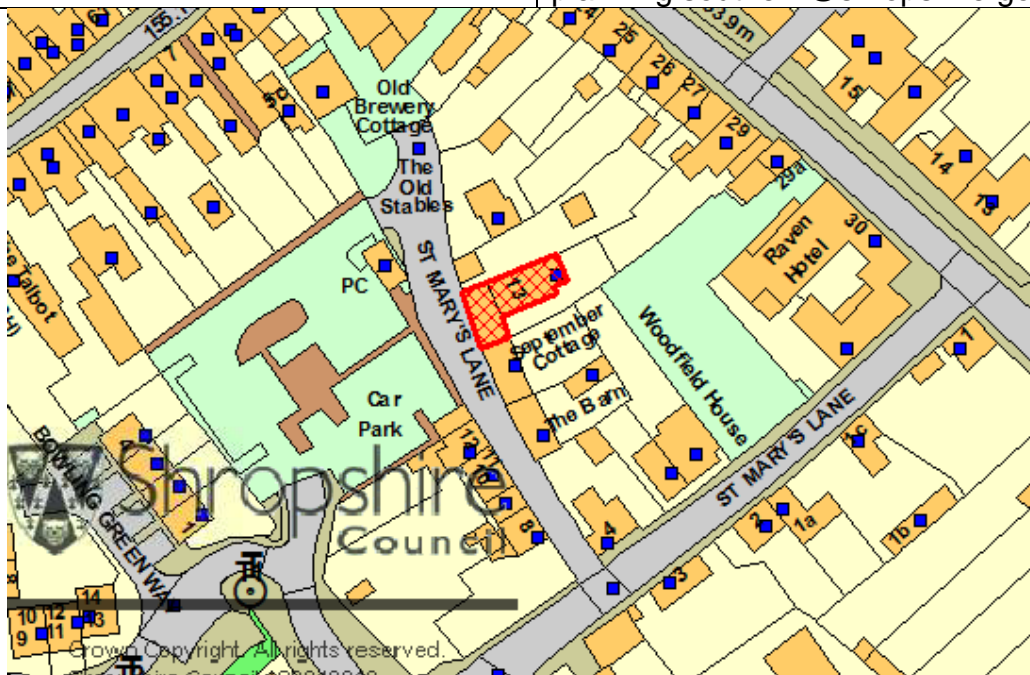
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 20/03576/COU	Parish:	Much Wenlock
Proposal: Application under Section 73A of the Town and Country Planning Act 1990 for the change of use from use as hotel bedrooms in connection with the Raven Hotel to six commercial units		
Site Address: 13 St Marys Lane Much Wenlock TF13 6HD		
Applicant: Miss S Campbell		
Case Officer: Sara Jones	email : planning.southern@shropshire.gov.uk	



Grid Ref: 362381 - 299853

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

REPORT

1.0 THE PROPOSAL

- 1.1 This retrospective application proposes the change of use of a building the lawful use of which is for hotel accommodation in association with the Raven Hotel. The applicant seeks to let the building to 5 businesses and to use one of the rooms for staff accommodation on a temporary basis eventually also letting this room for a further business to use.
- 1.2 The scheme proposes no alterations to the building and would utilise the existing car parking and vehicular access associated with the Raven Hotel.
- 1.3 In support of the application the applicant has made the following comments: -

The Forge, for many years now has been owned by The Raven Hotel.... It has been used as overflow rooms when the hotel is busy. Since the huge amount of hospitality development within Telford and Wrekin we have seen a dramatic downturn in both business and leisure guests and as such the Forge has become redundant and stands empty all year with the exception of a couple of weekends in December when we host large shoot parties.

These developments obviously put a huge strain on the business financially as the overheads associated with the running of the place keep rolling in. In 2020 when the hotel was forced to close due to Covid we took the opportunity to reassess with the owner. We had recently also lost the manager of the hotel to a riding accident too and as such the business needed some big changes and plans for the future in order to continue to trade. The business had been operating on approximately 25% occupancy for years. It's currently 10% due to Covid. The hotels future and the employment of approximately 25 members of staff (all local to Wenlock) depend on driving this business forward and diversifying with the tools we have to hand in very tough times.

As such, we contacted Shropshire Council in early April to ask if we could let the rooms out by the month, instead of by the night. This was verbally agreed not to be an issue although now in retrospect we see that the question was not well phrased by us (due to a lack of education on the subject) and the scale of what we were actually asking was missed, hence this retrospective application being made now.

Following what we thought to be a verbal approval from Shropshire Council we emptied the bedroom furniture from the six 'units', redecorated and advertised them on social media to let to small local businesses who would compliment the services we already offer here at the hotel. The rent would just cover our costs. We hope that having these businesses in such close proximity to The Raven Hotel will attract more clientele for us. Increasing the footfall to both the Hotel, bar, restaurant and also the Artisan marketplace too. The business cannot survive on the turnover it currently achieves, hence we needed to take action fast! We now offer 'Botox weekends' and 'wedding packages' as a direct result of these business interactions. Within hours we had successfully found three local businesses who were

interested. An Aesthetics clinic, a wedding dress company and a cleaning business. These businesses will be interactive with both The Raven Hotel and each other.

1.4 The applicant has also queried the use of the building by an "Aesthetics Clinic" and questioned whether this could be considered as falling within D1 of the Use Classes Order.

1.5 A block plan has been submitted which illustrates the existing parking arrangements for the Hotel and whilst the parking spaces are not currently demarcated it shows that it has capacity to accommodate some 28 spaces. The applicant proposes to dedicate the space adjacent the mutual boundary with No.29 Barrow Street (identified as spaces 1 - 8 inclusive) for the proposed commercial units leaving the remaining 20 spaces within the existing car park for the Hotel use. It is also noted that there is a yard area immediately adjacent the building, subject of this application which could potentially be used for vehicle parking if required.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The building subject of this application is located in the Much Wenlock Conservation Area and the centre of Much Wenlock. It forms the end property in a terrace of properties which adjoin the existing car park to the Raven Hotel to the east and St Marys Lane beyond which is the public car park to the west. The immediate surroundings have a mixed residential and commercial character as often found in the centre of historic market towns.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 This application requires determination by the Planning Committee as the Local Ward Member made a request for the application to be determined by the Planning Committee and the Chairman of the Planning Committee and Principal Planning Officer considered that the planning balance, supporting local business enterprise and safeguarding residential and local amenity considerations warrant determination by the Planning Committee.

4.0 **Community Representations**

- Consultee Comments

4.1 Much Wenlock Town Council - Much Wenlock Town Councillors object to the application as they consider that this is an inappropriate location from which to operate businesses.

4.2 SC Regulatory Services - If permission is granted, I would recommend that the following condition is applied in order to protect the amenity of the adjoining residential dwelling and neighbouring residential properties.

The commercial units shall only be used during the following hours Monday to Friday 8:00am till 6:00 pm. Saturday 8 am till 1pm and not at all on a Sunday or Bank Holiday.

- 4.3 SC Archaeology - No comment
- 4.4 SC Conservation - No objection.
- 4.5 - Public Comments
Advertised 29.09.2020. Site notice displayed 17.11.2020.
Six neighbour letters sent.
- 4.6 Five representations received objecting to the application on grounds which may be summarised as follows:-
- 4.7 Concern that the parking plan submitted fails to show the double access gates to serve the right of way to September Cottage and that when busy, vehicles accessing the proposed commercial uses may block this access.
- 4.8 Notes that there is a wall within the Hotel car park and the right of way to the gates of Woodfield House, which means that spaces 19 and 20 do not exist. 22 spaces is more realistic as no spaces are demarcated. 8 spaces are used by staff and customers of the Marketplace shop also use the parking.
- 4.9 Statement that all the businesses are local appears surprising as they all appear to come by car.
- 4.10 Overlooking - there are existing windows which overlook the neighbouring gardens. The lower half of one window which overlooks September Cottage has recently been applied with a discreet film but this is below head height and is not an adequate solution as during warm weather the windows are likely to be opened as it is a casement window.
- 4.11 The building was previously in residential use and overtime moved to hotel rooms. The hotel bedrooms have infrequently been occupied. The use as proposed which could see these rooms used on a permanent basis would substantially diminish the privacy afforded to the occupiers of September Cottage.
- 4.12 Note that Item 19 of the Application , "Hours of Opening" that the boxed ticked is "Not Relevant". Considers that their hours of activity should be limited.
- 4.13 Although the application states that the rooms in the Forge will only be used from 9 am to 5 pm, with occasional use outside these hours. There have been lights on in the rooms as late as 10.30 pm.
- 4.14 Acknowledge that the existing businesses have not given the occupiers of September Cottage any cause for concern and that the applicant have given verbal assurances but raise concern about potential future commercial uses, and potential change in ownership of the Hotel. Questions what limitations could be put on any future businesses which may occupy the building.
- 4.15 Statement that the three current businesses are interactive with the running of the Hotel is misleading. They are independent businesses purely run for the benefit of

their owners.

- 4.16 The proposal would not add to the well being of the commercial area of Much Wenlock where there are several empty shops that could accommodate such enterprises.
- 4.17 13 St Mary's Lane does not have a front entrance and there have been instances when cars have caused difficulties by looking for a shop without a number or front door and found themselves turning in a difficult and confined area. Causing further inconvenience by having to enquire with local residents as to the actual location.
- 4.18 Financial viability of the Hotel is questioned - "running for years at 25% capacity" with 25 members of staff". No confidence that the enterprise is sustainable.
- 4.19 The Much Wenlock Civic Society objects to the change of use from hotel bedrooms to be used solely as part of the Raven Hotel to six commercial units. This condition was specifically applied to protect the amenity of the neighbouring residential buildings. It was previously in residential use and due to the close proximity of residential buildings if it is not profitable to use as hotel bedrooms then the applicant should perhaps look to changing it back to residential use. This could be achieved with minor alterations, subject to planning, and it has the benefit of existing off street parking included.
- 4.20 During the course of the application two companies that were trading from the ground floor have vacated the premises and that one reason given was that access from Barrow Street via the Raven Hotel car park proved inefficient.
- 4.21 Two representation received in support of the application, which may be summarised as follows :-
- 4.22 Considers that there are no other commercial units within the town available to rent and the existing medical beauty treatments business would have no alternative accommodation within the Town.
- 4.23 Prior to the Forge being a residential property it was a commercial property and therefore the planning application is requesting the building to return back to its commercial origins.
- 4.24 The fact that there are residential properties surrounding this is testament to the town allowing residential development within the vicinity of original commercial properties.
- 4.25 Comments that as all residential properties back onto a pub car park the local proximity of a commercial property does not appear to have deterred the current residents from purchasing their houses.
- 4.26 There have been three business occupying the building FaceBox Aesthetics, Charlie s Angels and The Wenlock wedding boutique. Charlie s angels is the only business that has vacated to a more suitable premises for a cleaning operation. 2 businesses that are very much interested in occupying the other rooms

which quite rightly have not been agreed to until the matter is resolved. Both of which would be very part time and far less disruptive than a fully occupied hotel with a minimum of 12 occupants coming and going all hours.

5.0 THE MAIN ISSUES

Principle of development
Residential Amenity
Historic Environment
Access/Parking

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy Policy CS13 'Economic Development, Enterprise and Employment', supports enterprise and seeks to deliver sustainable economic growth and prosperous communities. This is reiterated in policy MD4 of the SAMDev Plan which indicates that employment land and development will be delivered by permitting proposals that are sustainable. The National Planning Policy Framework (NPPF) allows for a presumption in favour of sustainable development and Chapter 6 looks to build a strong and prosperous economy. It also noted, that paragraph 81 (d) of the NPPF makes reference planning policies being flexible enough to accommodate needs not anticipated in the Development Plan, to allow for a rapid response to changes in economic circumstances.

6.1.2 Much Wenlock is identified in the Settlement framework (Schedule MD1.1 of the adopted SAMDev Plan) as a Market Town within which sustainable development will be supported having regards to the relevant policies, in this case policy CS3 and to the principles and development guidelines set out in settlement policy S13 and policy MD4.

6.1.3 SAMDev policy S13 confirms that proposals for new development in the Much Wenlock Neighbourhood Plan area should refer to the Neighbourhood Plan and should take account of known infrastructure constraints and requirements, as identified within the Much Wenlock Place Plan and LDF Implementation Plan. Policy MD4 sets out the approach to supply/deliver and the development management of employment land.

6.1.4 Policy MD4 states that employment land and development will be delivered by permitting proposals that are sustainable development and:

- i. are on committed or allocated sites (portfolio sites) identified in Policies S1 – S18 and on the Policies Map; **or**
- ii. are other suitable development sites; **and**
- iii. comprise Class B or sui generis uses which include industrial or commercial employment opportunities;
- iv. are operations which are compatible with adjoining uses;
- v. satisfy the relevant settlement policy and accompanying development guidelines.

6.1.5 The Much Wenlock Neighbourhood Plan (MWNP) was adopted in July 2014 and

sets out the development strategy for the town and parish of Much Wenlock. The Neighbourhood Plan is in conformity with the NPPF and Shropshire's Core Strategy and was prepared alongside SAMDev. Having been successfully examined and supported by the community through a referendum the Neighbourhood Plan is now part of the formal development plan for Shropshire alongside the Core Strategy and SAMDev documents.

6.1.6 Objective 2 (The economy and jobs - EJ) of the MWNP seeks to support new business premises in suitable locations and to protect the vitality of the town centre (amongst other aims). Policy EJ2 seeks to protect existing employment sites from uses other than employment purposes unless it can be demonstrated that the on-going use of the premises is no longer viable (on the basis of the criteria set out in Appendix 1 of the Plan) or the alternative proposal would provide demonstrable employment benefits to the local community and contribute to its long term sustainability. Furthermore policy EJ3 supports new business development on land already in commercial use subject to the following criteria:-

- the scale and nature of the proposals would not have significant harmful impacts on the amenities of adjoining activities; and
- the scale and nature of the proposals would not have unacceptable conflicts with agriculture and other land-use activities; and
- the proposal would not have unacceptable impacts on the local road network.

6.1.7 Furthermore, policy EJ4 supports the provision of any new or additional retail floor space in the retail core of Much Wenlock (High Street/Barrow Street) provided that it complements local provision and enhances the towns unique shopping offer and its role as a Key Centre. Outside the retail core this policy supports retail floor space if it also is compatible with the size and scale of the existing town centre and does not impact adversely on the road network.

6.1.8 The supporting text of the MWNP identifies that Much Wenlock has a relatively buoyant local economy with a long-established business base and that residents and businesses alike are keen to promote economic prosperity and encourage growth in local employment, particularly for young people. It also explains that the Plan is designed to achieve this by helping existing employers to stay and grow, enabling the town to act as an employment centre for the outlying settlements and encouraging new businesses to invest and create a wide range of new jobs for local people. It also explains that the aim is to manage significant inward development pressure (housing and employment opportunities) to diversify and strengthen the local economy and to ensure that Much Wenlock does not simply become a commuting settlement.

6.1.9 The site lies within the centre of Much Wenlock being between Barrow Street and the Town Centre Car Park. Whilst it lies outside the retail core, as identified in the MWNP it is already in commercial use as hotel bedrooms and is sustainably located.

6.1.10 The nature and scale of the units proposed are unlikely to add significantly to the existing problems of heavy traffic identified in the MWNP and would be compatible with the existing character of this Market Town, acknowledged in the MWNP as

being dominated by self employment and assist in encouraging new employment opportunities, whilst repurposing and existing building and supporting an existing local business to generate additional income stream.

6.1.11 Having regards to the above it is considered that the proposal would meet in principle the aims of the relevant planning policy as identified above.

6.2 Residential Amenity

6.2.1 As noted above one of the main determining issues in this case is whether the proposed uses would be compatible with the existing adjoining uses compared with the existing authorised use. Policy CS6 of the Core Strategy refers to the need to safeguard residential and local amenity and recognises the importance of ensuring that developments do not have unacceptable consequences for neighbours.

6.2.2 The building, subject of this application is physically attached at the southern side with a terrace of three properties which are in residential use and indeed it is understood to have been in use as a dwelling house prior to it gaining planning permission to be used for bedroom accommodation in association with the Raven Hotel. Immediately to the north of the building the site adjoins the vehicular access and garage/ garden to 27 Barrow Street and beyond that to a detached dwelling house, known as The Old Stables.

6.2.3 Access to the building is via the yard area which serves the building and then through the existing car park to the Raven Hotel to the east. The building has frontage onto St Marys Lane beyond which is the public car park to the west, however no access to the building can be obtained from this elevation. The immediate surroundings have a mixed residential and commercial character as often found in the centre of historic market towns and whilst the same level of residential amenity cannot be expected compared to someone living in a wholly residential area, nevertheless, it is still important to consider any impact upon existing residential properties in the locality.

6.2.4 No alterations are proposed to the building as part of the change of use proposed. There are long established existing first floor window openings to the north, south and east elevations.

6.2.5 Representations have been received raising concerns about the potential adverse impact of the proposed change of use. In particular concern has been raised that as there are existing windows which overlook the neighbouring gardens the proposed change of use would lead to an unacceptable loss of privacy. Representations also note that the lower half of one window which overlooks September Cottage has recently been applied with a discreet film, however representations state that this is below head height and neighbours are concerned that this is not an adequate solution as, during warm weather, the windows are likely to be opened.

6.2.6 In addition concern has been raised that the proposed use would lead to increased noise and disturbance than currently experienced, but acknowledge that the lawful use of the building as hotel bedrooms has been infrequent.

- 6.2.7 The use of the building as proposed for mixed businesses would give rise to a pattern of behaviour which differs from the pattern of use of the residential properties in the street and to the authorised use as hotel bedrooms. However, the first floor windows in the building are long established and the authorised use of the building as hotel bedrooms allows for use all year round. In respect of the windows on the north elevation which abut the mutual boundary with the rear garden /vehicular access and garage to 27 Barrow Street and a dwelling, The Old Stables, beyond, the first floor windows are secondary windows/serve bathroom facilitates and could be conditioned to be obscure glazed/glazing film applied, and fixed which would ensure that adequate privacy is maintained. The existing ground floor windows on this elevation are high level and indeed look out onto the access / parking area which is readily visible from St Marys Lane. With respect to the first floor windows on the south elevation which have views across the rear of September Cottage these are set back from the mutual boundary and it is considered that a restriction on the use of the building to working hours would safeguard privacy during the more sensitive evening times and would be sufficient to balance business and residential interests in this case.
- 6.2.8 The Unit 1 (first floor) and Unit 4 (ground floor) which utilise the same access doorway from the yard, is occupied by an "Aesthetics Clinic". This use would come under the same use as a beauticians, and as such would fall into sui generis use, that is a use which is in its own category, unlike retail and commercial premises which fall into the new E Use Class. Furthermore, it is considered that the number of visitors/clients to the premises would be small and in the case of the beauticians by appointment.
- 6.2.9 With respect to this it is considered that appropriately worded conditions could be attached to any grant of planning permission to ensure that the type of uses occupying the proposed units were compatible with the immediately adjoining residential uses, such as retail and financial/professional services, and that the hours of occupation/business were limited appropriately.
- 6.3 **Historic Environment**
- 6.3.1 The proposal affects a non-designated heritage asset (as defined under Annex 2 of the NPPF) and it is understood that part of the building was a former forge / blacksmiths. The walling to 13 St Mary's Lane also adjoins the curtilage of Raven Hotel and 29 Barrow Street which are grade II listed buildings and the site also lies within the Much Wenlock Conservation Area.
- 6.3.2 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's built and historic environment. Furthermore, SAMDev policy MD13 requires that wherever possible, proposals avoid harm or loss of significance to designated or non-designated heritage assets, including their settings. The policy also encourages proposals which deliver positive benefits to heritage assets. These are consistent with the guidance set out in National Planning Policy Framework (NPPF) with respect to the Historic Environment and the duty to have special regard to the desirability of preserving or enhancing the special interest of listed buildings and their settings in exercising statutory functions (under section 66 of the T&CP Listed Buildings and Conservation Areas Act 1990).

6.3.3 The NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution of heritage assets can make it sustainable communities including their economic viability and the desirability of new development making a positive contribution to local character and distinctiveness.

6.3.4 In this case it is noted that the scheme proposes no alterations to the building and the SC Conservation raises no objection to the proposed reuse.

6.4 **Access/Parking**

6.4.1 Core Strategy Policy CS6 requires all development to be safe and accessible to all and have appropriate parking. It also seeks to ensure that proposals likely to generate significant levels of traffic are located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. It seeks to achieve safe development and where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

6.4.2 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 108 – 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

6.4.3 The Council has not set local parking standards for residential and non-residential development. However at paragraph 3.15 of the SAMDev Plan, which is part of the explanation to Policy MD2 (Sustainable Design), it states that developments must be designed so as to not result in an unacceptable adverse impact on local infrastructure, and gives as an example that adequate on-site parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and thereby negatively impacting on the local road network.

6.4.4 The MWNP seeks to ensure (Objective 4) that new development has sufficient car parking to meet the current and future needs as mentioned above and to resist development proposals which would result in the loss of off-street car parking.

6.4.5 In this case the proposal is considered to be sustainably located, and given the nature and scale of the units proposed, it is considered that the scale and type of the traffic which would be generated is unlikely to add significantly to the existing problems of heavy traffic within the Town.

6.4.6 The information submitted with the application indicates that whilst the parking spaces are not currently demarcated the existing Raven Hotel car park has capacity to accommodate some 28 spaces. The applicant proposes to dedicate the space adjacent the mutual boundary with No.29 Barrow Street (identified as spaces 1 - 8 inclusive) for the proposed commercial units, leaving the remaining 20 spaces within the existing car park for the Hotel use. It is also noted that there is a

yard area immediately adjacent the building, subject of this application, which could potentially be used for vehicle parking if required.

6.4.7 Representations have been received which question the practical number of spaces which could be achieved, in the light of the existing rights of way to properties which bound the car park and also the position of a remnant of walling. Nevertheless it is evident that the existing car park, could provide parking for the Hotel together with the proposed use without necessarily obstructing the existing rights of way, and that whilst customers of the Market Place also use this car park these spaces would be used for a short period of time. It is estimated that the car park could provide between 22-28 spaces. The applicant states that the Forge would have approximately 8 dedicated spaces, which would leave the remaining 14-20 spaces for the Hotel use. The Hotel would be left with some 14 bedrooms the occupants of which are likely to be utilising the spaces at a time when the Forge and indeed the Market place would not (i.e. evening/overnight). As such it is considered that the pattern of usage of the car parking spaces is complimentary and would be sufficient in this case and unlikely to lead to unacceptable displacement parking on the surrounding roads in the Town.

6.5 Other Issues Raised

6.5.1 Representations have been received expressing the opinion that the building should be returned to a dwellinghouse. Whilst this is merely an opinion and not a determining issue, the applicant has responded to this comment that the property was in fact offered for sale for most of 2019 into 2020 but there was no interest hence the decision to offer the building for the use as proposed.

7.0 CONCLUSION

7.1 It is considered that the nature and scale of the units proposed are unlikely to add significantly to the existing problems of heavy traffic identified in the MWNP and would be compatible with the existing character of the Town. The proposal would also assist in encouraging new employment opportunities, whilst repurposing an existing building, which helps to safeguard the future of this non-designated heritage asset in the Conservation area and supporting an existing local business to generate an additional income stream. Furthermore, the proposal would not result in a significant loss of amenity for the occupiers of nearby properties compared with the existing authorised use as hotel bedrooms, providing conditions controlling the hours of operation and the use are imposed. It is recommended that planning permission be granted subject to appropriate conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Shropshire Core Strategy policies:

CS3 Market Towns and other Key Settlements
 CS6 Sustainable Design and Development Principles
 CS13 Economic Development, Enterprise and Employment
 CS17 Environmental Networks
 CS18 Sustainable Water Management

SAMDev Plan policies:

MD2 Sustainable Design
 MD4 Managing Employment Development
 MD12 Natural Environment
 MD13 Historic Environment
 S13 Much Wenlock
 Much Wenlock Neighbourhood Plan

RELEVANT PLANNING HISTORY:

BR/APP/FUL/06/0364 Use of dwelling for six letting bedrooms in connection with adjacent raven hotel GRANT 3rd July 2006

11. Additional Information

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

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

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

1. Within 2 months of the date of this permission details of how the first-floor windows in the North elevation shall be fixed to be non-opening and obscure glazed/glazing film applied, shall be submitted to the Local Planning Authority (LPA) for approval in writing. The approved measures shall be installed in accordance with a timetable approved by the LPA and shall thereafter be retained.

Reason: To preserve the amenity and privacy of adjoining properties.

2. The building shall be used solely for commercial uses falling within Class E (a-retail), (c-financial and professional services) and (g)(i - office) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, with the exception of units 1 and 4 which shall be used as an Aesthetics Clinic (sui generis use) and the first floor of the remaining building which shall be used for commercial office uses falling within Class E (c -financial and professional services) and (g)(i- office) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 only.

Reason: To safeguard the amenities of nearby residential properties.

3. The commercial units and aesthetics clinic hereby approved shall not be used outside the hours of Monday to Friday 8:00am till 6:00 pm, Saturday 8:00 am till 1:00pm and not at all on a Sunday or Bank Holidays.

Reason: To safeguard the amenities of the nearby residential properties.

Informatives

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy polices:

CS3 Market Towns and other Key Settlements

CS6 Sustainable Design and Development Principles

CS13 Economic Development, Enterprise and Employment

CS17 Environmental Networks

CS18 Sustainable Water Management

SAMDev policies:

MD2 Sustainable Design

MD4 Managing Employment Development

MD12 Natural Environment

MD13 Historic Environment

S13 Much Wenlock
Much Wenlock Neighbourhood Plan

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 attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

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> 20/04021/FUL	<u>Parish:</u>	Wistanstow
<u>Proposal:</u> Change of use of agricultural land to site for 5 camping pods, roadway with parking area and septic tank installation		
<u>Site Address:</u> Rosedene Horderley Craven Arms Shropshire SY7 8HR		
<u>Applicant:</u> Mr And Mrs S Ashley		
<u>Case Officer:</u> Helen Tipton	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 341671 - 288210



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Recommendation:- Refuse.

Recommended Reason for refusal

1. The development site would have limited economic benefits and would not relate to a recognisable named settlement, with visitors likely to rely on unsustainable means of car travel. The proposed development would not relate to an existing tourism enterprise and would not involve the diversification of an established rural business and so the development would be contrary to Core Strategy policies CS5 and CS16.
2. The development would be a conspicuous feature in this countryside location and would detrimentally affect the essentially open character of the Shropshire Hills Area of Outstanding Natural Beauty. The development is therefore contrary to the aims of the National Planning Policy Framework and to the requirements of Core Strategy policies CS5, CS6 and CS17.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of agricultural land to site five camping pods; a roadway with parking area and septic tank installation.
- 1.2 The pods would each have a footprint of 7 metres x 3.2 metres, with individual timber decking areas extending from the front and side / eastern elevations. The pods would have an arched roof, reaching to an external height of 3 metres and, internally, would comprise of a bedroom / lounge area with bathroom and shower.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Rosedene Farm is accessed from the B4370 road, between the A489 Plowden junction at Horderley and the A49 junction at Marshbrook, due northeast.

The property is situated within the Shropshire Hills Area of Outstanding Natural Beauty, (AONB) and is positioned approximately 200 metres from the B4370, along a private access drive which extends northwest from the road to a public bridleway and track, near to Churchmoor Rough woodland. Meanwhile, a group of mature trees align to the north east of an adjacent field of pasture and the area of land proposed for development is bound by hedgerow and occasional mature trees.

The immediate setting predominantly provides pasture and grass crops. The site is relatively level, with a steady incline from the nearby farm complex, whilst the hills and surrounding topography undulate around it.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have no objection to the proposed scheme and the Local Members have requested the application is considered by the Planning Regulatory Committee. Following discussion with the Chair and Vice Chair of the South Planning Committee, it was decided that the material planning considerations in this case require consideration by Committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Shropshire Council Archaeology - no comment.

We have no comments to make on this application with respect to archaeological matters.

4.1.2 Ramblers Association - no comment.

4.1.3 Shropshire Hills AONB Partnership - comment.

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB.

With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB and the statutory AONB Management Plan.

Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.1.4 Shropshire Council Drainage - comment.

An informative comment is provided which gives advice on the need for a sustainable surface water drainage system designed in accordance with the Council's 'Surface Water Management: Interim Guidance for Developers' document. The provisions of the Government's Planning Practice Guidance should also be followed, particularly Section 21 which aims to reduce the causes and impacts of flooding. Preference should be given to measures which allow rainwater to soak away naturally, with connection to existing drains or sewers being a last resort.

4.1.5 Shropshire Council Highways - no objection.

No concerns raised, provided the development is constructed in accordance with the submitted details.

The junction with the B4370 is suitable to serve the development. Sufficient parking and turning is proposed. The initial section of the track to Rosedene also serves a Public Right of Way / Bridleway (0565/UN5/2) but no concerns are raised in terms of the effects of the development on the bridleway.

4.1.6

Shropshire Council Rights of Way - no comment.

We have no comments to make on this application.

4.1.7

Shropshire Council Ecology - no objection.

Conditions and informative comments are recommended.

4.1.8

Shropshire Council Trees - comment.

9 November 2020 -

There are three mature oak trees along the north-west boundary of the site. These are good specimens and would be an essential part in screening any development at this site as seen from the higher ground of the Longmynd to the west. It is therefore imperative that, for this development to constitute sustainable development, these trees are protected from significant disruption accruing from the construction works and from the long-term arboricultural implications of the site layout.

The layout as shown on the Block Plan does not take into consideration the trees and introduces parking bays, with one of the lodges under the canopy of the trees and into the root protection area of all three trees. This is contrary to the recommendations for good practice as set out in BS5837:2012 trees in relation to design demolition and construction recommendations, and falls short of the expectations for sustainable site design and the natural environment as set out in national and local planning policies.

Having considered the extent and layout of the site, the Council's Tree Team recommend that the applicant be given the opportunity to amend their site layout so that it provides a more sustainable proposition. (An addendum is provided for the applicant's use, which provides an acceptable layout and indicative tree protection plan).

The following are the basic requirements for a Tree Protection Plan -

Tree Protection Zone (TPZ)

Trees require rooting space to satisfy their present and future needs for stability and for the assimilation of nutrients and water. Typically a relatively small tree with a girth at chest height of 60cm (19cm diameter) would require a volume of soil in the region of 30m³ to ensure its good health. Bearing in mind

that in ideal conditions the majority of roots occur in the top 60 cm of soil (often less), the importance of not disturbing the root protection areas of retained trees cannot be overstated.

Move first pod to the east.

Constraints within the Tree Protection Zone / Construction Exclusion Zone

The following constraints shall apply within the TPZs:

- No movement of vehicles on soft landscape surfaces within the TPZs without appropriate ground protection..
- No mechanical excavation without an agreed method statement and arboricultural monitoring.
- No open linear trenching by hand or machine without an agreed method statement and arboricultural monitoring.
- No changing of levels without the written agreement of the project manager or project arboriculturist.
- No hard surfaces to be laid.
- No storage of vehicles, plant machinery, building materials, rubble/spoil or surface scrapings.
- No storage, handling, or tipping of chemicals or noxious substances like wash from cement mixers etc.
- No fires.

Further to the above, the following constraints apply in the areas adjacent to TPZs

- No fires to be lit within 20m of any retained trees foliage drip line (outer edge of the crown).
- Storage or mixing of chemicals, cement, fuels, or other materials likely to leach substances toxic to tree roots to be kept at least 10m outside TPZs.
- With any identified chemical or noxious spillages to be contained immediately and removed at the first opportunity.

Extent and duration of the Tree Protection Plan (TPP).

The TPP shall be fully implemented to the written satisfaction of the Local Planning Authority, before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

Tree protection fence using chestnut paling or plastic mesh barrier (TPF)

The TPZ is a construction exclusion zone and will be clearly identified by a robust fence of either chestnut paling or plastic mesh barrier fence mounted on metal fencing pins or regular fence posts at an interval not exceeding 3m, and running along the perimeter of the construction exclusion zone. The tree

protection fence and zone shall be retained on site for the duration of the construction works.

Ground Protection Within the RPA of Retained Trees

(Provisional Method Statement)

Temporary ground protection will be capable of supporting any traffic entering or using the site without being distorted or causing the compaction of underlying soil.

Pedestrian access - Where the tree protection plan shows that access to the development will encroach within the Root Protection Area (RPA) of retained trees for pedestrian traffic the following measures will be taken to protect the RPAs of retained trees:

Pedestrian operated plant machinery - For pedestrian operated plant up to a gross weight of 2t, proprietary interlinked ground protection boards placed on top of a compression resistant layer (e.g. 150mm depth of woodchip), laid onto a geotextile membrane will be employed.

Wheeled / tracked traffic exceeding 2t – For wheeled or tracked construction traffic exceeding 2t gross weight, an alternative system (e.g.) proprietary systems or precast reinforced concrete slabs, overlapping steel plates etc.) to an engineering specification designed in conjunction with arboricultural advice and will be sufficient to accommodate the likely loading to which it may be subjected.

Wheeled / tracked traffic exceeding 2t – Where there is an intention to introduce heavy wheeled or tracked traffic within the RPAs' of retained trees at this site, it will be necessary to obtain the written agreement of the local planning authority and the following measures will be applied. For wheeled or tracked construction traffic exceeding 2t gross weight, an alternative system (e.g.) proprietary systems or precast reinforced concrete slabs, overlapping steel plates etc.) to an engineering specification designed in conjunction with arboricultural advice and will be sufficient to accommodate the likely loading to which it may be subjected.

If the applicant is not able or is unwilling to consider modifying the layout, the Tree Team recommend that this application be refused planning consent. On the basis, the Tree Team are not able to support this application as it stands and we are not recommending conditions at this time but would be happy to do so if the Case Officer considers it would be expedient to proceed this application towards consent without modification of the layout.

Note - 4 December 2020 -

- 4.1.9 Following comments and a suggested layout provided by the Council's Tree Team, an amended Block Plan has been submitted, which generally replicates the recommended layout provided by the Tree Officer.

Wistanstow Parish Council - comment.

4.2 The Parish Council has no objection to the application subject to the layout of the site not being detrimental to the views from the Longmynd.

4.2.1

Public Comments

None received.

5.0 THE MAIN ISSUES

Principle of development

Siting, design and visual impact

Residential amenity

Highway safety

Ecology

Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Part 6 of the National Planning Policy Framework (NPPF) seeks to build a strong, competitive economy and Paragraph 83 of it gives particular emphasis on the rural economy, which includes sustainable rural tourism and leisure developments which respect the character of the countryside.

6.1.2 Policy CS5 and CS13 of the Council's Core Strategy advise development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small scale development diversifying the rural economy; including farm diversification and the retention and appropriate expansion of an existing established business, including forestry, green tourism and leisure. In rural areas, recognition is given to the continued importance of farming for food production, supporting rural enterprise and agricultural and farm diversification of the economy. In the case of diversification schemes, applicants would be required to demonstrate the need and benefit for the development proposed and development would be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity.

6.1.3 Following a request from the Local Planning Authority to provide a supporting business plan, the applicant's representative has provided a brief statement, which advises that the land holding has previously been reduced by 40 acres, to 54 acres, after the farm encountered some personal and

financial difficulties. The remaining land is now let out to neighbouring farmers, whilst the buildings and a small amount of land have been retained for livery purposes. No detail is given in regard to the livery use. This information would be insufficient to demonstrate that the development could be considered as part of a diversification scheme or linked to an existing business, other than by proximity to the existing outbuildings and ownership of the land.

6.1.4 Core Strategy Policy CS16 requires visitor accommodation to be in accessible locations served by a range of services and facilities. In rural areas proposals must be of an appropriate scale and character for their surroundings; be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. Proposals which would result in isolated, sporadic, out of scale, or which may either individually or cumulatively erode the character of the countryside, would not be acceptable, in accordance with Policy CS5. The site is not an established and viable tourism enterprise and the proposal would not fall within the definition of green (low impact) tourism, as referred to under CS13.

6.1.5 The proposed development site is in a remote and isolated location, clearly read as being open countryside, with no nearby amenities or facilities within easy walking distance. The roads between the proposed site and the nearest settlement are hazardous for pedestrians, being unlit and having no pavement. This would put a strong reliance on the private vehicle to utilise local amenities. As such, and whilst the proposed accommodation and the location would likely be popular to visitors, there would only be negligible benefits to the local visitor economy. The principle of the proposal is therefore considered unsustainable and contrary to both local and national policy and guidance.

6.2 **Siting, design and visual impact**

6.2.1 Core Strategy Policy CS6 seeks to secure sustainable design and MD12 of the Site Allocations and Management of Development (SAMDev) Plan supports development which contributes positively to the special characteristics and local distinctiveness of an area, with the avoidance of harm to Shropshire's natural assets, their conservation, enhancement and restoration.

6.2.2 MD11 of the SAMDev Plan states that holiday let development that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings will be resisted in the countryside following the approach to open market residential development in the countryside. This does offer some scope for caravan-act compliant holiday accommodation and the proposed pods would fall within this definition in terms of scale and dimensions, although the

amount of infrastructure associated with the development is likely to amount to a permanent installation, where the pods would be immovable.

- 6.2.3 With regard to the amended layout provided, this is a more favourable proposition, given that it would have a limited impact on the nearby trees, which are considered essential in reducing the visual impact of the scheme. However, although the site is relatively well concealed from much wider viewpoints and the pods would be generally rustic in appearance, the contrived, linear pattern of development that would be introduced would be an unnatural feature in the countryside setting and be an intrusive addition to the AONB. This, together with the domestication of the land, by the creation of decking and parking areas, would result in an adverse impact upon the local distinctiveness and landscape of the area.

6.3 Residential amenity

- 6.3.1 Given the isolated location and separation distances between the proposed site and the nearest neighbouring dwellings, there would be no adverse impact on residential amenity.

6.4 Highway safety

- 6.4.1 The Council's Highways team raise no objection to the scheme and since the approach route from the nearest road is already capable of providing safe access to the site, there are no concerns in this regard.

6.5 Ecology

- 6.5.1 Paragraphs 174 and 175 of the NPPF emphasise that the Local Planning Authority should ensure developments protect and enhance biodiversity by promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. The Council's Ecologist is satisfied there would be no detrimental impact on biodiversity, although conditions and informative comments are recommended in the event that the application is approved.

6.6 Drainage

- 6.6.1 The Council's Drainage team have no overriding concerns and offer informative comments.

7.0 CONCLUSION

- 7.1 The proposed scheme would not involve the diversification of an established rural business or relate to an existing tourism enterprise and would be contrary to Core Strategy Policies CS5 and CS16. The layout and domestication of the

proposed development would also be a conspicuous feature in this countryside location and consequently, the development would detract from the character and visual amenity of the AONB. Whilst the scheme would likely be a popular tourist destination, the limited economic benefits would be outweighed by the harm introduced and would be contrary to the aims of policy, which seeks to locate this type of development close to settlements or to existing facilities.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

12/04768/FUL Alterations and extension to detached garage to provide ancillary accommodation to existing dwelling GRANT 8th January 2013
13/01386/DIS Discharge Condition 3 of planning permission No. 12/04768/FUL (Alterations and extension to detached garage to provide ancillary accommodation to existing dwelling) DISAPP 22nd April 2013

17/04748/FUL Change of use of land to equestrian and construction of manege GRANT
12th January 2018

11. Additional Information

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

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr. Lee Chapman Cllr David Evans

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.



Committee and date

Southern Planning Committee

19 January 2021

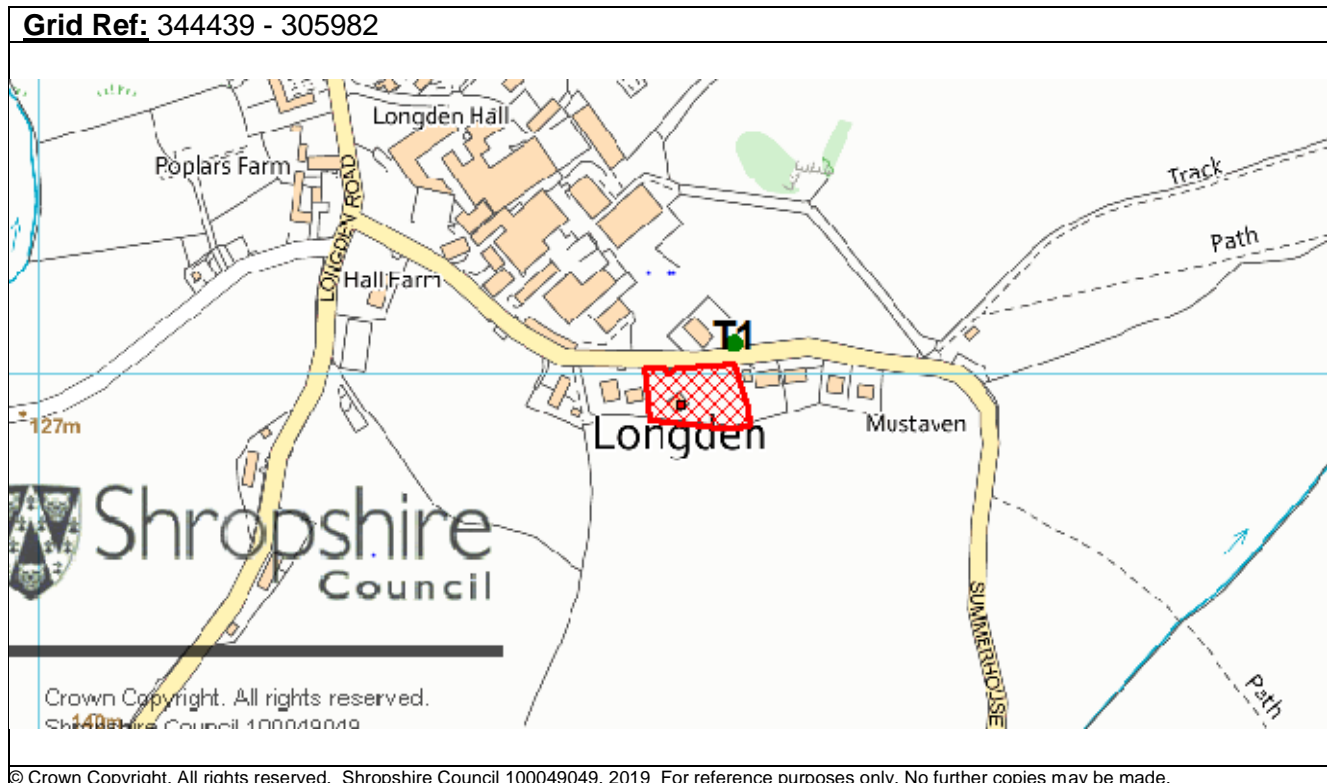
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 20/04317/FUL	Parish:	Longden
Proposal: Erection of a single storey rear extension (following demolition of existing) and two-storey side extensions to include double garage (revised description)		
Site Address: Sunninghill Summerhouse Lane Longden Shrewsbury SY5 8HA		
Applicant: Mr & Mrs Parson Jones		
Case Officer: Alison Tichford	email : planning.northern@shropshire.gov.uk	



Recommendation:- Grant Permission subject to no further objections being received that raise new material planning considerations during the consultation period (Expires 19/01/2021) matters of the conditions set out in Appendix 1.

REPORT

1.0	THE PROPOSAL
1.1	<p>This proposed development is for the erection of two storey side extensions to include a double garage to an existing dwelling as well as the demolition of an existing single storey rear projection and its replacement with a slightly wider single storey flat roof rear extension.</p> <p>The development will enable enlarged living areas and a double garage at ground floor level and additional bathing facilities and a home office at first floor level.</p>
1.2	Revised plans requiring a revised project description were received during the course of the application, and further revisions reduced the height of the extensions and removed a second dormer window to the front elevations.
2.0	SITE LOCATION/DESCRIPTION
2.1	The existing mid C20 dwelling occupies a pleasantly mature 0.6 acre plot to the south of Summerhouse Lane in the rural village of Longden. There is an existing small garage/workshop of similar age to the dwelling.
2.2	The existing house has brick walls and a hipped tiled roof with chimney and is set back appx. 18m from the road with access on a tarmac driveway.
2.3	There are C21 detached dwellings to the west and on the other side of the road to the north east, and a C20 bungalow to the west. There are open agricultural fields to the rear/south.
3.0	REASON FOR COMMITTEE DETERMINATION OF APPLICATION
3.1	The applicant is a staff member of Shropshire Council who reports indirectly to the Home and Communities AD, formerly within Infrastructure and Communities, and the application therefore requires consideration by Planning Committee as set out SC Scheme of Delegation and Part 8 of the Shropshire Council Constitution.
4.0	COMMUNITY REPRESENTATIONS
4.1	Consultee Response
4.1.1	Longden Parish Council made initial neutral comments but reserved the right to revise their opinion in the light of any new information available at a later date. The Parish Council were re-consulted with regard to revised plans received and this consultation period expires on 19 th January 2021.
4.1.2	SC Ecology do not object to the application but recommend conditions and informative advice to ensure the protection of wildlife and to provide ecological enhancements.

4.1.3	SC Trees were consulted with regard to this application. No comments have been made with regard to the planning application, but consultees have provided further advice with regard to public comment.
4.2	Public Response
4.2.1	<p>A site notice was posted as required and 3 neighbouring properties were individually advised as regards the original proposal. 3 comments were received as a result of this publicity:</p> <ul style="list-style-type: none"> • one objection with regard to a first floor window in the gable end of the proposed new garage (removed in the revised plans). • A neutral comment encouraged the retention of existing trees and shrubs in front of the proposed garage to maintain local character and form a natural screen. This commentator also sought inspection of a mature birch tree within the grounds of the property. • A further commentator was concerned about overlooking to neighbouring Meadowsweet to the west but anticipated revised plans and indicated they would make further comment then. <p>Following the receipt of revised plans, the 3 neighbouring properties were again individually notified and this consultation period expires on 19th January 2021. The commentator who had concerns with regard to overlooking to Meadowsweet finds the revised plans acceptable as their concerns have been addressed.</p>
5.0	THE MAIN ISSUES
5.1	<p>Principle of development Design and Scale Residential Amenity Ecology</p>
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	<p>The site falls within the area included within the Longden Development site published by the Parish Council and Longden is part of a Community Cluster where residential development is anticipated. There is also a general presumption within the development plan policy in favour of domestic extensions and alterations, subject to further considerations as detailed below.</p>
6.2	Design, Scale and Character
6.2.1	<p>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.</p> <p>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</p>

	not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
6.2.2	The development as originally proposed was not acceptable in design terms, requiring significant alterations to the existing hipped roof and introducing a flat roof box dormer to the enlarged roof.
6.2.3	The applicants introduced revised drawings which removed these alterations to the existing roof. The revised drawings propose a 2 storey side extension in two parts – a link section to the existing house, with a further angled projection from this. The extension will key into the east elevation hipped roof at a lower ridge line, and the new end elevation will match the hip to the original roof. There will be a single small dormer to the front elevation of the extension. A new rooflight is proposed to the front elevation of the existing dwelling house as well as one small rooflight to the front elevation of the extension.
6.2.4	The proposed single storey rear extension is slightly wider than the existing, of similar depth, and replaces the pitched roof with a flat roof.
6.2.5	The brick finish to the dwelling will be replaced with a render finish with some cedar cladding. Chimneys are to be retained. The altered materials will tend towards a more coherent appearance to the dwelling and its new extension and will contribute to a more modern appearance for the new residents without significantly altering the character of the dwelling or making a significant difference to the streetscene given the dwelling's set back location.
6.2.6	The proposed works will not result in a significant loss of garden area and an appropriate level of amenity space for the enlarged dwelling will remain.
6.2.7	While the proposed works are appropriate within the residential space available, they do make a significant enlargement to the existing dwelling with a small impact on the existing character, and it will be appropriate to restrict permitted development rights to further alterations in order to ensure that the scale of development remains appropriate to the plot and the local character and does not impact on neighbour amenity. The development introduces a new double garage while the existing garage will be retained for garden storage purposes so restrictions would seem appropriate with regard to alterations to the roof and additional outbuildings.
6.2.8	The proposed development will involve significant works on site. The existing landscaping will contribute to softening the impact of the proposed extensions and alterations and it seems appropriate to require that a simple landscaping plan for the project should be approved by condition.
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.

<p>6.3.2</p>	<p>The west wall to the new extension will be between 5.75 and 7.5m from the boundary with amenity areas to Whistlers to the west. The hipped roof falls away from the boundary. The new development should not be experienced as overbearing by residents of Whistlers while using their rear amenity areas and will not make a significant impact on outlook from glazing to the rear.</p>
<p>6.3.3</p>	<p>The proposed alterations and extensions will not lead to any significant loss of outlook, loss of light, or increase in shadowing to any neighbouring properties and no increase in noise disturbance is anticipated.</p>
<p>6.3.4</p>	<p>There is a new rooflight and dormer to the front elevation. The dormer will have a restricted angle view to the north and will be appx. 50m from new dwellings to the north of Summerhouse Lane. A high level window to the east elevation will be removed and there is no further glazing to this elevation. Full length patio doors are introduced across most of the ground floor to the existing dwelling. There are three small first floor windows and two moderate ground floor windows to the new extension, all with views over the field to the rear and with no impact on the privacy of neighbouring properties.</p>
<p>6.3.5</p>	<p>First floor windows to the rear of the existing house will be altered to full length with juliette balconies. The alteration to full length glazing could potentially enable access to and use of the flat roof rear extension. While this extension is set appx. 39m from the east boundary with Meadowsweet, officers consider this is sufficiently close for the amenity of residents of Meadowsweet to be significantly impacted in terms of overlooking and noise and for the use of this area to lead to the development being experienced as overbearing. It will be appropriate to include a condition prohibiting any use of this flat roof area as balcony/terrace.</p>
<p>6.3.4</p>	<p>Having regard to the proposed orientation and distance away from neighbouring properties the proposed windows will not result in any detrimental impact from overlooking or loss of privacy. Alterations and additional glazing to them within the roofspace may have potential impact on the privacy of neighbouring properties and it will be appropriate to require local planning authority approval of any such alterations.</p>
<p>6.4</p>	<p>Ecology</p>
<p>6.5</p>	<p>SC Policy CS17, consolidated by MD12, requires that all development protect and enhance the diversity of Shropshire’s natural environment. The applicant submitted a preliminary ecology appraisal with their application and ecology consultees have requested a condition with regard to implementation of the recommendations of that report with regard to great crested newts and other wildlife, and it will be appropriate to include this condition in order to safeguard the natural environment in accordance with CS17.</p>
<p>6.5</p>	<p>Other Matters</p>

	<p>One commentator raised concerns about a birch to the front garden which is leaning. Trees consultees have not made any comments with regard to the application. The tree is not at risk as a result of the development and its health does not fall within the consideration of this planning application. The customer has been advised with regard to further action, in consultation with the trees team as necessary.</p>
7.0	CONCLUSION
7.1	<p>The proposed scale, design and appearance of the proposed works will adequately respect the existing character of the dwelling and will not result in visual impact or cause any significant detrimental impact on neighbouring properties. The natural environment on site can be protected by means of condition. The proposed development is therefore considered to accord with the requirements of the adopted Core Strategy Policies CS6 and 17 and SAMDev Policies MD02 and 12.</p> <p>Recommend permission is granted with conditions as discussed above, subject to any further material considerations being raised prior to the end of the re-consultation period and requiring additional assessment.</p>
8.0	RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL
8.1	Risk Management
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. • The decision may be challenged by way of a Judicial Review by a third party. 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. <p>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 of application for which costs can also be awarded.</p>
8.2	Human Rights

	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>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.</p>
9.0	Financial Implications
	<p>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 – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
MD2 - Sustainable Design
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

13/00600/FUL Erection of a detached dwelling with detached double garage GRANT 26th February 2015

15/03729/VAR Variation of condition no.2 (approved drawings) attached to 13/00600/FUL to allow for redesign and orientation of dwelling GRANT 4th December 2015

11. Additional Information

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

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No works shall commence until an appropriately qualified and experienced Ecological Clerk of Works (ECW) has been appointed and provided brief notification to the Local Planning Authority of any pre-commencement checks and measures to ensure there are no significant changes in the habitat/condition within the development footprint since the provision of the Pearce Environmental Preliminary Ecological Appraisal and that the mitigation/avoidance measures recommended within the Great Crested Newt Reasonable Avoidance Measures Method Statement provided are still considered appropriate to be carried out.

Reason: To ensure the protection of Great Crested Newts which are European and UK protected species and other wildlife.

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

4. Prior to commencement of the relevant part of work, the finish and colour of the render, the central cladding, and the roofing tiles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained for the lifetime of the development.

Reason: In the interest of certainty and in order to ensure the appropriate appearance of the dwelling within the local streetscene.

5. Works will be carried out strictly in accordance with the Great Crested Newt Reasonable Avoidance Measures Method Statement (RAMMS). The ECW, appointed under separate condition, will ensure that the Statement is implemented as set out in Section 5.4.23 - 5.4.34 and Appendix 6 as well as the implementation of other ecological mitigation and enhancement measures as set out in Section 5 of the Preliminary Ecological Appraisal (PEA), Phase 2 Bat Survey & Great Crested Newt eDNA report (Pearce Environmental Ltd, 2020) and will provide a detailed statement in this regard to the local planning authority prior to any occupation of the extended accommodation.

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species

6. Prior to the first occupation of the extensions to the dwelling full details of both hard and soft landscape works (including timetable for implementation) shall be submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved details and timescales. Any trees or plants that are removed, die or become seriously damaged or defective within 5 years 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

7. Prior to first occupation / use of the extensions, the makes, models and locations of bat and bird boxes shall be installed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- o A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
- o A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), swifts, sparrows and small crevice dwellings birds (swift bricks or boxes also suitable for this range of species) and/or house martins (house martin nesting cups).

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

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

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

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

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

9. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between March and August inclusive, unless an appropriately qualified and experienced ecologist has undertaken a careful, detailed check of vegetation / the building for active birds' nests immediately before the vegetation is cleared / works to the building commence and provided written confirmation to the Local Planning Authority that no nesting birds will be harmed and/or that there are appropriate measures in place to protect structures used by nesting birds on site.

Reason: To ensure the protection of nesting birds, which are protected under the 1981 Wildlife and Countryside Act (as amended).

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

- o Extensions;
- o Additions or alterations to the roof, including dormer windows;
- o Free standing buildings within the curtilage;

Reason: To maintain the scale, appearance and character of the development and to comply with SC Core Strategy 6 and Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

11. The flat roof to the single storey rear extension shall at no times be used as an amenity area.

Reason: To protect the amenity of neighbouring residents.

Informatives

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

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

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

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

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

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-andtrees/>

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

3. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

During all building renovation, demolition and extension works there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc.

If a bat should be discovered on site then development works must halt and a licensed ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed. Breathable roofing membranes should not

be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

4. The latest Bat Conservation Trust guidance on bats and lighting is currently available at http://www.bats.org.uk/pages/bats_and_lighting.html. Useful information for householders can be found in Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (Bat Conservation Trust, 2014).

5. Great crested newts are protected under the 1992 Habitats Directive, the 2017 Conservation of Habitats and Species Regulations and the 1981 Wildlife and Countryside Act (as amended). It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences. If a great crested newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

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

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

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

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

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

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

7. 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: www.shropshire.gov.uk/environmental-maintenance-and-enforcement/drainage-andflooding/flood-risk-management-and-the-planning-process.

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

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SCHEDULE OF APPEALS AS AT COMMITTEE 19 January 2021

LPA reference	20/00402/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs B Perry
Proposal	Erection of one dwelling (modification to previously approved); erection of detached double garage
Location	Land Adjacent The Dingle Hopton Wafers Shropshire
Date of appeal	14.08.20
Appeal method	Written Representations
Date site visit	
Date of appeal decision	06.11.2020
Costs awarded	
Appeal decision	Allowed

LPA reference	19/03189/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Miss C Rowson
Proposal	Erection of dwelling (outline application to include means of access, but with matters of appearance, landscaping, layout and scale reserved)
Location	Proposed Dwelling To The South Of Snailbeach Shropshire
Date of appeal	25.11.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/03152/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr John Price
Proposal	Use of land for the stationing of caravans for residential purposes for 1No. gypsy pitch and part retrospective installation of hard standing and septic tank
Location	Land East Of Beamish House Beamish Lane Albrighton Shropshire
Date of appeal	26.11.2020
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/05444/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Hunt
Proposal	Outline application (all matters reserved) for the residential development of one dwelling and garage
Location	Proposed Dwelling To The West Of Park Lane Shifnal
Date of appeal	10.08.2020
Appeal method	Written representations
Date site visit	24.11.2020
Date of appeal decision	08.12.20
Costs awarded	
Appeal decision	Dismissed

LPA reference	19/04424/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	R Whittle
Proposal	Outline application for the erection of 5 No dwellings; formation of new access road and vehicular access to include layout incorporating open space, with all other matters reserved
Location	Land Rear Of Beech Croft Vicarage Lane Highley
Date of appeal	07.09.20
Appeal method	Written representations
Date site visit	29.10.20
Date of appeal decision	17.12.20
Costs awarded	No
Appeal decision	Dismissed

LPA reference	20/03213/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs J Matthews
Proposal	Conversion of part of building to 1no. live/work unit
Location	Stables At Applecross Equestrian Alveley Shropshire WV15 6NB
Date of appeal	21.12.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 8 October 2020

by Jameson Bridgwater DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/L3245/W/20/3254804

Land adjacent to The Dingle, Hopton Wafers, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Brian Perry against the decision of Shropshire Council.
 - The application Ref 20/00402/FUL, dated 29 October 2019, was refused by notice dated 22 April 2020.
 - The development proposed is described as 'Erection of one dwelling (modification to previously approved); erection of detached double garage'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling; erection of detached double garage at land adjacent to The Dingle, Hopton Wafers, Shropshire in accordance with the terms of the application, Ref 20/00402/FUL, dated 29 October 2019, subject to the 7 conditions in the attached schedule.

Preliminary matters

2. The appellants described the development as 'double garage and reposition dwelling'. The Council's description more accurately describes the proposal as 'erection of one dwelling (modification to previously approved); erection of detached double garage', however, I have deleted the reference to modification to previously approved as this is superfluous. I have determined the appeal upon this basis.
3. The appellants within the application form stated that the appeal site was located within Worcestershire (postal address). The Council's decision notice correctly states that the appeal site is located within Shropshire. I have determined the appeal upon this basis in the interests of clarity.

Main issue

4. The main issue in the appeal is:
 - the effect of the siting of the proposed detached garage on the character and appearance of the area.

Reasons

5. The appeal site is located within Hopton Wafers. The site is bounded on two sides by the public highway and to the north east by an area of dense planting.

Land levels fall away steeply to the east down to a stream with mature vegetation on the slopes.

6. The proposed dwelling (Plot 2) would be similar in design to extant planning permission 18/03718/FUL, albeit it would be located closer to the shared northern boundary with plot 1, and moving the corresponding distance away from the south eastern site boundary with 'The Dingle'.
7. The proposed double garage would be erected in front of the dwelling. The access would remain as approved in planning permission 18/03718/FUL, with the hardstanding and parking area in front of the dwelling remaining largely unaltered from the extant permission.

Character and appearance

8. I have carefully considered the Council's representations which argue that the siting of the proposed double garage would be detrimental to the character and appearance of the area. However, although positioned forward of the proposed dwelling, the height, design and roof form of the proposed garage are of a modest scale and proportion meaning that it would not appear incongruous in the street scene. Moreover, whilst I note that the adjoining property 'The Dingle' is set back from the highway with a largely uniform frontage, there are other properties and buildings within Hopton Wafers where built form is located directly adjacent to or close to the carriageway. Furthermore, the proposal would not be dissimilar in position and design to the detached garage located in the garden area of the adjoining house south east of 'The Dingle'. Therefore, the proposal would not result in material harm to the character and appearance of the area nor would it appear 'unneighbourly'.
9. Having come to the conclusions above, it follows that the proposal would not conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy (2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (2015). These seek amongst other things to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character.

Other matters

10. Local interested parties have raised the issues of highway safety, loss of light, diversion of electricity cables, and the removal of a hedge. To ensure highway safety I have applied a condition to ensure that visibility splays are provided and be permanently kept free of all obstacles or obstructions. Regarding the effect of the proposed garage on light, I consider that the proposal would not materially harm the living conditions of occupiers of 'The Dingle'. This is due to the adequate separation between the proposal and 'The Dingle'. In reaching this conclusion I have taken into consideration the position of the garage and the path of the sun.
11. Turning to the diversion of electricity cables and the removal of hedge; based on the evidence before me the diversion of the power lines falls outside the appeal site, a point confirmed by the appellant and consistent with the findings of the Planning Officer's report. With regard to the removal of the hedge, Council have referred to the Ecological Study submitted with an earlier application for the site and investigations at that time established that the front hedgerow did not contain a sufficient number of woody species to classify it as

important under the Hedgerow Regulations. Therefore, after considering these matters there is no technical or substantive evidence presented that would lead me to a different conclusion.

Conditions

12. The conditions suggested by the Council have been considered in light of the advice contained within the national Planning Practice Guidance and the National Planning Policy Framework. The appellant has also agreed in writing that in accordance with the pre-commencement regulations¹, such conditions are acceptable. In addition to the standard implementation condition, it is necessary for certainty, to define the plans with which the scheme should accord. A condition is necessary in the interests of the character and appearance of the area to control external materials to be used in the development. To minimise the risk of flooding, it is necessary for a condition requiring the submission of a scheme for foul/surface water drainage to be agreed with the Local Planning Authority.
13. A condition is necessary requiring the submission of a scheme for investigation of archaeological interest to be agreed with the Local Planning Authority. A condition removing permitted development rights in relation to schedule 2 part 1 class E of the Town and Country Planning (General Permitted Development) Order 2015 as amended is necessary to ensure that any future proposals can be considered in relation to scale, appearance and character and living conditions.

Conclusion

14. For the above reasons and having carefully considered all other matters raised. I conclude that the appeal should be allowed.

Jameson Bridgwater

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans Site Location Plan, Site Plan Drawing No. 1499/1C, Plans & Elevations for house Drawing No. 1499/4, and Plans & Elevations for garage Drawing No. 1499/5
3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

¹ Town and Country Planning (Pre-Commencement Conditions) Regulations 2018

4. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before either dwelling is occupied.
5. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.
6. Visibility Splays shall be provided in accordance with the details shown on plan No 1499/1C prior to first occupation of the dwelling hereby approved and these splays shall thereafter be permanently kept free of all obstacles or obstructions at the level of the adjoining highway carriageway / at a height not exceeding 0.9 metres above the level of the adjoining carriageway.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class E shall be erected, constructed or carried out.

End of schedule.



Appeal Decision

Site visit made on 24 November 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2020

Appeal Ref: APP/L3245/W/20/3256922

Land to the side and rear of 48 Park Lane, Shifnal, TF11 9HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Roger Hunt against the decision of Shropshire Council.
 - The application Ref 19/05444/OUT, dated 12 December 2019, was refused by notice dated 11 February 2020.
 - The development proposed is described as "*one detached dwelling and garage off an improved existing access*".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration. Drawings showing an indicative layout and access have been submitted, and I have had regard to these in determining this appeal.

Main Issues

3. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('the Framework') and development plan policy;
 - (b) The effect of the proposal on the openness of the Green Belt; and
 - (c) If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development in Green Belt

4. Paragraph 145 of the Framework states that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. One such exception is limited infilling in villages.
5. The appeal site consists of a small disused area of land, set within a short row of properties on the western side of Park Lane. It is largely surrounded by

existing dwellings and gardens, and Nos 46 and 54 are located on either side of it. In my view, the proposal would constitute 'limited infilling' as it relates to a small site positioned between existing buildings. However, paragraph 145 of the Framework refers to limited infilling in villages (my emphasis). In this regard, the site is located on the edge of Shifnal, which is described as a town in both the Shropshire Core Strategy (2011) and the Site Allocations and Management of Development Plan (2015). Accordingly, the site is not within a village, and the exception at paragraph 145 of the Framework therefore does not apply to it.

6. My attention has been drawn to a recent allowed appeal decision¹ at 37 Park Lane, Shifnal, which is on the opposite side of the road to the appeal site. However, that site is designated as safeguarded land and so was not subject to Green Belt protections. The appellant has also highlighted a recent allowed appeal decision² in South Staffordshire. However, I note that that proposal is described as being within a village, which is not the case here.
7. For the above reasons, I conclude that the proposal would not meet the relevant exception at paragraph 145 of the Framework. It would therefore be inappropriate development in the Green Belt, which paragraph 143 of the Framework states is harmful by definition and should not be approved except in very special circumstances. The proposal would also be contrary to Policy CS5 of the Shropshire Core Strategy (2011) in this regard.

Openness

8. The proposal would introduce additional built footprint and volume onto land that is currently undeveloped, and it would be clearly visible from along the street. The proposal would therefore fail to preserve the openness of the Green Belt. In this regard, the Framework advises at paragraph 133 that openness is an essential characteristic of Green Belts.

Other considerations

9. The emerging Shropshire Local Plan Review will shortly be published for representations under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. At present, it proposes to remove the appeal site and the adjoining properties from the Green Belt and to include them within the settlement boundary for Shifnal. However, the emerging Local Plan Review is not at an advanced stage and it has yet to be submitted for examination. It is also unclear whether the proposed re-designation of this area will be subject to unresolved objections, and this will only become apparent once the current consultation process has concluded. Moreover, other parts of the Local Plan may be subject to significant unresolved objections, which could lead to it being withdrawn or found to be unsound. Given these uncertainties, and in light of paragraph 48 of the Framework, I attach only limited weight to the emerging Local Plan Review at this stage.
10. It is asserted that the development of nearby areas of safeguarded land under permission Refs 13/04840/FUL and 13/04841/FUL has effectively brought the site into the built up area of Shifnal. However, those developments do not alter the current Green Belt status of the site. In this regard, the Framework is

¹ APP/L3245/W/19/3230499

² APP/C3430/W/18/3207145

clear that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or updating of plans.

11. It is also asserted that a large single storey outbuilding could be constructed on the site using permitted development rights that would be comparable in size to the appeal proposal. However, there is no indication before me that this would be pursued in the event that the appeal is dismissed, and no plans of an alternative scheme have been submitted. Accordingly, there appears to be no greater than a theoretical possibility that this would take place.
12. The proposal would not directly offend any of the 5 purposes that Green Belt serves, as set out at paragraph 134 of the Framework. However, that is not uncommon in the case of smaller developments such as this, and it does not alter the fact that the proposal would constitute inappropriate development in the Green Belt, and would result in a loss of openness.
13. The proposal would make a small contribution towards the local supply of housing. It would also generate some modest economic benefits including the creation of employment, and the purchasing of materials and furnishings. However, such benefits are common to developments of this type and size.
14. The appeal site is within walking distance of a primary school and Shifnal town centre. The site is therefore in a relatively accessible location and future occupiers would not be unduly reliant on the use of a private vehicle.

Other Matters

15. The appeal site is surrounded by existing dwellings and gardens on all sides. However, I am satisfied that it would be possible to develop a single storey dwelling on the site without significantly harming the living conditions of neighbouring occupiers in relation to privacy and outlook. In this regard, full details of the proposed design, height, and layout would be determined at reserved matters stage.

Conclusion

16. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. Even when taken together, the other considerations in this case do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to Policy CS5 of the Shropshire Core Strategy (2011), and guidance contained in the Framework.
17. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

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Appeal Decision

Site Visit made on 29 October 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/L3245/W/20/3256372

**Land to rear of Beechcroft & Maroc, Off Vicarage Lane, Highley
BRIDGNORTH, WV16 6JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Whittle against the decision of Shropshire Council.
 - The application Ref 19/04424/OUT, dated 3 October 2019, was refused by notice dated 30 May 2020.
 - The development proposed is the erection of 5 No dwellings; formation of new access road and vehicular access to include layout incorporating open space (with all other matters reserved).
-

Decision

1. The appeal is dismissed.

Applications for costs

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

Procedural Matters

3. During the course of the application, a revised scheme was submitted in which the number of dwellings proposed was reduced from 6 to 5. The Council's decision relates to this amended scheme, which I have referred to in the description of development above.
4. The application was submitted in outline with access and layout included. Matters of appearance, landscaping and scale were reserved for future approval. I have considered the appeal on this basis, and have treated the details of landscaping and dwelling types shown on the submitted layout plan as being indicative.

Main Issues

5. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area;
 - ii) the living conditions of the present and future occupiers of Beechcroft, Maroc and the proposed development, with particular regard to privacy, noise, disturbance and odour; and

- iii) whether the proposal would provide a safe and suitable access, with particular regard to parking arrangements.

Reasons

Character and appearance

6. The appeal site is located within the built up area of Highley, on land which previously formed part of residential gardens and is now overgrown with long grass and self-seeded saplings. There is no vehicular access onto the site, which fronts onto Vicarage Road and is bounded by a substantial brick wall with flying buttresses and a high beech hedge. The site is also bounded by residential gardens and a public footpath, with an electricity sub station in one corner.
7. Vicarage Lane is narrow, and shortly beyond the appeal site turns into a country lane. The significant vegetation along this side of Vicarage Lane, together with views of the countryside beyond, contribute to the area having a green and semi-rural character.
8. Residential properties around the appeal site vary in style and size, but are generally set back from the road in generous plots, with substantial gardens. The houses on the opposite side of the road are semi-detached, whilst Maroc and Beechcroft, which border onto the site, are large detached properties. I acknowledge that there are dwellings set within smaller plots on St Peters View close by, but as noted by the previous Inspector, the significant difference in levels means that these bungalows are not viewed in the same context as the appeal site.
9. The proposed site layout has a significant area for turning and parking in the centre, but this has resulted in small plot sizes for the 5 dwellings, with narrow widths and short gardens. The layout would not reflect the spacious character and generous plot sizes of the majority of properties in the surrounding area.
10. The proposed terrace on plots 1-3 would front directly onto Vicarage Lane with an adequate set back. However, the overall site layout, with two properties at the rear and a separate parking area, would not reflect the general form of development in the area, in which properties front directly onto the road with curtilage parking. The access road would rise quite steeply but would provide views into the site, which would be dominated by a significant area of hardstanding. This would fail to respect, and would cause harm to, the verdant character of the surrounding area.
11. As a result of the proposed site layout, with small plots, a large area of hardstanding and houses set back from the road frontage, the scheme would cause harm to the character and appearance of the area. It would conflict with Policies CS6 and CS17 of the Shropshire Core Strategy 2011 (Core Strategy) and Policy MD2 of the Shropshire Site Allocations and Management of Development Plan 2015 (SAMDev). Amongst other considerations, these policies require that development contributes to local distinctiveness and is appropriate in scale, density, pattern and design, taking into account the local context and character.

12. There would be further conflict with the paragraph 127 of the National Planning Policy Framework (the Framework) regarding the need for high quality design which is sympathetic to local character.
13. The Council has also referred to SAMDev Policy MD12 but there is no suggestion that the proposal would cause significant harm to any of the natural assets included in this policy.

Living conditions

14. Beechcroft is a two storey detached property and is situated at a significantly higher level than the appeal site. A retaining wall runs along the shared boundary with proposed plot 1, at the height of Beechcroft's lawn. Above the level of the wall, there is no boundary fence or hedge on the Beechcroft side, although individual ornamental trees provide some, limited screening.
15. Beechcroft has a number of windows on the rear elevation which would directly overlook the rear garden of plot 1, albeit at a slight angle. Although the windows would be a reasonable distance away, the greater height of Beechcroft would result in the existing property feeling overly dominant when viewed from the garden area of plot 1, with windows looking down into the private amenity space resulting in a loss of privacy.
16. The site layout plan shows landscaping along this boundary which would provide additional screening, although it is unclear which, if any, of the existing trees on the appeal site would be retained. Due to the differences in levels, it would take a considerable period of time for any new vegetation to grow sufficiently to provide screening from the upper floor windows of Beechcroft. As a result, there would be harm to the living conditions of the future occupiers of plot 1, due to loss of privacy.
17. The proposed dwelling at plot 1 would be close to the shared boundary with the rear garden area of Beechcroft, but due to the level differences and the proposal to limit the height of this building, it would not be unduly dominating or overbearing when viewed from Beechcroft house or garden area. I acknowledge that this is an outline application which does not include scale, and that a bungalow on this plot would not necessarily result in a building of reduced height, but I am satisfied that these are matters which could be addressed at reserved matters stage, together with the position of windows, to avoid any potential overlooking from the proposed dwelling to the rear garden of Beechcroft. The impact of the proposed dwelling at plot 1 on Beechcroft would therefore be acceptable.
18. The side elevation of the proposed semi-detached house on plot 4 would be close to the rear garden of Maroc, which is a large bungalow, set at a higher level than the appeal site. There is currently significant vegetation within the appeal site which provides effective screening along this boundary, although it is unclear whether any of this would be retained, and the layout plan shows no landscaping along the side boundary of plot 4. The garden area of Maroc is wide and the proposed house would only affect part of it, but the new house would nonetheless appear as a dominant feature when viewed from the garden, despite the level differences.

19. The proposal would introduce activity in the form of vehicle movements, use of outdoor areas and general comings and goings. This activity would take place in an area where there currently is none, close to the private rear gardens of Beechcroft and Maroc, where occupiers have a reasonable expectation of peace and quiet.
20. Parking for plot 4 would be adjacent to the rear garden of Maroc. This alone would not involve many vehicle movements, but the effect of vehicles associated with all five dwellings using the turning area would have the potential to cause unacceptable noise and disturbance to the occupiers of Maroc. This would not be adequately mitigated by the proposed retention of a small landscaped area adjacent to the shared boundary.
21. Furthermore, I share the Council's concerns that occupiers of, or visitors to, plots 1-3 may prefer to park closer to their properties, on or next to the landscaped area, rather than using the parking area on the other side of the site. This would further contribute to the potential for noise and disturbance from vehicle movements close to the rear garden of Maroc. The effect on Beechcroft would be less pronounced, as it would be separated from the turning area by plot 1.
22. Large refuse vehicles would not be able to access the site, so the layout shows an area for bins to be left whilst awaiting collection. This would be sited on the Vicarage Lane frontage, adjacent to plot 3. I acknowledge that this area would be designed to be used for bin collections only, with the expectation being that bins would be stored at the individual properties at other times. However, it would be necessary for occupiers of plots 4 and 5 in particular to move bins a reasonable distance to reach the collection area. Unless all residents consistently used the collection area in a responsible manner, including moving bins promptly, there would be potential for littering and odour to occur, resulting in harm to the living conditions of the occupiers of plot 3. The location of the bin storage area would also have the potential to cause harm to the appearance of the area.
23. I conclude that the proposed layout would result in harm to present occupiers of Maroc due to noise and disturbance, and future occupiers of plots 1 and 3, due to privacy and odour. It would therefore conflict with Core Strategy Policy CS6 which requires that new development safeguards residential amenity, and Framework paragraph 127f) which requires a high standard of amenity for existing and future users.
24. Core Strategy Policy CS17, concerned with environmental networks, and SAMDev Policies MD2 and MD12 regarding sustainable design and the natural environment, are not directly relevant to this second main issue.

Access and parking

25. The layout provides for two spaces for each of the five dwellings, with an additional two visitor spaces. I agree with the Council that it would be preferable for plots 1-3 to have parking within their curtilages, and that the proposed layout could result in residents choosing to park closer to their properties, with implications for noise and disturbance, as described above.

However, the proposal would provide enough spaces to meet the needs of the proposed dwellings within the site.

26. The parking spaces would not be in a location which would not be particularly secluded or tucked away. The majority of the spaces would be visible from the dwellings on plots 4 and 5, and, depending on the location of windows, plot 3 also. The appellant has confirmed that low level lighting could be provided. In terms of surveillance and public safety, I consider that the proposed parking arrangements would be acceptable.
27. A small number of the spaces would be partially underneath overhanging branches of lime trees, which can cause a sticky residue and other detritus. Regular pruning would be needed to overcome this problem, without which, these spaces may well be less attractive for residents to use at certain times of the year. However, even excluding those spaces, which could be left for less frequent visitor use, there would be sufficient spaces for residents.
28. I acknowledge that there may, at times, be problems with inappropriate parking on Vicarage Lane, but the site makes adequate provision for parking on site and I see no compelling reason why residents would choose to park on Vicarage Lane instead.
29. I note that the highways officer has made no objection to the proposal on the grounds of access or highway safety.
30. I conclude that the proposal would be capable of providing a safe and suitable access, with particular regard to parking arrangements. I find no conflict with Core Strategy Policy CS6 which requires development to be safe and accessible to all, with appropriate car parking provision. No conflict would exist with Framework paragraph 109 regarding highway safety.
31. Core Strategy Policy CS17 and SAMDev Policies MD2 and MD12 are not directly relevant to this particular issue.

Other Matters

32. The proposal does not make provision for public open space, as required by SAMDev Policy MD2, although I note the appellant's comments that on-site provision could be made available next to plot 5. The precise requirements for open space, which relate to the number of people, have not been made clear, but as I am dismissing the proposal on other grounds, I have not pursued this matter any further.
33. The appeal site is located within an existing built up area, a short distance from local services and facilities in Highley. The principle of residential development on the site is not disputed, and the proposal would provide additional housing which, notwithstanding the Council's ability to demonstrate a five year supply of deliverable housing sites, would be a benefit of the scheme. However, this does not overcome the significant deficiencies of the scheme which I have identified.
34. I have found that the proposal would be acceptable in terms of the access and parking arrangements, and that, subject to appropriate conditions, the Council has made no objections on ecological grounds or in relation to trees. However,

these factors represent a lack of harm and are neutral within the planning balance.

35. I note the appellant's comments that the proposal would make efficient use of land, but whilst promoting this, Framework paragraph 117 also highlights the need for development to safeguard the environment and ensure safe and healthy living conditions. I have found that the proposal would cause harm to the character and appearance of the area, and would result in noise and disturbance, which could impact adversely on the quality of life of existing occupiers. As such, it would not comply with paragraph 117.
36. The Council has referred to Framework paragraph 11 in its reason for refusal, but the proposal fails to comply with relevant development plan policies which are not out-of-date. The provisions of paragraph 11 therefore do not apply in this case.

Conclusion

37. Material considerations do not indicate that I should conclude other than in accordance with the development plan as a whole. I therefore conclude that the appeal be dismissed.

R Morgan

INSPECTOR

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