

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

Date: Monday, 5 April 2021

Committee:
Southern Planning Committee

Date: Tuesday, 13 April 2021

Time: 2.00 pm

Venue: THIS IS A VIRTUAL MEETING - PLEASE USE THE LINK ON THE AGENDA TO LISTEN TO THE MEETING

Members of the public will be able to listen to this meeting by clicking on this link: <http://shropshire.gov.uk/SouthernPlanningCommittee13April2021>

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- You will need to download MS Teams (free) and click on the link to listen to the meeting if you are using a PC
- If using a mobile device, you will need to download the MS Teams app (free) before clicking the link
- Use the link at 2.00 pm on the day of the meeting and click on 'Join as Guest'
- You may receive an error message or a request for login details if you try to gain access before 2.00 pm

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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 Southern Planning Committee meeting held on 16 March 2021.

Contact Linda Jeavons (01743) 257716.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Friday 9 April 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 Proposed Residential Development Land South East of Springbank Farm Shrewsbury Road Church Stretton Shropshire (18/01258/OUT) (Pages 5 - 44)

Outline application for the erection of 5 No dwellings, to include means of access (re-submission and amended description)

6 Acton Arms Hotel Morville Bridgnorth Shropshire WV16 4RJ (20/03647/OUT) (Pages 45 - 70)

Outline application for residential development of 3 no. detached dwellings to include access, layout and scale (Amended description 25.01.2021.)

7 Proposed Residential Development Land To The South Of Doddington Shropshire (19/01329/FUL) (Pages 71 - 86)

Erection of 2no. detached dwellings

8 Middleton Mill Neenton Bridgnorth Shropshire (19/04823/FUL) (Pages 87 - 114)

Erection of 1No dwelling, detached double garage with room above, summer house, installation of septic tank

9 Land West Of Blacksmiths Cottage Broome Aston On Clun Shropshire (20/03308/FUL) (Pages 115 - 136)

Erection of one dwelling with detached garage

10 Proposed Residential Development Land To The South Of Callaughtons Ash Much Wenlock Shropshire (20/04432/FUL) (Pages 137 - 166)

Erection of 14 No. affordable dwellings with associated parking, roads and landscaping

11 Development Land West of Springfield Park, Clee Hill, Shropshire (20/04700/VAR)
(Pages 167 - 184)

Variation of Condition No.s 1 (approved plans) and 7 (landscaping) attached to Planning Permission Ref. 19/03888/VAR dated 28 January 2020 (as amended)

12 Redthorne Farm Barns Redthorne Hill Cleobury Mortimer Shropshire
(21/00180/FUL) (Pages 185 - 202)

The Laying of a hardcore track and creation of a new access from an unregistered road into the field for the purposes of agriculture.

13 19 Burley Craven Arms Shropshire SY7 9LW (21/00496/FUL) (Pages 203 - 216)

Erection of single storey side extension

14 Schedule of Appeals and Appeal Decisions (Pages 217 - 220)

15 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday, 15 June 2021



Committee and Date

Southern Planning Committee

13 April 2021

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 16 March 2021

2.00 - 3.55 pm

Meeting held virtually via Microsoft Teams

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, Cecilia Motley, Tony Parsons, Madge Shineton, Robert Tindall and Tina Woodward

181 Apologies for Absence

Apologies for absence were received from Councillor Richard Huffer

182 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 16 February 2021 be approved as a correct record and signed by the Chairman.

183 Public Question Time

There were no public questions

184 Disclosable Pecuniary Interests

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

With reference to planning applications 20/03173/MAW and 20/05371/FUL, Councillor Simon Harris declared that he had previously worked for the applicant and that he would withdraw from the meeting and take no part in the debate and would not vote on the items

185 Salop Sand & Gravel Supply Co Ltd, Gonsal Quarry, Condover, Shrewsbury, SY5 7EX (20/03173/MAW)

In accordance with the declaration made at minute 185, Councillor Simon Harris took no part in the debate and did not vote on this item.

The Principal Planner introduced the application, which was an application for the formation of southern extension; new extraction beneath existing lagoons and progressive restoration for a period of 6 years at Gonsal Quarry 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 and to further emails received.

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

- Mr & Mrs Regan, local residents in opposition to the proposal
- Condover Parish Council in opposition to the proposal
- Councillor Dan Morris, local Member in opposition to the proposal. (In accordance with the public speaking protocol Councillor Morris read his statement)
- Robin Smithyman (Agent) on behalf of the applicants in support of the proposal

During the ensuing debate Members comments included

- Concern regarding the ongoing effect of large lorries travelling through the village of Condover.
- Concern regarding ongoing enforcement action over breaches of current planning conditions
- Concern that SAMDev policy MD5B was not being complied with as the requirement for the creation of a new access to the A49 was not being met.

RESOLVED:

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

The application is in conflict with the development guidelines accompanying SAMDev Policy MD5b in that the requirement for a new access to the A49 avoiding Condover village has not been met. Consequently, the proposals would result in an unacceptable continuation of large quarry HGV movements through Condover Village and Conservation Area and a corresponding adverse impact on local amenities. It is not considered that the applicant's mitigation proposals are sufficient to address this. (SAMDev Policy MD2, MD5b, MD13, MD13)

186 Norton Farm' Condover, Shrewsbury, SY5 7AR (20/05371/FU)

In accordance with the declaration made at minute 185, Councillor Simon Harris took no part in the debate and did not vote on this item.

The Principal Planner introduced the application, which was an application for the Development of a satellite stocking yard to serve operations from Gonsal Quarry

The Principal Planner advised Members that in light of the refusal of the previous application, as the applications were interdependent his recommendation would change to one of refusal as the primary justification for the proposal did not now apply.

RESOLVED:

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

The depot proposals are inter-dependent with an application to extend Gonsal Quarry near Condoover which has been refused (20/03173/MAW). The primary justification for the proposals to allow improved control of quarry traffic passing through Condoover does not therefore apply. Accordingly, there is insufficient justification for the proposals to outweigh the general protections afforded to the open countryside under Core Strategy Policy CS5 and related policies. (Core Strategy Policy CS5, CS17, SAMDev Policy MD2, MD7b, MD12)

187 The Beehive, Curriers Lane Shifnal TF11 8EQ (20/04435/FUL)

The Principal Planner introduced the application, which was an application for the erection of nine affordable houses including associated drives following demolition of derelict pub including disused car park 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:

- Shifnal Town Council
- Scott Drummond on behalf of the applicant

During the ensuing debate Members comments included

- Members understood the concerns expressed by the Town Council regarding the layout of the site but felt that the layout was the best that could be achieved in the space available.
- Development would deliver much needed affordable housing and tidy up a currently derelict site

RESOLVED:

In accordance with Officer recommendation planning permission be granted subject to the conditions set out in appendix 1 to the report as amended in the schedule of representations.

188 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 16 March 2021 be noted.

189 Date of the Next Meeting

The Chair advised the meeting that the meeting scheduled for the 23rd March had been cancelled

RESOLVED:

That it be noted that the meeting scheduled for the 23 March had been cancelled and that next meeting of the Southern Planning Committee would be held at 2.00 pm on Tuesday, 13 April 2021

Signed (Chairman)

Date:

Development Management Report

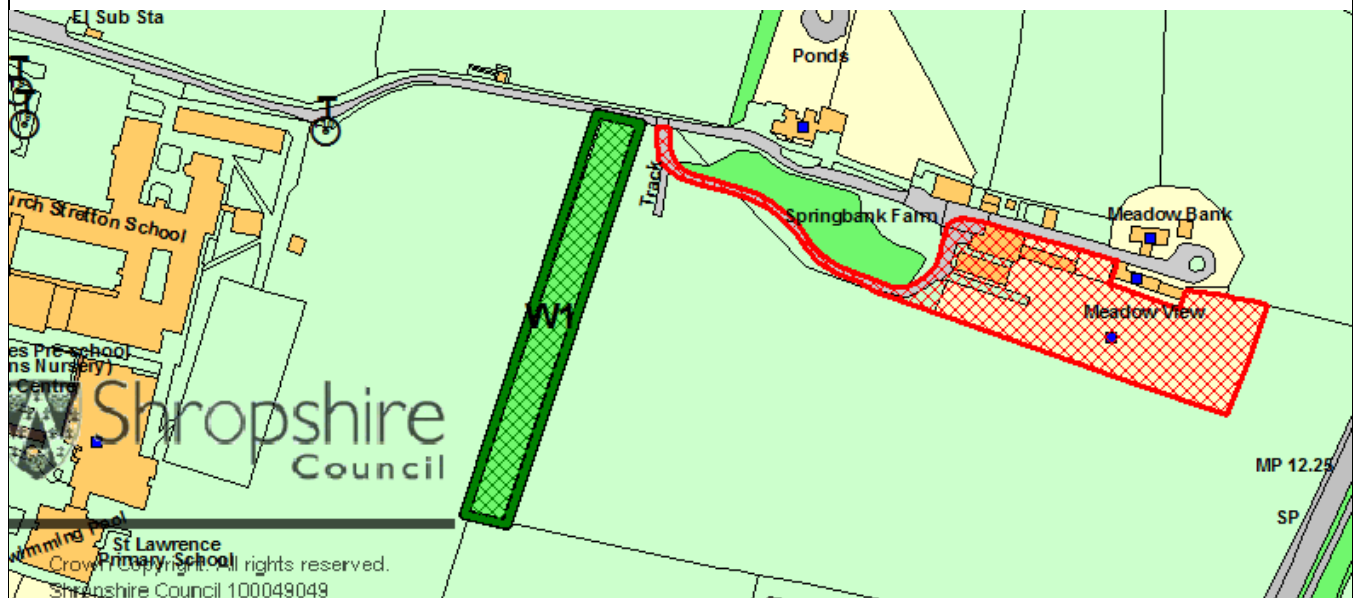
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 18/01258/OUT	Parish:	Church Stretton
Proposal: Outline application for the erection of 5 No dwellings, to include means of access (re-submission and amended description)		
Site Address: Proposed Residential Development Land South East of Springbank Farm Shrewsbury Road Church Stretton Shropshire		
Applicant: Mr & Mrs JN & SA West		
Case Officer: Andrew Sierakowski	email :	planning.southern@shropshire.gov.uk

Grid Ref: 345946 - 294347



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Recommendation:- Refuse the application for the reasons set out in the report attached in Appendix 1 with this report.

REPORT

1.0 THE PROPOSAL AND THE REASON FOR THIS REPORT

- 1.1 This is a resubmission of an outline application for the erection of five (previously six) dwellinghouses, including the means of access on land to the south east of Springbank Farm, Shrewsbury Road, Church Stretton.
- 1.2 The application was reported to the meeting of the Southern Committee held on 16th February 2021, and Members will recall that the Committee voted to approve the application contrary to officer recommendation. A copy of the Development Management Report on the application is attached as an Appendix 1 to this report.
- 1.3 Because of the decision of the Committee, the application has to be readvertised as a departure from the development plan, and opportunity given for further presentations to be submitted. Two additional representations have been received objecting to the development. Accordingly, the application is represented to this Committee to enable it to reconsider its decision. The Committee may; either ratify the decision previously taken and approve the application; or, reconsider its decision and determine the application in accordance with the Officer Recommendation set out in the report included in Appendix 1; taking into account any material considerations raised in the additional representations that have been submitted, and this report.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site extends to 0.55ha, with the main part of the site located approximately 800m north-east of Church Stretton town centre, between the Shrewsbury Road to the west and the Shrewsbury to Hereford railway line and A49 to the east. Church Stretton School lies immediately to the west of the main part of the site. Full details are set out in the attached report included in Appendix 1.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The proposed development does not accord with development plan policy. Craven Arms Town Council has however not objected to the application, but the officer recommendation is contrary to the view of the Town Council, and these contrary views cannot reasonably be overcome by negotiation or the imposition of conditions. The Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman and the Local member, consider that it raises material issues and that it should therefore be referred to the Committee for determination.

4.0 ADDITIONAL REPRESENTATIONS

- 4.1 As detailed above, two additional representations have been received from the

Save Snatchfield Group and All Stretton Village Society and, the Clive Avenue Residents Association, following the decision of the Committee at its meeting on 16th February 2021. These are relatively lengthy and full copies of the two letters are attached in Appendix 2. They raise what are largely procedural matters, but in summary they both state that they have been written to “challenge” the validity of the decision and make the following points:

- That the key conclusions from the officers’ report are that planning permission should not be granted because the proposed site is located in an area designated as countryside by the current SAMDev and is outside the town’s development boundary. Further, the site is located within an AONB but the proposals make no reference to the requirements of NPPF172 nor of the enhanced requirements laid down by the Waverley case (Secretary of State for Housing, Communities and Local Government and others v Waverley BC [2021] EWCA Civ 74). In addition, by being outside the town’s development boundary the additional houses will not count towards the town’s windfall targets, and it is unclear how what were referred to by a Committee Member as “five £750,000 houses” will help satisfy any need for affordable housing;
- The Southern Planning Committee erred when reaching its decision to approve planning permission;
- The proposal had been materially changed from the outline case filed in 2018, and as such these new proposals should have been consulted upon, and that to have deprived those entitled to be consulted is manifestly unfair and a proper subject for Judicial Review;
- The matters relied upon by Members and cited during their discussion, most particularly the housing need numbers within Church Stretton and the status of the land, were incorrect and that if they had been correctly presented it is likely that Members would have voted against granting permission;
- The rationale of Members to place reliance on policy MD3 was flawed, and had been explicitly rejected by officers in their written report;
- That in seeking to establish the views of the local community, the comments of Councillors representing Church Stretton were accorded great weight and several Members made reference to the views as they were reported.
- The views of residents in Church Stretton and All Stretton, the communities between which the proposed Spring Bank Farm development is located, are well known and have been recorded by surveys for the Community Led Plan. These views are categorically that the green space between the communities should be retained;
- That in reporting the views of Church Stretton to be in conflict with these recent published surveys it is unclear from which source or on which authority these assertions are made. There are no minutes or other record which show a discussion by the Council;
- The recusal by the Chair from the item concerning Springbank Farm as a result of his pecuniary interest in the site was welcomed and respected. In normal times any such Member would physically leave the meeting and be unable to monitor or take part. However, the operation of Covid rules appears to have inadvertently compromised this impartiality, and in particular

- the recused Member, having explained their pecuniary interest, then read a personal statement. This Member was then asked to turn off their microphone, but was still able to hear the debate. That not only is justice done but seen to be done is critically important and that principle appears to be compromised in this instance;
- The Shropshire Council Solicitor read a statement from Church Stretton Council. This statement referred to ‘attachments’ which the solicitor confirmed had previously been circulated to Committee Members. Having listened closely to the recording of the Planning Committee, these ‘attachments’ would seem to be key documents. However, none were available on the Planning Portal. As such, neither public scrutiny nor challenge was possible;
 - There was a failure of the Planning Committee to observe and adhere to the proper protocols and property of public service as set out in Local Government guidance “Probity in Public Office”;
 - The courts have expressed the view that the Committee’s reasons should be clear and convincing. The Committee’s points were based on incorrect information and the rationale for disregarding Planning Officer recommendations were neither evident nor clear;
 - That if a councillor is concerned about an officer’s recommendations, they should discuss their areas of difference and the reasons for that with officers in advance of the committee meeting. There was no indication or evidence that this has happened and none presented at the meeting as far as I am aware.
 - That if there was a concern about the validity of reasons, the Committee should have considered deferring the decision to another meeting to have the reasons tested and discussed. There has been no consultation or delay to the decision process in order to accommodate this assurance process;
 - If the Planning Committee makes a decision contrary to the officers’ recommendation (whether for approval or refusal or changes to conditions or s.106 planning obligations), a detailed minute of the Committee’s reasons should be made and a copy placed on the application file. Two weeks after the meeting this had not happened;
 - The officer should also be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome based on policies set out in the development plan and the NPPF, and chances of a successful award of costs against the local authority, should one be made.
 - The implication of the decision, because it is contrary to the updated Local Plan and recent consultations, will result in a great deal of negative sentiment within the community and an appeal is highly likely as the implications are far wider than this single application.
 - All applications that are clearly contrary to the development plan must be advertised as such and are known as ‘departures’ from the development plan. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified;
 - The decision was contrary to the updated development plan. The information relied upon at the meeting was incorrect and out of date;

- The committee decision went against the recommendation of the Planning Officers and the reasons cited were based on outdated and incorrect information and did not refer to the updated local plan;
- Local Residents and stakeholders, including the AONB were entitled to have been consulted and have not been despite the previous decision for this site and despite recent decisions relating to Church Stretton in the local development plan; and
- That the decision of the Southern Planning Committee should not be approved, the latest proposals should be openly consulted upon, and the decision should then be returned to the Southern Planning Committee to be considered afresh.

5.0 THE KEY ISSUES FOR CONSIDERATION

- 5.1 The issue for consideration as set out above, whether the Committee wishes to either ratify the decision previously taken and approve the application or reconsider its decision and determine the application in accordance with the Officer Recommendation set out in Appendix 1. The relevant matters are set in the report included in the report in Appendix 1, although the additional representations included with this report must also be taken into consideration.
- 5.2 The matter set out in the comments included in the two additional representations largely relate to procedural matters, and do not given rise to any substantive reasons that would lead officers to making a different recommendation from that set out in the original Development Management Report included in Appendix 1.
- 5.3 There are a number of additional points to note arising out of the representations that have been made as follows:
- (i) It is stated that the amended plans (reducing the number of dwelling proposed from six to five) had not be re-consulted on. This was the case but as the amended plans resulted in a reduced scheme compared with that originally proposed, they were not considered to give rise to any additional material considerations. Notwithstanding that this was the case, the application has, following the Committee’s original determination, been readvertised as a departure from the development plan and opportunity given to make additional representations;
 - (ii) It is stated that the decision was contrary to the updated development plan and that the information relied upon at the meeting was incorrect and out of date. It is unclear if this is reference to the Shropshire Local Plan Review. If it is intended as such, then the Committee should note, as set out in Section 6.1 of the Development Management Report to the February 2021 Committee, that little or no weight can, as yet, be attached the Shropshire Local Plan Review;

It also unclear what the information referred to is, on which it is stated the Committee relied. However, since the application was considered by the

Committee in February 2021, the Council's updated Five-Year Housing Land Supply Statement (2021) for the period to the 31st March 2020 have been published. These show for Church Stretton, that up to 31st March 2021, there had been 216 completions and that there were planning permission for an additional 65 dwellings, giving a total of 281 completions or sites with planning permission against a housing guideline of about 370 dwellings in the period between 2006 and 2026.

- (iii) One of the letters includes reference to paragraph 172 NPPF, which as the attached Development Management Report (at paragraph 6.1.4) identifies that “great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and that they should be attributed the highest status of protection in relation to these issues” and that “the scale and extent of development...should be limited”.

The same letter refers to Waverley case (Secretary of State for Housing, Communities and Local Government and others v Waverley BC [2021] EWCA Civ 74). This relates to an appeal against the refusal of planning permission based on the correct interpretation of Paragraphs 11(d)(i) and 172 of the NPPF. Paragraph 11(d) applies in situations where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. It states that planning permission should be granted in these circumstances unless the application of policies in the Framework (the NPPF) that protect areas of particular importance provides clear reason for refusing the development proposed. It was concluded that the weight to be given to conserving Areas of Outstanding Natural Beauty (AONB) set out in Paragraph 172 was capable of providing a clear reason for refusing planning permission under Paragraph 11(d)(i).

In relation to the current application whilst Paragraph 11(d) cannot be considered to apply as the relevant development plan policies are not out of date, the case nevertheless expressed the importance of the weight to be given to the conserving and enhancing of AONBs, and that it was capable of providing a clear reason for refusing planning permission under 11(d)(i).

- 5.4 If the Committee is minded to ratify its previous decision, to approve the application, it will need to ensure that it gives clear and convincing planning reasons for approval against officer recommendation and how these considerations justify overriding the development plan. Equally, if the Committee minded to refuse the application, it will need to give clear reasons for doing so.

6.0 CONCLUSION

- 6.1 The conclusions remain as set out in the Development Management Report attached in Appendix 1.

7.0 Risk Assessment and Opportunities Appraisal

7.1 Risk Management

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

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

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

7.2 Human Rights

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

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

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

7.3 Equalities

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

8.0 Financial Implications

8.1 There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

9. Background

Development Plan Policy

Shropshire Local Development Framework: Adopted Core Strategy (March 2011)

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)

National Planning Policy

National Planning Policy Framework (NPPF) (February 2019)

Relevant Planning History

Planning Applications

- SS/1981/552/P/ for the use of land as a caravan site for 12 static holiday caravans. Refused 15/01/1982;
- SS/1/98/ 009369/CE for the use of land as a Touring Caravan site. Approved 08/03/2000;
- SS/1/99/009910/F for the Conversion of a building to form a service block for the caravan park. Withdrawn 26/04/1999;
- 17/01212/OUT Outline application for the erection of 6 no. dwellings to include means of access. Withdrawn 9th June 2017.

10. 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)

- Letter dated 28th February 2021 from Save Snatchfield Group and All Stretton Village Society; and
- Letter, undated from Clive Avenue Residents Association
- Shropshire Council, Five Year Housing Land Supply Statement, Data to: 31st March 2020, Published: 19th March 2021.

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

Cllr. Lee Chapman
Cllr David Evans

Appendices

Appendix 1 - Development Management Report on Planning Application Ref. 18/01258/OUT
Appendix 2 - Letter dated 28th February 2021 from Save Snatchfield Group and All Stretton Village Society and Letter, undated from Clive Avenue Residents Association

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Committee and date

Item

Public

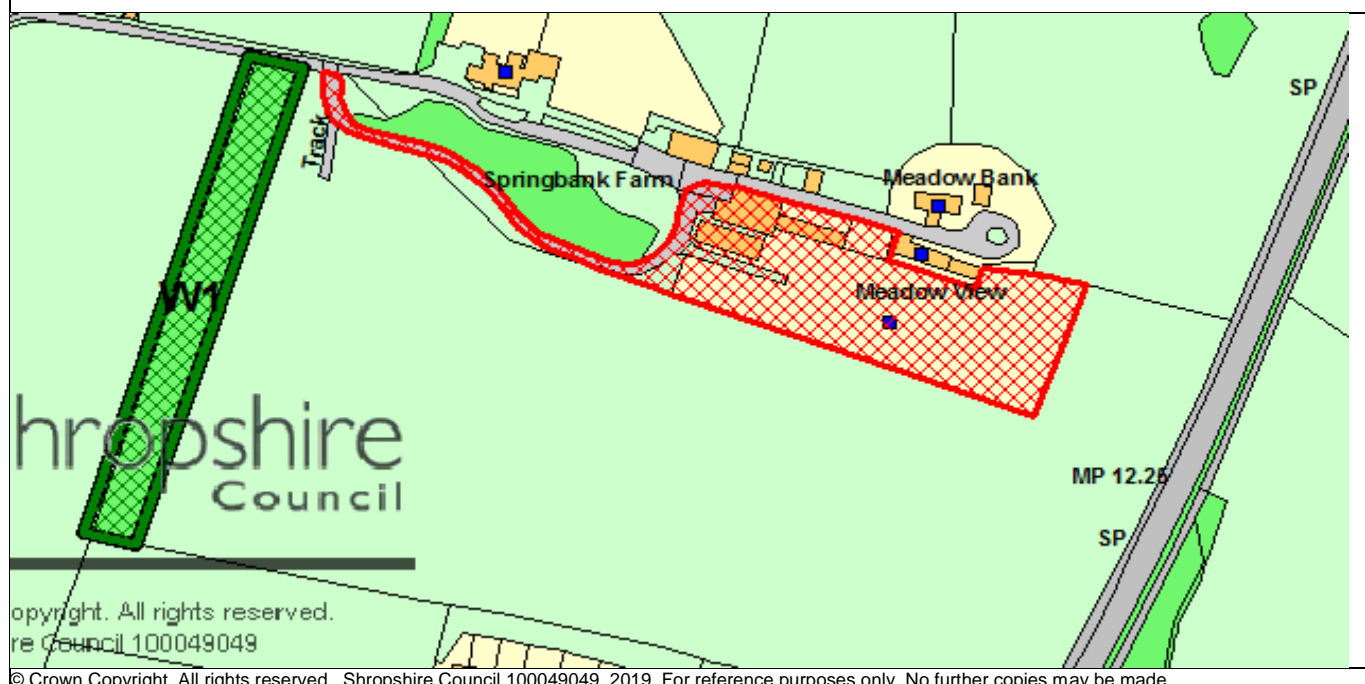
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 18/01258/OUT	Parish:	Church Stretton
Proposal: Outline application for the erection of 5 No dwellings, to include means of access (re-submission)		
Site Address: Proposed Residential Development Land South East of Springbank Farm Shrewsbury Road Church Stretton Shropshire		
Applicant: Mr & Mrs JN & SA West		
Case Officer: Andrew Sierakowski	email: planning.southern@shropshire.gov.uk	
Grid Ref: 345946 – 294347		



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Recommendation:- Refuse for the reasons set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is a resubmission of an outline application for the erection of five (previously six) dwellinghouses, including the means of access on land to the south east of Springbank Farm, Shrewsbury Road, Church Stretton. All matters are reserved apart from the access. The application includes an indicative layout. The application was submitted in March 2018 but has been held in abeyance at the request of the applicant since then, pending publication in July 2020 of the Shropshire Pre-Submission Draft Local Plan 2016-2038. The applicant has now requested that the application be determined.
- 1.2 The application proposes the redevelopment of a campsite, that is no longer in use, for up to five dwellinghouses.
- 1.3 Although an outline application, it states that, in relation to appearance, layout, scale, amount and landscaping, that the development will be intended to respond to and reflect the local vernacular by comprising dwellings up to two storeys in height to echo the existing surrounding development, using a palette of materials that will complement the existing nearby built development, and will potentially utilise passive solar heating and solar PV panels.
- 1.4 The site is bounded by mature tree planting on the southern boundary including a number of conifers. It is proposed to remove all of the conifers on the site but retain the other mature deciduous trees as part of the development.
- 1.5 Access would be provided via the existing access to Springbank Farm off the Shrewsbury Road and 10 car parking spaces would be provided.
- 1.6 Due to shallow groundwater at the site, the drainage of surface water to soakaways is not feasible. Instead, a new system of surface water and foul drains would be installed, with the surface water discharging, via a new shallow attenuation pond, to a pond located to the north east of the main part of the application site. Foul drainage would be to the public sewer that runs along the Shrewsbury Road to the west of the site, although this will require the construction of a pumping station as part of development and installation of a new connection between the site and the Shrewsbury Road.
- 1.7 The following assessments were either submitted with the application or have been submitted during the course of the determination period; a Phase 1 Habitat Survey; a Method Statement to Avoid Damage to Great Crested Newts; A Flood Risk and Drainage Assessment; a Tree Condition Report, Arboricultural Impact Assessment (AIA) Arboricultural Method Statement and Tree Protection Plan; a Heritage Impact Assessment (HIA) and a Technical Note on drainage. The drainage proposals have been amended in the course of the application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site extends to 0.55ha, with the main part of the site located approximately 800m north-east of Church Stretton town centre, between the Shrewsbury Road to the west and the Shrewsbury to Hereford railway line and A49 to the east. Church Stretton School lies immediately to the west of the main part of the site.
- 2.2 With the adoption of Shropshire's Site Allocations and Management of Development Plan (SAMDev) in 2015, the site is now situated between a housing land allocation for up to 50 dwellings to the west and an employment land allocation to the east. In addition, residential development has been relatively recently completed at Lawley Close approximately 130m to the south of the main part of the application site. The application states that as a result of recent development, the appeal of the former campsite's location, as a relatively quiet and secluded location in open countryside, has been significantly compromised.
- 2.3 The application describes Church Stretton is an historic market town that is notable for the quality of its built environment, benefitting from a number of listed buildings and a significant Conservation Area. It acknowledges that it is therefore sensitive to the impacts of additional built development. However, it states that development on the site will be well screened by existing and proposed built development, landscaping and the surrounding landform.
- 2.4 The site lies on the valley floor to the north of Church Stretton, and although part of the area falls within the Flood Zone 2 on the Environment Agency's Flood Map most of the site falls outside this, with only part of the access immediately adjacent on to the Shrewsbury Road and a small area of the main part of the site are located with Flood Zone 2.
- 2.5 The Conservation Area extends out from the town centre and along the Shrewsbury Road to the north, with the boundary of the Conservation located 380m west of the main part of the site. There is an unlisted single storey brick-built dwelling immediately adjacent to the north side of the application site, Meadow Bank, which is believed to be a converted agricultural building, dating from c.1880 which is listed on the Historic Environment Record as a non-designated heritage asset.
- 2.6 The site is located with the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and as such is located on land that forms part of the Shropshire Environmental Network (SEN), lies 620m east of the Long Mynd Site of Special Scientific Interest (SSSI) and 60m north west of the Coppice Leasowes, Church Stretton Local Nature Reserve (LNR).
- 2.7 Church Stretton is included as one of the Market Towns and key Centres in Core Strategy Policy CS3 and SAMDev Policy MD1 and Schedule MD1.1 and under Policy S5 and S5.1 is identified as providing a focus for development in South Shropshire with a housing guideline of about 370 dwellings. New housing development is to be delivered through the allocation of two greenfield sites together with windfall development within the town's development boundary as shown on the Policies Map. The site falls outside the development boundary, being

located approximately 100m east and 190m north of it. One of the two allocated housing sites is the School Playing Fields site (Site Ref. CSTRO18) located approximately 110m west of the main part of the application site and adjacent to the access (included in the current application) on to the B5477 Shrewsbury Road. This extends to approximately 2.2ha and has been allocated for up to 50 dwellings. In addition, there is an allocated employment site, ELR078 (Springbank Farm) located to the immediate north east of the application site, which has been allocated for B1 use.

2.8 There have been several previous planning applications relating to the site, including the following:

- SS/1981/552/P/ for the use of land as a caravan site for 12 static holiday caravans - Refused 15/01/1982;
- SS/1/98/ 009369/CE for the use of land as a Touring Caravan site - Approved 08/03/2000;
- SS/1/99/009910/F for the Conversion of a building to form a service block for the caravan park - Withdrawn 26/04/1999
- 17/01212/OUT which was outline application for the erection of 6 no. dwellings to include means of access - Withdrawn 09/06/2017.

2.9 In addition, there was a Pre-Application Enquiry Ref. PREAPP/14/00454 which related to the development of nine dwellinghouses on the site, which was submitted in August 2014. The response to this advised that the site would be in the open countryside and as such that any application for open market housing would be contrary to policy. The response did however advise that if the SAMDev was adopted and included the then proposed allocations for new housing and employment, that this may, given the proximity of the site to Church Stretton, provide the basis for justifying a departure from policy. The application submitted in 2017 followed from the response to the Pre-Application Enquiry in 2014.

2.10 With work on the Shropshire Local Plan Review on-going, the potential to develop the site has also been raised in the context of the review. The site was not included as a preferred site allocation for new housing in the Shropshire Local Plan Review Consultation on Preferred Sites (undertaken between 29 November 2018 and the 31 January 2019), and it is not now proposed to extend the development of Church Stretton to include the site as part of the Local Plan Review. The Shropshire Pre-Submission Draft Local Plan 2016 to 2038 was published for consultation in July 2020 with the consultation running from 3rd August 2020 to 30 September 2020. This has proposed the deletion of existing allocated housing site, CSTRO18, although as yet little weight can be attached to the deletion. This is understood to have followed from a decision by the Church Stretton School which owns the site, to no longer continue with its development for housing, effectively rendering the allocation unviable. The Pre-Submission Draft Local Plan does not propose any extension to the development boundary to north of Church Stretton to include Springbank Farm or any of the surrounding land and in fact with the proposed deletion of allocated housing site, CSTRO18 it also now proposed to pull back the northern limit of the development boundary to exclude the existing allocation.

2.11 It should be noted that there was a planning application, Ref. 15/01276/FUL which included the land to the south of the current application site and the allocated

housing site CSTRO18, that was withdrawn in January 2020. This was for the erection of 47 dwellings and included the relocation of the sport fields on the allocated site to the area to immediate south of the current application to compensate for the loss. If approved and developed it would have resulted in the extension of the built-up area of Church Stretton to include the allocated housing site, (which is located within the development boundary), but would also have seen the land to the immediate south of the current application site retained as open playing fields. With the withdrawal of the application, it understood that there is now little or no likelihood of the allocated site being developed and why the deletion of the allocation is now proposed in the Local Plan Review.

2.12 Despite the location of the application site outside the development boundary, the withdrawal of the planning application on the nearby allocated site and the proposed deletion of the allocated site, the application nevertheless argues the location of the site is sustainable given its close proximity to Church Stretton.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The proposed development does not accord with development plan policy. Craven Arms Town Council has however not objected to the application, but the officer recommendation is contrary to the view of the Town Council, and these contrary views cannot reasonably be overcome by negotiation or the imposition of conditions. The Principle Planning Officer in consultation with the Committee Chairman and Vice Chairman and the Local member, consider that it raises material issues and that it should therefore be referred to the Committee for determination.

4.0 COMMUNITY REPRESENTATIONS

Parish Council

4.1 Church Stretton Town Council: Comment have not objected to the application but have made a number of points as follows:

- That a tree survey should be undertaken (the report of which has subsequently been submitted), as there are some specimen trees, which could be incorporated into a site-landscaping scheme. They are concerned that the trees to the north of the site should be retained as should those on the eastern boundary, as they would form a screen against the railway line. They consider that the conifers to the south should be removed but that the mature trees abutting the boundary fence should be retained. They also comment that the hedgerow to the south should be retained and filled out with additional hedge planting;
- That noise levels may need to be assessed to determine whether acoustic glass would be needed in any future housing;
- That the character and amenity value of the area should be retained and that a Heritage Impact Assessment should be submitted (which has also subsequently been submitted);
- That details of the foul sewage were initially unknown (but have subsequently been submitted) and they ask if the development is proposing to connect to the existing drainage system;

- That a Great Crested Newt Method Statement, incorporating Risk Avoidance Measures will be required as Great Crested Newts are known to breed in nearby ponds; and
- That part of the access road passes over land, that is in different ownership.

Public Comments

4.2 In addition to the comments from Church Stretton Town Council there have been three third party representations, two of which are stated as being neutral, with one of these being from the Church Stretton Civic Society and, one that offers objection. The two neutral comments make the following points:

- That any developer building in the fields behind Church Stretton School needs to be aware that the developments may alter the balance of water drainage for existing properties in the area and that at times of heavy rainfall water seeps down towards the properties known as Meadow Bank and Meadow View and that the ground stands in shallow water until it has had the opportunity to drain through the heavy clay soil. This is particularly so in the garden behind and to the west of Meadow Bank. These properties have never flooded up to now but an increase in hardstanding ground cover associated with the development may have a deleterious effect;
- That the site is adjacent to the SAMDev allocated sites for employment and housing so that its development would be appropriate infilling that would provide windfall housing between existing developments. However, there has also been a substantial delay in getting the school playing field housing application (now withdrawn) to the approval stage mainly because of the difficulty in reconciling the development with the protection of the borehole water supplies for the adjacent water bottling plant;
- That there are doubts about the demand for artisan, or any other employment units, and therefore the commercial viability of the employment site. If the Council were to decide to delete the housing and employment sites from the list of allocated sites then the approval now of the application would mean that approval had been given to an application within the AONB on land classified as open countryside where development is regarded as exceptional;
- That would therefore be prudent to delay any decision on the application until the it is determined whether future of development on the allocated sites will go ahead; and
- That it may be appropriate for the Council to include the application site with other options for allocated housing sites which will be the subject of formal consultations as part of the Local Plan Review.

4.3 The objecting representation makes the following points:

- That traffic using the access road will be a nuisance to the houses across the main road and a danger to the children coming/going to the school;
- That any disturbance to the trees and the surrounding grounds will be detrimental to the wildlife in the area; and
- That approval of the application will not be of any benefit to Church Stretton and will cause a harm and nuisance.

Technical Comments

- 4.4 Shropshire Council - Affordable Housing: Advise that an affordable housing contribution will be required. or if the development exceeds 1000 sq. metres that on-site provision of affordable housing will be required and that the grant of planning would need to be subject to a s.106 Agreement.
- 4.4 Shropshire Council - Highways: Advise that they have no objection subject to the development being carried out in accordance with the approved details and the inclusion of standard informatives relating to mud on the highway, no drainage discharging to the highway, works on, within or abutting the public highway.
- 4.5 Shropshire Council - SUDS: Comment that part of the site lies within Flood Zone 2. They therefore advise that the Flood Risk (and Drainage) Assessment (FRA) submitted with the application needs to demonstrate that the area of the application site to be developed lies outside of Flood Zone 2 plus climate change.
- 4.6 They initially commented that the Flood Risk and Drainage Assessment states that the surface water drainage from the proposed development is to be disposed of via soakaways, but that no details of infiltration rates and sizing of the proposed soakaways have been supplied.
- 4.7 Following submission of the amended drainage details which now proposes surface water drainage to a pond located to the north east of the main part of the application site via a new attenuation pond, and foul drainage to the public sewer on the Shrewsbury Road, the SUDS Officer has advised that in principle the drainage strategy is acceptable subject to it being demonstrated that the existing drainage system remains in working condition and that the existing pond has a positive outfall to a watercourse. A further response is awaited from the applicant at the time of writing this report but a further update will be provided to the Committee before the application is determined.
- 4.8 Shropshire Council - Trees: Comment that the site contains a large number of mature trees of mixed species including a mature line of cypress trees along the southern boundary and that in aggregate these trees provide a significant feature in the landscape and a link with other blocks of woodland, hedgerows and wet/rough pasture making it an integral part of a local wildlife corridor linking green infrastructure across the valley bottom.
- 4.9 They further comment that the development would require the removal of approximately 60 trees significantly eroding the depth, durability and benefits of the existing screening. They advise that the remaining trees along the southern boundary comprise grey alder and ash, many of which have poor form and condition and would not be compatible in the long term with the development of the site as proposed, and they consider that further losses would be likely to accrue following the occupation of the development due to proximity and shade issues and concerns regarding safety.
- 4.10 They also comment, contrary to what is stated in the applicant's Planning Statement, that the remaining alders (where retained) would not provide a

significant or long-lived screen to the new development and that the loss of the trees on the eastern boundary would open the whole development up to views in from the A49 and from public open space in the AONB from Helmeth Hill and Caer Carodoc.

- 4.11 They further comment, whilst the Design and Access Statement submitted with the application suggests that new native planting would enhance the ecological value of the site and further assist in integrating the development into its landscape setting, that the layout as proposed is such that realistic compensation and improvements for what had been lost, would not be possible.
- 4.12 Consequently, given the likely impacts to trees and green infrastructure the Tree Officer comments that the development of the site as proposed would not be sustainable or meet the requirements set out in local and national policies on natural environment assets and the AONB. They consider that it would erode local green infrastructure and tree cover without the scope to provide adequate restoration or enhancement both from a tree and landscape perspective and in terms of ecological value of the site. They therefore advise that the development would not meet with the requirements set out in the NPPF or Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12.
- 4.13 Shropshire Council - Ecology: Initially advised, because of the presence of three Great Crested Newt breeding ponds within 100m of the site and a Great Crested Newt record at Spring Bank Farm itself, that the Reasonable Avoidance Measures Method Statement (RAMMS) is appropriate. However, they have also advised that site lies is within the Shropshire Environmental Network and, as such should demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. Accordingly, they advise that details of landscaping provision and how biological and ecological mitigation is to be provided on the site, especially in light of the level of tree losses proposed, as detailed in the comments of the Tree Officer.
- 4.14 Shropshire Council - Conservation: Advise that the proposal, although outside the Church Stretton Conservation Area, which is 380m to west, will have some impact on it and that it will affect a non-designated heritage asset immediate adjacent to the north side of the site, Meadow Bank. They also comment that the site is located within the AONB. They advise from a heritage perspective, that the main consideration is the design of the development. They advise that site does not form part of the built-up area of the Church Stretton and that in visual and landscape terms it relates to the adjacent rural setting, albeit that this is close to Church Stretton. For this reason, they advise that it should avoid having an overly domestic/suburban character and appearance, and they suggest instead that it should appropriately be more agricultural in character, utilising a layout and design similar to barn style buildings to ensure that it does not look like an incongruous 'add-on', thereby providing a degree of integration into the rural landscape and character of the area.
- 4.15 They advise that the proposal should utilise high quality design, informed by the local vernacular, including high quality materials to mitigate potential impact on the

setting of adjacent non-designated heritage asset and the Conservation Area. They comment that although the Planning Statement mentions the use of appropriate materials, further detail outlining possible materials should be provided as part of the overall proposed design rationale. They initially advised that a Heritage Impact Assessment work should be undertaken (as the application was initially submitted without the assessment) to gauge the overall impact of the proposal, including that of the proposed roofscapes. This was subsequently submitted, and whilst they do not fully agree with all of its conclusions, particularly in relation to the impact on the setting of Meadow Bank, they do not offer objection to the conclusions of the assessment.

4.16 However, they advise that they still concerned with the proposed layout of the site which they consider, even with the reduced number of houses, to be overly suburban, in a rural location in the AONB. They have reiterated their comments that the overall form should reflect that of the existing barns and be linear, consisting of one to one and half storeys buildings and possibly semi-detached units to accentuate the linear form with the end (easternmost) plot consisting of an 'L' shape with two units, to reference adjacent building. They advise that the units could be separated by open bays for parking, ancillary storage.

4.17 Shropshire Council Archaeology: Advise that they have no comments to make on the application with regard to archaeological matters.

4.18 Shropshire Hills AONB Partnership: The Shropshire Hills AONB Partnership have provided their standing advice that the planning authority has a legal duty to take into account the purposes of the AONB designation in determining the application and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan and they state that their response does not indicate either an objection or 'no objection' to the current application.

5.0 THE MAIN ISSUES

- **Principle of the Development;**
- **Impact on Trees and Landscape;**
- **Impacts on Ecology;**
- **Flood Risk and Drainage;**
- **Heritage; and**
- **Other Issues**

6.0 OFFICER APPRAISAL

6.1 Principle of the Development

6.1.1 The key issue in relation to the principle of the development is that the site is located close to, but outside, the development boundary for Church Stretton, and that approval of the application would be a departure from the Development Plan. As a site outside the development boundary the application raises the issue of whether or not there is justification under SAMDev Policy MD3 paragraph 3, for granting consent for the scheme, as a windfall site, taking into consideration the current settlement housing guideline figure for Church Stretton and whether this is being met.

- 6.1.2 In terms of the development strategy, Core Strategy Policy CS1 sets out the overall Strategic Approach to development in Shropshire, with development concentrated in Shrewsbury and County's Market Towns and Other Key Centres. Church Stretton is identified in Core Strategy Policy CS3 and the SAMDev Policy MD1 and Schedule MD1.1 as one of the Market Towns and Key Centres, and SAMDev Policy S5 identifies it as provide a focus for development in south Shropshire, with a housing guideline of about 370 dwellings in the period between 2006 and 2026 and it states that new housing development will be delivered through the allocation of greenfield sites together with windfall development which reflects opportunities within the town's development boundary as shown on the Policies Map. The allocated housing sites are set out in Schedule S5.1a and identified on the Policies Map. The development boundary is shown on the Adopted Policies Map 2015 – Church Stretton Area Place Plan (Inset 1). This shows the development boundary largely extending along the edge of the built-up area of the north side of Church Stretton approximately 200m south of the site, except where the built area has extended north of the development boundary at Lawley Close and where it extends around the allocated housing site, CSTRO18 approximately 110m west of the site.
- 6.1.3 As such the site falls within the area of land to be treated as countryside under Core Strategy Policy CS5 and SAMDev Policy MD7a.
- 6.1.4 Neither Core Strategy Policy CS5 nor SAMDev Policy MD7a envisage the development of new open market housing in the countryside and both make clear that new development will be strictly controlled in accordance with national planning policies protecting the countryside. Furthermore, paragraph 172 of the NPPF makes make that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty and that they should be attributed the highest status of protection in relation to these issues.
- 6.1.5 However, Paragraph 3 of SAMDev Policy MD3 sets out that there are circumstances in which planning permission may exceptionally be approved for sites outside settlement development boundaries.
- 6.1.6 Paragraph 3 states that where a settlement housing guideline appears unlikely to be met, additional sites outside settlement development boundaries that accord with the settlement policy may be acceptable subject to the considerations set out in Paragraph 2. The considerations set out in paragraph 2 include:
1. The increase in number of dwellings relative to the guideline; and
 2. The likelihood of delivery of the outstanding permissions; and
 3. The benefits arising from the development; and
 4. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
 5. The presumption in favour of sustainable development.
- 6.1.7 The starting premise of paragraph 3 is that it applies only in instances where a settlement housing guideline appears unlikely to be met. Therefore, the question is whether the current settlement housing guideline for Church Stretton has or has not been met or is unlikely to be met?

- 6.1.8 The latest figures are set out in the Council's Five-Year Housing Land Supply Statement published in March 2020. This indicates that as of the 31st March 2019, there had been 213 completions and Planning Permissions or Prior Approvals for 62 additional dwellings, providing a total of 275 completed sites or dwellings with Planning Permission. There are also allocations without planning permission that provide an additional 37 dwellings. Therefore, when set against the Housing Guideline figure of 370, there is currently a shortfall of 58, although with the plan period still having five years to run, this suggests that existing permissions are running about the correct level. However, account also needs to be taken of the fact that it now appears that allocated housing site, CSTRO18, is unlikely to come forward for development, which essentially is the additional 37 houses on an allocated site that do not have planning permission. If this is taken into account then the number of completions and Planning Permissions or Prior Approvals drops back to 275, which whilst still not especially low does suggest that additional provision through windfall sites, to offset the loss of the allocated housing site, CSTRO18 can be justified. In that respect the first two tests set out in Paragraph 3 of Policy MD3 it can be argued are satisfied. Also in favour of the development, in terms of the benefits arising from it, is that although outside the development boundary, the site is within walking distance of Church Stretton Town centre, and in that respect at least the location can be considered to be sustainable.
- 6.1.9 In term of the counter arguments, the site is located some distance outside the development boundary for Church Stretton, i.e. approximately 200m to the north of the it, and is clearly does not form part of the built up area of the town. The applicant has sought to argue that the site is gradually being surrounded by new development, and if the development of allocated housing site had proceeded there would be some element of truth in this, but with this now longer proceeding and the allocation no likely to be discontinued, the weight that can be attached to this is significantly diminished.
- 6.1.10 Also relevant is that whilst, with the loss of the allocation as a viable site, does result in a not insignificant potential loss in relation to the housing guideline figure, the provision of five dwellings in isolation will not make up for this, and the site is not large enough to be considered to represent viable level of alternative provision or perhaps more to the point a level provision that makes a significant contribution to any resulting shortfall to which sufficient weight can be attached, for a site that is so significantly outside the development boundary of Church Stretton.
- 6.1.11 Furthermore, whilst acknowledging that only very limited weight can be attached to the emerging Local Plan, at this stage, it can nevertheless be taken into consideration, that it is proposing the deletion of the allocated housing site CSTRO18 and that it does not envisage any extension of the built-up area of the town within the AONB development to the north of the development boundary on the north side of Church Stretton. This indicates that the direction of travel of the Local Plan Review, that approval of this application would directly contradict. The Local Plan Review is at too early a stage for prematurity to argued as a substantive ground for refusal in its own right, but it is the case that at least some weight can be attached to the emerging circumstances surrounding the application site and the emerging policy context, and in particular that the existing housing allocation CSTRO18 is now known to be unviable and essentially no longer available for development.

- 6.1.12 Paragraphs 47-50 of the NPPF set out the advice in relation to the weight to be attached to emerging development plans in the determination of planning applications and when prematurity may or may not be argued as a reason for refusal.
- 6.1.13 Paragraph 48 advises that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (with the more advanced its preparation being, the greater the weight that may be given it) and the extent to which there are unresolved objections to relevant policies (with the less significant the unresolved objections, the greater the weight that may be given to them).
- 6.1.14 However, paragraphs 49 and 50 of the NPPF also make clear that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. They further make clear that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination.
- 6.1.15 In light of the above advice, an argument on grounds of prematurity would be unlikely to be considered justified as the draft plan has yet to be submitted for examination. Nevertheless, it is not inappropriate to attribute some weight to the emerging plan in continuing to maintain the development boundary so to prevent any further northward development of the built-up area of Church Stretton, in line with the existing adopted development plan. On the basis of existing adopted development plan policy approval of the application for a site outside the development boundary would be clearly contrary to the Core Strategy Policies CS3 and CS5 and SAMDev Policy S5 and in particular S5.1. Whilst some of the considerations of Policy MD3 can be considered to apply insofar as there is potentially a shortfall in housing provision in relation to the housing guideline figure set out in SAMDev Policy S5, the application cannot be considered to make so significant contribution to addressing this to merit approval for so significant a breach of planning policy in terms of allowing development, not just outside the development boundary, but in a location that is detached from the rest of the built up area of the Church Stretton. It is in an area where policy seeks to protect the open countryside to the north of the town and in the AONB. A such the proposal cannot be considered to sustainable development and in that respect does not justify approval in terms of the considerations set out in SAMDev Policy MD3.
- 6.1.16 One additional point that should be noted, is that there are a two existing sheds on the site on the area of the proposed Plots 1, 2 and 3, that application describes as farm buildings. Insofar as this is the case, the development would make some use of previously developed land and this possibly adds some weight in its favour, although the NPPF makes clear that land that is or was last occupied by agricultural or forestry buildings is not to be treated as brownfield land, and even if it is, paragraph 118 makes clear that substantial weight should only be attributed to

the value of using suitable brownfield land for new housing within settlements. As such, little or no weight can be attributed to the development of the site, at least partly, as previously developed land.

- 6.1.17 Finally, it should additionally be noted that the NPPF sets out policies for rural housing in Paragraphs 77 to 79. These make clear, in paragraph 77 that, in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs and, in paragraph 78 that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. As a site on the edge of Church Stretton, the issue of the sustainability of rural village communities is not a relevant consideration. Paragraph 79 then states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a number of specified circumstances apply, but none in this case are applicable or are being argued by the applicant. There is therefore no case in terms of national planning policy outweighing, Development Plan policy as a material planning consideration.

6.2 Impact on Trees and Landscape

- 6.2.1 As detailed above the Tree Officer has provided a fairly stark assessment of the impact on the trees on the site, with the loss of approximately 60 trees and they advise that even the retention of the remaining trees, particularly along the southern boundary would not be compatible in the long term with the development of the site as proposed, with the result that further losses would be likely to accrue following the occupation of the development due to proximity and shade issues and concerns regarding safety.
- 6.2.2 They further advise that the number of houses and the layout as proposed is such that realistic compensation and improvements for what had been lost would not be possible. As such the scheme is simply not workable in terms of the impact on tree, landscape and habitat. The applicant has been invited to address these comments. They have submitted an amended indicative layout plan which shows only five houses but have otherwise only resubmitted the original arboricultural report and tree protection plan. There is no indication that even with the revised layout that would be any substantial change to the proposals in relation to the loss of trees on the site or any significant additional mitigation for their loss.
- 6.2.3 As such the development cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12 or the NPPF Chapter 15 and in particular Paragraphs 170 and 172 which are concerned with protecting and enhancing valued landscapes, and stress that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

6.3 Impacts on Ecology

- 6.3.1 As detailed above the site falls within the county Environmental Network and Ecology Officer, confirming the comments of the Tree Officer, has advised that inadequate information has been submitted by the applicant to demonstrate how the development proposed on the site will provide sufficient migration and

enhancement for the loss of habitat as a result of the level tree felling proposed to meet the requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. This matter has also been referred back to the applicant and greater detail requested and whilst the applicant has responded they have declined to provide the information requested. On this basis the application can only be considered to have an unacceptable impact on the Environmental Network arising from the loss of habitat with adequate compensation to with requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework.

6.4 Flood Risk and Drainage

- 6.4.1 In relation to flood risk the key issue, as detailed above is that part of the site is within Flood Zone 2. As a result, the SUDS Officer has advised that details of the proposed drainage need to be submitted. The applicant has responded to this request and as detailed above has submitted the Technical Note on drainage, which, as set out above, proposes surface water drainage to a pond located to the north east of the main part of the application site via a new attenuation pond, and foul drainage to the public sewer on the Shrewsbury Road. In principle the SUDS officer has advised that the drainage strategy is acceptable but that prior to determination of the application, it should be proven that the existing drainage system remains in working condition and that the existing pond has an outfall to a watercourse. A further response is awaited from the applicant at the time of writing this report, and a further update will be provided to the Committee before the application is determined.
- 6.4.2 It should be noted that part of the new drainage system is located outside the red-line boundary of the application site. This being the case, a separate application would be required for this before it could be constructed.
- 6.4.3 Subject to confirmation that existing drainage system remains in working condition and that the pond has an outfall to a watercourse, the application can be considered to be compliant with Core Strategy Policies CS6 and CS18, SAMDev Policy MD2 or the NPPF Chapter 14 which seek to manage the long terms risk of climate change including flood risk.

6.5 Heritage

- 6.5.1 As detailed above the main issue in relation to heritage concerns the impact on the setting of the adjacent non-designated heritage asset at Meadow Bank and also the Church Stretton Conservation Area, and that this could be appropriately addressed by a design that is appropriate to the rural setting of the site. The Conservation Officer has not gone as far expressly advising of harm to the significance of the Church Stretton Conservation Area, but to the extent an alternative layout and design approach to that shown on the indicative layout plan would be appropriate any harm cannot be assessed as being any more than less than significant harm.
- 6.5.2 Again, this advice has been referred back to the Applicant to consider. An amended layout has been put forward, but this is in response to the amended drainage proposals, rather than a design response, and does not address or respond to the comments of the Conservation Officer or make any apparent amendments to the

design of the proposed dwellings.

- 6.5.3 In itself this is not sufficient to justify refusal as a substantive reason in its own right, with paragraph 196 of the NPPF advising that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In relation to a non-designated heritage asset paragraph 197 of the NPPF advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.5.4 The application is however only an outline application, so that the layout plan is no more indicative. The details of the design and appearance of the development, would therefore, if the application is approved, be reserved, and there would still be opportunity to ensure the submission of an appropriate design and layout. On this basis it cannot be considered at this stage, that the design presents a sufficiently substantive reason to warrant refusal of the application as being contrary to the design and heritage related policies in the development plan, which include Core Strategy Policies CS6 and SAMDev Policies MD2 and MD13 or paragraphs 196 and 197 of the NPPF.

6.6 Other Considerations

- 6.6.1 Affordable Housing: In relation to affordable housing it should be noted that an affordable housing contribution would be required. On site provision is unlikely to be required for five (previously six) dwellings unless all five houses proposed are particularly large (i.e. they average more than 166sqm), so a contribution would be appropriate and a s.106 agreement would be required to secure the contribution based on a prevailing target rate of 20%. The applicant has confirmed that they would be agreeable to this. The application can in this respect be considered to be compliant with Core Strategy Policy CS11 and the Type and Affordability of Housing Supplementary Planning Document (2012).
- 6.6.2 Highways: There is no significant highways issues raised by the application.

7.0 CONCLUSION

- 7.1 On the basis of adopted development plan policy approval of the application would be contrary to the Core Strategy Policies CS3 and CS5 and SAMDev Policy S5 and in particular S5.1 in being located outside the development boundary. Whilst some of the considerations of Policy MD3 can be considered to apply insofar as there is potentially a shortfall in housing provision in relation to the housing guideline figure for Church Stretton set out in SAMDev Policy S5, the application cannot be considered to make so significant a contribution to addressing this to merit approval for, so significant a breach of planning policy in terms of allowing development not just outside the development boundary, but in a location that is detached from the rest of the built up area of the Church Stretton, and in an area where policy seeks to protect the open countryside to the north of the town and in the AONB. As such the proposal cannot be considered to sustainable development and in that respect

does not justify approval in terms of the considerations set out in SAMDev Policy MD3 and in the light of the great weight to be given to conserving and enhancing landscape and scenic beauty of the ANOB in accordance with paragraph 172 of the NPPF.

- 7.2 The development will result in the loss of approximately 60 trees but the number of houses and the layout proposed is such that realistic compensation and improvements for what would be lost would not be possible. As such the scheme is simply not workable in terms of the impact on trees, the landscape including the AONB, and habitat. As such the development cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12 or the NPPF Chapter 15 and in particular Paragraphs 170 and 172.
- 7.3 The site falls within the county Environmental Network but inadequate information has been submitted by the applicant to demonstrate how they will provide sufficient migration and enhancement for the loss of habitat as a result of the level tree felling proposed to meet the requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. On this basis the application can only be considered to have an unacceptable impact on the Environmental Network arising from the loss of habitat with adequate compensation to with requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework.
- 7.4 The application cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 insofar as these require development to be designed to a high quality which protects, restores, conserves and enhances the historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character which the proposal does not do. Whilst the provision of five additional dwellings in the context of the shortfall in housing number against the SAMDev housing guideline figure, can be attributed some weight (together with the related affordable housing contribution required) as a benefit, this is so substantially outweighed by the other considerations, that the overall balance weighs against the proposal that taking into account the other considerations, such that the adverse impact on the setting of the Church Stretton Conservation Area as a designated heritage asset and Meadow Bank as a non-designated heritage asset, no matter how minor, only adds the weight to be attached to that negative balance. As such the proposals would also be contrary to SAMDev Policy MD13 when considered in the relation to the requirements of paragraphs 196 and 197 of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Development Plan Policy

Shropshire Local Development Framework: Adopted Core Strategy (March 2011)

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)

National Planning Policy

National Planning Policy Framework (NPPF) (February 2019)

Relevant Planning History:

Planning Applications

- SS/1981/552/P/ for the use of land as a caravan site for 12 static holiday caravans. Refused 15/01/1982;
- SS/1/98/ 009369/CE for the use of land as a Touring Caravan site. Approved 08/03/2000;
- SS/1/99/009910/F for the Conversion of a building to form a service block for the caravan park. Withdrawn 26/04/1999;
- 17/01212/OUT Outline application for the erection of 6 no. dwellings to include means of access. Withdrawn 9th June 2017.

11. Additional Information

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

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

- Planning Application Supporting Statement (Including Design and Access) in relation to the Proposed Redevelopment of an Existing Campsite to Provide up to 6 Dwellings At Springbank Farm, Shrewsbury Road, Church Stretton for Mr J N & Mrs S A West, Berrys, (undated)
- Location Plan, Ref. SA23612/0, February 2017
- Indicative Site Plan, Ref. SA23612/03 Rev A, December 2016
- Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement Tree Protection Plan, Land SE of Springbank Farm Church Stretton, Forester & Arborist Services Ltd, 8th January 2019
- Tree Location and Protection Plan, (based on Proposed Site Plan Ref. SA23612/02 Rev A, December 2016), Berrys, 2nd February 2019
- Phase One Habitat Survey, Land at Church Stretton, Arbor Vitae Environment Ltd, February 2017
- Springbank Farm, Church Stretton Method Statement to Avoid Damage to Great Crested Newts, Arbor Vitae Environment Ltd, March 2018
- Heritage Impact Assessment in relation to the Proposed Redevelopment of an Existing Campsite to Provide up to 6 Dwellings At Springbank Farm, Shrewsbury Road, Church Stretton for Mr J West, Berrys, January 2019
- Completed Surface Water Management Statement (Appendix D - Surface Water Management: Interim Guidance for Developers (undated)
- Flood Risk and Drainage Assessment. Proposed Redevelopment of an Existing Campsite to Provide up to 6 Dwellings at Springbank Farm, Shrewsbury Road, Church Stretton, Shropshire. SY11 4AD. Planning Ref:18/01258/OUT, Woodsyde Developments Ltd, January 2019
- Completed Affordable Housing Contribution Proforma (undated)

- Completed Community Infrastructure Levy (CIL), Form 0, 14th March 2018

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member
Cllr. Lee Chapman
Cllr David Evans

Appendices

APPENDIX 1

REASONS FOR REFUSAL

1. On the basis of adopted development plan policy approval of the application would be contrary to the Core Strategy Policies CS3 and CS5 and SAMDev Policy S5 and in particular S5.1 in being located outside the development boundary. Whilst some of the considerations of Policy MD3 can be considered to apply insofar as there is potentially a shortfall in housing provision in relation to the housing guideline figure for Church Stretton set out in SAMDev Policy S5 the application cannot be considered to make so significant a contribution to addressing this to merit approval for, so significant a breach of planning policy in terms of allowing development not just outside the development boundary but in a location that is detached from the rest of the built up area of the Church Stretton, in an area where policy seeks to protect the open countryside to the north of the town and in the AONB. As such the proposal cannot be considered to sustainable development and in that respect does not justify approval in terms of the considerations set out in SAMDev Policy MD3 and in the light of the great weight to be given to conserving and enhancing landscape and scenic beauty of the ANOB in accordance with paragraph 172 of the NPPF.
2. The development will result in the loss of approximately 60 trees but the number of houses and the layout proposed is such that realistic compensation and improvements for what would be lost would not be possible. As such the scheme is simply not workable in terms of the impact on trees, the landscape including the AONB, and habitat. As such the development cannot be considered to be compliant with Core Strategy Policies CS6 and CS17 or SAMDev Policies MD2 and MD12 or the NPPF Chapter 15 and in particular Paragraphs 170 and 172.
3. The site falls within the county Environmental Network but inadequate information has been submitted by the applicant to demonstrate how they will provide sufficient migration and enhancement for the loss of habitat as a result of the level tree felling proposed to meet the requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework. On this basis the application can only be considered to have an unacceptable impact on the Environmental Network arising from the loss of habitat with adequate compensation to with requirements of Core Strategy Policy CS17 and Paragraph 117 of the National Planning Policy Framework.

INFORMATIVES

General

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.

SAVE SNATCHFIELD GROUP
and
ALL STRETTON VILLAGE SOCIETY

Mr Andrew Begley
Chief Executive Officer
Shropshire Council

28th February 2021

Planning application 18/01258/OUT Springbank Farm

We are writing to challenge the validity of the decision made by the Southern Planning Committee at its meeting on 16th February 2021.

However, in the first instance, we would like to thank the officers involved in the preparation and presentation of this work for the robust case which they constructed against the proposal, and with which, in the most part, we concur.

The key conclusions from the officers' report are that planning permission should not be granted because the proposed site is located in an area designated as countryside by the current SamDev and is outside the town's development boundary. Further, the site is located within an AONB but the proposals make no reference to the requirements of NPPF172 nor of the enhanced requirements laid down by the Waverley case (Secretary of State for Housing, Communities and Local Government and others v Waverley BC [2021] EWCA Civ 74) about which the ASVS wrote to you recently. In addition, by being outside the town's development boundary the additional houses will not count towards the town's windfall targets, and it is unclear how what were referred to by a Committee Member as "five £750,000 houses" will help satisfy any need for affordable housing.

All of the co-signatories have considered the circumstances of the case, and of the planning meeting, and feel that the Southern Planning Committee erred when reaching its decision to approve planning permission. This letter sets out the reasons for reaching this decision and in particular will argue that:

1. The proposal had been materially changed from the outline case filed in 2018, and as such these new proposals should have been consulted upon, and that to have deprived those entitled to be consulted is manifestly unfair and a proper subject for Judicial Review.
2. The matters relied upon by Members and frequently cited during their discussion, most particularly the housing need numbers within Church Stretton and the status of the land, were incorrect and that if they had been correctly presented it is likely that Members would have voted against granting permission. That the rationale of

Members to place reliance on policy MD3 was flawed, and had been explicitly rejected by officers in their written report.

3. In seeking to establish the views of the local community, the comments of Councillors representing Church Stretton were accorded great weight and several Members made reference to the views as they were reported. The views of residents in Church Stretton and All Stretton – the communities between which the proposed Spring Bank Farm development is located – are very well known and have been recorded by surveys for the Community Led Plan and by the ASVS. These views are categorically that the green space between the communities should be retained. In reporting the views of Church Stretton to be in conflict with these recent published surveys it is unclear from which source or on which authority these assertions are made. Certainly, there are no minutes or other record which show a discussion by the Council.
4. The recusal by the Chair from the item concerning Springbank Farm as a result of his pecuniary interest in the site was welcomed and respected. In normal times any such Member would physically leave the meeting and be unable to monitor or take part. However, the operation of Covid rules appears to have inadvertently compromised this impartiality, and in particular the recused Member, having explained their pecuniary interest, then read a personal statement. This Member was then asked to turn off their microphone, but was still able to hear the debate. That not only is justice done but seen to be done is critically important and that principle appears to be compromised in this instance.
5. The Shropshire Council Solicitor read a statement from Church Stretton Council. This statement referred to ‘attachments’ which the solicitor confirmed had previously been circulated to Committee Members. Having listened closely to the recording of the Planning Committee, these ‘attachments’ would seem to be key documents. However, none were available on the Planning Portal. As such, neither public scrutiny nor challenge was possible.

In view of these reasons, it is argued that the decision of the Southern Planning Committee should not be approved, the latest proposals should be openly consulted upon, and the decision should then be returned to the Southern Planning Committee to be considered afresh.

The letter will now consider each of the grounds for objection in detail.

The requirement for the proposals to be re-consulted

This application was originally made in 2018 when the planning landscape looked very different. It was also a materially different proposal, showing six properties, and was the subject of considerable local opposition.

At the time the early drafts of the Shropshire Development Plan anticipated major development in the town, and in particular the idea of building 50 houses on the school field (CST018), was considered likely to proceed.

For whatever reason – possibly the belief that should the CST018 proceed to full approval it would make the Spring Bank Farm proposal more likely – the applicant agreed with Shropshire Council to stay the application. It has remained dormant for three years.

In late 2020 Shropshire Council reissued the Local Development Plan and removed major development sites from within the AONB, reflecting the requirements of NPPF172. This had followed a significant local campaign resulting in 169 submissions. In February 2021 the Court of Appeal in the Waverley case further strengthened the protection of the AONB and requires all developments in the AONB of this type to meet the exceptional circumstances tests which Shropshire Council have recently acknowledged are not met. It would appear that this proposal, seeing the direction of travel indicated by the latest draft of the Local Development Plan has moved quickly to seek determination before the LDP is adopted. Certainly, without the Playing Field site, this proposal makes little sense from a planning perspective. However, the Court of Appeal judgement was already in force when the Committee met on the 16th February but was ignored.

Thus, given the very large changes in the planning landscape, the significant delay, the need to disclose to consultation that the proposals now conflicted with planning policy (both because of the Waverley case and because the proposed site was outside the development boundary) and because of the changes to the proposal itself, the proposal should have been consulted on publicly before going to Committee for determination.

It is clear that the High Court believes that the rights of third parties for consultation should not be denied. “In considering whether it is unfair not to re-consult, in my judgement it is necessary to consider whether not doing so deprives those who are entitled to be consulted on the application of the opportunity to make any representations that, given the nature and extent of the changes proposed, they may have wanted to make on the application as amended. I do not accept that the test for whether re-consultation is required if an amendment is proposed to an application for planning permission is whether it involves a ‘fundamental change’ and involves a ‘substantial difference’ to the application or whether it results in a development that is in substance different for that applied for...As I have explained...a person may still have representations that he or she may want to make about the changes, given their nature and extent, if given the opportunity. In my judgement it is preferable to ask what fairness requires in the circumstances” *R (Holborn Studios Ltd) v Hackney LBC* [2017] EWHC 2823 at [79]-[80].

It is without question that local residents would have certainly wished to comment and to point out that the proposals were in breach of both Shropshire Council's and national policy if only they had known that the application had suddenly become live again after so many years.

Facts presented to the Committee about housing need, windfall properties and the status of the site, upon which Members relied, were not correct

During the meeting much was made of the need for more housing in Church Stretton, citing the old SamDEV target of 370 homes needed by 2026. It was also quoted that the total completions and permissions achieved thus far was 275, leaving a further 95 to be achieved through windfall sites, or approximately 19 a year. It was further suggested that this build rate would not be achieved, despite the planning report suggesting that this target may be achieved.

In fact, these figures are wrong. When CST018 was removed it was stated that the Council were not looking for an alternative site, and that the target would be adjusted to reflect this reduction of 50.

Thus, deducting 275 from 320 leaves an outstanding target of 45, which gives a run rate of 9 a year. Clearly, if the planning team think a build rate of 19, whilst challenging, was achievable, a rate of 9 a year is well within the likely windfall build rate. Further, because the Springbank site is outside of the development boundary, these five houses would not count towards Church Stretton's targets anyway and would be simply be swept up by Shropshire Council as 'countryside'.

Of course, the quoted figure of 275 completions and permissions was as of 31st March 2019, now 23 months out of date. Since 1st April 2019 we are aware of between 15 and 20 completions and permissions within the Church Stretton development boundary (Easthope Road site, Brambles site, Hill Cottage site, Lutwyche Road site etc.) As such, the quoted figure of 275 is doubly misleading.

Having dismissed the relevance of policy MD3 in the officers' report and in his oral submission to the committee, applying the correct numbers would have made Members use of MD3 as the final justification even more bizarre. Yet, the failure to meet targets was cited by Members as important justification to approve the proposals. If this justification was removed, it is likely the pressure to force through the proposals would have failed.

We would also question why the windfall numbers (121) currently being consulted on at Regulation 19 were allowed to be introduced to the debate. These theoretical numbers clearly influenced the Planning Committee decision. It would seem strange that the Council Officers present did not challenge or exclude their use.

There was also frequent references to the proposed site as being 'brownfield', yet in truth the site is detailed by the Church Stretton Place Plan Area as 'countryside'. The Consultant Planner correctly points out in para 6.1.16 of his report that: "there are existing sheds on the

site on the area of the proposed Plots 1,2 and 3 that [the] application describes as farm buildings”. In the discussion of Springbank Farm these few farm buildings lead the committee to erroneously describe the site as “brownfield”. This site is not “brownfield”. The NPPF clearly states that “previously developed land” (ie brownfield) “**excludes**: land that is or was last occupied by agricultural or forestry buildings”.

Views of the local community are at variance with those reported to Members

In seeking to establish the views of the local community, the comments of Councillors representing Church Stretton were accorded great weight and several Members made reference to the views as they were reported. The views of residents in Church Stretton and All Stretton – the communities between which the proposed Spring Bank Farm development is located – are very well known and have been recorded by surveys for the Community Led Plan and by the ASVS.

These views are categorically that the green space between the communities must not be compromised. Any suggestion that the northern boundary be extended would be very unpopular, and as one Member stated at the meeting “and anyway, the boundary is where it is”. In reporting the views of Church Stretton to be in conflict with these recent published surveys it is unclear from which source or on which authority these assertions are made. Certainly, there are no minutes or other record which show a discussion by the Council which can be located.

Comments at the meeting also suggested the possible wish to use any development at Springbank Farm as a ‘Trojan Horse’ including to facilitate later in fill proposals between Spring Bank and the current development boundary. Such actions would also be unpopular, untested, arbitrary and not plan-led. Shropshire Council has policies, especially regarding Rural Exception Sites, that identify sites when need has been identified. It is very important that Town and Parish councils follow that policy context and do not create dangerous precedents.

Process for calling, and conduct at, Southern Planning meeting held on 16th July 2021

Notwithstanding that the normal proposals for advertising planning proposals and meetings detailed in the Development Management Order 2015 are temporarily superseded by the Covid regulations, nothing in the temporary regulations prevents traditional methods of advertising. Further, the regulations require other methods to be used during the pandemic, like council mailing lists, social media, the Council’s websites, online newspapers, and local town councils to advertise proceedings.

Given that representations on behalf of Church Stretton Town Council, Cllr Evans and Cllr Chapman were received by the meeting, it would be helpful if you could share what distribution and advertising methods were used, and how widely they were deployed?

Notwithstanding that the proposals for Springbank Farm were not fully advertised, the proceedings at the meeting were also slightly unusual.

The recusal by the Chair from the item concerning Springbank Farm as a result of his pecuniary interest in the site was welcomed and respected. In normal times any such Member would physically leave the meeting and be unable to monitor or take part. However, the operation of Covid rules appears to have inadvertently compromised this impartiality, and in particular the recused Member, having explained their pecuniary interest then read a personal statement. This Member was then asked to turn off their microphone, but was still able to hear the debate. That not only is justice done but seen to be done is critically important and that principle appears to be compromised in this instance. It would be helpful if you could confirm that all necessary procedural steps were taken during the meeting.

The Planning Committee were clearly in receipt, prior to the Meeting, of key information which was not available to the public for scrutiny or challenge. We believe these may have been the 'attachments' referred to in the Church Stretton Town Council statement which was read to the Committee. Reviewing the recorded discussion at the Planning Committee it seems that Members may have been influenced by details of a potential 'masterplan' for land between Church Stretton and All Stretton. As such, we believe that it is possible the decision to grant planning permission may not have been based solely on the merits of the Springbank Farm development.

Summary and Conclusion

The proposal to seek outline planning permission for housing at Spring Bank Farm has been stayed for three years, and its sudden resurrection and listing at the recent Southern Planning Committee was as unwelcome as it was unexpected.

The application is not only in contravention of many Shropshire Council's existing SamDEV and proposed Local Development Plan, but also conflicts with the NPPF and recent court decisions.

The Council Planning team knew this, and presented the matter in an exemplary way in order to get the Committee to consider the proposal in the correct local and national policy context – and therefore refused.

The planning team also fought valiantly at the meeting itself. But in the face of data on housing numbers which incorrectly suggested a housing shortage, representations from local councillors which contradict their own Community Led Plan data, and with no representations from the public because they had been blindsided by the failure to re-consult, the whole process was, in the words of the High Court, 'unfair'.

On behalf of the many organisations and residents who have worked to correct the mistakes upon which Members based their decision, we ask that the decision by the Southern Planning Committee not be confirmed, and that a period of open consultation be held to inform a

subsequent meeting when, in receipt of sound data and with sound judgement the Spring Bank Farm development proposals may be fully and fairly assessed.

If there are any ways by which we can help, please do not hesitate to contact us.

Yours sincerely,

JIM BUNCE

On behalf of Save Snatchfield Group and the All Stretton Village Society

jim.bunce79@hotmail.co.uk

cc. Ian Kilby

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Andrew Begley
Chief Executive
Shropshire Council
The Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Andrew Fenton
Chair, Clive Avenue Residents Association
Merrion, Clive Avenue
Church Stretton
SY6 7BL

fentonapf@gmail.com

Dear Sir,

Planning Application 18/01258/OUT | Outline application for the erection of 5 No dwellings, to include means of access (re-submission and amended description) | Proposed Residential Development Land South East Of Springbank Farm Shrewsbury Road Church Stretton Shropshire

I am writing in my capacity of Chair of the Clive Avenue Residents Association, representing 59 properties in Church Stretton.

I wish to express deep disappointment and to challenge the validity of the decision made by the Southern Planning Committee at its meeting on 16th February 2021 to approve the Planning Application for five new properties outside the town building boundary and within the AONB. There are many grounds for this challenge, not least of which is the abject failure of the Planning Committee to observe and adhere to the proper protocols and property of public service as set out in Local Government guidance "Property in Public Office" https://www.local.gov.uk/sites/default/files/documents/34.2_Probity_in_Planning_04.pdf

The key relevant elements, which appear to have been overlooked include:

1/ The courts have expressed the view that the Committee's reasons should be clear and convincing.

The Committee's points are based on incorrect information and the rationale for disregarding Planning Officer recommendations are neither evident nor clear.

2/ If a councillor is concerned about an officer's recommendations, they should discuss their areas of difference and the reasons for that with officers in advance of the committee meeting.

There is no indication or evidence that this has happened and none presented at the meeting as far as I am aware.

3/ Where there is concern about the validity of reasons, consider deferring to another meeting to have the reasons tested and discussed.

There has been no consultation or delay to the decision process in order to accommodate this assurance process.

4/If the planning committee makes a decision contrary to the officers' recommendation (whether for approval or refusal or changes to conditions or S106 planning obligations), a detailed minute of the committee's reasons should be made and a copy placed on the application file.

When I checked this morning (two weeks after the meeting) this had not happened and no account of the decision is posted on the Planning Portal. This is not a transparent process.

5/ The officer should also be given an opportunity to explain the implications of the contrary decision, including an assessment of a likely appeal outcome based on policies set out in the development plan and the NPPF, and chances of a successful award of costs against the local authority, should one be made.

The implication of this decision, because it is contrary to the updated Local Plan and recent consultations, will result in a great deal of negative sentiment within the community and an appeal is highly likely as the implications are far wider than this single application. My understanding is that it will be contested and this is a totally avoidable use of public money and resources.

6/ All applications that are clearly contrary to the development plan must be advertised as such and are known as 'departures' from the development plan. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified.

This decision is contrary to the updated development plan. The information relied upon at the meeting was incorrect and out of date.

From my understanding of the meeting, the committee decision went against the recommendation of the Planning Officers and the reasons cited were based on outdated and incorrect information and did not refer to the updated local plan. Local Residents and stakeholders, including the AONB were entitled to have been consulted and have not been despite the previous decision for this site and despite recent decisions relating to Church Stretton in the local development plan.

The Chair of the meeting declared a conflict of interest in the proposal and yet remained present for the duration of the item. Quite frankly, this is outrageous.

I'm sure you will have plenty to handle in the current situation and so I will not set out further detailed account of the grounds on which this decision is inappropriate and contestable.

I hope you can give this matter your consideration.

Yours sincerely

Andrew Fenton
Chair, CARA



<u>Committee and date</u>
Southern Planning Committee
13 April 2021

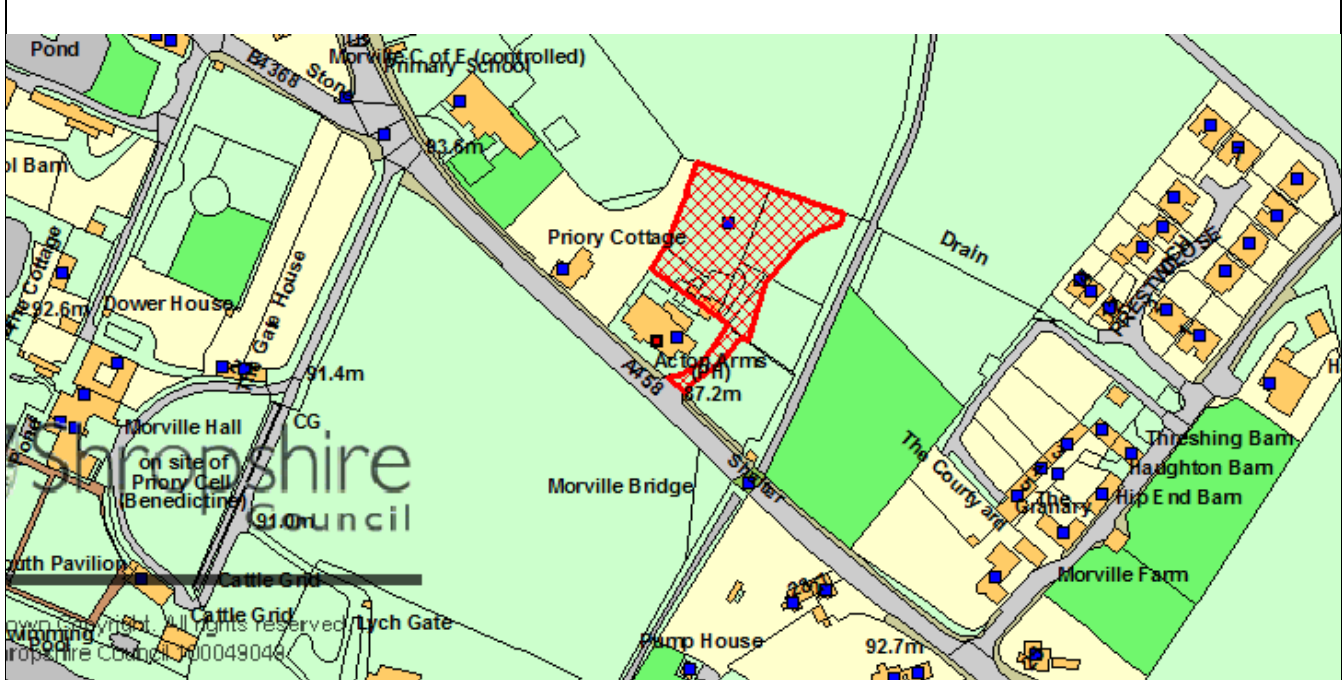
Development Management Report

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

Summary of Application

<u>Application Number:</u> 20/03647/OUT	<u>Parish:</u>	Morville
<u>Proposal:</u> Outline application for residential development of 3 no. detached dwellings to include access, layout and scale (Amended description 25.01.2021.)		
<u>Site Address:</u> Acton Arms Hotel Morville Bridgnorth Shropshire WV16 4RJ		
<u>Applicant:</u> James Collins		
<u>Case Officer:</u> Sara Jones	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 367050 - 294022



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Recommendation:- Refuse

1. Although it is recognised that the proposal would contribute to the social objective by adding to the supply of housing in the village, potentially increasing the likelihood of the PH re-opening and there would be some limited economic benefit through the construction process, this development would result in the number of commitments and completions further exceeding the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) the by an additional 3 dwellings which is significant, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

REPORT

1.0 THE PROPOSAL

- 1.1 Consideration of this application was deferred by the Planning Committee (16.02.2021) for Officers to explore with the applicant the potential of a section 106 Agreement linking the profits made from the development to the redevelopment and sustainability of the Acton Arms Public House.
- 1.2 Since the Planning Committee the applicant has submitted the following additional information:
- A detailed estimate (Nock Deighton) of how much funding would be raised through the sale of the land for housing.
 - A detailed schedule of refurbishment works and estimated costs for refurbishing the Public House for it to trade again (Bruton Knowles report).
 - Details of where the funds would be held and how they would be drawn on to support the business. The applicant suggests that funds would be held by in ring fenced account for the Acton Arms of Oxygen 56, the company that owns the pub and land and that they also own a number of other pubs which are let on long term free of tie deals.
 - A Draft S106 legal undertaking.
- 1.3 The potential for such a legal undertaking (Obligation) to be considered a material consideration in the determination of this application is addressed in Section 6.8 below.
- 1.4 Initially this application proposed the development of six dwellings on this site however during the course of the application the scheme has been amended to propose three dwellings. The application seeks approval for the scale of the development together with the access and layout. Details of the appearance and landscaping are reserved for future consideration.
- 1.5 The initial scheme has been amended to take into account new technical information

regarding the potential for the site to flood. The revised layout shows that the development is no longer in Flood Zones 2 or 3. The scheme has also subsequently been amended to delete the plot initially proposed immediately to the rear of the Acton Arms PH.

- 1.6 In support of the application the applicant has made the following points:
- the scheme would provide a small development of high quality new housing within the area of an existing sustainable settlement with good local amenities and connections.
 - the scheme aims to create a new, small neighbourhood with a distinct sense of place that reinforces local character and contributes positively to the existing community.
 - the scheme would use the well-defined boundaries to 'contain' the development and existing hedgerows to soften the character of the scheme.
 - the scheme would retain existing site features that have natural amenity and ecological benefits, such as the mature trees.
 - the scheme utilises the existing access point of the A458.
 - the scheme proposes to use a shared surface drive to create an attractive environment with a more communal feel, not dominated by vehicles
- 1.7 The applicant points out that the Acton Arms PH has been closed for nearly 2 years and is the only pub in the village. As part of this proposal it is intended to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. This scheme will involve the creation of 3 letting rooms to enable the tenants of the pub to have an additional source of income which will help ensure long term viability of the business. Additionally money is proposed to be provided to ensure the rent can be set at a suitably reduced level in order to allow the new tenants to develop and grow the trade at the pub and that without the development of the land to the rear of the pub it is difficult to see how the long term future of the pub can be secured.
- 1.8 It is noted that full planning permission was previously granted on 10th April 2017 (application No. 15/00304/FUL) for the erection of 6 dwellings (4 detached houses and two semi-detached houses) on this site, subject to a Legal Agreement to ensure an affordable housing contribution of £10k subject to an overage clause and open book appraisal on completion. At that time it was considered that whilst the level of development went beyond that envisaged in the SAMDev Plan, in the light of the policy provisions as a whole, and considering the specific circumstances of the application proposal in relation to the criteria in MD3(2) i-v, and considering the balance between full and outline approvals at the time in the cluster the detailed proposal was acceptable in this location and represented sustainable development.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application site extends to approximately 1970 square metres and, is located to

the rear of the Acton Arms PH and the north of the A458. Adjacent to the PH is the existing car park and to the rear of the PH there is a pub garden, beyond which is an informal grassed area containing a number of trees. The northern boundary of the site is delineated by a post and wire fence and a hedgerow beyond which is a field. The eastern boundary has been drawn in during the course of the application to exclude part of the original application site and the amended scheme sees an irregular eastern site boundary. There are various trees beyond this boundary and a river course. The residential curtilage of Priory Cottage is located to the west of the site a grade II Listed building.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member has requested the application is considered by the Planning Regulatory Committee in the event of an approval recommendation. While the recommendation is for refusal the Principal Officer, in consultation with The Chair and Vice Chair of the South Planning Committee, consider the material planning considerations in this case, including the site history, warrants this application being determined by Committee.

4.0 Community Representations

- Consultee Comments

4.1 Morville Parish Council - (18.12.2020.)

Comment:- Whilst they wish to see the Acton Arms restored as a thriving village public-house they are concerned that it depends on a small housing development at the rear in order to finance it. They also note that there are no semi-detached or affordable homes included in the plan. Councillors however, are mindful of Morville Parish Council's designation in the SAMDev document– i.e. 'Countryside' - no market dwellings to be built in the parish and Councillors trust that the decision will be upheld.

4.2 SC Conservation - (30.11.2020.)

The proposed revised block plan/layout is noted where there are no principle objections with regards to the amended layout which would result in the development being tucked in further towards the rear of the Acton Arms Inn which should have a lesser impact especially when viewed from the principal frontage/highway.

4.3 As previously commented, an HIA should be submitted in accordance with paragraphs 189-190 of the NPPF, Historic England guidance GPA3 & HEAN12 and policy MD13 of SAMDev especially by Reserved Matters stage in order to inform the proposed layout and design of the proposal. The submitted Geophysical Survey is noted which should also inform the HIA both in terms of potential archaeology and setting.

4.4 **SC Conservation** - (6.10.2020.) No objection subject to the submission of an HIA,

where it is expected that the site may be subject to further archaeological investigation (subject to further advice from SC Archaeology).

- 4.5 The proposal follows on from previously approved scheme 15/00304/FUL that was granted, where it is noted that the existing public house has been vacant for two years. It is also noted that the proposed layout broadly accords with that previously approved where there are no principle objections in that regard, albeit the proposed density of the site shall be more than that of the existing locality. SC Conservation previously requested a Heritage Impact Assessment (HIA) in accordance with paragraphs 189-190 of the NPPF, Historic England guidance HEAN12 and policy MD13. The submitted Design and Access Statement references the listed cottage adjacent in terms of possible reference in the use of materials etc but there is no further information that acknowledges the relevant heritage assets and potential impact from a setting perspective and how the existing setting should inform the scheme overall. Also the HIA should mention how the proposal should aid the retention of the existing non-designated heritage asset and its long-term viability and continuing its historic use (where the use as a public house may be considered as a public benefit, along with any proposed affordable housing) and how this balances in terms of other concerns such as greater density as part of addressing the paragraph 196 balance. This must be provided especially at Reserved Matters stage as and when further information is provided in terms of the proposed elevations and use of facing materials etc. It is noted that SC Conservation previously accepted amended drawings on the proposed design, so it is expected that the forthcoming Reserved Matters application would be consistent with what was previously approved as per the proposed layout.
- 4.6 **SC Archaeology** - Recommend condition.
The results of a geophysical survey (TigerGeo, April 2016, ACT161) of the proposed development site were submitted with a previous planning application for this site and identified a number of anomalies of potential archaeological interest, including a buried surface or debris that might be the remains of a former structure and possible associated ditches. These features have been interpreted as a possible outbuilding with associated drainage. The survey did not identify any anomalies that would indicate substantial wall footings that could be associated with priory buildings.
- 4.7 In the light of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. Phase 1 of this programme of archaeological work should comprise a field evaluation in the form of trial trenching of the proposed development site prior to construction commencing, with further archaeological mitigation thereafter if deemed necessary.
- 4.8 **SC Trees** (03.12.2020.)
I note that the number of units proposed in this amended application has been reduced to four, with the result that the site is smaller, allowing the retention of a number of trees in the vicinity of the stream to the east of the site that were

previously due to be removed. I support this reduction in number of dwellings from an arboricultural perspective.

- 4.9 The main arboricultural impact of the amended development will be the loss of a mature ash tree from the centre of the site. However, as described in my previous consultation response (2nd October 2020), this ash tree is infected with a fungus which limits its safe remaining life expectancy. I therefore consider it reasonable to remove this tree to facilitate the development, subject to suitable new planting as part of an approved landscape scheme.
- 4.10 The conditions recommended in my previous consultation response remain valid for this amended scheme
- 4.11 **SC Trees - (22.10.2020.)**
Although this is an outline application, I note that access, layout and scale are included and as such this application is essentially the same as a recently expired full permission for a similar development on the site (ref: 15-00304-FUL).
- 4.12 The proposed development will result in the loss of a number of trees from the centre of the site, the most visually prominent of which are a multi-stemmed horse chestnut (T3), a mature ash (T23) and an early-mature lime (T12), as identified in the updated Tree Protection Method Statement (BJ Unwin Forestry Ltd, 11th October 2020). The horse chestnut is structurally compromised by an abundance of tight unions with included bark on key primary and secondary stems. As the tree grows in size and weight, these unions will inevitably fail and I consider that this tree, although healthy and vigorous, has a limited remaining safe life expectancy. Removal of this tree will increase views further into the site, particularly of mature silver birch trees (T5 and 6), early mature lime (T10) and early-mature copper beech (T16) on the eastern boundary, all of which are due to be retained.
- 4.13 Ash tree T23 is a mature tree in a central position, but unfortunately it has a large cavity with Inonotus decay at the break of crown on the main stem. At the time of my site visit this tree was exhibiting signs of dieback across all those parts of the canopy arising from the affected primary branch. Inonotus is an aggressive pathogen which causes progressive canopy dieback and branch or stem failure. As with horse chestnut T3, I consider this ash tree to have a limited safe remaining life expectancy.
- 4.14 I consider other trees to be removed to have lesser arboricultural or amenity value and I would not object to their removal, irrespective of any development. Therefore, I have no objection on arboricultural grounds to the current application, subject to suitable precautions being taken to prevent damage to retained trees and hedges during any approved development and a high quality landscaping scheme, including tree planting as appropriate to compensate for the loss of existing trees and to enhance the development for the future.
- 4.15 Should permission for this outline application be granted, I would recommend attaching the following conditions, to be dealt with as reserved matters:

· The plans and particulars submitted in support of a reserved matters application shall include to the written satisfaction of the LPA an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction Recommendations. Thereafter the development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.

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

· The plans and particulars submitted in support of a reserved matters application shall include to the written satisfaction of the LPA a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The development shall subsequently be undertaken in accordance with the approved tree planting scheme.

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

4.16 **SC Drainage** - (02.12.2020)

1. The revised layout shows that the development is no longer in Flood Zones 2 or 3.
2. The Flood Risk Assessment is acceptable. The future drainage design must take into consideration our comments and informatives dated 8th October 2020.

4.17 **SC Drainage** - (08.10.2020)

1. As the development site is in Flood Zone 3, a Flood Risk Assessment (FRA) should be produced where the developer should:

Complete a FRA using Shropshire Councils Strategic Flood Risk Assessment (SFRA) documents for guidance. The SFRA's are available on the Shropshire Council website. The criteria for a FRA are set out in National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework. Reference should also be made to the Environment Agency West Area (Midlands) Flood Risk Assessment Guidance notes.

A FRA should include, as a minimum:
Assessment of the Fluvial flooding (from watercourses)

Surface water flooding (from overland flows originating from both inside and outside the development site)

Groundwater flooding

Flooding from artificial drainage systems (from a public sewerage system, for example)

Flooding due to infrastructure failure (from a blocked culvert, for example)

Flood compensation storage, finished floor levels and evacuation plan should be detailed.

Proposed surface water drainage strategy

2. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1% AEP storm event plus 35% climate change.

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

A trial hole should be dug to ensure that there is a minimum distance of 1 m from the base of the soakaway to the seasonally high groundwater table.

Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

If soakaways are not feasible, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 100% AEP rainfall event and the 1% AEP rainfall event must not exceed the peak greenfield runoff rate for the same event.

The runoff volume from the development to any highway drain, sewer or surface water body in the 1% AEP, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

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

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

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

Less than 25 == 10

30 == 8

35 == 6

45 == 4

More than 50 == 2

Flats & apartments == 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

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

A flood routing plan should be provided to show the exceedance flow path above the 1% AEP storm event plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

5. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

6. The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The seasonal high water table level should be determined if the use of infiltration techniques are being proposed.

7. The application states that the foul drainage will be connected to the mains system. Connection agreement with the water company should be submitted for confirmation.

4.18 **SC Affordable Housing** - (21.10.2020.)

The development would need to contribute to the provision of affordable housing for it to be policy compliant. Viability evidence in respect to the previous planning permission is now considered to be outdated. If viability issues remain with regard to the current proposal; whereby the ability of the scheme to contribute to affordable housing is challenged, then an up to date viability appraisal will be required. Any submitted viability assessment will need to be subject to an independent appraisal on behalf of the Council, at the applicants expense.

4.19 **SC Ecology** - (04.01.2021.) I have read the above application and the following supporting document - The Preliminary Ecological Appraisal by Abor Vitae (2020). Recommend conditions and informatives.

4.20 **SC Ecology** - (01.10.2020.)

A planning application on this site must be accompanied by an Ecological Impact Assessment of the land in and surrounding the proposed development and a discussion of any potential impacts resulting from the development.

- 4.21 An Ecological Impact Assessment should consist of:
 An Extended Phase 1 habitat survey, habitat map and target notes on any significant biodiversity or geological features.
 A desk study of historical species records and local, regional or national wildlife designated sites.
 Supplementary detailed surveys (phase 2 habitat surveys, protected or priority species or geological features as appropriate to the site).
 Evaluation of the importance of biodiversity or geological features present at a local, regional, national, international level.
 Analysis of the direct and indirect impacts of the development (during construction, working area, additional infrastructure and post construction).
 Proposed avoidance, mitigation or compensation measures, including method statements where appropriate.
 Legal implications such as the need for European Protected Species Mitigation Licences or other licences (e.g. badgers).
 Proposed biodiversity or geodiversity enhancement measures.
- 4.22 The Ecological Impact Assessment should be carried out by a suitably qualified and experienced ecologist with the relevant protected species licenses. The Ecological Impact Assessment should be submitted to the Local Planning Authority prior to a planning decision being made.
- 4.23 **SC Highways** - (06.11.2020.)
 No objection, recommend conditions and informatives :-

1) Visibility Splays

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 access 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.

2) Parking, loading, unloading and turning

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.

3) Drainage Scheme (Informative)

Details of a drainage arrangement scheme to ensure that surface water from development does not discharge onto the public highway, will need to be provided at the reserved matters stage. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

4) Works on, within or abutting the public highway (Informative)

This planning permission does not authorise the applicant to:

- carry out any works within the publicly maintained highway, or
- construct any means of access over the publicly maintained highway (footway or verge) or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

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

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.

4.24 - Public Comments

Advertised – 29.09.2020 & 17.11.2020. Site notice displayed 31.10.2020.

Six letters sent 30.09.2020 & eight letters sent 13.11.2020.

One representation received which may be summarised as follows: -

The National Trust notes that this application is an outline version of a detailed proposal approved in 2017 and now expired. The previous proposals were the subject of negotiation involving Historic England and the council's conservation officer because of the sites location within the conservation area and the potential for development to affect the setting of the grade I listed St Gregory's Church.

The church is closely associated with Morville Hall, a grade I listed Elizabethan House remodelled in the 18th century. Morville Hall and 50 hectares of associated land including the land surrounding the church and opposite the Acton Arms was given to the National Trust by Miss A P Bythell in 1965. The National Trust considers that any development on this site needs to be of the highest quality, appropriate to the character and appearance of the conservation area and the setting of the church and Hall.

5.0 THE MAIN ISSUES

Principle of development
Historic Environment
Highways Ecology Drainage
Residential Amenity
Planning Obligation

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) also advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration that constitutes guidance for local planning authorities as a material consideration to be given weight in determining applications.
- 6.1.2 A key objective of both national and local planning policies is to concentrate new residential development in ‘sustainable’ locations which are easily accessible and which offer a range of services and community facilities.
- 6.1.3 Policy CS1 of the Shropshire Council Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable “rural rebalance” approach. Development in rural areas will be predominantly in Community Hubs and Community Clusters.
- 6.1.4 Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.
- 6.1.5 Core Strategy policy CS5 and also SAMDev policy MD7a strictly controls development in the countryside whilst providing a number of exceptions for new dwellings.
- 6.1.6 Under the current adopted SAMDev Plan the settlement of Morville forms part of a Community Cluster with Acton Round, Aston Eyre, Monkhopton, and Upton Cressett as set out in SAMDev Schedule MD1.1: Settlement Policy Framework. The specific policy requirements for development in the Community Cluster are set out in Policy S3.2 (iii). The delivery of housing development in general is set out in Policy MD3.
- 6.1.7 The policy S3.2 (iii) states that the settlements of Acton Round, Aston Eyre, Monkhopton, Morville and Upton Cressett are a Community Cluster in Morville Parish where development by infilling, conversions and small groups of dwellings may be acceptable on suitable sites, with a housing guideline of around 15 additional dwellings over the period to 2026. New housing will be delivered through appropriate small-scale infill and windfall development within or immediately adjoining these villages.

6.1.8 The housing guideline for the Community Cluster is for around 15 new dwellings (from 2011) up to 2026. As of 31 March 2020 there were 16 completions (since 2011) and 18 dwellings with outstanding planning permission (Five Year Land Supply Statement – Published March 2021). The supporting text refers to the housing numbers as guidelines and having regard, amongst other things, to the aspirations of those communities as well as matters such as past rates of development and site suitability.

6.1.9 With respect to these figures it is noted that the previous consent (now expired) for 6 dwellings at this site (15/00304/FUL) was included in the 18 dwellings with outstanding planning permission. Taking this into account there are 12 dwellings with outstanding planning permission. Although it is recognised that the settlement policy guidelines are not maximum figures (encapsulated by the inclusion of ‘around’ in the Policy wording) the proposal would clearly take the level of completed and committed development beyond the guideline figure.

6.1.10

Date	Permission No. /Type	No. dwellings	Location
27.08.2015	14/02894/OUT	14	Haughton Lane, Morville.
15.12.2015	14/02921/OUT	Up to 9	Manor Farm, Monkhoppton.
10.04.2017	15/00304/FUL	6	Acton Arms, Morville. - now expired.
25.05.2017	17/00827/REM	14	Haughton Lane, Morville. - development now completed.
18.03.2019	18/05511/REM	9	Manor Farm, Monkhoppton.

The remaining consents included in the figure refer to dwellings created as a consequence of the conversion of existing buildings.

6.1.11 Policy MD3(2) is clear that the settlement housing guideline is a significant policy consideration. MD3(2) recognises that where proposals within settlements would take the overall level of development (committed and completed) above the guideline the policy tests set out under Policy MD3(2) i-v are the relevant considerations in conjunction with the principles established in MD3(1). In this case, the site is considered to be within the settlement of Morville (negating the need for consideration of MD3(3)).

- 6.1.12 The policy tests set out under Policy MD3(2) i-v are that regard will be had to the following:
- i. The increase in number of dwellings relative to the guideline; and
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. The benefits arising from the development; and
 - iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
 - v. The presumption in favour of sustainable development.
- 6.1.13 Given the fact that Morville is, at the time of writing this report identified as part of a Community Cluster, it is accepted that Morville is a sustainable settlement. Although there is no hierarchy of settlements within the Cluster, where proposals trigger an assessment under MD3(2) due to the guideline being exceeded, these wider considerations form part of the assessment of the suitability of the proposal against the policy provisions. It is recognised that Morville is the largest settlement within the Cluster and one which offers opportunity for sustainable development due to its central location on the A458 and the facilities therein (school, village hall and PH, albeit currently closed).
- 6.1.14 The ability of the settlement to accommodate the proposed development is central to consideration of whether the development represents sustainable development. However, it is also considered relevant to look at the wider impacts (both positive and negative) of the proposal as part of the overall planning balance. On this note it is accepted the site is well confined within the existing curtilage of the Public House and does not encroach into the wider countryside beyond. Furthermore, Officers are unaware of any local infrastructure issues resulting from this modest level of development and consider that the development may facilitate enhancement of some local services and facilities in line with the objectives of Core Strategy policy CS4. Indeed, as noted above the applicant has stated that he intends to use the residential development proposed to finance the refurbishment of the Acton Arms PH with a view to it reopening.
- 6.1.15 It is noted that the previously approved full planning permission for development on this site has now expired, and significantly the development of 14 dwellings in Haughton Lane (which was only approved in outline when the expired permission was approved) has now been delivered. Additionally, the Reserved Matters for the Outline planning permission for a further 9 dwellings in Monkhopton has also been approved and at the time of writing this report remains capable of implementation. This is it considered significantly changes the planning balance in this case.
- 6.1.16 Paragraph 3.21 of the SAMDev supporting Policy MD3 confirms that the guideline figures reflect detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. Moreover, while not a maximum figure, going beyond it by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill towards breaking point. As part of the on-going partial Local Plan Review The Parish Council has requested that the

Community Cluster of which Morville forms part, is deleted returning the settlement to countryside for planning policy purposes. This request, has been accepted by the Council and forms part of the amended plan which is currently out to consultation. It is noted however that the NPPF states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. Whilst reference has been made to a Local Plan review it is at an early stage, consequently, it carries little weight in the determination of this application. It does however signal the communities reluctance to accept any additional dwellings and a breaking point of their "goodwill".

- 6.1.17 If approved this development would result in the number of commitments and completions further exceeding the housing guidelines by an additional 3 dwellings which in the light of the existing number of dwellings completed and commitments made (28 dwellings) this exceedance would be significant. The over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities.
- 6.1.18 It is acknowledged that the proposal would contribute to the housing stock in the area and the NPPF seeks to significantly boost the supply of housing. There may also be benefits associated with spending and on job creation during the construction period and from future occupants of the dwellings with regards to the local facilities and services.
- 6.1.19 Indeed, the applicant has stated that he intends to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. Furthermore, that he would reduce the rent to enable the tenant an opportunity to grow the business. The applicant has suggested a legal obligation could be used to secure the required linkage between the development and the sustainability of the Acton Arms Public House. However, for the reasons set out in Section 6.8 below, very limited weight can be attached to that potential benefit in the overall planning balance.
- 6.1.20 On balance it is considered that the proposal would not be a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

6.2 Historic Environment

- 6.2.1 As with the previously approved detailed scheme, the current outline scheme includes the construction of a new vehicular access off the A458 positioned close to the existing car park access. This access would provide access to the proposed re-planned public house and the new dwellings. The access road would lead to a turning head around which the proposed dwellings would be positioned.
- 6.2.2 The National Planning Policy Framework (NPPF) Paragraph 189 "In determining applications, local planning authorities should require an applicant to describe the

significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

- 6.2.3 It is noted that a thorough HIA was submitted at the time of the previous full detailed application where it was established that the development proposal is located close to Morville Hall Garden (HER PRN 07538), the Grade I Listed Morville Hall (National Ref: 254759), the Grade I listed Church of St Gregory (National Ref: 254758) and the Medieval cross in St Gregory's Churchyard which is a scheduled monument (National Ref: 1015292). The site of Morville Priory, a college of secular priests of late Saxon to medieval date (HER PRN 00603) is now thought to lie between Morville Hall and the Acton Arms with the possibility of collegiate buildings being located north of the A458 which itself is possibly located along the line of a former Roman road (HER PRN 04076). Remains from the deserted medieval village of Membrefeld may also be located in this area. Evidence for prehistoric occupation in the immediate area has been collected from various dispersed find spots.
- 6.2.4 The previously submitted Heritage Assessment identified the potential for priory buildings on the site of the proposed development. If present, any such remains could potentially be of demonstrable equivalent significance to designated heritage assets (Para 139, NPPF). In view of the above, a geophysical survey of the development site was undertaken and the results submitted to the Local Planning Authority. This identified a number of anomalies of potential archaeological interest, including a buried surface or debris that might be the remains of a former structure and possible associated ditches. These features have been interpreted as a possible outbuilding with associated drainage. The survey however did not identify any anomalies that would indicate substantial wall footings that could be associated with priory buildings. In view of the above, and in accordance with the National Planning Policy Framework (NPPF) Section 141 (which states that local planning authorities should make information about the significance of the historic environment gathered as part of development management publicly accessible), SC Archaeology Team recommends that a programme of archaeological work be made a condition of any planning permission. This would comprise a field evaluation in the form of a targeted trial trenching exercise, followed by further mitigation as appropriate.
- 6.2.5 The applicant for this current application seeks to rely largely on the outcome of the HIA submitted with the previous application which concluded that the application would have a minor effect upon listed buildings which following the implementation of planting mitigation measures would be neutral and that the development would have a minor effect on the Conservation Area. However a proportionate HIA has been submitted during the course of this application.

- 6.2.6 With regards to this it is noted that the SC Conservation Officer is content that the amended layout would result in the development being tucked in further towards the rear of the Acton Arms PH and considers that the scheme should have a lesser impact than that previously approved, especially when viewed from the principal frontage/highway.
- 6.2.7 Furthermore there are a number of trees on the site/close to the site and the retention of trees within the site is considered key to ensuring the development sits well within its context and would help to minimise the impact upon the Conservation Area. With respect to this it is noted that the amended scheme has allowed the retention of a number of trees in the vicinity of the stream to the east of the site that were previously due to be removed. Further consideration is given to the impact of the development on the existing trees is given below.
- 6.2.8 Whilst it is accepted that the appearance of the development would be reserved for future consideration, it is considered that the layout is acceptable and dwellings could be designed as evidenced by the previous approval to ensure that the development would preserve or enhance the character of the conservation area and preserve the setting of listed buildings, namely the Grade II listed 29 & 30 Morville and the wider setting of the Grade I listed Church of St Gregory and scheduled medieval cross. Therefore it is considered that the amended proposals would be acceptable in terms of policies CS6 and CS17 of the Shropshire Core Strategy and to accord with sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.3 **Trees**
- 6.3.1 Policy MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets.
- 6.3.2 The SC Tree Officer identifies that the main arboricultural impact of the amended development would be the loss of a mature ash tree from the centre of the site. However, this ash tree is infected with a fungus which limits its safe remaining life expectancy and it is therefore considered reasonable to remove this tree to facilitate the development, subject to suitable new planting as part of an approved landscape scheme. Accordingly the SC Tree Officer recommends appropriate conditions to require further details to be submitted at the time of the submission of the Reserved Matters application to safeguard the amenities of the local area and to protect the natural features that contribute towards this and to ensure that satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.
- 6.4 **Highways**
- 6.4.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It 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 Vehicular access to the site is proposed to be provided from the redesigned access on the A458. Visibility splays of 2.4 x 43m were shown to be achieved in the previously approved scheme which conforms with the required stopping sight distance for vehicles travelling at 30mph.

6.4.4 It is noted that at the time of the previous application SC Highways confirmed that the access onto the A458 is well established with good sightlines in both directions. Furthermore they noted that the inclusion of an informal crossing point from the car park area to the pub would assist patrons and residents alike. The provision of such a crossing point has not been included in this outline application but could be made a condition should outline planning permission be granted.

6.4.5 It was established previously that the existing car park which serves the Acton Arms PH can accommodate some 37 cars. The scheme, as previously indicates no loss of pub car parking spaces. It was also established that service vehicles could enter and exit the site in forward gear utilising the vehicular entrance and manoeuvring using the internal road network. With respect to the service/delivery vehicles for the Public House this situation would be no more onerous than the existing situation which involves the use of the existing public house car park.

6.4.6 The SC Highways Team has been consulted on the current proposal where they raise no objection subject to appropriate conditions to ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

6.5 **Drainage**

6.5.1 The Mor Brook lies some 220 metres to the south west of the site with one of its tributaries running to the south east of the site. A FRA has informed the revised scheme submitted in connection within this application. The whole of the amended application site now lies within Flood Zone 1 which has a low risk of flooding and outside any identified Critical Drainage Area. It is also noted that there is good opportunity within this site to implement SuDS mitigations measures such as permeable paving, rainwater harvesting and soakaways. As such it is considered that the site can be developed without risk of flooding for the occupants or increasing the risk of flooding elsewhere.

6.5.2 The submitted FRA recommends that as the development will increase the site impermeable area and, as such, it may have an adverse impact on surface water

run-off rates, appropriate mitigation measures are proposed which could be conditioned, together with an appropriate Sustainable Drainage Scheme.

6.5.2 The SC Drainage Team has been consulted on this aspect of the proposals and raises no objection and recommends conditions and informatives.

6.6 Residential Amenity

6.6.1 Policy CS6 seeks to ensure that residential amenity is protected. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development 'creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. Furthermore the Councils Supplementary Planning Document – Type and Affordability of Housing, makes it clear that in assessing planning applications for residential developments the Council will take account of the internal and external space provided, with a view to ensuring reasonable living space requirements for the occupants, as well as protecting the living conditions of neighbours who might be affected. Developments that provide unacceptably cramped accommodation will be resisted.

6.6.2 Whilst the application is in Outline form with details of the appearance of the dwellings reserved, details of the layout and the scale of the development have been submitted for consideration. With respect to this Officers raised concerns about the juxtaposition of the proposed dwelling immediately to the north of the curtilage area retained for the Acton Arms PH. This plot would be significantly closer to the PH and its garden area than the dwelling houses approved previously. Whilst it is noted that there is an existing dwelling to the west of the PH this property occupies a significantly larger plot than proposed in this scheme.

6.6.3 The potential for noise and disturbance emanating from the existing PH is still considered significant with respect to this proposed plot, from the general disturbance from staff undertaking their duties. Additionally the NPPF states at para.182 that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as public houses) and that existing businesses/facilities should not have unreasonable restrictions placed on them as a result of the development permitted after they were established.

6.6.4 In response to the officers concerns the applicant has amended the scheme further to delete this plot and has stated that there would be no 'beer' garden to the rear of the PH and that this is a private space and the back entrance to the kitchen. The PH beer garden would be located as currently where the beer garden and old children 's play area is, to the north of the PH car park.

6.6.5 The nearest existing dwelling is Priory Cottage the garden of which adjoins the northwest boundary of the site and the Acton Arms PH. In respect of this it is noted that the development would be set towards the northern boundary of the site and to the northeast of Priory Cottage and that the proposed dwellings would be largely side onto the residential curtilage of the Priory Cottage. It is considered however

that, whilst the proposed development would be visible from Priory Cottage, given the distance separation and the size of the residential curtilage of Priory Cottage the proposed dwellings could be designed so as not unduly harm the existing amenities enjoyed by the occupiers of this property.

6.7 Affordable Housing/Developer Contributions

6.7.1 The scheme will be liable for CIL. Turning to the issue of Affordable Housing. The site lies in a Designated Protected Area where the affordable housing threshold is applied to developments comprising 5 dwellings or fewer. As the number of dwellings has been reduced to 4 no affordable housing contribution would be required.

6.8 Planning Obligation

6.8.1 As mentioned above the Planning Committee deferred making a decision on this application to enable the applicant to provide further details to demonstrate how the development would provide the contended benefit to the community of ensuring the refurbishment and re-opening of the Acton Arms Public House.

6.8.2 To that end the applicant has provided information which details the works required for the PH to reopen and the potential funds that could be raised by the sale of the land. The applicant includes a draft planning obligation (S106) which requires the owner to

(1) use the sale proceeds from the sale of the Land to carry out refurbishment and repair works at the Public House as set out in the obligation. These Works include items such as, landscaping the beer garden and play area, beer garden tables and chairs, play equipment, fencing, garage door replacement, scaffolding and repainting exterior PH, repairs windows; interior works such as repair flooring, selective repainting, testing electrics/fire system/cellar equipment, replacement rear door, repair front door, creation of 2 en-suite letting rooms and owners accommodation.

(2) The Owner shall commence the Works within 2 weeks of the completion of the sale of the Land.

(3) Any balance of the sale proceeds remaining after completing the refurbishment and repair works shall be used by the Seller to subsidise the rent payable by the tenant of the Public House.

6.8.3 Planning obligations may however only mitigate the impacts of a development and can only constitute a reason for granting permission if they meet three tests: necessary, directly related to the development, and fairly and reasonably related to the scale and kind of development.

6.8.4 For the proposed obligation to meet the required tests the LPA would need to consider that the benefits of refurbishing the pub would make the development acceptable. The planning obligation must be necessary to make the development acceptable in planning terms i.e. to mitigate the impacts of a development proposal.

The development in this case is the erection of 3 dwellings and, whilst the public house is currently in the applicant's ownership the application does not include any works to the public house. There is no evidence that the obligation would mitigate any identified impact, as the harm of the development would be to the Councils Housing Strategy and the development plan. Indeed, it is the stated intention of the applicant to sell the application site should planning permission be granted for others to pursue to a Reserved Matters application. As such, it is considered that the planning obligation which requires moneys to be spent on the refurbishment of the PH would fail to meet the test of necessity and would not be directly related to the development, i.e. the residential development.

- 6.8.5 Notwithstanding the issues raised above the details put forwards seek to demonstrate that, once costs are deducted the available moneys would be around £191,000 and the refurbishment costs would be approximately £130,000. The applicant has suggested that in order to ensure the pub has time to establish itself and to ensure that the proposed benefits lead to the long-term prospering of the pub in addition to the refurbishment there is a rent subsidy. The figure put forwards would leave approximately £61,000 for this purpose and the applicant suggests a mechanism which would involve a decreasing percentage of this money being used over a five-year period to be included in the obligation. However, this would constitute merely a financial transaction and the public house is a private business. There is no evidence that the obligation would mitigate any identified impact, as the harm of the development would be to the Councils Housing Strategy and the development plan. Furthermore, this would not, it is considered meet the tests required to be met by a planning obligation, as a planning obligation could not require a private business to re-open. As such, the suggested planning obligation would not be fairly and reasonably related to the scale and kind of development proposed in this case.
- 6.8.6 Notwithstanding the issues raised above, SC Legal Services have confirmed that the terms put forwards in the draft S106 submitted are insufficient as currently drafted to bind the monies to the PH as the obligation would need to prevent development/occupation of the new dwellings until the works had been carried out to the pub and that such an obligation is likely to make the development unattractive to potential developers.

7.0 **CONCLUSION**

- 7.1 Although it is recognised that the proposal would contribute to the social objective by adding to the supply of housing in the village, potentially increasing the likelihood of the PH re-opening and there would be some limited economic benefit through the construction process, this development would result in the number of commitments and completions further exceeding the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) the by an additional 3 dwellings which is significant, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct

development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Core Strategy and SAMDev Policies:
CS4 - Community Hubs and Community Clusters
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S3 - Bridgnorth

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

RELEVANT PLANNING HISTORY:

PREAPP/14/00307 Proposed development of 6 new detached dwellings PREAMD 1st July 2014

15/00304/FUL Erection of four detached houses and two semi-detached houses, access, parking and landscaping GRANT 10th April 2017

BR/APP/FUL/07/0967 ERECTION OF EXTERNAL DRINKING SHELTER REFUSE 10th January 2008

BR/APP/FUL/01/0907 Retention of floodlights on the front elevation GRANT 6th February 2002

BR/APP/FUL/07/0398 ERECTION OF A SHELTER TO PROVIDE EXTERNAL DRINKING/DINING AREA AT THE FRONT AND REPLACEMENT ENTRANCE LOBBY AT THE SIDE REFUSE 5th July 2007

BR/97/0117 ERECTION OF SINGLE STOREY REAR EXTENSION GRANT 1st April 1997

BR/96/0558 ERECTION OF A SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF PITCHED ROOF OVER EXISTING FLAT ROOF EXTENSION GRANT 10th October 1996

BR/85/0090 Retention of former paddock as beer garden, including barbecue, climbing frame, slide, swings and 8 four metre high lighting poles GRANT 2nd July 1985

Appeal

BR/APP/FUL/01/0907 Development Appeal W 22nd November 2002

11. Additional Information

View details online:

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

List of Background Papers:

Design and Access Statement

Heritage Impact Assessment

Geophysical Survey Report

Flood Risk Assessment

Ecology Report

Tree Survey

Tree Protection Method Statement

Affordable Housing & Transport Statement

Cabinet Member (Portfolio Holder)

Councillor Gwilym Butler

Local Member

Cllr Robert Tindall

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.

2. 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 policies:
CS4 Community Hubs and Community Clusters
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev policies:
MD2 Sustainable Design
MD3 Delivery of Housing Development
MD7a Managing Housing Development in the Countryside
MD12 Natural Environment
MD13 Historic Environment
S3.2 (iii) Acton Round, Aston Eyre, Monkhopton, Morville and Upton Cressett Community Cluster

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

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Development Management Report

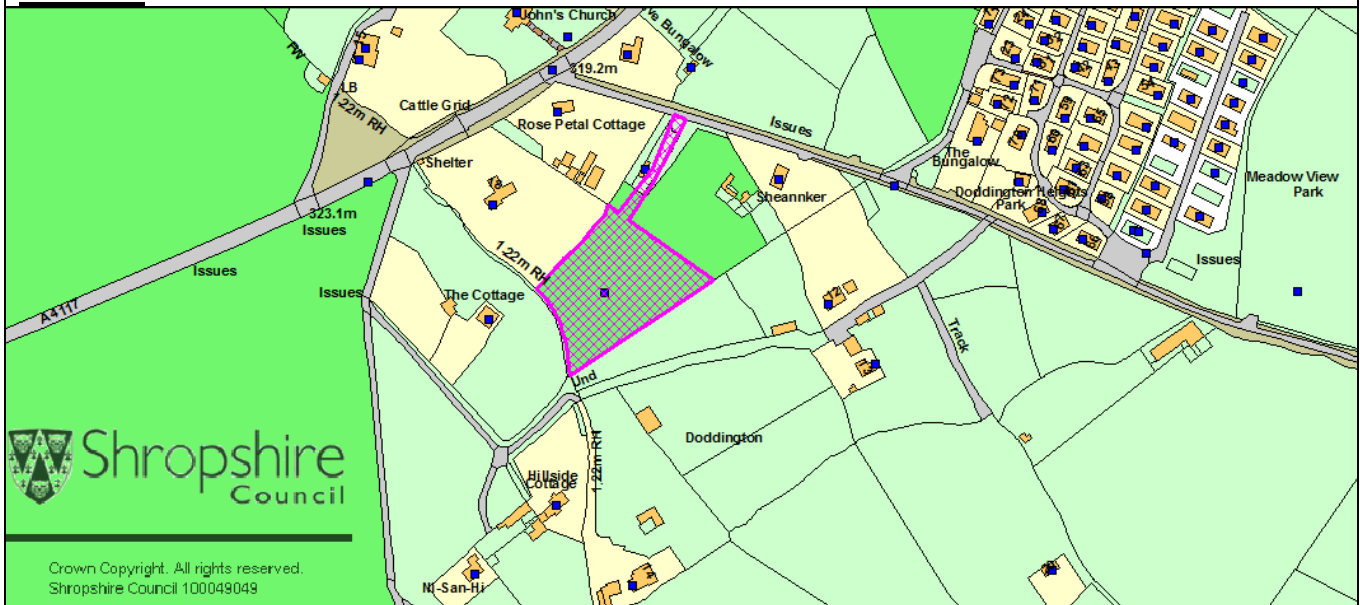
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 19/01329/FUL	Parish:	Hopton Wafers
Proposal: Erection of 2no. detached dwellings		
Site Address: Proposed Residential Development Land To The South Of Doddington Shropshire		
Applicant: Mr Wade Davies		
Case Officer: Heather Owen	email: planning.southern@shropshire.gov.uk	

Grid Ref: 361591 - 276023



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application for the erection of two, 3 bedroomed dwellings was deferred at the meeting of the Southern Planning Committee held on 10th March 2020 in order for the members to carry out a site visit. Shortly after the Country entered national lockdown and has been subject to social distancing rules since which have not made it possible for the Committee Members to carry out physical site visits. The Council have held virtual Planning Committees since June 2020 with members determining planning applications with the benefit of site photographs presented at the meetings. Bearing in mind the Members experience of assessing sites using site photographs at these previous virtual Committees and with the pandemic ongoing it is hoped the site photographs to be presented to the Southern Planning Committee will equally now be considered sufficient to enable the members to be in a position to now determine this planning application.
- 1.2 The dwellings proposed are a mirror of one another with each dwelling having a footprint of approximately 58sqm and providing a total floor area over two floors of approximately 112.79sqm. The dwellings are designed to have the appearance of a split level, being dug into the slope of the site and designed with the main living accommodation on the first floor and the bedroom accommodation at ground floor.
- 1.3 The two dwellings would have a contemporary design with a mono-pitched sedum roof. The walls are proposed to be clad at first floor with timber (Cedar) on three sides, with the south east elevation rendered. The ground floor walls are proposed to be of stone construction. The rear of each dwelling would have a glazed balcony with a pedestrian timber bridge proposed to provide access from the parking area to the main entrance of the properties.
- 1.4 Vehicle access to the site is proposed to be via a shared access track which runs through the land to the north of the site before connecting with Earls Ditton Lane via an existing access.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is part of an area of rough pasture land on the south side of the settlement of Doddington. Planning permission was approved at the South planning committee on 30th July 2019 for the erection of 2 dwellings on the northern part of this parcel of land (18/05739/FUL). A post and wire fence currently split's the parcel of land roughly into two halves. Access to this application site is through that parcel of land which joins onto Earls Ditton Lane.
- 2.2 The site is of a sloping nature, with the gradient sloping down from the A4117 towards the mature tree and hedge lined boundary and open fields beyond. To the west beyond a mature boundary hedge No 18 Doddington adjoins the site. A property known as 'The Cottage' adjoins the site to the south west. Towards the south lies a cluster of three dwellings
- 2.3 The site itself is outside of the Shropshire Hills Area of Outstanding Natural Beauty

(AONB), the boundary of which wraps around the site runs along the A4117, which is around 70m to the west of the site and a further 152m to the south roughly where the edge of the former field boundaries gives way to open Common land.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council raise objection to the proposals and following discussion with the Chair and Vice Chair of the Southern Planning committee it was concluded that given the adjoining site was considered by planning committee and the sensitive location of the site the case would benefit from committee determination.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Hopton Wafers Parish Council: Strongly objects to this planning application

- The dwellings are being proposed in Open Countryside and the location cannot in any way be considered to be part of the village of Doddington.
- This is speculative development of market housing on agricultural land and does not meet the criteria set in our Community Led Plan, SAMDEV statement and the Core Strategy. The community and Parish Council would only support single plot small scale (up to 100m²) housing, to be affordable and thus more available for local people which would encourage the community to survive and families to stay together.
- Council feel the site is totally unsuitable for development being accessed across another field already with contentious planning applications and outstanding concerns. The additional traffic will create even more hazards for those vehicles turning on/off the field into Earls Ditton Lane, the access (which was installed without permission) will worsen the already poor condition of the lane and exacerbate the safety issues at the junction with the A4117. This field is deemed to be contaminated due to being used for waste disposal.
- These dwellings would be very prominent on the hilly landscape, adjacent to an Area of Outstanding Natural Beauty and would be visible for many miles.
- The Council has serious concerns of the proposed over-development in this area which will create additional traffic on an unsuitable lane and the junction with the A4117. Earls Ditton Lane is in a poor state and the junction onto the A4117 has been the site of many accidents over the years due to the steepness of the junction and speed of traffic on the main road. Increased numbers of vehicles will make this matter worse. The Parish Council urge both Planning and Highways Officers to consider the effect of multiple planning applications at this location, not just on an individual basis.
- There is the matter of current planning (17/01544/FUL) on the first field which has been recently permitted. This house may still be built, with site amendments. There is the outstanding application for two additional houses on this field (18/05739/FUL) which again does not meet any criteria of affordable, single plot dwellings and goes against the wishes of the community in the Community Led Plan, SAMDev and the Core Strategy (Community Hubs and Clusters). For example, there are no existing properties in close proximity and

'windfall development adjoining a village is not acceptable'. There are no services or facilities to make the community more sustainable. Whilst these are separate applications, we urge you to consider the cumulative effect raised by the number of speculative planning applications in this area which do not meet the criteria in Shropshire Council's policies.

- In summary this Council strongly objects to this planning application due to the speculative nature of market housing in Open Countryside and it should be refused.

4.1.2 SUD's: Recommend condition requiring surface water and foul drainage detail. Informatives recommended regarding the design of sustainable water systems.

4.1.3 SC Highways: Final Comments: No objection, recommend condition requiring the formation of the parking, turning area and informatives. Access arrangements associated to planning application 18/05739/FUL are enough to accommodate the increase of properties within the site from two dwellings to four.

SC Highways: Initial Comments: Additional information required:

- The Location and block plan should include within the red line the access between the plots up to the public highway.
- The block plan should include the access geometry, including visibility splays.

4.1.4 Affordable Housing Team: No affordable housing obligations are associated with this proposal.

4.2 Public Comments

4.2.1 The application has been advertised for 21 days via site notice and directly in writing to 5 neighbouring properties.

1 comment received:

- The block plan received on 01st August 2019 is inaccurate version of the access rights to the land. The applicant's access is detailed in the land registry documents.

5.0 THE MAIN ISSUES

Principle of development
Affordable Housing Contribution
Siting, scale and design of structure
Visual impact and landscaping – Setting of Shropshire Hills AONB
Highway Safety
Residential Amenity
Drainage
Other Matters – Site Access – Landownership

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.
- 6.1.2 For new housing development, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in policy CS3; CS4 and set out in detail in the Council's SAMDev Plan, policy MD1.
- 6.1.3 Doddington is identified as a community cluster alongside Hopton Wafers by policies CS3 and MD1. The settlement policy S6.2(ii) provides further guidance as to the nature and amount of housing expected stating:

'Limited infill of smaller, market priced houses on single plot developments immediately adjacent to existing development, and conversions may be acceptable, with housing guidelines of around 12 additional dwellings over the period to 2026. Doddington is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and new development will have to pay particular regard to its setting.'

- 6.1.4 Doddington is relatively loose knit settlement made up of dwellings set within generous plots in a scattered, informal pattern accessed either directly off the A4117 or Earls Ditton Lane or connected via shared tracks which in turn links to the wider public highway network. The application site at its western boundary adjoins with an existing dwelling (18 Doddington). There are also dwellings to the south west and south of the site, although it is noted these are slightly separated from the site by grazing land, this is not out of character with the loose pattern of development in Doddington. On balance the site is considered to be part of the loose grouping of properties and would represent an infill plot on the edge of Doddington.
- 6.1.5 At the meeting of the Southern Planning Committee held on 10th March 2020 Hopton Wafers Parish Council advised Members that the cluster settlement has had planning permission for 21 dwellings. The starting point when analysing the number of planning permissions for the two settlements within this Cluster is the Councils most recently published Five Year Housing Land Supply Statement, published 19th March 2021 which includes analysis of completions and commitments and sites with planning permission up to 31st March 2020. The statement advises that in the case of the community cluster within which Doddington sits there have been 8 completions and 9 sites with planning permission or prior approval (as at 31st March 2020).
- 6.1.6 It should be borne in mind of the outstanding permissions listed within Appendix A

of the Five Year land supply that planning permission 18/02739/FUL on the land adjoining this application site occupies the same plot of land as another planning permission (17/05144/FUL) also included in the number of outstanding permissions referenced within the five-year housing land supply and the nature of the proposals is such that only one of the schemes could be implemented. Depending on which permission is implemented on the adjoining site the current number of dwellings permitted across the cluster is 16/17. The Parish Councils figure of 21 represents the number of permissions granted across the wider parish not just the settlements themselves and thus includes barn conversion schemes outside of the two cluster settlements, which are classed countryside and subject to separate planning policy considerations under CS5 rather than CS4 and MD1 which this application is subject to. For the purposes of CS4 and MD1 and assessing the housing guidelines it is the planning permissions within the actual named settlements that have been permitted under those policies that should be considered and given weight when considering the case in the planning balance.

6.1.7 SAMDev policy at MD3.2 states that the settlement housing guideline is a significant policy consideration and provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to have regard to:

- i) The increase in number of dwellings relative to the guideline; and*
- ii) The likelihood of delivery of the outstanding permissions; and*
- iii) The benefits arising from the development; and*
- iv) The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
- v) The presumption in favour of sustainable development.*

6.1.8 Doddington has been identified as an appropriate location for open market residential development and the Local Planning Authority is satisfied that this designation has been made taking into account the long term sustainability of the settlement and county as a whole. On applying the criteria listed in policy MD3.2, it is acknowledged that the scheme if permitted would add to the number of permissions granted within the cluster as a whole and which if all delivered would increase the number of dwellings above the cluster guideline. It is noted that the number of completions within this cluster since the previous 5 year land supply publication using data up to 31st March 2019 has held at 8. Of these completions 1 relates to Doddington settlement itself, an affordable dwelling (16/01104/FUL). Of the other outstanding permissions for Doddington there is currently permission for 4 or 5 dwellings (depending on whether the adjoining site implements the permission for 2 dwellings or the permission for 1). The other two cases for outline permissions (18/03934/OUT and 19/01374/OUT) have yet to be followed up with reserved matters applications.

6.1.9 It is judged that the erection of two further dwellings within the Doddington settlement would not cause demonstrable harm to the character of the settlement in terms of delivering excessive housing to the settlement which may result in disproportionate car usage or excessive energy consumption in the context of the

Community Cluster policy. When the above is weighed in the planning balance it is considered it would currently be difficult to justify refusal of this application on housing numbers.

6.2 Affordable Housing Contribution

6.2.1 Core Strategy Policy CS11 and an accompanying Supplementary Planning Document require all market housing schemes to make an affordable housing contribution (usually a payment in lieu of on-site provision where a small number of dwellings is proposed). However the revised version of the NPPF published in February 2019, incorporated the 2014 Written Ministerial Statement which announced that planning obligations should not be used to secure such tariff-style contributions below certain thresholds, the stated intention being to boost housing supply by removing “disproportionate burdens on small-scale developers”. Paragraph 63 of the NPPF states, that affordable housing provision should not be sought in connection with small-scale residential developments (i.e. those comprising fewer than ten dwellings, or five or fewer in ‘designated rural areas’), without any reference to developer burden or other motives. This application is for 2 dwellings and given the above circumstances it must be accepted that the Council’s policies in this respect are out-of-date and can no longer be given significant weight, meaning no affordable housing contribution should be sought here.

6.3 Siting, scale and design of structures

6.3.1 Both national and local plan policy seek to ensure developments are of a high quality of design which seeks to create distinctive places. At paragraph 126 the NPPF acknowledges that the level of design detail and degree of prescription should be tailored to the circumstances of each place. Paragraphs 127 and 130 go into further detail with paragraph 130 stating:

‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).’

6.3.2 The objectives of the NPPF are reflected within Local development plan framework through Core Strategy policy CS6 and SAMDev Plan Policy MD2, which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character and expects development to contribute to and respect locally distinctive or valued character and existing amenity value.

6.3.3 The general design principles of this scheme are similar to the two dwellings approved on the adjoining site, with the proposed dwellings subject to this

application seeking the use of a contemporary design with the visual impression of a 'split level' design. The external wall materials proposed are a combination of render, stone and cedar timber weather boarding. The materials palette within Doddington is wide ranging, from the traditional to the more modern and the presence of the large mobile home park to the north east of the site has to be acknowledged. The materials proposed for these two dwellings are considered to be reflective of the existing dwellings within the settlement picking up on traditional materials such as the stone and adding a contemporary interpretation in the design with the mono-pitched proposed sedum roof, which would soften the appearance of the dwellings.

- 6.3.4 Doddington by being part of a community cluster has been accepted as a sustainable location for open market housing development. The settlement policy for this cluster refers to 'smaller, marked priced houses', however it does not define 'smaller' and there are no specific restrictions in adopted planning policy on the size of open market dwellings providing the plot on which the dwellings would be constructed is of sufficient size. The Parish Council expects small to mean less than 100sqm as set out in their SAMDev statement. The dwellings proposed here would provide approximately 112sqm of floorspace and in considering the matter it has to be borne in mind that the other open market dwellings permitted across the cluster are all more than 100sqm in size. Given the plot size available here it is judged that the site is capable of taking the dwellings at the size proposed.

6.4 Visual impact and landscaping

- 6.4.1 The site lies outside of the Shropshire Hills AONB, however it is acknowledged that the site is in close proximity to the boundary with the designation, being some 94m to the west and 152m to the south and thus the impact of this development on the setting of the AONB should be taken into account. The site is set at a lower gradient than the A4117 and thus the western boundary with the AONB. Existing development and mature tree and hedge landscaping sits between the site and the boundary on this side and due to the combination of these factors it is unlikely that the proposed dwellings would be visible from this part of the AONB. The site to an extent more visible from views from the common land to the south. However the proposed development would be viewed alongside existing build development rather than an isolated feature and due to the design with the mono-pitched roof keeping the development low level, the scheme is unlikely to appear overly prominent within the wider landscape and as such the impact on the setting of the Shropshire Hills AONB would not be adverse. A landscaping condition is recommended to ensure existing mature vegetation on the site boundaries is conserved and enhanced with new planting in order to further soften the impact of the development and provide long-term sustainable landscape mitigation and biodiversity enhancements.

6.5 Highway Safety

- 6.5.1 Paragraph 109 of the NPPF states that developments should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be

severe.

- 6.5.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.
- 6.5.3 The proposals seek to utilise the existing field entrance which had previously been widened and a gate installed and was subsequently granted retrospective permission under the previous planning application at this site (17/05144/FUL). This is the same access which the adjoining approved site (18/05739/FUL) would also utilise. In considering this application the Councils Highways Team have borne in mind the existing permission and are content that when taking into account the existing prevailing highway conditions, the existing access is capable of accommodating the increase of traffic movements resulting from the number of properties increasing from two to four dwellings. The block plan demonstrates that there is sufficient parking and turning areas for each plot to prevent the use of the public highway for parking or turning.
- 6.5.4 The Parish Council raise concern regarding the general state of Earls Ditton Lane and more significantly the impact of the intensification of the junction with the A4117 as a result of this permission and other planning permissions granted for dwellings along Earls Ditton Lane. In terms of the general maintenance and state of Earls Ditton Lane, this is a county wide highway authority matter and will be covered by general highway authority spending and are subject to separate discussions in line with the recently published place plan (2019/2020). The intensified use of the A4117 as a result of the proposal and other permissions along this lane has not been raised as a concern by the Councils Highways Authority. In terms of contributions towards improvements to this junction, the National Planning Policy Framework and the Community Infrastructure Levy regulation 122 (as amended by the 2011 and 2019 Regulations) sets out the statutory tests which have to be met for a S106 obligation to be deemed appropriate. These require S106 agreements to be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

In this case bearing in mind the above three test it is considered it would not be reasonable to expect a contribution via a S106, given the lack of objection from the Councils Highways Authority, the small scale of housing numbers proposed and that this has not been a requirement of the previous permissions at the adjoining site or the other approved dwellings further south of the site (19/01374/OUT and 18/03934/OUT).

6.6 Residential Amenity

- 6.6.1 Core Strategy Policy CS6 requires all development to safeguard the amenities of

neighbouring residents. The neighbouring dwelling which shares a contiguous boundary with the application site is set at a higher ground level than the site of the proposed dwellings and is some 40m from the boundary with the block plan indicating a further 18m from this boundary with the front of the proposed dwellings. There is also a mature landscaped boundary between the sites.

6.6.2 The dwelling to the south west of the site ('The Cottage') is arguably closer being some 26m from the boundary with the application site and it is noted that the dwellings would be a further 13m from the application site boundary. At such distances it is considered that the proposal would not result in a loss of light, privacy or being overbearing to a level that would harm the residential enjoyment of the property. This is also the case for the dwellings to the south of the site which are approximately 35m from the site. Should the dwellings with approval on the land to the north of the site be constructed it is considered that due to the separation distances and orientation of the dwellings neither scheme would unduly harm the future amenity of the occupiers of either site.

6.7 Other matters – Landownership – Access rights

6.7.1 The current owners of the land adjoin the site and through which the proposed access would run have raised concern that the applicant does not have a right of access over the land. The granting of a planning permission does not outweigh the need to comply with other regulations and does not mean development can be carried out without the approval of the landowner. This is a civil matter which would need to be resolved privately between the parties involved.

7.0 CONCLUSION

7.1 The site is situated within the settlement of Doddington which is part of a nominated community cluster, the principal of open market housing development is therefore acceptable on suitable sites in accordance with policies CS4 and MD1. The application site is considered to represent infill forming part of the loose-knit cluster settlement and it is judged that the addition of two further dwellings in this settlement would not cause demonstrable harm to the settlement character in terms of the number of new houses within Doddington itself.

7.2 The proposed dwellings seek a contemporary design, however the scale and materials proposed reflect the settlement's built pattern and vernacular materials of the area. The dwellings would not represent overdevelopment and could sit within their plots without detracting from the setting of the character and natural beauty of the Shropshire Hills AONB, or resulting in severe harm to highway safety or undue harm to levels of residential amenity. The scheme accords with the principal determining criteria of relevant development plan policy and it is recommended that the application is approved subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of

being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan Policies:

CS1 - Strategic Approach
CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD12 - Natural Environment

Settlement Policy: S6 - Cleobury Mortimer

RELEVANT PLANNING HISTORY:

None.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=POQ1EXTD07V00>

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Gwilym Butler & Cllr Madge Shineton
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 development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

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

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

4. 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.

5. 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 the interest of visual amenity.

6. Prior to the first occupation of each dwelling hereby approved the areas shown on the approved plans for parking and turning of vehicles shall be properly laid out, hard surfaced and drained. The areas shall be retained and maintained thereafter for use at all times for those purposes.

Reason: To ensure the provision of adequate parking of vehicles off the highway in the interest of highway safety.

Informatives

1. SURFACE WATER

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

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

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

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

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

Residential Dwellings per hectare	Change allowance % of impermeable area
Less than 25	10
30	8
35	6
45	4
More than 50	2
Flats & apartments	0

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

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

FOUL WATER

British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the package sewage treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

2. SECTION 184 APPLICATION

No S184 application (construct a means of access over the publicly maintained highway) has ever been submitted for the creation of the access into the above site. A retrospective S184 application needs to be submitted to the Local Highway Authority.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

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

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

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://new.shropshire.gov.uk/planning/faqs/>

3. 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.



<u>Committee and date</u>
Southern Planning Committee
13 April 2021

Development Management Report

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

Summary of Application

<u>Application Number:</u> 19/04823/FUL	<u>Parish:</u>	Ditton Priors
<u>Proposal:</u> Erection of 1No dwelling, detached double garage with room above, summer house, installation of septic tank		
<u>Site Address:</u> Middleton Mill Neenton Bridgnorth Shropshire		
<u>Applicant:</u> Mr Simon Aldridge		
<u>Case Officer:</u> Richard Fortune	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 362649 - 289539

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Recommendation:- Grant Permission as a Departure and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed site for the dwelling is a paddock which is bordered by the Rea Brook to the west and south and the private drive to Middleton Mill to the north. Hedgerow and tree planting on a boundary with an adjacent field marks the eastern extent of the application site. The site is split in two by a second brook which follows a meandering route through the site, flowing in a southerly direction. The proposed dwelling would be positioned adjacent to the confluence of these two watercourses. The proposed design seeks to break free from the conventional geometry of the rigid single form to respond to the meandering brook setting and established tree planting, to respond to the character of the setting. The elements would comprise four closely spaced elements with a mix of floor plan shapes, with a bridge structure extending eastwards over the brook to incorporate a further building (pavilion) element comparable in scale to the master bedroom element, to function as a combined summerhouse and store. The dwelling would be a mix of single and two storey elements and would provide two bedrooms with associated living space. The living accommodation would take the form of a series of linked elements which would be timber clad in the manner associated with traditional rural/vernacular buildings. The form of these elements has used the precedent of traditional building forms in the locality. Their orientation would give a more closed aspect to their public face, but would open up on the more private side facing the adjacent brook. The elements of the dwelling would be linked by a unifying corridor/ bridge, of mixed timber and steel construction, which would be enclosed and form part of the dwelling itself, as well as providing access to the adjacent field. The corridor/bridge element would have glazed elevations revealing the 'V' shaped roof supports and a flat sedum covered roof apart from the roof section of the bridge element over the watercourse which would be open. The roof would extend forward of the glazing line to provide solar shading to the glass.
- 1.2 The would be a raised boardwalk feature off the main group of structures, part of which would be in the form of a bridge over a new pond, which would be the main approach to the dwelling from the area containing the detached garage building. That garage building positioned immediately to the south of the existing mill access drive and would take the form of a two storey dual pitched roof building with parking for two cars, with an internal stair to a first floor workshop space and plant space for the roof mounted photo voltaic panels.
- 1.3 The westernmost element of the dwelling would form the master bedroom with a dual pitch roof. It would feature a first floor mezzanine area and south facing balcony/roof terrace area contained under the roof. Next to this would be a lower, entrance area (Described as a break out space) with a sedum roof linking through to the similarly roofed corridor element on the southern side of the dwelling. The taller dual pitched roof element

immediately on the eastern side of the entrance would be the provide the second bedroom and storage and would also have a mezzanine area. There is then a small area, again single storey with a flat sedum roof before the lounge/dining room elements (Called 'pavilions' in the Design and Access Statement) is reached which would be open to the corridor/circulation area. This would be the largest element of the structure and would have the appearance of a single form which has been split with the elements positioned at 41 degrees to each other whilst still being joined on their southern side. The exposed faces arising from this juxtaposition of the two elements would be fully glazed. The crank would be broadly opposite the peninsula of land formed by the meander in the Rea Brook to the south, with the wedge of glazing benefiting from a dappled light from the evening sun. Within the roof spaces of this component would be a plant room and a first floor 'break out' space facing the stream with views over the bridge area.

- 1.4 A hierarchy of building forms and function within the dwelling would be provided by the ridge heights which would vary from some 5.4m for the two western elements, some 6.7m for the linked, cranked central element at 5.8m for the eastern element accessed via the enclosed bridge across the stream. The lounge and dining room elements are also rotated to perpendicular orientation to the remaining elements to allow for an increased level of glazing to the main living accommodation, with the shorter 'face' to the bedroom elements allowing for an increased level of privacy.
- 1.5 The roofing materials would be timber 'rainscreen' and a green sedum roof roofed areas. There would be concealed gutters and downpipes to the roofs. The agent advises that the timber roofing material is a modified pine softwood, infused with a bio based liquid which is then heat treated, giving the durability of a tropical hardwood, but with a lower carbon footprint than unsustainably logged tropical hardwood. The timber cladding to the walls of the single storey elements would be left untreated so that over time would acquire a silver patina. the eaves detailing would be finished with a powder coated aluminium coping. The vertical boarding to the larger 'pavilion' elements would have a dark (black) finish achieved by a charring that is polished and sealed with an oil treatment to contrast with the single storey link structure elements. Windows and doors would be aluminium with either aluminium or dark zinc flashings.
- 1.6 A low energy fabric first approach is proposed for the performance of the house, and strategies adopted for heating, ventilation and utilising the site for renewable energy. This includes the north facing elevations of the dwelling would have glazing minimised in preference to high levels of thermal mass and high levels of air tightness with mechanical ventilation and heat recovery. Heat would be drawn from the brook by means of a plate heat exchanger/water source heat pump. Solar energy would be collected by an array on the garage and summer house roofs which would be integrated into the roof finishes with battery storage incorporated. Window with a southern aspect or timber clad ventilation panels (in lieu of

windows) on the northern aspect would deliver natural cross ventilation. Glazing on the southern aspect would be solar controlled and incorporate opening vents to further encourage cross ventilation. There would also be a grid connection and a wood burning stove provided to the lounge area.

- 1.4 While the proposed development would be adjacent to/straddle watercourses, the elevated nature of the accommodation within the woodland setting would mean it is outside of flood zone 3, as demonstrated by the submitted flood risk assessment.
- 1.5 Some trees would be removed in the vicinity of the boardwalk and pond and where the bridge element would cross the watercourse. The tree to be removed by the boardwalk is an ash showing signs of ash die back. By the bridge element an ash with the same symptoms, a collapsing hazel and two poorly formed alder would be removed. New tree planting would be carried in close vicinity to the proposed dwelling and garage to supplement the retained trees. In addition four groups of native trees are proposed in the field area to the west of the dwelling and orchard planting is proposed to the east. There would also be decking areas to the south of the dwelling adjacent to the Rea Brook.
- 1.6 The application is accompanied by Assessments from Design Midlands (Who were MADE (Midlands Architecture and Designed Environment)) ; a landscape and visual appraisal; flood risk assessment; arboricultural impact assessment; ecology report; energy strategy statement; heritage statement; design and access statement and a planning statement.
- 1.7 The applicants currently occupy the nearby converted Middleton Mill and propose to down size to the dwelling now proposed so that they can remain on the some 31 acres of the land in their ownership in this location.
- 1.8 There has been a delay in bringing this application to Committee due to the Covid-19 restrictions preventing Planning Committee site inspections from being carried out. The agent had previously accepted that, regardless of the recommendation, a Committee site visit would have been beneficial for a paragraph 79 (e) application. However, with the passage of time and no indication at present as to when Committee site visits can be resumed, the agent has made enquiries with their client who has asked that the application be presented to Committee for consideration at the earliest opportunity.
- 2.0 **SITE LOCATION/DESCRIPTION**
- 2.1 Middleton Mill is situated in open countryside to the north of Neenton and is accessed from the road leading to Middleton Priors via a private drive. The proposed dwelling would utilise the same access.
- 2.2 The northern boundary of the proposed dwelling site is defined by a mature hedgerow which runs parallel to the drive serving the Mill. Along the western side flows the Rea Brook which has mature trees and shrubs lining its banks which allow some limited views out to the west. To the

south east corner of the site the field steps down within the meander of the brook. Existing trees form the eastern site boundary. The site is relatively flat on the west-east axis, but slopes gently to the south and the adjacent brook. A stream crosses the site on a roughly north-south orientation, joining with the Rea Brook within the application site boundaries.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Parish Council view is contrary to the Officer recommendation and the Shropshire Council Ward Member has chosen to submit his own representations in this case. The Principal Planning Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, consider that the nature of this proposal and the claimed justification for the dwelling of the design proposed for site warrants consideration by Committee.

4.0 **COMMUNITY REPRESENTATIONS**

Please note that all comments are available to view in full on the Shropshire Council website. Where more than one set of comments have been received from a party, the latest comments are set out first to show whether any earlier concerns have been resolved.

4 **Consultee Comments:**

4.1 Ditton Priors Parish Council - Object:

1. The site is in the view of the Parish Council is inappropriate with no facilities within a sensible walking distance.
2. There is no real evidence that the design is innovative enough to warrant building in such an isolated site.
3. The Parish Council would ask planning officers to consider if the design and materials are sufficiently innovative to meet the requirements of NPPF 79 and warrant the disturbance to this area of open countryside.

4.2 SC Highways - No Objection:

The application is for a new dwelling with garage and parking at Middleton Mill. The site is located off a private access and will have little impact on the highway network.

4.3 SC Archaeology - No comments to make with respect to archaeological matters.

4.4 SC Drainage (Flood and Water Team) - No Objection:

1. A FRA has been provided and the proposed surface water drainage is acceptable in principle.
2. Ordinary Watercourse Consent is required from Shropshire Council for the construction of the concrete dam or any works within the channel of the watercourse that will obstruct/ affect the flow of the watercourse including temporary works. Ordinary Watercourse Consent Application Form and Guidance Notes are on the Council's website: <https://www.shropshire.gov.uk/drainageandflooding/>

development-responsibilityand-maintenance/new-development-andwatercourseconsenting/ordinarywatercourses-applying-for-consent-for-works/

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.

4.5 Environment Agency - No bespoke comments to offer. Refers to standing advice for development within Flood Zone 3 for an Ordinary Watercourse; suggest seek comments from Council's internal Flood and Water Team.

4.6 SC Trees - No Objection in principle, but have the following comments to make:

Note the Arboricultural Impact Assessment (AIA) (Section 6 of the submitted Arboricultural Report, Sylvan Resources Ltd, April 2019), states that five trees (T17 – hazel, T6 and T18 – ash, and T19 and 20 – alder) should be removed due to their health or condition, irrespective of any development. I would not object to the removal of the hazel and alder as stated, but the trees had shed their leaves at the time of my visit and I am unable to confirm the reported early signs of ash die-back disease. I could not see indicative lesions on stems or branches of the ash trees, and there appeared to be reasonable shoot extension and bud formation throughout the crowns. However, T6 is a small tree and I would not object to its removal, but T18 is a large, mature tree and I would resist its removal at this stage on purely arboricultural grounds.

Table 2 of the AIA goes on to list 14 other trees to be coppiced (felled to ground level and allowed to regenerate as bushy, multi-stemmed regrowth), in order to reinstate the historic form of management and, in the case of 6 of these alders, because the canopies of the trees would interfere with the proposed dwelling.

I would not object to the principle of phased (re)coppicing of these stream side trees, providing it did not harm the ecological value of the riparian habitat. The existing trees in their current state constitute an unmanaged, natural habitat corridor running along the Rea Brook and its tributary stream, at the confluence of which the proposed development is located. The tributary stream links northwards to the priority habitat deciduous woodland of Corner Coppice (as identified on the MAGIC map website) and beyond that to a wider network of rural hedges, trees and woodland. Coppicing and tree removal as stated within the AIA would drastically alter the arboreal nature around the confluence of Rea Brook and the tributary stream, potentially introducing a break in ecological connectivity and

functionality. The effect would be compounded by the introduction of a residential dwelling and its associated landscaping and garden space, with the inevitable pressures arising from the change of use to human occupation. I would therefore defer to colleagues within the SC Ecology Team as to the likely implications of the proposed development (be that positive, neutral or negative) on the riparian habitat at the site. A negative impact would, however, be contrary to adopted SC Core Policy CS17 – Environmental Networks and SC SAMDev Policy MD2 – Sustainable Design.

I would also question the introduction of a number of ornamental, non-native tree species, as proposed in the Landscape Statement (PLAN 0004-1001-R02, Oct 2019) to be planted in the immediate vicinity of the house. Some of the suggested species grow to become large trees and I doubt the long-term prospects for the *Tilia cordata* 'Winter Orange', *Acer platanoides* 'Drumondii' and the two *Prunus* species, for example, once their canopies start conflicting with the house. Aside from this, I note that specific details regarding tree planting and post-planting maintenance have not been provided, although such details could reasonably be provided under condition to any permission granted, once the landscape strategy has been agreed.

To summarise, subject to the principle of the proposed development receiving the support of the Council's Ecology Team, I would not object to this application on arboricultural grounds. I would, however, ask whether there is scope at this stage to slightly realign the proposed layout, shifting the main residential units slightly further into the field to the west. This would allow retention of the mature ash tree T18 (a category 'A' tree of the highest value), subject to appropriate remedial tree works such as severing the ivy around its stem, removal of significant deadwood, and crown lifting to remove low branches from over the site.

4.7 SC Conservation (04.12.2019) - Comment:

The concluding statements of the HIA are noted, where it is considered that the new dwellinghouse would have 'no impact' and 'no effect on the setting of the non-designated heritage asset', where there is some concurrence with this statement due to distance between the site and the historic building, along with the presence of trees etc, though it is considered that the proposal would have a 'negligible to low-adverse' impact rather than 'no impact', as it is likely that there will be some glimpse views, where the outline of the building may still be visible from some vantage points.

Previous comments covered how the proposal should demonstrate exceptional circumstances such as sustainability and innovation, especially with regard to sustainability measures including the reduction of carbon where it is felt that these could be significantly improved such as utilising:

- green roof (which would reduce its visual impact upon the wider rural setting of the site);

- exploiting and maximising solar gain;
- rainwater harvesting and use of such water for the toilets; and
- using recycled materials for their insulation to reduce its carbon impact etc.

The above list is not intended to be exhaustive, but further thought is required in order to meet the high policy tests set out as part of paragraph 79 of the NPPF.

Notwithstanding the above should the proposal be approved, relevant conditions with regards to external materials and finishes should be carefully considered.

- 4.8 SC Ecology (14.02.2020) - No Objection:
Consideration given to addendum to Ecology Report prepared by Greenscape Environmental Ltd (December 2019). submitted in response to original comments.

The field is a semi-improved tussocky grassland bordered by a hedgerow along the northern boundary, and tree-lined streams along the eastern and southern boundaries. The field itself has negligible potential to be used by protected species – the field shelter has no potential to be used by roosting bats and no evidence of nesting birds was found.

The proposed development site lies within a corridor area of the Environmental Network which links the site to Corner Coppice to the north and to the wider area, including Middleton Coppice local wildlife site. The Rea Brook is lined by alder and hazel coppice. The ecological appraisal states that watercourse itself will not be affected by the development and the trees alongside it did not appear to be suitable for use by roosting bats and nesting birds. However, the trees are likely to be used as a corridor by commuting and foraging wildlife, including bats. Several trees will be coppiced which will enhance the site for biodiversity, though this does not outweigh the impacts to the connective features of the watercourse.

The addendum to the ecology report states the bridge will not result in loss of connectivity along the watercourse. The bridge will not be illuminated so there should be no impact from lighting, though I recommend a lighting plan be submitted prior to installation of any external lighting.

The proposed landscaping, pond creation, and management of the alder coppice will enhance the site for wildlife.

Though I maintain that there is no reasonable purpose to locate the proposed development in the proposed location, or to use the proposed design, I am reassured that the proposed development will not have as negative an impact on wildlife as I had assumed, provided the conditions recommended below are fulfilled:

Conditions are recommended in respect of external lighting; provision of a

detailed landscaping plan incorporating ecological enhancements; work to be carried out in accordance with the impacts and mitigation section of the submitted ecological appraisal; approval of a Construction Environmental Management Plan.

4.8.1 SC Ecology (28.11.2019) - Object:

The proposed development site lies within a corridor area of the Environmental Network which links the site to Corner Coppice to the north and to the wider area, including Middleton Coppice local wildlife site. The Rea Brook is lined by alder and hazel coppice. The ecological appraisal states that watercourse itself will not be affected by the development and the trees alongside it did not appear to be suitable for use by roosting bats and nesting birds. However, the trees are likely to be used as a corridor by commuting and foraging wildlife, including bats.

Several trees will be coppiced which will enhance the site for biodiversity, though this does not outweigh the impacts to the connective features of the watercourse.

The proposed landscaping, pond creation, and management of the alder coppice will enhance the site for wildlife and I would recommend approval if the bridge element of the design was removed and if it could be guaranteed that there would be no illumination of the watercourse. The bridge is likely to prevent wildlife from commuting along the stream. There will also be an increased level of human disturbance and illumination which will deter wildlife from continuing to use the site.

The proposed development would have a significant adverse effect, both directly by removing trees and building over the watercourse and indirectly through increasing levels of disturbance to the rest of the watercourse, on priority habitats and ecological networks. This development could reasonably be located in an alternative location within the ownership of the applicant. Locating the development within the centre of the field would have a minimal impact on priority habitats and protected species.

Paragraph 3.116 of the SAMDev states: Where loss or damage to an asset is likely then all reasonable alternative methods of delivering the proposal should be considered. If no solution can be found, through use of an alternative site or redesign to avoid harm for example, and the demonstrated social or economic benefits of the proposed development clearly outweigh the harm to that asset, then mitigation and compensation measures will be sought through planning conditions, planning agreements or offsetting measures as appropriate.

There is no reasonable purpose to locate the proposed development in the proposed location, or to use the proposed design. The goal of the proposed development, to provide a dwelling for a couple to downsize to, could be achieved without the inclusion of a bridge and could be located in a different location. The benefit of locating the development over the watercourse for design purposes does not outweigh the impact to the site through removal of trees, illumination of the watercourse, and disturbance

of the habitat through works and through human disturbance by allowing people to access the banks on a regular basis.

Should it be minded to approve this application conditions are recommended in respect of external lighting; provision of a detailed landscaping plan incorporating ecological enhancements; work to be carried out in accordance with the impacts and mitigation section of the submitted ecological appraisal; approval of a Construction Environmental Management Plan.

Public Comments

4.9 Site notice displayed 12.11.2019; Departure Press Advertisement published 02.02.2020. There has been no response to this publicity.

4.10 Shropshire Council Ward Member comments:

1.The design shows that the single volume has been broken up but not how this relates to the context. Some site analysis seems to have been carried out but not then taken forward- it suggests that it has been put to one side and only the volumes and shapes have been worked up. They should be overlaid so that the volumes and shapes relate to the context.

2.The idea of the pavilions seems a good one, but they are swamped by the bridge and the flat roofs.

3.The bridge is bulky and does not respond to the context and it is doubtful if the balustrade conforms with building regulations, it might be better if the bridge was dropped in height to that of the handrail instead of overhead where it goes across the brook.

4.The two eastern pavilions do not relate to the other two. The V shape formed by the two gables does not make much sense and the orientation means that there will be hardly any sunlight entering either gable and no real view looking out.

5.The design contains large volumes but for little useable space- for example the eastern two volumes which form the V has only two bedrooms. The architecture should be made to work much harder and use much less foot- print in this sensitive area. The whole design could be half the size at the most.

6.It is not clear what the flat roofs are covered with where the designer has not decided to use sedum. It looks like timber and if so, it raises the question of durability

7.The covered balcony to the western pavilion makes little sense. There is an overhang into which a hole has been cut then covered with wooden slats. A roof light has been introduced in the other side but left the south facing gable totally open. I also query the roof lights shown as parallelograms in plan.

8.The summer house and the garage should be subservient and be smaller in volume- it looks like they have a similar ridge height to the other buildings, and I query the amount of glazing in the summer house

9.Bats should not be subjected to too much artificial light, but this design will be a beacon at night. It is also very important not to ruin the dark skies at night of this very rural and unspoilt countryside.

10.The whole development does not really relate to the site and all the buildings are at the same level.

11.The bridge could be a great, strong statement but in its present form is not realistic or site specific.

12.Is this site the best location? Could less tree pollarding and pile foundations be possible if the site was moved further west?

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping setting
- Heritage impact
- Drainage
- Ecology
- Highway safety
- Residential amenity
- Affordable housing
- Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 This application seeks full planning consent for a dwellinghouse, submitted under criterion (e) of Paragraph 79 of the National Planning Policy Framework (NPPF). This paragraph of the NPPF relates to rural housing and states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of a

number of listed circumstances (a-e) apply. Criterion (e) is the circumstance where:

"the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

- 6.1.2 It is important to note the 'and' linking the above two bullet points. A proposal must satisfy both elements for it to be considered acceptable under paragraph 79, criterion (e).
- 6.1.3 This site is situated in open countryside. The adopted Development Plan policies relating to housing Development in the countryside are Core Strategy policy CS5 and Site Allocations and Management of Development (SAMDev) Plan policy MD7a. The application is not submitted as one to house and essential rural worker or to meet an identified need for affordable housing which are normally the only two circumstances where a new-build dwelling may be permitted in an open countryside location. However, significant weight must be attached to the later (2019) NPPF in assessing the current proposal. The application has been advertised as a Departure from the Development Plan given this policy context.
- 6.1.4 The two elements of paragraph 79 (e) are considered in turn below (Sections 6.2 and 6.3 respectively), followed by other material planning considerations relevant to the proposed development on this site.
- 6.2 Siting, scale and design of structure**
- 6.2.1 Core Strategy policy CS6 requires that developments should be appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. High quality design is also sought and for development to respond to the challenge of climate change. Core Strategy policy CS17 relating to Environmental Networks supports these goals in seeking to ensure developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 adds further weight to the achievement of sustainable design which achieves these objectives and embraces opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics. This quality bar which applies to all developments must be shown to be demonstrably pushed even higher if a development is to satisfy the first bullet point of NPPF paragraph 79 (e) of being "*... truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;*"
- 6.2.2 The applicant has sought to achieve a scheme that could be recognised

as meeting this criterion through presentations to and discussions with the design review body Design Midlands in developing the final scheme submitted as this application. (This body was originally known as MADE ,but has merged during the course of this proposal being developed with a partner organisation in the East Midlands to form a new organisation called Design Midlands). A site inspection by the MADE design panel at Middleton Mill in June 2019 to review the design in the context of paragraph 79 of the NPPF found that the rationale of the siting strategy, placing the house close to the confluence of the two streams, within tree cover, forgoing the possibility of more distant views from higher ground, to be persuasive and convincing. Their comments at that time were also that:

"The Panel was also convinced by the architectural strategy of disaggregating the volume of the house into a number of linked smaller parts, of a simple geometry which referred to agricultural vernacular forms, which it found very attractive and appropriate".

Their review of amended design proposals in October 2019 (Which are the proposals contained in this application) concluded:

"In conclusion, we consider that the confidence that the MADE panel expressed, that the proposal that it saw was capable of being turned into a successful developed scheme, has been justified. Design: Midlands believes that the developed design meets Paragraph 79's criterion of exceptional quality, in both of its two parts. It represents a high standard of architecture and has the ability to act as a model for others in the region. It also is inventive and sensitive in the way in which it occupies its site and draws inspiration from local precedents".

6.2.3 With respect to the innovative' component of the paragraph 79 test the applicants are referencing the energy production and efficiency measures that would form part of the proposed dwelling, as summarised in paragraph 1.6 above. The innovative techniques include the use of heat exchange from the adjacent water courses, battery storage and solar PV integral with the roof structure. The agent asserts that harnessing the water source for heat is an extremely innovative system, with a compact and highly efficient recovery panel system being used. The result of this energy generation measure, along with the use of PV panels and battery storage would result in a dwelling with a zero net external energy requirement. The old mill is a historical precedent for utilising natural water sources locally as a source of power and that the proposed utilisation of that water in the manner now proposed will be an exemplar in this field.

6.2.4 It is accepted by Officers that the energy generation proposals utilising the specific characteristics of this site provided by the confluence of the streams, and linked to the battery storage and PV panel technology can be considered innovative in the context of paragraph 79 of the NPPF. The aesthetics of the proposed house design and how it would utilise the characteristics of the site is more subjective in terms of whether it is "truly outstanding" and "reflects the highest standards in architecture" as sought

by paragraph 79 in raising design standards more generally in rural areas. The applicant is relying upon the scholarly peer review by Design Midlands as an independent verification of these claimed credentials. The combination of linked structures to form a dwelling is not original, which is to a degree acknowledged by the submitted Design Statement which explains how the design has involved and makes much use of precedent examples across the world.

6.2.5 On balance, it is considered that the proposal can be regarded as being innovative in raising standards of design more generally in rural areas (The option in the first bullet point of paragraph 79 being 'truly outstanding or innovative), due to the composition of the dwelling design facilitating the energy source proposals and how they utilise the natural characteristics of the site.

6.3 **Visual impact and landscaping setting**

6.3.1 Should the Committee conclude that the proposal would fall within the truly outstanding or innovative category, there is also the requirement set out in paragraph 6.1.1 above that the proposal must significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. The second key issue therefore is whether the erection of the proposed dwelling on this site, in comparison with the site's present form/appearance, would achieve the significant enhancement required and also be sensitive to the locality. A Landscape Statement has been submitted with the application. This statement analyses the topography; the tree history cataloguing the 41 trees at present on site; identifies the six trees to be removed for reasons relating to health and poor form; the ecology; hydrology; wider landscape; brook characteristics; sets out the wider landscape context proposals and how the dwelling would be accommodated within it, along with the strategy for new planting and maintenance. A separate Arboricultural Report has been supplied setting out the trees to be coppiced and root protection measures for retained trees.

6.3.2 The Council's Landscape Consultants (ESP Ltd) were asked to review the landscape and visual issues relating to the proposed development in the context of paragraph 79 of the NPPF. Their review of February 2020 commented that they agree with the Design Review Panel conclusions that the proposal is inventive and sensitive to its location and concluded that while the proposal had the potential to meet the stringent tests of paragraph 79 (e), insufficient attention has been given to the potential beneficial and adverse landscape and visual effects arising from the proposed development. They recommended that an assessment of landscape and visual effects should be carried out in accordance with the guidance contained in the Guidelines for Landscape and Visual Impact Assessment, third edition, published by the Institute of Environmental Management and Assessment and the Landscape Institute.

6.3.3 A Landscape and Visual Appraisal (LVA) was subsequently submitted in response to the above comments from the Council's Landscape

Consultants, prepared by a Chartered Member of the Landscape Institute and Practitioner Member of the Institute of Environmental Management and Assessment using the guidelines recommended by the Council's Consultants. The primary objectives of the LVA are

To identify, describe and evaluate the current landscape character of the site and its surrounding area;

- To identify, describe and evaluate any notable individual landscape elements and/or features within the site;
- To determine the sensitivity of the landscape to the type of development proposed;
- To identify potential visual receptors (i.e. people who would be able to view the proposed development) and to evaluate their sensitivity to the type of changes proposed; and
- To identify and describe any effects of the proposals in so far as they affect the landscape and/or views and to evaluate the magnitude of change owing to those effects.

The conclusions of the LVA are as follows:

"- The visual envelope associated with the proposals would be extremely localised. The majority of the surrounding landscape would be completely unaffected visually should the proposals for the site take place.

- The site relates to a small site located within open countryside, in a well vegetated, enclosed and low-lying location. These factors moderate the outward effect the proposals would have on the surrounding landscape.

- The proposals are of very high architectural merit and very well anchored to its setting. The proposals enhance its setting and greatly improve the overall use and condition of the site.

- The appraisal did not find any significant concerns regarding the anticipated landscape and visual effects arising from the proposals.

Assuming the additional planting recommendations of this report are followed, it is considered that the proposals would be acceptable in landscape and visual terms and would assimilate into the setting as a positive addition to the countryside location."

(The additional planting recommendations referred to above comprise managing the existing hedgerow aligning the northern boundary to a higher height than currently, with a suggested 3m height being appropriate to help enclose the site further; to plant up the existing field gate access with native hedge transplants, to further enclose the site and screen the proposals from this view point; to plant informal groupings of native trees within the corner of the site, behind the field gate; to plant some additional trees to the north of the proposed summer house/garden store building, to help break up the outline of the building and provide screening where the site is viewable from the footpath).

- 6.3.4 The LVIA methodology provides a recognised, objective framework for the assessment of visual/character impact, which is otherwise a matter of personal, subjective taste. The strategy in this proposal is not to provide a structure that would stand out in the wider rural landscape, but one which would blend inconspicuously with its surroundings. Where there would be

glimpsed views of elements of the building through the surrounding trees and hedging (The degree of visibility varying with the seasons and the LVIA has been based on the winter period when foliage is the least), the form of the building elements and the materials palette seeks to reflect the local vernacular to assimilate with the surroundings. This approach is to address the NPPF paragraph 79 e) requirement that designs being promoted as exceptional quality should be sensitive to the defining characteristics of the local area. Should it be accepted that would be achieved by the proposed design there is still the requirement that it must also "significantly enhance its immediate setting."

6.3.5 The Council's Landscape Consultants have reviewed the above LVIA which has been submitted in response to their original comments. They conclude that:

"- The LVA has been prepared in a manner proportionate to the scale of the project and its likely effects and with appropriate regard to the best practice set out in GLVIA3 and associated guidance and we consider that its findings are reliable.

- The previous version of the LVA was silent on whether a number of identified landscape and visual effects were adverse or beneficial, and was unclear on both the stage at which effects were assessed and the role of mitigation in changing the scale of effects over time. As a result, we noted in our April review that no clearly defined beneficial landscape effects were predicted to arise from the proposed development. The version of the LVA under review provides this additional information, and predicts a range of landscape effects from *Minor adverse* at Year 1 to *Major/moderate beneficial* at Year 15. 3 adverse effects, 8 beneficial effects and 5 no effects are predicted.

-The assessment of visual effects concludes that of the 26 visual assessments made, none are predicted to experience adverse effects, 12 are predicted to experience beneficial effects and are predicted to experience 14 no effects.

- The LVA therefore predicts that of the 42 landscape and visual receptors identified for assessment, 20 are predicted to experience beneficial effects ranging from *Minor* to *Major*. This will assist in meeting the requirement of NPPF paragraph 79 (e) for a development to *significantly enhance its immediate setting* and would support the statement in paragraph 8.5 of the LVA that '*it is considered that the proposals would be acceptable in landscape and visual terms and would assimilate into the setting as a positive addition to the countryside location*'.

- Preparation and delivery of an appropriate landscape scheme in accordance with the Landscape Strategy can be expected to deliver the beneficial landscape and visual effects predicted in the LVA. In order to secure this, it is recommended that the following conditions be attached to a grant of planning permission for the proposed development;

1. No development shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

- The materials used for all paved surfaces
- Plant species, sizes, numbers and densities, method of cultivation and planting, means of protection and programme for implementation. This is for all grassed areas, tree, shrub, wetland and hedgerow planting
- The scheme shall reflect the site's rural location and the local landscape character.

2. No development shall take place until a Soil Resource Plan for the site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

- the areas of topsoil and subsoil to be stripped,
- the methods of stripping
- the location and type of each soil stockpile
- the soil replacement profiles
- the means of preventing soil compaction

This will ensure the soils are in the optimum condition to promote healthy plant growth, and long-term site screening.

3. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place..."

- 6.3.6 The provision of appropriate landscaping is a normal requirement of Core Strategy policies CS6 and CS17, with the latter seeking to secure enhancements to Shropshire's environmental assets where possible. The additional planting proposed in this application could be carried out independently of the proposed development to deliver the environmental/ecological enhancements, but it is acknowledged that there could be little incentive for doing so if it did not form part of an approved

development. On balance, and taking into account the findings of the independent landscape impact review commissioned by the Council, it is considered that the proposal would satisfy the second bullet point of paragraph 79 e) of the NPPF in that it *"would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area."*

6.4 **Heritage Impact**

- 6.4.1 In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.4.2 A Heritage Statement has been provided in relation to Middleton Mill and the surroundings which considers the impact of the proposal on the setting of the Mill, which is a non-designated heritage asset. The Council's Conservation Officer for the area is generally in agreement with the conclusions of the Statement that the proposed dwelling would have no effect on the setting of the non-designated heritage asset, due to the separation distance and the presence of trees. While his assessment would be that there would be 'negligible to low-adverse' impact rather than 'no impact' due to the likelihood of some glimpsed views, this would not be sufficient to justify a refusal on the basis of harm to the setting of the former mill. There are no archaeological issues relating to the proposed development.

6.5 **Drainage**

- 6.5.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. The Council's Drainage Consultants/Flood and Water Team have advised that the Flood Risk Assessment and the proposed surface water drainage arrangements are acceptable in principle, with a condition recommended requiring the submission of full details of the proposed foul and surface arrangements being attached to any planning permission issued. A separate consent from Shropshire Council as land drainage authority for any works within the channel of the watercourses. The Environment Agency has no bespoke comments to make in this case, due to the scale and nature of the proposal, and defers to the Council's Flood and Water Team.

6.6 **Ecology**

- 6.6.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies. The Council's Ecology Team initially raised concerns about the impact of the proposed development on biodiversity

and geodiversity. Following receipt of an addendum to the Ecological Report (Greenscape Environmental Ltd, they are content the proposal would not have a negative impact on wildlife. It is acknowledged that the watercourse itself would not be affected by the proposed development and that the trees alongside it (alder and hazel coppice) would not appear suitable for roosting bats and nesting birds. The trees to be coppiced would enhance the site for biodiversity, and the proposed landscaping, pond creation and management of the alder coppice would enhance the site for wildlife. Their recommendation is for conditions and informatives to be included on any planning permission issued, relating to external lighting; landscaping (To include the creation of wildlife habitats); work to be carried out in accordance with the impacts and mitigation measures set out in the Ecological Appraisal and for the submission and approval of a Construction Environmental Management Plan.

6.7 **Highway Safety**

6.7.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 108 it advises that sites should give opportunities to promote sustainable transport modes appropriate to the type of development and its location, have a safe and suitable access for all users and that whether any significant impacts on the transport network or highway safety can be cost effectively mitigated to an acceptable degree. It continues at paragraph 109 stating development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Strategy policy CS6 seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. The Council's Highways Consultants are content that the site access is suitable for the proposed development and there would be little impact on the local highway network from a single dwelling on this site.

6.8 **Residential Amenity**

6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential property to the site is the applicants current dwelling (Middleton Mill) some 200 metres to the south east and Reaside House which is adjacent to the public highway some 200 metres to the south and separated from the application site by the road and a field. The proposal would have no significant impact on the residential amenities of these properties or others in the locality.

6.9 **Affordable Housing**

6.9.1 Core Strategy Policy CS11 and a related Supplementary Planning Document require most market housing schemes to contribute towards affordable housing provision (usually a one-off payment in lieu of on-site provision where a small number of dwellings is proposed). However this requirement is now effectively superseded by the more recently updated NPPF, where Paragraph 63 states categorically that such contributions should not be sought in connection with small-scale developments. It must

therefore be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight.

6.10 Other Matters

6.10.1 The agent has responded to the comments received and set out at 4.10 above with the following responses (The numbering correspond to the submitted comments):

"1. The Design has been put together to meet the brief, client's requirements and the constraints of the site location and its immediate setting. Twelve months of design concepts/evolution, consultation and design review panels with Design Midlands (Formerly known as MADE), Consistent in – house design reviews with both consultants and client to create something special and site specific.

2. Existing and proposal of new vegetation will form natural screening; a new coppice has been also introduced as part of the proposal.

• The Flat roofs (circulation space) have been incorporated to reduce the visual impact and massing in the areas where best suited.

3. The form and design of the bridge is in part dictated by the structure (stability etc)

• Reducing this will impact of the visual connection of the bridge / stability it would provide

• The balustrade is 1,100mm in height which complies with Building regulations (tensile wire – ss style balustrade).

4. (With respect to the two eastern pavilions) there will be borrowed light from the large roof light placed directly above the staircase

• The V shape with the two opening gables (Glazed opening gables) is to create a private courtyard but also to create a visual connection both internally / externally.

5. The design has been put together and further evolved over numerous design reviews both in – house / client and with Design Midlands to achieve both the clients requirements/brief but also to be site specific.

6. The flat roof is proposed to be part sedum (Green roof) and part timber – please see the roof plan drawing.

7. (With respect to the covered balcony of the western pavilion), the opening within the overhang is positioned to the orientation of the pavilion, this is an opening in the overhang which creates views out over onto the field. In terms of the wooden slats this has been introduced as a solar shading element as well as to make the opening discrete. This opening / overhang space should be considered as a balcony / viewing platform.

8. Ridge heights vary, the difference between the main volume (kitchen and lounge) and the lower volumes (the summer house and the garage) is 1 metre creating the summer house and garage more subservient / smaller in volume.

- *The glazing proposed within the summer house is recessed and in shade / shadow – maximising the view of the brook*

9. *No lighting has been proposed on the bridge – this is due to reducing the impact to bats and local wildlife.*

- *Minimal external lighting is proposed but can be conditioned – down lighters preferred*
- *The Glass can be coated to reduce reflection and light etc.*

10. *The proposed scheme has been designed around site levels – all set on one level in relation to accessibility, future proofing the proposed scheme.*

- *The overall scheme has been raised to a particular level to go above the flood risk line.*

11. *The bridge design has been put together to create an open structure to allow for a flow of natural light, nature/wildlife and openness but to also maintain the connection over the brook across two banks.*

12. *The design approach was to create something of a sensitive Architecture*

- *The location is set by many parameters and the tree pollarding and pile foundations form part of this positioning decision and thus to reduce impact*
- *Pile foundations have been introduced to bring as little impact onto the site with the proposed scheme. "*

7.0 **CONCLUSION**

7.1 The application site is situated in open countryside and is not proposed as a rural occupational workers dwelling or as an affordable dwelling to meet an identified local need. It has been submitted with a supporting case which asserts that the proposal satisfies the exception to the strict controls over new build open market houses in the countryside allowed by Paragraph 79 e) of the National Planning Policy Framework (NPPF). Criterion (e) is the circumstance where:

"the design is of exceptional quality, in that it:

- *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."*

7.2 On balance, it is considered that the proposal would satisfy the 'innovative' requirement of the first bullet point above by reason of the composition of the dwelling design facilitating the energy source proposals and how they utilise the natural characteristics of the site. With respect to the second bullet point (Both must be satisfied) the combination of the dwelling design and manner by which it would be integrated into the established landscape setting at the confluence of two streams, coupled with the

landscape management and new planting proposals, are again also on balance sufficient to satisfy this criterion.

7.3 The proposal would not be detrimental to the setting of non-designated heritage assets in the locality and would have no significant impact on neighbour amenity. The proposals would not be detrimental to highway safety and drainage and ecological interests can be safeguarded satisfactorily through the recommended planning conditions.

7.4 The application has been advertised as a departure from the Development Plan.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD7a - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S3 - Bridgnorth

RELEVANT PLANNING HISTORY:

12/01241/FUL Construction of a menage GRANT 21st May 2012
 14/04868/FUL Extension to existing barn following removal of old railway wagons currently used for storage GRANT 23rd June 2015
 16/00667/FUL Extension to agricultural barn to provide open fronted garage (amended design) GRANT 26th April 2016

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) Arboricultural Impact Assessment Ecology Reports Landscape and Visual Impact Appraisals Design Midlands and MADE Reports Flood Risk Assessment Energy Strategy Study Design and Access Statement Planning Statement Heritage Statement
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr Robert Tindall
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

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

4. No development shall take place until a detailed hard and soft landscape scheme for the whole site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

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

The plan shall be carried out as approved.

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

5. No development shall take place until a Soil Resource Plan for the site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include:

- o the areas of topsoil and subsoil to be stripped,
- o the methods of stripping
- o the location and type of each soil stockpile
- o the soil replacement profiles
- o the means of preventing soil compaction

Reason: To ensure the soils are in the optimum condition to promote healthy plant growth, and long-term site screening.

6. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The maintenance shall be carried out in accordance with the approved schedule. The maintenance schedule shall include for the replacement of any plant (including trees and hedgerow plants) that is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective within the next available planting season. The replacement shall be another plant of the same species and size as that originally planted shall be planted at the same place.

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

7. 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.

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

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

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

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

10. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with Section 6 Impacts and Mitigation measures of the Ecological Appraisal for Middleton Mill prepared by Greenscape Environmental Ltd (March 2019) received

31st October 2019.

Reason: To ensure the protection of and enhancements for biodiversity in accordance with MD12, CS17 and section 175 of the NPPF.

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

a. An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;

b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

c. Requirements and proposals for any site lighting required during the construction phase;

d. A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);

e. The times during construction when an ecological clerk of works needs to be present on site to oversee works;

f. Identification of Persons responsible for:

i) Compliance with legal consents relating to nature conservation;

ii) Compliance with planning conditions relating to nature conservation;

iii) Installation of physical protection measures during construction;

iv) Implementation of sensitive working practices during construction;

v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

G. Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

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

12. The dwelling and garage shall not be first occupied/brought into use until the energy production and efficiency measures set out in the Mesh Energy Study, Middleton Mill, 8th October 2019, have been implemented in full. These measures shall be retained for the lifetime of the development.

Reason: Planning permission has only be granted for the dwelling on the basis of factors which include the innovation in energy production measures, and the manner in which that energy

would be used, to meet the criteria to be satisfied under paragraph 79 e) of the National Planning Policy Framework (2019).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external alterations, extensions, outbuildings, walls, fences or gates shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard visual amenities.

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

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

Informatives

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

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

-



Committee and date
 Southern Planning Committee
 13 April 2021

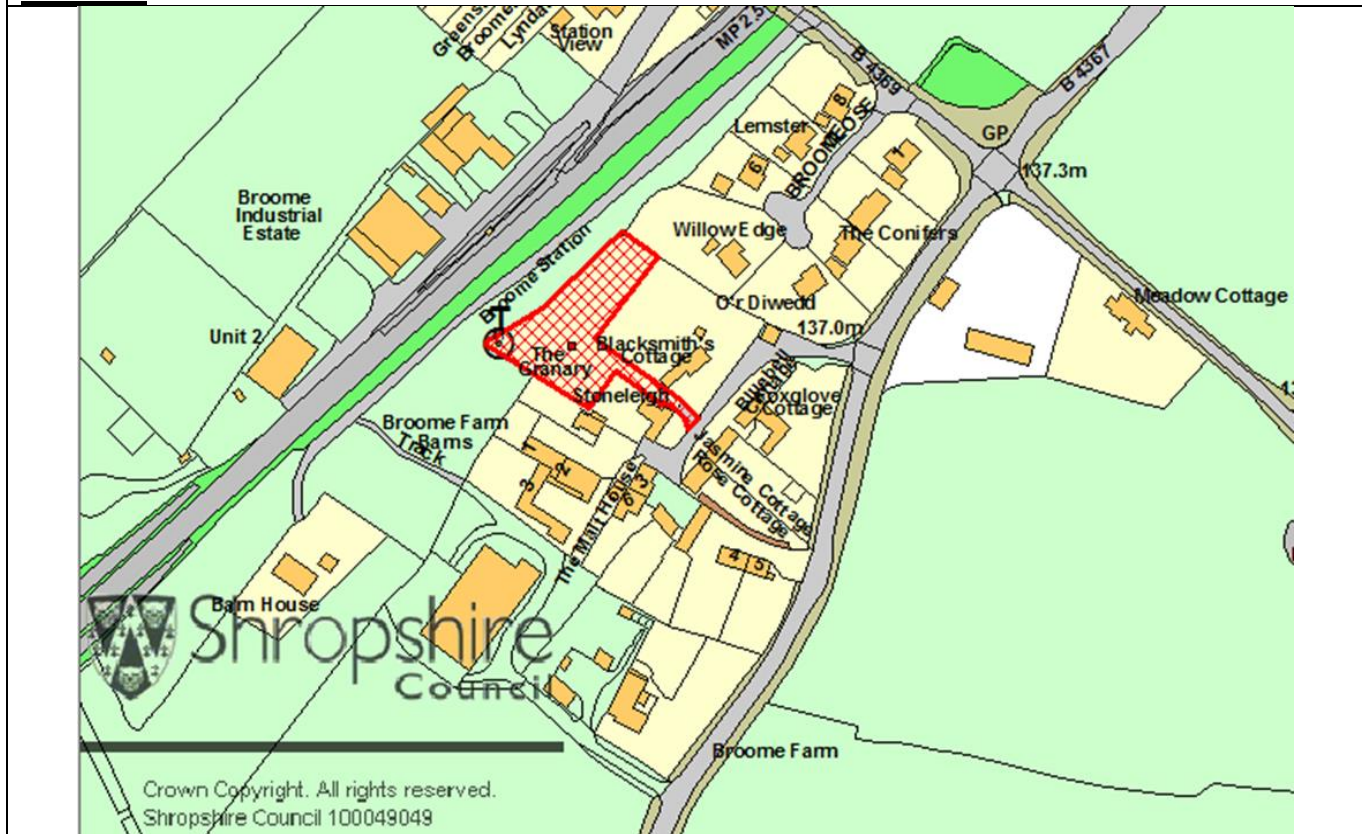
Development Management Report

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

Summary of Application

Application Number: 20/03308/FUL	Parish:	Hopesay
Proposal: Erection of one dwelling with detached garage		
Site Address: Land West Of Blacksmiths Cottage Broome Aston On Clun Shropshire		
Applicant: Mr J Longthorp		
Case Officer: Heather Owen	email: planning.southern@shropshire.gov.uk	

Grid Ref: 339988 - 280905



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Recommendation: Grant Permission subject to no Ecological objection and completion of the Habitat Regulations Assessment from the Councils Ecologist and the conditions set out in Appendix 1. Delegated authority is also sought to attach any Ecology conditions which maybe recommended by the Councils Ecologist.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of one detached dwelling and garage.
- 1.2 The plans originally submitted under this application sought to keep the same scale and design of a previously approved scheme, ref - 17/04466/REM approved 14th March 2018 and for which the time to implement has now expired. This would have provided a T shaped footprint creating a four bedroom dwelling with accommodation in the roof space. During the course of this application however the applicant decided to amend the plans in an attempt to respond to some of the objections raised.
- 1.4 The amended scheme now for consideration removes the accommodation from the roof space and proposes a two-bedroom property contained on the ground floor. The T shaped footprint is amended to an L shape with a single storey lean-to on the north east side. Like the previous permission the dwelling is proposed to be constructed on a brick plinth with timber clad walling under a slate tiled roof and foul drainage would be via a cesspit.
- 1.5 The detached garage has been amended twice during the process of this application, the scheme subject to consideration would measure around 6.4m x 6.4m and the roof pitch has been reduced to 20 degrees which reduces the ridge height to 3.6m. The eaves height would be around 2.3m. The garage like the dwelling is proposed to be constructed of timber cladding.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms part of the domestic curtilage for Blacksmiths Cottage, a grade II listed building located amongst a group of dwellings off a private drive to the west of the B4367 which runs along the southern edge of Broome. The main core of the Broome settlement sits to the north of the site split from the application site and group of dwellings by the railway line.
- 2.2 There is an existing vehicular access to the plot between Blacksmiths Cottage and Stoneleigh. The application site sits directly behind this neighbouring property. A residential property known as 'The Granary' and part of the boundary to a site at the rear of Broome Farm Barns which has full planning permission for four residential dwellings (17/00782/FUL, granted August 2017) runs along the west of the site.
- 2.3 At the corner of the site in the north west corner, is a Black Poplar tree which is the subject of a Tree Preservation Order.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council have raised objections to the proposed scheme. The application was discussed at the Agenda Setting meeting for the Southern Planning Committee, where it was noted that the previous reserved matters application was determined by the Southern Planning Committee and as such it is considered appropriate in these circumstances for the committee to consider this application.

4.0 COMMUNITY REPRESENTATIONS

Following the receipt of amended plans a full re-consultation was carried out which included direct letters to all neighbours. A summary of the responses received from both the original consultation and the amended plans has been included below for comparison. The comments are available in full on the planning pages of Shropshire Councils website.

4.1 Consultee Comments

- 4.1.1 Hopesay Parish Council - amended plans re-consultation response: Objects. The application has the same footprint as the previous application for four bedrooms and the Council has stated previously that large four bed properties are surplus to requirements in this parish there being plenty of them already. What is required are smaller, affordable two and three bed properties to meet the real local requirement.

Hopesay Parish Council - original consultation response: Objects. This parish needs affordable housing and smaller units. There are already enough large houses in the parish.

- 4.1.2 Shropshire Hills AONB - same standard response received to original and amended plans re-consultation: Standing advice - The site lies within the Shropshire Hills AONB and there is a statutory duty to consider the impact of development on the AONB. The standing advice does not indicate either an objection or no objection to the current application.

- 4.1.3 SUDs - Further response: The surface water drainage is acceptable in principle subject to the submission of detailed drainage calculations.
If a cesspool is deemed acceptable, no further comments to make.

SUDs - amended plans re-consultation response: Recommend condition and informatives regarding surface water and foul drainage.
Building Regulations Approved Document H gives a hierarchy of drainage options which should be considered and discounted in order, a cesspool should only be permitted if connection to the public sewer, package sewage treatment plants and septic tanks are not feasible.

SUDs - original consultation response: Recommend condition and informatives regarding surface water and foul drainage.

- 4.1.4 SC Affordable Housing - same response to original and amended plans re-consultation: No objection, the proposed development falls below the threshold by which the Local Authority are able to require a contribution towards affordable

housing.

- 4.1.5 Network Rail- same response to original and amended plans re- consultation: No objection in principle, comments regarding asset protection due to the proposal being next to Network Rail Land.
- 4.1.6 SC Conservation and Design - amended plans re-consultation: The design has been somewhat watered down with the current amendments but on balance do not wish to raise any objections from a conservation perspective in this instance.
- SC Conservation and Design - original consultation response: No objections, the application seeks to renew a previous permission which recently lapsed . It is not considered that there are any new material conservation issues to raise to this scheme.
- 4.1.7 SC Archaeology - same response to original and amended plans re- consultation: No comments to make on this application with respect to archaeological matters.
- 4.1.8 SC Highways- same response to original and amended plans re- consultation: No objection subject to conditions to include a Construction Method Statement and Construction Traffic Management Plan - The site is accessed off a private drive leading from the B4367. The development is considered acceptable from a highways perspective.
- 4.1.9 SC Trees: Amended plans re- consultation: No objection - The house footprint shown on the amended scheme drawing by Andrew Last (Plan ref. 201149/03RevA) is closer to the protected poplar than on the original now superseded proposed site plan by Berrys (ref. SA27051 / 02 REV.B) but does not conflict with the tree protection plan therefore the previous Tree Teams consultee comments and recommended conditions remain relevant.

SC Trees: Original consultation: No objection to layout and scale of the development. Recommend conditions relating to tree protection measures and removal of permitted development rights.

- Acknowledge that the arboricultural report was written in February 2014 and some elements of the details recorded will now be out of date and the footprint of the proposed building is different with that proposed further away from the protected tree. However the original provisions for tree protection allow enough leeway to remain relevant and from an arboricultural perspective no objection is raised.

- As the development on neighbouring land has increased pressure on the protected tree and the layout of the dwelling and sewage system monopolises large areas of the site the Tree Team have concern that future development carried out under permitted development rights will tend to be focused in the direction of the protected poplar tree. As such the Tree Team recommend removal of permitted development rights for extensions and outbuildings.

- 4.1.10 SC Ecology: Comments are currently awaited.

4.2 Public Comments

4.2.1 3 objections received to the amended plan re-consultation:

4.2.2 Design, scale:

- The dwelling may have less rooms, but is of the same height and so can in the future be developed into a 4 bedroom house.
- There is no need for the house.
- The plot may look spacious but it isn't, any property here will overlook directly the adjacent properties.

4.2.3 Highway Safety/Access:

- Following the change from 4 bedrooms to a 2 bedroom single storey dwelling I withdraw my objection regarding the nature of the building, however there remains objection to the access to the site and the disturbance that building trucks may cause to the private road and other residents of the road.
- The applicant has provided no assurance that any damage to the private road will be repaired by him.
- Note the Highway advice that a condition is placed on this development for the applicant to obtain a construction method statement with construction traffic management plan.
- Heavy vehicles are likely to drive over my front garden - I would erect a fence or wall to prevent this however the garden covers a sewerage pipe for neighbouring properties and it is imperative that I don't build a structure on top of that and heavy vehicles do not drive or park on top of it as it would run a risk of collapse.
- The lane does not cope well with current traffic that uses it on a daily basis. Another property will increase traffic and during construction the large amount of heavy traffic on a daily basis.
- The lane is single stoned track, so unloading vehicles would block everyone's access and in particular block access to my drive.

4.2.4 Drainage and flooding:

- The house would add to flooding - Broome Close regularly floods each year and another house is not needed, adding to the problem.
- The lane floods during heavy rain and the extra water tends to head to this plot, if a building is placed there I question where the water would head. The Council have a duty to independently review the application and a duty of care to existing properties to ensure any future dwellings are not to their detriment.

4.2.5 Residential amenity:

- The development is directly behind our house at the moment we see trees and hedge rows, after we shall see roofs and timber cladding.
- The garage is now longer and stretching the full length of the fence, taking our right of light and causing overshadowing to the garden - We don't need the garage to give us privacy, we already have our fence to provide that and don't need this overbearing structure.
- The access route comes directly onto my front garden and headlights will shine into my children's bedrooms.

4.2.6 Process:

- A letter was not received to advise us of these amended plans which directly effects us.*

* Officer note - The system has been checked and the occupiers of all neighbouring properties originally written to and those whom responded to the original consultation which includes this property were sent a re-consultation letter on 01st December 2020 and invited to comment within 21 days.

4.2.7 Original consultation responses: 3 objections received:

4.2.8 Highway Safety:

-When exiting the site on turning left on to the private road there is a blind spot and the potential for an accident to occur with other vehicles travelling along the private road.

- The access is too narrow between the two existing properties for deliveries to be made to the proposed site, leading to delivery drivers parking on the private road, inconveniencing and causing stress to the residents.

4.2.9 Design:

- The building is said to be single storey but is in fact two storey with a first floor with four bedrooms and two bathrooms.

- The scheme is new build in a small hamlet of mostly converted agricultural buildings, situated next to a listed building.

- Over development of a rural area.

- A new development even if constructed in a heritage style will destroy what can be seen as a unique assemblage of historic buildings.

4.2.10 Residential Amenity:

- Overlooking and loss of privacy - Bedroom 2s window overlooks the properties of Stoneleigh and Blacksmiths.

- Position of the garage - the garage with the hedge will cause shadowing and loss of light.

- A four bedroom house directly behind our garden will have a detrimental affect on our property.

4.2.11 Drainage and flooding:

- No information is given on the disposal of foul sewage.

- The SWALE for surface water drainage will add to problems residents had to put up with last winter when the culvert to the rear of the site overflowed during heavy rain.

- Flooding would be worsened by the new development. Broome Marsh has already flooded on numerous occasion.

- Section 12 of the application form states there will be no increase of floor risk - this is incorrect - The pond in the plot floods our garden each winter since 2016. Flood water in the 2019/2020 winter back filled our private sewage system.

- The applicant states that there is a culvert situated to the northern boundary of the proposed plot, again this is incorrect. There is a stream which rises in Broome Marsh and runs along the rear of Broome Close; this is then diverted under the railway line before it reaches the northern boundary of the proposed development.

This stream is a tributary running to the River Clun which is designated as a SAC and SSSI.

- It is noted within the document that the percolation tests have been completed by the applicant, while this is within guidelines. It would have been seen to be more effective if it had been completed by an independent contractor. Equally, it is noted that there is no year given on the certificate of completion, which is a negating factor in the document.

4.2.12 Application form inaccuracies and landownership:

- The block plan shows the incorrect delineate of the boundary line between our property (Blacksmiths cottage) and the proposed site.
- The block plan does not indicate the initial access from the private road is not owned by Mr Longthorp, but is part of Blacksmiths cottage.
- No part of the application mentions access will be across my property.
- This all gives a false impression of ease of access to the plot and the size of the amenity/access to the site.
- The applicant does not live at 9 Aston Hall, but resides in Cornwall.

4.1.13 Private Road Access:

The access runs overs land belonging to Blacksmiths Cottage and the lane leading to the road which belongs to the owner of 1 Broom Farm Barns.

- The applicant makes a monthly contribution to maintenance, a documents is needed to state any damage made from the delivery of building materials shall be made good.
- £3,000 has just been spend to upgrade and repair the lane - The entrance to the site will need to be widened and trees removed for trucks, diggers, delivery vehicles etc to enter the site without blocking the lane used by 13 households.
- The access is not formed in any hardcore or engineered materials and is of a soil embankment held in place by a decorative garden wall - The access was neither deigned or intended to allow the passage of large vehicles - The weight restriction is against building regulations which requires an access route to be able to sustain heavy vehicles.
- The private service road allows a point of access and fails to meet with current legislation in Approved Document B Vol.2 - Section B5. Equally the distance from the private road is greater than 45m stipulated. The scheme fails to meet the above regulations.

4.2.14 - The Tree Report undertaken March 2014 by DGL conflicts with the Tree Report by Shropshire Councils Tree Team date 17th April 2020, recommending an application to vary condition 2 be refused.

4.1.15 Need for housing:

- The proposed site was formerly an orchard off Blacksmiths house.
- Nearby plots have been built by local families which have been beneficial to the area, this land has been left overgrown and unattended.
- Since the previous application was granted several other planning applications have been approved with more favourable access and drainage, helping the local demand for homes. The application is not beneficial to the area.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping - Shropshire Hills AONB
Trees - Impact on TPO Black Poplar
Biodiversity - River Clun SAC
Setting of listed building
Highway Safety
Residential Amenity
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The development plan for Shropshire is the Council's Adopted Local Development Framework Core Strategy, the associated 'Type and Affordability of Housing' Supplementary Planning Document (SPD) and the adopted Site Allocations and Management of Development (SAMDev) Plan.
- 6.1.2 A key objective of both national and local planning policy is to concentrate residential development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to achieve managed, targeted growth by steering new open-market housing to sites within market towns, other 'key centres' and certain smaller settlements ('Community Hubs and Clusters') as identified in the SAMDev Plan Policy MD1. Sporadic new housing in open countryside (i.e. outside the designated settlements) is generally unacceptable unless there are exceptional circumstances.
- 6.1.2 Broome is identified as a component of a Community Cluster under SAMDev Policies MD1 and S7.2(i) alongside Aston on Clun, Hopesay, Horderley, Beambridge Long Meadow End, Rowton, Round Oak. Its inclusion as part of a community cluster implies that this location is broadly sustainable for open market housing development and this carries significant weight (the NPPF states that proposals which accord with an up-to-date development plan should be approved without delay).
- 6.1.3 The settlement policy for this cluster, S7.2(i) provides a guideline of around 15 additional houses to be provided across the cluster during the plan period up to 2026 expecting them to be provided through conversion schemes and infill development on small scale 'windfall' sites. The settlement policy gives a preference to single plot developments delivering slow, cumulative growth.
- 6.1.4 There is no predefined development boundary around Broome and thus the

question of whether or not specific schemes would constitute infilling is a matter for judgement in each case. The explanatory text accompanying Core Strategy Policy CS4 confirms that, in order to avoid fragmented development, new housing should be located within the settlements themselves and not on adjoining land or in the countryside in-between.

- 6.1.5 The application site comprises of a single plot and is well within the confines of the settlement, considered to qualify as infill due to it being contained by existing dwellings on three sides and the railway line to the north. In this particular case some weight is also given to the previous permission (13/04702/OUT and 17/04466/REM) where it was accepted the location was an appropriate infill plot.
- 6.1.6 In terms of housing numbers across the cluster the Councils most recent 5 year housing supply statement, published 19th March 2021 confirms that as of 31st March 2020, 8 dwellings have been completed in this Cluster. With another 21 sites having received permission across the cluster. As already noted the settlement policy for expects the delivery of around 15 dwellings and it is acknowledged that the number of permission combined with completions currently exceeds 15 dwellings. SAMDev Policy MD3 confirms that the settlement housing guidelines are not absolute maxima, and this has been emphasised in appeal decisions elsewhere. SAMDev policy at MD3.2 provides further guidance on how decisions should be determined in such circumstances where development would result in the number of completions plus outstanding permissions providing more dwellings than the guideline. The policy requires decisions to have regard to:
- i) *The increase in number of dwellings relative to the guideline; and*
 - ii) *The likelihood of delivery of the outstanding permissions; and*
 - iii) *The benefits arising from the development; and*
 - iv) *The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and*
 - v) *The presumption in favour of sustainable development.*
- 6.1.7 Of the permissions referenced in the five year land supply five relate to sites within the Broome settlement - 16/04371/OUT with associated reserved matters applications 17/04178/REM and 19/05136/REM; 17/00782/FUL; 17/05652/FUL; 20/00033/FUL and the now expired outline and reserved matters applications (13/04702/OUT and 17/04466/REM) which relates to this application site. Out of the extant permissions for Broome it is understood that two dwellings are currently under construction (16/04371/OUT), if the remaining extant permissions are delivered it would bring a further eight dwellings to Broome.
- 6.1.8 There is considered to currently be an under-delivery in terms of built structures across the cluster with the 5 year land supply recording 8 completions. This under delivery carries some weight given the importance attached under planning policy to delivering housing on the ground. The development would contribute to the housing stock within the county as a whole and contribute to maintaining a five-year supply. Whilst Broome lacks a full range of services and facilities, its railway station does afford better-than-average public transport links for a settlement of its size, and there are day-to-day facilities within comfortable walking distance at

neighbouring Aston-on-Clun (notably a village hall, community shop and public house). It is likely that residential development here would help to sustain at least some of these facilities, bringing modest social and economic benefits. The granting of planning permission would add 1 further dwelling within Broome, and it is considered that this additional dwelling on its own would not result in unsustainable development which may result in disproportionate car usage or excessive energy consumption in the context of the Community Cluster policy.

6.1.9 On balance it is considered that, while the settlement guideline with respect to dwelling numbers would be exceeded, the above material planning considerations are sufficient to conclude there is no in-principle planning policy objection to the proposed development of this site for one dwelling. The acceptability or otherwise of the proposal therefore turns upon the detailed matters assessed below.

6.2 **Affordable Housing Contribution**

6.2.1 Core Strategy Policy CS11 and a related Supplementary Planning Document require most market housing schemes to contribute towards affordable housing provision (usually a one-off payment in lieu of on-site provision where a small number of dwellings is proposed). However this requirement is now effectively superseded by the more recently updated NPPF, where Paragraph 63 states categorically that such contributions should not be sought in connection with small-scale developments. It must therefore be accepted that the Council's policies in this respect are out-of-date and can no longer be given significant weight.

6.3 **Siting, scale and design of structure**

6.3.1 Both national and local plan policy seeks to ensure developments are of a high quality of design which seek to create distinctive places. At paragraph 126 the NPPF acknowledges that the level of design detail and degree of prescription should be tailored to the circumstances of each place. Core Strategy Policy CS4 requires development in Community Clusters to be of a scale and design sympathetic to the character of the settlement and its environs, and to satisfy the more general design requirements under Policy CS6 and SAMDev Policy MD2. These expect all development to reinforce local distinctiveness in terms of building forms, scale and proportion, heights and lines, density and plot sizes, as well as materials and architectural detailing.

6.3.2 Broome is a settlement with existing back land development without road frontages, and thus the proposed dwelling's positioning would not appear out of character, a view previously accepted through the granting of the previous permission at this site.

6.3.3 The scheme as originally submitted remained unchanged from the previously approved scheme, however the applicant chose to amend the plans removing the accommodation from the roof space, the ridge height of the dwelling would be reduced slightly to approximately 6.9m from the 7.6m originally proposed. The Parish Councils desire for two bed dwellings is noted as is the fact that space remains in the roof which could result in an expansion of the dwelling in the future,

without the need for planning permission. There are no specific restrictions in adopted planning policy on the size of open market dwellings providing the plot on which the dwellings would be constructed is of sufficient size and with this case weight is given to the previous permission where the plot was considered capable of development for a four bed dwelling.

6.3.4 The settlement of Broome is made up of dwellings varying in scale, design and materials. In the immediate environs there are both two storey and single storey dwellings, constructed in a range of materials from brick and stone to timber framing. The materials chosen reflect the local vernacular, overall when considering the scale, appearance and layout in the planning balance it is judged that the scheme is not out of character with the site or surroundings and the overall design would contribute towards preserving the local distinctiveness of the settlement.

6.4 **Visual impact and landscaping - Shropshire Hills**

6.4.1 Policies CS17 and MD12, alongside CS6 and MD2 supports the NPPF seeking to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.4.2 The scheme due to its location would be read as part of the village as a whole rather than an isolated feature and the dwelling and garage proposed would not erode the generally open character or scenic quality of the wider landscape.

6.4.3 The Black Poplar Tree to the North west of the site is protected by a Tree Preservation Order (TPO). The application has been accompanied by the original arboricultural report which was conducted for the previous application. It is acknowledged that the report is some six years old and thus some of the elements of the details recorded are now out of date. However, the Councils Tree Team are content that the original tree protection scheme included within the report allowed enough leeway for tree growth to remain relevant and from an arboricultural perspective is still considered fit for purposes and would continue to uphold the aims to protect the tree during construction.

6.4.4 Neighbour objections include reference to the Tree report and a concern that it conflicts with the Councils Tree Teams objection of 17th April 2020 on application 20/01288/VAR on the adjoining site and which recommended refusal. Officers have reviewed the now approved application referred to and note the Councils Tree team withdrew that objection on 30th June 2020 following submission of further information from the agent. The Tree Officers original concern raised was not that the construction works themselves would impede the poplars tree growth, but that growth might compromise future occupiers' enjoyments of the development leading to presume to prune or felling work. Following amended plans which resited the two dwellings the Tree team were concerned about their objection was withdrawn. On the site subject to this application given the distance between the tree and the proposed dwelling the growth of the tree is not considered to be a barrier to the proposal and would not result in any compromise to amenity of future occupiers.

6.4.5 With regard to the amended plans subject to this application it is noted that the

house footprint on the block plan places the dwelling around 1m closer to the protected tree than the originally proposed site plan, however the Tree Team are content that the amended siting of the dwelling would not conflict with the tree protection plan and no objection is raised. Conditions recommended to ensure the establishment of the tree protection prior to the commencement of development are recommended. In addition, the Tree Team request a condition to remove permitted development rights for extensions and outbuildings due to the increased pressure the consent for development to the neighbouring land places on the tree and that the dwellings location and location of drainage systems could lead to future development may be focused in the direction of the protected tree. It is accepted that to prevent uncontrolled development within the root protection zones of the TPO'd trees a degree of control of development needs to be retained by the Local Planning Authority. The Tree protection plans submitted with the application indicates the root protection zones are within the northeast corner of the site with minimum encroachment to the land. Given the growth of the tree in the last 6 years and that the dwelling would be sited slightly closer to the tree it is now considered the removal of permitted development rights for rear extensions, outbuildings and hardstanding within the root protection zone would now be appropriate in this case.

6.5 Biodiversity

- 6.5.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.
- 6.5.2 The site also lies within the River Clun Special Area of Conservation (SAC) which is a European designated site, notified because of the presence of the rare freshwater pearl mussel. It is currently in an unfavourable condition, largely due to excess nutrients and sedimentation in the river. In particular, additional phosphate entering the river is likely to worsen its water quality, and a major source of phosphate is treated waste water. All planning applications which lie within the catchment and generate foul waste water have to provide as part of the planning application full details of the foul drainage proposals and are subject to a Habitat Regulations Assessment (HRA) by the Councils Ecology Team. Only where there is certainty that the development would have no significant impact on the SAC is planning permission able to be legally granted. At the time of writing this report the comments of the Councils Ecology Team are awaited, it is noted that scheme proposes the use of a cesspit, which is the same foul drainage solution which was previously accepted under the now expired consent.

6.6 Setting of listed building

- 6.6.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that LPA's should have special regard to the desirability of preserving the

building or its setting or any features of special architectural or historic interest which it possesses. This is reflected at local plan level via policies CS17 and MD13. The application site was once part of the curtilage of Blacksmiths Cottage, a grade II listed timber cruck framed building.

6.6.2 Due to the location of the building it is considered important that the design, scale and form of the proposed dwelling appears ancillary to the listed building. This led to the previously approved L shaped footprint and design aim to mimic a converted outbuilding with the steep roof pitch and plain glazing. The Conservation Officer notes the amended scheme has watered down the design a little through the alterations to the footprint and slight design alterations. However the overall design retains a simple form and this combined with the use of local vernacular materials results in a scheme which would on balance continue to preserve the setting of the listed building.

6.7 Access, Highway Safety

6.7.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 109 it states that:

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

6.7.2 Access to the dwelling is off a private drive which junctions with the B4367 and it is understood serves 13 other dwellings. It is proposed to use the existing access between two dwellings, known as ‘Blacksmiths Cottage’ and ‘Stoneleigh’. The Councils highways team have considered the proposal and raise no objections, an additional single dwelling of the size and type proposed would be unlikely to generate a significant increase in vehicle movements and it is considered that the proposal would not unduly harm highway safety or adversely compromise the highway conditions of the local network.

6.7.3 Objections regarding the maintenance of the private drive and the issue of whether the applicant will fund any repairs to the drive as a result of damage caused during the development is a civil matter and would need to be resolved privately between the third parties.

6.7.4 Concern is raised regarding the length of the access and the need to accord with Building regulations Approved Document B, Section B5 which relates to the provision and design of access routes for the fire service. The need to accord with Building Regulations legislation is a separate matter and the granting of planning permission does not override the need to comply with building regulations.

6.8 Residential Amenity

6.8.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

- 6.8.2 Objection is raised regarding overlooking, in particular the loss of privacy to the neighbouring properties to the front of the site known as Stoneleigh and Blacksmiths Cottage. The block plan indicates that the proposed dwelling would be around 15m from the boundary with the curtilage of Stoneleigh. At such distance, it is judged that the dwelling would not result in a significant loss of privacy, loss of light or result in an overbearing impact on the residential amenity of this neighbour. Blacksmiths cottage is diagonally opposite the site where there would be no direct overlooking from the proposed dwelling and the distance between is sufficient that the proposed dwelling would not be overbearing or result in loss of light. Access to the proposed dwelling would sit between these two neighbouring properties, and there are dwellings directly opposite where it adjoins the private drive. Due to the small scale of the development for one dwelling it is not considered vehicle movements would be of a level that would result in significant disturbance to the occupiers of these properties.
- 6.8.3 The existing dwelling to the west, known as 'The Granary' is set forward of the proposed dwelling and thus no direct overlooking would occur. In addition with a separation distance between the dwelling, single storey garage and the boundary of this neighbour the residential amenity of the occupiers of this dwelling would not be unduly harmed.
- 6.8.4 The detached garage is proposed to sit alongside the boundary between the dwelling and the neighbouring property of Stoneleigh. The siting of the dwelling and its garage are constrained by the location of the TPO tree in the north west corner of the site and the proposed location of the sealed cesspit to the north east. The garage is single storey and has been designed with a shallow roof pitch sloping away from this neighbour. With an eaves height of 2.3m the majority of the structure would be screened by existing boundary treatments. It is also noted that the garage is sited the north of the neighbour. As such it is judged that the garage would not result in a significant loss of light to harm neighbour amenity.
- 6.8.5 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. A condition restricting the hours of working and deliveries (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays) should assist with mitigating the temporary impact.

6.9 Drainage

- 6.9.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. The Councils drainage team have reviewed the proposals and accept in principle the surface water drainage scheme, although detailed drainage calculations should be submitted, and a condition is recommended to ensure a suitable surface water drainage scheme is secured for the site.

7.0 CONCLUSION

- 7.1 The development is considered to qualify as a suitable infill plot and on balance it is judged that the addition of one further dwelling in this settlement would not cause demonstrable harm to the settlement character in terms of the number of new houses within the area. The design and scale of the dwelling is considered to be appropriate for the site and character of the settlement and the setting of the grade II listed building would be preserved. The proposal can be carried out without compromising the TPO'd Black Poplar Tree or result in severe harm to highway safety. Any effects on neighbouring properties would not be unreasonable in planning terms. Subject to no objection to the foul drainage solution from the Councils Ecology Team it is recommended that planning permission is granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

- CS1 - Strategic Approach
- CS4 - Community Hubs and Community Clusters
- CS6 - Sustainable Design and Development Principles
- CS9 - Infrastructure Contributions
- CS11 - Type and Affordability of housing
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management

- MD1 - Scale and Distribution of Development
- MD2 - Sustainable Design
- MD3 - Managing Housing Development
- MD12 - Natural Environment
- MD13 - Historic Environment

Settlement: S7 - Craven Arms

RELEVANT PLANNING HISTORY:

13/04702/OUT Erection of single-storey dwelling (outline application with all matters reserved)
GRANT 28th November 2016

17/04477/DIS Discharge of Conditions 5 (Drainage) and 6 (Tree Protection Plan) attached to
Planning Permission 13/04702/OUT DISPAR 6th November 2017

17/04466/REM Approval of reserved matters (access, layout, scale, appearance and
landscaping) pursuant to 13/04702/OUT erection of single-storey dwelling (outline application
with all matters reserved) GRANT 14th March 2018

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QF7GY3TD02B00>

List of Background Papers Design and Access Statement Drainage Report Tree Report
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member Cllr. Lee Chapman & Cllr David 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 amended 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. Site clearance, 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 or deliveries taking place on Sundays, Bank or Public holidays.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No ground clearance, or construction work shall commence until the approved measures for the protection of trees and hedgerows as identified in the agreed tree protection plan (Ref. C069-002) contained within the Tree Survey Report by dgl and section 3.17 of the design and access statement have been implemented in full. These tree protection measures shall thereafter be maintained and retained in location for the duration of the site works.

Reason: To safeguard the Black Poplar subject to a TPO and the other retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that are important to the appearance of the development.

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

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

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

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

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

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

7. No above ground development shall commence until full details of a surface water drainage scheme, including full drainage calculations have 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: To ensure satisfactory drainage of the site and to avoid flooding.

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

8. The detached outbuilding included in the development hereby permitted shall only be used for purposes in connection with and ancillary to the enjoyment of the new dwelling as a single dwelling unit and shall not be used for commercial or business purposes.

Reason: In order to safeguard the residential amenities of the area and in order to prevent the establishment of an additional dwelling in on the site.

9. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order modifying, revoking or re-enacting that Order), no rear extensions and no outbuildings or hardstanding's shall be erected/laid within the root protection area identified on the Tree Protection Plan C069-002 without the prior written consent of the Local Planning Authority.

Reason: To safeguard the protected black poplar tree, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

Informatives

1. The applicant/developers attention is drawn to the observations of Network Rail:

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk .

FENCING

Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s).

Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

2. No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

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

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

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

3. 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.

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<u>Committee and date</u>
Southern Planning Committee
13 April 2021

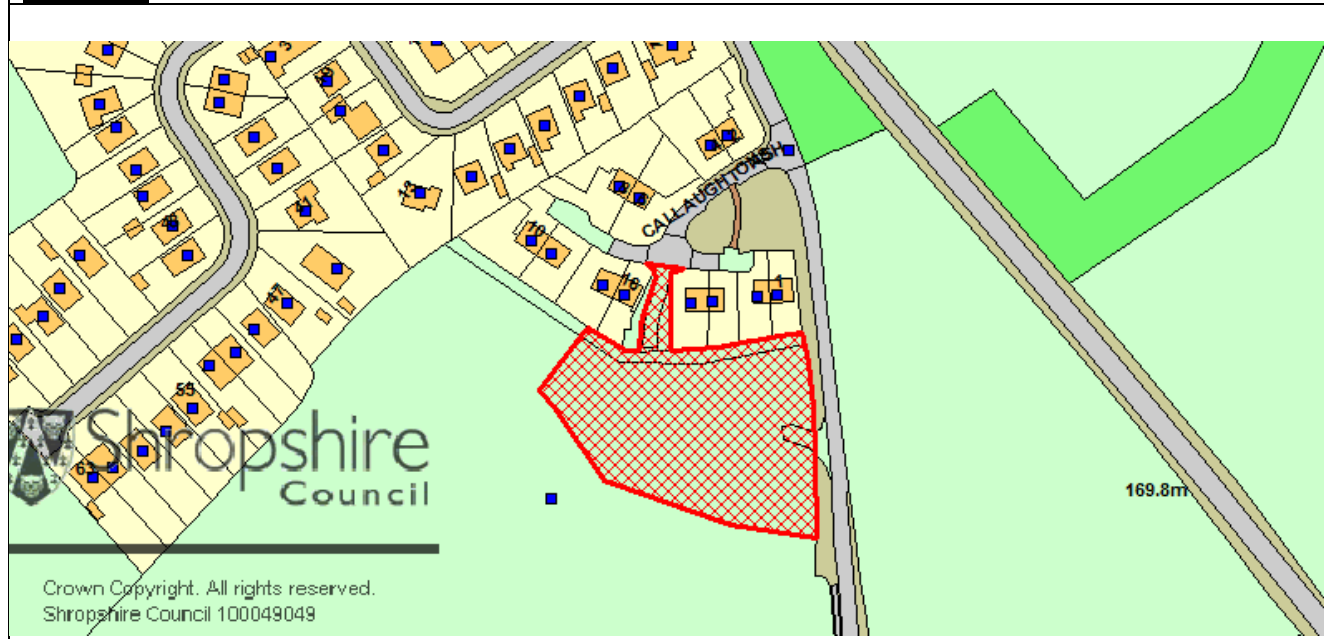
Development Management Report

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

Summary of Application

Application Number: 20/04432/FUL	Parish:	Much Wenlock
Proposal: Erection of 14 No. affordable dwellings with associated parking, roads and landscaping		
Site Address: Proposed Residential Development Land To The South Of Callaughtons Ash Much Wenlock Shropshire		
Applicant: Connexus		
Case Officer: Richard Fortune	email : planning.southern@shropshire.gov.uk	

Grid Ref: 362397 - 299199



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Recommendation:- Refuse:

It is acknowledged that there is an acute current need for affordable housing in the locality and that this proposal would be a high quality, energy efficient, contemporary design appropriate the landscape setting. It would therefore contribute to the social objective of sustainable development through the delivery of affordable housing and the dwelling design credentials would contribute to the environmental objective of sustainable development as set out in the National Planning Policy Framework. However, from the drainage information supplied it is considered that the proposed dwellings would be at risk from surface water flooding. In addition, it is not possible to conclude from the proposed drainage details that the proposal would not lead to conditions which would exacerbate the adverse impacts of off-site flooding experienced in the locality, and achieve any degree of betterment in comparison with the current surface water drainage situation in the locality. The proposal is therefore contrary to Shropshire Core Strategy policy CS18; Much Wenlock Neighbourhood Plan policies RF1 and RF2 and paragraphs 163 and 165 of the National Planning Policy Framework (2019).

REPORT

1.0 THE PROPOSAL

- 1.1 In February 2017 planning permission was granted for the erection of 12 affordable dwellings on land to the south of Oakfield Park, Much Wenlock (Ref. 16/02910/FUL). That development has been completed and the dwellings are occupied. The application had been considered at the October 2016 South Planning Committee and the delay in issuing the permission was due to the need for a Section 106 Agreement in relation to the moving of the speed limit signs on Callaughton Lane.
- 1.2 The additional affordable dwellings now proposed would be accessed through the above development, with a new section of access road constructed on the alignment of a field access route. The existing trees and hedgerow sections along the eastern site boundary with Callaughton Lane would be largely retained, supplemented with new planting and included in a public open space buffer area. This area of open space would be linked at its northern end to a surface water attenuation feature close to the northern site boundary, which would incorporate alterations to the existing swale on the southern edge of the existing affordable housing development. At its southern end it would also link to a new swale feature which would run along the southern and western site boundaries. New tree planting within the development, situated on either side of the entrance to the development, adjacent to the turning head, in the northern portion of open space and within front garden areas would include oak, mountain ash and scots pine. (Extra heavy standard).
- 1.3 The proposed dwellings would be in a similar form to the existing adjacent

affordable dwellings, which the agent has described as a modern take on the 'agricultural' aesthetic responding to the context in a contemporary yet sensitive manner, whilst avoiding pastiche. They would be a mix of three 1 bed, seven 2 bed and four 3 bed properties. The dwellings would each have a simple rectangular plan, with a projecting canopy porch over the front doors. The external facing materials would comprise of brick lower wall areas, a mix of horizontal and vertical boarding to the first floor wall areas. The dwellings would be designed to have low energy needs. The windows would be triple glazed Passivhaus windows without glazing bars and the dual pitched roofs would be covered with small plain clay roof tiles. The access road would have a tarmac surface with the parking areas a mix of block paving and tarmac, as per the adjacent affordable dwellings. The houses would be fully electric, in combination with Air Source Heat Pumps, with no gas infrastructure in order to contribute to decarbonisation and utilising green energy.

- 1.4 On entering the proposed development from the north, the main access road would curve round in an easterly direction. On its northern side there would be three pairs of semi-detached properties comprising of two single bed and two bed pairs, and a one consisting of two, two bed roomed dwellings. The latter would be accessed by a short private drive continuation of the access road. These dwellings would feature a small raised deck/terrace area by their rear elevations, due to the fall in the land. An area between the rear garden boundaries of these properties and the rear gardens of the existing properties to the north would form part of the surface water attenuation arrangements and contribute some open space to the development (As described at 1.2 above). Each of the properties would have two off-road parking spaces. On the opposite (Southern) side of this access road and private drive combination would be another three pairs of semi-detached dwellings, comprising of one pair containing two three bed dwellings; one pair comprising a three bed and a two bed dwelling and a pair comprising of two, two bed roomed dwellings. Immediately adjacent to the latter would be a turning head suitable for service vehicles and three visitor parking spaces. The final pair of dwellings (A two bed and three bed combination) in the north west corner of the site would have one dwelling accessed direct from the main access road and the second from a short spur off that road. All these dwellings would also each have two off road parking spaces.
- 1.5 There would be a large swale running along the length of the western, south western and southern site boundaries to collect run-off from the rising agricultural land beyond those boundaries. The rear gardens to the plots bordering the swale, with the field beyond, would have retaining walls of varying heights, with the maximum height being some 1.9 metres at the westernmost point.
- 1.6 As with the existing affordable dwellings, the proposal has been designed to achieve Passivhaus certification (To reduce energy consumption and achieve low heating demand). The houses would be fully electric, in combination with Air Source Heat Pumps, with no gas infrastructure.
- 1.7 A Design and Access Statement; Ecological Appraisal; Arboricultural Impact Assessment; Drainage Resume; Flood Risk Assessment; Landscape and Visual Impact Assessment; Archaeological Assessment and a Highways and Transport

Report accompany the application.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The site is sloping agricultural land situated on the southern edge of the existing Much Wenlock built up area. It is bounded by Callaughtons Ash to the north, which comprises of two storey dwellings. To the west and south is agricultural land that continues to rise. Callaughton Lane adjoins the eastern site boundary.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application has been called for consideration by the South Planning Committee by the local ward member. The Chairman of the South Planning Committee and Principal Officer are also of the view that the balance of material planning considerations applicable to this proposal warrants consideration by Committee.

4.0 **Community Representations**

- Consultee Comments

(Where Consultees have submitted more than one comment, their latest comments are listed first below in order to show whether any previous concerns raised have been addressed or are maintained).

4.1 Much Wenlock Town Council (15.01.2021) - Object:
Much Wenlock Town Council supports the development of affordable housing on this site but objects to the application in its current form due to the poor design of the drainage system Councillors support comments made by Shropshire Council's drainage consultant, WSP, and the views expressed by Much Wenlock Flood Group with regard to the drainage scheme.

4.1.1 Much Wenlock Town Council (07.12.2020) - Comment:
Much Wenlock Town Councillors support the principle of affordable housing development on land to the south of Callaughtons Ash on condition that the drainage problems on the existing development at Callaughtons Ash be remedied before any building begins on the new site.

4.2 SC Highways Development Control (30.03.2021) - No Objection.
In view of the scale and type of housing proposed it is not considered that the number of trips generated by the development will have a significant impact on the surrounding road network. However, we will require localised improvements to the access to the site, which have been agreed in principle with the applicant and their consultants.

It is noted that in support of the planning application a Highways and Transport report has been submitted which is acceptable for the scale of the proposed

development. Section 3 of the submitted report states;

'It is noted that there is a short narrowed section of carriageway on the existing cul-de-sac and this will be removed to provide two-way movements along the cul-de-sac. This will provide a safe and satisfactory access'.

However, no details have been submitted, it is recommended that in the event planning permission is granted the applicant should be required to submit details and implement the proposed widening on phase1 and implement them prior to the occupation of any dwellings.

It is recommended that the following conditions and informatives are attached to any permission granted.

Conditions:

Prior to occupation of any dwellings, a scheme for the localised widening of Callaughtons Ash shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any dwelling.

Reason: In the interest of highway safety and to avoid congestion in the surrounding area

On-site Construction

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

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

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

Informative Notes:

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or
- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

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

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

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

Section 38 Agreement details

If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary street lighting and drainage arrangements, supported with appropriate design calculations, shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BD73DBD0D733532802574C6002E65E6>

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980

which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic. Therefore, it is in the developer's best interest to contact the Council's Streetworks Team, prior to the commencement of any works, to agree the condition of the local highway. If no pre-start condition survey/agreement is made, the Council will assume that the affected street, is in a satisfactory condition. Therefore, any damage occurring to any part of the street during the period of construction, will subsequently become the responsibility of the developer, to repair or contribute towards any additional required maintenance, to make good the damage.

4.3 SC Drainage (29.03.2021) - Object:

Shropshire Council acting as the Lead Local Flood Authority object to the proposed development of Callaughton Ash Phase 2 (Planning No 20/04432/FUL) on the basis that the proposed drainage proposal is unable to demonstrate that the surface water produced by the site can be adequately drained, and that the development proposals do not address the issues of overland flow produced by the adjacent landform. Although it is appreciated that the land naturally falls towards the highway, maintaining the existing situation where flooding is being caused during storm events is not acceptable.

For any development proposals to be acceptable the development must demonstrate not only how surface water produced by the site will be sustainably managed, but how the development can provide a betterment to the existing situation where flows generated offsite are causing flooding to properties in Phase 1 and throughout the downstream catchment.

Greenfield run-off management comments:

1. In line with the Phase 1 development, the existing greenfield drained area to the swale should be increased to 2 ha.
2. The Phase 1 swale / bund is known to have been breached allowing water to flow to the adjacent properties. The Phase 2 swale / bund proposal is smaller and therefore offering less protection. Calculations demonstrating the size of the swale is of adequate size to convey 1% AEP plus 40% CC flows from the adjacent field should be submitted for approval together with a long section along the swale invert.
3. A long section of the Phase 1 swale should be submitted to ensure the western portion of the new swale, and the remaining western corner of the field, can drain adequately. Calculations must be provided demonstrating that the 300mm pipes beneath the carriageway are adequately sized for a 1% AEP storm plus 40% CC.
4. No calculations have been provided for the swale soakaway. The proposed swale and associated soakaway associated with phase 2 should be designed to be capable of conveying and attenuating a 1% AEP storm plus 40% CC, plus a

minimum of a 30% additional storage volume to provide a betterment to the existing flooding situation.

5. The exceedance route for the swale soakaway should be shown on the plan to ensure that the adjacent properties are not flooded. Similarly, it should be demonstrated where the water will flow to which does not breach the bund.

6. The soakaway infiltration calculations appear to be based on the full depth of water rather than timed between 25% and 75% water depth. No trench dimensions have been provided therefore cannot be checked. Confirmation is required how the calculations have been determined.

7. It should be demonstrated that the seasonally high groundwater level is at least 1m below the bottom of the soakaways.

8. A maintenance regime for the bund, swale, pipes, chambers and swale soakaway should be submitted for approval. This should include operations, timescales and who will be responsible for the works.

Development Comments

1. The LLFA have significant concerns that the current infiltration testing undertaken on site, and subsequent soakaway designs, do not reflect onsite conditions and will therefore not be capable of effectively draining the site.

Information submitted as part of the application documents indicate that the soakaways will rely on a shallow band of permeable material at a depth of approximately 2.4 to 2.6m. if this is the case all soakaways will rely on a shallow band of permeability at the base of the soakaway only. Evidence is required that all infiltration tests and subsequent soakaway designs are based on this limited permeability and should be sized accordingly.

2. The percolation test in TP9 was carried out to a depth of nearly 2m which would be to a level of approx. 178.27m. The FFL of plots 07 and 08 are 177.75m therefore assuming a depth to pipework of 1m and a 2m deep soakaway, would finish 3.5m below the TP9 level. The percolation test needs to be carried out at a significantly deeper depth.

3. Evidence should be supplied that there is sufficient infiltration in the public open space area at a depth of 0.5m. Furthermore, the calculated size of soakaway differs to that shown on drawing CA-GA-503 Rev B.

4. The calculations for sizing the soakaway serving plots 1-5 and access to plots 5-8 differs to that shown on drawing CA-GA-503 Rev B.

5. No calculations have been provided for the swale soakaway.

6. A plan should be provided showing the drained areas plus the appropriate

allowance for urban creep.

7. A maintenance regime for the soakaways should be submitted for approval. This should include operations, timescales and who will be responsible for the works.

8. 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.

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

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

Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" 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. Contour and/or exceedance route plans should be submitted for approval demonstrating that the above has been complied with.

4.3.1 SC Drainage (06.01.2021) - Object:

We object to the Proposed Surface Water Drainage Strategy based on the following:

1. The Drainage Layout Plan shows a similar drainage proposal to the surface water system constructed as part of the existing Callaughtons Ash development. This arrangement of shallow boundary swales is not sufficient to adequately deal with surface water flows produced by either the development itself or overland flows produced by the adjacent land. The approach has resulted in flooding to the public highway and contributed to flooding of property in the downstream catchment. The proposed approach of replicating this design has the potential to exacerbate this flooding. A revised drainage design which adequately manages surface water flows from both the site and the upstream catchment is required prior to determination.

2. On site investigations have identified that there is no porosity within the first 1.8m depth of any trial hole. The depth of the proposed soakaways shown in the Drainage Layout Plan are 2.0m deep. As a result, the Soakaways have an effective depth of

only 200mm below the porosity layer. If the base of the soakaways become silted up to 200mm over time, the soakaways would be completely blocked. This is a significant maintenance issue which must be addressed prior to approval being granted.

In addition, the soakaway calculations in the Site Investigation Report states that all of the percolation tests failed to reach 75% of the effective depth meaning that the soakaway designs do not comply with the requirements of BRE Digest 365. Until it can be shown that the proposed soakaways comply with BRE Digest 365 it has not been demonstrated the site can be effectively drained.

A revised drainage design including soakaway test information which complies with BRE Digest 365 and updated soakaway designs is required prior to determination.

A meeting with the developer/ drainage designer should be arranged to discuss the issues in the submitted drainage strategy at the earliest opportunity.

4.4 SC Archaeology (23.03.2021) - No Objection:

Further to our comments and recommendations of 03 December 2020, a Historic Environment Desk-Based Assessment has been carried out in support of the proposed development (Cotswold Archaeology, March 2021, CR0626_1). The assessment has concluded that there is a low potential within the proposed development site for remains of prehistoric or Roman date. Similarly, the potential for remains of Saxon or medieval date is low, and moreover these would be likely to be of agricultural origin and of limited historical value. In general, we concur with these findings and accordingly recommend that no further archaeological investigation or mitigation is required for the current proposal.

4.4.1 SC Archaeology (03.12.2020) - Comment:

Recommend that an Archaeological Desk-Based Assessment is submitted to accompany this planning application for the proposed development to satisfy the requirements of Paragraph 189 of the NPPF. The assessment should include all heritage assets that may be directly affected by the development, using appropriate expertise and conforming to the Chartered Institute for Archaeologists Standard and Guidance for Archaeological Desk-based Assessment (2014, updated 2020), Historic Englands guidance on Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (2017) and Statements of Heritage Significance, Historic England Advice Note 12 (2019). This would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. There should be no determination of the application until the archaeological desk-based assessment has been submitted to the Local Planning Authority. On the basis of the results of this assessment, further mitigation (to include possibly a programme of archaeological work) may be required.

4.5 SC Affordable Housing (25.03.2021) - Support:

Exception sites are in locations that would not normally obtain planning permission

for new housing development. The exception is made because it is affordable housing for local people. The Supplementary Planning Document on the Type and Affordability of Housing, notes at paragraph 5.1 that “sites can involve a number of dwellings (usually between 2 and 25)”. The proposal relates to a second Phase to an existing exception site development at Callaughtons Ash. In 2016, planning permission was granted for a development comprising 12 ,1, 2 and 3 bed affordable rented and shared ownership tenure dwellings. Despite strong evidence of local housing need at the time of the planning submission for Phase 1, it soon became apparent, once development commenced that demand far exceeded supply. Experience has shown that where there is little or no affordable housing in a particular area, households do not necessary register their housing need on the councils waiting list, given that there is often perceived no hope of a home being available. This would have been consistent with what occurred in Phase 1.

The proposal (Phase 2), proposes an additional 14 dwellings, which comprise 1, 2 and 3 bed roomed homes. The tenure is equally split between shared ownership and rented. There were 49 households on the housing waiting list (Shropshire Homepoint) in February this year, who expressed a first preference to live in Much Wenlock and who identified at least one local connection. The requirement for 45 of these households is for 1, 2 and 3 bed roomed homes. The exceptional need for local needs affordable housing would only partially be met by this current scheme, if granted planning permission.

Phase 1 and 2 would result in an exception scheme of 26 dwellings. It should be noted that threshold in the SPD is a guide, given that it is stated ‘normally’. The exception being considered is local housing need and where the need is greater, there is no restriction to further dwellings being considered, subject to maintaining balanced communities and wider development management considerations.

Phase 1 was developed as a ‘community led development’ and involved extensive community involvement throughout the process, including working with the community on identifying a suitable site. Connexus have invested heavily in Phase one and in preliminary work on Phase 2 and therefore have clearly demonstrated their commitment to supporting local needs affordable housing in Much Wenlock. The scheme if permitted will provide much needed local needs housing and is supported by the Housing Enabling and Development Team.

4.6 SC Trees (29.03.2021) - No Objection:

I have reviewed the Arboricultural Survey and Impact Assessment (AIA) (ref: 1960, Focus Environmental Consultants, March 2021) and I can report that I agree with its findings and recommendations. Construction within the root protection area (RPA) of retained trees can be carried out without detriment to those trees, subject to compliance with the facilitation tree works and tree protection measures detailed within the AIA and its Tree Protection Plan. I note that an arboricultural method statement is also required as a condition to any permission granted, to cover additional tree protection details under the heads of terms given in section 4.5 of the

AIA.

The single tree to be removed (a small category 'C' oak of low amenity value) can be more than compensated by the tree and shrub planting proposed under the landscaping scheme for the site (dwg 3058 001 D). I would recommend the planting be implemented in accordance with the submitted plans prior to completion of the development.

I further consider that the amendments to the layout and design made subsequent to my original consultation response (15/12/2020) have satisfactorily addressed the concerns raised in that response, notably with regard to construction and drainage works within the RPA of trees along the eastern site boundary.

I therefore have no objection to this application on arboricultural grounds and can recommend the following tree protection conditions (as well as standard conditions relating to compliance with and implementation of the submitted landscaping scheme):

- A) All pre-commencement tree works and tree protection measures as detailed in the Arboricultural Survey and Impact Assessment and its Tree Protection Plan (TPP) (ref: 1960, Focus Environmental Consultants, March 2021) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

B) Prior to commencement of development, an Arboricultural Method Statement (AMS), based on the heads of terms given in section 4.5 of the Arboricultural Survey and Impact Assessment and its Tree Protection Plan (ref: 1960, Focus Environmental Consultants, March 2021) and prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012, or its current equivalent, shall be submitted to and approved in writing by the LPA.

C) The development shall be implemented in accordance with the approved AMS and TPP. Approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the LPA.

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

4.6.1 SC Trees (15.12.2020) - Comment:

support the findings and recommendations of the Arboricultural Survey and Constraints Report (ref: 1960 rev 1, Focus Environmental Consultants, May 2020), in so far as it relates to a description of the existing tree cover and the constraints posed to development by virtue of each tree's size (height, stem diameter and canopy spread), root protection area and shade arc.

However, the submitted arboricultural information represents only the first stage of the process and as the tree report recommends, additional processes and documents are required in order to take full and proper account of trees as a material consideration in the determination of this application.

The arboricultural implications of the proposed development must now be assessed by a competent arborist carrying out an Arboricultural Impact Assessment (AIA), in accordance with BS5837: 2012. The AIA should take account of the trees and hedges to be retained and those to be removed, any facilitation tree works required to implement the proposed development, any proposed measures to avoid or mitigate damage to retained trees and hedges and new planting to be carried out in association with the development.

An Arboricultural Method Statement and Tree Protection Plan must also be provided to detail how retained trees and hedges will be safeguarded during development and how works will be carried out in close proximity to those trees and hedges.

In this regard, I have concerns about the implications of the proposed development upon retained trees along the eastern site boundary, identified as trees T1 - T10 (excluding T5 and T6) in the tree survey. In particular, I am concerned that the proposed drainage arrangement as shown on the Drainage Layout Plan (dwg CA-GA-503) includes installation of a foul drain within the root protection area (RPA) of a number of trees on both the current development and along the eastern boundary of Phase 1 of the site. The Kerbing and Walling Drawing CA-PL-502 Rev A shows a retaining wall to be installed on plot 6 within the RPA of tree T3, whilst the landscape plans 3058- 001 Rev C and 3058-002 show this feature to be a gabion structure - this point of detail needs to be clarified prior to determination. In addition, boundary fencing is proposed within the RPA of trees T2, T3, T4 and T8. Finally, possible new maintenance access points are suggested within the RPA of trees T1 and T10 at the northern and southern ends of the site.

All the construction details identified in the preceding paragraph have the potential to cause damage to trees along the eastern site boundary, potentially affecting their safe viable retention. I would therefore request that they be considered as part of an Arboricultural Impact Assessment, to be carried out by a competent arborist in accordance with BS5837: 2012, prior to determination of this application.

- 4.7 SC Ecology (14.12.2020) - No Objection:
Content with the submitted Preliminary Ecological Appraisal (Focus Environmental, June 2020) and the level of survey work carried out. Recommend conditions requiring submission and approval of a landscaping scheme; provision of bat and bird boxes and in respect of external lighting.

- 4.8 SC Historic Environment (08.12.2020) - No Objection:
Whilst there are no heritage assets within the vicinity of the site, there is still potential for the proposal to have an impact upon the Much Wenlock Conservation Area which also contains numerous listed building along with Wenlock Priory which is a Scheduled Monument. It is noted that in effect that this is an extension to the existing Callaughtons Ash development adjacent. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, 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 submitted LVIA is noted where it has assessed the proposal's potential impact upon the adjacent conservation area, listed buildings and Scheduled Monument. The assessment states that the proposal would have a 'negligible impact' upon the conservation area and listed buildings including the local landmark of Wenlock Windmill which is a grade II listed structure that lies to the north of Much Wenlock. This conclusion has been reached taking account of the presence of intervening buildings and existing tree cover, where it states that there is 'no effect' with regards to impact upon Wenlock Priory (Scheduled Monument). There is general consensus with these findings, where it is noted that the proposal for affordable housing can be given some weight in terms of public benefits balanced against 'harm' as part of addressing the paragraph 196 balance.

The proposed design of the dwellings is noted with regards to the use of contemporary design and use of high quality locally sourced materials along utilising the passivhaus principles which is supported, where the buildings should demonstrate high levels of thermal efficiency with regards to dealing with fuel poverty.

- 4.9 AONB Partnership (30.11.2020) - No detailed comments to make.

- 4.10 West Mercia Constabulary - No adverse comments.

Public Comments

- 4.10 Site notice displayed 30.11.2020; press notice published 01.12.2020. 8 adjacent properties sent consultation letters. Comments received in response to publicity are summarised below. The full text of the comments may be viewed on the planning file.

- 4.10.1 3 letters of support:
-New phase will go a long way to alleviate lack of affordable housing for local people.
-There will be some objections that flooding has become more severe since the first phase, but this is spurious and unfounded with no evidence to support the claim.
-Flooding has occurred downhill from Callaughton Ash for many years; with respect

to flooding that occurred in the area of Hunters Gate and Forester Avenue in 2007, there is photographic evidence of flooding in that area from the 1940s, and local aural evidence from the 1950s.

-No guarantee that affordable housing will be provided on the preferred development site in the new Plan, as these are likely to be lost under the Council's Open Book policy which allows developers to cite increased costs for flood alleviation schemes.

-Grateful to be living in phase 1 of the development and would not stand in the way of others having the same opportunity, but during heavy rain the garden gets flooded causing a problem with water and mud right up to their back door; concerned that new development will add even more flooding to their property. In line with housing policies in the Much Wenlock Neighbourhood Plan.

4.10.2 3 Objections:

-Failure to recognise and address the serious danger that proposal would increase flood risk elsewhere.

-Acknowledge Neighbourhood Plan aims to provide much needed affordable homes for local people, but this site lies within a rapid response catchment designated by the Environment Agency, of which there are only a dozen or so in England that are liable to sudden catastrophic flooding

-Considerable evidence that sub-surface groundwater movements results in springs downhill from this development which arise during periods of heavy rainfall.

-Has not been shown convincingly that soakaways and swales on the site will not contribute to increased flooding elsewhere.

-Concerns about accuracy of drainage resume and the ground investigation into flood risk making no reference to the catchment area Halcrow Report of 2007, a Mouchel Report of 2011 and a report for Severn Trent in 2015.

-Re-examination of previous assumptions about local geology is now necessary.

-Only another 8 dwellings should be proposed and not 14 to comply with policy for small social housing outside the development boundary.

-The dwellings would be above the contour line as stated by HM Inspector when he received the Town Plan and will require a large amount of earthwork removal and a substantial retaining wall.

-As a resident of phase 1, support the need for more affordable housing, but there are significant issues with drainage on this site which appears to have become more severe since the building of phase 1; access road (Callaughton Lane) has been partially washed away and is more a gravel track at the point of access.

Survey report for drainage was done in the summer and winter tells a different story.

-Gardens of houses that back onto the new site were completely flooded in 2019.

4.10.3 Much Wenlock Flood Group - Object:

We as a flood group have grave concerns about the application and has been proved already flooding does occur on CA1. CA2 will only compound those problems and we believe the whole design needs re-engineering and should not proceed in its present form until that work is completed on CA1.

4.10.4 Much Wenlock Civic Society - Comment:

-Support principle of building genuinely affordable housing in the town with a local

lettings policy; but there have been problems with localised flooding on the first phase of this development.

-Concerned whether sufficient investigation of the flooding problem has been carried out.

-This much needed development must not in any way increase the risk of flooding further down the slope.

-Although the proposed development area MUW012VAR adjacent to Hunters Gate should if built provide around 24 affordable homes the Society is very concerned that the cost of flood mitigation would lead to the developer seeking to reduce the number substantially.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design and landscape impact

Highway Safety

Drainage

Residential Amenity

Ecology

Affordable Housing

Open Space

Loss of Agricultural Land

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

6.1.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development Plan (SAMDev Plan) 2015 and the Much Wenlock Neighbourhood plan (MWNP) 2013 - 2026.

6.1.3 Much Wenlock is classified as a Market Town under Core Strategy policy CS3 and a location that will have limited development that reflects its important service and employment centre role whilst retaining its historic character. SAMDev Settlement Policy S13 (Much Wenlock area) advises that the Much Wenlock Neighbourhood Plan sets out the development strategy for the town during the Plan period. With regard to affordable housing, SAMDev Plan policy MD7a relates to managing housing development in the Countryside and states that suitably designed and located exception site dwellings will be positively considered where they meet

evidenced local housing needs and other relevant policy requirements.

- 6.1.4 Objective 1 of the MWNP relates to housing and states that the Plan will provide for a limited amount of housing to meet local needs. This is to be achieved by a number of measures, including through:

"developing collaborative partnerships with one or more Housing Associations to bring forward affordable housing on exception and other sites."

Policy H5 states:

"Proposals for small scale affordable housing developments outside the Much Wenlock development boundary will be supported subject to the following criteria:

- They comprise up to 10 dwellings; and*
- The proposals contribute to meeting the affordable and social-rented needs of people with a local connection; and*
- The development is subject to an agreement which will ensure that it remains as affordable housing for people with a local connection in perpetuity; and*
- The proposals would not have a significant impact on the surrounding rural landscape and the landscape setting of any settlement in the plan area ;and*
- The development is appropriate in terms of scale, character and location with the settlement to which it is associated.*

Open market housing will only be permitted outside the Much Wenlock development boundary where this type of development can be demonstrated to be essential to ensure the delivery of affordable housing as part of the same development proposal."

The explanatory text to the above policy explains:

"Shropshire Council's Interim Planning Guidance on affordable housing sets a maximum size of 20 dwellings, for urban exception sites (defined as settlements over 3000 population). The Census 2011 shows that Much Wenlock is smaller than this and therefore exception sites should "reflect the character and scale of the settlement". We support this policy and have included the figure of ten dwellings in Policy H5 as a guide rather than a target, taking into account local housing need."

- 6.1.5 The application site here is outside of the Much Wenlock Town development boundary and abuts an existing affordable housing development which sits immediately adjacent to that development boundary. The proposed development for 14 affordable dwellings on its own and in combination with the existing adjacent development to which this would effectively be a phase 2, would result in a concentration of affordable dwellings in excess of the guideline figure of 10 which relates to Policy H5, with the total existing and proposed amounting to 26 units. This exceedance of the guideline figure needs to be weighed against the demand for affordable dwellings in the locality (See comments from SC Affordable Housing at 4.5 above), the absence of any other affordable dwellings sites coming forward at the present time and a consideration as to whether the number of units would cause any demonstrable harm to the setting of the Town in respect of the final two bullet points of policy H5. The acceptability or otherwise of the proposed scheme would also depend upon the outcome of consideration of the matters discussed below.

6.2 **Siting, scale and design and landscape Impact**

6.2.1 Section 12 of the NPPF is concerned with achieving well designed places. It states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish and maintain a strong sense of place; to optimise the potential of sites to accommodate an appropriate amount and mix of development; and to create places which are safe, inclusive and accessible and which promote health and well-being, providing a high standard of amenity for existing and future users. It also states, however, that permission should be refused for poor design that fails to take into account the opportunities available for improving the character and quality of an area. At paragraph 131 it advises that in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. In terms of design and layout, the form of the proposed development has been described above in Section 1.

6.2.2 Core Strategy policies CS6 and CS17 are concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Plan policy MD2. In summary, these policies expect new development to be designed to be sustainable in the use of resources, including during the construction phase and future operational costs, reduce reliance on private motor traffic, be respectful to its physical landscape setting and context and to incorporate suitable mitigation in the form of materials and landscaping. The MWNP Objective 6 relates to good quality design and aims to ensure development respects the scale, style and setting of the town, be of the highest quality design and include gardens of an appropriate scale to the properties. Policy GQD1 seeks to protect the high quality natural landscape outside the development boundary of Much Wenlock. Policy GQD2 sets out a number of design criteria against which new development should be appraised, making reference to the principles set out in the Much Wenlock Design Statement; making efficient use of land while respecting density, character, landscape and biodiversity of the surrounding area; be suitably designed for the context within which they are set; retain existing important landscape and natural features; ensuring that the scale and massing of buildings relate sympathetically to the surrounding area; create safe environments; and use traditional and vernacular building materials where such treatment is necessary to respect the context of the development concerned.

6.2.3 As with the affordable dwellings immediately to the north, and through which access would be gained, that proposed development in this case would be designed to achieve high standards of energy efficiency. The proposed dwellings complement those already built as 'phase 1', being of a simple, modern architectural style, but utilising traditional vernacular materials comprising timber cladding with small plain tiles to 40 degree dual pitched roofs. The generous space around the buildings

would also assist in their integration into this landscape setting with the rising agricultural land to the south and west. In combination with the affordable dwellings already built, there would be a strong sense of place, with a suitable balance between form and space as sought by paragraph 127 of the NPPF. The proposed landscaping and site boundary treatments would assist in assimilating the proposed development into the rural, edge of town landscape. The County Arboriculturalist is content that the revised layout has addressed his earlier concerns about the retention of existing trees which are of amenity value. The proposed tree and shrub planting would more than compensate for the loss of a small oak tree of low amenity value.

6.2.4 The design approach adopted has consistency with the adjacent affordable housing and remains acceptable for this site, in compliance with the NPPF, Shropshire Core Strategy policies CS6 and CS17; SAMDev Plan policy MD2 and Much Wenlock Neighbourhood Plan policies GQD1; 2 and 4.

6.3 **Highway Safety**

6.3.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 108 it advises that sites should give opportunities to promote sustainable transport modes appropriate to the type of development and its location, have a safe and suitable access for all users and that whether any significant impacts on the transport network or highway safety can be cost effectively mitigated to an acceptable degree. It continues at paragraph 109 stating development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Core Strategy policy CS6 seeks to achieve safe development and pertinent matters to consider include ensuring the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. The Council's Developing Highways Manager is content that, subject to the conditions recommended at 4.2 above, the site access is suitable for the proposed development and the local highway network can accommodate safely the additional traffic likely to be generated. The footpath linkage to the facilities in Much Wenlock would be via the route available to the existing affordable dwellings.

6.3.2 The level of off-road parking provision within the proposed scheme would comply with Much Wenlock Neighbourhood Plan policy H6 in providing a minimum of two parking spaces per dwelling for new housing development.

6.4 **Drainage**

6.4.1 The site falls within Environment Agency Flood Zone 1, which is the least flood prone area to which it is an objective of the NPPF and associated guidance sequential test to direct new development. It is acknowledged however that the topography of the locality results in surface water flows from the farm land impacting on Callaughton Lane and the drainage infrastructure of the town, which is discussed further below and one of the factors which have shaped the drainage policies contained in the Much Wenlock Neighbourhood Plan.

6.4.2 Core Strategy policy CS18 relates to sustainable water management and seeks to

ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing run off rate and not result in an increase in run off. Objective 3 of the Much Wenlock Neighbourhood Plan relates to reducing flood risk. Policy RF1 requires new development to have no detrimental impact on surface water run-off in the town's surface water catchment area, or to be entirely self-sufficient in its ability to manage surface water run-off. Policy RF2 states new developments will be designed and constructed to reduce the overall level of flood risk to the use of the site and elsewhere compared to its current use. At policy RF3 it states that new dwellings should be designed to have a predicted water discharge of no more than 80 litres of water per person per day. Policy RF6 adds that parking spaces and driveways associated with new development will have permeable surfaces.

- 6.4.3 The proposed drainage arrangements would, in respect of foul water drainage, consist of each property having an outfall to a new holding and collection tank adjacent to the existing pump station located within the open space of phase 1 of the development. This tank would have adequate capacity for the proposed development and would discharge to the existing pump chamber. The flows through the pump main would not increase given the size of the pump main and retention of the existing foul water pumps. The outfall from the pump station discharges to the public foul sewer in Oakfield Park and a separate application will be necessary to Severn Trent to make the connection. The pump station and foul water drainage within the development would be maintained under the same management arrangements as at present by Connexus.
- 6.4.4 The proposed surface water drainage arrangements would follow similar arrangements to the first phase of the development. A swale would be constructed around the boundary of the site which would protect the development from exceedance flows from the higher ground. The swale is not intended to provide a positive drainage facility to the ground above, which would continue to drain as existing, but a catchpit and silt trap would be provided to the swale area and this will drain to a suitable soakaway. Highway drainage would also drain direct to a soakaway. It comments that investigations carried out no water table was encountered during testing and no water entered the test pits. The resultant design for the domestic surface water and proposed estate road is to deep soakaways, constructed below the heavy and dense clays. The drainage statement acknowledges that the water table level will fluctuate, but the investigations in this instance suggest the ground below the clays has ample porosity, whereby the water dissipates downwards and typically no greater than the angle of repose. It considers there would be no build-up of water pressure which would not be able to penetrate the thick layers of clays and express itself at lower ground levels to the east. The Drainage Resume concludes:

"Overall it is considered that the drainage proposals are appropriate and that it is highly unlikely that any of the waters from the development would reach the land to the east, let alone have sufficient waterhead pressure to penetrate the ground surface. Given the nature of the ground makeup it is more likely that surface water run-off being unable to penetrate clays and the fall across the ground within the

catchment area contributes to the specific collection of both surface and sub-surface flows expressing themselves at the lowest point. From observation even the land immediately adjacent to the site is very steep and has no identifiable surface water drainage. Of course the land continues to rise above the site to the west and to the south and again there is no hard evidence of any drainage system and this ground relies on the permeability of the top soils alone, which when saturated likely results in overground surface water run-off."

6.4.5 The Council's Drainage and Flood Risk Manager, together with the Council's Drainage Consultants WSP, raised objections to the above proposed surface water drainage strategy and their comments are set out in full at paragraph 4.3.1 above. It is their view that the drainage proposals are similar to the existing Callaughtons Ash (Phase1) development where the arrangement of shallow boundary swales is not sufficient to adequately deal with the surface water flows produced by either the development itself or overland flows produced by the adjacent land. They state that this approach has resulted in flooding to the public highway and contributed to flooding of property in the downstream catchment. It is their view that the proposed approach of replicating this design has the potential to exacerbate this flooding. The Council's Drainage Consultants are also concerned that the soakaways proposed could become silted up over time, leading to blockage, and that the soakaway calculations failed to meet the requirements of BRE Digest 365.

6.4.6 In response, the applicant's drainage consultant has summarised National and Development Plan policy context and acknowledges that the issue of surface water drainage within Much Wenlock is a subject of much discussion. He points out that the drainage scheme for phase 1 was approved by the Council's Drainage Engineer. With respect to the matters now raised by the Council's Drainage Consultants he comments:

- the drainage installed for phase 1 has operated effectively and efficiently as designed and so it was decided that a similar arrangement for capturing and dealing with the disposal of surface water should be adopted for this phase.
- The swale was not intended to be provided as a collection system or an attenuation feature for run-off from the field above the site, but does offer a benefit over and above the protection the drainage affords to the dwellings themselves in that a small amount of run-off from the higher grounds would actually collect in the swale and no drain direct to Callaughton Lane.
- Suitable ground where porosity is available is at deeper depths of between 2.4 - 6.0m. A ground investigation by Ruddesden Geotechnical and test confirmed that suitable porosity would be available at that depth.
- It was agreed with the Council Drainage Officer that some betterment would be provided to assist with surface water run-off and this has been engineered by designing a deeper and wider swale, introducing weir walls along its length to slow and delay surface water run-off and increased the size of the soakaway to accommodate a larger catchment area. The design of this swale would not capture all the flows which accumulate along the southern boundary from the area of land which amounts to some 1.37 Hectares.
- The drainage mounds around the top of the swale will deflect much of the flows as it is not within the developer's gift to provide additional drainage to the farmlands

and higher ground - it would not be practical or viable for such a small development.

- Based on the sizing of the soakaway they propose an additional 700 sqm could contribute to the swale, which in its own right would provide a significant betterment to the extant drainage in the locality. The betterment here would be that some of the surface water run-off will be collected and will typically amount to around 5% of the land area which would collect along the southern boundary, which ordinarily and prior to development would not have been collected and would therefore discharge to Callaughton Lane.

- The flooding of gardens in phase 1 of the development has been resolved by introducing additional maintenance by Connexus and ensuring the collection pit is free from debris and any eroded soils

- It is considered that these proposals provide additional benefit outside of the development site and will contribute to the overall local land drainage improvements, however they are not and cannot be provided to collect all run-off or additional run-off from the higher and adjacent lands and these will remain as existing where during excessive storms the water will collect on Callaughton Lane. It shall be noted that no run-off from this development will contribute or enter Callaughton Lane itself.

- We do note there are flood issues with Callaughton Lane at times of heavy and prolonged precipitation, but this is not due to or contributed by the development and this is a matter for Shropshire Council as Land Drainage Authority and Shropshire Council as Highway Authority.

- The design proposals provided on the updated plans are considered to be fully compliant with Council Policy and Council Specifications for Flood Management. The soakaways have been designed for worst event 1 in 100-year storms plus 35% climate change and potential urban creep.

6.4.7 The further response from the Council's Drainage and Flood Risk Manager and Drainage Consultants to the above response from the applicant's Drainage Consultants are in full at paragraph 4.3 above. They are maintaining their objection on the grounds that the proposed drainage is unable to demonstrate that the surface water produced by the site can be adequately drained, and that the development proposals do not address the issues of overland flows produced by the adjacent landform. Although they appreciate that the land falls towards the highway, maintaining the existing situation where flooding is being caused by storm events is not acceptable. They advise:

"For any development proposals to be acceptable the development must demonstrate not only how surface water produced by the site will be sustainably managed, but how the development can provide a betterment to the existing situation where flows generated offsite are causing flooding to properties in Phase 1 and throughout the downstream catchment."

Their particular points of concern with respect to Greenfield run-off management and on the proposed development itself are set out at 4.3 above. Their observations include that the phase 2 swale/bund is smaller than that of phase 1, offering less protection; the lack of calculations to demonstrate the adequacy of the swale, the adequacy of pipe sizings; no calculations have been provide for the swale

soakaway, which should include a minimum 30% additional storage volume to provide a betterment to the existing flood situation; exceedance routes should be shown to demonstrate adjacent properties will not be flooded; soakaway infiltration require confirmation along with trench dimensions; how seasonally high ground water level would be accommodated; site plot levels require percolation tests to be carried out at a significantly greater depth; there are discrepancies in some soakaway size details shown on submitted documents. The agent has been advised of these continuing drainage concerns and any further response will be reported at the Committee meeting.

- 6.4.8 While it is acknowledged that the development proposal cannot be expected to resolve in full a pre-existing problem relating to the topography and run-off from farmland, the experience with phase 1 of the development justifies the Council taking a cautious approach. This is to ensure that the proposed development itself is not exposed to unacceptable flood risk and because of the Development Plan policy requirement to achieve some enhancement in comparison with the existing situation and having regard to climate change. Core Strategy policy CS18 in relation to sustainable water management requires developments to be safe, taking into account the lifetime of the development and the need to adapt to climate change. It states that all development should aim to achieve a reduction in the existing runoff rate, but must not result in an increase in runoff. Due to the specific drainage issues relating to Much Wenlock the Much Wenlock Neighbourhood Plan policy RF2 states that:

"All developments in flood-sensitive areas will be designed and constructed to reduce the overall level of flood risk both to the use of the site and elsewhere compared to its current use."

Policy RF1 also requires development to demonstrate that:

*"- the development proposed will have no detrimental impact on surface water run-off in the town's surface water catchment area, or
- the development proposed is entirely self-sufficient in its ability to manage surface water run-off."*

- 6.4.9 The comments of the Council's Drainage Consultants mean that, at the time of writing this report it has not been demonstrated that the proposed development would be in compliance with Core Strategy policy CS18 or Much Wenlock Neighbourhood Plan policies RF1 and RF2.

6.5 Residential Amenity

- 6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are the affordable dwellings to the north. The separation distances from these dwellings and the juxtaposition of the proposed dwellings with the existing properties would ensure no overbearing impacts, overshadowing or loss of privacy to warrant a refusal on residential amenity grounds. There would be no residential amenity conflicts within the proposed development itself.

6.6 Ecology

- 6.6.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies. The Council's Ecology Team has raised no objections and is content that ecological interests can be safeguarded on any planning permission issued by conditions requiring the provision of bat and bird boxes and to control external lighting.

6.7 Affordable Housing

- 6.7.1 The current need for affordable housing has been set out by the Council's Affordable Housing Team in their comments at 4.5 above. The properties would be secured as affordable housing in the same manner as planning permission 16/02910/FUL for the adjacent affordable dwellings. Where the applicant is a Registered Provider, as is the case with the current application, planning conditions can be an acceptable means of controlling the occupation and affordability in perpetuity, rather than through a Section 106 Agreement, although the latter can offer greater flexibility with adjustments to affordability tenures. Planning conditions have been used on the 16/02910/FUL planning permission decision notice which stated as follows for the dwellings contained in that permission:

*"18. The dwellings hereby permitted shall not be let or occupied other than wither:
a. In the case of 10 dwellings, under a tenancy in accordance with the normal letting of a Registered Provider; and b. in the case of 2 three bedroomed dwellings, by way of a Shared Ownership lease or equity share arrangement whereby the occupier cannot progress or achieve a share greater than 80% of the whole.*

Reason: To ensure compliance with the requirements of Policy CS11 of the Shropshire Core Strategy to ensure affordability in perpetuity.

19. The affordable housing units shall be advertised through the Shropshire Choice Based Letting Scheme, and allocated through the Shropshire Housing Allocation Policy and Scheme.

Reason: To ensure that all affordable properties are advertised to local people and that the Shropshire Housing Allocation Policy and Scheme (in combination with any local lettings plan) is applied in allocating the affordable properties for rent.

20. In addition to the requirements of the Shropshire Affordable Housing Allocation Policy and Local Need criteria and the Local Letting Plan which shall be agreed in writing by the Local Planning Authority, all lettings or shared ownership leases shall meet the local connection and the cascade requirements set out in Shropshire Council's Type and Affordability of Housing Supplementary Planning Document or any policy or guidance that may from time to time replace it.

Reason: To ensure compliance with Policy CS11 of the Shropshire Core Strategy with regard to local needs and prioritisation for local people."

In the case of the current application the applicants have advised that on this occasion their preference is for the Section 106 Legal Agreement route to secure the properties as affordable housing, to allow more flexibility in terms of the affordable housing tenure for each property.

6.8 **Open Space**

6.8.1 Core Strategy policy CS6 seeks to ensure developments achieve local standards for the provision and quality of open space. SAMDev Plan policy MD2.5 acknowledges that open space can contribute to wider policy objectives, including surface water drainage, and seeks to achieve a quantity of open space in developments based on 30 sqm per bedroom. Much Wenlock Neighbourhood Plan policy GOS2 states new development should include or contribute to the provision of open space in line with the standards set by Shropshire Council. In this particular case the open space area provided between the existing and proposed housing, linking to that in phase 1 of the development, would have a dual drainage role. The area along the Callaughton Lane frontage, where there are existing trees and hedging, has been enlarged in the amended site layout and would function primarily as a semi natural landscape feature as a wildlife corridor, which is one of the roles open space can perform. It was accepted in phase 1 of the development that the shortfall against the strict application of the 30 sqm target was outweighed by the benefit of the relatively large gardens in a low density scheme in this edge of town location. It is considered that similar factors here and the amount of space available is also short of the 870 sqm target, at roughly some 730 sqm (Were the swale areas adjacent to the site boundaries with the field be included the target amount would be comfortably exceeded but these areas could not have a dual recreational use): This would make a refusal on the grounds of insufficient open space provision difficult to sustain. The maintenance of these areas would be by the Housing Association under the terms of their management arrangements for the site.

6.9 **Loss of Agricultural Land**

6.9.1 The site lies on Grade 3 agricultural land, as was the case with phase 1 of the development. In view of the acknowledged need for affordable housing and the policies of the Much Wenlock Neighbourhood Plan, in relation to such developments outside development boundaries - see 6.1 above (Principle of Development), and the grade 3 classification, it is considered that a refusal on the grounds of loss of high quality agricultural land could not be sustained.

7.0 **CONCLUSION**

7.1 There is no in-principle planning policy objection to an affordable housing development immediately adjacent to, but outside of the Much Wenlock Town development boundary and this proposal abuts an existing affordable housing development which sits immediately adjacent to that development boundary. While the total number affordable dwellings combining the numbers built and now proposed would be in excess of the guideline figure of 10 referred to in Policy H5 of the Much Wenlock Neighbourhood Plan, it is considered that the current need for

affordable dwellings in the locality and the absence of other sites for affordable housing significantly weighs in favour of the development. It is also pertinent that the concentration of affordable dwellings in this location would not result in any demonstrable harm to the setting of the Town, as established through the landscape and visual impact assessment. The final two bullet points of MWNP Policy H5 which requires proposals to not have a significant impact on the surrounding landscape and the landscape setting of the settlement, and to be appropriate in terms of its scale, character and location with the settlement to which it would be associated would not be compromised.

7.2 The design approach adopted has consistency with the adjacent affordable housing and remains acceptable for this site, in compliance with the NPPF, Shropshire Core Strategy policies CS6 and CS17; SAMDev Plan policy MD2 and Much Wenlock Neighbourhood Plan policies GQD1; 2 and 4.

7.3 The Council's Highways Consultants are content that the site access is suitable for the proposed development and the local highway network can accommodate safety the additional traffic likely to be generated. The footpath linkage to the facilities in Much Wenlock would be via the route available to the existing affordable dwellings. The level of off-road parking provision within the proposed scheme would comply with Much Wenlock Neighbourhood Plan policy H6 in providing a minimum of two parking spaces per dwelling for new housing development

7.4 The separation distances from these dwellings and the juxtaposition of the proposed dwellings with the existing properties would ensure no overbearing impacts, overshadowing or loss of privacy to warrant a refusal on residential amenity grounds. There would be no residential amenity conflicts within the proposed development itself.

7.5 Ecological interests can be safeguarded on any planning permission issued by conditions requiring the provision of bat and bird boxes and to control external lighting. The tree protection measures are acceptable and the new planting proposed is appropriate to the location. The form and quantity of open space that would be provided is considered acceptable for this edge of settlement location.

7.6 However, the proposed surface water drainage arrangements in their current form would fail to satisfy the requirements of Development Plan policies CS18, RF1 and RF2. which weighs significantly against all the positive attributes of the proposal. Given the essential need to reduce flood risk as identified by the Much Wenlock Neighbourhood Plan, this factor results in a recommendation for refusal of this application.

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 and SAMDev Plan Policies:
CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S13 - Much Wenlock

Much Wenlock Neighbourhood Plan

SPD Type and Affordability of Housing

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
Ecological Appraisal
Arboricultural Impact Assessment
Drainage Resume
Flood Risk Assessment

Landscape and Visual Impact Assessment
Archaeological Assessment
Highways and Transport Report

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member
Cllr David Turner

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.

2. 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:
CS1 Strategic Approach
CS3 The Market Towns and Other Key Centres
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev Plan:
MD1 Scale and Distribution of Development
MD2 Sustainable Design
MD7a Managing Housing Development in the Countryside
MD12 Natural Environment
MD13 Historic Environment
S13 Much Wenlock

Much Wenlock Neighbourhood Plan

SPD on the Type and Affordability of Housing

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Committee and date

Southern Planning Committee

13 April 2021

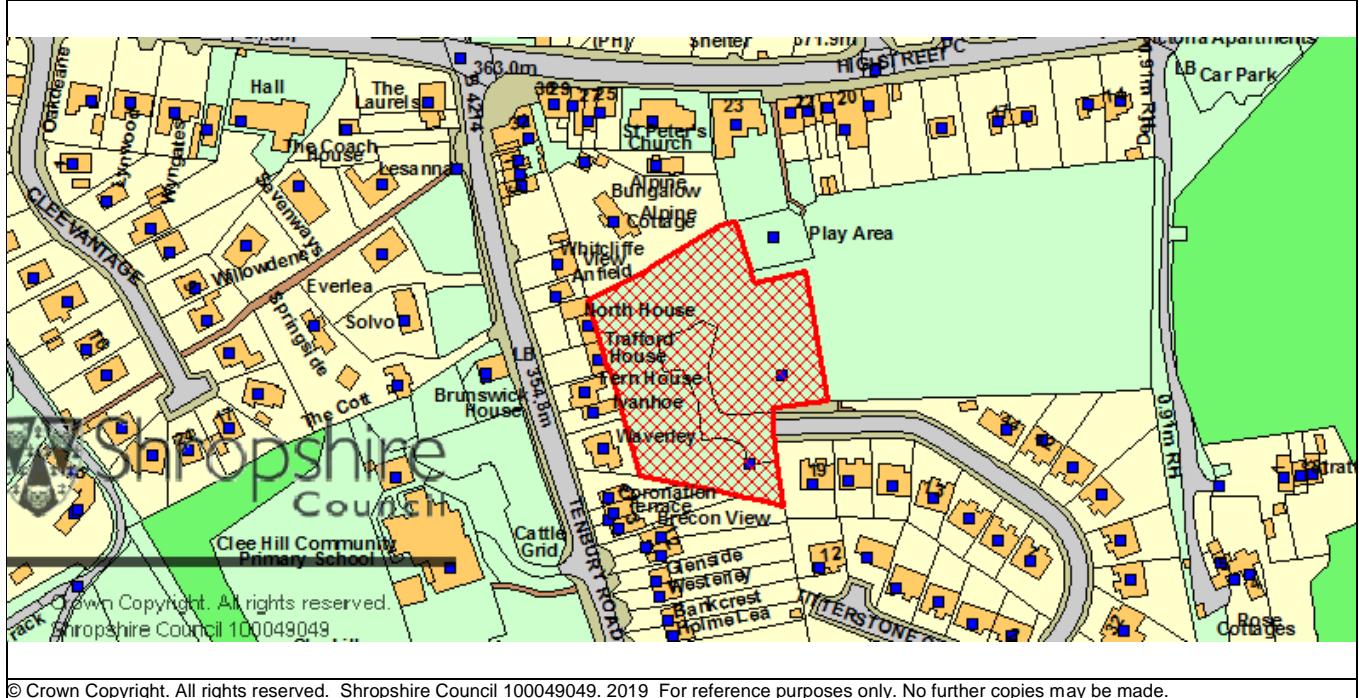
Development Management Report

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

Summary of Application

Application Number: 20/04700/VAR	Parish:	Caynham
Proposal: Variation of Condition No.s 1 (approved plans) and 7 (landscaping) attached to Planning Permission Ref. 19/03888/VAR dated 28 January 2020 (as amended)		
Site Address: Development Land West of Springfield Park, Clee Hill, Shropshire		
Applicant: KH Developments		
Case Officer: Andrew Sierakowski	email: planning.southern@shropshire.gov.uk	

Grid Ref: 359323 - 275200



Recommendation:- Approval of the Application subject to the conditions set out in Appendix 1

Recommended Reason for Approval: The proposal complies with relevant development plan policy including Core Strategy Policies CS6 and CS18 and SAMDev Policy MD2 and the National Planning Policy Framework (2019).

REPORT

1.0 THE PROPOSAL

- 1.1 This is an application to vary Condition No. 1 and Condition No. 7 of Planning Permission Ref. 19/03888/VAR that was approved on 28th January 2020. Planning Permission Ref. 19/03888/VAR relates to amended plans for a residential development of thirteen dwellinghouses and garages on land to the west of Springfield Park, Clee Hill, which was in turn was originally approved under Planning Permission Ref. SS/1/07/19934/F.
- 1.2 Condition No. 1 of Planning Permission Ref. 19/03888/VAR requires that the development is undertaken strictly in accordance with the approved plans and drawings and Condition No. 7 that all hard and soft landscaping works are undertaken in accordance with the approved plan, and a schedule of plants and trees to be submitted to and approved by the Local Planning Authority.
- 1.3 The reason for the application is to amend the levels of the proposed dwellings on Plot Nos 1-3 (and make minor adjustments to the levels of the dwellings on the other plots) to accommodate the drainage scheme, that was approved under Discharge of Condition Application Ref. 20/01231/DIS on the 25th November 2020 and to amend the previously approved landscaping scheme and include a schedule of plants and trees.
- 1.4 The application explains that drainage plans approved by the Discharge of Condition application Ref. 20/01231/DIS, discharging Condition No. 3 of that permission, provided for a network of private storm water drains connecting to each of the approved residential plots within the development. The network of storm water drains has a minimum diameter of either 100mm or 150mm.
- 1.5 The captured drainage from each plot is fed through the network to attenuation tanks designed to cope with storm events with a flow chamber containing a hydrobrake controlling the release of water from the attenuation tank at appropriate rates allowing the system to discharge to the Springfield Park highway, on the east side of the site. The attenuation tank is located centrally under the access road for the development within the application site and measures 8m long by 4m wide and is 1.6m deep.
- 1.6 The only surface water not intercepted by the network feeding into the attenuation tank is that which falls on the rear gardens of Plot Nos. 1, 2, 3 and 4 on the west side of the site. The surface water from Plot 4 is captured by an existing land drain, that is to be retained, which connects to an existing 100m drain to the west of the site. This is located on and runs through an existing adjacent property, Fern House, to the Tenbury Road. For Plot Nos. 1-3 it was initially proposed as part of this

application to install a 150mm diameter perforated land drain running along the remainder of the western boundary that would also connect into the existing 100m drain to the west of the site. However, it is understood that the applicant has been unable to secure approval for the connection, so that the application has been amended to construct a stone filled soakaway along the western boundary of Plots 1-3 instead of the originally proposed land drain.

- 1.7 The drainage system is designed to ensure that there is no increased flood risk from surface water run off to neighbouring properties and to ensure betterment compared with the greenfield run off rate if the site was undeveloped.
- 1.8 The submitted details otherwise include the proposed hard and soft landscaping works, that include the construction of a retaining a small retaining wall within the western boundary of Plot 4, and the details of planting and fencing proposed for the site as a whole.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The village of Clee Hill lies 6 miles (9.6km) to the east of Ludlow and occupies an elevated position on the southern slope on Titterstone Clee overlooking extensive areas of open countryside to the south-east, south and south-west. The A4117, the High Street runs east - west through the village from Kidderminster to Ludlow. The B4214 (Tenbury Road) runs southwards from the A4117 at Clee Hill to Tenbury, as the name suggests. The site is located within the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and is bordered by existing residential properties to the south, west and north, including the properties of Waverley, Ivanhoe, Fern House and Trafford House to the immediate west of Plot Nos. 1-4. The road access to the site is from the east, along Springfield Park where there are other dwellings and there is a play area adjacent to the north eastern corner of the site.
- 2.2 The planning history of the site is complicated but relevant to the understanding of both the changes to the approved scheme that are now proposed and the third-party representations that have been submitted in response to the application.
- 2.3 As detailed above this application seeks to vary Condition No. 1 and Condition No. 7 of Planning Permission Ref. 19/03888/VAR that was approved on 28th January 2020. Planning Permission Ref. 19/03888/VAR relates to amended plans for a residential development of thirteen dwellinghouses and garages on land west of Springfield Park, Clee Hill, which was in turn was originally approved under Planning Permission Ref. SS/1/07/19934/F.
- 2.4 Planning Permission Ref. SS/1/07/19934/F was approved on 9th November 2007 and related to the construction of 13 dwellings and included an amended extension to the estate road and private drives.
- 2.5 Prior to this there was further earlier planning permission for 13 dwellings, Planning Permission Ref. SS/1989/397/P that was approved on 15th December 1989. This

included a number of pre-commencement conditions, which were all discharged and the consent was implemented by constructing part of the access road.

- 2.6 In addition, there is a separate Planning Permission, Ref. 19/04913/FUL for the erection of an additional, fourteenth, dwelling and detached three bay garage block adjacent to, but within, the southern boundary of the site, that was approved on 31st January 2020. This was submitted following, and lieu of, Planning Permission Ref. 10/01706/FUL for a single dwelling that was approved on 22nd December 2011, but which subsequently lapsed without being implemented
- 2.7 Most recently, as set out above Discharge of Condition application Ref. 20/01231/DIS, approved the discharge of Condition No. 3 of Planning Permission Ref. 19/03888/VAR. This as detailed above, related to drainage and provided for a network of private storm water drains connecting to each of the approved residential plots within the development. The network of storm water drains has a minimum diameter of either 100mm or 150mm. The submitted drainage details take into account the additional dwelling adjacent to the southern boundary of the site, which is now identified in the current application as Plot No. 14. At the time of submission there remained one unbuilt dwelling, that on Plot No. 2
- 2.8 Development of the site is now at an advanced stage with almost all of the dwellings, with the exception of that on Plot No. 2 substantially completed, including the fourteenth dwelling approved under Planning Permission Ref. 19/04913/FUL.

3.0 REASON FOR COMMITTEE DETERMINATION OF THE APPLICATION

- 3.1 The Parish Council has submitted a view contrary to the officer recommendation and these contrary views cannot be overcome by negotiation or the imposition of conditions and the Principal Planning Officer in consultation with the Committee Chairman and Vice-Chairman and Local Member agrees that the Parish Council has raised material planning issues and that the application should therefore be determined by the Committee.

4.0 COMMUNITY REPRESENTATIONS

Parish Council

- 4.1 Caynham Parish Council expresses concern, at such a late stage in the construction phase, that there should be an application for raising of the levels of the dwellings on the site. It comments that the increase in levels appears to be substantial and would adversely affect the occupiers of the existing dwellings facing towards Plot No. 1-3. The Parish Council therefore objects to the variation applied for. They also comment that there are insufficient details of the drainage scheme to enable Parish Council to make a comment although it states that it is aware that there are major issues at the site concerning drainage provision.

Public Comments

- 4.2 There have been two rounds public consultation, the initial consultation undertaken on submission and the second round undertaken following submission of the amended proposals for drainage along the western boundary at the rear of Plots 1-3. There have been sixteen representations submitted as a result of the two rounds of consultation, which object or raise concerns.
- 4.3 In addition to the comments from Caynham Parish Council, there were twelve third party representations as result of the first round of public consultation, all of which offered objections to the application. These in summary made the following points:
- That the raising of the level of the dwellings will adversely impact on the privacy of the occupants of the existing adjoining properties on the western boundary (adjacent to Plots 1-4) as result of direct overlooking both into the adjacent gardens and facing rooms;
 - That rubble, mud and soils have been banked up against the fence and hedge of an adjoining property with the potential to cause damage;
 - That planning permission for the development should not have been approved as there is a “two storey” bungalow facing south where originally it was proposed to locate garages. The layout has been changed without consultation with neighbours, resulting in a loss of light and privacy, due its height;
 - Expressing concern that the drainage does and will adversely impact on neighbouring properties;
 - That the development as a whole is too high and too close to neighbouring properties giving rise to significant overlooking and has been built without proper consideration for the occupiers of any of the existing adjacent properties;
 - That there are drainage issues on the western boundary of the site. In the covering letter, submitted with the plans, it states that (the initially proposed) perforated land drain was to be connected to the existing drainage to the west of the site, when in fact there is no such drainage to the west. An alternative drainage solution is required if flooding is to be avoided;
 - That there has been a lack of consideration given to the need for a retaining structure close to the existing retaining wall (behind Ivanhoe). Due to the increased height of the land (in addition to the developer having already driven heavy plant too close) as a result of which there will be an increased load on the existing wall. Further protective measures need to be put in place in order to prevent the wall collapsing. This matter has been raised previously but has not been addressed;
 - That the submitted drawings are inaccurate. The submitted drawing, showing section bb through Plot No 3 and Ivanhoe, includes inaccurate ground height figures, resulting in the building plots being constructed at too high a level. The drawing as a result shows the levels incorrectly and consequently fails to show the correct gradient of the land on Plot No. 3 behind Ivanhoe and as a result the houses that have been constructed a metre higher than the approved plans;
 - That because the levels have been incorrectly calculated, the drainage calculations are also incorrect;
 - That the developer has dug a trench from the side of Plot No. 3 and has buried

a drainpipe that now flows in the opposite direction from the planned drains and directly down the slope, resulting in water seeping under the retaining wall of the adjacent property (Ivanhoe) and saturating the soil, increasing the risk land slippage and collapse of the wall;

- That the developer has not constructed the drainage in accordance with the approved plans. The drainage should have been completed prior to the earthworks being undertaken and the construction of the houses. Without resolution of these there is a serious risk of landslip and flooding;
- That it is proposed to construct a 900mm wall with a 1.4 metre fence on top of the wall and plant a hedge directly adjacent to the rear windows of the adjacent properties to the west that will result in a loss of light;
- That the application site includes natural springs and has always been very boggy, making drainage very difficult and causing problems of the adjacent existing properties;
- That the application seeks retrospective approval for changes in site levels that the developer has already implemented and there is no evidence that the changes are necessary for the purposes of the ensuring effective drainage of the site;
- That the existing planning permission required the approval of the drainage scheme prior to any significant works being undertaken, a requirement that the applicant has disregarded;
- That the submitted landscaping plan shows a gap in the otherwise continuous fencing and planting at the Fern House/Trafford House boundary to the west of the site. This should be continuous;
- That the existing conditions ensuring maintenance of the planting, with replacement where necessary, should remain and, where necessary be extended to ensure maintenance of the fencing;
- That the permeable paving proposed on the access road is unsuitable for gradients exceeding 5%, as run-off will occur. The roadway fronting Plots 4 to 8 is shown with a gradient of 11%. It is therefore likely (if not certain) that in storm conditions a large volume of water will be discharged directly on to the land immediately adjacent to Trafford House and Fern House, with a consequent flooding risk to those properties;
- That the drainage proposals (as initially submitted) included the installation of a 150 mm land drain to be laid on the site side of the proposed western boundary fence. The application covering letter states that this will be connected to existing drainage "to the south of the site". This is incorrect. The relevant drawing shows a proposed connection to a drain on the western side of the site serving Fern House. This drain lacks the capacity to accept the expected flows and, in any event, as it is only 100 mm and it is highly unlikely that approval for such a connection would be given;
- That the existing drainage does not work effectively to prevent ponding in the gardens of the neighbouring properties along the western boundary of the site; and
- That clarification should be sought from the drainage authority for the proposed drainage arrangements;

4.4 There have been four additional objecting representations as a result of the second

round of public consultation which, restate and elaborate on the comments made in response to the first round of public consultation but also in summary make the following additional points in response to the amended plans including the amended drainage details proposed along the western boundary:

- That the development has proceeded in breach of planning control with the developer having disregarded the previously approved plans. The breach of planning control should be regularised;
- That the spacing between the proposed dwellings and the adjacent houses to the west should be restored to that previously approved;
- That the existing development and the amendments now approved are contrary to Core Strategy Policy CS6 as a result of the adverse impact on the amenity of neighbours;
- That a slope stability assessment should be provided by the applicant;
- Question whether the proposed drainage arrangements are adequate;
- That details of the retaining wall to the of Plot 4 should be requested;
- That the planting proposed would be overbearing and that no details of its maintenance has been included with the application
- That the revised plans fail to adequately address the need for effective drainage along the western boundary and will increase, the load on the retaining wall on the boundary with the adjacent properties;
- That the position of the proposed soakaway will still result in water soaking into the downhill properties, which are at a lower level;
- That proposed soakaway will lead to the undermining of the retaining wall along with an increased load from the weight of tonnes of stones will lead to its failure. There are already signs of subsidence, evidenced by the movement of the existing fence line and early signs of strain on the retaining wall. This situation will only get worse when the topsoil is added to the gardens of the new house plots; and
- That the fence that has been constructed along the western boundary does not sit directly on top of the gravel boards but offset slightly forward of them leaving a gap that will allow topsoil to fall through.

Technical Consultees

- 4.5 Shropshire Council SUDS: Have advised that the drainage proposals have been approved as part of the previous Discharge of Condition Application Ref. 20/01231/DIS and that they have no objection to the amended drainage proposals including the proposed soakaway.
- 4.6 Shropshire Council - Public Rights of Way: Have no comments to make on the application.
- 4.7 Shropshire Hills AONB Partnership: Have returned their standing advice stating that they neither object nor offer 'no objection'. They advise that the Council as the Local 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.

5.0 THE MAIN ISSUES

- 5.1
- **Principle of the Development;**
 - **Impact on Privacy, Amenity and Daylight;**
 - **Acceptability of the Landscaping Proposals; and**
 - **Impacts on Drainage.**

6.0 OFFICER APPRAISAL

6.1 Principle of the Development.

6.1.1 The principle of development is not an issue in the determination of this application which has been established through the granting of Planning Permission Refs. SS/1/07/19934/F and 19/03888/VAR, both for 13 dwellings, with the latter permission having been implemented, and development on the site now being at an advanced stage. As detailed above Planning Permission Ref. 19/04913/FUL for the erection of an additional, fourteenth, dwelling and detached three bay garage block adjacent to the southern boundary of the site, has also been approved and implemented.

6.1.2 The amendments now sought relate only to the amendment of the levels of the dwellings that have been constructed on Plot Nos. 1, 2 and 3 (with minor adjustments to the levels the dwellings on some of the other plots) to accommodate the drainage scheme, that was approved under Discharge of Condition Application Ref. 20/01231/DIS and to approve landscaping scheme. There is no change to the position or level of the dwelling on Plot No 4, compared with the approved plan.

6.2 Impact on Privacy, Amenity and Daylight

6.2.1 The amendment to the levels of the dwellings on Plot Nos. 1-3 is required to ensure the proper functioning of the drainage system, that has been approved under Discharge of Condition Application Ref. 20/01231/DIS. The amendment will result in the finished floor level at ground floor level of Plots Nos. 1, 2, and 3; with that on Plot No. 1 being raised from 358.30m AoD to 359.10m AoD, an increase of 0.80m; with that on Plot No. 2 being raised from 358.40m AoD to 359.30m AoD, an increase of 0.80m; and that on Plot No. 3 being raised from 358.50m AoD to 359.45m AoD, an increase of 0.95m. The overall heights of the dwellings at the ridge would be raised by the same amount, so that they would respectively be between 0.8m and 0.95m higher, compared with the previously approved plan. The sectional drawings provided with the application show that the distance between the rear west facing elevation of the dwelling on Plot 3 and the boundary wall with the adjacent properties to the west at Ivanhoe and Fern House to be 11.5m and then a 1.1m gap to the rear east facing wall at ground floor level at Ivanhoe and a 2.6m gap to the rear wall at ground level of Fern House. The rear wall of the main part of both adjacent properties is set back a further 2.5-3m. Given the distance between the west elevation of the proposed dwellings and the east facing rear walls of the two adjacent properties, the increase of between 0.8m and 0.95m in the overall height of the dwellings would not be significantly different from the approved plan and cannot be said to make any significant difference to the degree of overlooking, light or privacy compared the

approved plans.

- 6.2.2 It should be noted that the baseline against which the amended drawings should be assessed are the existing approved drawings, rather than the position prior to the grant of Planning Permission for the development that has already been commenced.
- 6.2.3 Whilst it is the case that the dwellings on the western side of the site, on Plots Nos. 1-3 are relatively close to, and at an elevated level, to the rear of the adjoining houses to the west on the Tenbury Road, it cannot be considered that the amended plans give rise to any significant additional impacts in terms privacy, amenity and daylight compared with the previously approved plans.
- 6.2.4 The comments from the objectors are understandable but given that the principle of the development has been established, the only valid consideration is whether the amended plans give rise to any sufficiently significant adverse impacts on privacy, amenity and daylight compared with the approved plans. That cannot be said to be case. Accordingly, the proposed amendments cannot be considered to be other than complaint with relevant development plan policy comprising Core Strategy Policy C6 and SAMDev Policy MD2, which both seek safeguard amenity and well-being.

6.3 Acceptability of the Landscaping Proposals

- 6.3.1 The amended landscaping plan includes details of hard and soft landscaping. These include an amendment to the access into the upper northern part of the site, so that instead of being constructed as a tarmac road with a separate tarmac pavement around its east side, it is to be constructed with a permeable paving block as a shared surface access. This is intended to be constructed in conjunction with the previously approved surface water drainage scheme consented under Discharge of Condition Application Ref. 20/01231/DIS. A new native species hedgerow is proposed along the western boundary of the site, which is to be located on the inside of a new 1.8m close boarded fence which, in part, will sit on top of two 225m concrete gravel boards. Additional tree planting is also to be provided mainly adjacent to the western boundary although there are also some amendments to the details of the planting scheme where the additional plot, Plot 14 and the adjacent garage block, approved under Planning Permission Ref. 19/04913/FUL are to be located. The existing hedgerows along the northern, eastern and southern boundaries of the site are shown as being retained, where either a 1.8m close boarded fence, or 1.8 hit and miss fence are also to be erected. Internal boundaries will be delineated by a 1.8m close boarded fence located on top of a single 225m concrete gravel board. Apart from the proposed tree planting, gardens will be laid out to grass but otherwise left to the future owners to plant.
- 6.3.2 A specification is included for the new native species hedge along the western boundary comprising a mix of 50% Hawthorn (*Crataegus monogyna*), 10% Bird Cherry (*Prunus padus*), 10% Field Maple (*Acer campestre*), 10% Dog Rose (*Rosa canina*), 10% Hazel (*Corylus avellana*), and 10% Blackthorn (*Prunus spinosa*) with the planting being a mix of 90-120mm tall bare root stock.

- 6.3.3 The new tree planting will comprise an equal mix of common hazel (2.0m), common hawthorn (2.0m tall), tree privet (3.0m) and rowan (2.0m).
- 6.3.4 Although required for drainage purposes the amended drawings also show the installation of a new 600mm x 1000mm stone filled soakaway along the western boundary at the bottom of the gardens of Plot Nos. 1-3 to prevent runoff into the adjacent gardens, which are at the bottom of steeply sloping bank. It was initially proposed to install a 150mm land drain that would have linked into an existing 100mm drain to the west of the site, but it is understood that the applicant was unable to secure approval to connect into the drain, and hence the application has been amended following submission.
- 6.3.5 There is an existing land drain running along the west side of Plot 4 which is to be retained. Although a new 90cm high retaining wall is to be constructed within the boundary of Plot No. 4, there are otherwise no changes to the planting proposed on Plot 4. A concern has been raised by a neighbour adjacent to the boundary of Plot 4 about the stability of the retaining wall. The retaining wall is not located in the boundary but inset by 90cm from the boundary of the rear wall of adjacent property and is itself only 90cm high with a bank of only 2.8m width shown on the submitted drawings, behind it. The loading on the wall is therefore limited and there is no obvious reason to consider that there would be a stability issue that would impact on the surrounding area and no known history of land instability on the site. The onus is on the applicant to ensure that the wall is built to standard that there would not be a risk of collapse. The NPPF paragraphs 170, 178 and 179 refer to ensuring decisions take into account any land instability issues, but also that responsibility for securing a safe development rests with the developer and/or landowner.
- 6.3.6 Although the objectors have otherwise raised issues in relation to the landscaping, mainly related to the drainage, there are no substantive landscaping issues arising from the proposed amendments to the scheme and additional submitted landscaping specification is acceptable. There is therefore no basis for considering the proposed landscaping details as not being compliant with relevant development plan policy comprising Core Strategy Policies CS6 and CS18, the SAMDev Policy MD2, and the NPPF chapter 12 and paragraph 127, which seek to ensure good quality design, appropriate landscaping.

6.4 Impacts on Drainage.

- 6.4.1 The impacts on drainage need to be considered, but only to the extent that there is an additional stone filled soakaway proposed along the western boundary of the site. Otherwise, the substantive drainage scheme has already been approved and does not form part of the current application. As detailed above, drainage is the most significant issue raised by objectors. As far as the installation of the additional stone filled soakaway is concerned it is an additional drainage measure that is being proposed where none has been required or included as part of the approved surface water drainage proposals, and it is therefore intended to provide additional drainage to prevent surface water from running off into the neighbouring properties.

- 6.4.2 The additional submissions submitted in response to the second consultation, raise the issue of whether the construction of the soakway, the base of which will in part be higher than the ground levels of some of the adjacent properties to the west and also of whether it will impact on the stability of the slope of the rear gardens of Plot Nos. 1-3. In response to these concerns the applicant has confirmed that the soakaway which has been designed by the applicants engineer, is to be constructed using gabion baskets placed on a hardcore sub-base creating a substantial structure within the ground along the length of the boundary of Plots No. 1-3 within 2m of the boundary. The intention is that it would itself provide add to the structural strength and stability of the slope. The soakaway is intended retain surface water from the rear gardens of Plots Nos. 1-3 to greater extent that the currently approved plans which includes no additional drainage along the western boundary.
- 6.4.3 There has been no objection from the Council's SUDs Officer to the revised proposals. As such there is no basis for considering the proposed drainage to be unacceptable and not in compliance with Core Strategy Policies CS6 and CS18, the SAMDev Policy MD2 and the NPPF paragraphs 163, which seek to ensure the incorporation of sustainable design including sustainable drainage in new development and that development does not increase the risk of flood risk elsewhere.

7.0 CONCLUSION

- 7.1 That the proposed variation of Condition No. 1 and Condition No. 7 of Planning Permission Ref. 19/03888/VAR are acceptable in terms of the impact on privacy, amenity and daylight, the acceptability of the landscaping proposals the impacts on drainage.
- 7.2 It can therefore be considered to in compliance with relevant development plan policy including Core Strategy Policies CS6 and CS18 and SAMDev Policy MD2 and the National Planning Policy Framework, and can accordingly be approved, and new consent for the development issued incorporating the amended conditions as set out in Appendix A below.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

- 8.1.1 There are two principal risks associated with this recommendation as follows:
- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry; and
 - The decision may be challenged by way of a Judicial Review by a third party.
- 8.1.2 The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However, their role is to review the way the authorities reach decisions, rather than to

make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore, they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Development Plan Policy

Shropshire Local Development Framework: Adopted Core Strategy (March 2011)

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015)

National Planning Policy

National Planning Policy Framework (NPPF) 2019

Relevant Planning History

- 09/01872/DIS Discharge of condition 3 (materials) - SS/1/07/19934/F REC
- 10/01706/FUL Erection of a detached, three bedroomed dwelling (Plot 1) GRANT 22nd December 2011
- PREAPP/15/00274 Proposal to increase site from 14 to 23 dwellings PREUDV 7th September 2015
- 19/03888/VAR Variation of condition no.7 pursuant to SS/1/07/19934/F to allow for a re-design of all 13 approved properties; re-design of site layout and erection of one detached garage block (Amended description) GRANT 28th January 2020
- 19/03889/VAR Variation of condition no.3 pursuant to 10/01706/FUL to allow for a re-design of the approved property (plot 1) APPRET 11th November 2019
- 19/04913/FUL Erection of one dwelling (in lieu of lapsed approval) and detached 3-bay garage block GRANT 31st January 2020
- 20/01231/DIS Discharge of Conditions 3 (Drainage) and 7 (Hard and Soft Landscaping) associated with planning application number 19/03888/VAR DISPAR 25th November 2020
- 20/01232/DIS Discharge of Conditions 5 (Drainage) 6 (Materials and 7 (Hard and Soft Landscaping) associated with planning application number 19/04913/FUL DISPAR 25th November 2020
- SS/1989/397/P/ Erection of 13 dwelling units with private garages, construction of estate road and formation of vehicular and pedestrian access. PERCON 15th December 1989
- SS/1/07/19934/F Erection of 13 no. dwellings with amended extension to estate road and private drives (amended scheme) (Committee matter) PERCON 9th November 2007

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJP695TDIMB00>

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

- Application Covering Letter from Black Box Planning, dated 11th November 2020;
- Emails from Black Box Planning, dated 29th and 30th March 2021;
- 1-App Application Form, dated 11th November 2020;
- Drawing No. WDS102E Proposed Site Plan, dated 07/01/2021;
- Drawing No. WDS105B Section a-a through Plot 3, dated 07/01/2021;
- Drawing No. WDS106B Section b-b through Plot 3, dated 07/01/2021;
- Drawing No. WDS107A Proposed Site Landscape Plan, dated 07/01/2021;

- Drawing No. WDS108A Site Landscape Details, dated 07/01/2021;
- Letter from Black Box Planning, dated 1st February 2021;
- Third-Party Representations submitted in response to the application.

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member
Cllr Richard Huffer

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

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

STANDARD CONDITIONS

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

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

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

None.

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

2. The external facing materials and roof tiles shall be as specified on the approved drawings, or in accordance with an alternative schedule of materials which has been submitted to and approved in writing by the Local Planning Authority prior to their first use in the development.

Reason: In the interests of the visual amenities of the area.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

3. The surface and foul water drainage scheme shall be fully implemented in accordance with the following Drawing Nos and details:

- S-19 381 600 C5 (House Plots Drainage Plan);
- S-19 381 601 C6 Manhole Schedules;
- S-19 381 605 C2 (Attenuation Tank Details);
- S-19 381 620 C2 (House Plots External Works Plan); and
- Micro Drainage Summary of Results for 100 year flood Return Period (+35%) for Springfield Park, Clee, Shropshire and attached supporting plans and details, dated 23rd November 2020.

before the development is occupied/brought into use (whichever is the sooner). The approval of these drawings shall only relate to the surface and foul water drainage scheme and not to any other matters that may be incidentally shown on them.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

4. The construction of roads, footways, sewers and other services within the development hereby permitted shall be carried out in accordance with the Highway Authority's Specification for the time being then in force for Residential Estate Roads.

Reason: To ensure the construction of estate roads to a standard suitable for adoption as county roads, in the interests of highway safety.

5. No construction work shall take place on site between the hours of 6.30pm and 8am Mondays to Saturdays and not at all on Sundays and Bank Holidays.

Reason: In the interests of the residential amenity of the occupiers of the surrounding residential properties.

6. All parking, loading and unloading in connection with the site development operations shall take place within the site boundaries.

Reason: In the interests of the residential amenity of the occupiers of the surrounding residential properties.

7. All hard and soft landscape works shall be carried out in accordance with the details shown on Drawing Nos. WDS107A (Proposed Site Landscape Plan) and WDS108A (Site Landscape Details). The works shall be carried out prior to the occupation/use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

INFORMATIVES

General

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

Highways

Works on, Within or Abutting the Public Highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway

- including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway.

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

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.

Mud on Highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storageand-collection.pdf>

Approved Drawings

Plan Type	Plan No.	Date Received
Combination	PL012 House Type A	10.01.2020
Site Location Plan	18.20.026 - PL001, Rev. A	07.10.2019
Combination	18.20.026-PL004, Rev. A	20.11.2019
Combination	18.20.026-PL005, Rev. A	20.11.2019
Combination	18.20.026-PL006, Rev. A	20.11.2019
Combination	18.20.026-PL007, Rev. A	20.11.2019
Combination	18.20.026-PL008, Rev. A	20.11.2019

Combination	18.20.026-PL009, Rev. A	20.11.2019
Block Plan	18.20.026-WDS102E	02.02.2021
Combination	18.20.026-WDS105B	02.02.2021
Combination	18.20.026-WDS106B	02.02.2021
Combination	18.20.026-WDS107A	02.02.2021
Combination	18.20.026-WDS108A	02.02.2021



<u>Committee and date</u>
Southern Planning Committee
13 April 2021

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> 21/00180/FUL	<u>Parish:</u>	Cleobury Mortimer Town Council
<u>Proposal:</u> The Laying of a hardcore track and creation of a new access from an unregistered road into the field for the purposes of agriculture.		
<u>Site Address:</u> Redthorne Farm Barns Redthorne Hill Cleobury Mortimer Shropshire		
<u>Applicant:</u> Mr T Poyner		
<u>Case Officer:</u> Elizabeth Griffiths	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 367682 - 275539

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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks full planning permission for the construction of an agricultural stone track. The track would leave Bayton Lane, an unclassified lane and travel in a westward direction. The track is indicated to be 46m long x 3m wide x 15mm deep and would be constructed from crushed hardcore sitting on a geotextile membrane.
- 1.2 The agent has stated that the proposed tract would prevent mud from coming onto the road whilst feeding the cattle over winter, and to enable safe unloading and loading of cattle and sheep. Cattle numbers over the winter vary from 15-45 head of Store Cattle aged from approximately 6 -24 months.
- 1.3 A new field access to be created off Bayton Lane would require an appropriate licence and permission from Shropshire Council Highway. As the road is unclassified this new access would not normally require planning permission and we would just be considering the track. However, the field sits at a considerable higher land level and a substantial amount of engineering works would be required to ensure the track meets the existing level of the lane. Therefore this issue will be considered as part of the application.
- 1.4 The removal of a section of hedge to create this opening would not require planning permission as this hedge is not protected or within a conservation area.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a field located on west side of Bayton Lane and to the south of Cleobury Mortimer. The land is laid to grass and used for livestock and the land gently slopes in an east to west direction, however the field is at a considerably higher height to the roadside and is bounded with hedge.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have submitted a view contrary to officers and the Ward Member has requested Committee determination if the recommendation is for approval. The Principal Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, consider that the material planning considerations raised in this case warrant the application being determined by Committee.

4.0 Community Representations

- 4.1 Consultee Comments

- 4.1.1 Cleobury Mortimer Town Council – objection
We request an evaluation by highways regarding the entrance as we note that the applicant recently developed the site, building three houses on what was Redthorn Farm. There are two tarmac access roads into the field in question, one gated, the

other including a cattle race. At face value, it would appear these make the track applied for to be superfluous.

There does not seem to be much "agricultural purpose " going on there in any way currently and indeed not for some considerable time.

Also the rectification work on the applicants previous unauthorised changes not yet been rectified and as such why are Shropshire allowing another application from the applicant.? The only restoration work from the previous application is the closing of the gate.

We also object as there seems to have been no intensification of use which would warrant the need for this new driveway, and question why has this not gone down the "permitted development" route ?

We also would ask if the original application can be sought out and reviewed in relation to these access points. Were they detailed within this application and if so, what reason was given for their use (if access to the field was cited, then that would undermine this new application)? If they were not mentioned, then we request for this to be taken into consideration when reviewing this current application.

It is also of note that the proposed action would impact mature hedgerows that should be protected. This is possibly a protected Hedgerow of historic value and the wildlife habitat would be lost with no redress. The lane is very narrow and would require a substantial amount of design access.

4.1.2 Shropshire Council Drainage - No objection, recommended informatives

4.1.3 Shropshire Council Ecology – consultees have indicated that standing advice provided is sufficient for this proposal.

4.1.4 Shropshire Council Highways (18.03.2021) – Comments

The principal of development is generally acceptable, for the intending use at this location. As the proposal is unlikely to create demonstratable "severe harm", which could be sustain a reason for refusal on highway safety grounds. As required, by the NPPF. Indeed, it could be said that the proposed new access arrangement could provide betterment to local area, as it would create a much-needed passing place, on this narrow section of unclassified public highway.

In addition, the submitted details lack several specific details, which are required to ensure an appropriate consideration from the highway authority, including:

- Retaining wall design and construction details
- Bellmouth radii dimensions;
- Vehicle track plots to demonstrate tractor/trailer turning movements in/out of the access;
- Drainage details to demonstrate that surface water from the adjacent land, track and driveway does not discharge to the highway.

- Driveway construction – the first 15m of the driveway should be of appropriate sealed construction to ensure that no loose material, mud or detritus, from the adjacent field, is deposited on the adjacent road. That could cause a hazard to other road users.

Notwithstanding the above, should this planning application should be allowed. The recommended highway conditions/informatives should be imposed on any consent to be issued.

Conditions:

New Access

No development shall take place until details of the means of access, including the layout, construction and retaining structures have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

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

Visibility Splays

Notwithstanding the provisions of the Town and Country General Development Order 1995 (or any order revoking or re-enacting that order with or without modification), Any fence or other means of enclosure at the road junction/access shall be set back to the sight lines shown on the approved plan Drawing No.KK1665-1001 rev A, and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

4.1.5 Shropshire Council Trees (19.03.2021)- Comments: Conditions recommended.

Having considered the amended agricultural track access plan reference KK1655-1001 Rev.A and the consultee responses from the Council's Highways Team dated 18th March 2021 and the Drainage and Suds Team date 9th March 2021 the Council's Tree Team note that there are a number of outstanding details highlighted by both sets of consultees that could have significant bearing of the layout and success of any proposed compensatory hedgerow planting.

The Tree Team maintain their general concern that the need for an access through this section of mature hedgerow and embankment does not appear necessary when the land owner can access the land from elsewhere along the field boundary, however if the Case Officer's recommendation is that the application be put forward for planning consent then The Tree Team recommend that it should be done so with binding conditions that require the planting of compensatory any sections of native hedgerow. The detail of which should take into full consideration the impacts of excavations, level changes and soil compaction/disturbance and wall construction associated with the visibility splay and the location and effects that any sustainable urban drainage scheme might have on the immediate and future success of the compensatory planting.

In the light of the above the Tree Team recommend that a planting condition be required that gives full details of:

- The species being planted & their size.
- Dates for planting E.G. the first planting season during of following the creation of the new access.
- Ground preparation if the existing soils are subject to any disturbance or level changes.
- What measures will be taken to avoid grazing damage from rabbits and from larger stock animals.
- Management measures for at least three years to control competition from weeds.
- What after care will be applied to ensure successful establishment (Watering during drought etc).
- A clear statement that for a period of five years following planting any losses will be replaced on a like for like basis.

SC Trees (26.02.2021) – Comments:

The proposed new access will cut through a well-established hedgerow that comprises a good mix of species. As well as being an integral part of the local green infrastructure and habitat corridor network it is highly likely to be an important hedgerow in relation to the criteria set out in the 1997 Hedgerows Regulations. Taking into consideration the information currently available the Council Tree Team are unable to conclude that this application represents the sustainable development aspirations as set out in national and local policies for the protection restoration and enhancement of the natural environment and natural capital assets.

The representation from the Highways Team identifies a lack of information regarding the extent of the visibility splay and the extent of excavations necessary to address the height difference between the land and the field, both of which will have significant implications for the loss of large sections of mature hedgerow. In the absence of these details the Tree Team are unable to fully assess the implications of this application and therefore the level of habitat mitigation required to compensate for its impacts.

Having considered the Cleobury Mortimer Town Councils representation and that of numerous local residents the applicant appears to have adequate hard surfaced access to his land within less than 50m to the south which raises the question as to whether this application balances with the principle behind SAMDev Policy MD12 in particular does the public and commercial benefits of this development clearly outweigh the value of any assets effected, and provide adequate mitigation measures for any full or partial harm of loss of natural assets (hedgerow and embankment habitats).

The case for the application alludes to the ground getting poached, but given the size of the field and its topography there might be alternative management solutions such as moving the feeding stall on a regular basis.

On the basis that the Tree Team are unable to offer support for this application at this time we are not recommending conditions, however should the case officer consider that it is expedient to progress this application towards planning consent

then the Tree Team Would be happy to advise on conditions for hedgerow and landscape mitigation.

4.1.6 Shropshire Council Archaeology - Comments

The proposed development site lies in proximity to the supposed site of a Civil War battlefield between the Parliamentarians and the Royalists (HER PRN 04130) and is said to be on the elevated land south of Cleobury Mortimer.

It is understood that the groundworks to install the track will require the stripping off the existing turf to 150mm depth, and some regarding to reach the level of the new access. Given the general uncertainty about the exact location of the battle, and the limited ground disturbance across the main part of the field, the development site is considered to have low – moderate archaeological potential.

RECOMMENDATION:

In view of the above and in accordance with the National Planning Policy Framework (NPPF), we recommend that an archaeological inspection be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be: -

Suggested Conditions:

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

Reason: The site is known to hold archaeological interest.

4.2 Public Comments

4.2.1 In addition to displaying a site notice, residents of neighbouring properties were notified. Six representations have been received in response to this publicity, 2 of which are from the Local Members. In summary the following points are made:

- There is already a drive for access to his land just a few yards up the road.
- The new drive would be on the brow of the hill and would be very dangerous.
- Bayton Lane is very narrow in places and there would be poor visibility of oncoming vehicles/pedestrians
- Insufficient road width to safely manoeuvre a large agricultural vehicle into the proposed access road
- The proposed access for agricultural vehicles to pull out onto Redthorne Hill would be dangerous. In particularly when travelling up Redthorne Hill towards Bayton as the proposed access would be situated just over the brow of the hill which would obscure the view of oncoming vehicles.

- No details on splays, how far gates would be set back, replanting from loss of hedgerow
- the removal of 9 - 10 metres of hedgerow is a significant environmental impact and such a large splay will only make the water run off issue more pronounced (as we stated in our original objection "the bigger the hole in the hedge the more water will flow through it"). One further point that we did not make previously (since the splay design was not available) is that there is a 'hedge grave' located in this vicinity of the proposed splay. This clearly needs to be investigated and taken into account.
- Road is adopted not unregistered
- All agricultural buildings have been converted or knocked down.
- Mr Poyner has tarmacked the drive to the farm and made tarmac access into the field and cattle holding pens which is suitable for agricultural vehicles
- The proposed access for agricultural vehicles to pull out onto Redthorne Hill which is frequently used by agricultural vehicles, cars, pedestrians, walkers and cyclists would be dangerous. In particular when travelling up Redthorne Hill towards Bayton as the proposed access would be situated just over the brow of the hill which would obscure the view of oncoming vehicles.
- Not many cattle are kept at the farm and there is plenty of room to access them on the present drive with any type of vehicle.
- Surface water and flooding – the new access has a height difference of 170-180cm from the road to the field and would lead to a significant incline for access and lead to flooding. The agent states the land can get very wet.
- When we purchased Whitegates there was a historic document that relates to water supply across the farmland and we are concerned that it could be damaged.
- I have been and looked at the proposed access which does exist but is not for domestic dwellings. The road is narrow just off the brow of a slope, sight lines non-existent,
- no information of a drainage system has been provided, therefore, our original objection remains as the new information clearly shows there is a slope towards the highway which requires an approved drainage system.
- Existing High poorly maintained hedging on top of an embankment which contains a water Spring, when the applicant has removed hedge, soil what is he proposing to do with the spring?
- There has also been several issue regarding flooding on the lane which then subsequently goes down to cause concerns to properties in Pinkham by the river Rea .
- The 'Bayton' road is not only an access to Bayton but other farms, dwellings, etc but as part of the Mawley Estates and its various permissions and so there will be a lot more traffic.
- The size of the applicants farm vehicles he uses currently could not possibly turn into or out of the current access without removing large areas of embankment and hedging and would need to create large splays.
- If you are minded to support the application I would request that it goes to committee for a fair hearing .
- I urge you all to refuse this application on highway and environmental

grounds

- The new document (dated February 2021) features photographs that are at least 7 years old

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design and visual impact
Highways
Flooding
Residential amenity
Archaeology
Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'. Paragraph 11 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.2 Policy CS5 of the Shropshire Core Strategy: 'Countryside and Green Belt' provides that new developments will be strictly controlled in accordance with national planning policies that protect both the countryside and green belt. Agricultural developments will be required to demonstrate that there will be no adverse impacts upon the environment.
- 6.1.3 Policy MD7b: General Management of Development in the Countryside of the SAMDev Plan states that further to the considerations set out by Core Strategy Policy CS5, Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
- a) of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve;
 - b) Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
 - c) There will be no unacceptable impacts on environmental quality and existing residential amenity.
- 6.1.4 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, while Paragraph 163 of the NPPF states that:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

6.2 **Siting, scale and design and visual impact**

6.2.1 The application proposes a new agricultural track from Bayton Lane running in a westward direction for 46m. The track would be 3m wide to accommodate farm vehicles, including HGV's to access the centre of the field to feed livestock as the applicant winters his cattle in the field over winter as the land can become wet. The track would be 15mm deep and would be constructed from crushed hardcore sitting on a geotextile membrane.

6.2.2 Due to the difference in height between the land and the lane a stone retaining wall would be erected to ensure the land does not collapse into the lane but also to offer visibility for vehicles when leaving the field. This stone wall would adjoin a post and rail fence which would lead to gates set 15m back from the roadside. A section of hedgerow would be removed, and new hedging would be planted to the rear of the new stone walls. Shropshire Council's Ecology Officer has indicated that the use of standing advice is acceptable in this instance as the hedge is not protected and could be removed by the applicant at any time while Shropshire Council Trees have requested conditions relating to hedgerow planning be included. The submitted drawing KK1655-1001- Rev shows an area of replanting and that this new hedge will match the existing with regard to species and a condition would be added to any planning permission granted to ensure this replanting takes place before the proposed track is in use. An informative regarding ecology (nesting birds) would also be added to any permission granted.

6.2.3 Taking the above into account and the size of the field it is considered that the proposal would result in a loss of a small section of prime agricultural land and given that the scheme would need to include some ground excavation to create a safe access; this work would be dug down into the field and is not considered to be prominent in the wider landscape, the newly laid access track is considered acceptable and would not cause any detrimental impact on the character of the surrounding landscape and is considered to meet policies CS5 and MD7b in this respect.

6.3 **Highways**

6.3.1 The National Planning Policy Framework makes it clear 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' (Paragraph 109).

6.3.2 Bayton Lane is a narrow single width lane with high verges. There have been significant concerns from members of the public regarding the ability for the lane to accommodate heavy vehicles. It is noted that Bayton Lane is a rural country lane

which may not be suitable for heavy goods vehicles itself; however, this is not a planning consideration as it falls outside the application site.

6.3.3 The field sits at a higher height than the lane and therefore a request for a drawing showing the visibility splays and gradients has been requested to the agent to ensure the proposed track would not impact on highway safety. This drawing has been submitted and Shropshire Councils Highway Officer has been consulted and has no objection as the proposed new access arrangement as it, is unlikely to create “severe harm”, and could provide a betterment to local area, as it would create a much-needed passing place, on this narrow section of unclassified public highway.

6.4 **Flooding**

6.4.1 There are concerns that the steepness of the required access slope would lead to water running off and into the lane. Shropshire Council Drainage Officer has been consulted and has no objection to the proposal. Looking at the Council's GIS flood mapping (which reflects the Environment Agency Flood Maps for Planning), the site lies in Flood Zone 1 where there is less than 1,000 annual probability of river flooding. The site is a very considerable distance outside Flood Zone 2 and 3 where there is a higher risk. It is noted that the track would need to rise steeply from the lane and that the surface water may run off into the existing water course/road however this would be considered to be a localised issue and would not warrant a planning refusal on this issue.

6.4.2 In respect of water run off onto the highway, the access and track are permeable and thus the LPA considers these surfaces acceptable as a preventative measure. It must be acknowledged that in the event water does drain from a private development onto the adjacent highway this would be contrary to the Highways Act and is a matter the Highway Authority could follow up under that legislation.

6.5 **Residential amenity**

6.5.1 Given that the land here has an agricultural use and the access would be retained for this purpose, there would be no changes which could otherwise detrimentally impact on neighbouring properties to the south or north of the access track thus complying with CS6 and MD2.

6.6 **Archaeology**

6.6.1 The proposed development site lies in proximity to the supposed site of a Civil War battlefield between the Parliamentarians and the Royalists (HER PRN 04130) and is said to be on the elevated land south of Cleobury Mortimer. The site can therefore be deemed to have some archaeological potential and therefore the application has been considered by Shropshire Council's Archaeology Officer. No objection has been raised and it is considered that the archaeological potential of the site can be satisfactorily managed by a condition. In view of the above it is considered that the proposed development will not have a detrimental impact and that the proposal meets the requirements of paragraph 199 of the NPPF policy and MD13 of SAMDev.

6.7 **Other Matters**

6.7.1 Various points have been raised in objections from the town council and members of the public.

- There are objections to the track that state the existing access approximately 70m to the south and that sits close to converted farm buildings into dwellings should be used. The agent has confirmed that the existing track to the south where the applicant has cattle pens is not suitable to be used for feeding of animals as these pens are used for TB testing with vets and using this as a feeding area would impact on the health and safety when handling the cattle for TB testing, the applicant would be happy to supply a letter from his vets if required. In the past the applicant has tried to use this land for feeding however as it was too wet it seeped onto the highway. In addition, in the winter months this land also becomes very muddy and therefore the track is required on dry land.
- That the field does not have much agricultural use and the existing agricultural buildings have been converted or removed. The agent has confirmed that the field is used for feeding over winter and the Cattle numbers over the winter vary from 15-45 head of Store Cattle aged from approx. 6 -24 months.
- That previous unauthorised change have not be rectified. Officer note - If this is the case, then this should be reported to the enforcement department to investigate.
- Why has the applicant not gone down the permitted development route? Due to the creation of retaining walls and visibility splays the agent considered that a full application was considered to be the best route for the application to be fully assessed.
- That the original application be reviewed in relation to access points. Officer note, there are no other applications for a track at this location in this field, the previous applications for barn conversions to the south are not part of this application.
- The proposal would impact mature hedgerows that should be protected. This is possibly a protected Hedgerow of historic value and the wildlife habitat would be lost with no redress. SC Ecology have not objected to the proposal and the agent has included replanting of a replacement hedge along the splays, to the gateway set back from the road, to compensate for the section that would be removed.
- The new drive would be on the brow on the hill and would be dangerous/poor visibility. Officer note, the lane is not classified and therefore a new access onto the lane could be created without planning permission in association with works that are 'permitted development'. However highway safety has been discussed in 6.3.

- Issues regarding surface water/flooding have been covered in section 6.4, in addition Shropshire Council Drainage officer has no objection. Any issues regarding water supply to Whitegates is a civil matter. The agent has also responded by stating that *DEFRA are currently offering grants to enable farmers to stone access tracks and feeding areas to minimise soil poaching and sedimentation into watercourses. New farm tracks reduce soil compaction and erosion caused by livestock and machinery. They also help reduce channelling of surface runoff and the risk of sediment and other pollutants entering a watercourse.* The track will be of stone construction, therefore, permeable to rain and surface runoff.

7.0 CONCLUSION

It is considered that the proposal will not be of detriment to the character of the surrounding area in which it sits and would not have an unacceptable impact on highway safety (if they agree) nor cause harm to residential amenity. The proposal is considered to comply with the relevant development plan policy. It is therefore recommended that planning permission be granted.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- 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:
CS06 Sustainable Design and Development Principles
CS05 Countryside and Green belt
CS17 Environmental Networks
CS18 Sustainable Water Management

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD01 Scale and Distribution of Development
MD02 Sustainable Design
MD7b General management of countryside
MD13 Historic Environment
MD12 Natural Environment

RELEVANT PLANNING HISTORY:

16/00259/PMBPA Application for prior approval under Part 3, Class Q of the Town & Country

Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to residential use PNR 17th March 2016

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 Gwilym Butler Cllr Madge Shineton
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. All hard and soft landscape works shall be carried out in accordance with the approved plan KK1665-1001 A., with details of the plant species, size at time of planting, density of planting and measures for their protection while they become established having first been approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to use of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: The site is known to hold archaeological interest.

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

5. The development shall be used solely for agricultural purposes, as defined in Section 336(1) of the Town and Country Planning Act, 1990, and for no other purposes whatsoever.

Reason: To comply with Section 336(1) of the Town and Country Planning Act, 1990 and for no other purposes whatsoever.

Informatives

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

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

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance
West Midlands Design Charter

Shropshire Core Strategy:
CS06 Sustainable Design and Development Principles
CS05 Countryside and Green belt
CS17 Environmental Networks
CS18 Sustainable Water Management

Adopted Shropshire Site Allocations and Management of Development (SAMDev) Plan
MD01 Scale and Distribution of Development
MD02 Sustainable Design
MD7b General management of countryside
MD13 Historic Environment
MD12 Natural Environment

3. If non permeable surfacing is used on the new access or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

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

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

5. 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 part of the hedge and begin nesting, work must cease until the young birds have fledged

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Committee and date

Southern Planning Committee

13 April 2021

Development Management Report

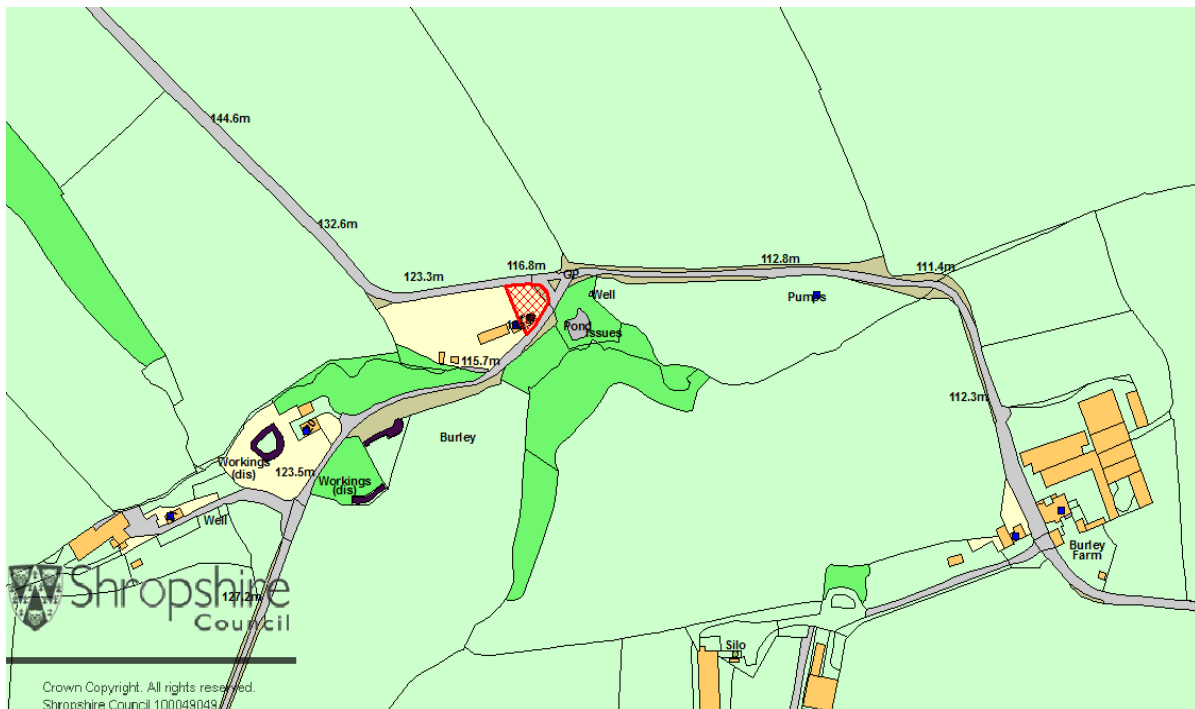
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 21/00496/FUL	Parish:	Culmington
Proposal: Erection of single storey side extension		
Site Address: 19 Burley Craven Arms Shropshire SY7 9LW		
Applicant: Mrs E Griffiths		
Case Officer: Emma Bailey	email: planning.southern@shropshire.gov.uk	

Grid Ref: 347596 - 281581



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

REPORT

1.0 THE PROPOSAL

- 1.0.1 This application seeks full planning consent for the construction of a single storey side extension at 19 Burley.
- 1.0.2 The proposal would extend the length of an existing single storey lean-to from 3.6m to 5.8m, so that it broadly matches the depth of the existing dwellinghouse but with a 0.4m set back. The width of the extension would remain at 3.5m. External materials would match existing.

2.0 SITE LOCATION/DESCRIPTION

- 2.0.1 19 Burley is a semi-detached dwelling within the open countryside, approximately 3 miles east of the settlement of Craven Arms. It is an attractive brick and tile building with a generous curtilage that sweeps clockwise around the dwelling north to south. It is bounded mostly by hedgerow.
- 2.0.2 Development in the local area is loosely knit and sporadic. The prevailing wider land use is agricultural, with some nearby belts and clusters of trees.
- 2.0.3 The site is not subject to any land designations; however, the building is regarded to have some historic merit as a non-designated heritage asset.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.0.1 The applicant works within the planning department of Shropshire Council. This triggers an automatic referral of the application to planning committee.

4.0 COMMUNITY REPRESENTATIONS

Please note that all comments are available to view in full on the Shropshire Council website.

4.1 Consultee Comments

Culmington Parish Council
Support

At the Culmington Parish Council meeting on 2nd March 2021 the council resolved to unanimously support this application.

SC Drainage
Recommend informatives.

SC Conservation
The proposed extension is a modest single storey addition to an existing

side extension, the proposal raises no issues in conservation terms.

SC Ecology

Recommend conditions relating to the installation of a bird box and external lighting, and informatives.

4.2 Public Comments

A planning notice was placed at the application site 09.02.2021 and neighbour letters sent. No letters of representation have been received at the time of writing this Report.

5.0 THE MAIN ISSUES

- * Principle of development
- * Siting, scale and design
- * Historic environment
- * Local amenity
- * Biodiversity
- * Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The Council benefits from an adopted development plan which has been found to accord with the National Planning Policy Framework (NPPF). The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.
- 6.1.2 The Council's development plan consists at this time of the Core Strategy, Site Allocations and Management of Development (SAMDev) Plan and a range of Supplementary Planning Documents and adopted Neighbourhood Plans.
- 6.1.3 The addition or alteration of a dwellinghouse is generally acceptable in principle, provided proposals accord with local plan policies MD02 of the SAMDev Plan and CS06 of the Core Strategy. Encouragement is given to development that is sympathetic to the character and appearance of the existing building and is designed to a high standard using sustainable design codes as set out within the NPPF. Policy also advises that consideration should be given to the impacts of proposals upon neighbours and/or the local area more generally, including any specific benefit or net gain arising from that scheme.

6.1.4 As a non-designated heritage asset, this also engages consideration of Core Strategy policy CS17 and SAMDev Policy MD13, which require all development to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets. CS06 and MD02 additionally recognise the importance of preserving Shropshire's heritage assets as a finite resource.

6.2 **Siting, scale and design**

6.2.1 The proposed extension would remain subservient to the host dwelling, leading to a modest increase in footprint by around 7.7m². Materials would match existing which would be controlled by condition. Openings would face out over the residential curtilage of 19 Burley and the existing driveway, parking and access areas would remain unaffected. The development is therefore considered acceptable in terms of siting, scale and design, in accordance with Core Strategy Policy CS06 and SAMDev Policy MD02.

6.3 **Historic environment**

6.3.1 The Council's Conservation Officer describes the proposed works as a modest addition to an existing extension and raises no objection to the development with no conditions to recommend. There is concurrence with this view, where it is considered that the development would not dilute or otherwise harm the historic character of the building or its wider setting. The proposal is therefore considered acceptable from a historic environment perspective, in accordance with Core Strategy Policies CS06 and CS17 and SAMDev Policies MD02 and MD13.

6.4 **Local amenity**

6.4.1 The extension would be positioned on the eastern side of the dwellinghouse furthest from the adjoining occupier at 19A. There are no other neighbouring dwellings in the vicinity who would be affected by the development. The proposal being single storey would be mostly screened from wider public viewpoints due to the undulating landscape and the presence of a boundary hedgerow. The development is therefore considered to accord with Core Strategy Policy CS06 in respect of amenity.

6.5 **Biodiversity**

6.5.1 The Council's Ecologist has made the following observations in relation to biodiversity:

I have reviewed the photographs and plans submitted in association with the application. The photographs suggest that the house is in a

good state of repair. The facia of the existing single storey extension appears to be well sealed and the proposed extension will not alter the roof associated with the original double storey section of the building. No further surveys are recommended however in the event a bat is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed.

Furthermore, the proposals are limited in extent and the affect habitats are of limited ecological value, namely hardstanding and amenity grassland. A pond has been noted approximately 15m from the site boundary however a Great Crested Newt eDNA survey has been carried out at the pond in spring 2018 which came back negative, it is considered unlikely that the waterbody would have been colonised by Great Crested Newts in the intervening period and the survey is still considered valid.

On review of the photographs no evidence of nesting birds has been identified on the building however it would be prudent to carry out works outside the bird breeding season which is generally considered to be between March to August inclusive unless breeding birds are confirmed absent.

6.5.2 The Council's Ecologist is content with the level of detail submitted, where recommendations of the installation of a bird box and external lighting would be conditioned. The proposal is therefore considered acceptable in respect of biodiversity, in accordance with Core Strategy policies CS06 and CS17, which seek to ensure developments do not have an adverse impact upon protected species, and obligations set out under national legislation.

6.6 Drainage

6.6.1 No objection to the development has been raised by the Council's Drainage Engineer, with no conditions to recommend. The development therefore accords with Core Strategy policy CS18, which relates to sustainable water management.

7.0 CONCLUSION

The proposed extension is regarded as a modest addition to 19 Burley and would be sympathetic to the character and appearance of the existing building. A condition requiring matching materials would be applied to any approval notice.

No objection to the development has been raised by the Council's Conservation Officer, with no conditions to recommend.

Due to the position of the neighbouring occupier at 19A relative to the

development and the presence of boundary screening, amenity would be maintained.

The Council's Drainage Engineer is satisfied with the details as submitted, with no conditions to recommend.

Ecological interests would be safeguarded through planning conditions.

Conditional approval is therefore recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

recommendation.

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

18/01366/FUL Erection of a detached double garage with office above. GRANT 10th May 2018
18/04896/DIS Discharge of Condition 4 (Ecology) associated with planning application number 18/01366/FUL DISAPP 30th October 2018
1. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QNUWODTD02B00>

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

Cabinet Member (Portfolio Holder)

* Councillor Gwilym Butler

Local Member

* Cllr Cecilia Motley

Appendices

* APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

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

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

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

3. The external materials shall match in colour, form and texture to those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

4. Prior to the erection of any external lighting associated with the development hereby approved, 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, trees, and hedgerows. 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.

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

5. Prior to the first occupation/use of the development hereby approved, a minimum of 1 artificial nests, of either integrated brick design or external box design, suitable for; Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Sparrows (32mm hole, terrace design), small birds (32mm hole, standard design) and/or House Martins (House Martin nesting cups) shall be erected on the site.

The box shall be sited in suitable locations, at least 2m from the ground, with a clear flight path and where it will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

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

Informatives

1. PARAGRAPH 38

In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework 2018 paragraph 38.

2. RELEVANT PLANNING POLICIES

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 Council Core Strategy policies:
CS05 - Countryside and Green Belt
CS06 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policies:
MD02 - Sustainable Design
MD13 - Historic Environment

3. ECOLOGY INFORMATIVES

Bats informative

All bat species found in the U.K. are protected under the 2019 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations and the 1981 Wildlife and Countryside Act (as amended).

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

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

Breathable roofing membranes (also called non-woven textiles) should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional 1F bitumen felt that is of hessian matrix construction should be chosen instead (BCT, 2020).

Great Crested Newts informative

Great Crested Newts are protected under the 2019 Conservation of Habitats and Species (Amendment) (EU Exit) 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.

Nesting birds informative

The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (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 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.

If during construction birds gain access to the building or vegetation 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 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. 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 2006 Natural Environment and Rural Communities Act. 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.

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

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

Landscaping informative

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

4. DRAINAGE INFORMATIVES

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: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.pdf>.

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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SCHEDULE OF APPEALS AS AT COMMITTEE 13 April 2021

LPA reference	20/03949/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Susan Gilmore
Proposal	Outline application (All Matters Reserved) for the erection of 2 dwellings
Location	Proposed Residential Development Land To The East Of 5 Gravels Bank Minsterley Shropshire
Date of appeal	08.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/01455/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Nick Green
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of an attached barn to provide a single dwellinghouse with parking and turning provision (as amended)
Location	Proposed Barn Conversion West Of Ludlow Road Little Stretton Shropshire
Date of appeal	05.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/01456/LBC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Nick Green
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of an attached barn to provide a single dwellinghouse with parking and turning provision (as amended)
Location	Proposed Barn Conversion West Of Ludlow Road Little Stretton Shropshire
Date of appeal	05.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/00684/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr John Williams
Proposal	Erection of a detached dwelling
Location	Homer, Much Wenlock
Date of appeal	15.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/01086/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Hopton Court Estate
Proposal	Change of use of land including existing access route and pathways to provide a six pitch seasonal use glamping site; existing hardstanding to provide parking; retention of temporary toilet/washing facilities and septic tank; provision of a reed bed
Location	Proposed Glamping Site To The North Of Hopton Wafers Shropshire
Date of appeal	16.03.2021
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/02537/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr D Wright
Proposal	Outline application (access for consideration) for the erection of 2No detached dwellings and formation of wider access
Location	Proposed Residential Development Land South Of Corely And Longcroft Hazler Road Church Stretton Shropshire
Date of appeal	23.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/05109/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Savery
Proposal	Proposed Dwelling To The North West Of Bedstone Shropshire
Location	Proposed Dwelling To The North West Of Bedstone Shropshire
Date of appeal	29.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	