

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

Date: Friday, 28 May 2021

Committee: Northern Planning Committee

Date: Tuesday, 8 June 2021

Time: 1.00 pm - PLEASE NOTE EARLIER START TIME

**Venue: The Auditorium - Theatre Severn, Frankwell Quay, Frankwell, Shrewsbury.
SY3 8FT**

Members of the Public – The meeting will be live streamed (link to the live stream below) and there will be some access in the Theatre for the public and press to attend the meeting. In order to comply with Covid-19 regulations and to check that a seat will be available for you, if you wish to attend the meeting please contact the Committee Officer (contact details below).

The Council's procedure for holding Planning Committees at Theatre Severn including the arrangements for public speaking can be found by clicking on this link:

<https://shropshire.gov.uk/planning/applications/planning-committees/>

Members of the public will be able to access the live stream of the meeting by clicking on this link:

www.shropshire.gov.uk/NorthernPlanningCommitteeMeeting8June2021

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

Tim Collard
Interim Assistant Director – Legal and Democratic Services

Members of the Committee

Joyce Barrow
Garry Burchett
Geoff Elner
Ted Clarke
Vince Hunt
Mark Jones (Vice Chairman)
Mike Isherwood
Edward Towers
David Vasmer
Alex Wagner
Paul Wynn (Chairman)

Substitute Members of the Committee

Gerald Dakin
Julian Dean
Nat Green
Nigel Hartin
Pamela Moseley

Your Committee Officer is:

Emily Marshall / Shelley Davies Committee Officer

Tel: 01743 257717 / 01743 257718

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 4)

To confirm the Minutes of the meeting of the North Planning Committee held on 6th April 2021 & 20th May 2021.

Contact: Emily Marshall on 01743 257717; or
Shelley Davies on 01743 257718.

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2pm on Friday, 4th June 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 Land Adjacent to Golf House Lane, Prees Heath - 20/05125/FUL (Pages 5 - 56)

Erection of 43 dwelling houses (24 open market and 19 affordable) including new vehicular access; public open space and children's play area; landscaping; and associated infrastructure.

6 Proposed Local Needs Dwelling NW Of New Street Lane Farm, New Street Lane, Market Drayton - 20/04347/FUL (Pages 57 - 66)

Erection of a single storey local needs dwelling including new access and detached garage.

7 Development Land At Churncote Off Welshpool Road, Bicton Heath, Shrewsbury - 20/01957/FUL (Pages 67 - 154)

Mixed residential development of 340 mixed (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas. (AMENDED DESCRIPTION).

8 Morton Ley Farm, Morton, Oswestry - 21/00692/EIA (Pages 155 - 178)

Erection of two additional poultry sheds, five feed bins, vehicular access and landscaping scheme; and associated works.

9 Land To The North Of Weston Road, Morda, Oswestry - 21/00442/FUL (Pages 179 - 194)

Erection of 20 (affordable) dwellings with associated roads and formation of vehicular access.

10 Land Opposite 6 Sandy Lane, Pell Wall, Market Drayton - 21/01708/OUT (Pages 195 - 208)

Outline application for the erection of 1 No local needs dwelling including provision of access.

11 Caravan And Camping Site Hadley Farm, Wrexham Road, Whitchurch - 18/03940/FUL (Pages 209 - 230)

Siting of Shepherds huts and Glamping Pods as part of existing tourism development.

12 Appeals and Appeal Decisions (Pages 231 - 268)

13 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday, 6th July 2021.



Committee and Date

Northern Planning Committee

8th June 2021

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 6 April 2021

2.00 - 2.00 pm

Responsible Officer: Emily Marshall / Shelley Davies

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk

Tel: 01743 257717 / 01743 257718

Present

Councillor Paul Wynn (Chairman)

Councillors Roy Aldcroft, Nicholas Bardsley, Gerald Dakin, Pauline Dee, Nat Green, Vince Hunt (Vice Chairman), Pamela Moseley, Keith Roberts and David Vasmer

201 Apologies for Absence

Apologies for absence were received from Councillors Mark Jones, who was unable to join the meeting due to technical difficulties.

202 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 9th March 2021 be approved as a correct record and signed by the Chairman.

203 Public Question Time

There were no public questions, statements or petitions received.

204 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.

205 Proposed Restaurant Development Site, Wallace Way, Tern Valley Business Park, Market Drayton, Shropshire (21/00176/OUT)

The Chairman reported that this application had been withdrawn by the applicant.

206 Riverside Medical Practice, Roushill, Shrewsbury (21/01189/DEM)

The Chairman reported that this application had been withdrawn by the applicant.

207 Appeals and Appeal Decisions

RESOLVED:

That the appeals and appeal decisions for the northern area be noted.

208 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 8th June 2021.

Signed (Chairman)

Date:



<p><u>Committee and Date</u></p> <p>Northern Planning Committee</p> <p>8 June 2021</p>

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 20 May 2021
In the The Auditorium - Theatre Severn, Frankwell Quay, Frankwell, Shrewsbury.
SY3 8FT

Responsible Officer: Emily Marshall / Shelley Davies
 Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk Tel:
 01743 257717 / 01743 257718

Present

Councillors Joyce Barrow, Garry Burchett, Ted Clarke, Geoff Elner, Vince Hunt, Mike Isherwood, Mark Jones, Edward Towers, David Vasmer, Alex Wagner and Paul Wynn

1 Election of Chairman

1.1 A nomination was received for Councillor Paul Wynn

1.2 RESOLVED:

That Councillor Paul Wynn be elected Chairman of the Northern Planning Committee for the forthcoming municipal year

2 Apologies for Absence

2.1 There were no apologies for absence

3 Appointment of Vice-Chairman

3.1 A nomination was received for Councillor Mark Jones

3.2 RESOLVED:

That Councillor Mark Jones be appointed Vice-Chairman of the Northern Planning Committee for the forthcoming municipal year

Signed (Chairman)

Date:

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Committee and Date
Northern Planning Committee
8th June 2021

Item
5
Public

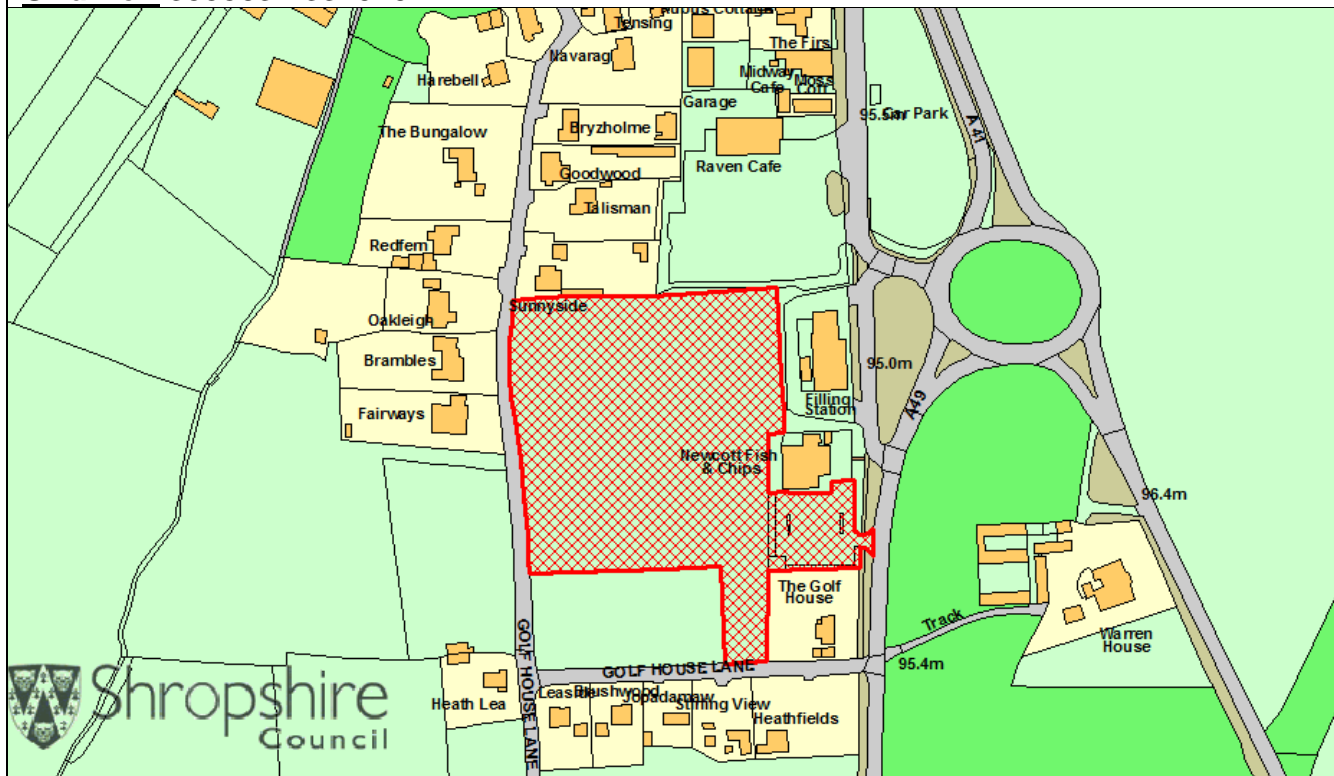
Development Management Report

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

Summary of Application

<u>Application Number:</u> 20/05125/FUL	<u>Parish:</u>	Whitchurch Rural
<u>Proposal:</u> Erection of 43 dwelling houses (24 open market and 19 affordable) including new vehicular access; public open space and children's play area; landscaping; and associated infrastructure		
<u>Site Address:</u> Land Adjacent to Golf House Lane Prees Heath Shropshire		
<u>Applicant:</u> Gleeson Homes		
<u>Case Officer:</u> Richard Denison	<u>Email :</u> planning.northern@shropshire.gov.uk	

Grid Ref: 355563 - 337919



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Recommendation:- Delegate to the Planning Services Manager for approval subject to the completion of a satisfactory Section 106 obligation with no objection being raised following the consultation with Natural England on the Habitats Regulation Assessment and the conditions as set out in appendix one with any modifications to these conditions as considered necessary by the Planning Services Manager.

REPORT

1.0 THE PROPOSAL

1.1 This is a revised application following a recent refusal in November 2020 for a residential scheme of 48 dwellings. This application relates to the erection of 43 dwellings providing a mix of 24 open market dwellings (12 x 3-bedroom and 12 x 4-bedroom) and 19 affordable dwellings (5 x 2-bedroom and 14 x 3-bedroom) within an enclosed paddock in the centre of Prees Heath by Gleeson Homes. The development will include the provision of a new vehicular and pedestrian access which will serve the proposed residential development and the existing adjoining restaurant and convenience store. The proposed layout also includes a reconfiguration and extension of the existing car park serving the restaurant to provide 36 parking spaces and a designated service yard. This application now provides a significant increase in the area of communal open space which will include a play area and will serve the residential development and wider community. A foot path link will provide pedestrian access onto Golf House Lane along the western boundary of the site and to the south to enable links within the settlement for access to local services and the local footpath network. Additional tree landscaping and native boundary hedgerows will be provided throughout the site to reflect this rural location and increase biodiversity.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located in the settlement of Prees Heath at the junction of the A41 and A49 approximately 2.5km south of Whitchurch. The site covers an area of 1.72 hectares and comprises of an open field and is largely rectangular in shape. A protrusion from the sites southern boundary provides a small frontage onto Golf House Lane, whilst the proposed access will be through the parking area of Newcott Fish & Chip Restaurant. The site is relatively flat and has previously been in use as a paddock but has now been vacant for some time.

2.2 The northern boundary consists of a bungalow facing Golf House Lane and lorry park, whilst the eastern boundary is open to a petrol filling station and the Prees Heath Fish & Chip restaurant and convenience store accessed from the A49 and service road. A residential property is located towards the south eastern corner, whilst Golf House Lane is located to the south and separated by a small paddock not in the application site. Golf House Lane extends along the entire western boundary and has three properties facing towards the site to the north west.

2.3 Prees Heath has a number of services including a Fish and Chip Restaurant; Select and Save convenience store; a petrol filling station with convenience provision;

Raven and Midway Truck stop Cafés; truck parking areas; Raven Public House and Hotel; and the Aston Barclay car auction. The bus route 511 also passes through the village with stops on Tilstock Lane, providing regular links to Tilstock, Whitchurch and Shrewsbury.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

- 4.1.1 **Shropshire Council, Highways** - The residential development proposed, is unlikely to have a significantly detrimental effect on the adjacent principal road network, where a highways and transport objection could be sustained. It is recommended that the proposed alterations to the access and the restaurant car parking should be the first phase of construction, to ensure that the development traffic is not adversely impeded by the restaurant patrons. It is noted that the existing footway facility along the A49 frontage is currently not ideal and would benefit improvement. However, this footway is isolated from any adjoining facilities, and such improvement would serve little local sustainable travel benefit. Therefore, the developer's proposal to retain the facility as existing, is considered acceptable. It should be noted that the applicant has already begun negotiations with the highway authority in respect to the potential future Section 38 Agreement (HA1980) for adoption of the new estate roads proposed. Currently, amendments to several construction details and the specifications previously submitted have been requested to meet adoptable requirements. Therefore, the safeguarding conditions are proposed to ensure this development meets the Council's adoption specification. It is considered that the proposed development will be acceptable, from a highways and transport perspective.

- 4.1.2 **Shropshire Council, Trees & Woodland Amenity Protection Officer** - Overall the impact on existing arboreal features is low although 2 early mature category "B" Oak trees are to be removed to facilitate the development which require mitigation. Two sections of defunct hedgerow central to the site and a number of "C" category trees are also proposed to be removed. The existing hedgerow to the western boundary is to be retained and a new native mixed species hedge on the eastern boundary is proposed. An area of POS is part of the overall landscape scheme and is to provide separation between the existing commercial site and residential. The opportunity should be taken to enhance the tree cover locally through appropriate planting where possible of large, long-lived varieties of trees. These provide greater ecosystem service benefits and generally have higher landscape and wildlife values than

smaller, shorter lived types of tree. The landscape plan shows indicative tree planting and has suggested species including new Oak trees. The landscape plan should be finalised with numbers and species confirmed and a watering schedule provided. No objection subject to safeguarding conditions.

- 4.1.3 **Shropshire Council, Housing Enabling Officer (05/01/21)** - I note the reduction in the numbers of affordable units (but not the open market) and that they are now all to be 3 bed properties. We would prefer to see a mix of affordable homes with the reintroduction of some.
- 4.1.4 **Shropshire Council, Housing Enabling Officer (21/04/21)** - Amendments have been made to provide the provision of five 2-bedroom affordable dwellings which is considered acceptable.
- 4.1.5 **Shropshire Council, Planning Ecologist** - A formal consultation was sent on the 16/12/20 and 28/1/21, although no formal response has been received. However, the following comments were received on the previous application 19/02203/FUL:

This application is in close proximity to Prees Heath Site of Special Scientific Interest and lies within an Impact Risk Zone. The applicant has responded to concerns expressed by Natural England. The application site lies within the Zone of Influence for recreational impacts for Brown Moss SAC and Ramsar site. A Habitats Regulations Assessment has been attached to this response. Please note that the findings of the HRA are only valid if the mitigating measures are legally secured, for the lifetime of the development. If this is not possible, I recommend refusal as there could be an adverse effect on the integrity of Brown Moss. Natural England must be formally consulted on the findings of the HRA by contacting consultations@naturalengland.org.uk in the first instance. The comments of Natural England must be taken into account before a planning decision can legally be made. Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Indirect effects on Prees Heath SSSI and Brown Moss SAC

The proposed development lies approximately 67 metres to the north west of Prees Heath SSSI: a 21.68 ha nature reserve designated for its remnant lowland heath which is especially important for its population of the nationally scarce silver-studded blue butterfly. The SSSI forms part of the larger Prees Heath Local Nature Reserve (LNR) which totals 60 ha in area. The SSSI is currently in an unfavourable condition with 84.41% of its area considered to be 'Unfavourable – Recovering' and 15.59% considered to be 'Unfavourable – Declining'. Current issues experienced by the SSSI relate to use of the site for recreation (presumably walkers), and in particular dog fouling. Natural England, in their consultation response dated 19th July 2019, expressed concern over indirect impacts on the SSSI as a result of the development (particularly through dog fouling) and suggested options for mitigating the potential recreational impacts may include improved links to the wider countryside to the west of the development site or contributions to the management of the Prees Common nature reserve.

According to the letter from SLR to NE, of the 53 'households proposed, around 26% of those are likely to own a dog¹ which equates to 14 additional dogs in the neighbourhood. Of these additional 14 animals, a lesser number would be walked across the SSSI/LNR, with some owners choosing not to cross the busy A49 road, instead preferring other routes. Of those dog owners who do chose to access the Reserve, a smaller number still will not pick up after their dog.' Dog faeces can cause an influx of nutrients (nitrogen and phosphorus) to the soils which can locally increase soil fertility levels. If faeces are deposited on or near plants (such as heathers) requiring low soil fertility, it can detrimentally alter the growing conditions for plants and ultimately impact the populations of butterflies and other organisms which rely on them.

SLR go on to say that 'Given the small increase in dog owners accessing the Reserve (estimated to be less than 14), any impact is likely to be very low with any slight increases in nutrient levels likely to be undetectable in the growth rates of plant communities present. The impact on the blue studded butterfly is also therefore likely to be undetectable... There are no other known proposed developments within the vicinity of the Reserve which could have the potential to cumulatively effect its condition.'

Mitigation proposed to counter impacts from dog walkers on Prees Heath SSSI

The agent's ecologist has been in contact Mr John Davies, Head of Reserves for the Butterfly Conservation Trust (managers of the SSSI and wider common) to find out how the development can assist them in completing projects set out in their draft management plan. Mr Davies has indicated by email that a contribution of £3,500 would support the draft management plan for the site, addressing indirect impacts through education for visitors and controlling/directing them to less sensitive areas (where the benches will be placed) and enhancement of bird nesting facilities. It is suggested the money would fund:

- Upgrading of two reserve information panels
- Reprinting with minor amendments the reserve leaflet highlighting new access points
- Provision of an additional reserve leaflet box
- Provision of two green oak backless benches on the reserve
- Provision of two raptor bird boxes

The developer has included a dog waste bin on the public open space on site, which has now been increased in size to 2000 m², with the number of homes reduced to 48. This is still below the area of open space required under SAMDev Plan policy MD2. A commuted sum for open space provision of £147,927 has been proposed to cover the shortfall in public open space. A dog waste bin has also been included adjacent to the footpath link heading west from the site, to encourage dog walkers to use the footpaths in this area too (away from the SSSI). In addition, they are prepared to include leaflets educating people about their impacts on the SSSI and

things to do to minimise this in the home owners' packs and that a condition to this effect should be attached to any planning permission.

The following items must be secured by condition or s106 agreement for the lifetime of the development.

- Provision of two dog bins one adjacent to the footpath link in the west of the site and the other in the POS, close to the entrance to the site in the east.
- A means of securing maintenance of the dog bins, or replacement as necessary, for the lifetime of the development.
- A means of securing the emptying of the dog bins at a suitable frequency, for the lifetime of the development.
- Transfer of the payment to the Butterfly Conservation Trust to manage indirect effects.
- Provision of leaflets educating people about their impacts on the SSSI and things to do to minimise this in the home owners' packs.

Brown Moss SAC, Ramsar Site and SSSI

Brown Moss is an internationally designated site c. 1.3km to the north as the crow flies. Increased recreational pressure has been identified as a damaging factor in the Local Plan Habitats Regulation Assessment (HRA). Any development which may affect an international site, either alone or in-combination with other plans or projects must be subjected to a project level HRA by the LPA. An HRA has been attached to this consultee response. Under policies MD12 and MD2 of the SAMDev Plan, a possible mitigation measure for removing impacts via dog-walking is to provide more than the required open space on the development site. The open space on the development site is less than 30m² per person and it is not clear if the proposed commuted sum for open space provision this will be used within the Zone of Influence of Brown Moss. However, in view of the close proximity of the Prees Heath SSSI and nature reserve, and the mitigation measures detailed above, it is unlikely that significant numbers of visits will be made to Brown Moss as a result of this development (see further details in the HRA).

Further consultations

Natural England have been re-consulted on this application following mitigation proposals being put forward. The local authority have not received a response. Natural England should be re-consulted on the council's HRA with a consultation period of 21 days. The LPA has already been informed that if NE do not respond within 21 days they do not have additional comments.

- 4.1.6 **Shropshire Council, Ecology (24/03/21)** - The application site lies within the Zone of Influence for recreational impacts for Brown Moss SAC and Ramsar site. A Habitats Regulations Assessment is attached. Please note that the findings of the HRA are only valid if the mitigating measures are legally secured, for the lifetime of the development. If this is not possible, I recommend refusal as there could be an adverse effect on the integrity of Brown Moss. Natural England must be formally

consulted on the findings of the HRA in the first instance. The comments of Natural England must be taken into account before a planning decision can legally be made. I'm not sure if ecology have been formally consulted on this application with regards to general ecological considerations, however, comments as contained with previous responses to PA ref: 19/02203/FUL will apply to this application too.

- 4.1.7 **Shropshire Council, Drainage** - The proposed surface water drainage strategy in the FRA is acceptable in principle. However, drainage details, calculations and plan as per Informative Notes below should be submitted for approval prior to development commencing.

The proposed surface water 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. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

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:

Highway Gully Spacing calculations should be submitted for approval. Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102). Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

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

Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above)

within the development site or contribute to surface water flooding of any area outside of the development site.

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

4.1.8 **Shropshire Council, Access Mapping & Enforcement Team Leader** - A formal response has been received raising no comments on the application.

4.1.9 **Shropshire Council, Historic Environment Team (Conservation)** - The site is currently undeveloped land adjacent to commercial development consisting of fast food retail, petrol filling station, and truck stop to the east and north, to the south and north west residential properties and immediately west agricultural land served off an unmade track. The majority of properties are single storey apart from the Warren House farmstead which is no longer in agricultural use. Warren House is an identified farmstead (Historic Farmsteads Characterisation Project, 2008 to 2010) and was described at that time as: "Regular Courtyard E-Plan. Additional Plan Details: Additional detached elements to main plan. Date Evidence from Farmhouse: 19th Century. Date Evidence from Working Building(s): None. Position of Farmhouse: Farmhouse set away from yard. Farmstead Location: Isolated. Survival: Partial Loss - less than 50% change. Confidence: High. Other Notes: Some Evidence for Conversion." This farmstead is considered a heritage asset as defined in Annex 2 of the NPPF but the impact of the development is considered to be neutral due to the already busy and intensive use of the land and roads around it. The overall site layout is particularly urban in form in this rural location where the open space to serve the development is immediately adjacent to the very busy commercial services area and would appear to be in a secure area of the development, however, this is not something for HE Team to comment on in detail.

4.1.10 **Shropshire Council, Recreation Team** - A formal consultation was sent on the 16/12/20 and 28/1/21, although no formal response has been received.

4.1.11 **Shropshire Council, Regulatory Services (21/01/20)** - Environmental Protection has reviewed the application and have the following comments:

Amenity

The noise report provided indicates that it is a noisy environment that will require mitigation measures in order to achieve acceptable noise levels. The mitigation measures proposed largely rely on providing a noise insulation scheme which relies on windows being kept shut to achieve acceptable internal noise levels.

Since the previous application for this site was submitted the Planning Policy Guidance Note on Noise has been revised (in July 2019) and now gives reference to the ProPG guidance on Planning and Noise (May 2017) which should now be taken into account when considering the effect of noise on new developments. This

guidance emphasis the importance of good acoustic design in mitigating the impact of noise and it highlights that relying on unopenable windows for achieving acceptable internal noise levels is considered a detriment to the amenity and is not generally acceptable.

While ProPG does accept that there are some situations where it may be necessary to accept that windows need to be kept closed to achieve acceptable internal noise levels this should be the exception to the rule, for example it may be necessary in cities where all potential housing sites may be affected by noise so that this would be unachievable.

ProPG (para 2.23) recommends that planning applications for new residential development should include evidence that good acoustic design have been properly considered, including planning the site or building layout and consider the orientation of propose buildings.

The noise assessment for the proposal indicates that many of the windows in the development would need to be kept closed at all times to achieve acceptable internal noise levels (although the exact windows has not been identified). Often the layout of the site can be designed so that sensitive facades of the properties are protected from excessive noise and the buildings themselves can form noise barriers but there is no evidence that good acoustic design measures have been applied to this site.

The proposed development is not in accordance with the aims of the NPPF detailed above or with the guidance provided in PPGN or ProPG. Residential development of this site is likely to result in significant adverse impacts on health and quality of life of future occupants, unless the site can be significantly redesigned to incorporate good acoustic design to enable acceptable internal noise levels to be achieved with windows open for ventilation. As this could involve a significant redesign I recommend that this application is not decided until an alternative scheme of mitigation has been agreed.

Contaminated Land

A report by Wardell Armstrong; Land off Golf House Lane, Prees Heath, Shropshire; Ground Conditions Assessment, February 2018, Report Number 0003 (1.0) which includes a Phase 1 Desk Study Report, prepared by Patrick Parsons, reference M17041, dated August 2017 and Wardell Armstrong; Supplementary Ground Gas Monitoring & Risk Assessment; CS/SL/ST16544/0004, 10th January 2019 has been submitted in support of this planning application.

No contaminants of concern above the relevant screen values have been identified that requires remediation and the results of the ground gas risk assessment has determined that gas protection to buildings is not required.

Environmental Protection does not disagree with the conclusions of these assessments and therefore has no comments to make in respect of contaminated land.

- 4.1.12 **Shropshire Council, Regulatory Services (17/05/21)** - The additional information has been considered. It is noted that the addition of a 3m high fence to the northern façade of the development to protect proposed dwellings from lorry park noise will have minimal additional impact other than at plot 22 where a 2dB reduction in noise is anticipated. The assessment has shown the impact of mitigation from a 2m high fence on noise internally in bedrooms. It shows noise levels meet BS8233:2014 standards when applying a 15dB attenuation for noise passing through a partly open window. 15dB attenuation is the maximum stated in relevant guidance. A 3m high fence would reduce noise levels by a further 2dB and would provide additional confidence that the night time noise levels would be achieved.

Noise from the fish and chip shop has been assessed. It has shown that the use of a 3m high fence would remove 5dB of noise at the most affected proposed dwelling. This is significant and 4dB more than a 2m high fence. Given that noise from this source may vary over time due to any maintenance regime in place and the potential for this noise source to have a character different to the background expected to be mainly traffic noise, it is recommended that a 3m high fence on the eastern façade where proposed by the noise consultant along the boundary with the fish and chip shop would be beneficial. This is for the protection of future residents and of the existing fish and chip outlet to reduce the potential of noise complaint in future. The proposal of reducing the level of the extract at the fish and chip shop is not considered to be appropriate given the additional potential for odour concerns by reducing dispersion characteristics in the plume.

In summary the provision of a 3m high acoustic fence of suitable construction and density (assumed minimum density of 10kg per square meter) as shown on the maps in noise documentation ref: RK3181/18106 by Spectrum Acoustic Consultants is considered to be of benefit and is recommended. If possible it is recommended that affordable housing is relocated to an area where there is less specific noise source impact this would be considered a betterment.

- 4.1.13 **Shropshire Council, Waste Management Officer** - It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

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

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

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

- 4.2.14 **Shropshire Council, Learning and Skills Team** - Reports that both the local primary and secondary schools are forecast, with housing developments, to be oversubscribed by the end of the current plan period. With future housing developments in the area it is forecast there will be additional strain on capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places or facilities considered necessary to meet pupil requirements in the area. In the case of this development it is recommended that any contributions required towards education provision are secured via CIL funding.
- 4.2.15 **West Mercia Police** - As Design Out Crime Officer for West Mercia Police I do not wish to formally object to the proposal at this time. However, there are opportunities to design out crime, reduce the fear of crime and to promote community safety. Therefore, should this proposal gain planning approval the below advice should be considered by the developer.

The developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design. Secured By Design is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The opportunity for burglary offences to occur can be reduced by up to 87% if Secured By Design is achieved. There is a clear opportunity within this development to achieve the Secured by Design award. By doing so it can also address the requirements of the new Approved Document Q.

Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies to builds within Conservation Areas. Approved Document Q creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting inner door leading directly into the dwelling. Also included are ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

In recent times there has been a tendency to install thumb turn locks on front doors. This type of locking device should only be considered when the lock cannot be easily seen from the outside, any glazed panels are fitted with laminate glass to standard PAS24:2016 / STS 201 and a deflector is fitted to the inside of any letter box opening. Thumb turn locks should never be considered for rear doors if they are half glazed and the internal thumb turn can be easily seen from the outside. This will increase the potential for burglary and other offences to occur.

The principles and standards of the Secured By Design initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com

During the build the developer has a responsibility for site security. They should aim to keep any compound, machinery and tools as secure as possible whilst on site. Offenders will visit such sites to test security measures that are or are not in place and if they are not up to standard then they will be attacked causing an increase in crime in the locality. Every effort should be made to keep property safe and secure. The Design Out Crime Officer can offer professional advice if requested to do so.

- 4.2.16 **Natural England** - Further information required to determine impacts on designated sites. As submitted, the application could have potential significant effects on Brown Moss Special Area of Conservation, the Midlands Meres and Mosses Phase 1 and Midlands Meres and Mosses Phase 2 Ramsar sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: A Habitat Regulations Assessment.

The proposed development triggers the Impact Risk Zones for a number of internationally designated sites. Despite the proximity of the application to these sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Notwithstanding the above, Natural England notes that the application is a revised version of a similar application at the same site which was subject to a Habitats Regulations Assessment. This assessment concluded that with mitigation measures in place that the proposal would not have an adverse effect on the integrity of international sites to which Natural England concurred. You may wish to consider this proposal in a similar manner.

Prees Heath Site of Special Scientific Interest | No objection - Subject to mitigation being secured

We consider that without appropriate mitigation the application would:

- Damage or destroy the interest features for which Prees Heath Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Upgrading of two reserve information panels
- Reprinting with minor amendments the reserve leaflet highlighting new access points
- Provision of an additional reserve leaflet box
- Provision of two green oak backless benches on the reserve
- Provision of two raptor bird boxes
- Provision of two dog bins one adjacent to the footpath link in the west of the site and the other in the POS, close to the entrance to the site in the east.
- A means of securing maintenance of the dog bins, or replacement as necessary, for the lifetime of the development.
- A means of securing the emptying of the dog bins at a suitable frequency, for the lifetime of the development.
- Transfer of the payment to the Butterfly Conservation Trust to manage indirect effects.
- Provision of leaflets educating people about their impacts on the SSSI and things to do to minimise this in the home owners' packs.

These measures were proposed for the previous application and accepted by Natural England as being sufficient to protect the SSSI. As such Natural England considers the provision of these measures as necessary to prevent damage to the SSSI.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

4.2.17 **Severn Trent Water** - No objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be

diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

- 4.2.18 **Butterfly Conservation** - A formal consultation was sent on the 16/12/20 and 28/1/21, although no formal response has been received. However, the following comments were received on the previous application 19/02203/FUL:

Butterfly Conservation supports the comments made by Natural England in their submission dated 19th July 2019 and we share their concerns over potential indirect impacts on the nearby SSSI and associated habitats of our reserve.

Butterfly Conservation owns and manages Prees Heath Common Reserve, which is situated immediately across the A49 road from the proposed development. As well as being in part a Site of Special Scientific Interest, the reserve is Open Access Land under the Countryside and Rights of Way Act 2000. Residents of the proposed housing development seeking to access the reserve would enter by the path at the northern end of the reserve, which is also part of the Shropshire Way. Dog fouling is a major concern throughout the reserve as it has become a popular site for people to walk their dogs. At present there are two dog waste bins at the southern end of the reserve, emptied weekly by Shropshire Council, but they are not used by all dog walkers. There is no such facility at the northern end of the reserve. Our efforts to encourage all dog walkers to act responsibly by clearing up after their dog have had only limited success, and there are still significant amounts of dog faeces to be seen on the reserve on any given day. Not only does this affect by the ecology of the reserve by enriching the soil, it also presents a hazard to everyone who visits the reserve.

Skylarks, a bird in population decline in Britain, breed on the reserve, particularly on the areas we are restoring to heathland following many years of arable cultivation. As they nest on the ground it is essential that dog owners keep their dogs on short leads from 1st March to 31st July, and there are several notices on the reserve to this effect. Again, not all dog owners comply with these notices, and additional dog

walking can only increase the disturbance pressures on the skylarks trying to breed successfully. Both these problems are well documented in relation to urban-area heathlands elsewhere in the country.

- 4.2.19 **Whitchurch Rural Parish Council** - The Parish Council notes the re-working of 19/02203/FUL (the details of which no longer appear to be available to view on the portal), a previous planning application for the same site albeit for a now slightly reduced number of homes and enlarged amenity space area, however, maintains its previous strong objection to the proposed development on the following material grounds:

Whilst the Parish Council fully supports affordable home schemes there is concern over the choice of site for this application. Prees Heath is an area mainly comprised of service type businesses rather than homes i.e. pub/truck stop/lorry park/service station/fish and chip shop etc. The allocation for homes in SAMDev until 2026, in which Prees Heath is part of a community cluster, is for 10 houses. The Parish Council is of the opinion that this area is not the right location for this size of development. Taking into consideration the reduction in number of houses the Parish Council holds the view that it still constitutes overdevelopment of the plot. A development of 20-25 homes set further back from the main roads would be more appropriate, although perhaps not so economically appealing to the developer.

The proposal does not meet the requirements of CS6 as it is inappropriate in scale, density and pattern in the context of this setting. The proposals are at odds with the scale and type of development in this area which is small scale and mainly single dwellings in a sporadic form. This site will not contribute to the health and well being of residents; being closely situated to 2 main A roads they will inevitably be exposed to noise and traffic fumes. Council members are of the opinion that it is not a good choice of location in which to raise young families, which will be the main target audience for this type of development. A large number of lorries are parked 24 hours per day on the Prees Heath car park site and at the Raven Cafe car park. Engines are left running overnight to maintain refrigeration levels. The noise and pollution levels are not conducive to health and wellbeing. It has been noted that previous surveys were conducted on a Wednesday afternoon. Surveys should be carried out on a range of days, to include Thursdays and Sundays when hundreds of motorbikes converge on this area.

There is very poor access into Tilstock village from Prees Heath. There is no pedestrian footway for children to walk to School or to reach the recreation facilities (Hall, Tennis and Bowling Club, playground, Church, cemetery, pub). It has been noted that a footpath has now been included to Golf House Lane and the A41, which Councillors do not consider to be appropriate for a development which is very likely to house children. The site exits onto a very busy main A road, close to the roundabout where the A41 and A49 converge. The traffic survey, carried out by a firm from Derby with no local knowledge, has noted movements only from Monday to Thursday. The weekend traffic on these routes is extremely busy, particularly on a Friday evening. There is an enormous 'bike' event every Thursday evening and Sunday in Prees Heath where hundreds of motorcyclists meet. Large articulated

lorries use the car parking facilities at the roundabout overnight and many have noisy refrigeration units running all night. Local businesses depend on this type of business (and a vintage tractor event) for their livelihoods. Councillors are concerned, not only for the immediate loss of residential amenity for any new residents should this development be built, but for potential detrimental impact on local businesses should new residents complain about noise and pollution nuisance. The businesses have been in situ for c 50 years and the Parish Council is determined to protect them.

The Parish Council notes that an enlarged amenity space has now been incorporated in place of 5 dwellings. However, the Parish Council queries the long term maintenance of this area. The Councillors are of the view that maintenance for it, if left to a management company, is unmanageable and unenforceable. Who will have ultimate responsibility for this area and what financial provision will be made towards its upkeep? Whilst the Parish Council notes that there is an SSI in this area, to access it residents are required to cross the A49. The Parish Council has recently received (from the Butterfly Trust) and made complaints to the Highways Dept about concerns accessing this area from Golf House Lane and the service areas on the A49 as it is becoming increasingly hazardous for pedestrians, horse riders and cyclists. Council members queried the anticipated vehicle movements in and out of the estate. It must be anticipated that there will be c 2 cars per household. There is no local employment so it will be necessary to drive to work. Parents will need to drive their children to Schools. Shopping will have to be done in Whitchurch. All of these activities require the use of cars.

The Council is concerned that the proposed housing number is overdevelopment of the plot, particularly in relation to amenity space provision and the size of gardens allocated. Cycle and pedestrian access is totally inadequate. Councillors are concerned that a development of this size will irrevocably change the context and character of the area. They have queried the suitability of the location for families to raise children.

Infrastructure in this area is considered poor (CS8) - there is, for example, no street lighting in Golf House Lane which is an unsurfaced road, essentially a bridle path, with no mains gas. It is largely unsuitable for vehicles and has no passing places. This application will not improve the existing facilities, services or amenities or improve the quality of life of the local residents. Building a comparatively large development in this area it will have a detrimental impact on the environment through essential increase in traffic movements, therefore increasing the adverse impact on climate change. Contrary to CS8 and CS7 this proposal will not improve travel behaviour but will exacerbate the problem by increasing the need to travel as the plot is so far from necessary amenities such as shops, schools, recreation facilities etc.

The proposals are contrary to CS5. The Parish Council does not believe that the proposed development would maintain or enhance countryside vitality and character and will not improve the sustainability of the local community as there will be no benefit to the local area. Residents will be forced to go outside of the local area for

all their day to day needs as they cannot be met in the immediate vicinity due to lack of pedestrian access and location.

Finally, the proposals are contrary to CS4 as the proposals are not of a scale or design or pattern of development that is sympathetic to the character of the settlement and its environs and does not satisfy CS6. The Parish Council believes that Prees Heath is an area suited to small scale development and infill, not large scale developments, albeit affordable homes. Quality of life for future residents must be considered when determining this application. To conclude, the Parish Council strongly objects to this application.

4.2 Public Comments

4.2.1 Four letters of objection have been received raising the following concerns:

- Cramped and overdeveloped.
- Limited public transport and reliance of use of cars.
- Road between Prees Heath and Tilstock is narrow and dangerous.
- Impact on SSSI and blue studded butterfly.
- No mains gas and low water pressure.
- Impact on drainage capacity.
- Golf House Lane is narrow and is a bridleway.
- Proposed access is dangerous.
- A49 road is congested and busy.
- Noise impact from the A49 and A41.
- Pollution from increased cars.
- Development should include charging points.
- Noise from truck stop.
- Prees Heath is a truck stop and area for motor bikers to congregate cause safety concerns.
- Development will become an area for unemployment and socially deprived individuals.
- Reduction in property values.
- Concern lorry park will impact on residential amenity.

5.0 THE MAIN ISSUES

- Background
- Policy & Principle of Development
- Design, Scale and Character
- Open Space
- Impact on Residential Amenity
- Impact from Noise
- Impact from Ground Gas
- Highways
- Impact on Trees
- Ecology

- Drainage
- Flooding
- Affordable Housing
- Impact on Mineral Extraction
- Community Infrastructure Levy
- Education
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Background

6.1 This is a resubmission application following a similar application for the erection of 48 dwellings (23 open market and 25 affordable) which was refused in November 2020 which is now subject to an appeal (application reference 19/02203/FUL). Members supported the proposed affordable housing being provided, although this did not outweigh the non-compliance with policy MD2 with regards to the provision of onsite open space. It was indicated that there was no existing suitable recreational open space within close proximity to the application site and the proposed financial contribution in lieu of the onsite public open space was not considered acceptable. This revised application now slightly reduces the number of dwellings to provide 43 dwellings (24 open market and 19 affordable) with a larger area of open space in line with the requirements set out in policy MD2.

6.1.2 A Planning Statement has been submitted with the application which indicates that Gleeson Homes focuses solely on building low cost homes for people on low income typically in areas of industrial decline and social and economic deprivation. They build a range of affordable homes for sale to people who would otherwise be unable to afford a new home.

6.1.3 Gleeson's Homes are priced so that they can be afforded by 90% of the local couples in full time employment. To establish sales prices, the Government's ASHE (Annual Survey of Hours and Earnings) figures are used to determine the lowest wages within the Local Authority. A modest multiple is then applied to the bottom twenty percentile to calculate the level of mortgage which can be afforded by 90% of people living in the local area. As a result, Gleeson homes are priced 20% below local market value, and this type of housing is now identified as affordable housing in the revised definition of affordable housing in the National Planning Policy Framework.

6.1.4 Gleeson Homes focuses solely on building low cost homes for people on low incomes. They build a range of affordable new homes for sale to people who would otherwise be unable to afford a new home, thereby helping them onto the property ladder. They do this in a number of ways that are fully set out in the applicants Economic Benefits Report, but include the following:

- Gleeson's Save and Build Scheme, for which Gleeson fix the price of the house for homeowners and put in a saving plan in place for them to save for

the deposit for up to 12 months, during which Gleeson regularly check in with their customers;

- Gleeson's Parents Invest scheme, in which Gleeson pay direct to the Parents 5% interest on the deposit sum they have invested on behalf of their children;
- Gleeson's Aspire to Own scheme, in which Gleeson pay 5% towards the required deposit and contribute the mortgage valuation fee and offer £750 towards purchase fees;
- Gleeson's Advance to Buy scheme, in which Gleeson manage the sale of their customer's existing house and contribute £500 towards the selling fees;
- National Government's Help to Buy scheme;
- Traditional incentives such as decoration, landscaping and fittings etc; and
- Gleeson's Design for Disability in which offer free disabled adaptations to the new homes for disabled occupants.

6.1.5 Gleeson Homes do not sell to landlords and sale contracts with customers include a 'no rental' covenant, in perpetuity, without express approval.

6.1.6 Informal pre-application advice was sought in March 2019 between officers and the Ward Councillor to discuss the Gleeson's housing model which was of interest to both officers and councillors who acknowledged that the Council has an affordable housing shortage and that increasing the affordable housing stock remained a priority. Shropshire Council recognise that there is an affordability issue in respect of housing across the County, largely because of low incomes that are disproportionate to housing costs.

6.2 **Policy & Principle of Development**

6.2.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). 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 National Planning Policy Framework constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.2.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development through plan-making and decision-taking. The NPPF reiterates that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan. Development plan policies of particular relevance to assessing the acceptability of this housing application in principle are discussed below.

6.2.3 For the purposes of the assessment of this application the development plan presently comprises of the adopted Shropshire Core Strategy 2011; the adopted Site

Allocations and Management of Development Plan 2015; and Supplementary Planning Documents.

- 6.2.4 Policies CS1 and CS4 of the Core Strategy set out the strategic approach to housing provision. It is envisaged that Community Hubs and Clusters will enable the rural rebalance to make rural areas more sustainable and accommodate around 35% of Shropshire's residential development. The identification of Hubs and Clusters is done through the SAMDev Plan and therefore policy CS4 is reliant on the SAMDev for the detail of settlement allocation. Policies CS1 and CS4 are consistent with the objectives of the NPPF to focus new development in sustainable locations.
- 6.2.5 Policy S18.2 (ii) of the SAMDev Plan indicates Whitchurch Rural & Ightfield and Calverhall as an allocated Community Cluster. Residential development will be delivered through the development of allocated sites in Tilstock, Ash Parva and Prees Heath, together with development of infilling, groups of houses and conversions on suitable sites within the development boundaries identified on the Policies Map or on well related sites to Prees Heath. It is envisaged that the Community Cluster will provide around a further 100 dwellings up to 2026. The distribution of housing identified in Policy S18.2 (ii) recognises the role each settlement already plays within the Cluster, their existing services and facilities and opportunities to deliver sustainable development.
- 6.2.6 Prees Heath has only one allocated site (PH004 - Former Cherry Tree Hotel and adjoining land) and will provide 5 dwellings. At present no formal application has been approved for development on this site. Prees Heath does not have a formal development boundary, although officers consider that the proposed application site is located within the main built up area of Prees Heath. The site forms a parcel of land which is enclosed by residential properties, commercial development and vehicular access lane and does not have a physical connection to open countryside or agricultural land. The proposed site clearly relates to the existing built form of Prees Heath and will not result in an isolated form of development and would be sympathetic to the character of the settlement and its surrounding environment.
- 6.2.7 An Agricultural Land Classification Assessment has been carried out of the site which indicates it is grade 3a (good quality agricultural land). However, it has previously been used as a paddock and does not easily link in or provide good agricultural machinery access. The site is not prominent as viewed from the main A49 and would provide a relatively natural expansion of the settlement without extending into prime agricultural land.
- 6.2.8 Prees Heath benefits from a good level of service provision given its strategic location at the junction of the A49 and A41 on the main trunk road network. As such the settlement includes the following services Prees Heath Fish and Chip Restaurant; Select and Save convenience store; a petrol filling station with convenience provision; Raven and Midway Truck stop Cafés; truck parking areas; Raven Public House and Hotel; and the Aston Barclay car auction. The bus route 511 also passes through the village with stops on Tilstock Lane, providing regular links to Tilstock, Whitchurch and Shrewsbury.

6.2.9 The Whitchurch and Surrounding Area Place Plan sets out a priority for affordable housing provision and open space and indicates a desire for starter homes which are affordable to first time buyers.

Evidence of Demand

6.2.10 A detailed assessment has been undertaken by Newgate Communications on behalf of the developers for 'The Case for new Homes' which has identified that there is a significant and specific problem in the area regarding entry-level housing in Prees Heath. Potential first-time buyers face a distinct lack of homes suitable to buy which has been indicated as follows:

- Whitchurch South is in the most deprived decile nationally, in terms of 'Barriers to Housing and Services', which measures the physical and financial accessibility of housing and key local services.
- According to the 2011 Census, there are 1,811 homes in the entire Whitchurch South Ward. However, 2,263 people searched for property in Prees Heath specifically on Rightmove in July 2020 alone.
- There is a supply gap at the smaller end of the property market in Prees Heath, as detached properties comprise over 40% of the total stock and terraced properties, (which traditionally offer people the much-needed first step on the ladder) comprise of just 14% of the total housing market.
- Local people also facing pressure from house buyers outside of the area, with 19% of properties sold in Shropshire Council area classified as second homes or properties to rent out according to an article in the Shropshire Star dated 6th October 2018.
- Shropshire has an ageing population, which the Council recognise as one of the central challenges facing the Shropshire economy. One way to ensure that people of working age remain in the County is to ensure that suitable and affordable homes are available. 80% of Gleeson customers are under the age of 30 by virtue of the product they offer, the scheme therefore provides a real alternative to help attract and retain young professional workers in the area.
- Shropshire supports a relatively low wage economy, with its residents earning significantly less than both the regional and national averages, driven by a reliance on low-paid sectors. Gleeson have agreed to enter into a S106 agreement with the Council to ensure that 25 of the homes proposed are priced so as to be affordable for local couples on low incomes.
- High house prices are a recognised issue in the Borough with the Council's evidence base for the emerging Local Plan Review applying an affordability ratio of 7.91 in identifying their housing needs over the emerging plan period.
- This is expanded upon further in the Strategic Housing Market Assessment Part 1 that confirms high house prices and low income employment opportunities as two of the main factors contributing to the affordability crisis. The proposed development offers a real opportunity to address this in the immediate term through the provision.

- 6.2.11 The developers have undertaken a community consultation process with a newsletter sent to every household and business within 3.16 miles of the site. All of the responses received were supportive. The Affordable Housing Team have assessed the evidence and agree there is a local demand for affordable housing in the local area.

Assessment of Market Review Report

- 6.2.12 The proposed scheme is for low cost affordable housing in which the dwellings would be sold at 20% below local market value. In planning terms if the sale value is less than 20% market value then they would be considered as affordable dwellings under the National Planning Policy Framework. A detailed Residential Market Review report has been submitted by Cushman & Wakefield on the previous application, although the Council Affordable Housing Team raised concerns that it was difficult to compare the average sale value for dwellings in the local area as the dwellings are very different from those built by Gleeson Homes. However, based on new build values and comparing this to what Gleeson Homes are proposing to sell the properties for the values were indicated at coming out at between 89% and 98% of the calculated value and not at 20% less than market value. A further response has been received from Cushman & Wakefield who consider that the analysis of the local housing market demonstrates a price differential of over 20% discount between the proposed Gleeson pricing and local market values and assessment of local affordability shows that most, if not all, of the Gleeson products would be accessible to the local residents in Shropshire and within the wider market. The Affordable Housing Team were not convinced that this development would provide dwellings at 20% less than the market value and the developers agreed to an independent assessment of the market review report on behalf of Shropshire Council by RCA Regeneration Ltd.
- 6.2.13 This assessment indicated that the Gleeson's proposed pricing for the semi-detached units exceeded 80% of market value and that their prices need to be reduced by between £3,000 and £8,000 for them to be classed as affordable. Whilst they considered that the proposed values for the detached units are within the 80% of market value limit and so therefore, they believed that the Gleeson values for the detached units can be classed as affordable.
- 6.2.14 However, the assessment has incorrectly assumed that if the value were 80% of the open market value then they would be affordable. This is not the case as the value also has to relate to local income. The Affordable Housing Team have confirmed that in the affordable housing policy 'local' is defined as the parish and this site sits within Whitchurch rural. The median income for Whitchurch rural is £37,674 which using a x4 multiplier would give an affordable value of £150,969. It has been indicated by RCA Regeneration Ltd that if the properties open market value were reduced to 80% then all but the detached homes would be affordable.
- 6.2.15 However, in relation to the Gleeson's proposed values this would indicate that the two largest 3-bedroom semi-detached dwellings (772 and 788 sqft) and all of the detached dwellings would exceed the median income. However, the developer has

agreed to cap the house value for those properties priced in excess of the RCA's affordable values. This would result in all the semi-detached dwellings falling within the affordable value of £150,969.

- 6.3.16 Detailed discussions have taken place between officers and the developer as it was apparent that the detached dwellings would not be affordable. It was agreed that the detached dwellings would not be affordable, and these would be now classified as open market dwellings which would be liable for CIL payment. These dwellings would still be 20% lower than the average open market value. Prees Heath consists of predominantly larger plots and has experienced a recent increase in large detached properties along Golf House Lane. The open market dwellings would have smaller plots and would be more modest in size and would help to provide a broader range of house types and prices within the settlement.
- 6.3.17 The Affordable Housing Team have confirmed that the proposed 19 affordable homes (if limited in their sales values) can be described as affordable homes based on local incomes. The National Planning Policy Framework published in July 2018 included a revised and expanded definition of Affordable Housing including the following:

*“d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, **other low cost homes for sale (at a price equivalent to at least 20% below local market value)** and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.”*

- 6.3.18 The developer has indicated that in its definition of affordable housing that schemes that do not benefit from public grant funding do not need to be subject to provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement. On this basis there is no requirement for the affordable homes proposed to be secured in perpetuity.
- 6.3.19 The Affordable Housing Team has indicated that this low-cost housing scheme is a new model for affordable home ownership in Shropshire that would not be secured in perpetuity. Officers have raised concerns that the second sale of the dwellings may result in the house value increasing and therefore not remaining at 20% below market value and at an affordable value. The Affordable Housing Team have indicated that it will therefore be necessary to monitor the values of the homes over the coming years and monitor all resales of the affordable units to ascertain whether this model would be suitable to be adopted by Shropshire Council. Concerns have also been raised that these dwellings may be purchased with the intention of

providing a rental property, although Gleeson Homes impose a restrictive covenant on all their properties preventing them being rented in perpetuity.

Conclusion

- 6.3.20 The proposed number of units would exceed those which would be classified as infilling or groups of houses as indicated in policy S18.2 (ii) of the SAMDev Plan. However, this development represents a real opportunity to provide a significant boost to affordable and low-cost home ownership within the Whitchurch rural area. Prees Heath has a number of local key community facilities, with good access to Whitchurch and available public transport making this a sustainable settlement for residential development. The proposed scheme would result in new recreational play facility for the settlement and improvements to the wider public open spaces and will assist the protection of important ecology sites (as indicated in Sections 6.4 and 6.10). Officers consider that the principle for residential can be supported.

6.3 Design, Scale and Character

- 6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.3.2 The application site consists of 1.73 hectares of vacant land within a mixed-use area and is predominantly square and flat. There is an existing access off the A49 Whitchurch Road which currently serves the car park of the adjacent restaurant and convenience store. The previous application indicated a layout providing a total of 48 dwellings, although following the recent refusal and member concerns over the level of open space the layout has been altered to reduce the number of units down to 43 and increase the area of land designated as open space. This has resulted in a density level of nearly 25 units per hectare which is comparable to new residential development within rural settlements.
- 6.3.3 The open market dwellings consist of twelve detached 3-bedroom and twelve detached 4-bedroom properties, whilst the affordable dwellings will consist of five 2-bedroom and fourteen 3-bedroom semi-detached dwellings. All the 2-bedroom and 3-bedroom properties fall within the space standards as set out in the Affordable Housing SPD, whilst the detached open market dwellings slightly exceed the minimum threshold.
- 6.3.4 The proposed dwellings will be of a traditional brick and tiled roof construction which will reflect similar housing designs in Prees Heath. They will utilise dormers and gables within the roof pattern to create a varied roofscape and be articulated with good quality detailing. Amended plans have been received to include chimneys to a

number of the units. All of the properties have an enclosed modest sized private rear garden with an approximate minimum length of around 10 metres.

- 6.3.5 A new vehicular access will be created off the A49 towards the south eastern corner of the development site and will assist in providing a new entrance and improved car parking for the adjacent restaurant and shop. Two spine roads are served off the main estate road and results in residential development backing onto the north, south and west boundaries. A large area of open space will be provided along the eastern boundary and will now include a strip of land which runs to the west of The Golf House and links into Golf House Lane.
- 6.3.6 Flogas underground gas tanks will be located under a small section of this additional open space to serve the development with a dropped kerb and grasscrete parking area for delivery vehicles to fill the tanks.
- 6.3.7 A pedestrian footpath and link onto Golf House Lane to the west is proposed and will provide access to the bridleway and public rights of way network for occupiers of the new dwellings and access for existing residents living on Golf House Lane to provided improved pedestrian access to the local services.
- 6.3.8 The proposed development site is relatively well enclosed and within the main built up area of the settlement. The layout will provide a slightly higher level of density than some of the more spacious plots and large properties adjacent to the site. However, this will result in an improved mix of small and more modest sized dwellings in the settlement for first time buyers.

6.4 **Open Space**

- 6.4.1 Policy MD2 of the SAMDev Plan indicates that adequate open space set at a minimum standard of 30sqm per person is provided for residential developments and that for developments of 20 dwellings and more the open space needs to comprise of a functional area for play and recreation. This should be provided as a single recreational area rather than a number of small pockets spread throughout the development site.
- 6.4.2 The previous application, which was refused required 4,140sqm of open space, although only 1,983sqm was being provided with the shortfall being made up by a financial contribution of £147,927 to suitable alternative local provision being provided. However, in relation to this current application and housing mix the proposed development will require the provision of 4,080sqm of open space. The area of public open space will be located along the eastern boundary adjacent to the petrol filling station and restaurant as this will provide a separation from the commercial uses and the residential. This area of the site also has a foul sewer running close to the boundary which requires a 5 metre easement and would prevent development in this area of the site. The proposed open space will be clearly visible from the main entrance road, the adjoining car park of the restaurant and there will be at least 14 dwellings facing directly towards the open space giving adequate surveillance of the open space. The area of open space extends across the estate

road and provides a footpath link onto Golf House Lane to the south and will provide a wildflower meadow of open space.

- 6.4.3 The developer has agreed to the provision of an enclosed equipped play area which has a mixture of formal and informal play equipment suitable for a range of ages. This would include a raised grassed earth mound with a slide, boulders for climbing, fallen log, balance posts and beam, monkey bars and a toddler swing. This area of land would be relatively close to the entrance of the development and would allow access from other residents in the village to utilise the facility as there is no play area in Prees Heath. The nearest facility being at Tilstock approximately 1km away along a country lane. The developer has indicated that proposed play area would be maintained by a management company which the residents of the dwellings would sign up to.
- 6.4.4 The proposed open space will be 3,848sqm, with only a minor shortfall of 232sqm. However, the proposed level of public open space provided on site, together with the play area and wild meadow and extensive tree planting will comply with the requirements for open space under policy MD2 of the SAMDev Plan and no objection has been received from the Recreation Team. Prees Heath does not have any designated formal public open space, although residents do utilise the Prees Heath Common which adjoins the settlement. The proposed-on site public open space and toddler and junior play area would help to benefit the proposed residential development and the wider community.
- 6.4.5 The proposed new vehicular and pedestrian access for the residential development off the A49 is only 67 metres away from Prees Heath Common. This covers an area of 21.68 hectares and is used by the local community for dog walking, running and exercise. This would provide a significant increase in available open space for all ages of residents to enjoy and is only a short walk from the development site. A pavement is available along the A49 to provide pedestrian access. The additional open space to the south of the site will incorporate a footpath linking into to Golf House Lane which emerges directly opposite the public footpath onto Prees Heath Common.
- 6.4.6 To the west of the development site is Golf House Lane which is classified as a bridleway and links up north to the Tilstock Road which is then only 800 metres away from the edge of Tilstock. There are also footpath links from the bridleway over the railway line to the west into Tilstock village. The Shropshire Way also passes the entrance to the development site and provides links to Whitchurch and Wem providing recreational options and access to the wider public rights of way.
- 6.4.7 This revised application now provides a significant increase in public open space and together with the designed play area and improved pedestrian links will be in line with current adopted policy MD2.

6.5 **Impact on Residential Amenity**

6.5.1

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

- 6.5.2 There are a number of residential properties close to the site. Sunnyside is a bungalow and the curtilage is located along half of the northern boundary, although the frontage of this property faces west onto Golf House Lane and the rear elevation faces east over its large private rear garden. The proposed layout will have seven dwellings facing this boundary with the rear elevation being between 10 and 12 metres away from the mature landscaped boundary and outbuildings within the curtilage.
- 6.5.3 The Golf House is also a bungalow and located to the south east of the site and faces directly towards the main A49. This dwelling has an enclosed driveway which wraps around the north and west boundary of this property. The proposed layout will position the Flogas tanks adjacent to the boundary, although these will be located underground and there is a mature evergreen hedgerow boundary screening this area.
- 6.5.4 The proposed properties along the southern boundary of the development site will have a rear elevation facing onto a paddock which backs onto Golf House Lane. There are three large properties to the west of the development site on the opposite side of Golf House Lane which are positioned over 21 metres away from the site boundary. The proposed layout will have nine dwellings facing this boundary with the rear elevation being between 10 and 12 metres away from the mature landscaped boundary.
- 6.5.5 Having regard to the layout, design and scale of the proposed dwellings in relationship to the neighbouring properties the development will not result in any significant overlooking or loss of privacy, cause an overbearing impact or result in loss of light.
- 6.5.6 The proposed access is in a similar position to the existing access and is adjacent to the main A49 road. The nearest property to this is The Golf House which is over 30 metres away to the south and is separated by its own enclosed access driveway and a side garden. The existing car park will be moved slightly away from the boundary with this property, whilst the existing evergreen trees along the boundary adjacent to the new access will be maintained. Having regard to the existing background noise levels and use of the road the proposed movement of vehicles from the development is not envisaged to create any significant increase in noise or disturbance.

6.6 **Impact from Noise**

- 6.6.1 A detailed Noise Assessment was been carried out on the previous application which indicated that during the daytime noise levels at the site are mainly dominated by road traffic movements from the A49 and A41. During the night time the road traffic movements are reduced, and noise is more associated with mechanical services

plant at the petrol filling station and the Prees Heath Fish & Chip restaurant which are located along the eastern boundary of the site. Noise monitoring was undertaken together with recommending insulation measures to help reduce the noise level within the dwellings. It has been confirmed that the acoustic performances in all of the habitable rooms across the proposed development can be achieved by the provision of standard double-glazed windows within 4mm glass, 12mm cavity and 4mm glass, together with standard hit and miss trickle ventilators. The proposed sound insulation scheme will be designed to meet the BS8233:2014 standard which is 35dB for living rooms and 30dB for bedrooms during the night time (sleeping purposes).

- 6.6.2 The British Standard for noise levels within external spaces that are used for amenity such as gardens and patios indicate a desirable level of 50dB with an upper guideline value of 55dB which would be acceptable in noisier environments. The Noise Assessment has indicated that noises level adjacent to the truck stop to the north of the site is between 54 and 57dB. However, following construction of the development, it is expected noise levels across the site would be attenuated due to the screening provided by the properties. Furthermore, the previous application was proposing to construct a two metre high acoustic fence along the northern boundary where the development site meets the truck stop and the eastern boundary where the development meets the petrol filling station and restaurant. The proposed noise levels in the gardens directly adjacent to the boundary would be lower than the 55dB guideline.
- 6.6.3 However, the mitigation measures proposed largely rely on providing noise insulation scheme which relies on windows being kept shut to achieve acceptable internal noise levels. Since the previous application the Planning Policy Guidance on Noise has been revised and now gives reference to the ProPG guidance on Planning and Noise (May 2017) which should now be taken into account when considering the effect of noise on new developments. This guidance indicates the importance of good acoustic design in mitigating the impact of noise and it highlights that relying on unopenable windows for achieving acceptable internal noise levels is considered a detriment to the amenity and is not generally acceptable. Further information has been submitted from the applicant's acoustic consultant which proposes that the acoustic fence along the northern boundary with the truck stop and to the rear of the convenience store/restaurant is increased to three metres and will prevent acceptable noise levels across the site for all properties.
- 6.6.4 Regulatory Services have assessed the noise report and additional information and have indicated that the site is a noisy environment that will require mitigation measures in order to achieve acceptable noise levels as defined by BS8233:2014. The report recommends mitigation measures that will enable the recommended noise levels to be achieved and a detailed mitigation scheme will have to be designed and implemented to ensure that these standards are met. A safeguarding condition is therefore proposed regarding acoustic specification of glazing, ventilation and boundary treatments across the site.

6.7 **Impact from Ground Gas**

- 6.7.1 A detailed Ground Conditions Assessment has been submitted which includes a Phase 1 Desk Study Report. No contaminants of concern above the relevant screen values have been identified that requires remediation. Regulatory Services have indicated that the consultants have undertaken a ground gas risk assessment based on two rounds of gas monitoring which is short of the industry best practice which suggests that gas protection is not required. They advise in the absence of any identified ground gas source or deposits of putrescible material during the site investigation they consider that it is unlikely that ground gas would present a significant constraint to the proposed development. However, the recommendation is that supplementary gas monitoring is undertaken having regard to NHBC and CIRIA Guidance due to the sensitivity of the development to prove this statement.
- 6.7.2 Further monitoring was undertaken between October 2019 and January 2020, on six occasions at all five gas monitoring installations that were constructed at the site in 2018. The further monitoring period encountered similar ground gas conditions to that of 2018. The Gas Screening Value calculated for carbon dioxide, corresponds with an NHBC and CIRIA classification of “Green”. This is indicative of a low gas regime and would not require the implementation of any specific protective measures for new residential developments. Regulatory Services have therefore confirmed that based on the results of the supplementary gas monitoring the development does not require any gas protection measures being implemented.

6.8 Highways

- 6.8.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.8.2 The application has been accompanied by a detailed Transport Statement and Stage 1 Road Safety Audit. The proposed development provides a new improved access onto the main A49 Whitchurch Road just south of the main roundabout junction with the A41. This improved access will serve both the existing restaurant and convenience shop and the proposed residential development. The proposed junction will provide a turning radius of 10 metres which will accommodate all vehicles including service vehicles, whilst visibility splays of 2.4 metres by 104 metres in a northern direction up to roundabout and 2.4 metres by 215 metres in a southern direction can be provided. The access and visibility fully satisfy the design standards for priority junctions which access onto 60 mph roads as set out within the Design Manual for Roads and Bridges.
- 6.8.3 The Transport Statement has reviewed the accident incidents which have occurred in the vicinity of the site entrance for the past five years which includes the A49 that operates past the site entrance; the A41 which approaches to the A41/A49 roundabout; and local roads. A total of seven incidents occurred in the vicinity of the

site and all the findings did not appear to provide any underlying trend for accidents which would otherwise indicate the condition and layout of the existing road network is unsafe. No incidents involved vehicle collisions with pedestrians or cyclists, and no collisions occurred during conventional weekday peak periods indicating there are no underlying issues associated with non-motorised users or accidents linked to congestion.

- 6.8.4 The site is located within easy walking distance from and to the village of Prees Heath. Whilst being of rural character, Prees Heath village does contain a range of services and facilities as it situated at the intersection of two major road corridors and benefits from roadside services that can be utilised by residents of the development site. All of these services fall within a 4 minute walk from the proposed development site entrance including the petrol filling station including convenience food (80 metres); two Truck stop cafeterias (200 metres); an Indian restaurant (280 metres); The Raven public house (300 metres); and Tilstock Road bus stops (300 metres). There is pedestrian and cycle infrastructure in the immediate vicinity of the site entrance with footways connecting between the site entrance to the north towards facilities located within Prees Heath.
- 6.8.5 Officers are aware that Tilstock village is the nearest settlement with a different range of services and that it has no pedestrian footpath from Prees Heath for children to walk to school or to reach recreation facilities. However, not all rural settlements provide all the necessary day to day essential services and it is recognised that settlements have to rely on shared facilities and that there may be a necessity for using a vehicle for accessing some services. However, Tilstock is only 1 mile down a country lane and would be easily accessible by cycle.
- 6.8.6 The proposed estate roads will provide adequate width for passing vehicles and turning heads for refuse vehicles, together with 1.8 metre wide pavements for pedestrians and crossing points. All of the dwellings will be provided with driveways for a minimum of two car parking, whilst a number of the properties will also have secure garages.
- 6.8.7 The Council Highways consultants have not raised any objection to the application subject to a number of safeguarding conditions which relate to full engineering details of the design and construction of new roads, footways, accesses, street lighting and disposal of highway surface water be submitted for approval; a phasing plan to agree that the new access and car parking are provided as a first phase to ensure that the development traffic is not affected by the restaurant patrons; and that a Construction Management Plan and Method Statement are submitted in the interest of highway safety.
- 6.9 **Impact on Trees**
- 6.9.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. A detailed Arboricultural Impact Assessment and Landscape Strategy Plan has been submitted which indicates three mature 'B' category trees (1 Birch and 2 Oak) are to be lost

and mitigation planting is required. The Council Tree Officer has recommended that one large long-lived tree (such as oak, lime or sweet chestnut for example) should be provided for every 24 bed spaces. Large trees such as these should be planted on communal space rather than enclosed within private gardens. Recommendations have also been made to the smaller scale ornamental trees within the front gardens. A revised Landscape Strategy Plan has been submitted indicating tree species in line with the Tree Officers recommendations and that the large long-lived trees will be accommodated within the open space. Native hedgerows will be planted around the open space adjacent to the petrol filling station and restaurant, together with along the rear gardens on the southern boundary adjacent to the paddock. The exact details of the landscaping will be controlled by a soft and hard landscaping condition.

6.10 Ecology

- 6.10.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in Section 15 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.10.2 Natural England have indicated that the proposed development is in close proximity to Prees Heath SSSI which is a remnant of the formerly extensive lowland heaths of North Shropshire. The site is especially important for its population of the nationally scarce Silver-studded blue butterfly and is the last surviving Midlands colony of this butterfly. The site also supports an interesting mix of acid grassland, neutral grassland and scrub habitats. The SSSI forms part of the larger Prees Heath Local Nature Reserve (LNR) which totals 60 ha in area. The SSSI is currently in an unfavourable condition with 84.41% of its area considered to be 'Unfavourable – Recovering' and 15.59% considered to be 'Unfavourable – Declining. Current issues experienced by the SSSI relate to use of the site for recreation (presumably walkers), and in particular dog fouling. Concerns have been raised that the proposed development will provide a number of new residents to the vicinity of the site with a restricted open space provision and will lead to residents using Prees Heath. Natural England have indicated that options for mitigating the potential recreational impacts may include improved links to the wider countryside to the west of the development site or contributions to the management of the Prees Common nature reserve.
- 6.10.3 The developer's ecologist has indicated that up to 26% of the households may own a dog which would equate to 11 additional dogs in the neighbourhood. It has been indicated that with pedestrian access being provided from the development site onto Golf House Lane (a public right of way) it is likely that a lesser number would be

walked across the SSSI as some owners may not wish to cross the A49 road. Although Officers have concerns that specific evidence has not been provided to demonstrate that this would be the case, clearly Prees Heath Common is a large area of open space in which dog owners would welcome the area in which to exercise them off the lead. However, of the dog owner who do chose to access Prees Heath Reserve it is considered likely only a small number will not pick up after their dog. Wet dog faeces contain nitrogen, phosphate and potash which can cause an influx of these nutrients and particularly nitrogen into the soils which can increase soil fertility levels. In relation to heathers which require low soil fertility it can be detrimentally alter the growing conditions for plants and ultimately impact the populations of butterflies and other organisms which rely on them.

6.10.4 The developer's ecologist has indicated that any impact is likely to be very low with any slight increases in nutrient levels likely to be undetectable in the growth rates of plants and as such the impact on the Silver-studded blue butterfly is also likely to be undetectable. However, the developer's consultant has been in discussion with the Prees Heath Reserve Officer who has indicated that there is a Draft Management Plan which the developer can contribute towards. Comments have also been received from the Head of Serves for the Butterfly Conservation Trust who has indicated that the reserve is currently under an Environmental Stewardship agreement and that any supplementary funding would be compliant with the scheme obligations. The developers have negotiated a contribution payment of £3,500 for the purposes of enhancing the Prees Common Reserve which will include the following:

- Upgrading of two nature reserve information panels
- Reprinting with minor amendments of nature reserve leaflet highlighting new access points
- Provision of an additional nature reserve leaflet box
- Provision of two green oak backless benches on the nature reserve
- Provision of two raptor bird boxes.

6.10.5 The developer has included a dog waste bin on the public open space on site, which has now been increased in size to 3,848sqm, with the number of homes reduced to 43. A dog waste bin has also been included adjacent to the footpath link heading west from the site, to encourage dog walkers to use the footpaths in this area too (away from the SSSI). In addition, they are prepared to include leaflets educating people about their impacts on the SSSI and things to do to minimise this in the homeowners' packs.

6.10.6 Brown Moss is an internationally designated site 1.3 km to the north as the crow flies and the proposed development has the potential to adversely affect the nature conservation. Increased recreational pressure (especially from dog walkers) has been identified as a damaging factor in the Local Plan Habitats Regulation Assessment. Any development which may affect an international site, either alone or in-combination with other plans or projects must be subjected to a project level HRA by the Local Planning Authority. However, in view of the close proximity of the Prees Heath SSSI and nature reserve, and the mitigation measures detailed above,

together with the increase in open space within the development it is unlikely that significant numbers of visits will be made to Brown Moss as a result of this development. A Habitats Regulation Assessment has been undertaken which has concluded that the development will not adversely affect the integrity of the Brown Moss SAC and Midlands Meres and Mosses Ramsar Site Phase 1, either alone or in-combination with other plans or projects, providing the development is carried out accordance to the details submitted, and any legal undertakings are entered into to secure the mitigation measures detailed above.

- 6.10.7 Natural England have been consulted on the Habitats Regulation Assessment and their comments must be taken into account before a planning decision can legally be made. If Natural England raise concerns that the mitigation measures are not satisfactory for the lifetime of the development, then the Ecology Team have confirmed that the application should be refused as there would be an adverse effect on the integrity of Brown Moss. (The HRA is attached as appendix 2 to this report).

6.11 **Drainage**

- 6.11.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. The application indicates that surface water will be drained using SuDs that infiltrate using soakaway and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommended that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

6.12 **Flooding**

- 6.12.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance contained in Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework. A detailed Flood Risk Assessment has been submitted which has indicated that the proposed site is within Flood Zone 1 "Very Low Risk" and therefore the site is not at risk from fluvial flooding, although the development should mitigate the risk of surface water flows with the use of appropriate drainage and SuDS techniques. With the appropriate level of on-site attenuation using a range of SuDS techniques the proposed development will reduce the risk of flooding and will not impact on the surrounding area. It is proposed that surface water flows will be kept on-site, and permeable SuDs used to discharge

the flows into the ground. It has been concluded that the development will be low risk of flooding.

6.13 **Impact on Mineral Extraction**

6.13.1 The site is located in in a sand and gravel mineral safeguarding area and policy CS20 ‘Strategic Planning for Minerals’ of the Shropshire Core Strategy and policy MD16 ‘Mineral Safeguarding’ of the SAMDev Plan both seek to ensure that any non-mineral related development will not sterilise the resource. The application site is only 1.72 hectares in area and surrounded by existing development and therefore the amount of mineral available at the site is clearly limited and modest in amount if indeed it is present at the site. Therefore, it is not likely to be viable to extract it. Furthermore, given that the development is surrounded by residential development the ability to extract any minerals would be highly unlikely given the impact doing so would have on the adjacent residential dwellings. A petrol filling station directly abuts the site to the east, extraction of any minerals given this sensitive use is therefore not considered to be feasible.

6.14 **Community Infrastructure Levy**

6.14.1 Policy CS9 ‘Infrastructure Contributions’ of the Shropshire Core Strategy indicates that development that provides additional dwellings or residential extensions over 100 square metres should help deliver more sustainable communities by making contributions to the local infrastructure. The arrangements for the use of the levy funds are detailed in the Local Development Frame Implementation Plan. The Community Infrastructure Levy will only relate to the open market dwellings.

6.15 **Education**

6.15.1 Shropshire Council Learning and Skills have indicated that both the local and secondary schools are forecast, with housing development, to be oversubscribed by the end of the current plan period. With future housing developments in the area it is forecast that there will be additional strain on capacity and therefore it is essential that the developer of this new housing contributes towards the consequential cost of any additional places or facilities considered necessary to meet pupil requirements in the area. The 23 open market dwellings will be subject to a Community Infrastructure Payment and the educational provision will be secured from this. However, the developer is prepared to pay a financial contribution on the 19 affordable dwellings. The Shropshire Council Learning and Skills have indicated that on 19 dwellings this would produce an expected pupil yield of 4 primary school pupils, 3 secondary school pupils and 1 +16 pupil. Sir John Talbots School in Whitchurch has a sixth form. The total costs of the contribution would be £120,660 and would be secured via a Section 106 obligation (£52,460 primary, £51,150 secondary and £17,050 sixth form).

6.16 **Other Matters**

6.16.1

Concerns have been raised that the proposed development will become an area for unemployment and socially deprived individuals. No evidence has been submitted to justify this claim and the proposed dwellings will be private ownership homes which will be occupied by residents who are in employment and will not be rented accommodation.

- 6.16.2 Concerns have been raised that the proposed development will result in a reduction in property values. No evidence has been submitted to justify this claim and unfortunately this is not a material planning consideration which can be taken into account in the consideration of this application.

7.0 CONCLUSION

- 7.1 Although the proposed development will provide an increase over and above the housing allocation for Prees Heath this is balanced against the real opportunity to provide a significant increase in affordable and low-cost home ownership within the Whitchurch rural area. The open market dwellings will be modestly priced and bridge the gap between the much larger and more expensive detached properties which have been built within the settlement and local area over the recent years. The layout, scale and design of the dwellings is similar to other developments approved within rural settlements and will respect the built-up frontage along the main A49 and will not be viewed in a highly prominent location. The dwellings will respect neighbouring properties and will not result in any significant detrimental impact from either overlooking or loss of privacy, causing an overbearing impact or loss of light. Whilst vehicle movements will not result in any significant increase in noise and disturbance.

- 7.2 The revised layout of this application now provides adequate open space which includes the provision of an onsite play area which will not only benefit the residents of the development, but also the wider community. Additional tree and hedgerow landscaping is provided which will enhance this area and provide ecological benefits. The proposed highway network has sufficient capacity to accept the modest increase in traffic from this development, whilst the improved access for vehicles and pedestrians will not result in any highway or pedestrian safety issues. Adequate off-street carparking is provided, together with manoeuvring space for refuse collection. Adequate ecology mitigation is proposed so that the development will not impact upon the Prees Heath SSSI or the larger Prees Heath Local Nature Reserve

- 7.3 This application will be subject to a Section 106 obligation which will include the following provisions:

- The affordable dwellings are sold with a maximum sale price which is no more than 80% of the open market value or being no more than four times the median local income.
- Financial contribution of £3,500 to be transferred to the Prees Heath Common Reserve Butterfly Conservation Group for ecology mitigation in relation to impact on SSSI.

- Provision of two dog bins including the maintenance and emptying for the lifetime of the development.
- Provision of leaflets educating people about their impacts on the SSSI and things to do to minimise this in the homeowners' packs.
- Financial contribution of £120,660 for education.

7.4 In weighing up all the material considerations as discussed in this report, and the provision of affordable housing as indicated, on balance it is recommended that this application is delegated to the Planning Services Manager for approval subject to the completion of a satisfactory Section 106 obligation as indicated above and no objections being raised following the re-consultation with Natural England on the Habitats Regulation Assessment. (see appendix 2).

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced

against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

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

National Planning Policy Framework:

Shropshire Council Core Strategy (February 2011):

CS1 : Strategic Approach

CS4 : Community Hubs and Community Clusters

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

CS20 : Strategic Planning for Minerals

Supplementary Planning Document - Type and Affordability of Housing

Site Allocations and Management Development Plan (December 2016):

MD1 : Scale and Distribution of Development

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment
MD13 : Historic Environment
MD16 : Mineral Safeguarding
S18 : Whitchurch

10.2 Relevant Planning History

19/02203/FUL - Erection of 48 dwelling houses (23 open market and 25 affordable) including new vehicular access, public open space and associated infrastructure (amended description). Refused 13th November 2020. This application is now subject to an appeal.

NS/87/01004/OUT - Erection of motel and alteration to existing access. Granted 26th February 1988.

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 20/05125/FUL

Cabinet Member (Portfolio Holder) - Cllr Ed Potter

Local Member - Cllr Gerald Dakin

Appendices

APPENDIX 1 - Conditions

APPENDIX 2 - Habitat Regulation Assessment

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
Reason: To ensure that the external appearance of the development is satisfactory.
4. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs
5. Details of the proposed children's equipped play area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The agreed play equipment shall be implemented in full prior to the occupation of the 24th dwelling.
Reason: To ensure satisfactory provision amenity space for future occupiers of the dwellings.
6. The construction and surfacing of the proposed footpath links onto Golf House Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied
Reason: To ensure satisfactory provision for pedestrian access to local services.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

7. No development shall take place until full engineering details of the design and construction of any new roads, footways, accesses, street lighting together with details of the disposal of highway surface water have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be constructed to minimum basecourse construction before any dwelling is first occupied.
Reason: To ensure a satisfactory access to the properties.
8. Before any other operations are commenced, the proposed vehicular access, visibility splays and amended restaurant parking arrangements shall be provided and constructed in accordance with a construction phasing plan to be submitted to and approved in writing by the Local Planning Authority; thereafter, the access to serve the residential land shall be completed in accordance with the approved details and construction phasing plan.
Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.
9. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) and Method Statement shall be submitted to and approved in writing by the Local Planning Authority; the CTMP and Method Statement shall be in force for the duration of the construction of the development.
Reason: In the interests of highway safety.
10. 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

11. A scheme detailing the acoustic specification of boundary treatments, glazing and ventilation across the development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be based on the findings of the noise assessment by 'Spectrum Acoustic Consultants - Report RK3181/18106 dated 5th May 2021. The development shall be carried out in accordance with the approved details and acoustic scheme shall be installed prior to first occupation of the dwellings and retained thereafter.
Reason: To protect residential amenity.
12. Prior to first occupation the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

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

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

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

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

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

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

APPENDIX 2

Habitats Regulations Assessment (HRA)

1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the *Land Adjacent To Golf House Lane, Prees Heath, Shropshire (20/05125/FUL)* project, undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

The following consultee responses from SC Ecology should be read in conjunction with this HRA:

GolfHouseLane19.02203 and GolfHouseLane19(2).02203)

These are also available on the planning website:

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

Date of completion for the HRA screening matrix:

24 March 2021

HRA completed by:

Suzanne Wykes
Specialist Practitioner (Ecology)
Shropshire Council

2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Name of plan or project	<p>20/05125/FUL <i>Land Adjacent To Golf House Lane, Prees Heath, Shropshire</i></p> <p>Erection of 43 dwelling houses (24 open market and 19 affordable) including new vehicular access; public open space and children's play area; landscaping; and associated infrastructure</p>
Name and description of Natura 2000 sites	<p>Brown Moss SAC and part of the Midland Meres and Mosses Ramsar site Phase 1.</p> <p>Brown Moss (32.02ha) is a series of pools set in heathland and woodland. The site is of special importance for the marsh, swamp and fen communities associated with the pools which occupy hollows in the sand and gravel substrate. It is designated as a SAC on account of the presence of an Annex II species on the Habitats Directive, namely floating water-plantain <i>Luronium natans</i>.</p> <p>Ramsar Criteria:</p> <p>Criterion 1a. A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog.</p> <p>Criterion 2a. Supports a number of rare species of plants associated with wetlands.</p> <p>Criterion 2a. Contains an assemblage of invertebrates.</p> <p>Conservation objectives of Brown Moss SAC</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of qualifying species • The structure and function of the habitats of qualifying species • The supporting processes on which the habitats of qualifying species rely • The populations of qualifying species, and, • The distribution of qualifying species within the site.
Description of the plan or project	Erection of 43 dwelling houses (24 open market and 19 affordable) including new vehicular access; public open space

	<p>and children's play area; landscaping; and associated infrastructure</p> <p>The following potential effect pathways have been identified:</p> <p>Recreational Pressure</p> <ul style="list-style-type: none"> • Increased nutrients derived from dog faeces and urine damaging nutrient poor habitats and the dependant <i>Luronium natans</i> • Increased physical damage to habitats through walkers and dogs, including swimming in the water. • Increased risk of introducing invasive species, via footwear, equipment and dogs. • The above potential impacts compromising the 'restore' objective.
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<p>The SAMDev Plan and Local Plan Review both identify site allocations which lie within the Zone of Influence of Brown Moss (estimated to be 3.4km from the site derived from onsite visitor surveys). These allocations and any windfall sites would act in combination with the Golf House Lane project.</p>

2.2 Description of the project

The proposed development consists of 43 dwellings on a 1.72 hectare site, 1.19km from Brown Moss as the crow flies. The proposed development would also be 67 m to the north west of Prees Heath SSSI: a 21.68 ha nature reserve designated for its remnant lowland heath. The SSSI forms part of the larger Prees Heath Local Nature Reserve (LNR) which totals 60 ha in area.

Further details and associated documents are published on the Shropshire Council public website:

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

2.3 Consultations

Natural England has been consulted on this application, which is a revised scheme on the same site as for a previous application (19/02203/FUL). NE's initial response to the previous application was to require additional information on the impacts of recreation on the Prees Heath SSSI, advising mitigation measures may include improved links to the wider countryside to the west of the development site or contributions to the management of the Prees Common nature reserve. NE did not raise concerns over Brown Moss SAC or Ramsar Site.

For this current application, Natural England stated that 'the proposal is not directly connected with or necessary for the management of the European site. Your authority (i.e. SC) should therefore determine whether the proposal is likely to have a significant effect on any European site.' And, also later in the same letter that 'the application is a revised version of a similar application at the same site which was subject to a Habitat Regulations Assessment. This assessment concluded that with mitigation measures in place the proposal would not have an adverse effect on the integrity of international sites to which Natural England concurred.'

2.4 Current baseline

Brown Moss consists of a series of pools set in heathland and woodland and is designated as a SAC specifically for its population of Floating Water Plantain *Luronium natans*. The latest record of Floating Water-plantain at this site dates from 2006. Annual surveys take place for the species and it is known to appear after absences if management is favourable. Brown Moss is also part of the Midlands Meres and Mosses Ramsar Phase 1. SSSIs within the Ramsar Site were chosen for their range of natural or near-natural wetland habitats and associated rare plant and invertebrate assemblages. Of these wetland habitats, Brown Moss supports open water, swamp, fen and basin mire.

Recreation impacts are not mentioned as a pressure or threat in the Site Improvement Plan for Brown Moss (Natural England 2014). However, Natural England expressed concern over recreation impacts as part of the consultation with NE over the SAMDev Plan in 2014.

Brown Moss is owned by Shropshire Council, is a Countryside Heritage Site, Common Land and has been declared Open Access Land. Hence there is full public access to the site. There is a network of unsurfaced paths and tracks and boardwalks around pool 6. The Shropshire Council Brown Moss Management Plan 2014 - 18 states that the site is popular for quiet recreation such as walking, bird watching, dog walking and feeding the wildfowl. It is often used by people parking in the car parks and on the roadside in the evening. Occasionally horse riders have been spotted and local youths have been known to ride motorbikes around the site.

Luronium natans and other wetland habitats and plants could be sensitive to increased visitor pressure through a number of means:

- Direct disturbance (swimming of dogs, trampling by people),
- Eutrophication of water and surrounding habitats, particularly around pool 6,
- increased risk of non-native and/or invasive plant introductions,
- Visitors creating makeshift bridges in wetter woodland areas with logs, affecting the flow of water to the pools and
- Visitors preventing appropriate management of the site designed to restore the designated features (e.g. grazing).

Face to face visitor questionnaire surveys using a standard methodology were carried out at Brown Moss in August and September 2017. The results suggest that baseline recreational pressure is relatively low, at around 3 people per hour (averaged over the year) and 16,060 people per year. Dog walking was the most commonly cited reason for visiting (75.4%), and the majority of dog walkers said their dog(s) were let off the lead (70.2%). Just over a quarter of dog-owning groups (25.5%) said their dogs strayed off the main paths, but only four (8.5%) said their dogs went into the water. The study proposes an indicative catchment area of 3.4km (75% of visits) from Brown Moss, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site. The number of proposed dwellings in the local Plan Revue to 2038 are c. 1200 within this catchment or 'zone of influence'.

The report concluded that although any increase in visitor pressure is likely to be small, the sensitivity of the site means that the possibility of significant adverse effects in combination with other pressures on the site's structure, function and integrity cannot be ruled out. A likely significant effect from the proposals in the DLP cannot be ruled out and impact avoidance measures are required.

2.5 Initial screening for likelihood of significant effects on European Sites

Likely significant effect pathways have been identified and EU sites have been screened against these to identify which sites could be adversely affected.

Table 2 – Initial screening for likelihood of significant effects

European designated site	Distance from project site	Site vulnerability	Potential Effect Pathways
Brown Moss SAC Midlands Meres and Mosses Ramsar site Phase 1	1.3km	Colonisation by trees. Presence of invasives including <i>Crassula helmsii</i> and <i>Azolla</i> sp. Hydrological impacts. High phosphorus and nitrogen concentrations in groundwater and surface water feeding the pools. Public access preventing	<ul style="list-style-type: none"> Increased nutrients derived from dog faeces and urine damaging nutrient poor habitats and the dependant <i>Luronium natans</i> Increased physical damage to habitats through walkers and dogs, including swimming in the water. Increased risk of introducing invasive species, via footwear, equipment and dogs. The above potential impacts compromising the 'restore' objective.

		certain forms of restoration management. Ammonia concentration and nitrogen deposition Critical Levels and Loads exceeded.	Not screened out (in the absence of mitigation measures)
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2.6 Summary of Stage 1 screening

There are potential pathways for a likely significant effect between the development/project and *Brown Moss SAC and Ramsar site* in combination with other plans and projects.

Shropshire Council has sought more detailed information/mitigation measures from the applicant in order to consider if the development will have significant effects on the SAC and Ramsar sites (International Sites) or have an adverse effect on the integrity of these sites.

3.0 HRA Stage 2 Appropriate Assessment

3.1 Further assessment of recreation impacts

3.1.1 Predicted Impacts

A consultation response from the applicant's ecologists to Natural England regarding the previous planning permission outlined the predicted impact of additional dog owners and walkers accessing Prees Heath Nature Reserve from the development. (The impact of additional recreational pressures on Prees Heath Reserve have been assessed separately within the Ecological Impact Assessment). Using the same statistical information referenced in the consultation response, it can be assumed that of the 43 households proposed, around 26% of those are likely to own a dog¹ which equates to 11 additional dogs in the neighbourhood.

The nearest area of semi-natural habitat likely to be used by walkers and dog walkers lies 67 metres to the south of the development in the form of Prees Heath SSSI and Nature Reserve. Of these additional 11 animals, a lesser number would be walked across the SSSI/LNR, with some owners choosing not to cross the busy A49 road (at this point not a dual carriageway), instead preferring other routes. A public footpath lies immediately to the west of the development with direct access from the development. The Prees Heath SSSI and nature reserve is advertised on the internet by Shropshire Wildlife Trust

and Butterfly Conservation, including advice on where to park cars during a visit.

Although the development lies 1.19 km from Brown Moss as the crow flies, it would be c. 4.5 km by car journey due to the presence of a dual carriage way and central reservation across the access road to the development. Anyone wanting to access pedestrian routes to Brown Moss would have to cross the A49 where it is dual carriageway with a central reservation, and residents would more likely utilise Prees Heath and the open space provided within the development, preferentially to Brown Moss.

1 Statista Website. <https://www.statista.com/statistics/308218/leading-ten-pets-ranked-by-household-ownership-in-theunited-kingdom-uk/>
Accessed 8th August 2019.

3.1.3 Counteracting (mitigation) measures

In order to protect the Prees Heath SSSI, which residents are considered will preferentially use over brown Moss, the applicant's ecologist has been in contact Mr John Davies, Head of Reserves for the Butterfly Conservation Trust (managers of the SSSI and wider common) A significant programme of mitigation and enhancement measures has been agreed to be incorporated into the scheme. The proposed mitigation and enhancement measures are designed to work in conjunction with the draft Prees Heath Common Reserve Management Plan 2019-2023 authored by the Butterfly Conservation Trust. A contribution of £3,500 from Gleeson Development Ltd will be made to the Butterfly Conservation Trust to support aims and objectives for the Reserve set out in the Management Plan. Having carefully reviewed the Management Plan, the Gleeson contribution will be targeted at specific items including:

- Upgrading two of the Reserves information panels;
- Reprinting (with minor amendments) of the Reserve leaflet highlighting new access points;
- Provision of an additional Reserve leaflet box;
- Provision of two green oak backless benches on the Reserve; and,
- Provision of two raptor bird boxes.

In addition, the applicants have included two dog waste bins: one located adjacent to the footpath link to the west of the site and the second in the public open space, close to the entrance of the site in the east. Provision will also be made for their emptying and maintenance for the lifetime of the development. Leaflets will also be provided to each homeowner as part of a homeowner pack. The leaflet shall explain a resident's potential impact on the Prees Heath SSSI and the measures that may be taken to minimise such impacts. These leaflet to be provided prior to First Occupation of each Dwelling. Finally, a combined Construction Ecological Management Plan (CEMP) and Biodiversity Management Plan (BMP) will be provided to Shropshire Council prior to commencement of construction. The CEMP and BMP will consider relevant

comments made within the Ecology Consultation Response (Ref: GolfHouseLane19 (2).02203). The mitigation measures outlined above will be secured in a Unilateral Undertaking.

Assessment of Adverse Effects Alone

With the detailed mitigation measures as identified in section 3.1.3 above in place, there will be no adverse effect on site integrity alone. Residents are predicted to utilise Prees Heath and the open space provided within the development, preferentially to Brown Moss, leading to very few visits to Brown Moss which are not considered to be at a level to affect the integrity of the site.

Assessment of Adverse Effects in-combination

Given the nature of the potential sources of effect resulting from the proposed scheme considered alone, LSEs from increased recreational pressures are only likely to arise in-combination with other projects located in relatively close proximity to the proposed scheme. A search for other plans or projects within 2km of Brown Moss SAC and submitted within the last two years was made, which may give rise to LSE in-combination with the proposed scheme. This search identified a number of small housing schemes in Whitchurch none of which required a HRA.

A large scheme, 1.7 km north west of Brown Moss SAC and Ramsar Site, was granted outline planning permission in 2014 for approximately 500 homes on land to the west of Tilstock Road, Whitchurch (Planning Application Reference: 13/05077/OUT). A HRA was produced for this scheme which currently has four development phases. Due to the provision of adequate public open space, it was concluded that this would not likely lead to a large increase in recreational pressure on European sites.

The HRA therefore concluded that there were no pathways for a significant effect and that there would be no significant effect on the integrity of the Reserve. Most of the other projects identified either did not require an HRA or it had been agreed with Natural England that there was no potential for LSE.

Residual effects from the development and from other projects identified for in-combination assessment are not considered have an adverse effect on site integrity.

3.4 Securing of mitigation measures

A unilateral undertaking is proposed to secure the mitigation measures as detailed within section 3.1.3 above.

4.0 Summary of HRA Screening Appropriate Assessment including counteracting measures

The appropriate assessment of the project has been carried out, including counteracting (mitigation) measures and conditions and legal agreements have been agreed with the applicant.

Table 4 – Summary of HRA conclusions

EU Site	Effect pathway	HRA conclusion
Brown Moss SAC	<ul style="list-style-type: none"> • Increased nutrients derived from dog faeces and urine damaging nutrient poor habitats and the dependant <i>Luronium natans</i> • Increased physical damage to habitats through walkers and dogs, including swimming in the water. • Increased risk of introducing invasive species, via footwear, equipment and dogs. • The above potential impacts compromising the 'restore' objective. 	No adverse effect on site integrity alone or in-combination.
Midlands Meres and Mosses Ramsar Site Phase 1	As above.	No adverse effect on site integrity alone or in-combination.

5.0 Final conclusions

Following Stage 1 screening, Shropshire Council concluded that the proposed development is likely to cause significant effects on the Brown Moss SAC and Midlands Meres and Mosses Ramsar Site Phase 1 alone, through the listed pathways detailed in this HRA. Shropshire Council has carried out an Appropriate Assessment of the project, considering further information and counteracting (mitigation) measures.

The Appropriate Assessment concludes that the proposed works under planning application reference 20/05125/FUL Land Adjacent To Golf House Lane, Prees Heath, will not adversely affect the integrity of the Brown Moss SAC and Midlands Meres and Mosses Ramsar Site Phase 1, either alone or in-combination with other plans or projects, providing the development is carried out accordance to the details submitted, and any legal undertakings are entered into to secure the mitigation measures detailed above. A planning decision can be made on this basis.

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Committee and Date
 Northern Planning Committee
 8th June 2021

Item
6
 Public

Development Management Report

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

Summary of Application

Application Number: 20/04347/FUL	Parish:	Moreton Say
Proposal: Erection of a single storey local needs dwelling including new access and detached garage		
Site Address: Proposed Local Needs Dwelling NW Of New Street Lane Farm New Street Lane Market Drayton Shropshire		
Applicant: Mr & Mrs R & A Yeomans		
Case Officer: Sue Collins	email : planning.northern@shropshire.gov.uk	

Grid Ref: 363534 - 337042

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

Recommended Reason for refusal

1. Whilst the applicants may have met the criteria for an affordable dwelling, its siting is not considered to be within or adjacent to a recognised settlement. Therefore the proposal fails to comply with planning policies CS5 and CS11 of the Core Strategy, policy MD7a of SAMDev Plan along with the aims of the National Planning Policy Framework (NPPF) and the adopted Type and Affordability of housing SPD 2012.

2. The proposed development is to be sited within close proximity of a Grade II listed building. No Heritage Impact Assessment has been provided with the application to identify the potential harm to the character and setting of this listed building. Therefore the scheme is contrary to the NPPF, policies CS17 and MD12 of the Shropshire LDF, and Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

REPORT**1.0 THE PROPOSAL**

1.1 This application seeks planning permission for the erection of a single local needs dwelling which includes the creation of a vehicular access and the erection of a detached garage.

1.2 During the course of the application amended plans were received and it is on the basis of these amended plans that this report is written.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a corner plot at a junction of a single track lane with another public road.

2.2 The area is bounded on all sides by mature hedgerows with an existing access off the single track lane. There are no buildings adjacent to this site with the nearest being the existing farmhouse and associated agricultural buildings which are on the opposite side of the highway. The farmhouse is a grade II listed building.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The recommendation of the Parish Council is to support the proposal. In addition the Chair and Vice- Chair of the Northern Planning Committee considered that material planning issues had been raised by the Parish Council which warrant Committee consideration.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online

4.1 **Consultee Comments**

4.1.1 **Parish council:**

Response received 14.05.21

Moreton Say Parish Council reiterates their full support of this planning application for these long-standing parish residents. The Council agrees with the statements within the memo from Shropshire Council's Communities and Housing Policy Team which confirms that the applicants meet all the criteria required for this proposed affordable housing and meets a local need. The Council also unanimously agreed that the revised drawings, put together by the architect who overs much of the work undertaken on the neighbouring Cloverley and Shavington Estates, will be more in keeping with the adjacent grade 2 listed farmhouse.

Response received 27.11.20

Moreton Say Parish Council fully supports this planning application.

4.1.2 **Affordable Housing Team:** No objection

I can confirm that Mr and Mrs Yeomans have demonstrated strong local connections to the Moreton Say Parish Council local administrative area. After considering the couples housing needs and personal circumstances, I can confirm that the requirements of the Supplementary Planning Document in relation to the 'build your own affordable home scheme' have been satisfied.

The Local Housing Need elements of this application were established as follows from information presented to the Housing Enabling and Implementation Team in November 2020.

Mr and Mrs Yeomans currently live within the Parish. Their current home will not meet future requirement due to health issues; a single storey property will be required.

In a letter dated 27th July 2020 Moreton Say Parish Council were able to confirm Mr Yeomans strong local connection to the Parish.

As part of the couple's application medical details and supporting information has been provided along with details regarding the running and management of New Street Lane Farm.

From financial information provided the couple are unable to purchase a suitable single storey property in the immediate area due to availability and cost, this is due to a lack of lower cost smaller affordable properties available locally.

Therefore, Mr and Mrs Yeomans have demonstrated housing need, strong local connections and a need to live in the local area. Moreover, due to issues of affordability and availability they are unable to meet their own housing need within the parish without assistance from this policy.

4.1.3 **Conservation Officer:** Objection

Our previous comments raised concerns over the lack of supporting information in the form of a heritage impact assessment, as well as the impact of the proposed dwelling on the character and setting of the listed farmhouse opposite.

Furthermore, its design, siting and appearance were also considered to be overly suburban and contribute to the detrimental impact on the rural locality and the setting of the historic farmhouse.

The proposal is still on the same plot of land opposite the listed farmhouse, though it is acknowledged that attempts have been made to redesign and site the dwelling with the intention of replicating a single storey barn structure. However,

this hasn't been informed by any supporting information, i.e. heritage impact assessment and design rationale, and it is still considered that the layout, character and appearance of the proposal is overly domestic and doesn't closely reflect the typical single storey agricultural buildings or their relationship with a primary farm building. Design issues are present including triple paned windows and a lack of overall fenestration variation, inclusion of arched header detail just below eaves where this should be simplified and include corbel detail with eaves sitting just above windows, layout including detached garage, turning head, main building sitting in the middle of the plot etc.

Notwithstanding the potential for amending the scheme further, concerns would still be raised over the development of this plot and particularly given the open, isolated and loose knit nature of the area where this would still be considered to be a contrived form of development which will impact the character and setting of the adjacent listed farmhouse. Whilst the design improvements are noted, it is nevertheless still considered that the proposal would create harm to the character and setting of the listed building. Whilst this would be less than substantial harm, and with further amendments could be considered at the lower end of this spectrum, it is nevertheless harm where this is considered within the context of paras 193, 194 and 196 of the NPPF where great weight is given to the conservation of the heritage asset. Furthermore, in terms of legislation special regard to the preservation the listed building and its setting, is required under Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Ecology: No objection

Great Crested Newts

There are no ponds within 100m of the proposed development. Greenscape Environmental has assessed the ponds within 100-250m of the site and has recorded them as having potential to support breeding great crested newts. Due to the distance from the site and size of the proposed development no further survey work has been recommended. A method statement approach should be followed.

Nesting Birds

The boundary vegetation has potential to support nesting birds. Any works to remove vegetation should be undertaken outside of the nesting bird season.

Bats

The site has the potential to support foraging and commuting bats. In order to ensure there is no negative impact a bat lighting plan should be conditioned. Conditions and informatives are recommended for inclusion on any planning permission which may be granted.

Highways: No objection – subject to the development being constructed in accordance with the approved details. Conditions and informatives are recommended for inclusion on any planning permission which may be granted.

The development proposes the erection of a local needs affordable dwelling for a family member in a corner plot of land directly opposite the farm's main buildings. The proposed access and parking arrangements are considered to be satisfactory for the development and the prevailing highway conditions. Subject to the inclusion of the recommended conditions on any planning permission which may be granted, it is considered that there are no sustainable Highway grounds upon which to base an objection.

Drainage: No objection.

4.2 **Public Comments**

4.2.1 No letters of representation have been received.

5.0 **THE MAIN ISSUES**

- Policy and Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Ecology
- Drainage

6.0 **OFFICER APPRAISAL**

6.1 **Policy & 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. Since the adoption of the Council's Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF 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 constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The NPPF states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs. The Core Strategy allows for local needs affordable housing in or adjoining settlements of all sizes. Policy CS5 states that development will be expected to take place primarily in recognisable named settlements. SAMDev Plan policy MD7a states that suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements. The Supplementary Planning Document (SPD) on the Type and Affordability of Housing expands on the Council's approach to the provision of affordable housing within the County, providing for exception sites in locations that would not normally obtain planning permission for new housing development. The provision of affordable housing should be commensurate to the size of the community, its local economy and enabling local people to live in close proximity to their work and/or family support network. However it is necessary that applications for such housing meet the exception sites criteria as set out in the relevant policies, and the SPD stresses that 'exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement'. It states that sites that do not lie in a settlement, constituting isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable.

- 6.1.3 In this case the dwelling proposed is not located within or adjacent to a settlement and is detached from any other form of development. On the opposite side of the lane is located the farmhouse where the applicants currently live but are due to move out as family is moving into the farmhouse in order to run the business. The applicant is proposing to assist with the running of the business until he needs to retire however due to ill health the wife of the applicant will need care in the future. Support for the applicants is provided by the Council's Housing Officer. Therefore on this basis the applicants would gain the support of local family members and to be employed in local agriculture.
- 6.1.4 However, this does not overcome the issue regarding the provision of an affordable dwelling in a location that is not adjacent to or within a defined settlement. While there may be a pattern of development that would create the feeling of a settlement this is located some distance away to the north west along New Street Lane where there are a number of farms and dwellings in close proximity to one another.
- 6.1.5 In order to overcome the issue of the location a number of suggestions have been made by officers which include the conversion of an existing building on the farmhouse to create an annex to the main dwelling and also the erection of a building closer and more readily associated with the farm complex. This would be to minimise its visual impact.
- 6.1.6 As such it is considered by officers that the current location for the dwelling does not comply with the NPPF and adopted policies CS5, MD7a or the SPD on the Type and Affordability of Housing.
- 6.2 **Design, Scale and Character**
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. It states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution to their setting (para. 189). In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design. Also as the site is located within open countryside the proposal needs to be considered against policy CS5 of the Core Strategy.
- 6.2.2 The latest set of plans for the proposed dwelling other for a two bedroomed with open plan kitchen dining room and living room or area a separate utility and a detached garage. This is to be an L shaped structure and single storey in height. Externally the design has been kept relatively simple so as to blend with its surroundings.
- 6.2.3 However Conservation Officers have raised concerns about the application and

the design of the proposed building. As detailed above a heritage impact assessment should be provided as part of the application due to its location close to a listed building this would advise on any potential impact development would have on the character and appearance and the setting of the listed building. In addition, there are small details relating to the design of the proposed dwelling which the Conservation Officer has highlighted for potential amendment in order to improve the overall design of the building.

6.2.4 Given the lack of a heritage impact assessment as required by the NPPF and legislation relating to listed buildings and conservation areas officers are unable to support the proposed scheme. Any approval without such supporting documentation would be contrary to the adopted policy and current legislation.

6.2.5 In view of the above it is considered by Officers that the scheme is contrary to the NPPF and policies CS6, MD17, MD2 and MD13 of the Shropshire LDF. Also it falls short in the level of information required by Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

6.3 **Impact on Residential Amenity**

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

6.3.2 As highlighted above there are no residential properties within close proximity of the site and as such the development would not give rise to any loss of privacy or light as a result.

6.4 **Highways**

6.4.1 No objection has been raised by the Highways Development Control Manager in relation to this application. This is subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.

6.5 **Ecology**

6.5.1 The application has been considered by the Council's Ecologist and no objection has been raised subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.

6.5.2 In view of the above it is considered that the proposed development will not have a detrimental impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF policy CS17 of the Shropshire Core Strategy and policy MD12 of SAMDev

6.6 **Drainage**

6.6.3 No objection has been raised by the council's drainage engineer in relation to the proposed development. In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

7.0 **CONCLUSION**

7.1 Officers recognise that the applicants fulfil the criteria with regard to a single plot local needs affordable dwelling. However, the location of the proposed dwelling

does not comply with the adopted policies. In addition, the lack of supporting information in the form of a heritage impact assessment does not enable officers to fully assess the impact that the development would have on the historic environment of the area. While there is no objection in terms of highways, ecology and drainage these do not outweigh the objections raised by Officers in regard to the principle of the development. Therefore, taking the above into consideration Officers are of the opinion that the proposal is contrary to the NPPF, Development Plan policies CS5, CS6, CS11, CS17, MD2, MD7a, MD13 and the SPD on the Type and Affordability of Housing. In addition insufficient information has been provided to enable the requirements of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 to be met. Therefore it is recommended that planning permission is refused.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 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 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7A - Managing Housing Development in the Countryside

MD13 - Historic Environment

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

20/04347/FUL Erection of a single storey local needs dwelling including new access and detached garage PDE

20/04347/FUL Erection of a single storey local needs dwelling including new access and detached garage PDE

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Ed Potter

Local Member

Cllr Paul Wynn

Appendices APPENDIX 1 - Conditions

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Committee and Date
 Northern Planning Committee
 8th June 2021

Item
7
 Public

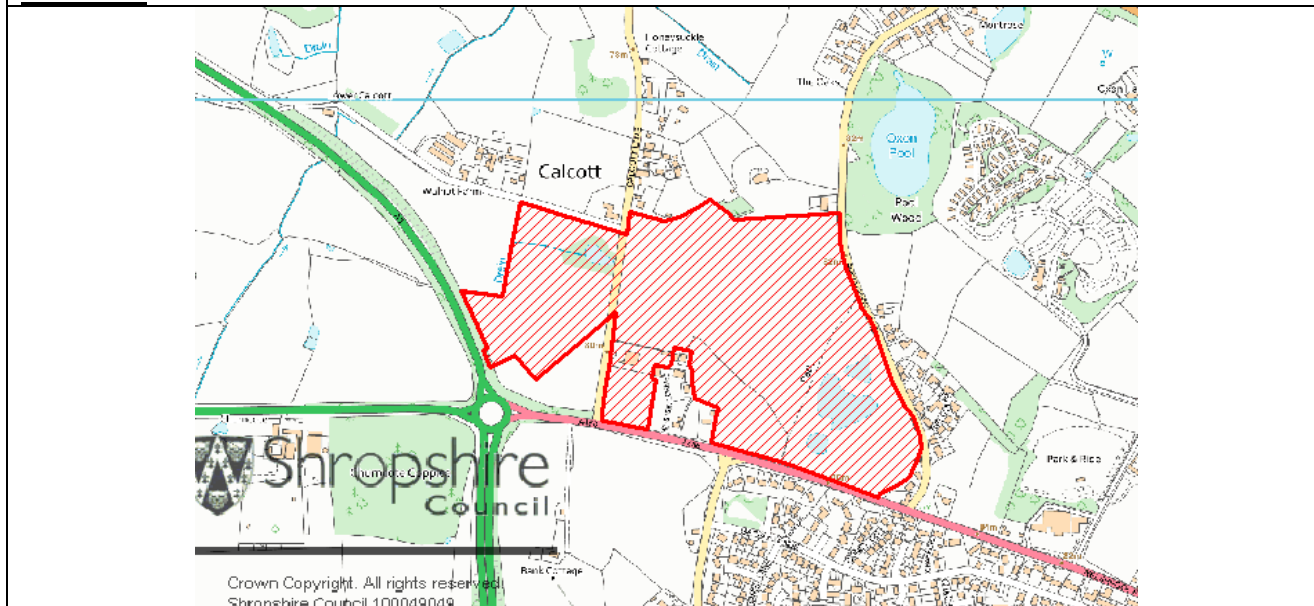
Development Management Report

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

Summary of Application

<u>Application Number:</u> 20/01957/FUL	<u>Parish:</u>	Bicton
<u>Proposal:</u> Mixed residential development of 340 mixed (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas. (AMENDED DESCRIPTION)		
<u>Site Address:</u> Development Land At Churncote Off Welshpool Road Bicton Heath Shrewsbury Shropshire		
<u>Applicant:</u> Barratt David Wilson Homes (Mercia)		
<u>Case Officer:</u> Philip Mullineux	<u>email</u> : planning.northern@shropshire.gov.uk	

Grid Ref: 345331 - 313496



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Recommendation: Approval subject to the conditions as outlined in appendix one and any modification to these conditions as considered necessary by the Planning Services Manager and the signing of a Section 106 agreement in accordance with the Town and Country Planning Act 1990 in reference to the points as outlined in paragraph 6.8.3 of this report.

1.0 THE PROPOSAL

- 1.1 The application is made in full and proposes a mixed residential development of 340 dwellings, (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas on land at Churncote off Welshpool Road, Bicton Heath, Shrewsbury.
- 1.2 The application was significantly amended during the application processing in order to give further consideration to the site layout and biodiversity issues which lead to a reduction from 345 to 340 dwellings and the retention of one of the ponds that has become established on site which represents a natural pond of ecological interest. Included in support of the application are a site location plan, layout plan, elevations and floor plans, design and access statement, planning statement, street lighting plan, flood risk assessment and drainage strategies, landscape and visual impact assessment, landscape master plan, tree retention/removal plan, planting species plan, boundaries treatment plan, ecological appraisal and supporting statements, transport assessment, travel plan, heritage statement, arboriculture assessment, noise survey, air quality assessment, construction environmental management plan, habitat management and maintenance plan, geo-environmental plan, boundaries materials treatment plan, phasing plan and a refuse layout plan.
- 1.3 The application proposes 240 dwellings consisting of:
8 – 1 bedroom dwellings
60 - 2 bedroom dwellings,
199 - 3 bedroom dwellings
73 - 4 bedroom dwellings
(51 - dwellings are classed as affordable housing).

The application also proposes open space provision, a play area, attenuation ponds to the north of the site and retention of an existing natural pond in the south eastern section of the site and retention of some off the existing native trees on site. The main vehicular access into the site is proposed off Welshpool Road alongside the site's southern frontage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site which is mainly grade 3 agricultural land, covers an area of approx. 12.557 hectares is mostly a relatively flat field that has been in arable production and is located on the edge of the area known as Bicton Heath, alongside the western fringe of the built up area of Shrewsbury. Part of the site also consists of a small haulage depot and thus a small area of the application site classed as a brown field site. Alongside the western boundary is Calcott Lane which runs north to south, Shepherds Lane runs north to south alongside the site's eastern boundary. Both these lanes have

dwelling dotted alongside their respectful road frontages with dwellings much more numerous alongside Shepherd's Lane. Alongside the site's southern boundary is Welshpool Road, (B4380). To the north of the site is further farmland and alongside the northern boundary of the site and within the field that forms part of the majority of the application site is allocated land for construction of the proposed 'Shrewsbury Relief Road, which will run from the direction of 'Churncote traffic Island' to the west of the site in a north easterly direction through Shepherds Lane. The proposed attenuation ponds and some open space provision is provided for on the other side of the land allocated for the proposed link road. (Subject to a separate formal planning application). Inside the site are two established footpaths. Boundaries consist of native hedgerows and trees, with a number of significant specimen trees dotted within the site. To the south eastern side of the site 3 ponds during recent years have become established. One in particular appears to have quite significant natural vegetation established around the pond's edges. The other two are not so well established in relation to vegetation and water levels are not consistent and especially during summer months when they can become dry.

- 2.2 The application has been screened in accordance with the Town and Country Planning Environmental Impact Assessment Regulations 2017 and a screening opinion dated March 2nd 2021 has established that an Environmental Statement is not required in support of the application. Consideration has been given to the significant information submitted in support of the application when assessing if an Environmental Statement was required against Schedule 3 criteria of Environmental Impact Assessment Regulations 2017.
- 2.3 The site forms part of a wider site that has a planning history in that planning application reference 14/00246/OUT: Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure was granted subject to conditions and a Section 106 agreement on 13th September 2019. The Section 106 agreement made provision for land allocation for the Link Road and a contribution, newt mitigation, public open space provision, sustainable urban drainage scheme and the provision on site of 45 number affordable houses.
- 2.4 The major changes in relation to the application under consideration compared to the previous approved application for development on site, (Outline with only landscaping reserved), are the number of dwellings has increased owing to what the applicants indicate as changes in the market conditions and the requirement for smaller dwellings to be provided thus increasing in number from 296 to 340, the accommodation mix now proposed demonstrates a focus around the delivery of smaller house types on site. The number of accesses from the surrounding roads to the site have been significantly reduced. There is no vehicular access now proposed from Shepherds Lane as the access to driveways have been removed. A number of accesses previously proposed to driveways from Calcott Lane have also been removed. Access into the site now mainly from Welshpool Road, with two access points to small cul-de-sacs off Calcott Lane. The current proposal also retains one of the ponds that has recently established on site.

- 2.5 The current application under consideration was amended from original submission which resulted in 340 dwellings instead of 345 to take account of:
- Retention of existing pond in the south west corner of the development site
 - Reorientation of the development to take advantage of the aspect of the retained pond in development and open space terms
 - Inclusion of details of the public open space details on land to the north of the proposed Northern West Relief Road (NWRR)
 - Inclusion of biodiversity enhancement area to the west of Calcott Lane

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application in accordance with the Council's constitution is presented to Committee in consideration of Bicton Parish Council's response to the application.

4.0 Community Representations

4.1 Bicton Parish Council have responded indicating:

The following is supporting evidence that Bicton Parish Council (BPC) wish to be considered to support the fact that it continues to be strongly opposed to the planned development off Welshpool Road. Despite the fact that the amendments made on 16th March 2021 do progress a few of the concerns previously expressed in the BPC response of 15/02/21 many of the most significant issues with the plans still remain.

As a full set of the latest documents has not been issued it is assumed that any document in the previous 'amended' set that is not included in this latest 'revised' set is still relevant and so comments against any of the previous 'amended' documents that aren't revised in the latest issue are still considered to be relevant and are included here for completeness.

1. An overriding issue is that the documentation supporting the new layout is often inconsistent or confusing and information that was readily apparent in the initial application is no longer so easy to find, if it is available at all. Also, it is not clear that adequate notice has been given as there has not been a new posting of a Site Notice and notifications to neighbours appears to have been limited. Examples of issues include but aren't limited to:

Number of properties – whilst the application description and form have been belatedly updated on 02/02/21 to show the application is for 340 dwellings including 51 affordable units that was unclear for the initial part of the review period as the description on tracking emails still showed 345 dwellings including 52 affordable units until as recently as 11/04/21. Inconsistencies such as this have made it very difficult to be sure exactly what is being proposed and give little confidence that the plans can be relied on to be an accurate representation of what will happen.

West Midlands Design Charter response – at Principle 1 this states that more information can be found in the accompanying Planning Statement. Whilst that was a very helpful document for the last application it appears not to have been updated and so a lot of information in it is no longer up to date.

West Midlands Design Charter response – at Principle 4 the application

is supported by statements that are out of date or misleading e.g. the existence of a local veterinary surgery and the Four Crosses Public House neither of which were in existence at the time the plans were resubmitted. There is also a mention of schools such as Shrewsbury School which will be out of the reach of most residents with fees starting at £8,500 per term and Walton High School which isn't even in the area.

Amended travel plan – whilst the body of the document has been updated the fact that the illustrative masterplans at Appendix A are for the previous layout does not inspire confidence that the most recent plans have been properly considered.

Inconsistencies across documents – As examples the Transport Assessment Addendum and Transport Plan show different distances to the same asset e.g. the distance to the local centre ranges between 400m and 700m and the distance to the Oxon School ranges between 800m and 1100m. Also, the Environmental Noise Assessment mentions a 2.5m fence in areas where noise is expected to be high whereas the Materials and Boundary Treatment Plan suggest a 1.8m wall topped by a 0.7m close boarded fence. The resultant protection from noise might be the same but the inconsistencies impact on any confidence that the plans are accurately represented across all the documents which could lead to issues if development proceeds.

Revised Masterplan inaccuracies – on the diagram the shading of grass to the rear and the front of properties is the opposite to how it is described in the key.

NWRR approval – some documents still state that the new road to the north of the site is already approved which is incorrect.

Application form omission – at point 6 the boxes relating to existing rights of way has not been completed to show that there is an impact from these proposals.

Whilst individually these issues might appear minor, when considered across the totality of the plans they reduce confidence in the conclusions put forward. They indicate a lack of understanding of the current situation in the local area and therefore don't seem to provide a sound basis for some of the proposed benefits of the development nor do they provide a sound basis from which to base an approval to proceed. The fact that the latest amendments submitted on 16/03/21 do not appear to address any of these points suggests a lack of quality control which could be very significant if the same lack of control is apparent if this project is allowed to move into the development phase.

2. The National Planning Policy Framework (NPPF) at paragraph 8.a suggests an objective of sustainable development should include the identification of and co-ordination of the provision of infrastructure. Whilst the updated Design & Access Statement does seek to identify local infrastructure I think the conclusions drawn can't be justified for the following reasons:

- a) Access to schools – there is a statement that there are 4 primary and 5 secondary schools within 5 kms. That statement is believed to be incorrect and therefore is not justification that this should be considered as a sustainable development from the perspective of schools.*
- b) Capacity of local schools - local schools are close to capacity with recognition in*

the Shrewsbury Place Plan of the need for an additional primary school and a review of secondary school places but with no firm plans for provision. There doesn't appear to be an updated forecast of additional pupils in the new documentation so as there are already concerns about local capacity it is important that these estimates are reviewed before approval could be considered to ensure there is not an adverse impact on school places for current and future residents.

- c) Local centre – part of the justification that this is a sustainable development is the proximity of the local supermarket. That supermarket is quite small and therefore is unlikely to be able to meet the full needs of a family for a large weekly shop. There is no provision for a new shop in this application which is likely to mean a significant increase in traffic to get to supermarkets on the other side of Shrewsbury which will have an impact on residents and may increase the traffic through Shrewsbury.*

3. The NPPF at paragraph 8.b suggests an objective that sustainable development should be a safe environment with accessible services and open spaces. The revised Design & Access statement (page 27) now suggests that despite the previously stated concerns over the apparent lack of useful open space the latest design submitted on 16/03/21 actually reduces the provision from 13.97 acres of Public Open Space to 13.59 acres against a requirement of 13.55 acres. The argument that there will be significant open space off-site to the north of the proposed North West Relief Road (NWRR) seems to be spurious given that the NWRR is likely to make that area difficult to access. Furthermore, whilst there are some improvements to the plans for open space onsite the fact that a lot of it is made up of small pockets between drives, around car parks, on street corners and on the boundaries of the site which will be taken up with hedges suggests that the usable open space will be significantly less than claimed. If usable open space were to be properly considered it is felt that the proposed provision would not meet Shropshire Council's requirements and therefore is not fit for approval.

4. The NPPF at paragraph 8.c suggests an objective of sustainable development should be that it protects and enhances our natural environment. This application certainly does not meet these criteria and could be argued to have the opposite effect. The NPPF states that there should be a presumption in favour of sustainable development. As this application does not meet 3 of the key objectives of sustainable development that presumption should not apply to this application.

5. The NPPF at paragraph 91.c suggests that plans ought to enable and support healthy lifestyles through providing layouts that encourage walking and cycling:

- a) Walking – at paragraph 98 it states Public Rights of Way (PRoWs) and access should be protected and enhanced. Far from meeting these criteria this application actually removes the opportunity for walking by effectively making two PRoWs far less attractive to walk. Arguably the route of the PRoW which runs through The Park area is an improvement over the previous plan but is still not ideal. It is noted that the other PRoW is now not along the main avenue given as that has been re-located and the original main avenue is now closed to through traffic. Even with that improvement it is still felt that the ProW is effectively lost when compared with the situation today as it still means walking*

through an estate rather than open fields. This application, if developed as outlined will have a significantly detrimental impact on walkers and therefore any consideration that it should be approved ought to only be the case if it is considered acceptable that the PRoWs are effectively lost.

- b) Cycling – It is interesting to note that there are now plans for the provision of cycle storage which is an improvement on previous plans. However, the low provision of garages and the consequential lack of storage space will probably mean that cycle storage will be inadequate for a family given the latest Transport Assessment (page 19) states there will be 1 cycle space per unit. Even if cycles can be successfully stored their use is likely to be very limited as the roads are narrow, pavement parking is inevitable and so safe spaces for anyone, particularly children to cycle are going to be few and far between. Given the government focus on encouraging cycling these plans should be reconsidered as far from encouraging cyclists this plan seems more likely to increase dependency on the car.*
- c) The self-binding gravel paths shown on the revised Landscape Masterplan appear to be of varying widths, with some looking to be quite narrow. Are these paths intended to be for use by pedestrians and cyclists? If they are will all the paths be sufficiently wide for all users to use them safely?*

6. At paragraph 102.e the NPPF indicates that parking and other transport considerations should be considered as they contribute to a high-quality development. This development fails to make adequate provision for parking and transport and should therefore be rejected for the following reasons:

- a) Parking – a recent survey of existing houses in Bicton concluded that 25% of households park 3 or more cars which already results in on street and on pavement parking in areas that are much less densely populated than this development. This proposal often allows for two spaces near to a house but also includes a lot of off plot parking which could lead to disputes amongst neighbours given there is likely to be more demand for parking than spaces.*
- b) Parking for visitors – The revised plans are not at all clear on visitor parking but if anything the situation looks to be even worse than on previous iterations of the plan. This is particularly apparent in the North West corner where there seems to have been an increase in groups of off-plot parking spaces. There are large areas of the site where it will not be safe for visitors to park cars which is likely to lead to allocated spaces away from dwellings being used by visitors. The densest part near Calcott Lane still looks to only have one space for visitors which is very close to the entrance from Calcott Lane. This will be inadequate for more than 50 dwellings. There appears to be no provision for the parking needs of disabled visitors as evidenced on the latest application form which shows there is no disabled parking provision at all onsite.*
- c) Revised layout north west corner – the new layout which has moved most parking away from dwellings meaning that a lot of spaces are unlikely to be fully visible from the dwelling. All the car parking is now on the edge of the development. That fact together with the remoteness from the dwellings seems to leave an unacceptable risk of high rates of car related crimes. Furthermore, of the 25 spaces on the north west boundary only one seems to be allocated to visitors. That will effectively be useless for visitors as even if they could find it the probability is that it will be in use by a resident as some dwellings only have*

one allocated space.

- d) Deliveries – the fact that there will inevitably be parking on the streets and pavements is likely to mean that delivery lorries will find it very difficult to make their deliveries and may even be prevented from getting close to the house they need to get to because of parked cars.*
- e) Emergency vehicles – the same limitations on access are likely to apply to emergency vehicles which could make it difficult for them to reach people in need.*
- f) Waste collection – the lorries collecting waste will experience the same difficulties as a result of parking on the streets, but this will be exacerbated by the fact that there are parts of the development at the end of cul-de-sacs without turning circles which will necessitate that lorries will need to reverse to turn around and get out of some of the waste collection points.*

7. The response to Principle 7 of the West Midlands Design Charter – Technological Resilience isn't clear on what provision this application makes to comply with the goal that "new development should harness technological innovation from the outset":

- a) Electric vehicle charging – the response states that houses "have been designed to accommodate electric charging points" but isn't clear on whether they will be provided as is suggested as a requirement at paragraph 110.e of the NPPF.*
- b) Smart meters – the response states that each "dwelling has the potential to be equipped with a smart meter" which presumably means that won't be provided with one from the outset.*
- c) High speed internet – the response also states that the "scheme will be connected to high-speed internet" without any indication of how this will be provided. Some of the nearby areas suffer from poor internet performance so more details of how reliable high-speed internet will be provided is needed.*

Given the Government's desire to move away from petrol and diesel cars, rollout smart meters and improve broadband connectivity it should not be possible for a developer to have plans approved without a clear commitment to the future proofing of dwellings through the provision of these technological features. As a result of the fact that the response to the West Midlands Design Charter has not been included in the revised documents it is assumed there has been no improvement to these aspects.

8. With regards to the Arboricultural Assessment there has been an improvement in that it is clear that the changed layout has preserved tree T21 and apparently T20 and increased the open space around T21. Beyond that however the full impact of the planned removal of tree and hedges is less clear than the previous assessment as the table (Table 3: Summary of impact on tree stock in the document from March 2020) which clearly listed all trees and hedges to be fully or partly removed has not been included in the updated view.

- a) Impact on trees – the lack of the table mentioned above means it is very difficult to assess exactly what is being proposed. As an example, at paragraph 5.11 it shows that there are 12 category 'A' trees affected by the proposal and then concludes that 12 of the 11 will be retained. It is assumed that should read 11 of the 12 but it is not clear which tree is now to be removed. There is a*

- reference to a tree retention plan 5326-T-03 Rev E but that is not included in the documentation.
- b) *Tree loss – in the revised Addendum to Arboricultural Assessment (November 2020) it states that “overall the level of tree loss is acceptable for this scale of environment”. This seems to be dismissive of the impact of tree loss and whilst it might be that similar size developments experience similar tree loss that does not in itself make tree loss acceptable. As an example, hedge H8 which contains several trees is all to be removed. Surely with a bit more care it would be possible to create a less dense plan that could incorporate that hedgerow and trees into the boundaries between dwellings rather than just consider it as an “acceptable loss”?*
 - c) *Hedges – the fact that many of the hedges seem to be planned to be partially removed is very unhelpful in terms of understanding the impact of this development. Partial could be anything from 1% to 99% removal and so more clarity of the plans is required before a meaningful assessment of this plan could be undertaken.*
 - d) *Risk to retained trees – it is noted that the area around the retained tree T21 has been enlarged which will hopefully remove the previously stated concern of impact on the root system although trees are still very close to the road and will require appropriate protection to avoid damage.*
 - e) *New planting – the revised plans confirm planting plans that are along the edge of the ‘Link Road footprint’ both to the south and the north of the proposed road. Is the proposed planting consistent with the recently published plans for the NWRR or will the planting be significantly delayed or perhaps even prevented if the road is approved?*

It is noted that a revised Addendum to Arboricultural assessment is included in the latest document set but it is felt that it still falls short of providing the clarity that is needed to fully understand how the plans will impact on trees and hedges. A revised version of the document should be provided for review before the plan is accepted to ensure there is no doubt about what is being proposed.

9. The latest proposed layout persists with proposing 340 dwellings despite feedback that this will be unacceptably dense given it contains a higher number of dwellings than on the original layout. There is nowhere in the application where a substantive reason for the increase from the original plan has been provided by the developer and the new proposal continues to ignore the request from Shropshire Council that 17 dwellings be removed from the layout which contained 345 dwellings. BPC maintain the view that the original plan for 296 dwellings was too dense as even at that level it was out of keeping with the area and demonstrated many of the following issues associated with cramming too many dwellings into the space available. It would be inappropriate for this application to be approved until the adverse impacts of over-crowding have been addressed by a significant reduction in the number of dwellings planned, preferably to below the original plan for 296, so that the key aims of the NPPF i.e. access to open spaces and the provision of a safe and healthy environment are achievable. Some of the potentially adverse impacts of the unacceptably high density proposed are as follows:

- a) *Waste collection points – the density of the houses means that many houses will have to take their waste to a collection point a lot of which are now*

concentrated around the edge of open spaces. This is a very undesirable approach as there is a high risk that some bins will be left at the collection point rather than taken back to individual houses. There is also a high risk that on windy days the amount of rubbish that will be left around the collection points or end up in people's gardens or across the open spaces will be unacceptable. The density should be reconsidered so that waste collection points aren't necessary.

- b) Waste collection from drives – the revised Car Parking and Refuse strategy plan shows that most dwellings have individual pick up points on their drives but there are some plots e.g. 128, 129 and 130 where it looks as though pick up points from a drive might be shared by neighbours. An outcome where neighbours are expected to leave waste on each other's drives, if that is the intention, should be avoided as it is highly likely that issues will arise.
- c) Parking – the density means that it is not always possible to have cars parked in clear view of the house as is desirable to limit the risk of crime. The main example is between plots 291 and 292 where there are 10 parking spaces in a parking area. The access to these parking spaces has been improved on the latest revision of the plan but the location which is setback from the road behind houses suggests this could become a meeting place with the potential for disruption to surrounding houses. There is also a smaller example between plots 176 & 177. Again, steps to reduce the density ought to be taken to enable a more acceptable plan from a parking perspective.
- d) Access to gardens – access to rear gardens does seem to have been improved on the latest proposal but there is still at least one example where the garden is not accessible from the dwelling i.e. plots 230 & 231. The desire to squeeze extra houses in seems to be at the expense of creating a desirable location for people to live and should be reconsidered.
- e) Whilst the Shrewsbury and surrounding areas Place Plan does recognise the need for power reinforcement for the Shrewsbury West SUE there are no firm plans that are visible to upgrade the electricity supply for the area and this could cause problems for existing properties. The Place Plan states that work carried out in 2018 would provide minimum capacity to develop the SUE West and suggests capacity would only be available on a first come first served basis. More details of how and when the electricity requirements of the increased number of houses in this development will be satisfied are needed to ensure no adverse impacts on existing or new residents.
- f) There is no obvious mention of whether the new residents will have access to existing doctor's or dentist's surgeries nor any mention of a provision of new surgeries. It is already difficult to get an appointment in the near future so more clarity should be provided on how access to a local doctor and dentist will be enabled should be provided to ensure the situation for existing residents doesn't worsen.
- g) Infectious diseases transmission – the lack of open space appears to be a very significant issue in the light of the current Covid-19 pandemic. There has been talk in the press about a possible future flu pandemic and the fact that one is overdue. Given the possibility that there will be another respiratory pandemic in the lifetime of these houses the plans ought to consider how to make more space available as the current layout would be a very difficult if not an impossible environment in which to achieve the levels of social distancing required in such a crisis.

- h) The desire to squeeze more homes into this space has resulted in the plots for many, particularly on the Calcott Lane side of the development, to be unacceptably small.*
- i) The density means that the retained pond is closely surrounded by roads and dwellings which raises the potential risk of contamination or pollution. What safeguards are planned to avoid these issues and who would be responsible for resolving them if such issues do occur?*

10. This application appears to meet the requirement for inclusion of affordable housing but gives rise to a few questions as to whether the provision is being allocated appropriately.

- a) Allocation of dwellings – the plans give no details about how the allocation of these houses will be carried out. Assuming there are local people who would wish to take advantage of this housing will they be given priority over people coming from outside the area?*
- b) Distribution of dwellings – Whilst the cluster of affordable dwellings has been reduced in the north west corner so that it complies with the statement that clusters will not exceed 16 dwellings this still seems unacceptable when compared to local guidelines. This cluster seems to still be contrary to two Shropshire planning documents i.e. Shropshire Local Development Framework Adopted September 2012 and the pre submission draft of the Shropshire Local Plan 2016 to 2038. The first of these suggests “pragmatic groupings of up to six properties” and the second states an expectation that affordable housing will be provided “as an integrated part of the development and promote social inclusion”. This proposal is clearly not in keeping with those expectations and therefore should be reconsidered before any approval is granted.*

12. The latest proposed location of the play area is an improvement on previous proposals. It is noted that the layout is considered to be indicative but regardless of that the space allocated still looks to be very small for the size of the development and it will probably not be very accessible to children from the Calcott Lane end of the development. So, whilst the improved location is welcomed the lack of information about the design e.g. provision of benches, litter and dog bins is a concern and it still feels like a different solution is required to ensure an outcome that will be safe and accessible to all children in the development.

13. The Landscape and Visual Impact Addendum seems to present an unrealistically positive view of the impact of the development, partly caused by the inclusion of out of data photos. In the early part of the document it describes the aims of the NPPF which for example at paragraph 2.2.15 talks of the development functioning well and adding to the overall quality of the area over the lifetime of the development. It is felt that this proposal can't be considered to add to the quality of the area at all, in fact it will have an adverse impact. As for the impact over the lifetime of the development it seems likely that the density will mean that over time the adverse impact will worsen. Some of the conclusions in the Addendum state that there will be a major moderate adverse residual visual effect which is considered significant but there is no mention of any mitigation measures that might lessen the impact.

14. The travel plan seems to present a positive view of what may happen which

seems to be exaggerated for the following reasons:

- a) The target on page 34 sets a goal of a 7.8% reduction in vehicle trips generated by the development which will be monitored over 11 years from the start of development. The previous plan set a target for a 7.8% reduction to be achieved within five years of occupying the first dwelling. Aiming to allow twice as long for a target to be met seems unacceptable and seems to ignore the unwelcome fact that over 90% of the generated vehicle trips will persist with the inevitable consequences for local roads.*
- b) Mention of Oxon Park and Ride – this is noted as a local bus service but by the time the development completes that is highly unlikely to be the case. The nearest park and ride is actually proposed to be on the other side of Bowbrook which if anything is likely to increase traffic along Gains Park Way to get to the new Park and Ride. Additionally Park and Ride bus services are not intended to be used by walkers and so even if plans to move the site change and the existing site continues it will not be available to new residents unless they use their cars.*
- c) Local facilities – the table of local facilities presents an overly positive view of the amount and accessibility of local facilities. Whilst most of them do exist the lack of a safe cycle network means that most of them will in reality only be reached by car. The list of GPs suggests that there are several within easy reach whereas in reality there is only the Mytton Oak Surgery which is already very busy.*

15. With regards to the transport assessment it largely deals with the additional traffic volumes from 44 additional dwellings having concluded that the original plan for 296 dwellings wouldn't have an adverse impact on the local highways. The latest response from Highways England which follows consultation with the developers has removed the requirement for additional details of the traffic assessment but as those details discussed in the consultations do not appear to be available for scrutiny it is still felt that the conclusions are incorrect as the evidence to the contrary is not available. It is not clear when the data collection for traffic modelling was carried out so it is felt that lockdown might have impacted the statistics given that prior to lockdown there were already queuing issues at Churncote roundabout. In addition, there are other current issues on the local roads as listed below that appear not to have been fully considered and so approval should at least be deferred until it is clear these have been considered and addressed:

- a) Shepherds Lane – whilst the removal of the entrances from Shepherds Lane is a real improvement for the lane there will still be an adverse impact for residents. Currently the junction with Welshpool Rd has limited visibility so turning out of Shepherds Lane, particularly to the right, can be very difficult. The traffic calming measures planned as part of the NWRR proposal look likely to make this junction even more risky to negotiate and so it is highly likely the extra traffic generated by 340 houses will make this junction even more difficult with an increased risk of accidents*
- b) Calcott Lane – if this development takes place before the NWRR there will still be traffic using Calcott Lane to get between Holyhead Rd and Welshpool Rd. It is not clear whether the potential for an increase in traffic on this single-track road has been adequately considered. At busy times Calcott Lane can already*

by quite difficult given the lane is too narrow for cars to pass in the vicinity of this development. An informal process where people take it in turns to go through this part of the lane works well because there is good visibility and no traffic joining. The exits from this development onto Calcott Lane where cars are likely to join the lane, turning both left and right from behind hedges will make it much more difficult for this informal arrangement to work successfully with the consequence that the risk of accidents or holdups because cars can't pass each other on the lane will be increased.

- c) Churncote roundabout – this roundabout can already be quite tricky to get onto at peak times particularly from the direction of this development and this is almost certain to worsen if the proposed changes related to the NWRR go ahead. The increased traffic will inevitably lead to longer queues to get onto the roundabout to the point that they may impact on people trying to turn right out of Calcott Lane. With this development Calcott Lane and the Welshpool Road leading to the Churncote roundabout are likely to be much busier and more difficult to navigate with increased risk of accidents.*
- d) Impact of builders and delivery lorries - In addition to normal traffic for the duration of the work the extra traffic caused by building works will put an unacceptable extra strain on the Welshpool road that is already quite busy at peak times and particularly on the very narrow lanes where passing is already difficult. Even before work has started in earnest the recent delivery of a large digger on Calcott Lane made it very difficult for a car to squeeze by and vans or lorries would not have been able to pass.*
- e) Access to the site from Welshpool Rd – the plans do not indicate that there will be any widening of the Welshpool Rd to allow for a turning lane for people travelling west who want to enter the site. As a result, it is very likely that lengthy queues will form behind cars who are struggling to turn right across oncoming traffic.*

16. The previous planning statement which has not been updated states that the site has poor drainage and concludes soakaways will not be adequate. Further evidence is needed on how the flooding risk will be managed. The continuing lack of such evidence gives rise to the following concerns:

- a) The revised Flood Risk assessment at paragraph 7.1. still concludes there will be no increased flood risk but the fact that more surface water will drain into the ditches that run alongside Calcott Lane makes it more likely that Calcott Lane, which has flooded twice during the recent wet spell, will flood as a result of water running off from this development.*
- b) Looking beyond Calcott Lane and also taking into account the possible increase in run off of water from the proposed NWRR it is inevitable that a lot more water will flow into Bicton Brook. This brook flows close to the primary school, some properties and public areas in Bicton. Given the recent flooding events on Calcott Lane which seem to be occurring more frequently, has it been proven that Bicton Brook, particularly where it goes through the narrow culvert under Bicton Lane near the church, will be able to cope with the additional water?*
- c) The fact that the local geology has enabled three natural ponds to form in the south east corner of the site which persist even in prolonged spells of dry weather suggest that surface water will always collect in that corner and may therefore become a problem. Whilst the proposed retention of one of the ponds*

does seem to reduce the risk of flooding a far more certain mitigation to the risk of flooding would be for all three ponds to be retained. This would bring the added benefit of more compliance with the NPPF in that it would help conserve and enhance the natural environment rather than destroy it.

- d) There is evidence on the internet of issues with new houses where the gardens become unusable because they are too wet presumably through poor drainage provision. Given the apparent drainage issues on the site this seems to be a highly likely outcome for some areas of the site. What evidence is there that the drainage planned will be sufficient to ensure gardens are accessible throughout the year?*

17. With regards to noise the revised environmental noise assessment still concludes that even taking the NWRR into account there is a low to medium risk that noise will be an issue but does nevertheless recommend screening and enhanced glazing and ventilation. The previously expressed concerns around the basis for this conclusion do not appear to have been addressed and so the following concerns remain:

- a) At paragraph 2 of the Environmental Noise Assessment it states that the work was carried out between 02/12/2019 and 11/03/2021 a period which includes significant periods when noise would have been lower than normal because of lockdown. This casts doubts on whether the data captured is typical and suggests that the conclusions may be unreliable.*
- b) How were the noise levels that might be generated from the NWRR calculated and how is it possible to know that the proposed locations for a 2.5m fence (figure 9, page 18) will be adequate given that it only provides limited protection around the gardens closest to the NWRR. It is hard to imagine that a fence of any height can reduce the noise for those dwellings closest to the NWRR to the extent that it would be pleasant to spend any time in the garden.*
- c) There will be a lot more noise on Welshpool Rd with a lot of it being from acceleration or deceleration as cars leave or return to the site. No protection, beyond the existing hedgerows, looks to be proposed for this area which leaves a concern that the noise levels might be unacceptable.*
- d) The suggested enhancements to glazing and ventilation (figure 8, page 17) to protect against noise from the NWRR seem to have been applied in a way that will mean that as you move from west to east across the site dwellings are more likely to be exposed to unacceptable noise levels. It is noted at para 11.2 of the Environmental Noise assessment that to achieve the internal ambient noise criteria from BS8233:2014 windows would need to remain closed as acceptable levels could be exceeded if windows are open. This is clearly contrary to the aims of the paragraph 180 of the NPPF which seeks to mitigate and reduce potential adverse impacts from noise and identify and protect tranquil areas that are prized for their recreational and amenity value. It also fails to meet the aims of the West Midlands Design Charter which states new developments should promote wellbeing and good mental health which is surely not the case if it is impossible to open windows because of excessive noise.*

18. The Shropshire Council SAMDev plan at MD3 (page 28) states that on sites of 5 or more dwellings there should be a mix and type of housing that has regard to local evidence and community consultation. The proposed plans do not evidence

community consultation in that a recent housing survey identified that the second choice of building for residents is bungalows which are not part of the proposed development. Furthermore, the mix of housing types and in particular the density is not in keeping with the character of the surrounding area.

19. Paragraphs 9.8 & 9.9 of the Planning Statement which has not been updated assert that wildlife will be encouraged by the new trees and landscaping and that habitat for Great Crested Newts will be improved. Whilst there are clear plans to seek to minimise the impact on the natural environment there is no evidence that the result will be an improvement over the existing landscape, and it is hard to see how that could possibly be the case. To use assertions such as these, describe them as planning benefits and conclude that ecological benefits will be maximised is clearly misleading as there will be a detrimental impact on the natural environment regardless of what steps are taken. Furthermore, changing the description of the proposal to suggest that Biodiversity Enhancement areas are included misrepresents that facts that this proposal will have a detrimental impact on biodiversity.

20. It is noted that the new ecological impact assessment (210312. R JERS 1991 Rev 1, differs in many respects from the initial ecological assessment posted in May 2020. The changes in the ecological assessment and mitigation measures do not inspire our confidence in the accuracy of evidence supporting the application. Great Crested Newts (GCN) are present in more than the single pond on Calcott Lane (WB09). An ecological assessment by WSP as Appendix 8.4 of the North West Relief Road application notes in 2019 positive eDNA results for GCN in pond WB55 a source for Bicton Brook between Welshpool Road, the A5 and Holyhead Road and GCN were found in 2017 in ponds in the same general locations WB09, WB 12 (on site on Shepherds Lane) and WB29 (off site on Shepherds Lane). All these records are in continuity with records adjacent to Bicton Brook in Bicton Hall and other properties in Bicton Lane and to records in Calcott Lane / Oxon Pool outside of the proposed site and confirmed in other recent surveys for planning purposes. GCN are a priority species in the Shropshire Biodiversity plan and subject to protection under the European Protected Species legislation. BPC note that a district license has been awarded for this scheme in November 2020 with planned mitigation in terms of the creation of ponds on the site from new drainage basins. However disruptive earthworks in Calcott Lane have already been undertaken to form hollows for these ponds and are in close proximity (less than 10m) to the pond on Calcott Lane. This work extended into the March breeding season for GCN and when these ponds had not been formed from the drainage basins. This will have inevitably damaged the population and apparently breached protection legislation.

21. Amended trim trail proposal – the plans for the NWRR are not approved as suggested on the layout. The provision of a Trim Trail looks to be a good idea in principle but the proximity to the proposed route of the NWRR with the associated noise and air pollution and the fact that the trim trail crosses the NWRR twice, without any provision of safe crossing points, appears to negate any benefit that might be obtained through providing an exercise route and will probably make the Trim Trail unusable as currently proposed. On reviewing the latest plans for the NWRR it looks as though there will be 2m high fences where it is suggested the trim trail will cross which strongly suggests that the plans for this development and the NWRR are not

compatible with each other and that in fact it will not be possible to provide a trim trail that is safe for residents to use? If it does prove possible that the trim trail can be provided with safe access across the road there is no obvious mention of how the trail will be maintained. Who will be responsible carrying out essential maintenance and for covering any associated costs incurred to ensure the trail is safe to use?

22. Geoenvironmental assessment – the original outline approval based on the 296 houses included condition 16 which addressed the risk of contamination from the transport depot in the south west corner of the site. An application to partially discharge that condition was made on 27/01/21. SC regulatory services advised that they could not consent to the discharge of the condition on 11/02/21. A way forward to address the condition was suggested in the SC Regulatory Services response but it is assumed this matter will need to be resolved before approval for the current application could be considered. On 23/04/21 a phasing plan was published which suggests the area at risk will be separated from the main development and become phase 2. According to the plans phase 1 cannot be delivered independently of phase 2 as the latter includes the accesses from Calcott Lane. Given the reliance on phase 2 no development should be allowed to start until evidence is available that all investigations into the issues with the phase 2 area are satisfactorily resolved.

23. Lack of an over-arching plan – there is nothing obvious in the proposals that address the fact that this development may well be in progress at the same time as work on the NWRR. This will compound any of the issues such as dust and noise management. Whilst these aspects have been considered and planned for in each proposal individually there ought to be an overall plan for how two major developments in the same location can be managed simultaneously if an unacceptable impact on existing residents is to be avoided.

In conclusion the applicants having reopened consultation need to consider the implications of the planning application for the Shrewsbury North West Relief Road (21/00924). Consultation on this planning application, since the last consultation on the current planning application, has opened and closed but contains details relevant to the current application. The applicants have made no assessment of cumulative interactions under the EIA Regulations 2017 either as effect or in combinations of interactions. BPC submit that there will be permanent adverse impacts as follows:

- a) an adverse interaction on residents and users of public rights of way for walkers and cyclists.*
- b) considerable loss of foraging space and flightpaths for bats based on the bat survey conducted by DEFRA with increased bat mortality.*
- c) large adverse visual combination effects in the neighbourhood of the development and the NWRR which will be increased by the proposed increase in housing density which is not typical of the neighbourhood.*
- d) drainage difficulties and possible flooding not at the site of the development but downstream in areas adjacent to Bicton Brook which is the recipient of all water in the combined schemes.*

BPC accepts that the latest revisions to the plans do include some changes that might be considered to be improvements but it remains strongly opposed to the application being approved as further significant improvements are necessary before any

consideration of approval would be appropriate. The scale of the development, the apparent number of concerns, and in particular the proposed density with a wide range of associated issues leads to the conclusion that his development will have a wholly negative impact on the area and therefore should not be approved. This plan doesn't fit well with the established rural character of the surrounding area and that fact together with the undeniable impact on residents on Calcott Lane, Shepherds Lane and Gains Park from the removal of an open space that currently positively encourages and enables local walking means that this proposal should not be approved without prior consideration at Committee.

4.2 Shrewsbury Town Council have responded indicating:

Whilst the Town Council accepts the need to provide more housing under SAMDev proposals, Members have a number of concerns in respect of this application: Members are unhappy with the increase in the number of properties for this development, increasing from the original 296 to 345, which leads to a higher density of residential premises. and layout of the proposed development. Members would like to see green and renewable energy initiatives incorporated in to the properties. Members have concerns in respect of the school and healthcare provision for the residents of this new development. Members feel that the green space within the plans is inadequate for the density of housing and would like to see more green space provision. Members would like clarification on the affordable housing provision for this development. Members would like to see plans for better cycling and walking routes incorporated in to this development. We also recommend that this application should go before Northern Planning Committee due to the material planning considerations raised.

4.3 Consultee Comments

4.4 The Environment Agency has responded indicating:

I refer to additional information received in support of the above application which was received on the 26 January 2021. The further detail has sought to address matters previously raised including the potential ecological impact as discussed further below. As stated in my previous response, attached for completeness, whilst we commented on the initial Outline application in 2014 (your ref: 14/00246/OUT) we were not consulted on any subsequent reserved matters and discharge of conditions applications. Whilst we would not ultimately object to the proposed development you may wish to seek greater consideration, in discussion with your Ecologist and Natural England, of the ecological mitigation and enhancement offered to offset to losses from the removal of two large natural pools.

It is understood that the current application has not, to date, be screened in accordance with EIA Legislation although the previous application, for a smaller number of residential dwellings, was not considered EIA development. As previously stated you may wish to revisit the need for EIA in this instance and seek further Screening/Scoping opinion based on the current proposals as the ecological value of the site has increased with the emergence of natural pools.

Ecological Impact:

The primary area of consideration with the application, with regards to Biodiversity, is the appearance of three pools on the site and the ecological value of these features.

These natural pools, and the surrounding habitat that has developed, represents valuable wildlife habitat and a wildlife network within the landscape, along with the potential for enhanced habitat and amenity value going forward.

Grassland and pools have developed naturally on the proposed development site over the last seven years. Species including dragonfly and damselflies, toads newts, aquatic plants, bats and birds now use the site. The amended submission would appear to underplay the importance of the habitat & species present, the sites value as a wildlife corridor and also the future potential wildlife value of the site, which would increase further as the site matured from its former intense arable and grassland use. The ponds and mature hedgerows and trees are habitat types of principal importance for conservation as defined under section 40 of the Natural Environment and Rural Communities Act (NERC) 2006 and were previously defined as Priority Habitats in the UK Biodiversity Action Plan. The NERC Act places a legal obligation on Local Authorities to have regard to these principal habitats which are of the greatest conservation importance when carrying out their functions, such as planning development. Full development of the site may result in the loss of a site which has valuable wildlife that would meet the qualifications required to be designated as a local wildlife site and for many species (bats, dragonflies) the site is of County level importance. The hierarchy of avoid, minimise (impact), mitigate and compensate would not appear to have been fully explored and demonstrated in the application to date.

The pools support a variety of species, such as foraging bats, swallows, sand martins, damsel, dragonflies and common toads, which are all declining species. Whilst these species fall outside our direct regulatory remit they should be considered as part of this application and the comments of Natural England and your Ecologist should be sought. This is similarly the case for Great Crested Newts (GCN). The ponds could host both aquatic and terrestrial habitat for GCN and therefore removal of such would require a license from Natural England.

Two large natural ponds and their associated wetland edge and scrub habitat will be lost, with the third pond retained, but significantly changed in shape from its current naturally developed and sustained form. Recreational disturbance would also be increased around the retained pond. The proposed mitigation to compensate these losses are a number of small ponds, principally designed for newts and a swale which is part of the sustainable urban drainage scheme for the site. The newt ponds will individually be much smaller and will not support developing reed bed and pond edge scrub which has developed around the large ponds on the site.

In line with Section 15 of the NPPF and the Government's 25 Year Environment Plan the development should aim to provide at least 10% biodiversity net gain in addition to compensation of any habitat loss. The new SUDS attenuation basins are primarily designed for water attenuation, so levels will fluctuate considerably and should not be included in the calculation.

As previously mentioned you might encourage the developer to use the Biodiversity metric to calculate whether this development achieves this. It is not clear whether the Biodiversity metric had been used to calculate the 10% net gain and how it has been achieved on this site.

Whilst we would not be minded to object to the proposed development, and would defer to your Ecologist and Natural England, we would recommend that all of the ponds and a surrounding buffer zone of scrub and grassland is retained as a minimum to retain the principally important habitats and species that this site can support.

Whilst we would not be minded to object to the proposed development, and would

defer to your Ecologist and Natural England, we would recommend that all of the ponds and a surrounding buffer zone of scrub and grassland is retained as a minimum to retain the principally important habitats and species that this site can support. This site is located above a Principal Aquifer and Source Protection Zone (SPZ3). We consider the previous transport depot/yard and infilled pond areas to be potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters. We have reviewed the submitted Flood Risk Assessment (RPS, Land off Welshpool Road, Shrewsbury Flood Risk Assessment, Report No: AAC5607, 9th April 2020) which include the Georisk, Geoenvironmental Assessment Shrewsbury West - Housing Land, Report No (12133/1 Date: November 2012) and are satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. However, further details will be required in order to ensure that risks are appropriately addressed prior to the development commencing and being occupied. It is important that remediation works, if required, are verified as completed to agreed standards to ensure that controlled waters are suitably protected. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1. The results of a site investigation based on the submitted Geoenvironmental Assessment (as updated) and a detailed risk assessment, including a revised Conceptual Site Model.*
- 2. Based on the risk assessment in (1) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.*
- 3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (2). The long term monitoring and maintenance plan in (2) shall be updated and be implemented as approved.*

Reason: To protect ground and surface waters 'controlled waters' as defined under the Water Resources Act 1991).

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect ground and surface waters (controlled waters) as defined under the Water Resources Act 1991). In addition to the Georisk, Geoenvironmental Assessment, we are also aware that a revised version of this report (dated 2019) was presented in support of 19/05247/DIS. Whilst we were not consulted on the discharge of conditions both versions recommend further detailed investigation and risk assessment of transport yard area of site and further ground investigation to delineate extent of pond infill deposits and detailed foundation design. We will expect to see

these recommendations satisfactorily addressed in order to be able to recommend discharge of the relevant contaminated land conditions.

Note: Notwithstanding the above comments on the ecological value of the pools it should be noted that dewatering the proposed areas of excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Groundwater was encountered between 0.6 and 3.0m bgl. It is possible that this is perched in the superficial material. Should the proposed activities therefore require dewatering operations, the applicant should locate all water features and sites and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA/Welsh Government (WG) announced that the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact the National Permitting Service (NPS) to confirm the legal requirements. When scheduling their work, please note that it may take up to 3 months to issue an abstraction licence.

Whilst there are no fundamental concerns, based on the information submitted, we would encourage the 'twin tracking' of the Environmental Permit, with the aim of encouraging more comprehensive submissions and thereby more informed, and speedier decisions i.e. more detailed information should be available to enable sufficient consideration of key land use issues and so assist in your determination of the planning application.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

We recommend that developers should:

- 1) Refer to the Environment Agency's approach to managing and protecting groundwater: <https://www.gov.uk/government/publications/groundwater-protectionposition-statements>*
- 2) Follow the risk management framework provided in the Gov.UK 'Land contamination: risk management', when dealing with land affected by contamination: <https://www.gov.uk/guidance/land-contamination-risk-management>*
- 3) Refer to our <https://www.gov.uk/government/publications/managing-and-reducing->*

landcontamination

- 4) Refer to our 'Verification of Remediation of Land Contamination' report:
[http://webarchive.nationalarchives.gov.uk/20140328084622/
http://cdn.environmentagency.gov.uk/scho0210brxf-e-e.pdf](http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0210brxf-e-e.pdf)
- 5) Refer to British Standards BS 5930:1999-2010 and BS10175 and our
Technical Aspects of Site Investigations Technical Report
P5-065/TR
[https://www.gov.uk/government/publications/technical-aspects-of-site-
investigation-inrelation-to-land-contamination](https://www.gov.uk/government/publications/technical-aspects-of-site-investigation-inrelation-to-land-contamination)

Surface Water:

We would recommend you seek the comments of your Flood and Water Team, as the Lead Local Flood Authority (LLFA) with regards both surface and groundwater flooding. However, with regards the later, it would appear that the groundwater level is relatively shallow which may account for the natural ponds that have formed since 2016.

4.5

Highways England have responded to the application indicating:

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regards to 20/01957/FUL and has been prepared by Adrian Chadha, Assistant Spatial Planner for Highways England.

Highways England most recently issued a holding recommendation for this consultation on 17 March 2021, raising our concerns over the likely traffic impact from the overall proposed development of 340 dwellings on the SRN (A5 and A458) in the area.

As you are aware, extensive communication have taken place between Highways England and the applicants/ their consultants since June 2020.

The development site benefits from a previously granted outline planning permission (Reference no. 14/00246/OUT) for a mixed-use development including 296 residential dwellings. As planning consent has already been granted for the application referenced 14/00246/OUT, the consultant had considered the traffic impact of the additional 44 dwellings only. While we acknowledged that the likely traffic impact from the additional 44 dwellings on the SRN in the area is considered to be minimal, it is to be noted that we were not in agreement with the capacity assessments undertaken with respect to the now consented planning application referenced 14/00246/OUT. Therefore, the capacity assessments provided by the applicant in the current Transport Assessment (TA) Addendum Note, which is based on the same models as that produced for the previous development, is not considered acceptable.

As such, we recommended that the consultant consider the likely traffic impact from the current proposal in its entirety (for 340 dwellings) rather than considering the impact for the additional 44 dwellings only. This was to undertake the assessment in

line with DfTu8217\92s Circular 02/2013 and thereby helping to understand the likely capacity issues or queues / delays from the full proposed development on the SRN in the area.

A teleconference was arranged with the applicants/ their consultants on 2 March 2021 to discuss further on this and identify the best possible solution. As the current proposal has been included in the assessments used for the proposed NWRR scheme, we acknowledge that the new design of the A5 Churncote roundabout (as part of NWRR scheme) will be capable of accommodating the traffic flows from the proposed development without resulting in a significant impact.

However, we recommended that the applicant submit to us further evidence to demonstrate that the proposed development of 340 dwellings will not result in a significant impact on the existing A5 Churncote roundabout, in the event that the NWRR scheme does not come forward.

The applicant's consultant has now submitted additional information regarding the level of traffic impact from the proposed development. The consultant has liaised with the NWRR modelling team at the Council and has obtained the relevant information as part of the NWRR scheme assessment. The consultant has stated that it is confirmed by the NWRR team at Shropshire Council that the previously consented development for 296 dwellings has been included in the 'Do Minimum' and 'Do-Minimum' scenario used for the NWRR assessment as a committed development.

The results from the 'Do Minimum' and 'Do-Minimum' scenario (with all the committed developments considered, but without the NWRR scheme) indicate minimal queuing at the A5 and A458 approach arms. Based on this, we do not anticipate that the proposed development of 340 dwellings will result in a significant impact at the Churncote roundabout. As such, Highways England do not expect the applicant to undertake any further traffic assessments in support of this planning application.

In line with the above, Highways England considers that its current holding recommendation can be lifted. However, we recommend that the following condition be attached to any planning permission that may be granted.

*Condition 1: Prior to the commencement of the construction works related to the residential development, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England. The approved plan shall be adhered to throughout the construction period.
Reason for Condition 1: To ensure that the A5 and A458 trunk roads continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety*

4.6 SC Highways Manager has responded indicating:

The highway authority acknowledge that site benefits from a current outline planning permission with layout established. The current application seeks an increase in the number of residential units to 340 when compared to the 296 dwellings previously approved. Whilst the layout has changed from the previously approved scheme, there

are no fundamental issues with the internal road layout or access both onto Calcott Lane and Welshpool Road.

In terms of increased traffic movements, it is considered that the modest increase in the number of residential units over and above the approved scheme is considered acceptable. Moreover Highways England have confirmed following additional assessment that the proposal raises no highway issues. As a consequence there are no reasons on capacity or safety grounds to warrant or substantiate a highway objection.

It is considered that the following Conditions should be imposed upon any consent granted:-

- Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall remain in force for the duration of the construction period of the site development. Reason: In the interests of local amenity and highway safety.*
- Prior to the commencement of development full details of the internal junction visibility splays and junction visibility splays onto Welshpool Road and Calcott Lane shall be submitted to and approved in writing by the Local Planning Authority; the junction visibility splays shall be implemented fully in accordance with the approved details. Reason: In the interests of highway safety.*
- The carriageways and footways within the development shall be laid out in accordance with the approved drawings and prior to any dwelling being first occupied the access road and footway serving that dwelling to be occupied shall be constructed to base course level in accordance with an engineering specification to be first submitted to and approved in writing by the Local Planning Authority. Reason: To provide an adequate means of pedestrian and vehicular access to each dwelling.*
- Prior to the occupation of the first dwelling a Phasing Plan setting out the strategy to carry out the final surfacing of the estate roads and footways/footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority; the phasing plan shall be implemented fully in accordance with the approved details. Reason: To ensure the proper coordination of the construction of the estate roads and footways within the site.*
- Prior to the occupation of the first dwelling a Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority; the TP shall be implemented fully in accordance with the approved details and shall remain in force for the lifetime of the development. Reason: To promote sustainable modes of transport, promote health benefits and to reduce carbon emissions.*

4.7 **SC Waste Management** have responded indicating:

It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material.

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of

supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes. Vine Vine I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <https://new.shropshire.gov.uk/media/7126/shropshire-refuse-and-recycling-planning-guidance-july-2017-002.pdf>

I would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate. Details of the vehicle size and turning circles are in the document linked above. Particular concern is given to any plots which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase. Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

4.8 SC Public Rights of Way have responded indicating:

As mentioned in previous correspondence, as laid down in DEFRA's Rights of Way Circular 1/09 the Highway Authority should avoid coinciding the use of estate roads and public rights of way wherever possible. However we do appreciate that in 2014 Officers agreed to divert Footpath 7 along the estate road and the development planned accordingly so Officers are satisfied that a reasonable alternative has been put forward for the diversion of the footpath through the open space, alongside the Welshpool Road and would therefore accept an application for this proposal.

Officers are happy for the diversion of FP 8Y to run along the already proposed route, however the detail may have altered since 2014 so this will need be discussed further at a later date.

Should planning be granted for this scheme Officers would like to discuss both diversions in more detail so they most appropriate way forward can be decided upon and request that the applicant contact the Mapping & Enforcement Team direct.

An earlier response indicated:

The Design and Access plan for this development acknowledges the need for open space as set out under SAMDev Policy MD2, however, Officers are still not happy with the location of the POS within the design layout.

Our comments remain the same as they have done on previous applications, from what can be seen no real attempt has been made to improve the development from its original design and Officers concerns have not been addressed.

There are still no green corridors through the development and no central public open space, as we discussed. The play area appears to have been removed for this layout design and the diversion route for FP 7 is still intended to run along the estate road. Officers have made it quite clear on several occasions that diverting a rural footpath along an urban estate road is not good practice and that Officers would not be happy to defend this legal order should objections be received, which are expected.

The Rights of Way network is an important factor in this development and in light of DEFRA guidance Officers will not accept an application to divert FP 7 onto the estate road therefore it is suggested that the applicant has discussions again with Officers within the Outdoor Partnership Team to try and resolve this matter prior to continuing with this current planning design.

There are public footpaths affected by this development and the applicant needs to discuss the diversion options directly with the Mapping & enforcement Team as a matter of priority.

An earlier response indicated:

The diversion of FP 7 has been proposed within this application with a section of it to run along the estate road. As laid down in DEFRA's Rights of Way Circular 1/09 the Highway Authority should avoid coinciding the use of estate roads and public rights of way wherever possible. Preference should be given to the use of made up paths, through the development, away from vehicular traffic therefore Officers recommend that the layout is redesigned accordingly.

4.9 **SC Regulatory Services** have responded indicating:

I refer to the revised layout and noise assessment. The layout appears to have been changed most notably in the North West, as looking at the plans, of the site where there has been set back/standoff distance from the proposed North West Relief Road and some housing along the northern edge appearing to be gable side on to the road. I would note that the principles of my previous response remain in that the site does have some identified housing where the façade levels of noise from road noise are in the upper reaches of LOAEL and close to SOAEL and mitigation will be required to ensure internal levels are to be met which will, to meet necessary standards for internal acoustic comfort, for some houses are to have windows closed to meet those standards (closed does not mean sealed, they will be openable windows for purge ventilation or indeed for the house holders choice). As previously mentioned the site is in an area where road traffic noise is anticipated, this situation is not necessarily unusual and the application shall be determined on other merits and mitigation in terms of layout and orientation, at source mitigation (i.e acoustic fencing) and suitable glazing will provide attenuation. I note that fencing will be 2.5 m in some areas of the development so to anticipate external standards are met but the main acoustic NWR fence height is cited as being either 2m or 2.5m. The maintenance of this fence in the long term, may be an outstanding issue to be resolved. There is the competing need for adequate ventilation and The report by Noise.co.uk points to this in the assessment as being a medium to high risk. I would suggest that condition that an overheating and ventilation assessment is undertaken in line with AVO guidance and submitted for approval and implemented so to ensure sufficient ventilation and thermal comfort. Concerning Dust management. A comprehensive site layout with phasing, route ways and water suppression methods and a dust monitoring and sites protocol should be submitted prior to start of the development.

Earlier responses indicated:

1. **Contaminated land** - please see comments in June 17th 2020 which has outstanding issues and no further information has been provided for comment.

2. **Noise assessment** - New Based on the acoustic survey, the site as assessed illustrates that for the majority of proposed houses are in the 'Low Medium' category as based in ProPG, where daytime noise is near 65dB but not above 70dB, and night time is broadly in the 55dB region, but not above 60dB. In this Medium category it is suggested it is less suitable and application may be refused from a noise perspective unless an acoustic design process is followed which suggests mitigation measures. This can be seen in the day and night 'empty site' noise maps in annex 3 and modified in the projected acoustic contours with buildings and mitigation present.

The National Noise Policy for England (NPSE) additionally recognises the difficulty of setting universally applicable numerical noise limits and therefore introduces the concept of evaluating noise impact in terms of various 'effect levels':

NOEL 'No Observed Effect Level- The level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL' Lowest Observed Adverse Effect Level which the level above which adverse effects on health and quality of life can be detected.

SOAEL' Significant Observed Adverse Effect Level which is the level above which significant adverse effects on health and quality of life occur.

The new acoustic report is based on the staged elements of ProPG in determining site suitability of housing in relation to noise. The Noise is in instance being predominantly traffic noise the projected use of the NWRR has been included, though can it be clarified on which road speed was used in the modelling compared to the anticipated speed on this section of the NWRR. There is no known commercial or industrial noise, but I understand there is an application for a supermarket is on adjacent lane to the west. The report specifies three specifications for mitigating road noise by acoustic treatment for facade boundaries and the glazing and ventilation spec. It is noted in the report that to meet internal acoustic standards, the windows will need to remain closed across the site.

The principle of ProPG and supplementary guidance is where if the scheme relies on windows being closed to achieve good internal noise conditions, the Acoustic Design Statement should initially include or refer to an explanatory statement detailing why this approach has arisen and how the use of layout, orientation, spatial design and non-building envelope mitigation has been used in the plan to minimise the need for reliance upon closed windows. The internal layout and orientation of the properties is an important consideration, which is to say that gables or sides with which the layout would have majority of non-habitable rooms facing the noise source such as hallway/entrances, kitchens, bathrooms and en-suites, landings and the smaller bedrooms can be noise facing so to reduce impact on habitable rooms and larger bedrooms.

With this in mind, the application documentation details a multitude of house designs, some named and some coded, without reference to a masterplan which I can find of which house type are going where, so this cannot be

commented on further. The Design and Access statement mentions that the houses in the noisier areas on the periphery of the site (described as The Edge) illustrate two types of housing. In the hierarchy of good acoustic design, can it be confirmed whether the acoustic design has considered the orientation and layout and internal layout of house types in the Edge zone (or the Spec 2 and 3 properties) so to increase number of non habitable rooms facing the noise source and thus reduce impact? Furthermore, the western site is more affected by noise, so is there further embedded mitigation / acoustic design principles for the houses on the western periphery which are more affected by noise, such as by virtue of acoustic fencing, increased standoff distance, 'kitchens, stairwells, bathrooms, landings etc on noise facing facade.

The fa'eade of the western periphery properties on the acoustic mapping suggest that daytime projections are around at fa'eade level 65dB, and at night are around 58-59dB which, if 13dB is deducted for attenuation afforded by a partially opened window would result in levels are in the upper regions of LOEL and also exceed BS8233, as they will, with windows open, be 6-10dB above internal standards, unless windows are closed along with alternative all-house ventilation . I suggest some attention is made to the properties in the South West marked red in figure 8 to determine if layout, setback and orientation can be improved. The property in the South west Corner is just above SOAEL indication for both day and night at fa'eade levels and I would question its inclusion. If I have interpreted the report correctly It can be concluded that for the majority of the site that based on fa'eade values and contours that the internal values with windows open appear to be in the region of 5dB above BS8233 guidelines with windows open, internal standards will be achievable with windows closed and alternative sources of ventilation providing fresh air. Practically speaking many people will have windows open for connection to outdoors and by the anonymous character of traffic noise is somewhat a background noise. As mentioned as the impact in LEOL range may show behaviours in response to noise such as having to close windows, or when windows are open to turn up TV a little louder or speak a little louder in outdoor areas. The Spec 3 properties will have to have increased ventilation and the noise aspect of the ventilation system itself when operating hasn't been assessed. Can AVO risk assessment details be submitted. Overall, based on the monitoring and modelling, the site is in the Medium Category of noise as detailed in ProPG and some properties on the periphery, especially the western side are more affected than others, and this will in turn themselves create an acoustic shadow towards the properties in the middle of the site. This doesn't necessarily mean that traffic noise is a constant distracting disturbance, as traffic noise is often described as anonymous in character, which is to say a background noise, as opposed to a directional, impulsive, tonal or intermittent noise such as from the buzzes and hums and clanks of industry or commercial sources which creates a more disturbing environment even at lower overall decibel levels. Practically, this indicates that noise from road traffic will be audible and so to achieve internal standards, the windows will for many houses may to be closed to meet those standards' This importantly doesn't mean sealed shut or the default will be to close windows, as householders will have autonomy over windows for ventilation and for connection to the outdoors, but there is ' from a standards point of view- a competing interest of acoustic

*comfort and natural ventilation, and so to mitigate this, efficient alternative ventilation is required for thermal comfort should windows be closed as specified. This isn't an especially unusual circumstance of development near transport routes, but a compromising approach balancing the need for this housing alongside other social factors are required to determine the application. The data doesn't show the site in the category where it should be refused on noise grounds alone and, as it is the case as mentioned in ProPG, that it may not always be possible to achieve acoustic standards with windows open or accepting that noise levels in parts of the outdoor amenity areas may not be optimal where there are other factors to be determined by the decision maker. Broadly speaking, the majority of the site is above the level of lowest observable adverse effect but below the level of Significant observable adverse effect. This is as mentioned before, not necessarily unusual but not ideal, and the application would have to be determined in the context of favour of other social merits or policy factors. Regarding noise guidelines, The first aim of the NPSE is to avoid SOAELs from occurring. The second aim of the NPSE relates to instances where noise levels are expected between the LOAEL and the SOAEL, such as on this site, and where ProPG principle will apply to create as good an acoustic environment as it can get' by the effort of designing the site as in Supplementary Guidance to ProPG, before reliance on windows to be closed to allow the developer achieve internal standards. It is balanced up with other factors in favour or not in favour to the overall development, thus' requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur'(NPSE, para 2.24). It is noted that ventilation is a requirement and that Building Document F is referred to, however there is guidance released in 2020 as the Acoustics, Ventilation and Overheating (AVO) Residential Design Guide which the acoustic consultant has mentioned as required for spec 3 properties and assessment required. As part of mitigation from noise sources, It is noted a 3M high acoustic barrier will be installed as mitigation for noise from the proposed North West Relief Road ,though the acoustic design statement states 2 Metres and 2.5M elsewhere, can this be clarified). Also, who would be responsible for this fence?
I notice that the majority of the 'affordable housing' on the periphery neatly corresponds to the properties identified to be most detrimentally affected by noise. It may be worth noting that the occupants of affordable housing which may mean being allocated social housing, often do not have open market choice of house location than others, as some people are often rather unaffected by transport noise.*

Construction Noise: *Should the permission be granted, on the note of noise during any construction phase, the CEMP does not specify operation times. Due to the proximity of receptors I would suggest that 0800-1800 Monday to Friday, 0900-1300 Saturday and no work on Sunday and Bank Holidays. I would further suggest that reversing alarms are of the white noise type. Can the applicant advise whether pile-driving expected to be required? If so the cyclical/auger type method is advised to protect the amenity of existing residents.*

Dust Impact : *The risk assessment of construction phases dust is medium to high. There are a number of receptors in the area in close proximity (including properties which would be almost central in the construction site). If permission is granted, there should be a condition to require a pre-commencement detailed dust management plan based IAQM guidelines. The submitted Dust Management Plan is rather generic document without any indication of where site phasing will occur, where site stock holds will be located, internal road building, entrance and exit points, wheel wash equipment or where monitoring points will be located and who will be engaged to monitor*

An earlier response indicated:

Regulatory Services have commented on three issues: 1 . Contaminated Lane, 2. Noise assessment, 3. Air Quality Assessment.

Please note that in relation to 2. Noise, further information has been requested from the agent so this comment is incomplete until further information is provided.

Contaminated land: A report by georisk Management; Geoenvironmental Assessment, Shrewsbury West - Housing Land; Report No. 12133/1, Revision 1, November 2019, is relevant to this planning application site and Regulatory Services has commented previously on an application to discharge condition 16 (contaminated land) on the original outline approval (14/00246/OUT) for this site.

This application includes the area of the former transport yard and georisk Management had recommended that within the transport yard area, further investigation and assessment is required as the investigation to date had been restricted to external areas only. Further investigation and risk assessment should be carried out post-demolition, to include the footprint of the workshop and fuel storage tank area. On completion of this further risk assessment a Remediation Strategy will need to be developed for the transport area of the site.

Accordingly, as part of this proposed development is considered as potentially contaminated land, the following must be included as conditions if permission is granted:

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying

out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

The report specifies three specifications for mitigating road noise by acoustic treatment for facade boundaries and the glazing and ventilation spec of each three identified grades of properties for mitigation. In Item 11.2.7 it is said that 'It should be noted that, in order to meet the internal ambient noise criteria in these areas, the windows will need to remain closed.'

The areas are not specified. Which properties will require the windows to be closed to meet internal acoustic standards in fig.7? Is it Spec 3, Spec 2 or all properties? If properties are identified as needing closed windows we expect that ProPG Good Acoustic design principles be explored first to reduce need of closed windows to meet internal noise standards.

- 3. Air Quality Assessment** - *The risk assessment of construction phases dust is medium to high. There are a number of receptors in the area (including a property which would be almost central in the construction site). If permission is granted, there should be a condition to require a pre-commencement detailed dust management plan based IAQM guidelines as mentioned in the recommendations in item 7 of the report, to mitigate dust emissions and effects on residential properties.*

In relation to contaminated land the response indicates:

A report by SLR; Preliminary Land Quality Risk Assessment; Pursuant of Parts a & b of Condition 6 of Planning Permission 18/04194/FUL; Erection of 80 Bedroom Care Home, Land South of Oteley Road, Shrewsbury, Shropshire; SLR Ref: 402.02498.00011.046, Version 1, August 2019 has been submitted in support of the discharge of condition 6 on planning approval 18/04194/FUL.

This report includes a review of previous site investigations by others dating back to 2013 and essentially the only further investigation and assessment is in respect of the stockpiles of material in the northwest of the site and their suitability for re-use.

SLR has recommended that an intrusive investigation and environmental screening to take account of the chemistry of soils within the stockpiles is undertaken to identify the composition of the stockpile. Secondary to the assessment of PPL 1a and 1b, this investigation would provide the opportunity to assess the chemistry of any soils identified for off-site disposal' if required. As the results of any investigation should be used to inform generic risk assessments, Regulatory Services will require sight of the conclusion to those assessments prior to commencement of development and will require remedial plans to be put in place and implemented in the event the unacceptable risks to humans / plants are found. Therefore, until the results of this further assessment are submitted, Regulatory Services cannot recommend the discharge of condition 6a.

With regard to the importation of material to be used in soft landscape areas, the requirements are detailed in the Councils 2013 Contaminated Land Strategy that can be view at <https://www.shropshire.gov.uk/environmental-health/environmental-protection-and-prevention/contaminated-land/> (Pages 67 to 72).

4.10 **SC Archaeology Manager** has responded indicating:

The developable part of the proposed development site comprises a 11.6ha area of agricultural land on the north-western edge of Shrewsbury, within the allocated area of the Shrewsbury West Sustainable Urban Extension.

RECOMMENDATION: To address the requirements of Policy MD13 of the Local Plan and Paragraph 189 of the NPPF a Heritage Statement by RPS has been submitted with the application. This concludes, at paragraph 7.6, that the site is considered to have a low/ negligible potential for significant (i.e. non- agricultural) remains of all periods.

On the basis of these findings, together with those of previous heritage assessments that have included the proposed development site, we confirm that we concur with this assessment of the archaeological interest of the proposed development site. These assessments include an archaeological field evaluation, comprising a geophysical survey and trial trenching, that was undertaken in 2018 on the line of the proposed Oxon Link/ North West Relief Road through the proposed development site, which found no archaeologically significant remains in this area.

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

4.11 **SC Conservation Manager** has responded indicating:

Further to the consultee comments from the Archaeology side of our Team, I would also note that a Heritage Statement prepared by RPS has been submitted with this application to address the requirements of Paragraph 189 of the NPPF and Policy MD13 of the Local Plan, where the findings and conclusions in terms of built heritage matters are generally concurred with.

Additionally an LVIA and a Design and Access Statement has been prepared, the latter of which refers to the specific house designs submitted in terms of their

appearance, architectural design and materials to be used in the scheme.

While there is no major concern raised with the house designs proposed, it is noted that there is a lack of chimneys through the entire site where such features could add some visual interest and variety to the development, and where these would relate to the wider rural context of the area. Also to improve the appearance and detail of the houses, a high quality window design is recommended for the front elevations, and where relevant, any rooflights should be the low profile flush fitting type, again to improve the appearance of the dwellings.

We would raise the above noted issues which we recommend require further consideration.

4.12 **SC Ecology** have responded indicating:

Biodiversity

The application is accompanied by an updated Biodiversity Metric calculation and report. Having analysed this and the accompanying information regarding habitats and condition assessments, and amending it in some areas based on my professional judgement, the metric indicates that the development will result in a measurable net gain of habitats of 0.05% and a net gain of hedgerows of 4.95 % from the baseline. The scheme includes for a Biodiversity Enhancement Area which will provide seven new ponds and adjoining terrestrial habitat specifically designed to provide optimal habitat for amphibians (including great crested newts) and which will also serve to compensate for the loss of two existing ponds present on the site. In addition to the BEA, the management of SUDS features and the existing pond plus grassland areas within the housing scheme (which are not amenity grassland) will promote biodiversity within the development, and the addition of bat and bird boxes (conditioned) will also provide roosting and nesting opportunities for bats and common birds, so that the development accords with the NPPF, MD12 and CS17. Drawing number AAJ4921-RPS-XX-xx-DR-L-LS-16 Rev 1 Habitats Enhancement Plan (RPS, April 2020) illustrates the incorporation of features for wildlife into the development, however, it is out of date as it not based on the latest submitted layout plan. I am largely in agreement with the measures proposed, however, I would request that a minimum of 68 bird boxes and a minimum of 68 bat boxes are integrated into the development. At the moment, the numbers proposed mean that less than 15% of the dwellings have such features. A condition is therefore recommended to secure this, alongside hedgehog friendly gravel boards and amphibian-friendly drainage features for the up to date layout.

Retention of existing pond

Additional information has been provided by the drainage engineer to address concerns I raised regarding the supply of water to the retained pond. It is proposed to divert some of the private roof drainage into the existing retained pond to supplement its catchment, thereby providing additional water supply to maintain its current fill level, post development. Drainage plans should therefore be altered to account for this diversion, which can be conditioned.

Bats

The lighting strategy for the site has been updated so that lighting columns are now proposed which have a warm white spectrum (ideally <2700 Kelvin) to reduce blue light component which is most disturbing to bats. I am satisfied that the use of the

site by bats will therefore be retained, and that commuting routes will not be subject to high levels of inappropriate lighting.

Great crested newt

My consultation response regarding GCN will be issued imminently.

CEMP and Habitat Management

The application documentation contains a Habitat Management Plan and CEMP by RPS dated April 2020 although these are now outdated as they do not reflect the updated site layout (for instance, they omit the retention of one existing pond).

Therefore, revised versions of these documents should be submitted for approval, and conditions are therefore recommended to ensure this, prior to commencement of development (CEMP) and prior to occupation (HMP).

Recommended Conditions

Construction Environmental Management Plan condition

No development shall take place (including demolition, ground works and vegetation clearance) until an updated Construction Environmental Management Plan (Ecology) 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;*
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;*
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);*
- d) The times during construction when an ecological clerk of works needs to be present on site to oversee works;*
- e) 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.**
- f) 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.

Habitat Management Plan

Prior to the occupation of the development, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be retained, created and managed;*

- b) Ecological trends and constraints on site that may influence management;*
- c) Aims and objectives of management;*
- d) Appropriate management options for achieving aims and objectives;*
- e) Prescriptions for management actions;*
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);*
- g) Personnel responsible for implementation of the plan;*
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;*
- i) Possible remedial/contingency measures triggered by monitoring;*
- j) The financial and legal means through which the plan will be implemented.*

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in

accordance with MD12, CS17 and section 175 of the NPPF.

Features for wildlife

No development shall take place (including demolition, ground works and vegetation clearance) until a plan showing features for wildlife to be integrated into the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- a) Location and specification for the erection of a minimum of 68 bird nest boxes suitable for common bird species including tit species, robin (open fronted) and house sparrow (sparrow terrace boxes), as well as integral swift boxes (minimum 6) and starling boxes.*
- b) Location and specification for the erection of a minimum of 68 bat boxes suitable for crevice dwelling bats.*
- c) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development.*
- d) Location and specification of amphibian friendly drainage features (ie gully pots etc),*

as part of the drainage scheme for the site.

The plan shall be carried out as approved.

Reason: To ensure the provision of features for biodiversity protection and enhancement are integrated into the development.

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

If it is necessary for work to commence in the nesting season then a pre-commencement

inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an

appropriately qualified and experienced ecologist should be called in to carry out the check. [Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.] If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

Great crested newt (GCN)t

The presence of a small breeding population of GCN in the Calcott Lane Pond was confirmed in surveys undertaken in 2014, 2016 and 2019. Peak counts were between 1 and 3 adults, indicating a 'small' population.

The arable field ponds were subject to an environmental DNA (eDNA) survey in 2016 with a negative result. Because of the proximity of the breeding population in the Calcott Lane Pond, these waterbodies were subject to two six visit population surveys, one in 2017 and again in 2019. Over these surveys, a single adult GCN was recorded on one occasion in 2017 with no GCN observed or caught over the six survey visits in 2019. These findings indicate that these ponds do not support a breeding population.

Surveys of other waterbodies within 500m of the development have confirmed likely absence of GCN, indicating that the population in the Calcott Lane Pond is isolated. The development will lead to the loss of terrestrial habitat within 250m of the Calcott Lane pond, and therefore, to ensure the favourable conservation status of GCN are maintained as a result of this application, the applicants have provided a signed Impact Assessment and Conservation Payment Certificate as evidence that the application site has been accepted into the District Level Licensing (DLL) scheme for great crested newt, which is run by Natural England for Shropshire.

The Shropshire GCN DLL scheme allows for a strategic approach to ensure that the favourable conservation status of GCN in their natural range is maintained. This is through payment of a conservation payment that allows for the impacts on GCN (through a planning application) to be adequately compensated. It is therefore considered that the proposals will not be detrimental to the maintenance of the population of GCN at a favourable conservation status in their natural range.

As GCN are a European Protected Species, I have provided a European Protected Species 3 tests matrix at the end of this response.

The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

4.13 **SC Drainage Manager** has responded indicating:

The revision D Exceedance Plan is acceptable and therefore all drainage proposals are acceptable.

As a general observation, levels of the proposed NWRR should be carefully considered as the roads is shown as being on 7% superelevation, with levels falling towards this proposed development, and will therefore be lower than those assumed on the plan. The proposed levels shown for this development will be somewhat higher

than the NWRR boundary

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

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

Condition: Prior to the development hereby permitted being first brought into use/occupied the foul and surface water drainage shall be implemented in accordance with Drawing Nos. RED087-180 Rev D, 181 & 182 Rev C, 925, 926 & 927, 930 - 935 Rev B, 940, and Storm Water Calcs 29/04/21.

Reason: To ensure a satisfactory drainage of the development.

Comment:

1. *Drainage calculations for the layout as shown on drawings RED807/925, 926 and 927 should be submitted for approval with the discharge rate as agreed in the outline application. MicroDrainage frx / mdx / srcx files or equivalent should be submitted as part of the submission. The attenuation drainage system should be designed so that storm events of up to 1% AEP rainfall event + 40% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
2. *A plan should be submitted clearly showing the drained areas plus the appropriate allowance for urban creep. 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%
3. *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. *Confirmation is required where the high level overflow as detailed on drawing RED870/940 is situated and how it forms part of the drainage strategy.*
5. *A statement and details should be submitted demonstrating what provision or allowance, if any, has been made for in attenuating surface water flow from the proposed link road drainage system.*
6. *An updated SUDS management plan should be provided detailing who will manage the SUDS features and a schedule of operations and frequencies.*

4.14 **Shropshire Wildlife Trust** have responded indicating:

The Trust feels that the application falls a long way short of what might be expected in a 'sustainable' urban extension.

Of particular concern are the open space, green infrastructure and ecological elements of the proposals.

A large quantity of the open space provision is to be situated on the far side of the proposed North West Road. It is our understanding that the suggested pedestrian crossings will not be possible given the 60mph speed limit on the road. This open space will therefore only be accessible via a lengthy diversion to a foot/cycle way bridge proposed to the east of Shepherds Lane.

The ecological interest of the water bodies on the site has been down played but they are of high local value and their loss will result in a decline in the biodiversity value of the area. This is contrary to NPPF policies requiring biodiversity gain. It is also believed that these pools are ground water fed and so need to be treated appropriately. It is not acceptable for these pools, which provide a significant social and environmental asset, to be simply filled in and developed over.

We see little that in the proposed development that would contribute to a 'sustainable' definition of the urban extension. Lack of accessible open space, disconnected green infrastructure, impacts on water bodies and possibly groundwater, lack of sustainable travel options leading to a car focused commuter estate, etc. should not be acceptable in any development. Within a 'sustainable' development it might be expected that significant levels of biodiversity gain would be achieved possibly with the inclusion of green roofs and walls.

4.15 **SC Learning and Skills Manager** has responded indicating:

Shropshire Council Learning and Skills reiterates that the local schools are currently close to capacity. It is forecast that the cumulative effect of this and of other developments in the area will require additional school place capacity, over and above the current planned expansions, to further manage additional pupil numbers. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered

necessary to meet pupil requirements with the area. Based on the scale of the proposed development of 345 dwellings it is recommended that contributions, to address future capacity needs are secured by means of a s106 agreement. (It has since been acknowledged that the CIL contributions for this specific project have been secured for education purposes then that should satisfy the current education requirements).

4.16 **SC Housing Manager** has responded to the application indicating:

The provision of 51 affordable dwellings represents 15% of the proposed development of 340 dwellings and therefore meets policy requirements. The tenure of the proposed dwellings is split between Affordable Rented 36 dwellings (70%) and 15 (30%) Shared Ownership. Again, this satisfies the required tenure split as outlined in the Type and Affordability of Housing SPD. The clustering of the affordable dwellings is now acceptable, in terms of clustering and numbers of dwellings within each cluster.

The disappointment however, relates to the size of the dwellings. The one bedroom unit falls below the nationally described space standards. The 2 bed 4 person accommodation identified as 69.58 sq. metres is below the space standards for such accommodation of 79 sq.metres. Whilst, these space standards are not currently adopted by the Council, we would encourage the provision of these standards in all proposed new development

An earlier response indicated:

The proposed development comprises 340 dwellings on a site where the prevailing target rate for affordable housing is 15%. The scheme identifies the provision of 51 affordable dwellings, which would meet policy requirements. There is a requirement for the tenure of these to be split 70/30% in favour of rented tenure, with 30% being low cost home ownership. The plan fails to reference the tenure of each affordable property on a plot by plot basis.

Notwithstanding the absence of clarity regarding tenure split, the clustering of the affordable dwellings as indicated in the amended plan submitted in December (2020) is unacceptable. Vine The SPD Type and Affordability of Housing provides that Affordable housing should be integrated with market properties in terms of their appearance, design, layout and siting within the development. For ease of management, small clusters of affordable homes, for example pragmatic groupings of up to six properties, may be acceptable provided that when viewed as a whole the development meets this requirement for integration. Additionally, the Council may also be guided on this matter by any specific factors or reasoning put forward by Registered Providers on a scheme by scheme basis. Vine It should be noted, that the Council has previously supported clusters of more than six affordable dwellings on larger market schemes. Such support has been on a case by case basis. The affordable provision to the north west comprises 25 affordable dwellings in one cluster. This amount of affordable housing in one cluster is unacceptable, given that this provides fractionally below 50% of the required affordable provision for the whole site, in one cluster. Vine The clustering and tenures indicated on the originally submitted layout plan in May 2020, represented an acceptable distribution of affordable dwellings. Vine We also require a phasing plan to enable an assessment to be made of when the affordable housing will be delivered in relation to market housing. Phasing and delivery of affordable housing will need to be referenced in the S106 agreement.

The size of the affordable dwellings fails to meet the technical housing standards nationally described space standard. T78 relates to a 4-person household at 59.27 sq. metres, whereas the national standards refer to a floor area of 79 sq. metres (70 for a 3-person household). The property referenced SH50 being 69.7 sq. metres is acceptable for a 3-person household but not 4, as indicated. The one bed units at 43.26 for two people are small when compared to the national standards, where 50 sq. metres is deemed appropriate. These standards are not currently adopted by the Council, but nevertheless, we use them to encourage developers to apply these standards. House type T78 is unacceptable and amendments to this house type should be sought.

4.17 **SC Trees Manager** has responded indicating:

No objection to the proposed development subject to tree protection conditions being attached to any grant of planning permission.

An objection was raised to the last iteration of the site layout on grounds that it did not provide an adequate buffer zone around the veteran tree T21. This has been addressed in the revised site layout that has provided additional space around the tree along with additional measures such as improving the bio-diversity in the area around the tree through landscaping and the provision of a detailed veteran tree management plan. Full details are provided in the revised addendum to the arboricultural assessment.

A second concern was raised regarding the provision of soil resource for the proposed new tree planting. This has been addressed through a revision to the landscaping scheme and is now considered to be satisfactory.

The above amendments satisfactorily address the concerns raised and the objection is withdrawn, subject to condition requiring a full tree protection plan and arboricultural method statement being provided and agreed with the LPA prior to the commencement of development.

It is considered that the proposed development accords with to the principals of sustainable development outlined in the NPPF and policies MD2 & MD12 of the SAMDev and the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17 in respect of tree retention, provision and protection.

The following condition is recommended:

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

a) *No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with*

British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until the veteran tree management plan in respect to T21 has been submitted and approved by the LPA.

e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

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

to the principals of sustainable development outlined in the NPPF and policies MD2 & MD12 of the SAMDev and the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17.

An earlier response indicated:

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

The AIA has identified 76 individual trees, 20 groups of trees and 5 hedgerows which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and agree that in the main they are appropriate, although I consider that tree T1 and T6 amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and agree that in the main they are appropriate, although I consider that tree T1'd landscape and should be categorised as A3. The AIA also identifies 3 veteran trees, one of which is within the development area.

The proposed site layout will require that 7 individual trees and 3 groups of trees are removed. Of these 2 are category B (moderate value) and the remainder category C (low value). In addition, there are 5 category U (unsuitable for long term retention) trees to be removed. 3 hedgerows (1 cat B and 2 cat C) are to be removed and sections removed from 7 other hedgerows. There is also encroachment into the RPA of T21, a veteran tree.

Overall, the level of tree loss is acceptable for a development of this scale and is compensated and mitigated through the new planting that is proposed for the site. A comprehensive landscaping scheme has been submitted, which provides for a high level of tree planting across the site, with both formal and informal features and includes trees which will develop to become large canopy specimens.

In principle the site layout in terms of tree retention and provision of new trees is reasonable, however two concerns are raised.

Encroachment into the RPA of veteran tree T21 is not acceptable and does not comply with BS 5837: 2012 recommendations, for a veteran tree in addition to the normal Root Protection Area, standing advice also references a buffer zone of 15 times the trunk diameter which should be protected from development activities. Although, the tree constraints plan does not show this buffer zone, and it is clear that there would be construction activity within this area and this would put the tree at an unacceptable level of risk from the development.

Veteran trees are very important assets and the presence of a veteran tree is a special circumstance and material consideration. Current standing guidance is that planning permission should be refused if development will result in the loss or deterioration of ancient woodland, ancient and veteran trees unless there are wholly exceptional reasons to approve it.

As it stands the proposal does not properly protect the veteran tree and therefore is contrary to both local and national planning policies.

Secondly, concerns are raised that there are not suitable soil resources provided to allow for the new planted trees to establish and grow to maturity where they are sited in the housing areas, particularly roadside plantings. These trees are an important part

of the landscaping of the site and must be provision with adequate soil resources.

It is recommended that the site layout is redesigned to accommodate the veteran tree and that details of soil resource provision are provided as part of the landscaping proposals.

4.18 **SC Landscape Consultant** has responded indicating:

The assessment of landscape and visual effects has been carried out in broad compliance with the principles set out in GLVIA3. However, although the judgements made do not appear unreasonable, the absence of a methodology for the assessment of effects and evidence for the judgements makes a full validation of the findings difficult. Proposed residential development, Welshpool Road Application 20/01957/FUL ESP Ltd Page 13 of 14 February 2021

We consider the absence of an assessment of cumulative landscape and visual effects to be a significant omission, and we have some concerns that the assessment of visual effects is limited to locations within and on the perimeter of the site.

At Year 15, a number of significant adverse effects are predicted to remain. These are: 'Major' Moderate adverse landscape effect on Landscape Character Type Shrewsbury 21, due to the openness of the landscape being lost due to the development Major 'Moderate adverse visual effect on Viewpoints 1, 2, 3, 5 and 6

At Year 15, beneficial landscape effects are predicted for managed hedgerows, mature trees and naturally regenerating grassland.

It has not been possible to make a comparison of landscape effects with the LVIA submitted with the outline application for this site. A comparison of visual effects however indicates that the predicted levels of effect are notably more adverse for this development.

Full details of landscape mitigation and aftercare have been submitted and these appear appropriate.

The proposals comply with Local Plan policies CS6, CS17, MD2 & MD12 in relation to landscape character and visual amenity.

We therefore recommend that prior to determination of the application the LVIA be amended to include an assessment of cumulative effects and consideration of visual effects outside of the immediate vicinity of the site.

It is important to protect the topsoil resource currently on the site which is at risk from poor construction practices. SamDEV policy MD12 makes specific reference to protection of soil as a natural asset, and we would recommend that, if the application is recommended for approval, this be conditioned with suggested wording as below:

Proposed residential development, Welshpool Road Application 20/01957/FUL 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.

4.19 **SC Recreation and Open Space Manager** has responded indicating:

The inclusion of usable Public Open Space within this development is still considered by officers to be disappointing with the lack of centrally positioning of public space and green off road corridors linking the various areas of the development however, this planning application does offer a better layout than that of the planning application granted in 2014.

The play area has now been more appropriately positioned and located more central to the development with the (applied for) diverted public footpath providing off road access to it which is welcomed.

The retainment of the naturally developed pool to the east of the development is a welcome addition to the public open space, although not considered “useable” open space it is accepted that this area will bring ecological benefits to the development.

With the inclusion of this natural space the POS within the development meets the 30sqm criteria and does provide more POS than that of the 2014 planning application. However, Officers do have major concerns about the possibility of the NWRR dissecting the POS to the north of the site, with no provision to be provided over the road to access the POS to the north of the road. A bridge should be provided at this dissection point to allow safe access for residents and walkers between the development and the POS. If no bridge is provided this will in effect make this northern section of the POS unusable.

Officers will require information about who will be taking on the future maintenance of the Public open Space. Arrangements must be in place to ensure that the open space will be maintained in perpetuity whether by the occupiers, a private company, a community organisation, the local town or parish council, or by Shropshire Council.

4.20 **Public Comments**

4.21 In the region of seventy four letters of objections have been received from members of the public, which includes Shrewsbury Branch of Friends of the Earth. Key planning related issues raised can be summarised as follows:

- Poor integration with the proposed new link road and little reference to the noise mitigation on that side of the development.
- Poor consideration of traffic flow with concerns on load leading into Shrewsbury to facilities and services not available on
- Overloading of services and infrastructure especially schools and retail facilities.
- A development on already pressured green space. Although there are few documented species - the breathing space is increasingly constrained and there will be bat flight paths from the well documented Preston Montford sights. The Shropshire Mammal Society should be consulted for up to date badger and otter sightings.
- Building so many houses will have huge negative effect on the location for

many months with pressure on services and roads.

- The application proposes an increase in housing numbers in comparison to the previous approval for the site and the scale and design is not considered reflective of current circumstances' the recent Covid 19 pandemic and the need for consideration to space for working from home and the need for larger private gardens.
- Boundary hedge between site and an existing private dwelling considered inadequate and needs further strengthening.
- Proposal lacks sufficient consideration to public open space.
- Concerns about private access to a septic tank on the land and access in order to maintain private property adjacent to the site.
- Lack of consideration to community cohesion.
- Concerns with regards to overall sustainability of the proposed development and increase in carbon emissions.
- Concerns with regards to dust management and applicants methodology for addressing this matter.
- Concerns with regards location of a electric sub station which is alleged to be 3-4 metres from an existing dwelling.
- Existing infrastructure will be unable to cope with further housing development.
- Detrimental impact on existing residents human rights. and the right to a peaceful enjoyment of possessions and loss of green space for exercise.
- Amended plans received do not address issues of concern.
- Errors contained within detail submitted in support of the application.
- Concerns with regards to highway issues and detail contained within the transport assessment submitted in support of the application.
- Loss of established ponds on site and the impacts this will have on local biodiversity

4.22 A letter of objection has been received on behalf of '**Morris Leisure**', (owners and operators of Oxon Touring and holiday home park), the conclusion to this objection indicates:

Leith Planning Ltd are once again instructed by Mr Edward Goddard, Managing Director of Morris Leisure who own Oxon Touring and Holiday Home Park, Little Oxon Lane, Bicton Heath, Shrewsbury. We are instructed to review and comment on the revised plans and documentation submitted in relation to planning application reference 20/01957/FUL. In preparing the comments made within this report we have paid due regard to the revised submissions and our concerns laid out within our earlier representation dated July 2020. We remain of the view that the application is unacceptable and has not addressed a number of our concerns as set out below. Planning Application Reference: 20/01957/FUL - Description of Development - The Description of Development is noted to have been amended. The application was previously described as follows, and remained under the identical description of development within the letters on the re-consultations sent out by the local authority in January 2021: 'Mixed residential development of 345 mixed (including 52 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and play areas. However, from a review of the application online, it is noted that the description has now been duly amended to read:

'Mixed residential development of 340 mixed (including 51 affordable units) with

associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas. (AMENDED DESCRIPTION).

Confirmation is therefore sought that the consultation on the application has been carried out in reference to the correct description of development.

Whilst it is noted that the applicants have sought to reduce the scale of development on site from the previously proposed 345 units, the minimal reduction of just 5 dwellings still clearly represents a significant increase over and above that previously approved on site, at just 296 units. We remain concerned that the applicants are seeking to significantly increase the scale and density of development on site to a level which is uncharacteristic of the local area, and which will inevitably lead to further applications on the other phases of the SUE for even greater levels of development over and above those set out within the Development Plan. This will have significant impacts on the amenity of neighbouring residents and businesses and on the local highway network.

Comments on Revised Submissions

We set out in detail within our objection dated July 2020 that a number of documents were absent from the application or simply incomplete. Having assessed the information now submitted we would comment as follows:

Environmental Impact Assessment - Screening Opinion

We have been unable to locate any further information or documentation in relation to our previous concerns on the Screening Opinion which are replicated below for ease of reference:

1. A letter from the Applicants' agent in relation to the need for an EIA is understood to have been provided. However, beyond the information contained within the Planning Statement we have not had sight of this document, and cannot therefore comment on the evaluation undertaken;

2. Within the Planning Statement the matter of the need for an EIA has been addressed. However, it would appear as though the Applicant is relying on the previous EIA decisions made in 2013/2014. Clearly some time has passed since the previous EIA screening was undertaken. Further, this application is for additional development above and beyond that previously approved. We are therefore of the opinion that a fresh Screening Opinion should be undertaken to ensure that the application is appropriately determined. It is understood that this position was shared by the local authority during the pre-application discussions on the development. We therefore remain concerned that the application has not been sufficiently assessed in relation to the need for an EIA and would ask for justification as to why an updated Screening Opinion has not been requested.

Landscape Visual Impact Assessment :

1. It is noted that Shropshire Council instructed third party consultants in February 2021 to undertake a review of the Landscape Visual Impact Assessment submitted by the Applicant. From a review of the report, it is clear that the consultants have some concerns with the applicant's submission. The Executive Summary is noted to state:

The assessment of landscape and visual effects has been carried out in broad compliance with the principles set out in GLVIA3, however we have some concerns relating to the lack of a methodology and the limited selection of visual receptors.

Between the commencement of the development and up to Year 15 after completion, a large number of significant adverse landscape and visual effects are predicted. Up to Year 15 no beneficial landscape or visual effects are predicted.

From Year 15, Major to Moderate significant adverse landscape character effects will remain, and Major to Moderate adverse visual effects will remain for 5 viewpoint locations. At Year 15, beneficial landscape effects are predicted for a number of landscape receptors.

Predicted levels of visual effects are notably more adverse than those submitted with the outline application for this site. The report sets out specifically within sections 7, 8 and 10 a number of concerns with the document as submitted which need to be addressed. The Council's consultant sets out a number of recommendations at section 11, namely:

11.8 We therefore recommend that prior to determination of the application the LVIA be amended to include an assessment of cumulative effects and consideration of visual effects outside of the immediate vicinity of the site. Given that the council's consultant state that it has not been possible to make a comparison of landscape effects with the LVIA submitted with the outline application for this site. A comparison of visual effects however indicates that the predicated levels of effect are notably more adverse for this development, we trust that the scheme and associated assessment will be duly amended. Alternatively, that the application be refused outright on the grounds of visual impact.

It is noted that this important document was only uploaded onto the Council website on the 19th February, and therefore it is assumed that third parties and statutory consultees will be given an appropriate amount of time to review and respond.

Flood Risk and Drainage:

It is noted that an updated flood risk assessment has been submitted with the application, and has been based on pre-application engagement with the relevant statutory bodies in January 2020. Given the well-publicised proposals for alternative flood mitigation measures within Shropshire, and the potential linkage of the flood management scheme with the NWRR, we would seek assurances that the applicant has submitted all of the detail required to address and overcome potential concerns on flood risk and drainage, particularly as it is noted that a number of drainage sections have been provided, however we have been unable to locate a detailed updated drainage assessment.

Updated Transport Assessment:

We have reviewed the updated Transport Assessment submitted with the application and would seek confirmation that this remains up to date given the recent submission of the planning application for the North West Relief Road (NWRR). It is further noted at table 3.3 that the applicants provide details of the distance and walking and cycle times to local facilities and amenities, including schools. However, there is no reference to Bicton C of E School which is clearly of relevance given its location to the

application site. The inclusion of Bicton School within the Transport Assessment will also necessitate the assessment regarding safe pedestrian access from the application site over the NWRR.

Noise Assessment : As a point of clarification, it is understood that the noise assessment was carried out between 2nd December 2019 and 2nd December 2020. Clarification is therefore sought as to when the survey data was collected as clearly the imposition of various lockdowns and travel restrictions over that time period will significantly influence the reliability of the assessment, as it may not necessarily provide a realistic indication of noise levels from the local highway network.

It is noted that the updated noise assessment submitted with the application does indicate that the predicated worse-case levels indicate that the guideline internal ambient noise criteria could be exceeded when windows are open, and a Level 1 noise and overheating assessment indicates a medium-high risk from noise through an open window. It is noted that the applicant proposes some mitigation to overcome noise related issues from the NWRR on the proposed development. It is noted that the proposed mitigation includes the provision of 2.5m close boarded fence in key areas shown in figure 9 of the report, with road traffic noise in external amenity space likely to be below 55dB. Firstly, we would advise that the provision of 2.5m close boarded timber fencing is not what is shown on the Materials and Boundary Treatment Plan, which shows the areas adjacent to the NWRR comprising 1.8m wall with 0.7 close-boarded timber fence on top. Confirmation should therefore be provided as to what exactly is being proposed, and if it's the fence and wall scenario that this will be fit for purpose to protect amenity and noise. Secondly, it is noted that noise levels in outdoor amenity areas is likely to be 55dB, however, as set out above confirmation is sought that this is realistic given the potential impacts of low traffic during the survey period, and whether the provision proposed is something which is likely to meet standards sufficient to support approval of the application.

The cumulative impact of noise from the development subject of this application and the NWRR have once again failed to be adequately assessed in relation to our client's concerns on the impact on the amenity of the visitors to Oxon Caravan Park and its staff. We would therefore once again request that the impact of noise on our client's business is considered as part of the application process and duly addressed.

Dust Management Plan:

It is noted at Table 3.1 that the applicants provide a summary of the closest local sensitive receptors within 350m of the site. Clarification is sought as to the closest proximity of the application to our clients site Oxon Hall, as this could fall within the 350m distance. Given the nature of our client's operation and the fact that there is consent for site managers to reside on site, it is our view that if within the parameters detailed above, that our client's site should also be assessed in relation to potential dust issues. This concern is heightened when reviewing the dust management strategy which appears to be lacking in certainty and clarity for third parties at this stage.

Air Quality Assessment:

As detailed within our earlier submission there are legitimate concerns that the Air Quality Assessment has failed to consider the impact of the NWRR on the amenity of

the proposed residents of the development. Given the potential impacts on health this issue simply cannot be ignored. Furthermore, it is noted that Figure 1 sets out the sensitive receptor locations, and the road sources modelled for the assessment. We are concerned to note that none of these elements, nor anywhere within the report has consideration been given to our client's site and the impact of the development on our client's operation. Given the sensitive nature of the use and the fact that people do have consent to reside on site, we would ask that this issue be looked at in advance of determination of the application.

Section 106 Agreement:

We welcome the submission of a development specific and updated draft Heads of Terms for the Section 106 Agreement, this is clearly the correct approach. However, as set out in our earlier representations the S106 agreement linked to application 14/00246/OUT failed to follow the committee instructions in several aspects, in particular there had been a direction from the Highways Agency that the agreement should provide for funding of improvements to Churncote Island in the event that the road scheme (Oxon Link or NWRR) did not proceed. The Highways Agency set out this position in its letter dated 21st August 2014 and which included the following statement "On this basis, the Agency is prepared to lift the TR110 holding direction relating to the current application 14/00246/OUT. The Committee minutes included the following resolution "That planning permission be granted as per the amended Officer's recommendation as detailed in the Schedule of Additional Letters, subject to: The completion of a S106 Legal Agreement to secure affordable housing, infrastructure contributions and land as set out in the report and to ensure that funding is provided for mitigation works to be provided to Churncote Island in the event that these are not delivered through planned junction improvement works within the next 10 years;" Highways England have yet to repeat that request, but it is clear that the earlier agreement should have provided for this and on that basis, so should any agreement associated with the current application. In addition, in relation to the NWRR it is noted that it states that:

'93To reserve the use of the Link Road for the purposes of the Link Road for a prescribed reservation period (provisionally 10 years the date of the 106 agreement or from occupation of a specified number of dwellings)

Any transfer to contain transfer back provisions in the event the Council does not construct the Link Road To provide access to construction working areas for the Link Road

If required, a commuted sum payment towards an acoustic fence for the Link Road
This statement further heightens our general concerns in relation to the noise levels generated by the NWRR and the need to implement mitigation to make the scheme acceptable. The above statements also raise concerns about what will happen to the land safeguarded for the link road should the recently submitted application for the NWRR be refused.

Development Plan

We remain of the view that the development as revised falls foul of the tests laid out within the Development Plan including the provisions of the National Planning Policy Framework, the Shropshire Core Strategy and the Shropshire Site Allocations and Management of Development DPD when read as a whole. We therefore ask that the additional or amended information referred to above be provided, or alternatively that the Council seek to refuse this application in line with the robust objections submitted

by Bicton Parish Council.

4.23 A letter of objection has also been received from **Sustainable Transport Shropshire**

This states:

Sustainable Transport Shropshire wishes to object to this application.

Sustainable Transport Shropshire formed in June 2016 from people who use all types of transport. In acknowledging the extensive and long established science of travel mobility we believe that only sustainable travel can accommodate current and future growth in Shropshire's population and journeys - while ensuring the continued success and health of our people, businesses, towns and villages. Sustainable Transport Shropshire has researched and published several papers on rearranging mobility in Shropshire and in Shrewsbury to the benefit of everyone.

This application is of special interest because, in contrast to other site developments, this proposal to develop green fields is being made for a 'sustainable urban extension'. One may rightly expect a higher level of sustainability in consequence.

The Travel Plan

The Travel Plan objectives at 2.1.3, 2.1.4 and 2.1.5 are sound. Reducing car use accords with government aims to decarbonise transport; increasing active travel by cycling and walking meets public health, NICE and DfT guidelines.

It is disappointing therefore that the targets listed in the Travel Plan at table 5.2 are so weak as to be meaningless. A 5.3% reduction in travel by car and a compensating increase across three sustainable modes is pathetic, a travesty for a development at a 'Sustainable Urban Extension'

Such a marginal change may however be realistic given the site design chosen by the applicant. As well as continuous, targeted, active marketing of walking, cycling and public transport, travel behaviours are strongly influenced by a site's design and the convenience or otherwise of car transport. The decision to locate plentiful parking by front doors instead of at locations 100 to 200m distant will ensure that the private car will indeed be the primary transport mode for people who take up residence here. In contrast, the location plan suggests that cycle sheds might be found to the rear of dwellings, with potential cycle users needing to walk their bicycle past the car(s) occupying the driveway (if there is space to do so). As noted in the Travel Plan, the high frequency bus service is located on Gains Avenue 300m from the southern edge of the development. An intending passenger would need to walk through the new development, cross Welshpool Road and walk along Gains Park Way to reach the nearest stop for this service on Gains Avenue. Both the distance and the impediment of a busy road will discourage use unless the service is diverted inside the development.

The Travel Plan is silent about provision of on site bus service from the time the very first house is occupied, nor does it speculate on how long any introductory bus scheme might last. People's travel behaviours follow well worn habits and opportunities to alter them are few. One such is on moving to a new house when decisions about how best to reach work, shops or schools will be taken before moving in. It is essential therefore that a bus service on site is known to be in place from day of first occupancy and is guaranteed to continue at a published frequency for an extended period until well after the last resident has moved in.

The design layout of the proposed housing

The design follows contemporary patterns of road layouts to facilitate movement by car, with provision for parking of privately owned cars adjacent to the front door of each dwelling. Many also have enclosed car garages behind; the plans also show indicative locations for cycle sheds. These are at the rear of properties adjacent to gardens and it is likely that these inconveniently located sheds will in practice be used as garden sheds to house lawn mowers and other tools. Their location behind properties places cycles at a disadvantage compared with cars parked on hard standing by front doors.

There are footways alongside each road. The retention of existing PRow is welcomed, and the purple marked route through the Linear Park provides a direct access from the northern part of the site to the main site entrance without using the road network, as well as facilitating east-west journeys on site between Home Zones. This is an attractive feature.

For the homes on the eastern side of the site the only egress on foot is to the north along the PRow or south using the main vehicular access. Opening the Home Zones to Shepherds Lane, and onto Welshpool Road, would shorten journeys on foot/cycle to the facilities at Oxon to rebalance the convenience/inconvenience compared with localised journeys by car.

The PRow route to the west (marked in blue) crosses one cul de sac road and 19 driveways and it is likely to become partially blocked by cars. Each driveway poses a risk of collision for people on foot, and it is unfortunate the development design does not currently minimise such conflicts.

Transport For New Homes have published a measuring tool to assess the extent to which a proposed development prioritises/enables travel by walking and cycling. Conversely, reliance on private cars as the principal mode of transport, and their parking spaces, creates an environment of hard surfaces with little in the way of vegetation beyond the occasional 'indicative' tree. House frontages in the proposed design minimise vegetation and feature much hard surface for car parking.

Road widths on the site are said to be suited for use by public buses. The design does not have a through route and this is likely to make it unviable for an operator to provide a commercial service on site. Buses in Urban Developments (January 2018) published by the Chartered Institution of Highways & Transportation (CIHT) recommends road network design that enables a direct bus route with access at both ends of a site. This minimises delay to the bus and to passengers already on board enabling a service to be diverted from an existing route with minimum time penalty. Such a route needs to be planned with additional walking paths so as to maximise the population living close to a stop and in any case less than 300m. The Avenue lends itself to such a through route but will require a new bus access via Calcott Lane with a bus gate or other control feature to eliminate unwanted traffic.

The environs beyond the development site

When first published the Oxon Link Road/SUE West development included direct vehicular access from this development via a roundabout onto the Oxon Link Road. Under that proposal Welshpool Road would not have direct access from the

Churncote roundabout and was described as a 'low traffic boulevard'. The new proposal has deleted the access onto Oxon Link Road and restores Welshpool Road as a through route.

The development site is not well situated for access to the amenities of Shrewsbury and journeys of four or more kilometres will be commonplace which rules out walking as a likely travel mode. With the exception of a medium sized supermarket at Oxon the nearest large retail centres are at Meole Brace (6-7 km depending on route taken) and in the town centre (4 km). The closest secondary school is 5 km. In order to minimise use of cars in accordance with the objectives of the Travel Plan the environs need to enable these journeys to be undertaken by cycle as well as by public bus. The absence of frequent bus service on site or along Welshpool Road has been noted above. There is no cycle specific infrastructure in place either. The direct cycle route to the town centre is along Welshpool Road and the Mount which involves sharing the sometimes narrow carriageway with a range of motor vehicles. While a journey to the secondary schools of Radbrook and to the Meole Brace retail park could be undertaken using footways these do not provide quick end-to-end journey times as they necessitate many crossings of minor roads and drives, nor are they easy to navigate. The best cycle route would use Racecourse Lane, Squinter Pip Way and Bank Farm Road, but for the lengthy Squinter Pip Way to feel safe for cycling it would first need to be closed to through traffic (probably near Morant View).

- 4.24 **Shrewsbury Civic Society** has responded with objections indicating:
As a Samdev allocation, the site has some potential for development. However, our Planning Committee finds this proposal is of insufficient quality to meet Shrewsbury's needs and be sustainable in all the meanings outlined in the NPPF. We note that the Guidelines of 'Building for Life' have been used to justify the site's design. However, answers to many of the Guideline's questions are very weak, suggesting that the standards will not be fully met. For example, there are few usable social facilities provided 'no shop, no community building \u8211'96 no central social feature or social draw. The most important facilities are not provided on site and some (eg school places, medical practice) are both distant and under pressure. It would appear that the Building for Life assessment is not sufficiently robust.

Consequently the proposal is a recipe for an isolated commuter suburb in three sections. However, Shropshire is now adopting the West Midlands Combined Authorities Design Charter and it is clear that these development aspirations will not be met either.

In particular, the Society objects to the quality of design of the buildings (eg unvaried rooflines with no chimneys, the quality and size of windows in the smaller homes. We find that despite the central green space, too much of the site is given to roads or buildings. Consequently, the original ecological features are undermined and split up. There are also issues concerning the linkage of the current pond areas. There is just one access road for two of the development sections rendering the development as an isolated estate. The plans show too little to satisfy the social and well-being needs of residents 'no cycleways' too few community spaces or facilities (only a green tract and a playground at one far end). The plans do not meet Shropshire's target for affordable homes.

Overall, we object to the plans because too few of the aspirations for sustainable living and quality homes are met. As it stands we hope the application will be rejected and returned for substantial alterations.

4.25 **Shropshire Group of The Ramblers** has made comment indicating:

Having studied carefully the various plans of the proposed development, we are obliged to object to the Application because Bicton public footpath 0408/9/1 has been completely ignored by those drawing up the plans. Some 175 metres of the footpath runs just inside the northern boundary of the Application site from a stile in the garden of the house on Calcott Lane, called the Cottage, to a stile leading to a narrow, enclosed footpath which runs round the back of the houses 1 - 3 Pool View and exits onto Shepherd's Lane. This section is a well-used footpath, utilised by dog-walkers and others coming from Welshpool Road and the Bicton Heath area (they use footpaths 0443/8Y/2 & 1 and then continue round the edge of the field to join this section of footpath 9, and then return via footpath 7 or vice versa, and this is what should be provided by the development). We appreciate that the area it passes through is designated as grassland on some of the plans, but the footpath needs to be formally recognised on these plans, and proper 'furniture' provided to cater for the vastly increased usage that can be expected with nearly 350 houses within a few hundred metres of it.

Moreover, we are extremely disappointed by the 'downgrading' of footpath 7 to a roadside pavement, passing alongside the main distributor road of the development. This is not an adequate solution because it is extremely likely that vehicles will be parked at various times of the day partially on this pavement, obliging walkers to use the road to pass them. This is not a safe proposition, especially as many of the walkers will be local and have dogs with them. This raises all sorts of questions about road safety. Possible acceptable solutions are to make one of the pavements much wider so that parked vehicles can be avoided, better still the pavement could be positioned a few metres from the kerb so that there is no possibility of conflict between parked vehicles and walkers. The developers should be aware that this sort of diversion of a rural footpath onto a roadside pavement is no longer welcomed by Government Policy and should be avoided at all cost. Of course, the ideal solution would be to redesign the layout of the development so that the footpath passes along a wide 'green' corridor between houses from which the residents can access the back gardens of their properties.

4.26 **Shrewsbury Branch of the Friends of the Earth** have responded to the application indicating:

We contend that it is impossible to make full comments on this application as it is presented. It contains factual errors that are misleading and as such means comment or lack of comment can be meaningless.

The following have been noted:

The Oxon Park and Ride is being closed

Information on schools is nonsense

The planning application for the NWRR is imminent but there is no "tie up" with what is proposed. The speed limit is 60mph not 50mph, footbridges to open space are no longer included. Also a layout for the Trim Trail would be virtually obliterated if the NWRR goes ahead. What is to be assumed in assessing the application?

The noise assessment acknowledges the highly detrimental effects that the NWRR would have but more information on surfacing etc is needed before proper judgement

can be made.

The conclusion from all this is twofold:

1. The applicant should be required to withdraw this application and submit a competently prepared set of documents
2. Some of the issues around the interaction between this application and the NWRR show more thought is needed on how the Council is to manage the whole Western Urban Extension. Other implications such as public transport, cycle routes, amenities etc etc cannot be properly dealt with when a piecemeal approach is adopted. Each of the planning applications should be contributing to the ultimate provision of a good overall development.

However a few brief comments:-

The Amendments\line This amended proposal does not resolve the reasons why we strongly objected to the original application. The site is still overcrowded and it is obvious the factors that would create improvements are still secondary to the desire to cram in the maximum number of houses.

The strategy by the developer of initially submitting an unacceptable proposal and now apparently making "concessions" must be dealt with firmly. This is the first stage of the Western Urban Extension of the town and nothing less than a development that provides a good environment for its residents must be accepted.

The 3 ponds on the site are a real asset and should be retained.

The noise assessment shows some houses still could not open their windows. This is completely unacceptable. The suggestion that a 2.5metre high close boarded fence would be effective isn't guaranteed but in fact is very unlikely to help. (Of course cancelling the NWRR solves the problem)

Since the last opportunity to comment on this proposal, some 8months ago, the Government has placed more emphasis on the need to promote active travel. Also the importance of access to green space has been realised. As noted above it is not possible to make a judgement on whether these matters are going to be addressed.

Conclusion - We still strongly object to the application.

Until a more coherent approach is taken to the development of The Western Urban Extension it will be impossible to make judgements on some aspects of the proposals.

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact and landscaping
- Highway access and transportation
- Residential amenity
- Drainage
- Ecology
- Section 106 and CIL.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise

6.1.2 The granting of the outline planning consent for a wider site that this site forms part of,

(ref: 14/00246/OUT), has accepted the principle of residential development on site.

- 6.1.3 The application site forms part of the Shrewsbury West Sustainable Urban Extension (SUE), which is identified in the Council's adopted Core Strategy as a strategic location for development as part of the Shrewsbury Development Strategy (Policy CS2). The SUE is also identified in the Site Allocations and Management of Development (SAMDev) Plan SAMDev Plan Policy S16.1 and related Schedule S16.1a (Allocated Housing Sites).
- 6.1.4 Schedule S16.1b (Allocated Employment Sites), and Figure S16.1.2 (Shrewsbury West SUE Land Use Plan) provide further policy guidance. In addition, the Council adopted a Master Plan to guide the development of the SUE (adopted by Council on 19th December 2013). The application site forms a first phase of the development of the SUE. This Plan set out a strategy for 750 homes by 2026 delivered in 3 specific parcels of land, to which this site forms one of them, as part of the Shrewsbury West Sustainable Urban Extension area, and thus the proposal is in line with adopted Core Strategy Policy CS2, and SAMDev Plan Policy S16.1 and the adopted SUE Master Plan, all of which seek the delivery of comprehensively planned and integrated development, including housing, employment land, and appropriate infrastructure provision/contributions. The location of the area proposed for housing, as well as the business uses and public open space, and the provisions made with regard to land for, and contribution to the cost of, the planned Link Road (between the Churncote Island on the A5 to the Holyhead Road) accord with the Council's policies.
- 6.1.5 Whilst objections in relation to the application and 'sustainability issues' are noted such as from Shrewsbury Civic Society and issues they have raised will regards infrastructure, this will be covered by Community Infrastructure Levy, (CIL), payments. On balance the principle of the development is considered acceptable subject to matters as discussed below.
- 6.1.6 As referred to in paragraph 2.2 above the application was screened in accordance with Environmental Impact Assessment Regulations and the screening opinion dated March 2nd 2021 established that the area of the development would exceed two of the indicative criteria's as set out in the regulations (Schedule 2 – 10(b) for determining significance and whether or not there is a need for EIA, with reference to Schedule 3 criteria of EIA Regulations and to the guidance set out in the NPPG and noting the considerations as set out in the assessment, it is concluded that an Environmental Statement is not required in order to ensure adequate and thorough consideration. Biodiversity impacts and net gain, along with consideration to landscape, visual and historic character impacts, archaeology, surface and foul water drainage, highway impacts and amenity can be addressed via subject specific surveys/ reports where considered necessary without the need for an environmental statement. With adequate consideration to these aspects, the Council has not carried out a scoping exercise as the key issue in relation to this development is the ecological impacts of the potential impacts of the proposal in relation to the existing on site and surrounding environment. These matters are discussed later in this report.
- 6.2 **Siting, scale and design.**
- 6.2.1 Section 12: Achieving well-designed places of the NPPF advocates optimising the potential of the site to accommodate development, create and sustain an appropriate

mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The NPPF seeks to improve and enhance places where people live. This national policy is reinforced and expressed locally in Core Strategy Policy CS6 and SAMDev Policy MD2

- 6.2.2. The proposal is for a total of 340 dwellings with associated highway infrastructure, landscaping and open space. The submission includes a total of 51 affordable dwelling representing 15% of the total number of dwellings on site. The application proposes houses that are terraced, semi detached and detached. The dwellings are predominately 2 storey with 2'bd storey along the central boulevard feature. Information in support of the applicants' submission indicates that the development will create its own identity, respecting the character of its surroundings. Six distinct character areas are proposed These areas produce variety within the development establishing a strong identity whilst also demonstrating a common design theme.
- 6.2.3 The final layout of the proposed development is set out below and this includes provision for the retention of one of the three ponds that have recently established on site, this connects to open space to the north west which retains three important mature Oak trees that are a feature to the site . To the north of this is the proposed childrens' play area and green connectivity to the drainage attenuation ponds and natural vegetation in relation to this. To the north of this attenuation pond is the location for the proposed link road that will run alongside the northern boundary of the residential development. Further north on opposite side of the proposed new road is further sustainable drainage facilities and open space.



- 6.2.4 Detail in support of the application indicates that the proposed development comprises

a range of 1, 2, 3 and 4 bed dwellings. The houses are terraced, semi-detached and detached as well as Maisonettes. The dwellings are predominately 2-storey and 2.5 storeys, with the 2.5 storeys along the linear park and along the main avenue street. The layout includes the provision of 51 affordable dwellings (8 - 1 bed, 28 - 2 beds and 15 - 3 beds), these overall dwelling numbers are consistent in percentage terms with the existing permission (ref 14/00246/OUT) and is policy compliant at 15%. The overall housing mix breakdown as a percentage is detailed in Table 7 below.

Bedrooms	Numbers	Percentage of overall housing provision.
1	8	2%
2	60	17%
3	199	58%
4	73	21%

- 6.2.5 The development is proposed to create its own identity, respecting the character of its surroundings. four distinct character areas. These areas produce variety within the development establishing a strong identity whilst also demonstrating a common design theme which is intended to integrate within the context of the surrounding area.

Vehicular access into the site is in the form of a purpose-built priority-controlled junctions will be taken from three locations, one from Welshpool Road and two from Calcott Lane. Majority of the 316 dwellings are expected to access the Site via the Welshpool Road access, with the Calcott Lane access (North) mainly serving the development located in the north-western corner of the Site. The southern access off Calcott Lane will serve the 24 dwellings located in the south-western corner of the development site only. Pedestrian and cycle access will be provided via the footways which line the new access junctions with Welshpool Road and Calcott Lane. The two PROW which run through the site will be preserved and improved as part of the scheme, providing a further link for pedestrian and cyclist onto Shepherd's Lane and Calcott Lane, from Welshpool Road. There is no vehicular access proposed off Shepherd's Lane into or out of the site.

- 6.2.6 The design of the houses is mostly two storey with some 2.5 storey houses making use of the roof space. The house types will demonstrate a cottage like vernacular including brick and render or stone cills & stone/brick heads or gauged arch windows, bay windows. They are finished mainly in brick and some render. The palette of materials proposed will include:

Brickwork using cream and red bricks, some with white render, brick/stone cills, with plain tiles in either dark brown or slate grey for the external roofing. Whilst concerns raised in relation to scale and design are acknowledged such as from Shrewsbury Civic Society overall this aspect of the development on balance considered acceptable.

- 6.2.7 The application meets the affordable housing requirement in that the provision of 51 affordable dwellings represents 15% of the proposed development of 340 dwellings. The tenure of the proposed dwellings is split between affordable rented 36 dwellings (70%) and 15 (30%) shared ownership, which is considered acceptable. The revised plans indicating site layout and clustering of affordable dwellings within the overall site is also now considered acceptable and in accordance with the Type and Affordability

of Housing SPD.

Whilst size of some of the dwellings is a disappointment. Nationally recognised space standards are not currently adopted by the Council policy, although we do encourage the provision of these standards in all proposed new development.

- 6.2.8 In relation to scale and design overall the proposed development whilst significant in area, is considered acceptable and is considered to be in accordance with the aims and aspirations of the SUE policy for this site and thus in accordance with Policies CS1, CS2, CS6, CS10, MD1, MD2, MD3 and S16 of the local plan and the overall aims and objectives of the NPPF in relation to sustainable development.
- 6.3 **Visual impact, landscaping and open space provision.**
- 6.3.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy encourages development that improves the sustainability of communities whilst requiring development to protect and conserve the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, and the achievement of local standards for the provision and quality of open space and ensure sustainable design and construction principles are incorporated within the new development.
- 6.3.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
- 6.3.4 Policy CS17 ‘Environmental Networks’ states that development will identify, protect, enhance, expand and connect Shropshire’s environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.
- 6.3.5 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire’s heritage assets will be protected, conserved, sympathetically enhanced and restored. In relation to historic issues this application is considered acceptable.
- 6.3.6 The applicants have submitted in support of their application a landscape and visual, impact assessment and this concludes that the Site measures almost 24 hectares adjacent to the north-western settlement edge of Shrewsbury. Although it is in close proximity to the settlement edge in most people’s eyes it would be classed as a rural Site and it is greenfield land. At first glance without understanding the concept behind the proposed development (and its relationship with the proposed wider SUE) it may seem inappropriate for a development of this type to be located on a rural site however this is not always the case. The principle landscape resources of this Site and its context are its mature trees, hedgerows and ‘openness’. Arboricultural, ecological and landscape and visual audits have

been undertaken as part of this application to ensure that these elements are retained as much as possible within the emerging proposal and also appropriately enhanced where possible. In visual effect terms the site is relatively well hidden. The gently rolling topography, mature hedgerows and managed hedges, mature broadleaf trees, landscaped buffer to the A5 and the relatively small number of private properties that experience views of this site mean that the residual visual effects are generally of minor significance. The application has more of an effect in landscape terms. There is no doubt that the site comprises open green field land that contributes to an important green gap between Bicton Heath and the Shropshire and Mid Wales Hospice, the Camping and Caravanning Touring Park and the small number of properties at Calcott. The character of the site and its context will change beginning with the development of the housing element of the Site and followed by the detailed design and development of the employment land and the first section of the Link Road. The assessment has informed the emerging masterplan for the housing development to ensure that mature trees and hedgerows are retained and enhanced where possible to integrate the site within its context, opportunities to provide new structural landscaping and green infrastructure are realised, opportunities to retain and enhance public linkages between Bicton Heath and the wider countryside are explored, and important landscape and wildlife assets are not conflicted.

- 6.3.7 The Council's Landscape Consultant has commented on the application indicating that the assessment of landscape and visual effects has been carried out in broad compliance with the principles set out in GLVIA3. However, although the judgements made do not appear unreasonable, the absence of a methodology for the assessment of effects and evidence for the judgements makes a full validation of the findings difficult. Concerns are raised with regards to the absence of an assessment of cumulative landscape and visual effects to be a significant omission, and there are some concerns that the assessment of visual effects is limited to locations within and on the perimeter of the site. A comparison of visual effects however indicates that the predicted levels of effect are notably more adverse for this development. Full details of landscape mitigation and aftercare have been submitted and these appear appropriate. The response indicates that the proposal complies with Local Plan policies CS6, CS17, MD2 & MD12 in relation to landscape character and visual amenity. The response indicates that it is important to protect the topsoil resource currently on the site which is at risk from poor construction practices. SAMDev policy MD12 makes specific reference to protection of soil as a natural asset, and therefore if the application is recommended for approval, this matter should be conditioned with suggested wording as follows:

'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'

- 6.3.8 Clearly the Council's Landscape Consultant whilst raising no objections to the principle of the development and methodology used to assess the proposal in relation to landscape and visual impact issues does raise concerns with regards to the absence of an assessment of cumulative landscape and visual effects to be a significant omission, and there are some concerns that the assessment of visual effects is limited to locations within and on the perimeter of the site. Whilst this omission is acknowledged it is considered that this matter would have been a consideration when the site was allocated for residential development in accordance with the master plan and formal adoption of the site as part of the local plan for residential development. The site is located on the edge of urban development with that of open countryside all be it within the built development on the urban side of the town's bypass on a site clearly considered appropriate for residential development and hence a natural place for future growth of the town. Also of significant planning weight is the previous approval for residential development on site that was approved in accordance with the current local plan and a permission that remains extant and albeit landscaping was reserved for future consideration, this aspect in relation to this approval has since been approved by the Council and therefore the applicants could in theory commence development on site. Whilst Officers acknowledge the current application proposes 40 more dwellings, it is also acknowledged that the application under consideration gives greater consideration to retention of a natural pond on site and thus greater emphasis on biodiversity and green issues. 40 dwellings as part of a large development of mainly smaller houses than that of the previous approval on site as part of the wider material considerations not considered that significant so as to warrant a recommendation for refusal on this aspect.
- 6.3.9 Open space provision on site will result in an increase in open space provided on the residential aspect of the site, compared to the previous residential approval for the site, with 3.82ha (9.46acre) area of POS being provided as usable space. This is then supplemented by an additional 3.89 ac (1.57ha) of amenity open space in the form of natural ponds and water features. A total of 13.35ac of open space is provided, excluding the ecological enhancement area. In response to a request from Officers the designed play area has been relocated from its far north west location as approved via permission (ref 14/00246/0UT) and its indicative location is now incorporated to the middle of the central linear are. It is considered that this will significantly improve its accessibility and security. A linear area of public open space is proposed alongside the route of the link road, separating the residential development from the highway. This area will provide access to public natural open space that will include areas of habitat potential and SUDs drainage proposals. There will be significant area of POS that will be centrally located around the retained pond. There will also be off-site for a new public open space to the north of the proposed residential development on the other side of the Link Road to be secured by S.106 agreement.
- 6.3.10 SC Parks and Countryside Manager has responded to the application indicating that the inclusion of usable Public Open Space within this development is still considered by officers to be disappointing with the lack of centrally positioning of public space and green off road corridors linking the various areas of the development however, the response is clear in that this planning application does offer a better layout than that of the planning application granted in 2019. The play area has now been more appropriately positioned and located more central to the development with the (applied

for) diverted public footpath providing off road access to it which is welcomed. The retainment of the naturally developed pool to the east of the development is a welcome addition to the public open space, although it must be acknowledged not considered “useable” open space, although it is accepted that this area will bring ecological benefits to the development and this is considered a material benefit to the development as a whole.

- 6.3.11 With the inclusion of this natural space, the Public Open Space, (POS) within the development is considered to meet the relevant policy 30 square metre criteria and it must also be acknowledged the proposal overall does provide more POS than that of the 2014 planning application subsequently approved in September 2019. Whilst the concerns about the proposed relief road dissecting the POS to the north of the site, and with this application not confirming provision to be provided over the road to access the POS to the north of the road, this matter is discussed further in paragraph 6.4.6 below. Maintenance of the open space provision will be covered in the Section 106 agreement, this in principle is referred to in paragraph 6.8.4 below.
- 6.3.12 Given the above in relation to landscape and overall visual impact, and open space provision, on balance and in relation to the overall material considerations of the circumstances, and with consideration to the objections on biodiversity issues raised, (members of the public and non-statutory consultees), it is considered by Officers, that the development is broadly in accordance with Policies CS6, CS17, MD2, MD12 and S16 of the local plan as well as the NPPF in relation to landscaping and visual impacts.

6.4 **Highway access and transportation**

- 6.4.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
- 6.4.2 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.
- 6.4.3 Policy S16.1a of the Council’s SAMDev refers to the Shrewsbury West Sustainable Urban Extension indicating that development will deliver comprehensively planned, integrated and phased development of the SUE having regard to the SUE land use plan and facilitation of the new improvement of the A5 Churncote Island along with sustainable transport measures.
- 6.4.4 The applicants have submitted a transport assessment, (TA), in support of the application, this concludes that the site can be accessed via a variety of sustainable modes, with footways and potential cycle connections to local facilities/amenities and to Shrewsbury Town Centre. Bus stops within walking distance of the site provide access to the wider area, as well as to onward connections to major hubs from

Shrewsbury Railway Station. Following a review of the recorded injury collisions in the vicinity of the site, there are not considered to be any unusual patterns or trends of recorded collisions that would likely be exacerbated by the development. Utilising the trip rates presented in the TA for the consented application, the proposed uplift in development is envisaged to generate approximately 26 two-way trips during the AM peak and 30 two-way trips during the PM peak. The trip generation figures equate to approximately one additional vehicle every two minutes on the surrounding highway network during the respective AM and PM peak periods. It is not considered that the traffic associated with the additional 44 dwellings at the site would result in a significant impact on the operation of the surrounding highway network. It is therefore not envisaged that any additional junction capacity modelling is necessary to support the variation in outline planning consent to increase the number of dwellings from 296 to 340 on the site. However due to possible delays to the relief road as a result of its inclusion to the Shrewsbury North West Relief Road Scheme, Highways England requested the reassessment of the A5/A485 Churncote roundabout. The assessment concludes that it is not considered that the proposed development uplift at the site would result in any severe impacts on the surrounding highway network, and as such the application for a variation in outline planning consent to increase the number of dwellings from 296 to 340 on the site should not be prevented or refused on transport grounds.

- 6.4.5 Highways England raise no objections to the proposed development, initially indicating concerns with regards to the applicants methodology used in consideration of impacts on the 'Churncote roundabout in relation to the previous application subsequently approved whilst also taking into consideration the scenarios in the event that the 'North West Relief Road' does not materialise. The applicants subsequently submitted further information on these matters and Highways England in response have indicated that based on this, they do not anticipate that the proposed development of 340 dwellings will result in a significant impact at the Churncote roundabout. As such, Highways England do not expect the applicant to undertake any further traffic assessments in support of this planning application. The response from Highways England indicates no objections subject to a condition in respect of construction and environmental management plan being attached to any approval notice subsequently issued.
- 6.4.6 The application (as did the previous application subsequently approved), proposes to provide some public open space to the north of the proposed link road. Pedestrian access from the residential element of the development to this open space will be via an access further to the east of the site on the other side of Shepherds Lane. It is important to note that the access itself is not part of this application and the Shrewsbury West SUE masterplan references the fact that a pedestrian crossing or bridge will be provided. The detail of this is to ultimately form part of any consent for the link road itself. The North West Relief Road, (NWRR), road had a design speed of 60mph. The application (reference 21/00924/EIA), for the NWRR includes provision for a pedestrian/cycle crossing bridge directly to the east of Shepherd's Lane. The approved solution will need to safely reflect the nature and purpose of the road as well as the likely level of pedestrian traffic given the function of linking the development with public open space. Given that the proposed road crossing does not in itself form part of the current application (it would not be required without the link road), and that its provision would in any case accord with the adopted masterplan, officers consider

that whether or not it is formed of a bridge, or some other form of crossing, is not material to the current application for a decision before the Council. Ultimately the design of the crossing will need to take account of the function and speed of the new road and the need to provide a safe crossing for pedestrians of all types.

- 6.4.7 The applicants have as part of the application layout plan indicated diversions to on site footpaths and the SC Public Rights of Way Manager has indicated in response to the application that as laid down in DEFRA's Rights of Way Circular 1/09 the Highway Authority should avoid coinciding the use of estate roads and public rights of way wherever possible. However it is appreciated that in relation to the development approved in 2019, Officers agreed to divert Footpath 7 along the estate road and the development planned accordingly, in consideration of this it is considered a reasonable alternative has been put forward for the diversion of the footpath through the open space, alongside the Welshpool Road and as such, the diversion as proposed can be supported. The Rights of Way team appear to accept a diversion of FP 8Y to run along the already proposed route. Should planning be granted for this scheme the Public Rights of Way Team have indicated they would like to discuss both diversions in more detail so the most appropriate way forward can be decided upon and request that the applicants contact the Mapping & Enforcement Team direct. It is recommended an informative note is attached to any approval notice issued reminding the applicants of this requirement.
- 6.4.8 SC Highways Manager has responded indicating that the highway authority acknowledges that site benefits from a current outline planning permission with layout established. The current application seeks an increase in the number of residential units to 340 when compared to the 296 dwellings previously approved. Whilst the layout has changed from the previously approved scheme, the SC Highways Manager considers there are no fundamental issues with the internal road layout or accesses both onto Calcott Lane and Welshpool Road.
- 6.4.9 In terms of increased traffic movements, it is considered that the modest increase in the number of residential units over and above the previous approved scheme is acceptable. It is also noted Highways England have confirmed following additional assessment that the proposal raises no highway issues.
- 6.4.10 In conclusion, overall, the application submission essentially meets with the aspirations in delivering the Shrewsbury West SUE allocation as approved by the Council in its adoption of the SAMDev. The highway authority acknowledges that the current application seeks to form the main vehicle access onto Welshpool Road. Subject therefore to the inclusion of highway conditions, in relation to a construction traffic management plan, internal junction and junction visibility splays, carriageway and footway construction, final surfacing strategy phasing plan and a travel plan, the highway authority supports the application. It is therefore recommended that the conditions as recommended by Highways England and SC Highways Authority are attached to any approval notice, if members are mindful to support the application.
- 6.4.11 On transportation, access and highway matters, the application is considered acceptable and based on information provided, it is considered that development as proposed can be considered a significant part of the aims in relation to a sustainable urban extension in accordance with relevant policy and the master plan in relation to

this site. As such the development on transportation issues considered to be in accordance with local plan policies CS1, CS3, CS6, CS8, MD2, MD3 and S14 and the overall aims and objectives of the NPPF in relation to sustainable transportation with conditions thatched as discussed.

6.5 Residential amenity

- 6.5.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The applicants have submitted a noise assessment and impact assessment in relation to the proposal and these have been considered as part of the considerations in relation to the application.
- 6.5.2 The assessment concludes that there will be no significant impacts in relation to the residential amenity of surrounding dwellings.
- 6.5.3 Officers have considered residential amenity and privacy in relation to all surrounding dwellings to the application site as well as in relation to dwellings that will form part of the residential development and have concluded that impacts on occupiers of these dwellings is acceptable. It is accepted that vehicular access onto Calcott Lane out of the application site will have an impact, however this land is much more rural in character than that of Shepherds Lane and it is acknowledged that there are no dwellings within the immediate vicinity of the site where the proposed accesses are located and further still these access points will only be used by a limited number of dwellings that form part of the application site.
- 6.5.4 The Council's Regulatory Services were consulted on the application and whilst they raised no significant concerns in relation to the application, it is not clear what the overall height of the proposed acoustic barrier is to be located alongside the site of the proposed relief road and who will be responsible for its maintenance. Whilst this element of the application will form part of the Section 106 agreement in relation to the application, it is recommended that a condition is attached to any approval notice issued requiring detail in relation to this prior to occupation of any dwelling on site. It is also recommended that this condition also refers to ventilation of dwellings facing the proposed roadway, as it is considered that adequate ventilation and connection with the outdoors and efficient ventilation is a reasonable requirement in relation to thermal comfort. Also recommended is a dust and air quality management plan and construction environmental management plan. These latter two a usual consideration in relation to developments of the magnitude as proposed.
- 6.5.5 Concerns have been raised by members of the public with regards to lack of consultation in relation to this application. Whilst it is acknowledged that the NPPF encourages public consultation prior to submission of a formal planning application, this is not a statutory requirement. It is understood the applicants did consult with the community with regards to the principle of development on site in relation to the previous application for development on site which remains extant.
- 6.5.6 Overall and with conditions attached to any approval notice as recommended by the Council's Regulatory Services and in particular in relation to dust and the acoustic barrier and noise, (this aspect also subject to the Section 106 agreement in relation to the noise barrier installation and its maintenance), the proposal on amenity issues is

considered acceptable and in accordance with Policy CS6 and the NPPF in relation to this matter.

6.6 **Drainage**

- 6.6.1 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 site is identified by the Environment Agency flood data map, as being fully located within Flood Zone 1. (Low risk of flooding). Such areas are assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%) in any one year. A flood risk and foul drainage assessment has been submitted with the application. This confirms that the proposed development on land off Welshpool Road, Shrewsbury has been assessed with regards to flood risk and that it is not considered that flooding poses a risk to the proposed residential development of the site subject to implementation of the recommended measures as outlined in the flood risk assessment.
- 6.6.2 The Environment Agency has responded indicating that whilst they consider there are no fundamental concerns, based on the information as submitted, they recommend advice is sought from the Council's drainage specialists. The EA also recommend conditions with regards to a remediation strategy that includes components to deal with the risks associated with contamination of the site to be submitted to and approved, in writing, by the Local Planning Authority prior to development on site and if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) to be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt
- 6.6.3 The Council's Drainage Manager raises no objections subject to a condition in respect of surface and foul water drainage being attached to any approval notice issued. It is recommended that such a condition is attached to any approval notice in order to fully ensure a sustainable drainage system is installed in relation to the development
- 6.6.4 With consideration to the above-mentioned drainage matters are considered satisfactory and in accordance with policies CS6 and CS18 of the Shropshire Core Strategy and the NPPF

6.7 **Ecology**

- 6.7.1 The NPPF places high importance on protection of biodiversity interests and new development should minimise impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition. Development should minimise impacts upon biodiversity and provide net

gains in biodiversity wherever possible.

6.7.2 An ecological report accompanies the application and this was amended during the application processing in consideration of changes to the site. The report indicates that the development area comprises the new residential areas, formal green space, drainage scheme, public open space and a Biodiversity Enhancement Area (BEA) formerly referred to as the Newt Mitigation Land. The report assesses the impacts associated with the construction of the development upon terrestrial ecology and any additional impacts associated with the occupation of the new residential area.

6.7.3 The report indicates that the following avoidance, mitigation and enhancement measures have been incorporated into the detailed design and layout to help avoid, offset or reduce impacts on biodiversity:

- Retention and protection of the northern, eastern, western and southern boundary hedgerows.
- Retention of mature trees with root protection areas within green spaces
- Incorporation of stand offs between retained hedgerows and mature trees to protect the long term health
- Creation of public open space (POS) within the main development and in the northern part of the site
- Creation of an attenuation basin with permanent wetland in the northern part of the site
- Creation of swale with wetland and meadow grassland adjoining the main residential Development
- Provision of linked green space around the site with good connectivity into the wider Landscape
- Creation of a Biodiversity Enhancement Area including the protection of the Calcott Lane Pond (the GCN breeding pond).

6.7.4 The application acknowledges that there will be a permanent loss of two of the three arable field ponds on site. (These have evolved on site since receipt of the previous application for development on site which remains extant). The central field pond will be retained within the layout to provide a natural resource. The application proposes that this waterbody be modified and incorporated into a landscaped green space in the centre of the residential development. Part of the naturally regenerated grassland will be kept as longer grassland on the northern side of the pond. Detail in support of the application further states that the retained habitats will be supplemented by the creation of seven ponds in two groups within the 2.8hactare Biodiversity enhancement area, (BEA), in close proximity to the Great crested newt breeding pond. The three new ponds at the eastern end of the BEA will be periodically recharged from the northern attenuation basin. The design of the attenuation basin will maintain a pond in the base with a maximum depth of 600mm, set by the height of outfall. Consequently, after prolonged or heavy periods of rainfall, the outfall ditch will frequently carry water and maintain water levels of up to 2m in depth in each of the new ponds. The application acknowledges that there will be some impacts on the current biodiversity value of the site which will arise from the loss of the single internal hedgerow and several associated hedgerow trees plus two trees within the arable field. In addition, one small tree in centre of the Shepherds Lane hedgerow will also be removed where

an internal road unavoidably overlaps with the root protection area. However it must also be appreciated that key veteran trees on site are to be retained and incorporated into the overall layout of the site and the Council's Tree Officer has been consulted on the application and raises no objections subject to a suitably worded condition being attached to any approval notice issued with regards to tree protection on site and consequentially suitable biodiversity enhancement. The application is supported by a Habitat Management Plan which sets out the overall aim of maintaining and enhancing the nature conservation value of retained and created habitats and the objectives for grassland, hedgerows, ponds and woodland. However, owing to several amendments to the application since original submission it is recommended that if members are mindful to support the application that this element of the proposal is subject to a condition to any approval notice issued.

The Council's Planning Ecologist has responded to the application indicating:

6.7.5

'Biodiversity

The application is accompanied by an updated Biodiversity Metric calculation and report. Having analysed this and the accompanying information regarding habitats and condition assessments, and amending it in some areas based on my professional judgement, the metric indicates that the development will result in a measurable net gain of habitats of 0.05% and a net gain of hedgerows of 4.95 % from the baseline. The scheme includes for a Biodiversity Enhancement Area which will provide seven new ponds and adjoining terrestrial habitat specifically designed to provide optimal habitat for amphibians (including great crested newts) and which will also serve to compensate for the loss of two existing ponds present on the site. In addition to the BEA, the management of SUDS features and the existing pond plus grassland areas within the housing scheme (which are not amenity grassland) will promote biodiversity within the development, and the addition of bat and bird boxes (conditioned) will also provide roosting and nesting opportunities for bats and common birds, so that the development accords with the NPPF, MD12 and CS17. Drawing number AAJ4921-RPS-XX-xx-DR-L-LS-16 Rev 1 Habitats Enhancement Plan (RPS, April 2020) illustrates the incorporation of features for wildlife into the development, however, it is out of date as it not based on the latest submitted layout plan. I am largely in agreement with the measures proposed, however, I would request that a minimum of 68 bird boxes and a minimum of 68 bat boxes are integrated into the development. At the moment, the numbers proposed mean that less than 15% of the dwellings have such features. A condition is therefore recommended to secure this, alongside hedgehog friendly gravel boards and amphibian-friendly drainage features for the up to date layout.

Retention of existing pond

Additional information has been provided by the drainage engineer to address concerns I raised regarding the supply of water to the retained pond. It is proposed to divert some of the private roof drainage into the existing retained pond to supplement its catchment, thereby providing additional water supply to maintain its current fill level, post development. Drainage plans should therefore be altered to account for this diversion, which can be conditioned.

Bats

The lighting strategy for the site has been updated so that lighting columns are now proposed which have a warm white spectrum (ideally <2700 Kelvin) to reduce blue light component which is most disturbing to bats. I am satisfied that the use of the

site by bats will therefore be retained, and that commuting routes will not be subject to high levels of inappropriate lighting.

Great crested newts

It is considered that the proposals will not be detrimental to the maintenance of the population of Great Crested Newts, (GCN) at a favourable conservation status in their natural range. As GCN are a European Protected Species, The Council's Planning Ecologist has provided a European Protected Species 3 tests matrix and this is attached as appendix two to the report.

CEMP and Habitat Management

The application documentation contains a Habitat Management Plan and CEMP by RPS dated April 2020 although these are now outdated as they do not reflect the updated site layout (for instance, they omit the retention of one existing pond).

Therefore, revised versions of these documents should be submitted for approval, and conditions are therefore recommended to ensure this, prior to commencement of development (CEMP) and prior to occupation (HMP).' (As referred to earlier in this report it is considered that this matter can be subject to condition to any approval notice subsequently issued).

6.7.6 In relation to ecological issues whilst it is appreciated three ponds have recently established on site, (and the response and comments from the Environment Agency in relation to Biodiversity as outlined in paragraph 4.4 of this report have been taken into consideration), it is noted the applicants propose retaining the centrally visually most ecological rich of the three as part of their overall biodiversity enhancement along with Newt Mitigation works/biodiversity enhancement as part of a Section 106 agreement (referred to in the section below), and with other ecological enhancement as outlined in paragraph 6.7.3 above it is considered that on ecological issues that this application is acceptable and it is worth noting the site has an extant permission for residential development and this does not include provision for the pond on site (proposed for retention), as part of its development therefore on ecological grounds the current application and its biodiversity measures is seen as a significant material consideration on which basis to support the current application.

6.7.7 In conclusion on ecological matters the application is considered acceptable with conditions attached to any approval notice as discussed and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy and MD2, MD12 and S16 of the SAMDev and the NPPF in relation to biodiversity issues.

6.8 **Section 106 contributions and CIL**

6.8.1 Policy CS9 and CS11 of the Core Strategy seeks to secure provision of affordable housing either on the development site or, where appropriate, as an off-site financial contribution. The applicant has agreed to the provision of 10% affordable housing on site which equates to 51 dwellings. This will be delivered through a Section 106 planning obligation and the detail is considered acceptable by the Council's Housing Manager.

8.8.2 Shropshire Council has been involved in discussions with the applicant and other parties about the appropriate delivery and funding of infrastructure associated with this development. This will be funded by the development's CIL contributions and will be

supplemented by on site delivery directly by the developer(s). It is considered that the contributions considered appropriate and necessary in relation to local infrastructure such as educational requirements are in line with the provisions of policies CS9 and CS11

6.8.3 The previous approval for the site (granted on 13th September 2019), included a Section 106 agreement which made provision for the following:

- A commitment to 15% affordable housing
- Contribution to the Link Road (North West Relief Road)
- Contribution to Acoustic Fencing for the Link Road
- Newt Mitigation Works
- Provision of Public Open Space on site
- Provision of the sum of £45k for the laying out and landscaping of the open space land
- The sum £294k for the maintenance of open space.

6.8.4 The current application under consideration also makes provision for a Section 106 agreement (which is currently in draft form), and follows the lines of the previous approval's Section 106 agreement. The key issues the agreement will make provision for include the following:

- A commitment to 15% affordable housing. (51 dwellings).
- Financial contribution towards the Link Road. (Two equal instalments in relation to residential development – totalling £2532958m).
- Contribution to Acoustic Fencing alongside the Link Road £43365
- Newt Mitigation works/biodiversity enhancement
- Provision of Public Open space on site
- The sum of £252243K for the maintenance of open space. (contribution from the Council £41876) Total = £294119
- Land for construction of the link road and a licence for access. (construction).
- Provision of sustainable urban drainage. (SUDS).

6.8.5 The Section 106 is considered acceptable and in accordance with the recognised requirements in relation to Section 106 agreement. The application will also attract payment via The Community Infrastructure Levy, (CIL), towards local state schools' infrastructure, local road improvements and provision of play equipment on the designated plan area to be provided on site as part of the residential development, based on the scale of the development built on site. This requirement complies with relevant planning policy and infrastructure requirements, which is a matter of concern that has been raised in letters of objections received in relation to the proposed development.

6.9 **Other matters**

6.9.1 This application has generated a number of objections from both Shrewsbury Town Council, Bicton Parish Council, members of the public and other non-statutory consultees as set out in Section 4 of this report. It is not considered appropriate or necessary to address in this report every single point individually as many concerns have been considered as part of the report as a whole. The following points however

are made in relation to the key planning issues raised:

- 6.9.2 **Sustainability** – The site is allocated for housing in accordance with the local plan and thus the sustainability credentials of the site have been thoroughly tested as part of the local plan (and masterplan), adoption process. As such the development is considered sustainable and in accordance with the requirements of the NPPF.
- 6.9.3 **Infrastructure** – This ties in with the above-mentioned point and sustainability. Further still CIL will assist with required infrastructure such as increased demand for school places, local road improvements. (latter if considered necessary).
- 6.9.4 **Advertising of application.** The Council followed national recognised procedures with regards to advertising the application and site notices were placed adjacent to the site informing members of the public with regards to the application, as well as the application being available for inspection on the Council's planning website. Immediate residential neighbours were also as a matter of courtesy informed by letter. It is understood the applicants carried out a public consultation prior to submission, however it must be acknowledged that the recent national pandemic would of restricted their ability to carry this out as effectively as some may of wished.
- 6.9.5 **Internal highways and sustainable transport measures.** – Shropshire Council's Highways Manager was consulted on the application and has responded. His conclusions are discussed as part of this report. Highways England as the national consultee on trunk roads was consulted in relation to impacts on Churncote roundabout and their response is outlined in paragraph 4.5 of this report.
- 6.9.6 **Waste collection** – The Council's Waste Management was consulted on the application and their response is set out in paragraph 4.7 of this report. It is considered by Officers that the proposal is acceptable in relation to this matter.
- 6.9.7 **On site construction** – This matter will be addressed via the attachment of a condition to any approval notice with regards to a Construction Management Plan in the event of planning permission being granted for development on site.
- 6.9.8 **Drainage** – Both the Environment Agency and the Council's Drainage consultees were consulted on the application and raise no objections. Their responses are set out above and drainage is discussed as part of this report.
- 6.9.9 **Link Road.** – The provision of the Link Road is a separate matter and currently subject to a separate planning application under consideration by the Council. This includes reference to pedestrian access to the open space on the other side from the site, of some of the open space provision. It is the responsibility of the applicants in relation to the 'Link Road' to ensure the residential element of the development has satisfactory access to the open space to which the Link road will sever from the residential element of the site The Link Road is an objective of the Council and the applicants are paying a financial contribution towards its construction as part of the Section 106 agreement in relation to this application in consideration of the aims and objectives of the Local Plan, master plan in relation to the Shrewsbury SUE West which the application site forms part of.

- 6.9.10 **Housing Density.** – The housing density of the site represents approx. 35 per hectare. This is considered acceptable and well within nationally recognised guidelines on housing density.
- 6.9.11 **Extant planning permission** – The site has planning permission for 296 dwellings and this does not expire until 13th September 2022. Landscaping was reserved for future consideration and this has since been approved. As such there is a live application for residential development on site to which the applicants could legally commence development in consideration of whenever they wish. (Discharge of conditions has also taken place),
- 6.9.12 **Access to a private septic tank.** – A member of the public has raised concerns. This is considered a civil matter

7.0 CONCLUSIONS

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 The relevant local plan policies are set out below and the proposed scheme has been assessed against them. Other material planning considerations have also been considered in the assessment of the merits of the case. The proposed development forms part of the adopted master plan Shrewsbury West Sustainable Urban Extension site as set out in S16.1a of the SAMDev.
- 7.3 It is considered that development as proposed offers in principle a range of dwellings and public open space along with public highway and transportation that complies with the adopted master plan.
- 7.4 Issues in relation to drainage with the attachment of a condition to any approval notice issued are considered satisfactory as are matters in relation to ecology and residential amenity.
- 7.5 Landscape and visual impact is considered to be adequately addressed, with mitigation as proposed and this matter also subject to condition in order to ensure satisfactory consideration to landscape mitigation and integration into the surrounding environment. Historic matters have also been considered as part of the application processing and there are no concerns raised on this latter issue.
- 7.6 Public highway access and impacts on the surrounding trunk road highway infrastructure (Churncote Roundabout), also considered acceptable with neither Highways England or SC Highways raising no objections in relation to the proposal subject to conditions being attached to any approval notice issued as discussed in this report.
- 7.7 Impacts on surrounding residential amenity and privacy have been considered and it is considered that development on site on this matter is acceptable and will have no significant detrimental impacts on existing surrounding dwellings or dwellings as part

of the SUE. As commended upon by the Council's Regulatory Services noise mitigation detail must form part of any eventual approval and this matter and the noise barrier is subject to the Section 106 agreement.

- 7.8 It is noted that both Shrewsbury Town Council and Bicton Parish Council as well as Shrewsbury Civic Society and the public make comments in relation to impacts in relation to local infrastructure, these issues have been considered and the CIL contributions will cover the key issues and requirements in relation to this matter. A section 106 agreement will ensure delivery of affordable housing in accordance with the relevant policy requirements. The Section 106 agreement also ensuring delivery and maintenance of the public open spaces the site provides for as well as a financial contribution towards the Spine Road which will link the site up to the adjacent site that is also part of the SUE. Shropshire Council Highways and Highways England raise no objections on highway grounds subject to conditions attached to any approval notice issued. Comments made by members of the public and non-statutory consultees have been noted.

It is considered that the proposal accords with the overall aims and provisions of the NPPF and the relevant Shropshire LDF policies CS1, CS3, CS6, CS8, CS9, CS11, CS17, CS16, MD1, MD2, MD3, MD8, MD12, MD13 and S16. As such the recommendation is one of approval subject to a S106 legal agreement in relation to affordable housing provision financial contributions towards the Spine Road and open space provision and maintenance and management and the conditions as set out in Appendix 1 and any amendments considered necessary to these conditions by the Planning Services Manager.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

- CS1 - Strategic Approach
- CS2 - Shrewsbury Development Strategy
- CS6 - Sustainable Design and Development Principles
- CS9 - Infrastructure Contributions
- CS11 - Type and Affordability of housing
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management
- MD1 - Scale and Distribution of Development

MD2 - Sustainable Design
MD3 - Managing Housing Development
MD8 - Infrastructure Provision
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S16 - Shrewsbury
SPD Type and Affordability of Housing
SPD Sustainable Design Part 1
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 13th September 2019

PREAPP/19/00486 Alterations to approved planning permission 14/00246/OUT to include an increase in residential dwellings to 345 dwellings including 15% affordable housing and removal of accesses from Shepherds Lane PREAIP 20th December 2019

19/05247/DIS Discharge of condition 4 (Full Arboricultural Impact Assessment) 11 (CMS) 13 (Ecology) 17 (Materials) 18 (Drainage Details) 22 (Drainage - Surface Water) 23 (Foundations) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 20th May 2020

19/05386/DIS Discharge of Conditions 12 (Construction Environmental Management Plan) and 26 (Tree and hedgerow removal/retention Shepherds lane) relating to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 11th February 2020

20/00307/REM Reserved matters pursuant to outline permission reference 14/00246/OUT for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure to include landscaping GRANT 17th July 2020

PREAPP/20/00145 Erection of new foodstore, car parking, access and landscaping PREUDV 9th June 2020

20/01667/AMP Non Material Amendment to previously approved (19/05386/DIS) Condition 12 (Construction Environmental Management Plan) to Planning Permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure GRANT 5th May 2020

20/01957/FUL Mixed residential development of 340 mixed (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas. (AMENDED DESCRIPTION)
PCO

20/03163/AMP Non material amendment to the details of the design of the drainage pond located to the north of proposed link road relating to Planning Permission 14/00246/OUT GRANT 22nd September 2020

20/04924/DIS Discharge of condition 10 (Badger Inspection) attached to planning permission 14/00246/OUT DISAPP 7th January 2021

21/00425/DIS Discharge of condition 16 (Contamination) attached to planning permission 14/00246/OUT Outline application for 296 mixed residential dwellings (landscaping reserved) and employment/commercial use (all matters reserved) to include; offices; showroom; A3/A4 (restaurant/pub); C1 (hotel); public open space, structural landscaping, associated infrastructure; vehicular accesses and all associated infrastructure DISAPP 1st March 2021

21/02473/FUL Temporary (3 years) planning application for the erection of two Sales and Marketing Cabin (MSU) for the 340 proposed housing scheme (ref: 20/01957/FUL) pursuant to Outline Planning Permission (Ref: 14/00246/OUT) with associated infrastructure and 5 car parking spaces at Churncote Bicton Lane, off Welshpool Road Shrewsbury, Shropshire. REC

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Lezley Picton
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 built development on any element of the development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the local planning authority for the relevant phase. The development shall be carried out in accordance with the approval details.

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

4. a) No development within the Phase 2 area (blue boundary), as detailed on the Phasing Plan dated 01/04/20, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance - Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the

Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

5. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. The results of a site investigation based on the submitted Geoenvironmental Assessment (as updated) and a detailed risk assessment, including a revised Conceptual Site Model.
2. Based on the risk assessment in (1) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
3. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (2). The long term monitoring and maintenance plan in (2) shall be updated and be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

6. Prior to the commencement of the construction works related to the residential development, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England and SC Highways. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure that the A5 and A458 trunk roads continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and in the interests of road and amenity safety

7. No development shall take place (including demolition, ground works and vegetation clearance) until an updated Construction Environmental Management Plan (Ecology) 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;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- d) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- e) 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.
- f) 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.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a plan showing features for wildlife to be integrated into the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- a) Location and specification for the erection of a minimum of 68 bird nest boxes suitable for common bird species including tit species, robin (open fronted) and house sparrow (sparrow terrace boxes), as well as integral swift boxes (minimum 6) and starling boxes.
- b) Location and specification for the erection of a minimum of 68 bat boxes suitable for crevice dwelling bats.
- c) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development.
- d) Location and specification of amphibian friendly drainage features (ie gully pots etc), as part of the drainage scheme for the site.

The plan shall be carried out as approved.

Reason: To ensure the provision of features for biodiversity protection and enhancement are integrated into the development

Reason: To ensure the provision

9. 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

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

10. Notwithstanding the approved plans prior to any development on site detail will be submitted to the Local Planning Authority and approved in writing with regards to a dust management plan based on the Institute of Air Quality Management (IAQM), guidelines. Detail will also include reference to wheel wash equipment and where monitoring points will be located and who will be engaged to monitor these issues. The development will be carried out in accordance with the dust and wheel washing plan as approved.

Reason: In consideration of the amenity of the surrounding area and to ensure debris does not enter onto the public highway.

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

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

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. All approved tree protection measures must be maintained throughout the

development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority.

c) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

d) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until the veteran tree management plan in respect to T21 has been submitted and approved by the LPA.

e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

Reason: To safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development. to the principals of sustainable development outlined in the NPPF and policies MD2 & MD12 of the SAMDev and the Shropshire Local Development Framework; adopted core strategy policies CS6 & CS17.

12. Prior to the commencement of development full details of the internal junction visibility splays and junction visibility splays onto Welshpool Road and Calcott Lane shall be submitted to and approved in writing by the Local Planning Authority; the junction visibility splays shall be implemented fully in accordance with the approved details.

Reason: In the interests of highway safety

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

13. Prior to the development hereby permitted being first brought into use/occupied the foul and surface water drainage shall be implemented in accordance with Drawing Nos. RED087-180 Rev D, 181 & 182 Rev C, 925, 926 & 927, 930 - 935 Rev B, 940, and Storm Water Calcs 29/04/21.

Reason: To ensure a satisfactory drainage of the development.

14. Prior to the occupation of the development, a habitat management plan shall be submitted to

and approved in writing by the Local Planning Authority. The plan shall include:

- a) Description and evaluation of the features to be retained, created and managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

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

Features for wildlife

15. Prior to the first occupation of any dwelling on site, details will be submitted to the Local Planning Authority with regards to the provision of the necessary acoustic fencing in terms of its density/acoustic performance and its height and details of future maintenance responsibilities. The facade glazing mitigation shall be strictly in accordance with proposals submitted within the acoustic noise report 12625E 1-R-1 dated 11th March 2021 which identifies the dwellings that require any noise mitigation in relation to properties with facades facing towards the route of the proposed relief road. An assessment of overheating and thermal comfort and proposals of systems for properties identified in the report as requiring windows closed to achieve acoustic comfort shall be submitted for approval.

Reason: To protect the residential amenities of future occupiers of the dwellings.

16. The carriageways and footways within the development shall be laid out in accordance with the approved drawings and prior to any dwelling being first occupied the access road and footway serving that dwelling to be occupied shall be constructed to base course level in accordance with an engineering specification to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To provide an adequate means of pedestrian and vehicular access to each dwelling.

17. Prior to the occupation of the first dwelling a Phasing Plan setting out the strategy to carry out the final surfacing of the estate roads and footways/footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority; the phasing plan shall be implemented fully in accordance with the approved details.

Reason: To ensure the proper coordination of the construction of the estate roads and footways within the site.

18. Prior to the occupation of the first dwelling a Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority; the TP shall be implemented fully in accordance with the approved details and shall remain in force for the lifetime of the development.

Reason: To promote sustainable modes of transport, promote health benefits and to reduce carbon emissions.

19. Notwithstanding the approved plans, prior to occupation of any dwellings on site, details will be submitted to the Local Planning Authority and approved in writing with regards to boundary treatments and this includes rear boundary treatments to individual dwellings on site to which the emphasis on individual rear dwelling's boundaries and boundaries of the site in general must be towards hedgerow plantings. Development will be carried out as approved.

Reason: In consideration of the semi-rural location and need for consideration to green infrastructure and connectivity and the overall amenity of the surrounding area.

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

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991). In addition to the Georisk, Geoenvironmental Assessment, we are also aware that a revised version of this report (dated 2019) was presented in support of 19/05247/DIS. Whilst we were not consulted on the discharge of conditions both versions recommend further detailed investigation and risk assessment of transport yard area of site and further ground investigation to delineate extent of pond infill deposits and detailed foundation design. We will expect to see these recommendations satisfactorily addressed in order to be able to recommend discharge of the relevant contaminated land conditions.

21. Construction and demolition activities hereby approved including the arrival of vehicles and deliveries on site shall not occur outside of the following times: Monday to Friday 07:30-18:00, Saturday 08:00-13:00. No activities shall be carried out on Sundays and bank holidays.

Reason: to protect the amenity of the area and that of nearby residential properties.

Informatives

1. It should be noted that dewatering the proposed areas of excavation may lower groundwater levels locally and may affect nearby domestic and licensed groundwater sources and other water features. Groundwater was encountered between 0.6 and 3.0m bgl. It is possible that this is perched in the superficial material. Should the proposed activities therefore require dewatering operations, the applicant should locate all water features and sites and agreement should be reached with all users of these supplies for their protection during dewatering. Subject to a detailed impact assessment, to be carried out by the applicant, compensation and/or monitoring measures may be required for the protection of other water users and water features.

The applicant should note that under the New Authorisations programme abstraction for dewatering to facilitate mineral excavation or construction works will no longer be exempt from abstraction licensing. On 31st October 2017, DEFRA/Welsh Government (WG) announced that the transitional arrangements for licensing of the currently exempt abstractions for trickle irrigation, quarry dewatering, geographically exempt areas and other exempt abstractions will come in to force on 1st January 2018. The applicant should contact the National Permitting Service (NPS) to confirm the legal requirements. When scheduling their work, please note that it may take up to 3 months to issue an abstraction licence.

Whilst there are no fundamental concerns, based on the information submitted, we would encourage the 'twin tracking' of the Environmental Permit, with the aim of encouraging more comprehensive submissions and thereby more informed, and speedier decisions i.e. more detailed information should be available to enable sufficient consideration of key land use issues and so assist in your determination of the planning application.

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

We recommend that developers should:

- 1) Refer to the Environment Agency's approach to managing and protecting groundwater:
<https://www.gov.uk/government/publications/groundwater-protectionposition-statements>
- 2) Follow the risk management framework provided in the Gov.UK 'Land contamination: risk management', when dealing with land affected by contamination:
<https://www.gov.uk/guidance/land-contamination-risk-management>
- 3) Refer to our "Guiding Principles for Land Contamination" for the type of information that we require in order to assess risks to controlled waters from the site. (The Local Authority can advise on risk to other receptors, for example human health):
<https://www.gov.uk/government/publications/managing-and-reducing-landcontamination>
- 4) Refer to our "Verification of Remediation of Land Contamination" report:
<https://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.u>

k/scho0210brxf-e-e.pdf

5) Refer to British Standards BS 5930:1999-2010 and BS10175 and our "Technical Aspects of Site Investigations" Technical Report P5-065/TR

<https://www.gov.uk/government/publications/technical-aspects-of-site-investigation-in-relation-to-land-contamination>

Surface Water: We would recommend you seek the comments of your Flood and Water Team, as the Lead Local Flood Authority (LLFA) with regards both surface and groundwater flooding. However, with regards the later, it would appear that the groundwater level is relatively shallow which may account for the natural ponds that have formed since 2016

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

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

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

3. The applicants are reminded of the requirement prior to development on site in relation to diversion of rights of way through the application site to contact the Council's Mapping & Enforcement Team direct in relation to the proposed diversions and of the requirements of the DEFRA's Rights of Way Circular 1/09.

APPENDIX 2

EUROPEAN PROTECTED SPECIES – Consideration of the three tests

Application name and reference number:

20/01957/FUL

Land At Churncote Off Welshpool Road, Bicton Heath, Shrewsbury.

Mixed residential development of 340 mixed (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space and biodiversity enhancement areas. (AMENDED DESCRIPTION);

Date of consideration of three tests:

25 May 2021

Consideration of tests one and two carried out by:

Philip Mullineaux

Principal Planner

Consideration of third test carried out by:

Suzanne Wykes

Specialist Practitioner (Ecology)

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

Yes. The application site forms part of the Shrewsbury West Sustainable Urban Extension (SUE), which is identified in the Council's adopted Core Strategy as a strategic location for development as part of the Shrewsbury Development Strategy (Policy CS2). The SUE is also identified in the Site Allocations and Management of Development (SAMDev) Plan SAMDev Plan Policy S16.1 and related Schedule

S16.1a (Allocated Housing Sites). Therefore the need for the development is to meet the housing supply for Shropshire as a whole, an imperative reason of overriding public interest.

2 Is there ‘no satisfactory alternative’?

No. The application site forms part of the ShrewsburyWest Sustainable Urban Extension (SUE), which is identified in the Council's adopted Core Strategy as a strategic location for development as part of the Shrewsbury Development Strategy (Policy CS2). The SUE is also identified in the Site Allocations and Management of Development (SAMDev) Plan SAMDev Plan Policy S16.1 and related Schedule S16.1a (Allocated Housing Sites). Alternative development sites were considered during the plan making process, and this site was identified as suitable and essential to supply housing to support the growth of Shropshire.

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

The applicants have obtained an Impact Assessment and Conservation Payment Certificate (IAPC) from Natural England, confirming their acceptance to enter into the Natural England run district level licensing (DLL) scheme in Shropshire for great crested newt (GCN) which they have signed to agree to enter the DLL scheme, and a copy of which has been received by the Local Planning Authority.

The Shropshire GCN DLL scheme allows for a strategic approach to ensure that the favourable conservation status of GCN in their natural range is maintained. This is through payment of a conservation payment that allows for the impacts on GCN (through a planning application) to be adequately compensated.

It is therefore considered that the proposals will not be detrimental to the maintenance of the population of GCN at a favourable conservation status in their natural range.

Guidance

The ‘three tests’ must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer's report and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

Answering the three tests

Test 1

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

Preserving public health or public safety must also be shown to constitute a reason of **overriding public interest**. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

Imperative reasons of overriding public interest

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

Test 2

Is there 'no satisfactory alternative'?

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

Test 3

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

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

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Committee and Date
 Northern Planning Committee
 8th June 2021

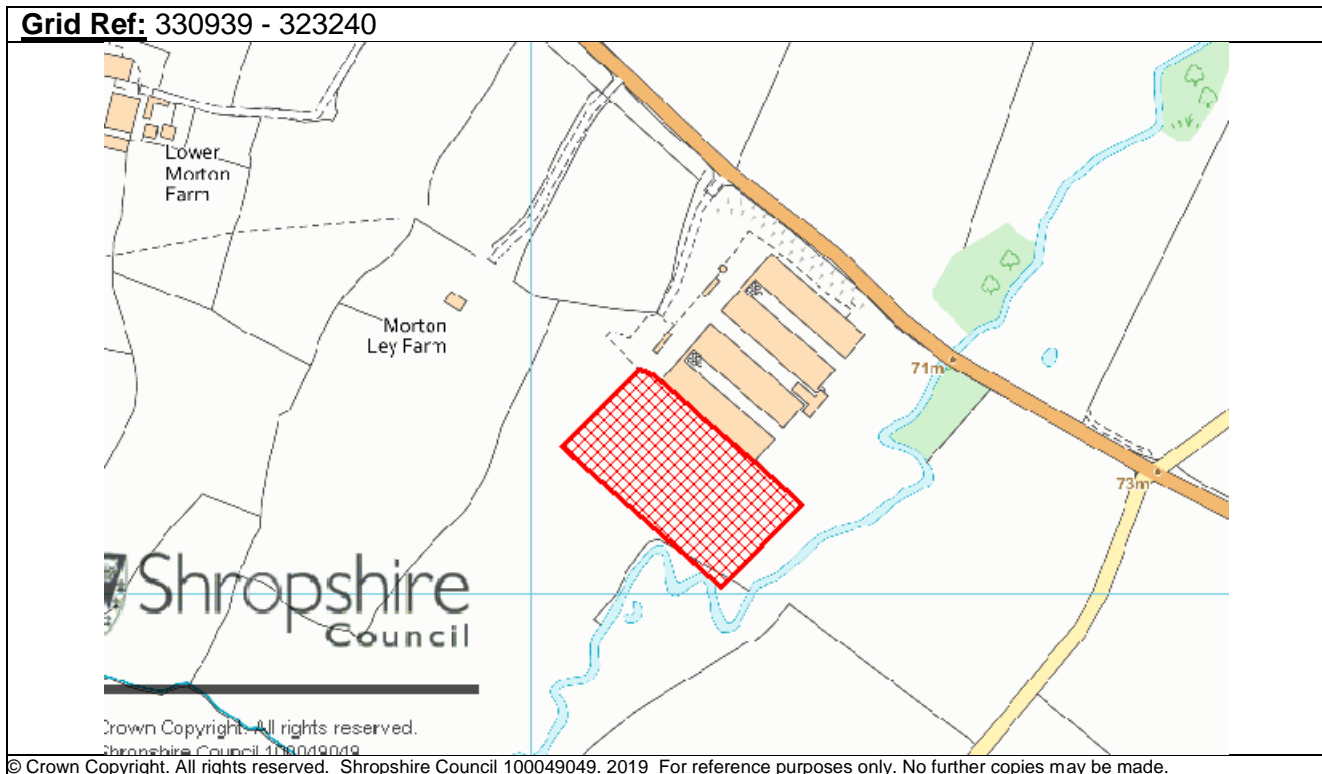
Item
8
 Public

Development Management Report

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

Summary of Application

Application Number: 21/00692/EIA	Parish:	Oswestry Rural
Proposal: Erection of two additional poultry sheds, five feed bins, vehicular access and landscaping scheme; and associated works		
Site Address: Morton Ley Farm Morton Oswestry Shropshire SY10 8BG		
Applicant: Morton Growers Ltd		
Case Officer: Philip Mullineux	email : planning.northern@shropshire.gov.uk	



Recommendation: Refusal for the following reason:

Insufficient information accompanies the application in order to assess the impacts of the proposal in relation to landscape and visual impacts, ecology, drainage, odour and noise. There are also concerns in relation to detail on transportation matters. As a consequence the application is considered contrary to Policies CS5, CS6, CS17 and CS18 of the Shropshire Core Strategy, Policies MD1, MD2, MD7b and MD12 of the SAMDev, the National Planning Policy Framework in relation to sustainable development and the requirements of the procedures of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

REPORT**1.0 THE PROPOSAL**

- 1.1 The application is made in 'full; and proposes erection of two additional poultry sheds, five feed bins, vehicular access and landscaping scheme; and associated works adjacent to an existing intensive poultry unit at Morton Ley Farm Morton, Oswestry, Shropshire, SY10 8BG.
- 1.2 The application is accompanied by an Environmental Statement, site location plan, block plan, elevations and floor plans, landscaping plan, design and access statement. The Environmental Statement has sections that refer to Air Quality (Chapter 6), Landscape and Visual Impacts (Chapter 7), Traffic (Chapter 8,) Amenity Issues (Chapter 9), Ecology (Chapter 10), Noise and Vibration (Chapter 11), Water Resources (Chapter 12), Soils Chapter 13). Reference is also made to a Manure Management Plan and landscape viewpoints.
- 1.3 No pre-application advice was sought in relation to this application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the north west of the village of Osbaston. It lies within a small arable farming unit. (Morton Ley Farm extends to 25.17 hectares (62.20 acres).. The application site itself in accordance with detail on the application form amounts to an area of 1.30 hectares. The surrounding land is exclusively agricultural. Settlements surrounding the site include Knockin, Morton, Woolston, Llyncllys and Crickheath. The site is classed as open countryside in the Shropshire Core Strategy.
- 2.2 Detail in support of the application indicates that it is proposed that two broiler houses are constructed. The poultry houses will each measure 24.68 metres x 125.419 metres. The total floor area for each shed will therefore be 3,095m². Eaves and ridge height will be 2.40 metres and 5.00 metres respectively. Each of the new houses will have the potential to accommodate 45,000 "standard" broilers.
- 2.3 The buildings will be of a steel framed construction. The roofs and side walls will be clad with box profile polyester coated steel sheet. There will be five feed bins and these will be coloured to match the buildings. The buildings will be painted to Shropshire Council requirements. The appearance of the structures will be typical of many modern poultry buildings.
- 2.4 The chickens will be grown in 7.6 42-day crop cycles per annum with six-day turn around periods per crop. It is expected that, on the receipt of planning permission, the construction would commence in 2020 with operation commencing after a three month construction period.

2.5 The application proposes accommodation for up to 90,000 broilers and thus exceeds the thresholds of Schedule One EIA development of 85,000 birds and thus the application is accompanied by an Environmental Statement as it is classed as schedule one development in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which require that for developments of this nature that EIA must be undertaken. The Regulations prescribe the types of development for which EIA is mandatory (Schedule 1 Development) and others which may require an assessment if they have the potential to give rise to significant environmental impacts (Schedule 2 Development). The proposed poultry extension is consistent with Schedule 1 of the Regulations (as it will accommodate in excess of 85,000 broiler chickens) and EIA is therefore mandatory. On this basis, no formal Screening Opinion was sought from the Planning Authority.

2.6 Accompanying the application is a copy of an application to the Environment Agency to vary the site permit issued and monitored by the Environment Agency. This procedure in tandem with a formal planning application for development as indicated is considered best practice in relation to intensive poultry applications of this nature.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application is classed as schedule one development in accordance with EIA Regulations and therefore Committee consideration is required in accordance with the Council's Constitution and the scheme of delegation.

4.0 **Community Representations**

4.1 **Oswestry Rural Parish Council** have responded to the application indicating:

The Parish Council supports this application provided that atmospheric dispersion is monitored and public footpaths are kept clear.

4.2 **Consultee Comments**

4.3 **The Environment Agency** has responded indicating:

Environmental Permitting Regulations: The proposed development will accommodate up to 90,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended.

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents. The Permit will include the following key areas:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
- Operations - including permitted activities and Best Available Techniques (BAT).
- Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.
- Information – records, reporting and notifications.

Our consideration of the relevant environmental issues and emissions as part of the EP only apply to the proposed poultry installation and where necessary any Environment Agency regulated intensive farming sites.

As is mentioned in the application documents this site is covered by an EP which is regulated by the Environment Agency. In 2018 this was amended (varied) following an application by the applicant to allow the number of birds held on site to increase to 350,000. This is the same number that is the subject of the development for which consent is sought by this application for planning permission. The application process to ourselves for the varied permit included an assessment of the potential impacts of ammonia on nearby designated sites. Following initial screening the applicant had to submit the results of detailed modelling of such potential impacts. The conclusions of which were such that, as has already been stated, the varied permit was issued.

Ammonia emissions: Ammonia may be emitted from livestock and from manure, litter and slurry, and may potentially impact on local people or nature conservation sites i.e. vegetation/habitat (permits may be refused if critical loads to the environment are exceeded).

Our ammonia screening assessment is made in line with our current guidance available at: <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#pre-application-discussion>.

With regard to 'cumulative impact', we undertake a screening approach based on the potential impact of the proposed intensive poultry farm on designated nature conservation sites. Where required we carry out an 'in-combination' calculation of other intensive poultry farms regulated by the Environment Agency in the area. The same approach applies to cases when detailed ammonia modelling may be required to determine the risk to nature conservation sites.

There may be other poultry or livestock farms not regulated by the Environment Agency in the area. These are not considered as part of the permit determination with respect to any 'in combination assessment' and HRA.

EP controls: The EP will control relevant point source and fugitive emissions to water, air and land; including odour, noise, dust, from the intensive poultry farming activities within the permit 'installation boundary'.

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Odour and Noise: As part of the permit determination, we do not normally require the applicant to carry out odour or noise modelling. We require a 'risk assessment' be carried out and if there are sensitive receptors (such as residential properties or businesses) within 400 metres of the proposed installation boundary then odour and

noise management plans are required to reduce emissions from the site.

An Odour Management Plan (OMP) and Noise Management Plan (NMP) should help reduce emissions from the site, but it will not necessarily completely prevent all odour and noise. A Management Plan should set out the best available techniques that the operator intends to use to help prevent and minimise odour and noise nuisance, illustrating where this is and is not possible. There is more information about these management plans at: <https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

A management plan will not necessarily completely prevent all odours, or noise, or at levels likely to cause annoyance. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP/NMP requirement is often a reactive measure where substantiated complaints are encountered. This may lead to a new or revised OMP/NMP to be implemented and/or other measures to be in place.

Note - For the avoidance of doubt, we do not 'directly' control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However a management plan may address some of the associated activities both outside and inside of the installation boundary. For example, a NMP may include feed delivery lorry operation hours / vehicle engines to be switched off when not in use on site.

Similar to ammonia, we do not look at in combination effects for odour or noise.

Bio-aerosols and dust: Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health.

Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements.

As part of the permit determination, we do not normally require the applicant to carry out dust or bio-aerosol emission modelling. We do require a 'risk assessment' be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plans is required.

A dust management plan (DMP) will be required similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' (available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/geho0411btra-e-e.pdf) explain the methods the operator should use to help minimise and manage these emissions.

Note - For any associated human health matters you are advised to consult with your Public Protection team and/or Public Health England (PHE).

Water Management: Clean Surface water can be collected for re-use, disposed of via

soakaway or discharged to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

Buildings which have roof or side ventilation extraction fans present, may deposit aerial dust on roofs or “clean” yards which is washed off during rainfall, forming lightly contaminated water. The EP will normally require the treatment of such water, via french drains, swales or wetlands, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Manure Management (storage/spreading): Similar to other emissions, as part of the permit determination process, we do not require a Manure Management Plan (MMP) up front. However, Environmental Permit (EP) holders are required to subsequently operate under such a Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership such as this. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled “How to comply with your environmental permit for intensive farming.” <https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

It is noted that there is a discrepancy in the application documents concerning how manure is dealt with. The EIA refers to manure being landspread. Whereas the MMP states that manure will be sent to a nearby anaerobic digester. Either option is acceptable in principle, however clarification should be provided for the satisfaction of your Council. In the case of landspreading the area in the immediate vicinity of the farm is within a Nitrate Vulnerable Zone (NVZ) so any spreading would need to accord with The Farming Rules for Water and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

In relation to subsequent control of the impacts to water from manure management, the Environment Agency is responsible for enforcing these rules which relate to The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, which came into force on 2 April 2018.

It is an offence to break these rules and if they are breached we would take enforcement action in line with our published Enforcement and Sanctions guidance.

The above Regulations are implemented under The Farming Rules for Water. All farmers and land managers are required to follow a set of rules to minimise or prevent water pollution. The new rules cover assessing pollution risks before applying manures, storing manures, preventing erosion of soils, and managing livestock. The full information can be found at: <https://www.gov.uk/guidance/rules-for-farmers-and->

land-managers-to-prevent-water-pollution

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Vulnerable Zone (NVZ) Rules where they are applicable, in line with Nitrate Pollution Prevention Regulations. Further NVZ guidance is available at: <https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones>”

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

During the construction of the site measures should be put in place to minimise the risk of pollution of surface and ground waters by polluting liquids. This would include the use of bunded areas.

4.4 **Natural England have responded indicating:**

There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.

4.5 **SC Drainage Manager has responded indicating:**

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

The proposed development should not be permitted.

The site is in Flood Zone 3b. Flood Zone 3b is a functional floodplain. This zone comprises land where water has to flow or be stored in times of flood with an annual probability of 1 in 20 (5%) or greater in any year, or is designed to flood in an extreme (0.1%) flood. In accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework, only the water-compatible uses and the essential infrastructure listed in Table 2 that has to be there should be permitted in Flood Zone 3b.

Alternatively, re-locate the proposed development outside Flood Zone 3b and re-submit a revised Site Layout for comment.

4.6 **SC Regulatory Services have responded indicating: :**

The proposed site would extend existing poultry rearing operations at Morton Ley Farm. There are residential receptors to the east, the nearest being approx. 400m from the

proposed site. With the size of the site increasing and a residential receptor 400m from the site and given the low background noise levels likely in this area it is considered reasonable for a noise assessment to be provided with the assessment. Noise has been considered by the applicant in the Environmental Statement, chapter 11. It is not known who the author of the assessment is other than potentially Roger Parry & Partners LLP who are the agent. Any assessment should be carried out by a suitably qualified and experienced person. It should refer to relevant guidance and policy. A noise assessment should contain a background noise survey and provide details of this in the report and use the details to consider any noise impact from the installation against. Given that the application is an addition to existing it is considered reasonable for the cumulative impact of the proposed element and the existing element to be assessed and data provided.

Chapter 11 of the Environmental Statement does not refer to relevant guidance. Specifically, it specifies PPG24, a policy document which was withdrawn in 2012 when the NPPF came into effect. It also considers the guidance document BS4142: 1997. This is an outdated version of guidance which was updated in 2014 and again in 2019. This suggests that the assessor is not a suitably qualified and experienced person to undertake the noise survey. No background noise study has been carried out and as such noise levels with which to compare potential impacts against are not available. As such the contents of Chapter 11 of the Environmental Statement have not been considered further.

In respect of odour the applicant has discussed this in the Environmental Statement. It has noted a residential receptor at 495m to the east. Having used mapping tools available it is suggested the site receptor is more like 400m from the site. The applicant has stated that due to the distance between the site and nearby receptors no detailed odour assessment is required. Given past appeal decision and consideration by planning inspector it is considered that a poultry site of the proposed scale has the potential to impact on residents at the distances found and an odour assessment is considered reasonable. This may not have previously been the case for the site however with an increase in scale comes an increase in potential impact and an onus to ensure that relevant aspects have been given suitable attention.

It is recommended that in order to proceed the applicant engage a suitably qualified and experienced person to undertake a noise assessment and an odour assessment. Once complete this should be submitted with the application for review. At this stage please consult Regulatory Services for additional comment.

4.7 **Shropshire Fire and Rescue** have responded to the application indicating:

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link: <https://www.shropshirefire.gov.uk/safety-at-work/planning-applications>

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m²

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on

the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2010 (2019 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting – Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

4.8 **SC Archaeology Manager** has responded indicating:

It is understood that this development would comprise the construction of two additional sheds and associated infrastructure to extend the existing units permitted under 11/02934/EIA & 15/04477/EIA. An archaeological watching brief during the construction of the first phase of the existing buildings in 2012 revealed a previously unknown but probable Roman road running down the slope at an oblique angle towards a presumed crossing point over the River Morda. Further evidence of the road was recorded in 2016 in relation to the second phase of the unit, at the base of the slope. On this occasion the road's agger was found to be well preserved beneath alluvium, close to the crossing point across the Morda. Whilst the road alignment is not thought to extend across the site of the two additional sheds now proposed, their proximity to it suggests that associated below ground archaeological remains may be present. On this basis the proposed development site is considered to have low-moderate archaeological potential.

RECOMMENDATION:

In view of the above, and in relation to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is recommended that a programme of archaeological work be made a condition of any planning permission. This should comprise an enhanced watching brief undertaken during initial soil stripping across the proposed development site, whereby the archaeological contractor also has control over the soil stripping method. An appropriate condition of any such consent would be: -

Suggested Condition:

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

4.9 **SC Highways** have responded indicating:

No Objection – subject to the development being constructed in accordance with the details submitted, accompanying this planning application.

Comments/observations:

The existing site access and internal vehicle arrangements are considered adequate to support the development proposed. The increase in vehicle activity associated with these additional sheds, is unlikely to cause any specific “severe harm” on the adjacent highway network. Therefore, a reason for refusal, on highway safety grounds, could not be sustained.

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.

HIGHWAY ADVICE NOTE

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.

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.

4.10 **SC Conservation** have responded indicating:

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS5 Countryside and Green Belt, CS6 Sustainable Design and Development and CS17 Environmental Networks, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published February 2019 and Section 66 and of the Planning (Listed Building and Conservation Areas) Act 1990.

Details:

The proposed buildings are longer than the existing and extend south eastwards beyond the existing buildings. It would appear that the proposed new buildings are of the same height as the existing.

Having reviewed the submitted information it is noted that there is no mention regarding Morton Bridge a Grade II listed structure. Indeed in section 3.9 – Cultural Heritage – of the Scoping Report it clearly states there are no listed buildings within 500m of the site. This is clearly factually incorrect as the bridge is approximately 230 m from the proposed new buildings.

Viewpoints have been indicated on drawing RJC/RB/Edwards/5257/10 however, no view point photos have been submitted.

A landscaping plan has been submitted but it would appear that this does not show any additional planting or the existing bund and planting to the east of the existing sheds indicated on the approved previous application 15/04477/EIA.

RECOMMENDATION:

We have no objection from an historic environment perspective as it is considered that the impact of the proposal will be negligible on the significance of the designated heritage asset. We would suggest that additional hedgerow/tree planting to the north eastern corner of the wider site, adjacent the road would filter views of the poultry farm from the designated heritage asset, Morton Bridge.

Suggested Conditions:

Landscaping

4.11 **SC Landscape Consultant** has responded to the application indicating in conclusion:

Conclusions and Recommendations

We have a number of significant concerns in respect of this LVIA. In summary, these are that it;

- Has been prepared using guidance which is almost 20 years out of date and which has been superseded by later revisions. As such, it does not follow nationally recognised best practice.
- Provides no information on the competence of the author, cumulative effects, and whether effects are adverse or beneficial, contrary to the requirements of the Environmental Impact Assessment Regulations 2017.
- References national and local planning policies which are, again, significantly out of date
- Contains a number of factual errors in the application of landscape character information contained in the Shropshire Landscape typology
- Does not carry out an assessment of landscape and visual effects in accordance with its own methodology
- Contains insufficient geographical and no photographic information to support the assessments of visual effect.

- Contains insufficient information on proposed mitigation measures

As a result of the above we do not consider that the assessment of landscape and visual effects has been carried out to a compliant standard for an EIA project in accordance with GLVIA3. We do not consider that its findings are sufficient to support making an informed planning decision.

Having assessed the LVA against Local Plan policy relating to landscape and visual matters, we do not believe that the proposals currently comply with policies CS5, CS6, CS17, MD2, MD7b and MD12.

We therefore recommend that, prior to determination of the application, an LVIA and mitigation strategy be prepared by a competent chartered landscape architect in compliance with GLVIA3 and supporting technical guidance notes

4.12 **SC Ecology have responded indicating:**

There is insufficient information relating to air quality to enable impacts of the proposals on ecology to be assessed. The applicant is advised to read the guidance regarding the assessment of intensive livestock installations available on the Shropshire Council website (<https://shropshire.gov.uk/media/10859/interim-guidance-note-on-ammonia-emitting-developments-apr-2018.pdf>) and to provide the required information prior to a decision being made on this application.

4.13 **Public Comments**

4.14 One letter of objection has been received from members of the public. Key planning issues can be summarised as follows:

- Concerns about existing security lighting on site being too bright and causing unnecessary light pollution.
- Concerns about impacts on surrounding biodiversity.

4.15 **Oswestry Group of Ramblers** have responded indicating:

It is noted that PROW 0307/190/2 runs on the edge of the site having been diverted previously. It is further noted that this path is frequently illegally obstructed by electric fencing where it crosses the access road. We request that plans include proposals such that users of the path can safely proceed without obstruction.

5.0 **THE MAIN ISSUES**

- Principle of development
- Siting, scale and design and visual impact and landscaping. (Biodiversity).
- Residential amenity
- Drainage and impacts on water resources.
- Historic environment
- Access and Transportation

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 **Environmental Impact Assessment**

6.1.2 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 specify that Environmental Impact Assessment (EIA) is required for proposed development involving the intensive rearing of poultry where the

number of birds is 85,000 or more. The proposed development would accommodate an additional 20,000 birds. It is therefore EIA development and the application is accompanied by a report entitled Environmental Statement.

The EIA regulations state that an environmental statement is a statement which includes, amongst other matters, at least:

- A description of the likely significant effects of the proposed development on the environment; this should cover the direct effects and any indirect effects;
- A description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment.

- 6.1.3 The regulations state that an environmental statement must include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment. Schedule 4 of the regulations state that environmental statements should describe the development, including, amongst other matters: an estimate, by type and quantity, of expected residues and emissions during the construction and operational phases. The EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development. This should include the cumulation of effects with other existing and/or approved projects
- 6.1.4 National Planning Policy Framework (NPPF) states that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). It adds that planning decisions should assume that these regimes will operate effectively. Nevertheless the EIA regulations require that likely effects of the development on the environment are identified and taken into consideration in the decision-making process. These effects will include matters that are also regulated by the EA.
- 6.2 Planning policy context; principle of development**
- 6.2.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration and sets out a presumption in favour of sustainable development and there are three overarching objectives to achieving this: economic; social; and environmental. The NPPF states that significant weight should be given to the need to support economic growth and productivity (para. 80). In respect of development in rural areas, it states that planning decisions should enable the sustainable growth and expansion of all types of business; and the development and diversification of agricultural and other land-based rural businesses (para. 83).
- 6.2.2 This approach is reflected in Development Plan policy. Core Strategy policy CS5 provides support for appropriate development within the countryside, which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts, and this is discussed in

sections below. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.

6.2.3 The proposal to expand the existing enterprise would involve significant investment and would help to sustain the long-term viability of the rural business. It would provide additional economic benefits in terms of additional labour requirements in a sector which is appropriate in the rural area. The Environmental Statement states that the proposal is a sustainable economic development. Its list of benefits include: the expansion of the UK poultry meat production capacity; helping to meet the rising demand for poultry meat in the UK and aiming to become self-sufficient in poultry meat; reducing the need to import foreign produced poultry meat; reducing greenhouse gas emissions from fossil fuel consumption in transportation of meat across the globe, i.e. food miles. It is considered that the proposal has support in principle from Development Plan and national policy. However policies also recognise that poultry units can have significant impacts and these matters are assessed below.

6.3 **Siting, scale and design, landscape and visual impact.(Biodiversity).**

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles.

6.3.2 Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value, and demonstrates how good standards of sustainable design and construction have been employed. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment.

Siting and alternatives: Details of alternatives to the proposed development have not been provided. The Environmental Statement advises that the application site is considered to be the only suitable location as it is a natural extension to the existing poultry installation. The proposed buildings would be positioned close to the existing ones and would utilise existing infrastructure at the site such as roadways.

6.3.3 Ecological issues.

Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset. It states that in all cases, a hierarchy of mitigation then compensation measures will be sought.

Paragraph 175 of the NPPF states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 6.3.4 The principal ecological issues relate to the direct impacts of the development on the ecological value of the area, and the indirect impacts due to the release of ammonia from the resultant poultry manure.
- 6.3.5 Whilst the applicants have submitted in support of their application an assessment on ecological issues, the SC Planning Ecology have indicated there is insufficient information relating to air quality to enable impacts of the proposals on ecology to be assessed. The applicant needs to read the guidance regarding the assessment of intensive livestock installations available on the Shropshire Council website (<https://shropshire.gov.uk/media/10859/interim-guidance-note-on-ammonia-emitting-developments-apr-2018.pdf>) and to provide the required information prior to a decision being made on this application on ecological issues.
- 6.3.6 The Council's ecologist has advised that, based upon the evidence submitted, the planning case officer cannot conclude that the proposed development will not have significant adverse effects on biodiversity under Development Plan and NPPF policy.
- 6.3.7 In addition to the above, Natural England has advised that there is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 6.3.8 The applicants have submitted in support of their application, as part of their Environmental Statement, a landscape and visual impact assessment,(LVIA), (Chapter 7) and this concludes that overall, the landscape and visual assessment has established that the proposed poultry extension will have a limited effect on the baseline conditions in terms of both landscape character and visual amenity. The measures factored into the site selection and design process will reduce, minimise and even improve any potential adverse effects. Therefore, on balance they consider that the proposed extension would be acceptable in this context with regard to the potential effects on landscape character and visual amenity.
- 6.3.9 The Council's Landscape Consultant has commented on this indicating in conclusion that he has a number of significant concerns in respect of the LVIA. In summary, these are that it;
 - Has been prepared using guidance which is almost 20 years out of date and which has been superseded by later revisions. As such, it does not follow nationally recognised best practice.
 - Provides no information on the competence of the author, cumulative effects, and whether effects are adverse or beneficial, contrary to the requirements of the Environmental Impact Assessment Regulations 2017.

- References national and local planning policies which are, again, significantly out of date
- Contains a number of factual errors in the application of landscape character information contained in the Shropshire Landscape typology
- Does not carry out an assessment of landscape and visual effects in accordance with its own methodology
- Contains insufficient geographical and no photographic information to support the assessments of visual effect.
- Contains insufficient information on proposed mitigation measures

6.3.10 As a result of the above it is considered that the assessment of landscape and visual effects has not been carried out to a compliant standard for an EIA project in accordance with GLVIA3. The findings are considered in-sufficient to support making an informed planning decision.

6.3.11 Having assessed the LVA against Local Plan policy relating to landscape and visual matters, the proposals do not comply with local plan policies CS5, CS6, CS17, MD2, MD7b and MD12.

6.4 **Drainage and impacts on Water Resources.**

6.4.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.

6.4.2 The applicants have submitted a Water Resources assessment as part of their Environmental Statement. (Chapter 12), This concludes that a number of potential impacts on the local hydrology and hydrogeology have been identified as a result of the construction and operation of a Poultry Extension at the site. Potential impacts include the risk of groundwater and surface water contamination from oils and hydrocarbons and dirty water. Both development and operation of a poultry extension on this site have the potential to negatively impact on the hydrology and hydrogeology of the area through the contamination of surface water and groundwater. Employing appropriate construction techniques (see Pollution Policy Guidance - PPG documents) and good design will ensure that these risks will be successfully mitigated. The significance of such impacts has been systematically evaluated and mitigation measures for each of the impacts have been identified. Following mitigation, the significance of residual impacts is all reduced to a minor level or below.

6.4.3 The SC Drainage specialist has advised that the proposed development should not be permitted.

6.4.4. The site is in Flood Zone 3b. Flood Zone 3b is a functional floodplain. This zone comprises land where water has to flow or be stored in times of flood with an annual probability of 1 in 20 (5%) or greater in any year, or is designed to flood in an extreme (0.1%) flood. In accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework, only the water-compatible uses and the essential infrastructure listed in Table 2 that has to be there should be permitted in Flood Zone 3b. Alternatively, re-locate the proposed development outside Flood Zone 3b and re-submit a revised Site Layout.

- 6.4.5 In relation to drainage and the requirement for appropriate methods of sustainable drainage, the application is considered unacceptable and not in accordance with Policies CS6 and CS18 of the Shropshire Core Strategy, Policies MD2 and MDBb of the SAMDev, the NPPF and the requirements of procedures of the Environmental Impact Assessment Regulations.
- 6.5 **Residential and amenity considerations**
- 6.5.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.
- 6.5.2 Odour: The proposed development has the potential to have a significant impact on the environment as a result of odour generation, both from the direct emissions from the poultry houses, either alone or in combination with the existing sheds, and also from the storage and spreading of manure produced by the development.
- 6.5.3 Manure management: The proposed development would result in a significant quantity of manure being produced from the birds. Manure has the potential to result in significant impacts on the environment. The Environmental Statement submitted with the application reference to a manure management plan. This states that all manure from the site will be transported to a AD Plant.
- 6.5.4 Officers accept that the site benefits from an Environmental Permit and that this has been varied to allow 400,000 birds to be reared at the site. The permit was amended (varied) in 2018 following an application by the applicant to allow the number of birds held on site to increase to 350,000. This is understood by the Environment Agency to be the same number that is the subject of the development for which consent is sought by this application for planning permission.
- 6.5.5 The Environment Agency notes that it is the responsibility of the applicant to undertake the relevant risk assessments and proposed suitable mitigation to inform whether emissions can be adequately managed. However, in order to meet the requirements of the EIA regulations, this assessment work needs to be undertaken as part of the EIA process and prior to a decision being made on the proposal. Officers acknowledge the advice in para. 183 of the NPPF regarding the relationship between the planning and pollution control regimes, as referred to above. However this does not obviate the need for EIA applications to comply with the EIA regulations.
- 6.5.6 Officers do not consider that there is sufficient justification for odour to be scoped out of the EIA process. There are sensitive receptors within the vicinity of the site, and odour is already emitted by the existing development thereby contributing to background levels in the area, although it is acknowledged that manure generated on site as a result of the proposed development will be transported to an A.D Plant.
- 6.5.7 Noise: Para. 180 of the NPPF states that planning decisions should ensure that new development is appropriate for its location; and mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development; and avoid noise giving rise to significant adverse impacts on health and the quality of life. The proposed development has the potential to have a significant impact on the environment as a

result of noise generation, including from extraction fans, from vehicle movements around the site, and from the traffic movements to/from the site. These impacts may result either from the development itself, or in combination with the existing operation. However the Environmental Statement advises that noise impact has been scoped out of the EIA. It states that the noise environment around the site is typical of a working farm with the associated feed deliveries, grain drying, milling, blowing off of feed, field work, yard etc. It suggests that the nearest residential curtilage is more than 400 metres from the site and is separated from the site by mature vegetation. It goes on to say that noise emissions from the site have already been assessed as part of the Environmental Permit application; noise was not a matter that was raised as a concern as part of the permit application implying that noise generation from the site is unlikely to have any significant environmental effect. It refers to the aims of the NPPF to avoid noise from giving rise to significant adverse impacts on health and quality of life, and suggests that the proposal meets these aims, and that the EA confirmed this in granting the site an Environmental Permit to operate.

- 6.5.8 SC Regulatory Services have responded to the application indicating the proposed site would extend existing poultry rearing operations at Morton Ley Farm. There are residential receptors to the east, the nearest being approx. 400m from the proposed site. With the size of the site increasing and a residential receptor 400m from the site and given the low background noise levels likely in this area it is considered reasonable for a noise assessment to be provided with the assessment. Noise has been considered by the applicant in the Environmental Statement, chapter 11. It is not known who the author of the assessment is other than potentially Roger Parry & Partners LLP who are the agent. Any assessment should be carried out by a suitably qualified and experienced person. It should refer to relevant guidance and policy. A noise assessment should contain a background noise survey and provide details of this in the report and use the details to consider any noise impact from the installation against. Given that the application is an addition to existing it is considered reasonable for the cumulative impact of the proposed element and the existing element to be assessed and data provided. Chapter 11 of the Environmental Statement does not refer to relevant guidance. Specifically, it specifies PPG24, a policy document which was withdrawn in 2012 when the NPPF came into effect. It also considers the guidance document BS4142: 1997. This is an outdated version of guidance which was updated in 2014 and again in 2019. This suggests that the assessor is not a suitably qualified and experienced person to undertake the noise survey. No background noise study has been carried out and as such noise levels with which to compare potential impacts against are not available. As such the contents of Chapter 11 of the Environmental Statement have not been considered further. In respect of odour the applicant has discussed this in the Environmental Statement. It has noted a residential receptor at 495m to the east. Having used mapping tools available it is suggested the site receptor is more like 400m from the site. The applicant has stated that due to the distance between the site and nearby receptors no detailed odour assessment is required. Given past appeal decision and consideration by planning inspectors it is considered that a poultry site of the proposed scale has the potential to impact on residents at the distances found and an odour assessment is considered reasonable. This may not have previously been the case for the site however with an increase in scale comes an increase in potential impact and an onus to ensure that relevant aspects have been given suitable attention. It is recommended that in order to proceed the applicant engage a suitably qualified

and experienced person to undertake a noise assessment and an odour assessment

6.5.9 Officers do not consider that this is an appropriate approach and are of the view that it would fall short of the legal requirements of the EIA regulations, details of which are set out in section 6.1 above. Contrary to the suggestion in the Environmental Statement that there is a total of five locations where people may be present were identified within a 500 metre radius of the site, it is considered this is an overestimate in distance. The Environmental Statement does not appear to have taken sufficient consideration when scoping noise out of the EIA process

In order to address this, officers request that an appropriate noise assessment is undertaken as part of the EIA process. Officers therefore consider that the Environmental Statement is deficient as it does not meet the requirements of the EIA regulations

6.5.10 The MMP or Environmental Statement does not assess what the impacts of indirect element of the proposed development would be, for example in respect of odour or ammonia emissions. The Environmental Statement is therefore deficient in respect of this matter.

6.6 Historic Environment considerations

6.6.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.

6.6.2 On historic environment grounds the application is considered to be acceptable with negligible impacts on the historic environment. In relation to archaeology issues the Council's Archaeology Manager has responded indicating that development on this matter is acceptable and that an enhanced watching brief should be undertaken during initial soil stripping across the proposed development site, whereby the archaeological contractor also has control over the soil stripping method. It is considered that an appropriate condition to address this matter can be attached to any approval notice subsequently issued.

6.6.3 Whilst on historic grounds the application on balance is considered acceptable it is noted the Council's Conservation Manager has made comment that landscaping is considered insufficient. This matter has been discussed earlier in this report and on this matter conclusions reached are also shared in relation to the historic interest in that landscape mitigation will be required.

6.7 Access and transportation

6.7.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.

- 6.7.2 The Design and Access Statement in support of the application indicates that the site is accessed off the B4396. Access to the Strategic Road Network is accessed along the B4396 to Llyncllys Crossroads where the vehicles will join the A483 and thereafter the A5 Trunk Road at Mile End Roundabout. The access arrangements are designed to restrict HGV movements on to the B4396; Feed HGVs will be coming from Lloyds Animal Feeds located approximately ½ mile away on the B4396 towards Morton.
- 6.7.3 Chapter 8 of the applicants Environmental Statement discusses traffic movements and concludes that as a result of the proposal there will be a small increase in traffic in a limited number of settlements such that the baseline conditions including living conditions will change. The small increases in traffic are however offset by the predicted reduction in the use of the local highway network following the cessation of manure imports and the reduction in movements. The assessment has demonstrated that the proposals are estimated not to have a significant effect on the surrounding highway network, and that the safety conditions of the network would not be made worse.
- 6.7.4 The Council's Highways Manager has indicated that the existing site access and internal vehicle arrangements are considered adequate to support the development proposed. The increase in vehicle activity associated with these additional sheds, is unlikely to cause any specific “severe harm” on the adjacent highway network
- 6.7.5 Notwithstanding the concern that the applicants traffic assessment is considered weak in its layout and compliance with EIA procedures, Officers acknowledge that on highways and transportation grounds the development on balance could be considered acceptable. However it is not considered that the planning application has satisfactorily assessed the full traffic impacts of the proposal as it does not adequately explain detail in relation to the export of manure to the anaerobic digestion plant and positives and negatives in relation to this. The site is clearly part of an existing poultry enterprise that in accordance with the Environmental permit variation for the site obtained from and managed by the Environment Agency indicates 'broiler bird' numbers on site will increase from 200,000 to 350,000 places. This application refers to an increase of 90,000 birds. (It is appreciated by Officers that an Environmental permit can be for more birds than actually retained on site), on an agricultural holding amount to some 25.17 hectares (62.20 acres). The farm operates as an arable enterprise annually growing winter wheat, spring barley and oil seed rape in rotation as well as an intensive poultry enterprise. It is intended to concentrate the farming enterprise more on the poultry production. Clearly in relation to the amount of farm land in the control of the business concerned this farming method and its proposed business model can only best be described as intensive agricultural production as manure generated on site for example cannot be absorbed into the existing farming enterprise on site and will need to be exported off site.
- 6.7.6 Whilst on highway and transportation issues the application in principle is considered acceptable, it is considered that the Environmental Statement in relation to transportation issues lacks detail on traffic movements as a result of the increase in intensification on site and in particular in relation to traffic movements to an AD plant in order to dispose of manure generated on site.

7.0 CONCLUSION

- 7.1 The proposal to construct two intensive poultry sheds, five feed bins and supporting infrastructure is considered to be schedule one development in accordance with EIA Regulations. These regulations require that planning permission is not granted unless an Environmental Impact Assessment has been carried out. They state that EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development.
- 7.2 The proposed development has the potential to have a significant adverse effects on the environment. Satisfactory assessments of potential direct and indirect impacts from odour, noise, manure management, ammonia, landscape and visual impact and transport have not been included in the Environmental Statement. The Environmental Statement does not meet the requirements of the EIA regulations and is deficient. The local planning authority is therefore unable to assess what the full impact of the development would be on the environment, and therefore whether the proposal can be supported in relation to Development Plan policy and other material planning considerations.
- 7.3 It is recognised that the poultry rearing operation does benefit from an Environmental Permit issued from the Environment Agency and that the Agency has advised that, through this, issues such as relevant emissions will be addressed. However, the focus of the planning process is on whether the proposed development is an acceptable use of land and this requires an understanding of what the land-use impacts are likely to be. The existence of an Environmental Permit does not obviate the need for an appropriate level of assessment to be undertaken as part of the EIA process, as required by the EIA regulations.
- 7.4 The proposal would provide economic benefits, including from the investment in the expansion of the existing business and the additional and sustained labour requirements which would result from the construction and operation of the development. Nevertheless it is not considered that these benefits would be sufficient to justify a grant of planning permission in view of the deficiencies of the current application.
- 7.5 In conclusion, on the basis of the above, officers recommend that planning permission be refused as the application is considered contrary to Policies CS5, CS6, CS17 and CS18 of the Shropshire Core Strategy, Policies MD1, MD2, MD7b and MD12 of the SAMDev, the National Planning Policy Framework in relation to sustainable development and the requirements of the procedures of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

OS/07/15346/FUL Demolition of existing farmhouse and erection of new dwelling and garage block WDN 7th February 2008

OS/08/15674/FUL Replacement of existing dwelling REFUSE 2nd October 2008

OS/08/15675/FUL Alterations and extensions to existing house REFUSE 13th November 2008

PREAPP/09/00152 Proposed development - garage, games room, tv room, store, office and further garage REC

PREAPP/10/00574 Informal highway advice - chicken rearing shed PRRQD 2nd March 2010

10/01115/FUL Alteration to existing farm access and formation of new field access WDN 14th May 2010

10/02470/FUL Alterations to existing farm access GRANT 6th August 2010

PREAPP/11/00499 Proposed application for the erection of a 90,000 bird broiler unit PREAIP 10th April 2011

11/02532/CPL Application for Lawful Development Certificate for the proposed erection of two storey extension to side and single storey extensions to other side and rear LA 4th November 2011

11/02934/EIA Erection of 2 no. chicken rearing buildings, associated feed bins, hardstanding, store, office/facilities, access and all associated works GRANT 13th March 2012

12/01427/DIS Discharge of Conditions 3 (archaeological work) and 4 (external materials) attached to planning permission 11/02934/EIA DISAPP 18th April 2012

13/02441/SCO Proposed erection of a 90,000 bird broiler unit. SCO 18th October 2013

14/00265/AGR Bio mass boiler unit and store PPREQN 20th February 2014

14/00944/FUL Erection of building to house bio mass boiler unit and wood fuel storage for use with chicken breeding units GRANT 24th April 2014

15/04477/EIA Erection of two poultry buildings and three feed bins; construction of vehicular access and hardstanding; landscaping scheme GRANT 1st February 2016

16/03343/DIS Discharge of Conditions 3 (WSI), 4 (Landscaping), 5 (Buffer), 6 (Surface water), 7 (Non permeable surface), 8 (Contaminated water), 10 (External lighting), 11 (Bat Bozxes), 12 (Bird Boxes) and 13 (external colouring) of Planning permission 15/04477/EIA DISPAR 31st October 2016

19/01806/FUL Erection of detached carport and garden store GRANT 6th June 2019

19/05292/FUL Erection of 3 bay detached carport and store GRANT 10th February 2020

21/00692/EIA Erection of two additional poultry sheds, five feed bins, vehicular access and landscaping scheme; and associated works PCO

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Joyce Barrow
Appendices APPENDIX 1 – Conditions None as refusal see start of report.

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Committee and Date
 Northern Planning Committee
 8th June 2021

Item
9
 Public

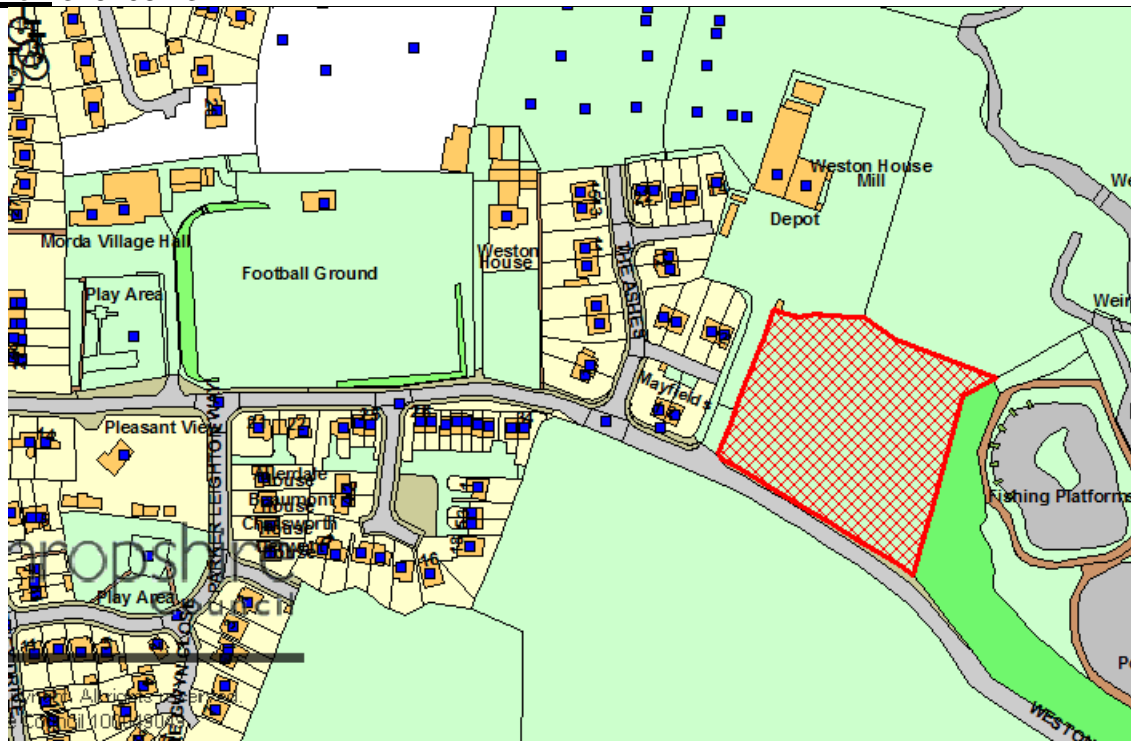
Development Management Report

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

Summary of Application

Application Number: 21/00442/FUL	Parish: Oswestry Rural
Proposal: Erection of 20 (affordable) dwellings with associated roads and formation of vehicular access	
Site Address: Land To The North Of Weston Road Morda Oswestry Shropshire	
Applicant: Wrekin Housing Trust	
Case Officer: Mark Perry	email : planning.northern@shropshire.gov.uk

Grid Ref: 329208 - 327771



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the applicant entering into a S106 to secure the development as affordable housing.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to the erection of a residential exception site for the erection of 20 affordable dwellings and the creation of a new access road.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is a field situated on the edge of Morda fronting onto Weston Road which leads from the centre of Morda towards southern edge of Oswestry where there are predominantly industrial premises. There are residential properties to the west of the application site and to the east there is the Weston fishing pools. A mature band of tree planting runs along the eastern side of the site.

2.2 An existing commercial premise is located to the north and this is accessed by a driveway which runs in between the existing dwellings and the application site.

2.3 The southern and western boundaries of the site are defined by mature hedgerows.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Oswestry Rural Parish Council objected to the application and the application was called in by the Local member within 21 days of notification requesting that the application be referred to the committee for determination. The Principal Planning Officer, the Committee Chair and Vice Chair agreed that the local member raises material planning considerations which warrants the application being considered by the committee members.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **Parish Council-** objects to this application for the following reasons:

- 1) Morda is already over-developed.
- 2) Further development will add to flooding issues already present in this location.
- 3) Morda C of E Primary School is already at capacity.
- 4) There are other more suitable sites for this type of development.

4.1.2 **Highways-** From a purely highway perspective, the development appears to meet the appropriate design standards in terms of layout and visibility splays. Confirm that the Tracking Plan is now satisfactory. As highway authority the adoptable length currently shown is somewhat excessive.

- 4.1.3 **Ecology-** no objection subject to conditions and informatives.
- 4.1.4 **Affordable Housing-** The Affordable Housing Team support this application. The type and tenure of homes proposed address the need identified in the Housing Needs Survey carried out by Oswestry Rural Parish Council in 2018 and the existing Home Point data. The proposed homes all meet the National Described Space Standards too.
- 4.1.5 **SC Trees-** No response at time of writing report
- 4.1.6 **SC Recreation-** The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.

Based on the current design guidance the development will deliver 40 bedrooms and therefore should provide a minimum 1200m² of usable public open space as part of the site design. The site design allows for public amenity space in the centre however, it is not clear how much POS is being provided on site and Officers would like this information prior to making any further comments on this application.

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

- 4.1.7 **Drainage-** No objection subject to conditions
- 4.2 - **Public Comments**
- 4.2.1 4 letters of representation from local councillor and residents, commenting on the following items.
- Village is over developed
 - Morda is not designated area for development
 - Loss of countryside between Morda and Weston
 - Dangerous road for walkers, runners and cyclists
 - Increased traffic
 - Weston Road is a rat-run already
 - Other sites already have planning permission
 - Exacerbate flooding
 - Development beyond village boundary
 - School is full
 - Pub and shop infrequently open

5.0 THE MAIN ISSUES

- Principle of Development
- Layout, scale, design, character and appearance
- Impact on neighbouring properties
- Access and parking
- Ecology and trees
- Drainage
- Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 This application relates to the provision of 20 affordable homes for local people on the edge of the village of Morda. For the purposes of planning policy Morda is classed as open countryside as is not a settlement categorised as being a community hub or cluster under SAMDev policy MD1.
- 6.1.2 The Housing Supplementary Planning Document (SPD) and LDF Policy CS11 provide a positive supportive framework for the consideration of affordable homes for local people on 'exception sites'. 'Exception sites' are in locations that would not normally obtain permission for open market housing development, but an exception is made (subject to satisfying certain criteria) for proposals that relate to development of affordable housing for local people.
- 6.1.3 Shropshire LDF Policy CS11 permits "*exception sites for local needs affordable housing on suitable sites in and adjoining Shrewsbury, Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements subject to scale, design, tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity*". CS5 allows such homes in the countryside '*on appropriate sites which maintain and enhance countryside vitality and character*'. MD7a states that '*Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs and other relevant policy requirements*'.
- 6.1.4 Despite not being a village that is classed as a community hub or cluster, it is clearly a recognisable named settlement for the purposes of policy CS11. Morda is a well-defined settlement close to the outskirts of Oswestry. The village has a primary school, pub, village shop and sports and social facilities. The village has footpath links to Oswestry and the town's senior school is 0.7km away.
- 6.1.5 The SPD requires that the provision of affordable housing should relate to the local needs of the settlement and hinterland and be reflective of the size of the community. The housing enabling team have supported this application and comment that the proposed development addresses the need identified in the Housing Needs Survey carried out by Oswestry Rural Parish Council in 2018 and the existing Home Point data.

- 6.1.6 Current HomePoint data indicates that there are 29 people on the list who have Oswestry Rural as their first choice parish for housing. Of these 18 have a strong local locations where 10 require a 1-bedroom property, 7 require a 2-bed and one requires a 3-bed.
- 6.1.7 It is considered that the proposed site is in an appropriate location for an 'exception site'. It is situated adjacent to the existing built development called The Ashes; although they are separated by the width of the access drive which leads to an industrial unit to the north. The Ashes was also approved as a 100% affordable housing scheme which was granted planning permission in 2012 and comprised of 21 dwellings. The proposed development would be close to existing housing and close enough to the facilities and services within the village to be accessed on foot or by bicycle. The services available in Oswestry would also be accessible given the continuous footpath into the town and also the availability of a bus service.
- 6.1.8 It is therefore considered, by officers, that the location of the development as an exception site and the need for the affordable housing meets the policy criteria.
- 6.2 Layout, scale, design, character and appearance**
- 6.2.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity.
- 6.2.2 The proposal is for 20 properties which comprises of 4 x 1-bed bungalows, 4 x 2-bed bungalows, 8 x 2-bed dwelling and 4 x 3-bed dwelling. All of the properties proposed are semi-detached and they all meet the Nationally Described Space Standards. The properties will all have good sized plots with garden depth a minimum of 9.5m. The development consists of a mixture of two-storey and bungalow properties with a mix of brick built and render; this follows the palette of material used on the adjacent housing development.
- 6.2.3 The layout of the site comprises of a single adoptable spine road and a private drive which will serve plots 7 to 13. The existing field is generally level in nature and has a mature roadside hedgerow. The hedgerow will be retained, and this will form the rear boundary of the gardens to plots 1 to 4. A section of the hedgerow will need to be removed to create the access and parts will need to be cut back to accommodate the visibility splay. However, overall, the existing hedgerows will be retained as part of the development; helping to minimise the visual impact of the scheme
- 6.2.4 The enclosure with existing landscaped boundaries will minimise the visual impact when approaching the edge of the settlement from the east of the west.
- 6.2.5 The proposed, layout, pattern, scale and appearance of the proposed semi-detached houses reflects that of other nearby housing. The siting of one of the

pairs of bungalows in the centre of the site when viewed from the road will further reduce the impact of the edge of the development because of its lower height.

- 6.2.6 Policy MD2 requires residential development (both open market and affordable) to provide on-site open space and the Parks and Recreation team have commented that a development containing 40 bedrooms equates to a requirement of 1200 sqm of public open space. This amount of open space would be provided and would comprise of a large open area towards the rear/ centre of the site which would have a number of dwellings facing on to it to provide natural surveillance. A smaller area would be provided upon the entrance to the development. Both areas would be sensitively landscaped and maintained to ensure their long-term usability.
- 6.2.7 The proposed layout, scale, design and appearance of the development is considered by Officers to be acceptable. Whilst the proposal would change the appearance of the site from green agricultural space to a housing development it is considered that it has been sensitively designed and where possible the features that currently contribute to its character have been retained. Officers consider that it would have no significant adverse impact on the character and appearance of the locality and any perceived negative effects is substantially outweighed by the social and economic benefits of providing much need affordable housing in the village. The proposal is therefore considered to accord with CS6 and MD2.

6.3 **Impact on neighbouring properties**

- 6.3.1 The proposed dwellings on plots 5 to 12 would be located along the western boundary of the site and would have their rear elevations facing towards to side elevations of the dwellings on The Ashes development. The sets of gardens would be separated by the driveway leading to the commercial premises to the north and also by the boundary hedgerow which would be retained and improved where necessary. There would be around a 25 metre gap between the rear elevations of the proposed dwellings and the side elevations of the dwellings on the adjacent housing estate. On the opposite side of the highway there are open fields and to the east there is a wide band of tree planting beyond which there is the Weston Pools fishing lakes.
- 6.3.2 Officers consider that taking into account the distances of separation and the other neighbouring land uses there will be no overlooking, loss of privacy or loss of light.
- 6.3.3 As noted above there is a commercial/ industrial building to the north. The building is approximately 45 metres from the edge of the application site, but it also includes a yard area which is closer. Following comments made by the Council's Public Protection Officer a noise assessment has been carried out. The report concluded that standard double glazing and brick and block cavity wall construction with standard specification windows and trickle vents would be enough to ensure satisfactory internal noise levels. The addition of an acoustic fence along the edge of the large area of public open space and the side boundary of plot 12 would adequately protect future residents. The installation of

the fence would reduce predicted noise levels to below background levels.

6.3.4 The Council's Public Protection Officer has considered the report and its findings and has suggested that the applicant give consideration to an acoustic fence to the front of the site to protect residents from road noise. Officers note that this is a recommendation and not a requirement. It is considered by Officers that adding a solid boundary acoustic fence to the front of the site would have a visually detrimental impact on the appearance of the site within the street scene. As such the additional benefit to future residents is outweighed by the wider visual harm to the road which does now have a 30 mph speed limit which in turn would limit the level of noise that passing vehicle would generate.

6.4 **Access and parking**

6.4.1 The site is located on Weston Lane which recently has had a 30 mph speed limit imposed on it. It is acknowledged that this road can sometimes be busy and is used as a 'rat run' for getting to and from the southern side of Oswestry and the Industrial Estate, sometimes resulting in a queue of traffic at the cross roads in the centre of the village during peak time. However, the provision of 20 new dwellings will not add a significant amount of additional vehicles onto the road to such an extent where it would compromise highway safety or the free flow of traffic.

6.4.2 SC Highways have confirmed that adequate visibility splays can be provided at the access onto the road and have no objection to the proposal. Adequate parking and turning space for cars is provided within the site and it has been demonstrated by the submission of vehicle tracking diagrams that the road is adequate for waste and larger vehicles to manoeuvre.

6.4.3 With regards to pedestrian safety there is pavement which currently terminates at the end of the driveway to the commercial premises. This pavement does lead all the way into the centre of the village. A new section of pavement will be created across the frontage of the site to the west of the proposed entrance which will enable pedestrian to safely walk into the village and beyond.

6.4.4 Highways Officers have no objection to the proposal and consider that it meets the appropriate design standards in terms of layout and visibility splays.

6.5 **Ecology**

6.5.1 An extended phase 1 ecological habitat report has been submitted with the application. The report concludes that the main habitat affected by the proposed development is semi-improved grassland and that it was not found to support any protected species. The report noted that the nearby ponds were not suitable breeding habitats for great crested newts as they contain a major population of fish.

6.5.2 The construction of the housing development within the semi-improved grassland will remove a small amount of foraging habitat, however the riparian habitat to the north and the hedgerows and adjacent woodland will not be impacted by the

proposed development.

- 6.5.3 The report has been assessed by the Council's Ecologist who raised no objection subject to conditions and informatives.

6.6 Trees

- 6.6.1 Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

- 6.6.2 All existing hedgerows which comprise of Ash, Holly, Hawthorn and Elder are to be retained apart from a section along the front to be removed and set back to allow for the access and visibility splay. The proposed landscaping including the planting of the gaps in some of the existing poor hedgerows will provide ecological enhancement. The rest of the site is absent of any trees and position of any proposed dwellings falls outside of the root protection areas applied to the trees that are located on neighbouring land.

- 6.6.3 The requirements to provide tree protection will be imposed by condition on any permission granted.

6.7 Drainage

- 6.7.1 The application site falls entirely within flood zone 1 as identified by the Environment Agency flood maps. In such areas it is considered that the land has a less than 1 in 1,000 annual probability of river flooding.
- 6.7.2 Drainage details have been submitted and accepted by the Council's drainage officer. Both the surface water drainage and foul drainage will be subject to Building Regulation approval. Approval will be required from the service provider to connect any surface or foul water to the foul system. The River Morda is around 60 metres to the north east of the site which does have potential to flood land to the north east, but any flooding would not encroach onto the application site on the basis of the current available mapping.
- 6.7.3 As required by paragraph 163 of the NPPF when considering planning applications, the authority must be sure that flood risk is not increased elsewhere. This can be done by ensuring that the scheme has an acceptable drainage scheme. The applicant has detailed that surface water will be discharged to soakaways and that foul flows will be to the public sewer. The Council's Drainage Engineer has not raised any objection and has recommended a condition that requires further details of the drainage scheme to be submitted to the Council for approval as part of a planning condition.

6.8 Other Matters

- 6.8.1 The Parish Council have commented that the school in the village is at capacity. The Council's Education team have confirmed that at present the school has 13 unfilled places and that the forecast is that by 2025 there would be 29 unfilled places, although this is a forecast so it could change. It is recognised that there are more children living in the catchment than the school has places for, but the trend at present is for pupils to go elsewhere and therefore it is not expected that

there will be a requirement in the short term for extra places at the school.

7.0 **CONCLUSION**

7.1 There is an identified need for affordable housing in the village of Morda and the location of the proposed dwellings is considered to be acceptable and in compliance with the terms of the exception sites policy outlined in the housing SPD and accords with CS5, CS11 and MD7a. The scale, design and appearance of the proposed dwellings and the layout of the development are appropriate and would have no adverse impact on the character and appearance of the locality or the residential amenity of neighbours or future occupiers of the development. The proposal is acceptable from a highway perspective as there would be no severe highway safety implications and a satisfactory access and adequate parking and turning space will be provided. The existing hedgerows are to be retained where possible and these will be protected during construction.

7.2 Officers consider that the proposal meets the requirements policies CS6, CS17 of the Core Strategy and MD2 and MD12 of SAMDev. The application is therefore recommended for approval subject to planning conditions and the applicant entering into a S106 to secure the dwellings as affordable units in perpetuity.

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 MD2 - Sustainable Design
 MD12 - Natural Environment
 CS11 - Type and Affordability of housing

RELEVANT PLANNING HISTORY:

12/04725/FUL Erection of 21 no. affordable dwellings with associated access and parking
 GRANT 20th March 2013
 13/02602/VAR Variation of condition no. 5 (highways) attached to planning permission
 12/04725/FUL from a 'Pre-commencement' condition to 'Prior to occupation' condition NPW 8th
 September 2016
 13/02654/DIS Discharge of Conditions 6 (highways), 9 (materials) of planning permission
 12/04725/FUL DISAPP 21st August 2013
 13/03385/DIS Discharge of Conditions 6 (roads/footways), 8 (Archaeology) and 10 (foul and
 surface water) of planning permission 12/04725/FUL DISAPP 21st August 2013
 14/03148/DIS Discharge of Condition 5 (footway details) of planning permission 12/04725/FUL.
 DISAPP 23rd July 2014
 14/05461/VAR Variation of Condition No. 12 attached to Planning Application No.
 13/01393/OUT dated 31st October 2014 to achieve access from Weston Road only REFUSE
 23rd March 2015
 21/00442/FUL Erection of 20 (affordable) dwellings with associated roads and formation of
 vehicular access PDE

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Joyce Barrow
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 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 (which ever is the sooner).

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

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

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

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

5. 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.

6. Prior to first occupation of any dwelling hereby approved an acoustic fence shall be erected the position identified on the approved plan of a specification to be submitted to and approved in writing by the Local Planning Authority. The fence shall thereafter be maintained for the lifetime of the development.

Reason: To ensure that any noise generated does not impact upon the residential amenities of future occupiers of the development.

7. 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, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

A minimum of 4 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.

A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for Sparrows (32mm hole, terrace design), Starlings (42mm hole, starling specific) and small birds (28 or 32mm hole, standard design) shall be erected on the site prior to first use of the development.

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

Reason: To provide additional nesting and roosting provision to enhance biodiversity in accordance with the NPPF, MD12 and CS17.

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

9. No construction (and/or demolition) works shall take place before 0730 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

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

10. No ground clearance or construction work shall commence until the scheme of tree and hedge protection as detailed in the submitted arboricultural report has been provided to safeguard trees and hedgerows to be retained as part of the development. The scheme shall be 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.

11. Before the first unit is occupied the vehicular and pedestrian access to the site shall be constructed and laid out in complete accordance with approved plan. The area to the front of the visibility splays shall thereafter be permanently kept free of all obstacles or obstructions at a height not exceeding 0.9 metres above the level of the adjoining carriageway.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

12. The proposed dwellings/ bungalows shall be construction in accordance with the conclusions and recommendations contained within the submitted noise survey.

Reason: To ensure a satisfactory level of amenity for the future occupiers of the properties.

Informatives

1. 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/>.]

Please contact me, or one of the other Ecology team members, if you have any queries on the above.

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Committee and Date
 Northern Planning Committee
 8th June 2021

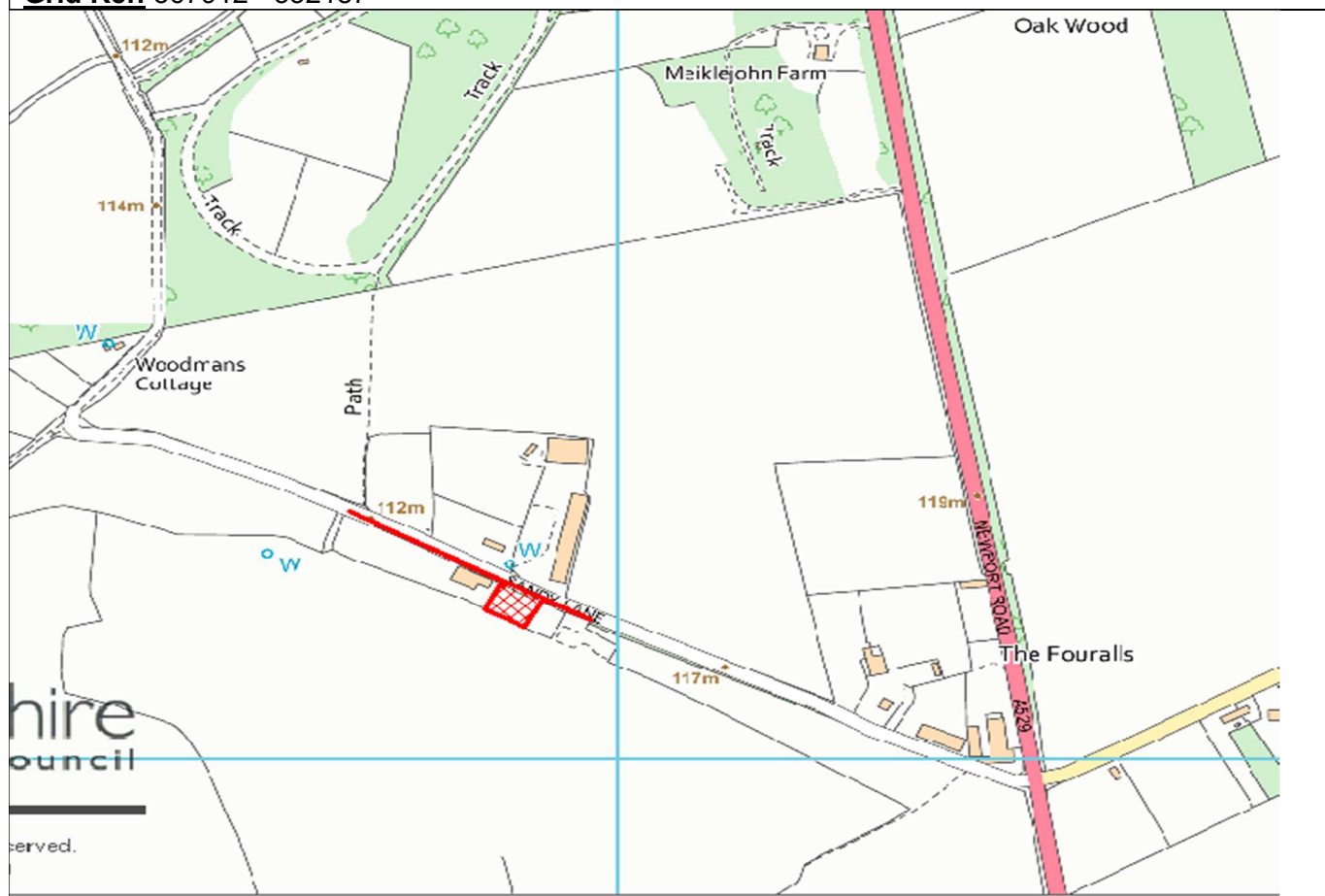
Item
10
 Public

Development Management Report

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

Summary of Application

Application Number: 21/01708/OUT	Parish:	Sutton Upon Tern
Proposal: Outline application for the erection of 1 No local needs dwelling including provision of access		
Site Address: Land Opposite 6 Sandy Lane Pell Wall Market Drayton Shropshire TF9 2AE		
Applicant: Mr Louis Tomkinson		
Case Officer: Alison Lloyd	email: planning.northern@shropshire.gov.uk	
Grid Ref: 367912 - 332187		



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Recommendation: - REFUSAL for the following reasons

- Whilst the applicant has demonstrated that he complies with the local housing need criteria due to working for the family business, the siting of the dwelling is considered contrary to planning policies and deemed unacceptable. The land to which this application relates is detached from any defined settlement. The proposed site does not have any built development adjoining the site boundaries and will be clearly prominent within the rural setting. The proposed development would be exposed and visible from the passing highway, impacting on the sites long standing rural character. Due to the open nature of the site, the dwelling will have a clear prominent position within the rural setting and is not considered acceptable.
- Additionally; the site is close to several stated noise sources including a dog training facility, tractor repair and private hire area. As such a full noise assessment report is required in order to fully consider the background noise levels from the adjoining land uses. Due to insufficient information being provided in support of this application, it has not been demonstrated that the development would not result in any harm to any future occupiers.
- For the above reasons the principle of development is not supported by officers as this application is contrary to planning policies CS5, CS6, CS17, MD02, MD07a and MD13 of the Shropshire Core Strategy and the SAMDev Plan, along with the aims of the National Planning Policy Framework (NPPF) published February 2019, and The Type and Affordability of housing SPD 2012 and is therefore recommended for Refusal

REPORT**1.0 THE PROPOSAL**

- 1.1 The application seeks outline planning approval for the erection of 1 local needs dwelling including provision of access.

All other matters are reserved for approval at a later date as part of a Reserve Matters application.

- 1.2 Pre-application advice with regards to the proposed siting only was applied for by the applicant under reference PREAPP/20/00280 in August 2020, an extract from the response is detailed below:

Pre-application Advice summary:

"The proposed site location does not form part of a recognised settlement, nor does it adjoin or sit within close proximity of a settlement, the site has no clear relationship to a recognised settlement, furthermore the proposed, would not follow the form of existing development along the north side of Sandy Lane.

The site is of a detached nature and would be exposed and visible from the passing highway, therefore having prominent position within the rural setting, having an adverse effect on the surrounding landscape and rural character if developed.

Taking into account the above, officers consider that the site does not comply with

the relevant adopted local planning policies and the proposed development would not gain the support of officers if a formal application was to be submitted."

- 1.3 Whilst the pre-application advice was clear in advising that the development of the site was not compliant with planning policy, the applicant chose to pursue the proposed development with the submission of this outline application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The land to which this application relates is within a rural countryside location, south of Market Drayton, north of Sutton Upon Tern. The site is south of the unclassified road known as Sandy Lane, Sandy lane terminates to the west adjoining an unnamed road and bridleway, and to the east adjoins a main A road.

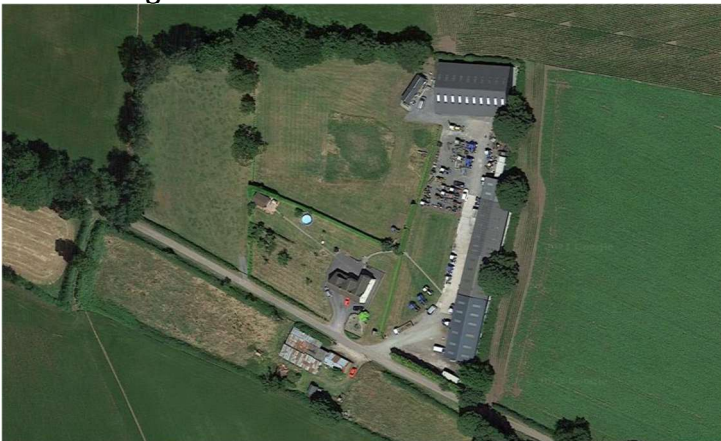
The land sits south of Sandy lane and is surrounded by countryside land, across the highway to the north sits the applicant's parent's property and business.

The location of site is mark with a blue cross below:

- 2.2



Aerial image of the site in the context with the rural setting.



- 2.3 The site currently has a field gate (agricultural) access along the northern boundary which adjoins the unclassified road known as Sandy Lane, this will be improved in order to create a private vehicular access to support the proposed residential development.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Sutton Upon Tern Parish Council support the application as the applicant works locally and they feel the development is compliant with emerging Rural Housing

Policy. (this document is yet to be formally adopted and holds no weight in the consideration of this application)

The Local member Cllr Gittins supports the application as he feels the site forms part of the settlement known as Woodseaves. Cllr Gittins has called for the application to be heard at a planning committee meeting.

The Principle Planning Officer, the Committee Chair and Vice Chair have agreed that the application should be heard at the June committee meeting and decided by members.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 Historic Environment Officer

We do not wish to comment from a heritage perspective.

4.1.2 SUDs

Surface Water Drainage Informative advised

4.1.3 Severn Trent Water

As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

4.1.4 Affordable Housing Officer

Applicants meets the single plot exception site criteria.

4.1.5 Highways

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

4.1.6 Ecology Officer

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

4.1.7 Tree Officer

This proposal does not appear to affect any important or protected trees and I have no objection on the grounds of trees. If adjacent trees are within falling distance a tree survey may be required for a full application

4.1.8 Regulatory Services

It is noted that the proposal is to allow an individual linked to the operations in the locality to live close to site to enable the business activities to run smoothly e.g. take receipt of goods at antisocial hours as specified in the Design and Access Statement.

The site is close to several stated noise sources including a dog training facility, tractor repair and private hire area. As such there is the potential for noise from these sources to impact on anyone living close by.

If the dwelling will be able to be sold on the open market in future it is recommended that a noise assessment is submitted to consider if the site is

suitable in terms of noise. If the dwelling is to be linked to the existing businesses this may not be required to the same level other than to ensure that the property can meet reasonable internal noise standards in line with BS:8233:2014 which requires less consideration than a full noise report where consideration of background noise level information will be relevant. Once any further information is submitted please consult for additional commentary as required.

4.2 Public Comments

4.2.1 Sutton Upon Tern Parish Council

In terms of the above outline application the Parish Council's view is one of very strong support.

This support comes from the Parish Councils emerging Rural Housing Policy view and any similar future applications based on this type of local need will be supported and needs to be seen in the context of the developing Community led Housing Strategy the Parish Council have been pursuing with the help of Shropshire Council's housing and place plan officers

The Parish Council is finding on the ground is that younger people are being lost from this rural area and its fragile economy to move into larger Towns thereby destroying elements of the economic and social fabric which is key to sustaining rural hamlets and settlements into the future, something that should be supported not discouraged.

That said the Parish Council feels that the applicant has very special circumstances and demonstrates essential need for a local needs dwelling as a rural worker needed permanently to support the farm business; the family is integral to the farmstead for its effective management and succession. The Parish Council can confidently support this application as many national and local policies have been taken into account, the property will not be visually intrusive and will blend in well within the cluster of existing buildings and will allow the applicant to live permanently near their place of work within the countryside. The planning authority should at detail stage take account of any design details with the applicant in order to raise the standards of design within this rural setting.

4.2.2 Local ward members comments - Cllr R Gittins:

"In respect of the recent application made on behalf of Mr L Tomkinson for a local need dwelling at Woodseaves; in the event of Officers recommending refusal I would ask that the application is referred to Committee for a decision. Woodseaves is considered by me as a loose knit, linear settlement pattern either side of the road, which is clearly indicated on the OS map and forms part of the address of properties making up Woodseaves. Based on the current edition of the Type & Affordability of Housing SPD 2012, the application is consistent with policy as set out in paras 5.14, 5.15, 5.16 & 5.17 on page 28.

<https://www.shropshire.gov.uk/media/8593/adopted-type-and-affordability-of-housing-spd-2012.pdf> . The design and scale of the proposed dwelling is appropriate and does not adversely affect either the landscape or rural character of the area (para 5.14). The proposal is in accordance with policies Cs5, CS6, CS17, MD02, MD07a and MD13 of the Shropshire Core Strategy and SamDev Plan. In planning terms, the application would appear to meet both the spirit and letter of

the Council's current policy. I fully support the application and it should therefore be approved with any appropriate conditions.

4.2.2 A site notice was displayed on the site from 28.04.2021 for a 21day period.

5.0 THE MAIN ISSUES

Principle of development / Affordable Housing Local Need
Siting / Visual Impact / Amenity
Highways
Drainage
Ecology

5.1 Relevant Planning Policy

Shropshire Core Strategy

CS05: Countryside Development
CS6: Sustainable Design and Development Principles
CS11: Type and Affordability of Housing
CS17: Environmental Networks
CS18: Sustainable Water Management

SAMDev Plan

MD02: Sustainable Design
MD7a: Managing Housing Development in the Countryside
MD12: The Natural Environment
MD13: Historic Environment

The Type and Affordability of housing SPD 2012
National Planning Policy Framework

6.0 OFFICER APPRAISAL

6.1 Principle of development / Affordable Housing Local Need

6.1.1 The Housing Supplementary Planning Document (SPD) and policy CS11 'Type and Affordability of Housing' of the Core Strategy provides a positive support framework for the consideration of single plot exception sites in open countryside subject to a number of criteria including location, size of dwelling and local housing need.

6.1.2 A site for a single plot exception affordable dwelling needs to be in a location that demonstrably forms part of a recognised settlement.

If the planning application is successful, it will be subject to the applicant entering into a section 106 agreement, which will ensure future sales of the property will be to another local qualifying person for the formula price which is expressed as a percentage of open market value.

6.1.3 The location of proposed Single Plot Exception sites are referenced in Shropshire Councils SAMDev Policy adopted on 17th December 2015.

MD7a : Managing Housing Development in the Countryside:

- Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local

housing needs and other relevant policy requirements.

- In order to protect the long term affordability of single plot exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions.

“3.53 Exception sites for local needs affordable housing on suitable sites adjoining recognisable named settlements are allowed by Core Strategy Policies CS5 and CS11 as an exception to normal policies. This also applies to suitable sites adjoining settlements in the Green Belt. Exception site proposals should meet the detailed criteria on site suitability, “local need” and eligibility contained in the Type and Affordability of Housing Supplementary Planning Document.”

The Type and Affordability of housing SPD 2012:

Paragraph 5.13 states that: other than when built as part of the rural occupational dwelling scheme, (Section 3 of this SPD), exception sites must be demonstrably part of, or adjacent to, a recognisable named settlement. Larger settlements, such as market towns and villages, obviously qualify as recognizable named settlements. Guidance is provided in paragraphs 5.15 to 5.17 regarding whether a small hamlet or group of houses qualifies as a recognizable named settlement.

Paragraph 5.14 states that: sites that do not lie in a settlement, constituting isolated or sporadic development, or which would adversely affect the landscape, local historic or rural character (for example due to an elevated, exposed or other prominent position) are not considered acceptable.

The views of the local Shropshire Council Member about whether the site is in or adjoining a recognisable settlement as required by Core Strategy Policy CS11 will be canvassed by the case officer at the pre-application stage to inform their professional judgement. The case officer may seek the views of the Parish Council for additional assistance in cases where it is a finely balanced judgement.

The officer informed the local members of the pre-application request with regards to a single plot exception dwelling on this site. The local members comments were as follows:

"In relation to this pre app I am not aware of any opposition locally and generally in the past the community has been very supportive of trying to help local young people onto the housing ladder specially when it comes to local needs dwellings and agricultural dwellings. It is also of my opinion that these dwellings would in principle not look out of place in the local setting and would be a benefit to the local community and the local economy."

- 6.1.4 The type and affordability of housing SPD, advises how the suitability of each proposed site should be considered on its individual merits; *Each case is treated on its merits, but the following guidelines apply when assessing whether a small hamlet constitutes a “recognisable named settlement”. A settlement always comprises a group of houses occupied by households from different families. The group becomes a settlement due to the number and proximity of the houses in the group* [evident from the OS Plans and aerial imagery]. *Although a matter of judgment in each case, particularly for settlements where the number is*

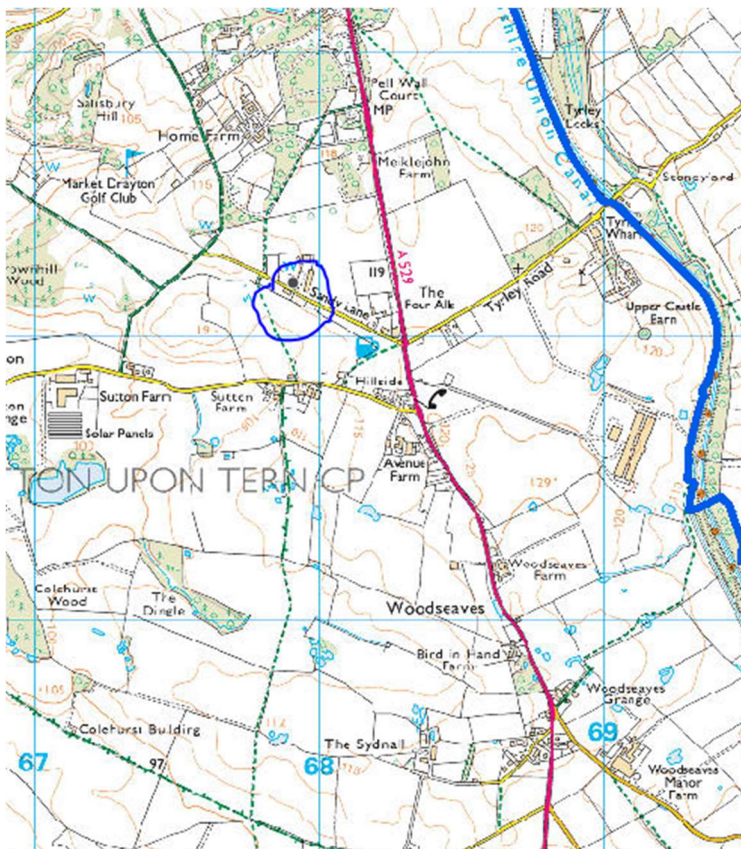
small or where the houses are dispersed, for example strung along a road, it is the combination of these two factors that determines whether the dwellings constitute a settlement.

- 6.1.5 The Shropshire Council Affordable Housing Officer has confirmed that the applicant Mr Tomkinson meets the relevant local needs criteria.

The land to which this application relates is agricultural land within a rural countryside location. The land sits south of Sandy lane and is surrounded by countryside land, across the highway to the north sits the applicant's parent's property and business.

The blue circle below identifies Sandy Lane to which this application relates, rural properties and farmstead within the rural area referred to as Pell Wall, sit some distance away to the north, the image below also identifies the rural area known as Woodseaves which is also some distance away from the application site to the south. It is clear to see that whilst Pell Wall is included in the sites address the agricultural land to which this application relates does not form part of either area Pell Wall or Woodseaves.

Officers would also like to point out that Pell Wall would not be looked upon as a defined settlement and is considered a small hamlet of houses and farmsteads within a countryside location.



The land to which this application relates is detached from any defined settlement. The proposed site does not have any built development adjoining the site

boundaries and will be clearly prominent within the rural setting. The proposed development would be exposed and visible from the passing highway, impacting on the sites long standing rural character. Due to the open nature of the site, the dwelling will have a clear prominent position within the rural setting and is not considered acceptable.

6.2 Siting / Visual Impact / Amenity

6.2.1 This is an outline application to include the proposed site access arrangements, with all matters to be reserves.

A block plan has been submitted demonstrating the potential siting of the dwelling house and detached garage structure within the application site area. The block plan demonstrates that the site can accommodate the development, whilst proving a sufficient level of domestic amenity to support the dwelling house, to include an on site parking provision.

The site access is discussed in detail below all other matters are to be agreed at a later date through the submission of a reserved matters application.

6.2.2 The proposed development would be exposed and visible from the passing highway, and due to the open nature of the site, the dwelling will have a clear prominent position within the rural setting and is therefore not considered acceptable due to the potential visual impact and harm that could be caused.

6.2.3 It is noted that the proposal is to allow an individual link to the operations in the locality to live close to site to enable the business activities to run smoothly e.g. take receipt of goods at antisocial hours as specified in the Design and Access Statement.

The site is close to several stated noise sources including a dog training facility, tractor repair and private hire area. As such there is the potential for noise from these sources to impact on anyone living close by.

In order if required for the dwelling to be sold on the open market in future it is considered that a noise assessment is required to consider if the site is suitable in terms of noise as advised by the Council's Regulatory Services in response to the application. A full noise report where consideration of background noise level information will be relevant and is necessary in order to fully consider the principle of development in relation to a 'local needs dwellings' as this is proposal is not in consideration of a rural worker's dwelling where a functional need to be on site has been established. In fact given the fact that the business on opposite side of the highway connected to the site already has a dwelling as part of it, Officers do not consider an essential need in this instance exists on site.

The acting agent was made aware of the need for a noise assessment; however no noise assessment has been provided in support of this application to date.

6.3 Highways

- 6.3.1 The development proposes the erection of a single dwelling with access included as a determined matter in consideration of the outline consent. The application was the subject of a recent pre-planning enquiry under reference PREAPP/20/00280.
- 6.3.2 The proposed access and visibility provision are considered to be acceptable for the proposal and in line with the prevailing highway conditions. Based upon the information submitted it is considered that, subject to the conditions listed by the Highways Officer being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

6.4 Drainage

- 6.4.1 No supporting drainage details have been provided with this application, the applicant will need to address the site's foul and surface water drainage at the reserved matters stage, if this application was to be successful.
- 6.4.2 A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at:
<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>.

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

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable

6.5 Ecology Matters

- 6.5.1 Having reviewed the information submitted with this application, the Ecology officer comments are as follows:
"Shropshire Council ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. To achieve this hedgerow planting should be implemented along the eastern boundary composed of native species and a mix of at least five woody species, the existing hedgerows should also be enhance via infill planting. The installation of bird boxes and a bat box/integrated bat tube will also enhance the site for wildlife by providing additional roosting habitat. Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area."
- 6.5.2 Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

7.0 CONCLUSION

- 7.1 Whilst the applicant has demonstrated that he complies with the local housing need criteria due to working for the family business, the siting of the dwelling is considered contrary to planning policies and deemed unacceptable. The land to

which this application relates is detached from any defined settlement. The proposed site does not have any built development adjoining the site boundaries and will be clearly prominent within the rural setting. The proposed development would be exposed and visible from the passing highway, impacting on the sites long standing rural character. Due to the open nature of the site, the dwelling will have a clear prominent position within the rural setting and is not considered acceptable.

Additionally; the site is close to several stated noise sources including a dog training facility, tractor repair and private hire area. As such a full noise assessment report is required in order to fully consider the background noise levels from the adjoining land uses. Due to insufficient information being provided in support of this application, it has not been demonstrated that the development would not result in any harm to any future occupiers.

For the above reasons the principle of development is not supported by officers as this application is contrary to planning policies CS5, CS6, CS17, MD02, MD07a and MD13 of the Shropshire Core Strategy and the SAMDev Plan, along with the aims of the National Planning Policy Framework (NPPF) published February 2019, and The Type and Affordability of housing SPD 2012 and is therefore recommended for Refusal

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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

20/02953/FUL Application under section 73A of the Town and Country Planning Act 1990 for the change of use of agricultural field to a dog exercising area. GRANT 17th September 2020

21/01708/OUT Outline application for the erection of 1 No local needs dwelling including provision of access PCO

NS/03/01174/FUL Erection of agricultural shed for storage of farm implements, to provide shelter for cattle during winter and storage of hay/straw and animal feeds CONAPP 5th January 2004

NS/07/02148/FUL Proposed extension to existing agricultural building WDN 18th December 2007

NS/08/00409/FUL Application Under Section 73a of the Town and Country Planning Act 1990 for the partial change of use of an agricultural building to allow the storage and restoration of classic tractors and provision of exterior storage/display area CONAPP 9th May 2008

NS/08/01353/FUL Proposed extension to existing agricultural/commercial unit for the storage of classic tractors CONAPP 8th September 2008

PREAPP/14/00488 Proposed erection of 2 detached dwellings with detached double garages

replacing existing outbuildings PREUDV 17th October 2014
 PREAPP/18/00142 Proposed erection of 2no log cabins to provide holiday let accommodation
 PREAMD 11th April 2018
 19/04045/FUL Erection of 2No. log cabins to provide holiday let; formation of access track and
 parking and installation of septic tank GRANT 20th November 2019
 PREAPP/20/00280 Proposed 2no. local needs dwellings PREUDV 23rd July 2020
 21/01708/OUT Outline application for the erection of 1No local needs dwelling including
 provision of access PCO
 NS/01/00695/FUL Erection of two storey extensions side and rear elevations, raising of roof
 height of existing dwelling and associated alterations CONAPP 18th September 2001
 NS/99/10523/FUL ERECTION OF TWO STOREY EXTENSION TO REAR
 ELEVATION OF EXISTING DWELLING CONAPP 22nd March 1999
 NS/99/10524/FUL SITING OF A RESIDENTIAL CARAVAN FOR THE
 DURATION OF RENOVATION WORKS TO EXISTING
 PROPERTY CONAPP 3rd September 1999
 NS/99/10525/FUL ERECTION OF TWO STOREY EXTENSION TO REAR
 ELEVATION, SINGLE STOREY EXTENSION TO SIDE
 ELEVATION, RAISING OF ROOF HEIGHT AND
 ASSOCIATED ALTERATIONS TO EXISTING DWELLING CONAPP 16th November 1999
 21/01708/OUT Outline application for the erection of 1No local needs dwelling including
 provision of access PCO

11. Additional Information

[View details online:](#)

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

-



Committee and Date
 Northern Planning Committee
 8th June 2021

Item
11
 Public

Development Management Report

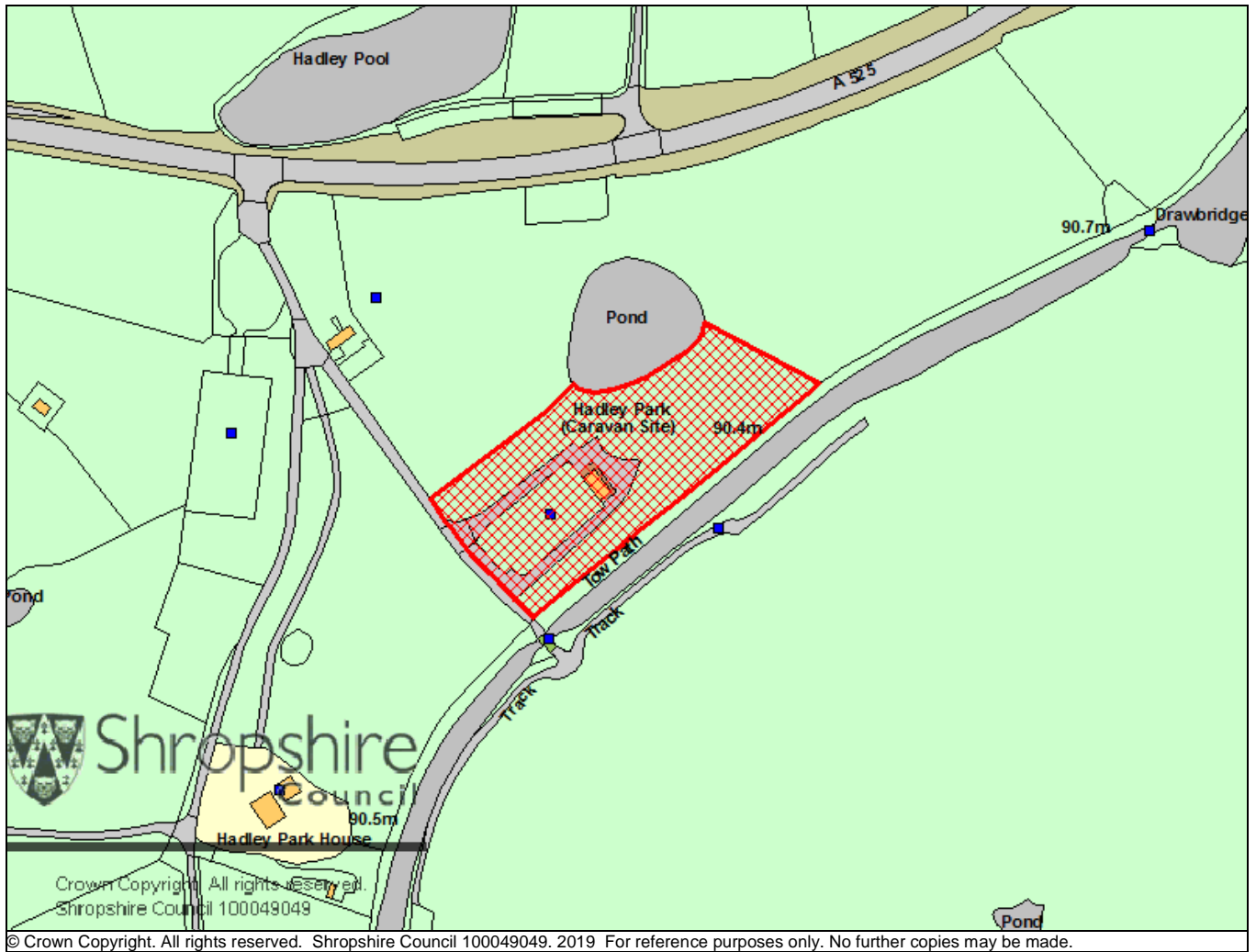
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 18/03940/FUL	<u>Parish:</u>	Whitchurch Urban
<u>Proposal:</u> Siting of Shepherds huts and Glamping Pods as part of existing tourism development		
<u>Site Address:</u> Caravan And Camping Site Hadley Farm Wrexham Road Whitchurch Shropshire		
<u>Applicant:</u> Mr P Wynn		
<u>Case Officer:</u> Jane Preece	<u>email</u> :	planning.northern@shropshire.gov.uk

Grid Ref: 351882 - 341055



Recommendation:- Approve, subject to no objection from the Canal & Rivers Trust and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the ‘Siting of Shepherds huts and Glamping Pods as part of existing tourism development’ at Hadley Farm, Wrexham Road, Whitchurch
- 1.2 During the consideration of the application the description of development has been amended by deleting a previous inclusion for the siting of static caravans.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located to the north east of the existing caravan park (known as

Hadley Park) and is adjacent to the Shropshire Union Canal. Access to the site is off the A525 Wrexham Road and then via a private driveway which is surfaced in stone.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application is made in the name of Mr P Wynn. Mr P Wynn is the Local Member for Prees and Chairman of the North Planning Committee. Decisions in respect of planning applications made, by or on behalf of, or relating to the property of Members are to be determined by the relevant planning committee.

4.0 **Community Representations**

4.1 **Consultee Comments**

4.1.1 **SC Ecology – Re-consultation comments (3)**: No comments received

Re-consultation comments (2): Updated SC Ecology comment of ‘No further comments to make’

Re-consultation comments (1): Recommendation: Conditions are recommended.

Are records of great crested newts, otters, water voles, badgers and polecats in local area. Site sits within an Environmental Network corridor.

Is very disappointing that the [ground] works have been carried out with no regard to protected species, canal or pond.

Because works have been carried out, an ecological survey would not be valuable. Will, however, expect greater than usual ecological enhancements to compensate. Hedgerow, tree and shrub planting should be carried out around boundaries of site and consist of native species of local provenance.

Lighting scheme for site should be sensitive to bats (and other wildlife) and follow Bat Conservation Trust’s guidance.

Following conditions are recommended for inclusion on decision notice:

- Landscaping Plan condition
- Lighting Plan condition

Original comments: Survey work is required to support planning application. Ecological survey work and consideration of Environmental Network is required. In absence of additional information recommend refusal since it is not possible to conclude that proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 and/or Wildlife and Countryside Act 1981 (as amended).

- 4.1.2 **SC Highways – Re-consultation comments (2): Recommendation: No Objection** – subject to development approved being constructed in accordance with Proposed Site Plan Drawing No. MW_024 Rev B published on 09.05.2019.

Comments/Observations: Additional traffic associated with current proposal is not considered to be significant and is likely to occur outside of traditional weekday peak traffic periods and at weekends. Existing access arrangements are considered acceptable to serve proposed additional shepherd huts and glamping pods.

Re-consultation comments (1): Recommendation - No Objection subject to development approved being constructed in accordance with Proposed Site Plan Drawing No. MW_024 Rev B published on 09.05.2019.

Observations/Comments: The application proposes additional tourist accommodation in the form of 2 shepherd huts and one extra glamping pod to existing approved accommodation under planning permissions 14/00344/COU and 17/01662/FUL.

Site is situated at end of private road which connects with A525 via an existing junction, which serves number of other facilities, including a café, equestrian facilities and fishing pools.

Additional traffic associated with current proposal is not considered to be significant and is likely to occur outside of traditional weekday peak traffic periods and at weekends. Existing access arrangements are considered acceptable to serve proposed additional shepherd huts and glamping pods.

Informative notes:

- Works on, within or abutting the public highway

Background:

Highway Advice Note date 05.10.2019

Planning applications 14/00344/COU, 15/00352/COU, 17/01662/FUL

Original comments: Recommendation - No Objection – Subject to development being carried out in accordance with approved details.

Comments/Observations: Is considered proposed development is only modest increase to established adjacent uses and can easily be accommodated by existing access junction onto Wrexham Road (A525).

- 4.1.3 **SC Rights of Way** – No comments to make.

- 4.1.4 **SUDS – Re-consultation Drainage Comment (7 - Final)**: The proposed drainage is acceptable.

Re-consultation Drainage Comment (6):

On amended Drainage Layout Plan Drg. No. JO1445/A1/001 REV E, sizing of

drainage fields should be revised as follows:

1. Number of persons used in calculations should be 75 same as population used in design of package sewage treatment plant.
2. Maximum width of drainage fields used in calculations should not exceed 0.90m in accordance with Approved Documents H2.
3. On amended Drainage Plan, location of cesspool has not been shown. Building Regulations state a cesspool should be of sufficient capacity to hold 45 days worth of effluent. Sizing calculations of cesspool should be provided. High level alarms are required in order that level in cesspool can be monitored and to ensure it does not overflow.

Re-consultation Drainage Comment (5):

1. Full details and sizing of existing septic tank and drainage fields should be provided including previously carried out percolation tests to ensure can cater for additional usage. British Water 'Flows and Loads: 4' should be used to determine loading for septic tank and sizing of septic tank and drainage fields should be designed to cater for correct number of persons and in accordance with Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

2. On amended Drainage Plan, location of cesspool has not been shown. Building Regulations state a cesspool should be of sufficient capacity to hold 45 days worth of effluent. Sizing calculations of cesspool should be provided..

High level alarms are required in order that level in cesspool can be monitored and to ensure it does not overflow.

Re-consultation Drainage Comment (4):

1. British Water 'Flows and Loads 4' advises flow per person for non-serviced static caravan site is 100 litres per day and 150 litres per day for fully serviced site. Full details and sizing of proposed treatment plant should be submitted for approval including Foul Drainage Assessment Form (FDA1 Form).

2. British Water 'Flows and Loads 4' also advises a cesspool may be installed to receive chemical toilet waste for separate disposal. Should be demonstrated that package treatment plant can treat chemical toilet disposal.

3. Confirmation is required that receiving watercourse has continual flow all year. If watercourse is occasionally dry, treated foul effluent should discharge into drainage field.

Re-consultation Drainage Comment (3):

Details of existing foul drainage system should be provided together with calculation demonstrating is sufficient capacity in existing system to cater for

additional loading. British Water 'Flows and Loads: 4' should be used to determine number of persons for proposed development and sizing of treatment plant.

Re-consultation Drainage Comment (2):

1. British Water 'Flows and Loads 4' advises flow per person for non-serviced static caravan site is 100 litres per day and 150 litres per day for fully serviced site. Figure of 75 litres per day should be revised accordingly.
2. British Water 'Flows and Loads 4' also advises a cesspool may be installed to receive chemical toilet waste for separate disposal. Should be demonstrated that package treatment plant can treat chemical toilet disposal.
3. Confirmation is required that receiving watercourse has continual flow all year. If watercourse is occasionally dry, treated foul effluent should discharge into drainage field.
4. Confirmation is required of route and flow direction of watercourse as it is unclear from drawing.

Re-consultation Drainage Comment (1):

No new drainage information have been provided.

Our drainage comments dated 5 September 2018 remain same.

Original Drainage Comment:

Condition:

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

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

Informative Notes:

1. A sustainable drainage scheme for disposal of surface water from development should be designed and constructed in accordance with Council's Surface Water Management: Interim Guidance for Developers document.
2. Proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with local water authority and foul water drainage system should comply with

Building Regulations H2.

4.1.5 **Canal & Rivers Trust –**

CRT re-consultation comments (7) – Submitted drainage details are unclear. Understood submitted plan shows cesspool to south of site, adjacent to canal. Is an annotation of ‘waste disposal point to discharge into septic tank’ which is located at SW corner of the toilet/shower block and now arrows on lin between cesspool and toilet block.

As such, is not clear if this is indicating there is a dedicated waste disposal point for touring caravans in toilet/shower block which will flow into the cesspit (which is incorrectly annotated as septic tank) or is indicating cesspit would flow into septic tank in toilet/shower block which would then flow to treatment plans at north of site. Trust would request further clarification on this matter.

Trust has no concerns regarding proposed cesspool in location shown, subject to this being a sealed underground tank which is properly maintained and emptied regularly with waste being disposed of offsite. Measures should be put in place to ensure it does not overflow and as such use of alarm is welcomed.

CRT re-consultation comments (6) -

Trust understands Chemical toilets will be discharged directly to cesspit and will not be discharged to soakaway. This will be emptied to landfill and certificates will be available if requested, this will ensure is no pollution of canal. Therefore have no further comments to make.

CRT re-consultation comments (5) -

Whilst we are pleased to note ‘portaloo’ waste is now showing as being discharged into ‘septic tank’. additional information provided is contradictory with regard to type of unit this actually is. Appears to be referred to as both cess pit and septic tank, although it may be confusion related to attempt to describe both units on one form. Clearer way of doing this would surely be to deal with description of each unit separately.

If ‘septic tank which received ‘portaloo waste is fully sealed unit, installed in accordance with manufacturer’s instructions, properly maintained and is emptied regularly by specialist contractor then Trust will have no objection to use of this tank. Applicant could provide more details of type of tank installed, i.e. its reference and manufacturer etc which will hopefully clarify matters.

With regard to septic tank dealing with general waste water, as this does not appear to impact canal, Trust has no further comment.

CRT re-consultation comments (4) -

Trust has no comment to make on proposal.

CRT re-consultation comments (3) -

Note latest revision relates to provision of three additional units. Trust has no objection to increase in number of units per se. However, note detail requested in our letter of 8th January 2019 still has not been provided. Applicant provided additional detail on drainage in December 2018 but that information indicated discharge from treatment plant goes to an existing ditch course. This was not consistent with previous information submitted which indicated discharge was to ground and prior to that foul drainage was indicated as 'unknown'.

Applicant indicates ditch course is existing though it does not appear on OS map or aerial photos. Also appears to be existing pond on line of ditch course though this is not shown/acknowledged in submitted details.

As advised previously foul sewage from caravans usually contains elsan (chemical toilet waste) which is not usually suitable for treatment plant. Also, when there is >2m³/day an environmental permit is required. Is not clear if there is one for the site.

Whilst change in ground levels is noted, canal is protected drinking water zone and considering highly sensitive nature of canal, Trust are not satisfied information provided to-date is sufficiently clear to demonstrate that drainage strategy for site will not have adverse impact on water quality.

Further details on drainage strategy, in particular ditch course, are therefore still required. Detail should include information showing exact location of ditch, where it goes, its relationship to existing fishing pond and whether ditch ever runs dry. Applicant should also demonstrate why consider an Environmental Permit from Environment Agency is not required for drainage system.

CRT re-consultation comments (2) -

Submitted detail relates to site drainage. Indicates discharge from treatment plant goes to existing ditch course. This is not consistent with previous information submitted which indicated discharge was to ground and prior to that foul drainage was indicated as 'unknown'.

Submission indicates that ditch course is existing though it does not appear on OS map or aerial photos. Also appears to be existing pond on line of ditch course though this is not shown/acknowledged in submitted details.

As advised previously, foul sewage from caravans usually contains elsan (chemical toilet waste) which is not usually suitable for treatment plant. Also, when there is >2m³/day an environmental permit is required. Is not clear if there is one for site.

Whilst change in ground levels is noted, canal is protected drinking water zone and considering highly sensitive nature of canal, Trust are not satisfied information provided is sufficiently clear to demonstrate drainage strategy will not have adverse impact on water quality.

Further details on drainage strategy, in particular ditch course, is therefore required. Detail should include information showing exact location of ditch, where it goes, its relationship to existing fishing pond and whether ditch ever runs dry. Applicant should also demonstrate why they consider an Environmental Permit from Environment Agency is not required for drainage system.

CRT re-consultation comments (1) -

Trust previously made comments in relation to visual impact of static caravan. Additional information has clarified existing site situation. On basis that existing landscaping is retained then, on balance, Trust consider visual impact would not be significant.

With regards to provision of robust barrier to canal, where there is a change in ground level, agree this would not be necessary.

Additional detail submitted provides more information on existing site drainage arrangements. though details still do not state where existing system is or its capacity. Letter from JNM Engineering is referred to though copy of this does not appear to have been submitted.

Previously foul drainage was indicated as 'unknown'. Additional details suggest is to package treatment plant/soakaway. Foul sewage from caravans usually contains elsan (chemical toilet waste) which is not usually suitable for treatment plant. Also, when there is >2m³/day an environmental permit is required. Is not clear if there is one for site. Whilst change in ground levels is noted, canal is protected drinking water zone. Is therefore considered drainage details should be fully clarified.

Details should be submitted to identify location of existing soakaway, clarify whether chemical toilet waste from touring caravans is also discharged into package treatment plant and volume discharged per day. Should also be confirmed whether an environmental permit is in place for discharge to ground.

CRT Original comments:

Main issues relevant to Trust are:

- a) Impact upon water quality and structural integrity of canal.
- b) Impact upon ecology.
- c) Impact upon rural character of locality.
- d) Potential for vehicles to cross towpath and enter canal water.

Impact upon Trust as affected neighbouring landowner is also considered.

Our substantive response is that suitably worded conditions are necessary to address these matters. Our advice/comments are detailed below:

Impact upon the Water Quality Structural Integrity and Ecology of Canal

Proposal is forth upon site within past four years. Previously Council have attached pre-commencement conditions regarding surface and foul drainage, but given erection of toilet/wash block and provision of large areas of hardstanding Trust consider there has been significant information provided through discharge of condition applications (although not available upon Council's website) upon:

- Location of, type and calculations for means of dealing with foul water/chemical toilet disposal within site
- Location of surface water soakaway/s and information upon what is connected to this system/s

Application form states means of disposing of foul water is "Unknown". Is clearly some form of system operating upon site currently. Surface water drainage is indicated to be 'soakaway' though no further details are provided.

Drainage methods of existing and new developments can have significant impacts on structural integrity, water quality and biodiversity of waterways. Is important to ensure no contaminants enter canal from foul or surface water drainage. As submission does not include any detail on proposed operation of surface water and foul discharge systems, cannot be determined if they are 'fit for purpose' and will not result in adverse impact to structural integrity, water quality or ecology of canal.

Is noted WSP UK Ltd have commented a further pre-commencement condition would deal with surface and foul water drainage from site, but assessment and reason for this fails to consider existing systems or proximity of canal as potential recipient of overflows. Policy MD12 of SAMDev will protect natural environment by "*Ensuring that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively on ecological networks will only be permitted if it can be clearly demonstrated that: a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and; b) the social or economic benefits of the proposal outweigh the harm to the asset. In all cases, a hierarchy of mitigation then compensation measures will be sought.*" Trust considers increasing scale of tourist accommodation provision proposed of relevance to policy MD12, as supported by paragraph 170 of NPPF 2018. Should be considered by officers in assessment of proposal. Paragraph 170 is also relevant to land stability and water pollution.

To ensure protection of canal's structural integrity, water quality and ecological value, Trust request further information upon how existing system is operating, if it can accommodate additional loading, how proposed system will operate, and details of any additional maintenance required. If Council determine this can be satisfactorily achieved through pre-commencement condition they should be content is clear justification under paragraph 56 of NPPF 2018 for provision of information post rather than pre-decision. Trust would wish to be consulted upon any further details regarding surface and foul drainage. Following condition and reason is suggested:

Condition

- Drainage details; pre-commencement drainage condition for the prior approval of foul and surface water drainage.

A scheme such as landscaping and boundary treatments to prevent blown litter from entering canal environment should also be considered.

Landscape Impact

Proposal represents intensification of existing use and proposes static caravans which would have all year-round visual presence within landscape and as viewed along canal. Static caravan located to southern edge would form separate element of year-round built form from existing toilet block and other proposed static caravans within centre. By locating forth static adjacent to other statics, number of separate blocks of year-round built form would be reduced, especially as precited in views from canal and mitigation through landscape screening would be easier to achieve.

Policy MD11 of the SAMDev considers impacts of proposals upon rural landscape and need for landscaping. Opportunity exists to provide native species hedgerow with trees appropriate to locality along western part of southern boundary to assist in mitigation of proposal upon public views within countryside. Landscaping scheme could be secured through landscaping and boundary treatment conditions.

Public Safety

Proposed arrangement of parked vehicles perpendicular to neighbouring towpath and canal has potential for vehicles to roll into water, risking public safety and water quality. Inclusion of robust barrier, such as post and rail fence as boundary treatment would prevent this and could be secured through boundary treatment condition.

The Trust as Neighbouring LandownerInformative:

- Applicant/developer is advised to contact Canal & Rivers Trust to ensure any necessary consents obtained and works are compliant with Trust's "Code of Practice for Works Affecting the Canal & River Trust".

- 4.1.6 **Shropshire Fire and Rescue** – As part of planning process, consideration should be given to information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'. Link provided.

Specific consideration should be given to following:

If proposed use of premises is as holiday let or guest accommodation then

premises would fall within scope of Regulatory Reform (Fire safety) Order. As such may require additional fire precautions incorporated into design of building. Current layout may be deemed inappropriate under Fire Safety Order. Fire Risk Assessment will be required to assess suitability of automatic fire detection and means of escape.

Access for Emergency Fire Service Vehicles

Will be necessary to provide adequate access for emergency fire vehicles. Should be sufficient access for fire service vehicles to within 45 metres of every point on projected plan area or percentage of perimeter, whichever is less onerous. Percentage will be determined by total floor area of building. This issue will be dealt with at Building Regulations stage. However, Fire Authority advise early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

4.1.7 **SC Regulatory Services** – No comments

4.1.8 **Welsh Water - WW Re-consultation comments (2)**: Have completed number of previous consultations for development proposals. Previously advised applicant that public sewerage system is considerable distance away from site and were unsure applicant's submission package how site was intended to be drained for foul and surface water.

Upon being further consulted, note submission of "Planning Drainage Layout" which details proposed foul and surface water strategy, with surface water discharging to ground and foul flows being treated by private treatment plant.

Therefore, on understanding development does not propose to connect to public sewer, Dwr Cymru Welsh Water has no further comments.

Should circumstances change and connection to public sewerage system/public sewage treatment works is preferred we must be re-consulted.

WW Re-consultation comments (1): Initially requested further details in regards to amount of caravans, huts and glamping pods. From reviewing further submission package have been confirmed. Request our previous comments issued are upheld

WW Original comments: Is not clear how many caravans, glamping pods and shepherd huts applicant is proposing, as well not clarifying how foul sewerage will be managed. Development site is considerable distance from public sewerage system (circa 450 metres). Require clarification if applicant proposing to discharge into sewerage network.

Request applicant confirms proposed dwelling number and how propose foul flows generated will be treated.

4.2 Public Comments

4.2.1 Whitchurch Town Council – Support

4.2.2 Public representations – None received.

5.0 THE MAIN ISSUES

- Policy and principle of development
- Visual impact, landscaping and ecology
- Highways/access/parking
- Drainage

6.0 OFFICER APPRAISAL

6.1 Background

6.1.1 Hadley Park is an existing business involving tourism and diversification of the rural economy. Several previous planning consents have been issued in this regard, including the following:

6.1.2 Ref: NS/07/01195/FUL

Description: Proposed erection of a reception cabin in association with equestrian cross country course

Decision and date: Granted 1st August 2007

6.1.3 Ref: 11/02093/FUL

Description: Provision of catering unit and toilet block

Decision and date: Granted 21st July 2011

6.1.4 Ref: 13/00656/FUL

Description: Erection of an agricultural workers dwelling and double garage

Decision and date: Granted 27th November 2015

6.1.5 Ref: 14/00344/COU

Description: Change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans

Decision and date: Granted 5th June 2014

6.1.6 Ref: 15/00352/VAR

Description: Variation of Condition No.2 (approved plans) attached to planning permission reference 14/00344/COU dated 5th June 2014 to revise the layout of the caravan park

Decision and date: Granted 14th May 2015

6.1.7 Ref: 15/02657/DIS

Description: Discharge of conditions 3 (external materials), 4 (foul drainage scheme) and 5 (surface water drainage scheme) for the change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans relating to 14/00344/COU.

Decision and date: Discharge approved 31st July 2015

6.1.8 Ref: 17/01662/FUL

Description: Siting of up to 8no. camping pitches and up to 2no. glamping pods including change of use of land

Decision and date: GRANT 28th June 2017

6.1.9 In summary, Hadley Farm/Park is a diversified farm enterprise with an equestrian Cross-Country Course, a café which is open to the general public and the existing caravan and camping site.

6.1.10 Under the relevant consents listed above, permission has been granted for a total of 28 tourist accommodation units at the caravan and camping site. The units comprise of the following mix:

- 8 seasonal caravan pitches
- 10 touring caravan pitches
- 8 camping pitches
- 2 glamping pods

6.1.11 The current application is seeking to alter the mix of tourist accommodation and provide an additional 3 units, to include two Shepherd Huts and a further Glamping Pod. It is stated that by increasing the number of 'glamping' units this will return a higher proportion of higher value/more profitable units on the site.

6.1.12 The proposed shepherds huts are to be sized at 6.96 m x 2.43 m. The proposed glamping pod is to be the same style and shape as the existing pods on site but slightly larger, ie 3.66 m wide x 6.096 m long and around 2.5 m to the ridge. It is considered these sizes will conform to the sizes/units with the definition of a caravan as stated within the Caravan Sites and Control of Development Act 1960 (as amended).

6.1.13 No new physical groundworks are proposed as part of the application, for example additional hardstanding. The agent has stated that the existing hardstanding is sufficient to service the site.

6.2 Policy and principle of development

6.2.1 As an existing business involving tourism and diversification of the rural economy the proposal is supported in principle by the NPPF and development plan policies CS16 and MD11.

6.2.2 The site utilises land which has largely already received consent for caravan and camping accommodation use and the proposal is in connection with an existing tourism business, which has previously been assessed as suitable in term of location. The application proposes some modification to the existing use with an increase in the number of overall units from 28 to 31 and to include for 3 units (2 x shepherds huts and 1 x glamping pod) to provide more on-site choice and attract a higher revenue. The additional shepherds huts and glamping pod will

meet the definition of a caravan as required by adopted policy MD11.

- 6.2.3 Planning conditions are recommended for imposition, similar to those imposed on the previous consents to ensure the site is limited to the tourism accommodation and occupation as applied for.

6.3 **Visual impact, landscaping and ecology**

- 6.3.1 As stated above, the site utilises land which has largely already received consent for caravan and camping accommodation use. Landscaping in the form of an established boundary hedge bounds the site with the canal. As part of the re-consultation comments the Canal and Rivers Trust have confirmed: *'On basis that existing landscaping is retained then, on balance, Trust consider visual impact would not be significant.'* Further, hedgerow planting is shown to the north western and north eastern boundaries. Although the site boundaries extend slightly beyond that approved under 14/00344/COU; 15/00352/VAR and 17/01662/FUL, the boundary hedge line planting conforms to the boundary of the site as proposed under this current application and as in situ. Landscaping in the form of hedgerow planting was accepted under 14/00344/COU; 15/00352/VAR and 17/01662/FUL and secured by condition.

- 6.3.2 In relation to ecology, the application was submitted on the basis that it was not adding to the area consented under the previous approvals. However, the boundaries of the red edges do differ slightly as discussed above. Nonetheless, it is stated within the revised Design and Access Statement that: *'It is not considered that there is any ecological impact of the proposed development. There is no physical works required, all hardstanding has been previously approval all additional units are mobile and require no hardstanding base.'* In the circumstances, whilst originally requesting ecological survey work, the Council's Ecology Officer confirms that no ecological survey would now be valuable in acknowledgement to the fact that the previously approved groundworks have already been carried out and no further physical works are proposed. Therefore, no further comment or objection is now raised by the Council's Ecology Officer, other than the reference to conditioning landscaping and lighting. Given that lighting has not previously been conditioned, officers consider it would be difficult to now insist upon a lighting condition. As regards landscaping then it is considered that hedgerow boundary planting should continue to be conditioned as per previous approvals.

6.4 **Highways/access/parking**

- 6.4.1 The application proposals will utilise the existing access arrangements serving the existing caravan and camping site. No alterations to the access arrangements are proposed.
- 6.4.2 Consultation has been undertaken with the Council's Highway advisor on the application. In response the Highway Officer raises no objection to the application on highway grounds and considers the existing access arrangements satisfactory to accommodate the proposed development.

6.5 **Drainage**

- 6.5.1 Progress in bringing the application to determination has been delayed due to

matters associated with drainage provision. The applicant failed to discharge the pre-commencement drainage condition attached to 17/01662/FUL, hence the drainage issue has remained in need of resolving prior to arriving at a favourable recommendation in respect of this application.

6.5.2 Following on from the protracted re-submission of various revised drainage information and re-consultation upon that information, a revised scheme has now been provided that with meets with the approval of the Council's Drainage Advisor.

6.5.3 The agent confirms that: *'It is proposed to install a suitable package treatment plant that caters for the approved and proposed tourist accommodation on the site and will be discharged via an existing surface land drain into Stags Brook.'* The drainage layout plan shows that the treatment plant will be located to the outside edged of the north western boundary of the site to service the foul drainage from the existing toilet/shower block. It will be a bespoke treatment plant for 84 persons; will incorporate an environmental sample chamber and acknowledges the need for an EA permit to connect onto the existing culvert which discharges to Staggs Brook.

6.5.4 Aside from the package treatment plant, the provision of a cesspool for touring caravan waste is also marked on drawings, positioned to the south east of the toilet/shower block and adjacent to the canal. The size of the cesspool is further noted on the plan and that the cesspool will be fitted with an alarm to monitor capacity and ensure that it does not overflow.

6.5.5 The Canal & Rivers Trust have raised no concerns in relation to the bespoke treatment plant and confirm that they have no concerns regarding the proposed cesspool, subject to this being a sealed underground tank and properly maintained and emptied. On the plan, however, reference is also made to a 'waste disposal point to discharge into septic tank'. It is this point that the Canal & Rivers Trust has raised as being unclear: *'... it is not clear if this is indicating there is a dedicated waste disposal point for touring caravans in the toilet/shower block which will flow into the cesspit (which is incorrectly annotated as septic tank) or it is indicating that the cesspit would flow into a septic tank in the toilet /shower block which would then flow to the treatment plant at the north of the site. ...'* Further clarification on the matter has therefore been requested from the applicants' agent and is awaited at the time of writing this report.

6.5.6 Therefore, and subject to satisfactory clarification on the points raised by the CRT, it is considered that the drainage objections have been resolved and the application can now move forward to a positive determination in this regard.

6.6 **Impact on residential amenity**

6.6.1 There are no residential properties immediately adjacent to the application site. In addition, the distance of the site from the nearest dwellings is considered sufficiently far enough not to cause any adverse impact on residential amenity.

7.0 **CONCLUSION**

7.1 On balance, officers consider that the proposal, as now supported by revised

drainage details and revised drainage plans that are acceptable to the Council's Drainage advisor and (subject to no objection from the Canal & Rivers Trust) is now acceptable and planning policy compliant. Approval is therefore recommended, subject to the imposition of the conditions listed in the appendix below.

7.2 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS1, CS5, CS6, CS8, CS9, CS11, CS13, CS16, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD1, MD2, MD7A, MD7B, MD11, MD12, MD13, MD16 and S18; the Council's SPD on the Type and Affordability of Housing and the National Planning Policy Framework.

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

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
 CS5 - Countryside and Greenbelt
 CS6 - Sustainable Design and Development Principles
 CS8 - Facilities, Services and Infrastructure Provision
 CS9 - Infrastructure Contributions
 CS11 - Type and Affordability of housing
 CS13 - Economic Development, Enterprise and Employment
 CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD7A - Managing Housing Development in the Countryside
 MD7B - General Management of Development in the Countryside
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment
 MD13 - Historic Environment
 MD16 - Mineral Safeguarding
 Settlement: S18 - Whitchurch
 SPD Type and Affordability of Housing

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

NS/07/01195/FUL Proposed erection of a reception cabin in association with equestrian cross country course CONAPP 1st August 2007

11/02093/FUL Provision of catering unit and toilet block GRANT 21st July 20112/03675/AGR
Erection of an agricultural building for the storage of agricultural equipment and machinery
PNR 13th September 2012

13/00656/FUL Erection of an agricultural workers dwelling and double garage GRANT 27th November 2015

14/00344/COU Change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans GRANT 5th June 2014

15/00352/VAR Variation of Condition No.2 (approved plans) attached to planning permission reference 14/00344/COU dated 5th June 2014 to revise the layout of the caravan park GRANT 14th May 2015

15/02657/DIS Discharge of conditions 3 (external materials), 4 (foul drainage scheme) and 5 (surface water drainage scheme) for the change of use of agricultural land to tourist caravan site for 10 no. touring caravans and 8 no. seasonal caravans relating to 14/00344/COU..
DISAPP 31st July 2015

17/01662/FUL Siting of up to 8no. camping pitches and up to 2no. glamping pods including change of use of land GRANT 28th June 2017

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Thomas Biggins Cllr Peggy Mullock
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 DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. The approved drainage scheme for the site shall be fully implemented in accordance with the approved details and operational before the first use of the development hereby approved.

Reason: To ensure that the site is served by satisfactory drainage arrangements and in order to prevent flooding and pollution.

4. Full details of all the existing landscape features to be retained and all proposed boundary and tree planting works, including hedge and tree planting species, mixes and heights on planting, shall be submitted to and agreed in writing with the Local Planning Authority. Native species used are to be of local provenance (Shropshire or surrounding counties). The agreed landscaping details, hedge and tree planting scheme shall be carried out prior to the occupation / use of any part of the development hereby approved or otherwise in accordance with a timetable to be firstly agreed in writing with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: In the interests of safeguarding and enhancing the visual amenities and biodiversity value of the locality and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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

5. The whole site shown within the red edging on the approved plan references MW_025 and MW_024 Rev B shall be used for no more than a maximum of 31 pitches at any one time and comprising the mix as follows: 18 touring caravan pitches, 8 camping pitches, 3 glamping pod pitches and 2 shepherds hut pitches. The site shall not be used as the sole, primary or permanent residence of any occupier. For a period of 28 consecutive days between November and February each pitch shall be completely cleared of caravans and tents.

Reason: To safeguard the visual amenities of the area and to prevent the establishment of a permanent residential planning unit in an area where new dwellings would not normally be permitted.

6. The site shall only be used for camping pitches and for touring and seasonal caravans, glamping pods and shepherds huts constructed and brought onto the site so as to accord with the legal definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960 and amended by the Caravan Sites Act 1968.

Reason: To define the consent and avoid the establishment of permanent new residential units in the open countryside in accordance with adopted development plan policy.

7. The owners/operators of the site shall maintain an up-to-date register of the names and main home addresses of all occupiers of individual caravans and shall make this information available on request at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development permitted does not lead to the establishment of a permanent and potentially substandard residential use in this countryside location, which would be contrary to adopted planning policies in principle and without further consideration being given to issues of residential amenity.

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Committee and Date
 Northern Planning Committee
 8th June 2021

Item
12
 Public

Development Management Report

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

SCHEDULE OF APPEALS AS AT COMMITTEE 8 June 2021

Appeals Lodged

LPA reference	21/00259/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs T Edwards
Proposal	Erection of a detached garage (resubmission)
Location	Laburnum Barn Mill Road Wollerton
Date of appeal	04.05.2021
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/02203/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Gleeson Homes
Proposal	Erection of 48 dwelling houses (23 open market and 25 affordable) including new vehicular access, public open space and associated infrastructure (amended description)
Location	Land Adjacent To Golf House Lane Prees Heath
Date of appeal	21.01.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	20/02760/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Committee Decision
Appellant	Mr Craig Edwards
Proposal	Erection of a self-build dwelling and formation of vehicular access
Location	Proposed Dwelling On The East Side Of Primrose Drive Shrewsbury
Date of appeal	18.12.2020
Appeal method	Written Representations
Date site visit	20.04.2021
Date of appeal decision	07.05.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/04568/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Phillips
Proposal	Erection of two-storey extension to provide living accommodation for elderly parents
Location	The White House Trehowell Lane Weston Rhyn
Date of appeal	19.03.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	04.05.2021
Costs awarded	
Appeal decision	ALLOWED

LPA reference	19/03607/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr A Middleton
Proposal	Application under section 73A of the Town and Country Planning Act 1990 for the erection of family annexe replacing previous double garage with roof store over (Resubmission)
Location	Trefarclawdd Lodge Coed Y Go Oswestry
Date of appeal	26.01.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	09.04.2021
Costs awarded	No
Appeal decision	ALLOWED

LPA reference	20/00254/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs Cumine
Proposal	Erection of a single storey rear extension and all associated works
Location	Garden Cottage Pant Oswestry
Date of appeal	07.01.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	06.04.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	19/03560/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mrs Emma Dalton
Proposal	Erection of 1 No dwelling
Location	Proposed Dwelling West Of Fairfield Burgs Lane Bayston Hill Shrewsbury Shropshire
Date of appeal	22.12.2021
Appeal method	Written Representations
Date site visit	20.04.2021
Date of appeal decision	11.05.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/02282/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr J Homden
Proposal	Erection of 2-bedroom dormer bungalow and detached garage
Location	The Beeches 22 Shrewsbury Road Hadnall Shrewsbury
Date of appeal	21.12.2020
Appeal method	Written Representations
Date site visit	
Date of appeal decision	11.05.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/03051/PMBPA
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mrs Burleigh
Proposal	Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development)
Location	
Date of appeal	21.12.2020
Appeal method	Written Representations
Date site visit	South Of 12 Weston Heath Weston Under Redcastle Shropshire
Date of appeal decision	09/04/2021
Costs awarded	
Appeal decision	DISMISSED

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Appeal Decision

Site visit made on 20 April 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2021

Appeal Ref: APP/L3245/W/20/3265556

Land to rear of 12 Honeysuckle Row, Sutton Farm, Shrewsbury, SY3 7TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Craig Edwards against the decision of Shropshire Council.
 - The application Ref 20/02760/FUL, dated 9 July 2020, was refused by notice dated 16 October 2020.
 - The development proposed is erection of a self-build dwelling and formation of vehicular access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. No description of development is provided on the planning application form and the description given above is therefore taken from the Council's Decision Notice.
3. The site has been subject to a previous dismissed appeal decision¹ for a new dwelling in a similar position. I attach significant weight to the previous Inspector's findings, albeit I note that the previous appeal scheme had a slightly larger built footprint and did not propose a self-build dwelling.

Main Issues

4. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of neighbouring occupiers with regard to privacy, outlook, and the provision of adequate private garden space.

Reasons

Character and appearance

5. The appeal site consists of part of the rear garden to No 12 Honeysuckle Row. The surrounding area is characterised by modern estate development with a mix of house types. The pattern of development is generally open plan with houses set back from the road.

¹ APP/L3245/W/17/3173395

6. The appeal proposal would introduce a new dwelling fronting onto Primrose Drive, with only a limited setback from the road. This would be in a similar position to the previous appeal scheme, albeit it would not include a setback single storey element to the side. The previous Inspector expressed a number of concerns regarding that scheme, including that it would have a relatively shallow front garden area and that the two-storey element would be furthest forward, accentuating its visual impact. She concluded that the proposal would be highly visible and prominent in the street resulting in an obtrusive feature that would not blend in with its surroundings.
7. The previous Inspector's concerns clearly focused on the undue prominence of that scheme within the street, which resulted largely from its siting. In this regard, I do not accept that those concerns related primarily to the single storey element to the side as this was the least prominent part of that scheme, being setback from the front elevation and alongside the adjoining garage to Garden Cottage.
8. The current appeal proposal would also introduce a 2 storey dwelling that would be significantly closer to the road than any neighbouring property. This would jut out into the street scene and would contrast sharply with the prevailing pattern of development in the area. In my view, it would be a discordant feature within the street that would draw the eye. Moreover, the development would fail to address a number of concerns raised by the previous Inspector.
9. The previous Inspector also found that other nearby built elements that are close to the public highway, such as boundary walls, are small scale and characteristic features of the estate. They do not lend support to the introduction of a 2 storey dwelling in this location. She also noted that the existing impact of the conifer hedge is not comparable to a 2 storey house, and that its removal would not justify the development of the site. I concur with that view.
10. The area does not benefit from Conservation Area status, or any local character designation. However, that does not mean that the character of the area does not merit protection.
11. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to the relevant sections of Policy CS6 of the Shropshire Core Strategy (2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2015). These policies seek to ensure, amongst other things, that new development is of good design that responds appropriately to the form and layout of existing development.

Living conditions

12. The development would occupy part of the rear garden to No 12 Honeysuckle Row, which is relatively generous in size. Whilst part of the existing garden space would be lost, the occupiers of No 12 would still have access to an appropriately sized rear garden and would also continue to benefit from a large patio area to the side of the property. In my view, this arrangement would provide adequate private outdoor amenity space for the occupiers of No 12.

13. The separation distance between the rear elevations of the proposed dwelling and No 12 Honeysuckle Row would be around 18 metres. However, of the 3 proposed rear facing windows, 2 would be obscurely glazed. Whilst there would be a single rear facing bedroom window that would be clear glazed, given the proposed separation distance, this would not result in any significant overlooking or loss of privacy in my view.
14. The development would also be positioned near to Garden Cottage to the north. However, an existing garage is located between the proposed dwelling and the rear garden of that property. This would adequately mitigate any overbearing impact on the rear garden of Garden Cottage. Moreover, given the distance from the proposed side elevation to that garden area, any loss of light or overshadowing would be limited.
15. For the above reasons, I conclude that the development would not significantly harm the living conditions of neighbouring occupiers with regard to privacy, outlook, and the provision of adequate private garden space. It would therefore accord with the relevant sections of Policy CS6 of the Shropshire Core Strategy (2011) which seeks, amongst other things, to safeguard residential and local amenity.

Other Matters

16. It is common ground that the Council is currently able to demonstrate a 5 year supply of deliverable housing sites. However, my attention has been drawn to Paragraph 33 of the National Planning Policy Framework ('the Framework'), which states that local plans should be reviewed to assess whether they need updating at least once every five years. It is argued that as the Council's policies have not been updated during this time, they are therefore 'out of date'. In this regard, it is contended that the proposal benefits from the 'tilted balance' set out at Paragraph 11 d) of the Framework.
17. However, I am not persuaded by that interpretation of the Framework. In this regard, I note that Paragraph 33 contains no explicit link to the 'tilted balance' set out in Paragraph 11 d). Moreover, Planning Practice Guidance ('PPG') states that:

*"Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The review process is a method to ensure that a plan and the policies within remains effective. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework."*²

PPG is therefore clear that existing policies should not be considered out-of-date simply because a review has not yet been completed.

18. The Council has a duty under the Self Build and Custom Housing Act 2015 to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. However, the extent to which the Council is meeting demand for this type of housing is disputed. I return to this matter in my Overall Balance and Conclusion, below.

² Paragraph: 064 Reference ID: 61-064-20190315

19. It is asserted that the development comprises an intermediate affordable dwelling. However, from the information before me, the proposal does not appear to meet the definition of affordable housing set out at Annex 2 of the Framework. I therefore attach little weight to this contention.
20. The concerns expressed regarding the conduct of the Council's Northern Planning Committee fall outside of the remit of this decision.
21. The proposed access point would be next to the entrance to a footpath between Primrose Drive and Hazeldine Way. However, the height of the proposed boundary treatments along the edge of this footpath could be controlled by condition to ensure adequate visibility for motorists emerging from the development.

Conclusion

22. As set out above, I conclude that the development would significantly harm the character and appearance of the area and would be contrary to the development plan in this regard.
23. Set against this, the development would provide a new self-build dwelling, in an accessible location, and built to modern environmental standards. It would also generate some economic benefits through the creation of employment and the purchasing of materials and furnishings.
24. In these circumstances, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, and the shortfall in self-build housing were as significant as is alleged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in my view. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
25. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR



Appeal Decision

Site Visit made on 13 April 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2021

Appeal Ref: APP/L3245/D/21/3267907

The White House, Trehowell Lane, Weston Rhyn, Oswestry SY10 7SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Phillips against the decision of Shropshire Council.
 - The application Ref 20/04568/FUL, dated 4 November 2020, was refused by notice dated 6 January 2021.
 - The development proposed is described on the application form as '2 storey extension to provide living accommodation for elderly parents'.
-

Decision

1. The appeal is allowed and planning permission is granted for a 2 storey extension to provide living accommodation for elderly parents at The White House, Trehowell Lane, Weston Rhyn, Oswestry SY10 7SQ in accordance with the terms of the application, Ref 20/04568/FUL, dated 4 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1921-MA(00)0001 rev A; 1921-MA(00)0004 rev A; 1921-MA(00)0005 rev A; except in respect of the following: the proposed porch roof detail shown on plan 1921-MA(00)0001 rev A; the 'first floor plan' shown on plan 1921-MA(00)0004 rev A; and the 'front elevation' shown on plan 1921-MA(00)0005 rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

Procedural Matters

2. Notwithstanding the description of development reproduced in the banner heading above, the proposal involves the demolition of existing single storey structures to the rear of the property and erection of two storey and single storey extensions, raised decking, steps and a ramp.
3. The appeal proposal is the resubmission of an application for a similar proposed development of broadly the same scale and massing, refused in June 2020 (Council Ref 20/01724/FUL). The principal changes to the development now proposed are to the roof style of both the two storey extension and the proposed porch, with the intention of creating a more cohesive design.
4. There are some small discrepancies between the appeal plans, which in my view are not so significant that they undermine a proper assessment of the

scheme. The proposed 'front elevation' on plan reference 1921-MA(00)0005 rev A does not show the roof line of the proposed two storey extension to the rear, which would be visible to either side of the existing roof. As such, I have avoided that error in the approved plans condition above, an approach which I do not consider would be prejudicial to any party. The front elevation itself is largely unaffected by the proposals and those elements that are altered are clearly identifiable on other parts of the approved plans.

5. I have taken a similar approach in respect of the proposed 'first floor plan' on plan reference 1921-MA(00)0004 rev A, and the 'site plan – proposed' on plan reference 1921-MA(00)0001 rev A, where the porch roof is incorrectly shown as a straight apex roof. I have avoided both instances of that error in the approved plans condition above. The correct, raked back porch roof is shown on the 'rear elevation' and 'side-1 elevation' on approved plan reference 1921-MA(00)0005 rev A.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the existing building and the surrounding area.

Reasons

7. The appeal site is located off Trehowell Lane which leads out of the village of Weston Rhyn. The character and appearance of the existing building is derived from its white rendered walls contrasting with its tiled roofs. The front elevation is quite striking with its slightly projecting gable and hipped roof. The plot is surrounded by fields and has a pleasant rural feel. A number of houses in the village are visible from the site, and vice versa, some of which are only a short distance away. As such the house is viewed as a standalone residential dwelling in a rural setting, but not remote from the village.
8. The front (south west) elevation of the house is visible from the south on approach from the village, over hedges that border the lane. On Trehowell Lane from the north, the house appears slightly elevated from the lane, allowing some views of it over hedges. The side (south east) and rear (north east) elevations of the house are partially visible from The Meads, a residential road around the edge of the village. The house appears less prominent in these views due to undulations in ground levels across the intervening fields.

Scale and massing

9. Demolition of the single storey structures to the existing rear of the house and the proposed two storey extension, whilst substantial, effectively squares-off the footprint of the existing brick-built elements of the house. As such it would not feel excessively large or out of scale with the existing building. The house sits within a substantial plot, well set back from Trehowell Lane. The proposed scale and massing of the proposal does not feel out of proportion for a standalone property in this setting.
10. The proposed single storey extension along the majority of the rear elevation, with its tiled roof, will furthermore have the effect of breaking up the appearance of this elevation, to the extent that it is visible from the surrounding area.

Design and appearance

11. The proposal effectively reorientates the house by 90 degrees by altering the current side (north west) elevation to look and feel like the front of the house. The proposed gable feature on this elevation is reminiscent of the gable on the existing front elevation. The proposal before me differs in design from the previous scheme; the former appearing more clearly as an existing dwelling plus extension rather than comprehensive redevelopment. The new brick porch, together with the proposed gable feature and connecting roof line, will create a sense of arrival. This improves the legibility of the building and integrates the extension with the existing house.
12. With the exception of the roof line of the two storey gable roof that will be visible in some views, the existing front elevation of the building will remain largely unchanged. Whilst I accept that the changes to the property would be extensive and substantial, they have nevertheless been designed sensitively in terms of the scale and architectural detailing of the property and would represent a coherent and acceptable redesign. As such, the development is not out of keeping and will not unduly impact the character and appearance of the surrounding area.
13. The extension has been designed to match the materials of the existing house, including the rendered walls, uPVC windows and tiled roofs. Contrary to the Council's view, I consider the brick porch, using a brick to match existing brickwork at ground level, will help to draw the new and old elements of the building together.

Main issue conclusion

14. The proposed extension, including reorientation of the building, whilst visible to varying degrees in the local landscape, will result in a form of development that is not out of scale with the existing house and garden. Reorientation of the building will aid legibility. The proposed form of the extension and use of materials to match the existing building will appear sufficiently integrated with the existing house, without harm to the character and appearance of the building or the surrounding area.
15. Consequently, the development accords with Core Strategy policy CS6 which, amongst other things, aims to ensure development is appropriate in scale and design, taking into account the local context and character, as well as achieving a high quality of design. I find no conflict with Site Allocations and Management of Development (SAMDev) Plan policy MD2 which, inter alia, requires developments to respond appropriately to the form and layout of existing development, and reflect locally characteristic architectural design.
16. For the above reasons the proposal accords with chapter 12 of the National Planning Policy Framework which provides guidance on achieving well-designed places. Similarly given the particular proposal and circumstances of this case, the scheme would not conflict with the overarching aim of the Shropshire Type and Affordability of Housing SPD which provides guidance, amongst other things, as to how residential extensions may be designed so as to be sympathetic to the character and appearance of the original building.

Conditions

17. I have imposed conditions in line with those suggested by the Council on the appeal form. This includes the standard time limit condition. In the interests of certainty, I have further imposed a condition specifying the approved plans and those elements that are excluded. As set out in Procedural Matters above, this is for clarity on the approved design, in compliance with the relevant elements of policy referenced in paragraphs 15 and 16 above, avoiding the small degree of conflict between plans. I have, for similar reasons, imposed a condition requiring materials to be used in construction of external surfaces to match those used on the existing building. This is to ensure the development integrates effectively with those elements of the existing building that will remain.

Conclusion

18. For the reasons given I conclude that the proposed development would not harm the character and appearance of the existing building or the surrounding area. On that basis the appeal should succeed.

Rachel Hall

INSPECTOR



Appeal Decision

Site Visit made on 31 March 2021

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/L3245/W/20/3262685

Trefarclawdd Lodge, Coed-y-go, Oswestry, Shropshire SY10 9AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andy Middleton against the decision of Shropshire Council.
 - The application Ref 19/03607/FUL, dated 12 August 2019, was refused by notice dated 17 August 2020.
 - The development proposed is the replacement of an existing double garage with first floor storage with a new family annexe on the same footprint.
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement of an existing double garage with first floor storage with a new family annexe on the same footprint at Trefarclawdd Lodge, Coed-y-go, Oswestry, Shropshire SY10 9AT in accordance with the terms of the application, Ref 19/03607/FUL, dated 13 August 2019, subject to the following condition:
 - 1) The development hereby permitted shall only be used for purposes ancillary to the enjoyment of the existing residential dwelling, known as Trefarclawdd Lodge. The annexe hereby approved shall not at any time be allowed to be occupied as an independent separate unit of residential accommodation.

Preliminary Matters

2. When I visited, the development appeared to have been completed and was occupied. As such, I have treated this as an application under section 73A of the Town and Country Planning Act 1990 (as amended). Although I have considered the scheme in accordance with the submitted plans, I am aware of no material differences between what they show and what I saw on site.
3. An application for costs was made by Mr Middleton against Shropshire Council, and that is the subject of a separate decision.

Main Issue

4. The main issue in this case is whether the scheme constitutes an ancillary annexe or whether it is tantamount to an independent dwelling that visually competes with Trefarclawdd Lodge.

Reasons

5. This site lies in an isolated rural setting. The detached building (the outbuilding) subject of this appeal comprises 2 bedrooms and a bathroom on the first floor, whilst on the ground floor there is a lounge, a toilet and an entrance hall containing laundry facilities.

6. The outbuilding is just to the side of Trefarclawdd Lodge (the main house), and is one of the ancillary buildings that can be expected around a dwelling of that size. Moreover, the residents of the outbuilding and the Lodge share the access curtilage and parking. While it is detached, I see no reason why, to be an annexe, the accommodation needs to be physically joined to the main house.
7. The outbuilding's layout and facilities allow its occupiers to live with a degree of independence, but that is common with annexe accommodation and does not necessarily undermine its ancillary role. However, despite this, it does not have its own water and electricity supply but shares such utilities with the main house, while they also both use the same septic tank. At the time of my visit although there were laundry facilities in the outbuilding no cooking facilities were visible, as I was told that the residents ate in Trefarclawdd Lodge. I was also informed that the occupiers of the outbuilding, who are members of the appellant's family, currently have no formal tenancy agreement or similar.
8. The Council appeared to consider the scheme would be acceptable if the outbuilding was adapted to incorporate a single garage at ground floor with an additional single garage in a small extension. It said this would allow for the provision of 2 garage spaces, along with some retained annexe accommodation within what would essentially be an ancillary building to the main house. Mindful that the suggested internal garage could be used by those in the outbuilding, such a modification would have had no effect on the functional links with the main house that I have referred to above. Rather it would have affected only the amount of floor space available that could be used as living accommodation and also the outbuilding's appearance. It is therefore reasonable to assume the functional links described would be suitable for an annexe if the size and appearance were deemed satisfactory.
9. Annexes are often smaller than what is before me and indeed the scheme has a greater floorspace than some independent dwellings, but those points, of themselves, do not mean this development is too large to be defined as accommodation of that type. To my mind the building's size is not sufficient to mean its on-going use as an annexe would be unreasonable.
10. I appreciate that some of the above arrangements could be changed without the need for planning permission, but that is often so with accommodation of this nature. In any event, the appellant has only applied to use the building as an annexe, and so, if the appeal was allowed, he would need planning permission for a material change of use to an independent dwelling. This could be confirmed by a condition, which, given the outbuilding's floor space and its relationship to the main house, would not be unreasonable. There is no particular need for the occupants to be dependent relatives requiring care, but such a condition would nonetheless restrict its use to that of ancillary accommodation linked to Trefarclawdd Lodge. The Council's suggested condition prevented the building being sold or let separately, but those aspects do not, to my mind, affect the planning issue of whether or not it remains as ancillary accommodation to the main house.
11. Turning to the alleged visual competition, the outbuilding and the main house are both finished in similar materials of render with timber gables and brick quoins, and so they sit together comfortably. However, the Lodge is a large dwelling that dominates its sizeable curtilage, while the outbuilding appears as a subservient element, as it is appreciably smaller with no designated garden

around. Furthermore, while the main house is 2 full storeys in height, the subservience of the outbuilding is emphasised by its eaves being roughly level with the midpoint of the first-floor windows. While it might have a 'domestic feel', I see no reason why that is unacceptable given it is to form ancillary annexe accommodation. Moreover, the landform and surrounding planting mean the outbuilding nestles acceptably in the landscape.

12. Overall, I therefore consider the scale, design and siting of the development are not inappropriate for an outbuilding within the grounds of the main house. As such, it does not unacceptably compete with Trefarclawdd Lodge visually or challenge its primacy unduly, either as a result of its appearance or by apparently being an independent dwelling in its own right.
13. In the light of the above factors, I therefore find the development can be reasonably considered as an annexe rather than an independent dwelling. Moreover, mindful that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition, the submitted Unilateral Undertaking that seeks to restrict occupancy has not constituted a reason for granting planning permission.
14. I have taken into account the submissions about the demolition of the previous garage but consider they do not lead me to different findings.
15. Accordingly, I conclude the development constitutes an ancillary annexe and does not visually compete unduly with the main house. As such, it does not comprise a new dwelling in the countryside and so is not in conflict with Policies CS1, CS4, CS5, CS6 or CS17 of the *Shropshire Local Development Framework Adopted Core Strategy* or Policies MD2, MD3, MD7a or MD12 of the *Shropshire Council Site Allocations and Management of Development Plan* which collectively broadly seek to control housing in the countryside and promote residential development of a high quality design in a sustainable location that respects its context. The scheme also does not conflict with the *National Planning Policy Framework*.

Other matters

16. Concern was expressed about the effect on Great Crested Newts in a nearby pond, but on the evidence before me I am not in a position to resist the scheme on that basis.

Conditions

17. As the development is apparently finished there is no need for conditions relating to its commencement or its completion in accordance with the submitted drawings. The Council has also suggested a condition removing 'permitted development rights' under Class E of Part 1 of Schedule 2 of *The Town and Country Planning (General Permitted Development)(England) Order 2015*. However, although the annexe is larger than allowed under those rights, it is not of an excessive size either in its own right, in relation to the curtilage, or in relation to what could be built under this Class. I assume that these Class E rights exist at present, and so, before this scheme was built, some large buildings could have been constructed in the grounds as 'permitted development'. Given this, no clear justification to restrict these rights arises from this grant of permission. Such a condition is therefore unjustified. For the reasons given above though an occupancy condition is appropriate.

Conclusion

18. Accordingly, I conclude the appeal should be allowed.

JP Sargent

INSPECTOR



Costs Decision

Site visit made on 31 March 2021

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Costs application in relation to Appeal Ref: APP/L3245/W/20/3262685 Trefarclawdd Lodge, Coed-y-go, Oswestry, Shropshire SY10 9AT

- The application is made under sections 78, 322 and Schedule 6 of the Town and Country Planning Act 1990, and section 250(5) of the Local Government Act 1972.
 - The application is made by Mr Andy Middleton for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the replacement of an existing double garage with first floor storage with a new family annexe on the same footprint.
-

Decision

1. The application for an award of costs is refused

Reasons

2. The *Planning Practice Guidance* advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant stated, firstly, that the Council had had sufficient information surrounding the demolition of the garage that previously occupied the site of the outbuilding subject of the appeal. However, it has not been made clear why that has an importance in considering this scheme, and that in itself was not part of the reasons for refusal. Moreover, if resolving that matter caused the applicant unacceptable delays then an appeal against non-determination could have been lodged. In such circumstances I have no basis to consider the Council would not have contested the appeal for similar reasons to those before me now and so in relation to that matter any delay has not caused additional expense in the appeal process.
4. It was said too that the Council had failed to take into account the financial hardship that a requirement to demolish the annexe would have caused the applicant. The weight to be attached to a material consideration is a matter of planning judgement. Having said that, I am unaware as to why the Council did not attribute weight to this as material consideration. However, demolition costs are invariably associated with retrospective planning applications. Therefore, whilst accepting the applicant's contention that the development had been undertaken in the mistaken belief that planning permission was not required, I see no grounds to afford those costs appreciable weight in the determination of the scheme. Consequently, given the strength of the Council's concerns, even if it had acted unreasonably in not attributing weight

to this as a material consideration, I am not satisfied it has resulted in unnecessary expense being incurred.

5. A further area of concern related to the ancillary nature of the use and the reasonableness of the Council in dismissing the planning application on the grounds that the development was tantamount to an independent dwelling. The planning application expressly sought permission for a family annexe, while the applicant made it clear from the outset that this was to be ancillary family accommodation, and a condition to this effect could have been imposed.
6. The Council's position in this regard appeared to relate primarily to the scale and level of accommodation, which is reflected in the amendments it suggested to achieve a positive outcome. I acknowledge that in seeking to restrict the use of the building one factor could well be whether it was of a reasonable size for the use in question, and that assessment would again involve an element of planning judgement. In my opinion, although I have come to a different view it was not unreasonable for the Council to find this outbuilding was too large to be an annexe and I consider it has substantiated its position adequately in its submissions. As such, it was not unreasonable to find the outbuilding's use could not be restricted to that of an annexe.
7. Finally, the advice the applicant had been given before commencing the works pre-dated the submission of the planning application and so did not, of itself, affect the appeal process. Indeed, Councils are not bound to follow the advice of professional officers if, as I have found in this case, a contrary decision can be reasonably justified. Therefore, while the applicant clearly considered the earliest advice he was given was inconsistent with the approach taken once the planning application had been submitted, that does not have a bearing on this application for costs.

Conclusions

8. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the *Planning Practice Guidance*, has not been demonstrated. As such, I conclude the application for an award is refused.

JP Sargent

INSPECTOR



Appeal Decision

Site visit made on 9 March 2021

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 April 2021

Appeal Ref: APP/L3245/D/20/3264873

Garden Cottage, Station Farm, Junction with Station Road Pant to Plas Cerrig Lane, Pant SY10 8LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Cumine against the decision of Shropshire Council.
 - The application Ref 20/00254/FUL, dated 16 January 2020, was refused by notice dated 14 October 2020.
 - The development proposed is erection of a single story rear extension and all associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host dwelling, a non-designated heritage asset, and the character or appearance of the area.

Reasons

3. The appeal property is a single-storey dwelling derived from what was originally an outbuilding associated with the property Well Cottage, located on the opposite side of the road to the appeal site. The building was initially converted from a barn to a 2-bedroom annex associated with Well Cottage and subsequently converted, including a change of use, to a separate 2-bedroom dwelling. The dwelling is sited such that its principle elevation faces within the plot and a blank elevation fronts the road, sited on the western boundary of the plot. The blank elevation is constructed of traditional rubble stone; except for a small area of the principle elevation, all other elevations have a rendered finish; the roof covering is slate. The property is located within a relatively large plot comprising domestic and vegetable gardens, hard-standing parking areas, polytunnel, timber outbuildings and stables.
4. For planning policy purposes, the site lies within open countryside and the property is deemed by the Council to be a non-designated heritage asset, applying criteria outlined in paragraph 2.29 of the Type and Affordability of Housing: Supplementary Planning Document-2012, (SPD), for the identification of heritage assets. The SPD is guidance, rather than policy, and in my opinion simply because a building pre-dates 1950 (one of the criteria for identification) does not mean that it is a building with special heritage interest. I also note

that the maps submitted by the Council deemed to be historic maps are not dated and they provide little detail of the building that originally existed on the site.

5. Nevertheless, one of the other criteria listed in the SPD for identifying heritage assets is that they are normally of local significance and add value to the landscape. Given that there does appear to have been a building on the site historically and part of it at least is still discernible, ie the rubble stone western facing elevation, then I accept that the property has some local significance that makes a positive contribution to the area.
6. Paragraph 197 of the national Planning Policy Framework (the Framework) requires the effect of development on the significance of a non-designated heritage asset to be considered in determining applications. The Framework advises that in weighing development that directly or indirectly affects 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.
7. Well House Lane has the character and appearance typical of country lanes in the surrounding area. It is a narrow road with grass verges, hedges and stretches of mature trees either side of it. There are a small number of properties well-spaced out along the road, with a handful of dwellings in a small cluster close to the appeal site. Only the appeal dwelling and the dwelling it was originally associated with are sited close to the road's edge, others are set-back from the road. The few dwellings that are visible along and from the road have evidently been extended over the years, though in my view these additions have not always been sympathetic to the original buildings.
8. The proposed single-storey extension would be sited along the eastern elevation of the property. Although not adjacent to the road, therefore, it would still be highly visible from public vantage points, eg as one travels in either direction along Well House Lane the respective end elevations would be visible; and most of the resultant dwelling would be visible from sections of a public footpath that leads from the road, south of the dwelling, across the neighbouring field.
9. The proposed extension would more than double the footprint of the existing building, and consequently more than double its mass and volume. I therefore consider the proposed extension would not respect the character or appearance of the property with regard to scale.
10. The proposed extension would have a dual-pitched roof over one half, the northern half, and a flat roof with glazed roof lantern over the other, southern half. The half with the dual-pitched roof would result in the property having 2 dual-pitched roofs with a valley gully. On the other half of the dwelling the proposed flat roof would be positioned close to the eaves of the existing dual-pitched roof. I consider the roof design of the proposed extension results in an awkward relationship with the existing building along each of the distinct halves, with a deep valley gully and a flat roof squeezed up tight against the existing eaves. Consequently, I consider the proposal does not respect the character or appearance of the existing property with regard to the design of the roof sections and how they relate to the existing dwelling.

11. Because of the proposed extension not respecting the host dwelling in respect of scale and design, aspects which would be highly visible from public vantage points, I consider the proposal would significantly harm the non-designated heritage asset. That said, from the evidence before me, I consider the significance of the asset to be of moderate importance. Nevertheless, I consider the harm to the character and appearance of the property would have a detrimental impact on the character and appearance of the area.
12. Bearing the above factors in mind, the proposal does not accord with policies CS5, CS6 and CS17 of the Adopted Core Strategy-2011 and MD2 and MD7a of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan-2015. Collectively, and among other things, these policies require new development to be of high-quality design; respond appropriately to existing development, including scale; take account of, maintain, protect and enhance the local character of Shropshire's built and historic environment and countryside character and conserve heritage assets.

Other considerations

13. The appellant has drawn my attention to an appeal, Ref APP/63245/D/19/3240051, in which the Inspector was satisfied that, although the extent of proposed extensions was large, the scale of development was deemed not to be harmful. In reaching this conclusion the Inspector noted that although the Council had advised the appellant that a 70% increase in floor area was a useful guide to ensuring extensions remain subservient. However, as there was no policy basis for this the Inspector gave the matter limited weight.
14. I do not have the full details of this case before me and cannot be certain of the extent to which the cases may be comparable. Furthermore, each case must be determined on its merits. Notwithstanding, I note from the appeal decision letter that the Inspector concluded that when viewed in the context of substantial plot size *and* the larger modern houses on two sides of the property, the proposals were deemed not to be harmfully large. Hence, the context of the site, with larger modern houses on two sides of the property, suggests that the site circumstances were very different to those of the appeal at hand, and therefore the two cases are not directly comparable.
15. The appellant suggests that there are no national or local policies restricting the size of extensions to existing dwellings. I acknowledge that the Council has not made me aware of any local policies that specify a size limit. However, as noted above, Policy MD7a requires new development to "*respond appropriately...to existing development...including...scale*"; Policy CS17 seeks to ensure that new development "*protects and enhances...local character of Shropshire's...built and historic environment*"; and Policy CS6 seeks to ensure development is "*designed to a high quality...which respects and enhances local distinctiveness.*" Consequently, although no size limit is specified in these policies, to my mind size and scale are factors to bear in mind when assessing the proposal against these policies.
16. The appellant has suggested that the footprint of the resultant dwelling, around 112 sqm, is only 12 sqm, larger than the footprint the Council usually relates to an affordable property. Regardless of whether this is the case, this is not the test to be undertaken. The proposal is an extension to an existing dwelling and is to be assessed against the relevant policies referred to; and I have found

that it does not accord with these policies. In light of the above, there are no other considerations that lead me to conclude other than in accordance with the development plan.

Other Matters

17. I note the appellant is dissatisfied with the service received from the Council in respect of the processing and determination of the application and considers that the Council did not act proactively during the process. I do not know the full details of communications between the Council and the appellant during the application process, and I am therefore not able to provide any meaningful comment. As this is not a matter that would alter my decision, I suggest if the appellant wishes to pursue the matter, this could be done through the Council's complaints procedure.

Conclusion

18. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR



Appeal Decision

Site visit made on 20 April 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2021

Appeal Ref: APP/L3245/W/20/3265872

Fairfield, Burgs Lane, Bayston Hill, Shrewsbury, SY3 0EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Emma Dalton against the decision of Shropshire Council.
 - The application Ref 19/03560/FUL, dated 8 August 2019, was refused by notice dated 1 October 2020.
 - The development proposed is erection of 1 No dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given above is taken from the Council's Decision Notice rather than the planning application form, as this provides a more concise description of the proposal.

Main Issues

3. The main issues are:
 - (a) Whether Fairfield should be regarded as a non-designated heritage asset, and if so, the effect of the development on its significance;
 - (b) The effect of the development on the character and appearance of the area;
 - (c) The effect of the development on the living conditions of neighbouring and future occupiers of the development with regard to outlook and privacy;
 - (d) The effect of the development on protected trees within the site; and
 - (e) Whether the development would result in a harmful over provision of housing relative to the settlement housing guideline for Bayston Hill.

Reasons

Non-designated heritage asset

4. Paragraph 197 of the National Planning Policy Framework ('the Framework') states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications. It further states that in weighing applications that 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.

5. Fairfield is an attractive historic property, finished in render and clad with tiles above ground floor level. It includes a decorative porch, prominent chimneys, bay windows and other period detailing, and is flanked by a smaller traditional outbuilding. It occupies a prominent corner position and is set within a spacious plot overlooking open land to the south. Little information has been submitted regarding its age or history. However, its attractive traditional appearance has clear aesthetic and historical value, and I consider that it constitutes a non-designated heritage asset.
6. The development would introduce a new 2 storey dwelling to the rear of Fairfield, set at an angle to the host property. Its position, orientation, and modern design would result in an awkward visual relationship to Fairfield, and it would appear cramped and shoehorned into the site. In both near views and longer views from the south, it would contrast sharply with Fairfield and would detract from its pleasant contribution to the locality. It would also significantly erode the traditional spacious gardens that surround it.
7. For the above reasons, I conclude that the development would harm the significance of a non-designated heritage asset. It would therefore be contrary to the relevant sections of Policy CS6 of the Shropshire Core Strategy (2011) and Policy MD2 of the Shropshire Site Allocations and Management of Development ('SAMDev') Plan (2015). These policies seek to conserve the built and historic environment. It would also be at odds with the Framework in this regard.

Character and appearance

8. As set out above, the development would have an awkward visual relationship with the host property. Its position and orientation within the site would also result in a visually cramped and discordant appearance in a prominent position in the locality. The development would therefore significantly harm the character and appearance of the area and would be contrary to the relevant sections of Policy CS6 of the Shropshire Core Strategy (2011) and Policy MD2 of the Shropshire SAMDev Plan (2015) in this regard. These policies seek to ensure that new development is well designed and responds appropriately to the form and layout of the area. It would also be at odds with paragraph 130 of the Framework which states that permission should be refused for development of poor design.

Living conditions

9. At present, the western part of the garden to Fairfield is directly overlooked by a side bedroom window in Orchard House at first floor level. This is positioned in close proximity to the boundary and has uninterrupted views over this part of the garden area. Whilst this is an existing situation, Fairfield is currently set within a spacious plot and much of its rear garden is private and secluded. In this regard, the eastern part of the garden appeared to be far more intensively used at the time of my site visit. In contrast, the first floor window in Orchard House would overlook the vast majority of the garden area to the proposed dwelling. This would result in poor levels of privacy for future occupiers of the development.

10. In addition, a proposed first floor bedroom window would be positioned almost directly opposite the first floor window in Orchard House. This would serve the largest of the proposed bedrooms, which would be likely to be more intensively used. The Council state that the separation distance between these windows would be around 18-19 metres, which would be at odds with the more generous spacing along this side of Hereford Road. In my view, this would harmfully reduce the privacy of Orchard House and would result in a significant degree of mutual overlooking.
11. The proposed dwelling would be positioned close to the rear of Fairfield and would be set at an angle to it. In this regard, an existing first floor bedroom window would face onto the new property at relatively close quarters. Whilst this window is set at a higher level, anyone stood close to it would have clear views into the front bedroom of the proposed dwelling. Given the narrow separation distance between these windows, this would result in poor levels of privacy for future occupiers. Moreover, the side elevation of Fairfield itself, which is a three storey property, would dominate the frontage of the new dwelling and would have a significant overbearing effect in my view.
12. For the above reasons, I conclude that the development would significantly harm the living conditions of both neighbouring and future occupiers of the development with regard to privacy and outlook. It would therefore be contrary to the relevant sections of Policy CS6 of the Shropshire Core Strategy (2011), which seeks to safeguard residential and local amenity.

Protected trees

13. Two mature Atlantic Cedar trees (Refs T1 and T2) are positioned along the western boundary of the appeal site, both of which are subject to a Tree Preservation Order. These are attractive characterful trees that are prominent in longer views along Hereford Road, and positively contribute to the pleasant verdant character of the area.
14. A Tree Survey and Report¹ has been prepared in support of the development. This identifies the 2 protected Atlantic Cedar trees, and a Lawson Cypress tree (Ref T3) towards the north-western corner of the site, as being in Category A (high quality) and recommends that they be retained. Trees T2 and T3 are positioned away from the proposed development and are unlikely to be impacted by it. However, tree T1 is in close proximity to the proposed parking area. Given the level changes within the site, it is likely that significant excavations and/or grounds works would be required to construct this element of the scheme.
15. Tree T1 is positioned on raised ground at the corner of Burls Lane and Hereford Road, on land above the height of both of these roads. In this regard, the submitted Tree Report states that Root Protection Areas ('RPAs') are "*generally depicted as a circle, but may be shown as a different shape, e.g. a rectangle or ellipse, if the indications are that the tree root disposition may have been impacted by external factors, such as buildings, roads or street work excavations etc*" (para 1.2). In this case, given the raised height of the land on which the tree sits, and the position of existing roads, the RPA to tree T1 is unlikely to follow a symmetrical distribution. However, the Tree Report shows its RPA as a standard circle, the majority of which extends out across the

¹ The Woodland Stewardship Company (28 April 2020)

adjoining roads that are set at a lower level. In my view, that is inappropriate in this case. Accordingly, it is likely that the proposed parking area would require a significant incursion into the RPA of tree T1, which could undermine its longer-term existence and visual contribution to the area.

16. Separately, the protected trees are set away from the main habitable room windows to the proposed dwelling. They are also located along the edge of the proposed garden area and their presence would not prevent the establishment of a traditional garden and lawn. Accordingly, these trees would not result in any significant loss of amenity to future occupiers that would be likely to lead to pressure for their removal. However, that does not alter my other concerns in relation to tree T1, as set out above.
17. For the above reasons, I conclude that the development would be likely to undermine the longer term existence and visual contribution of a protected tree within the site. It would therefore be contrary to the relevant sections of Policies CS6 and CS17 of the Shropshire Core Strategy (2011), and Policy MD12 of the SAMDev Plan (2015). These policies seek to ensure, amongst other things, that new development avoids harm to natural assets, and protects and enhances the natural environment.

Settlement housing guideline

18. Bayston Hill is a large village with a range of services and facilities including a convenience store, a primary school, and public transport connections. It is identified as a Community Hub under Policy S16.2 of the Shropshire Core Strategy (2011), which sets a housing guideline for the village of around 50-60 additional dwellings over the plan period to 2026.
19. The Council state that the development would contribute to a 30% oversupply against the housing guideline for Bayston Hill, taking into account recent completions and extant planning permissions. However, Policy S16.2 does not identify this figure as a cap to be applied once the guideline is reached, particularly in an accessible location such as this. Moreover, the provision of a single dwelling would also have only a minor additional impact in this regard.
20. For the above reasons, I conclude that the development would not result in a harmful over provision of housing relative to the settlement housing guideline. It would therefore accord with Policies S16 and S16.2 of the Shropshire Core Strategy (2011).

Other Matters

21. The Council has a duty under the Self Build and Custom Housing Act 2015² to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. However, the extent to which the Council is meeting demand for this type of housing is disputed. Moreover, it is asserted that the development plan is out of date as it does not refer specifically to the provision of self-build or custom-build housing. I return to these matters in my Overall Balance and Conclusion, below.
22. It is asserted that the development comprises an intermediate affordable dwelling. However, from the information before me, the proposal does not

² As amended by the Housing and Planning Act 2016.

appear to meet the definition of affordable housing set out at Annex 2 of the Framework. I therefore attach little weight to this contention.

23. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this decision.

Overall Balance and Conclusion

24. As set out above, I conclude that the development would harm the significance of a non-designated heritage asset, the character and appearance of the area, the living conditions of both neighbouring and future occupiers of the development, and the longer term existence and visual contribution of a protected tree. It would be contrary to the development plan in these respects.
25. Set against this, the development would provide a new self-build dwelling, in a relatively accessible location, and built to modern environmental standards with solar panels mounted on the roof. It would also generate some economic benefits through the creation of employment and the purchasing of materials and furnishings.
26. In these circumstances, even if the 'tilted balance' at paragraph 11 of the Framework were engaged, and the shortfall in self-build housing were as significant as is alleged, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in my view. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
27. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

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Appeal Decision

Site visit made on 16 February 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2021

Appeal Ref: APP/L3245/W/20/3263143

**Rear of The Beeches, 22 Shrewsbury Road, Hadnall, Shrewsbury,
Shropshire SY4 4AE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Homden against the decision of Shropshire Council.
 - The application Ref 20/02282/FUL, dated 11 June 2020, was refused by notice dated 28 September 2020.
 - The development proposed is the redevelopment of a former two storey structure to form a single storey two-bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development used in the banner heading above is taken from the appeal form, as it is more concise than that which was used on the planning application form.
3. The heading of the Council's officer report referred to the proposal as "the erection of 2-bedroom dormer bungalow". The appellant suggests that this was because an application for a dormer bungalow had previously been submitted and then withdrawn¹, which may well explain the Council's error. In any case, the detailed text of the officer report clearly relates to the proposal before me, and as the Council had no concerns in respect of the proposed layout, design or scale of the proposed dwelling, this discrepancy appears to have had no bearing on its decision. Hadnall Parish Council also referred to the proposal as being a dormer bungalow, for reasons which are not clear to me. However, I have reached my decision based on the correct information, and am satisfied that the appellant's interests have not been prejudiced by errors describing the proposal which have been made elsewhere.

Main Issue

4. The main issue is whether or not the appeal site is a suitable location for the proposed development, having regard to the Council's housing strategy.

¹ LPA ref: 20/00808/FUL

Reasons

5. The appeal site is located on the edge of Hadnall, and consists of a combined garage and storage building, a pond and some surrounding land, and a driveway which provides access to and from Shrewsbury Road. The appellant wishes to demolish the existing building and replace it with a new dwelling. The appeal site sits within a wider parcel of land – outside the “red line” boundary but within the appellant’s ownership – which encompasses the appellant’s house “The Beeches”, and a field which is a Camping and Caravanning Club Certificated touring caravan site.
6. The appellant has objected to the Council’s description of the existing building on the site as a “Dutch barn”, stating that the “original structure when purchased by the appellant in early 1980 was quite a substantial but derelict cottage”, which was “subsequently partly demolished and converted to a garage store”. From what I saw on my site visit, “Dutch barn” accurately describes the building’s present function and form. However, the appellant seeks to make the case that the proposal is to replace an existing dwelling on broadly the same footprint as the original building.
7. The existing garage and storage building has, or has had, the postal address of 22 Shrewsbury Road. However, although the appellant argues otherwise, it does not consequently “stand to reason” that the building was at some time a dwelling; clearly there are numerous buildings which are not and have never been dwellings but which have postal addresses, including numbers. There is no substantive evidence before me which supports the appellant’s suggestion that the existing building on the site has ever been in residential use. In any case, as it has been a garage/store for 40 years or more, that is now its established use. On the basis of the evidence before me, I am satisfied that I should treat the proposal as being for a new dwelling.
8. Policy CS4 of the 2011 Shropshire Core Strategy (“the SCS”) indicates that development in the rural area will be focussed in Community Hubs and Community Clusters, and states that development outside of these hubs and clusters will not be allowed unless it complies with the requirements of Policy CS5 of the SCS.
9. The Community Hubs and Community Clusters are listed in Policy MD1 of the 2015 Shropshire Site Allocations and Management of Development Plan (“the SAMDev Plan”), which sets out the development plan’s settlement policy framework. Hadnall is not one of the named hubs or clusters and, for the purposes of the application and interpretation of the development plan, it is therefore considered to be within the open countryside.
10. Policy CS5 of the SCS allows for new development in the open countryside where it maintains and enhances countryside vitality and character and improves the sustainability of rural communities. Policy CS5 sets out a list of particular types of development that it relates to, including dwellings for essential countryside workers and conversion of rural buildings. Whilst the proposed development does not fall into any of the identified examples, the list is not exhaustive, and the policy does not explicitly restrict market housing in the open countryside. However, Policy MD7a of the SAMDev Plan specifically addresses the matter, stating that new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Clusters. While MD7a provides for some exceptions

where evidenced local housing needs would be met or where there are particular heritage matters which would be addressed, nothing before me suggests that these are relevant considerations in this case. As the proposal is for a new market dwelling, it would fail to accord with Policies CS5 and MD7a taken together.

11. Policy MD3 of the SAMDev Plan recognises that windfall residential development, including on sites within the countryside, will play an important part in meeting Shropshire's housing needs. Nonetheless, MD3 requires proposals to comply with other relevant development plan policies. As I find that the proposal conflicts with SCS Policies CS4 and CS5, and SAMDev Plan Policy MD7a, I necessarily also find conflict with Policy MD3.
12. I therefore conclude that the proposal would fail to accord with the Council's housing strategy as set out in Policies CS4 and CS5 of the SCS, and Policies MD3 and MD7a of the 2015 SAMDev Plan.

Other matters

13. The appellant indicates that his daughter, who visits daily from her home in Prees, is his registered carer, and that the bungalow is intended primarily for her use. It is also suggested that as the appellant gets older he would be likely to need a smaller house, for which the proposed bungalow would be well-suited. While I am sympathetic on this point, no evidence of any specific or unusual need for personal or medical care was presented in support of the appeal proposal. Similarly, there was nothing to indicate that the appellant's existing dwelling could not be modified to provide for his needs, or that other accommodation could not be found in the locality which would meet the needs of the appellant and his daughter. This matter can therefore only carry limited weight in my assessment, as personal circumstances rarely outweigh planning concerns. I am also mindful that it is likely the proposed dwelling would remain long after the current personal circumstances cease to be relevant.
14. As I have already explained in paragraph 3 above, the Council found that the proposed development would be acceptable in terms of its effects on the character and appearance of the area. I note also that the Council raised no concerns about the effects of the proposal on highways, drainage, trees or ecology. None of the evidence before me leads me to a different view on any of these points. However, a lack of harm in these respects is a neutral matter which does not weigh in favour of the proposal.

Conclusion

15. The Government's objective is to significantly boost the supply of housing and the proposal would provide an additional modern home. Because of the proposal's very small scale, and because the Council has an adequate supply of deliverable sites, the provision of a single extra house attracts very modest weight. The scheme would also lead to a time-limited economic benefit during construction which may give rise to extra local employment, and additional occupier spending in the local community, although again given the size of the scheme any economic benefits arising would also be small.
16. Conversely, the location of the proposal outside any settlement boundary would undermine the Council's plan-led approach to the delivery of housing and protection of the countryside. This is a matter which attracts significant weight

and outweighs the modest benefits associated with the proposed development. The proposal would therefore conflict with the development plan, and there are no other considerations that outweigh this conflict.

17. For the reasons set out above, the appeal is therefore dismissed.

M Cryan

Inspector



Appeal Decision

Site visit made on 9 March 2021

by **J Williamson BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/L3245/W/20/3263817

The Cow Barn, Weston Heath, Weston-Under-Redcastle SY4 5XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
 - The appeal is made by Mrs Burleigh against the decision of Shropshire Council.
 - The application Ref 20/03051/PMBPA, dated 21 July 2020, was refused by notice dated 4 October 2020.
 - The development proposed is described as: None structural repairs and restoration to barn including new walls, windows, doors and lightweight roof. Upgrading of existing services and package treatment plant.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a document entitled Structural Design Calculations with an accompanying letter; information that was not included with the application details the Council made its decision on. I consider that no one would be prejudiced if I were to accept the information at this stage. I have therefore taken account of it in reaching my decision.

Legislative context

3. The proposal is for a change of use of an agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion. Therefore, the proposal relates to Schedule 2, Part 3, Class Q, sub sections (a) and (b) of the GPDO. At the outset, the proposal is required to adhere to the requirements of Class Q; if it does, then it is subject to the limitations outlined in paragraph Q.1, the conditions outlined in Q.2, and the provisions of paragraph 'W'.

Main Issues

4. The main issues are:
 - whether the proposal amounts to a conversion, having regard to the nature and extent of demolition and building operations required for it to function as a dwelling, and

- whether the proposal would provide satisfactory living conditions for future occupiers, with regard to internal space standards.

Reasons

Whether the proposal amounts to a conversion

5. Based on the evidence before me and my observations on site, the appeal building is a single-storey building constructed from a timber frame with vertical timber elevations, a felt roof laid on timber panels and timber framed window and door openings. The building sits on a layer of bricks laid on a layer of concrete.
6. Most of the main structure of the building has been replaced, and this appears to have been undertaken recently. Additionally, where the vertical timber panels have rotted around the base of the building, the gaps created have been enclosed with horizontal timber panels, works which also appear to have been undertaken recently. Many of the vertical timber panels that remain are rotten towards their base, with some damage extending up to half the height of the walls. There are openings in the walls where timber panels no longer exist. The felt on the roof is patchy and damaged. There are corrugated steel sheets hung on the inside of the building's walls, from between around a half to two thirds of the height of the walls, which block some holes that exist in the external timbers. Many of the corrugated steel sheets have also substantially corroded around their base. There is no constructed floor within the building.
7. The Structural Inspection report concludes that the principle structure forming the building is generally in good order and suitable for conversion. It is also noted in the report that the existing roof boards and felt would need to be replaced. The Design and Access Statement (DAS) concludes that converting the building to a dwelling does not require rebuilding of the structure and can be converted around the existing frame, subject to the provision of new walls, doors, windows, roof, and services. Additionally, the letter accompanying the structural calculations submitted with the appeal concludes that the structural elements of the building forming the framework appear to be satisfactory in terms of strength and serviceability.
8. The Planning Practice Guidance (PPG) provides some guidance on what may constitute building operations reasonably necessary to convert an agricultural building to a dwelling under Class Q permitted development rights¹. At the outset, the right assumes that the building is capable of functioning as a dwelling. Also, it is recognised that for such a building to function as a dwelling some building operations, which usually require planning permission, may be required; and that partial demolition may be required to facilitate the required building operations.
9. The PPG advises that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the '*conversion*' of the building to residential use. Therefore, it is only where the existing building is already suitable for '*conversion*' to residential use that the building would be considered to have the permitted development right.
10. Full details of the extent of demolition and building operations required for the building to function as a dwelling have not been provided. However, as noted

¹ PPG – Paragraph: 105 Reference ID: 13-105-20180615; Revision date: 15 06 2018

above, the appellant claims that the proposal does not require rebuilding of the structure. I have no grounds on which to dispute the claim that the structure could accommodate the works required. Therefore, at minimum the structure of the building would remain. As also noted above, the appellant concludes that the proposal would be subject to new walls, doors, windows, roof, and services, which suggests that the existing walls, doors, windows, and roof would be removed. The DAS confirms that the walls would be constructed to a high thermal standard comprising of cedar cladding to the external face and plasterboard finish internally; the roof would be a lightweight roof covering such as Envirotile Double Slate or similar, also thermally efficient with a plasterboard internal finish; windows and doors would be a high performance softwood timber and rainwater goods would be upvc.

11. I accept that substantial works could fall under the scope of Class Q(b) and that the works outlined would be reasonably necessary for the building to function as a dwelling. However, to my mind, removing all elements of the building other than the structure and the foundations on which it stands, and installing new walls, windows, doors and roof, along with a floor and complete fitting out internally, would not constitute 'conversion' of the building, as required by Class Q.
12. The PPG references a High Court judgement which focussed upon the meaning of the word 'conversion'² in this context (Hibbitt). Although the wording in the PPG has changed since, this does not alter the conclusion in the judgement that before proceeding to assess whether or not a proposal satisfies the limitations outlined in paragraph Q.1, the conditions outlined in Q.2, and the provisions of paragraph 'W', it is first necessary to conclude whether the proposal satisfies the requirements of Class Q, Part 3, Schedule 2 of the GPDO.
13. I accept that the proposal is for the change of use of an agricultural building to a dwelling, and therefore the proposal meets this requirement of Class Q. However, I consider that the nature and extent of demolition and building operations required for the building to function as a dwelling go beyond what could reasonably be described as a 'conversion'. Rather, I consider the proposal amounts to what is referred to as a 'fresh build' in the Hibbitt case. Hence, although it may be possible to create a dwelling using the structure of the existing building, to my mind this does not constitute 'conversion' of the building. Consequently, I conclude that the proposal does not satisfy the requirements of Class Q, Part 3, Schedule 2 of the GPDO.

Living conditions - future occupiers

14. The proposal would create a dwelling with an internal floor area of around 45 sqm. I note that Statutory Instrument 2020 No. 1243 introduced an amendment to the GPDO in respect of internal space standards of dwellings created via certain permitted development rights, including applications for prior approval for the change of use of agricultural buildings. In summary, if the internal space would be less than 37 sqm or of a size that would not meet the Nationally Described Space Standards (as amended, 2016), then the proposal would not be permitted.

² Hibbitt and Another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWCH 2853 (Admin)

15. However, although the amendment in this regard came into effect from 6 April 2021, certain transitional arrangements apply, which include the space standards not applying to prior approval applications made before 6 April 2021. Hence, as the prior approval application was made before this date, the space standards do not apply in this case.

Other considerations

16. I appreciate the appellant considers the building the subject of the Hibbert case to not be comparable to the building of concern here. However, it is the key issues of the judgement that is of relevance, not a comparison of the buildings. Hence, I consider the issue of whether the proposal amounts to a 'conversion', as discussed above, is relevant to the case at hand. What constitutes a 'conversion' is a matter of planning judgement.

17. I note that the appellant suggests the building will be repaired and refurbished should the appeal be dismissed. However, unlike a planning application, such a consideration does not form part of the decision-making process. The assessment is simply against the relevant details of the GPDO, which has been carried out above.

Conclusion

18. Notwithstanding the matter regarding living conditions, for the reasons outlined, I conclude that the proposal does not satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed, and prior approval is not granted.

J Williamson

INSPECTOR