

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

Date: Monday, 20 September 2021

Committee: Northern Planning Committee

Date: Tuesday, 28 September 2021

Time: 2.00 pm

Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

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

<https://shropshire.gov.uk/NorthernPlanningCommittee28Sept2021>

There will be some access to the meeting room for members of the press and public but this will be very limited in order to comply with Covid-19 regulations. If you wish to attend the meeting please e-mail democracy@shropshire.gov.uk to check that a seat will be available for you.

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

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

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

Steve Davenport

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

To confirm the Minutes of the meeting of the North Planning Committee held on 31st August 2021, attached, marked 2. **TO FOLLOW**

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 2.00 p.m. on Friday, 24th September 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 Harlescott Junior School, Featherbed Lane, Harlescott, Shrewsbury, SY1 4QN (21/03223/VAR) (Pages 1 - 14)

Variation of Condition 2 (approved plans) attached to planning permission 20/04289/FUL to allow amendments to site design and layout

6 Site Of Former Sports And Social Club And Bowling Green, Albert Road, Shrewsbury, Shropshire, SY1 4JB (20/05217/FUL) (Pages 15 - 52)

Erection of 12No. affordable dwellings (C3 Class) and 14No. supported living flats with Community Hub (C2 Class) and associated external works including ball strike fencing, road access, landscaping and car parking (amended description)

7 8 The Hawthorns, 21/03488/FUL (Pages 53 - 68)

Extension and creation of semi-detached dwellings and garage

8 15 Corsten Drive, Shrewsbury, SY2 5TJ (21/03197/FUL)

Erection of two storey rear extension and proposed patio area.
Report to follow.

9 Land West Lowe Hill Road, Wem, Shropshire (21/02768/OUT) (Pages 69 - 106)

Outline planning application for Residential development (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved.
(Revised scheme) (amended description)

10 Appeals and Appeal Decisions (Pages 107 - 120)

11 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 26th October 2021, in the Shrewsbury Room, Shirehall, Shrewsbury.

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<u>Committee and Date</u>
Northern Planning Committee
28 th September 2021

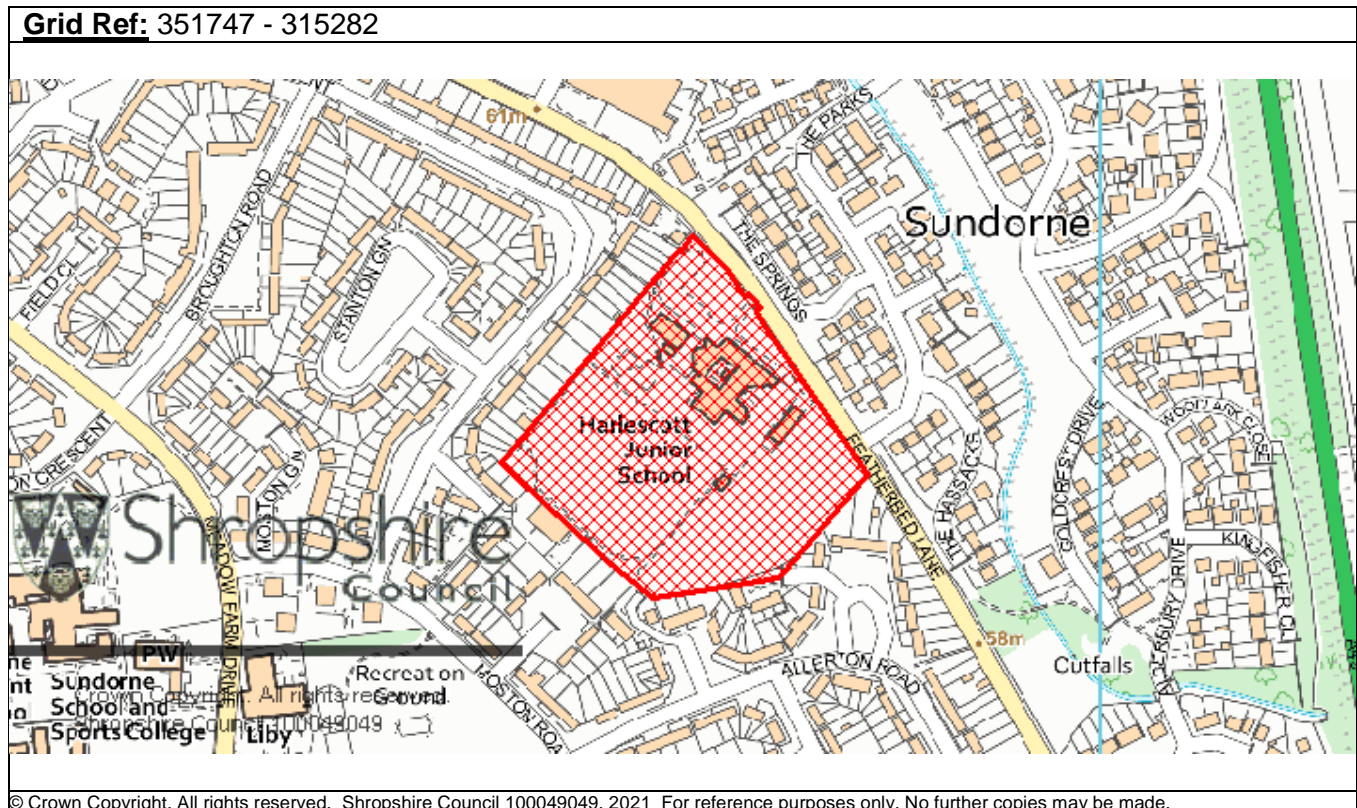
<u>Item</u>
5
Public

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/03223/VAR	Parish:	Shrewsbury Town Council
Proposal: Variation of Condition 2 (approved plans) attached to planning permission 20/04289/FUL to allow amendments to site design and layout		
Site Address: Harlescott Junior School Featherbed Lane Harlescott Shrewsbury SY1 4QN		
Applicant: Property Services Group (PSG)		
Case Officer: Kelvin Hall	email	: kelvin.hall@shropshire.gov.uk



Recommendation: Grant planning permission for a variation of conditions of permission ref.

20/04289/FUL subject to the conditions set out in Appendix 1 and to any modifications to these as considered necessary by the Assistant Director.

1.0 THE PROPOSAL

1.1 Planning permission for extensions to and new building at Harlescott School was granted in January 2021, and construction works are underway. The current application seeks to amend various elements of the permitted scheme, and also provides details of the proposed plant which would support the expansion of the school.

1.2 The application includes the following:

- Separation of the pedestrian entrance from the proposed new vehicle entrance off Featherbed Lane to ensure the retention of an oak tree;
- Modifications to the layout of the north car park to include the addition of pedestrian walkways and crossing points, in order to improve safety;
- Modifications to hardstanding areas and play area layouts;
- Modifications to security fencing at the site;
- Detailed designs of the plant compound, including the sprinkler tank and air source heat pumps; modification of the siting of the plant enclosure to increase distance from site boundary.

2.0 SITE LOCATION/DESCRIPTION

2.1 Harlescott Junior School is located to the south-west of Featherbed Lane, Shrewsbury. It covers an area of approximately 3.7 hectares and includes a main teaching block which is part single- and part two-storey, and a smaller single-storey classroom block to the north-west. Vehicle access is direct from Featherbed Lane and there are also individual pedestrian accesses to the school. Boundary treatment includes a line of tree and hedgerow along the Featherbed Lane side of the site, and mesh fencing elsewhere. Surrounding land is in residential use. Construction works are underway to provide extensions to the school and a new building, with associated works, under a planning permission granted earlier this year. This permission also provides for a new vehicle access and separate egress from/to Featherbed Lane; reconfiguration and expansion of the car park and external play areas; provision of a drop-off facility; and cycle storage.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Local Member has requested that the application is referred to Planning Committee and it has been agreed by the Planning Services Manager in consultation with the Committee Chairman that this is based on material planning reasons.

4.0 Community Representations

4.1 -Consultee Comments

4.1.1 **Shrewsbury Town Council** Whilst the Town Council does not object to this application per se, Members would like more clarification with regards to the size of the water tanks and a clear visualisation of them to enable the Committee to make a decision on this application.

4.1.2 **Sport England** No objection.

[Further to the initial consultation response below, following clarification from officers

Sport England has acknowledged that they did not request that any conditions were imposed on the previous planning permission 20/04289/FUL.]

Sport England –Statutory Role and Policy: It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’

Sport England’s Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Background: Planning consent has previously been granted for the construction of a substantively similar development under application 20/04289/FUL. The approved application relates to proposed extensions to the school and associated works including access works, car parking etc. Initially Sport England raised objection due to the loss of playing field without mitigation to meet our Playing Fields Policy. Subsequently, agreement was reached to secure an off-site contribution of £34,000 towards playing field investment in line with the Shropshire Playing Pitch Strategy. Sport England’s response also makes it clear that in order to meet Exception E4, two planning conditions be included to secure a community use agreement for the existing sports facilities and to secure implementation of the playing pitch on the existing playing field. Regrettably, these conditions were not imposed which is extremely disappointing.

The Proposal and Impact on Playing Field and Assessment in line with Playing field Policy/NPPF: This application seeks approval for certain minor amendments to the approved development, relating in the main to access arrangements and the proposed sprinkler tank facility. The amendments proposed would have a negligible impact on the playing field, and so Sport England does not wish to raise objection to this application.

Notwithstanding this, Sport England wishes to clarify with the Council the mechanism for securing the agreed £34,000 off-site contribution to address the loss of playing field. Can this be clarified please for the avoidance of doubt please? Sport England would wish to avoid a situation where this is not appropriately secured and the development takes place without such mitigation being provided.

Secondly, notwithstanding the previous decision, Sport England is strongly of the view that the following conditions should be imposed: the preparation of a community use agreement for approval; construction of playing pitch in line with Sport England's standards and methodologies.

Conclusions and Recommendation: Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 4 of the above policy. The absence of an objection is subject to the above condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:

Should the conditions above not be imposed on any planning consent, or the mitigation funds not be set aside Sport England would consider the proposal to not meet exception 4 of our playing fields policy, and we would therefore object to this application.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

4.1.3 **SC Drainage** No objection. The Agent confirmed that there is no increase in impermeable area in the amended Proposed Site Plan and therefore the approved Drainage Layout in the discharge of the drainage condition 21/00562/DIS remained the same.

4.1.4 **SC Highways** Recommends conditions.

The revised access details are satisfactory and therefore would form part of the updated approved plans to accord with Condition 2 and 8, which were imposed upon 20/04289/FUL and are set out below. The actual highway crossing and engineering detail is already covered under a Section 184 Agreement. I would suggest therefore that Condition 2 remains as written on the basis that the approved plan numbers/revisions are updated. Condition 8 however could be redrafted as set out below.

8. The development hereby permitted shall not be first brought into use until the access and parking areas have been fully implemented in accordance with the approved plans.

Reason: In the interests of highway and pedestrian safety.

4.1.5 **SC Trees** Supports the application subject to the imposition of conditions to require that tree protection measures are put in place and that supervision and monitoring of the tree protection fencing is undertaken by an arboriculturalist.

4.1.6 **SC Regulatory Services** No objection, subject to a condition. On review of the noise assessment in relation to plant, the assessment has been accepted as identifying the noise sensitive receptors, existing noise levels and proposed plant noise in accordance with BS4142:2019 and in identifying mitigation to reduce noise impact The proposed mitigation suggest that attenuation of noise levels from plant will be achieved . The reports identifies an aim of -5dB below background, at NSR3

cannot be met, but resulting noise levels are anticipated to be the same as existing and not therefore subjectively above the background levels. As the ASHP model has not been identified as of date of report (Spring 2021), I would think it is sensible to have post completion noise survey to determine compliance with the reports aims, which if issues arise, may indicate need for further mitigation.

4.2. -Public Comments

4.2.1 The application has been advertised by site notice and in the local press. In addition 69 residential properties in the local area have been individually notified. Two public representations have been received.

- No calculations provided for the acoustic fence; low frequency noise from plant rooms is a common problem which can affect properties not just bordering the premises but a considerable distance away; application should be refused until such time as a noise survey is carried out covering all residential premises which may be affected, including those on Field Crescent, and detailed acoustical calculations are supplied to prove the efficiency of the proposed acoustic fence
- Concern over school planned size and a car park just by our fence; pollution from cars that will use new car part will impact on health as an asthmatic; life will be at risk; house was chosen as it is away from main and local roads; disappointing that plans have changed significantly since first plan was communicated with us

4.2.2 **Cllr Pardy – Local Member - Sundorne** Objects.

Relating to the water tank:

- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity
- Effect of the development on the character of the neighbourhood
- Visual impact of the development

Bullet point one – The height of the surrounding acoustic fence is measured at 3.2 metres high (10.5ft), this is far higher than a domestic panel fence. The tank, including the ladder, is higher than the acoustic fence but measurements have not been given. Although there will be some plantation surrounding the fencing, it will take many years to reach the height required. The tank is sited a few metres from resident's homes and the visual impact of the development is not acceptable. I do not believe any person would find having a tank of this size is acceptable at the end of their garden, other systems could be used.

Bullet point two – the neighbourhood consists of a cul-de-sac which branches off housing that surround a green. The cul-de-sac consists of six bungalows which are inhabited by elderly and vulnerable people. The front of the bungalows overlooks the school field, other house's rear gardens face the school field. The sheer size and position of the tower effects the neighbourhood as well its industrial appearance. The tower is constructed of a reflective material and reflects sun rays into most of the homes. One resident who suffers seizures, claims to have had an episode due to sun rays being reflected into her home.

Bullet point three – I believe I have explained the effect of the visual impact in the previous two bullet points. One resident has told me that the view has caused her a

great deal of stress and worry.

In addition:

There has been a discussion relating to an access gate being sited in Craig Close. If this is the case, there isn't any indication on the application documents, I also object to this development.

- The development would adversely affect highway safety or the convenience of road users.

Roads leading to Craig Close are narrow and congested with parked cars. Craig Close only has a parking area, which is accessed by a road which is about three car lengths in length. The parking area is used by residents of the Close and neighbouring residents. Using Craig Close for access to the school will cause chaos. Drivers will park in the Close causing difficulties for residents who wish to drive out or in, drivers will also cause problems around the Allerton Road green for reasons described earlier. The green is very likely to be damaged by people using it to park on and in addition refuse collection coincides with school opening time.

The dangers that will arise should this plan go ahead, will be many. The ingredients for this recipe of disaster include, very young children, the elderly, the vulnerable, poor and dangerous parking, refuse collection and a lack of space.

I request that this application goes to committee.

5.0 THE MAIN ISSUES

- 5.1 • Principle of development
- Siting, design, scale and character
- Residential and local amenity considerations
- Highways and access considerations
- Ecology issues
- Drainage and flood risk considerations
- Other matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Planning permission for extensions and other building works at Harlescott School was granted in January 2021 (ref. 20/04289/FUL), and construction works are underway. The current application seeks permission for alterations to the design and layout of elements of the permitted scheme. Whilst the approved plans showed the location of sprinklers and air source heat pumps detailed designs and elevations were not included in the application and therefore the current application seeks permission for these items of plant.

6.1.2 The permitted scheme would enable an increase in school places and was considered by officers to be in line with Development Plan policies which give support to the protection and enhancement of existing facilities and services, including policies CS2 (Shrewsbury – Development Strategy) and CS8 (Facilities, Services and Infrastructure Provision). The current proposal relates to changes to specific elements of the permitted school expansion and is acceptable in principle.

6.2 **Siting, design, scale and character**

- 6.2.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD12 require that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design, and that harm or loss is avoided. Policy CS6 also requires that local standards for sport and recreational facilities are achieved.
- 6.2.2 The current application does not propose any modifications to the design or scale of the school extensions. The proposed changes to ancillary elements of the permitted scheme are discussed below.
- 6.2.3 Plant enclosure: The approved plans showed the location of a plant enclosure at the southern side of the site, to include sprinklers and air source heat pumps, but detailed plans were not provided as part of the original application. The current application rectifies this. During construction works a sprinkler tank, approximately 5.5 metres high, was installed in the plant enclosure site. Concerns regarding the visual impact of this were received from both residents and the Local Member, Cllr Pardy. Following investigations by officers it was concluded that this structure did not have planning permission. The tank forms part of a sprinkler system and the Council's Property Services Group has confirmed that the provision of this system follows industry and government best practice guidance, and was selected in order to satisfy the Council's insurers. In order to address public and officer concerns over the scale of the tank the applicant has put forward an alternative design.
- 6.2.4 As currently proposed the sprinkler tank would be approximately 10 metres wide and 2.5 metres high, i.e. significantly shorter than the one that was installed, with the ladder structure exiting from the top by a further 1.2 metres. It would be surrounded by a 2.5 metres high security fence. The air source heat pumps would be approximately 2.1 metres high and would be positioned adjacent to the tank and surrounded by a 3.2 metres high timber acoustic fence. A hedgerow would be provided around the perimeter of the plant compound. The plant compound is also proposed to be relocated further from the nearest houses to the south, from 16.5 metres away to 22 metres away.
- 6.2.5 It is considered that the design and siting of the plant compound as currently proposed represents an acceptable compromise between the need to ensure a safe school site and the need to ensure a satisfactory appearance, particularly in relation to the proximity of the houses to the south. The plant site would be visible from properties to the south. However the scale of the plant, particularly the largest element which would be the sprinkler tank, has been minimised and it is considered that this and the landscaping proposed, as it establishes, would ensure that this element of the development would be acceptable in the context of the site and would not dominate the visual outlook from nearby properties.
- 6.2.6 It is acknowledged that the Town Council has requested clarification regarding the size of the tanks. However the application drawings show the siting of the compound, and the size of the plant in both plan and elevation form, and there is also a drawing which shows a visual representation of how the plant site would look from two different angles. It is therefore considered that sufficient information has been submitted.

- 6.2.7 **Fencing:** The application proposes modifications to the security fencing at the school. This includes increases in the height of some fencing to address comments made by the Secured by Design Crime Prevention Officer. This would include an increase in the height of one of the internal fences, from 2 metres to 2.4 metres high; and an increase in the height of the plant enclosure fence and acoustic fence, as referred to above. It is considered that there is sufficient justification for these and that their design is acceptable for this school site.
- 6.2.8 **Impact on playing field provision:** Issues relating to the impact on the amount of playing field at the school which were raised as part of the permitted extensions to the school have been addressed through a financial contribution to be used for off-site capital improvement works for local projects. The current application for layout changes does not raise significant issues in respect of playing field provision at the school, and Sport England has confirmed that they have no objection to the proposals. Following clarification with officers they have also confirmed that they did not recommend that any specific conditions should be imposed on the previous planning permission. It is considered that issues in respect of playing field provision have already been satisfactorily addressed.
- 6.2.9 **Trees:** The proposed revised access layout would ensure that an oak tree which is situated along the school frontage would be retained. An Arboricultural Impact Assessment has been submitted and this proposes that a construction exclusion zone would be maintained around the tree and that the adjacent roadways would be provided using a 'no-dig' construction method. The tree report also proposes a construction exclusion zone around another oak tree further to the north. These protection measures constitute a significant benefit, and the Council's tree officer supports the application subject to conditions, and these can be imposed on the planning permission.
- 6.3 **Residential and local amenity considerations**
- 6.3.1 Core Strategy policy CS6 states that development should safeguard residential and local amenity.
- 6.3.2 The application includes a noise report which assesses the noise impact of plant proposed at the site in relation to noise-sensitive receptors. This includes noise from the air source heat pumps which would be positioned to the side of the sprinkler tank. The assessment is based upon the plant enclosure being surrounded by a 3.2 metres high acoustic solid timber fence. The Council's Regulatory Services officer notes that the resulting noise levels are predicted to be the same as existing. Given that the noise report acknowledges that the specific model of the air source heat pump proposed was not known at the time of the assessment it is considered that it would be appropriate for a post-completion noise survey to be undertaken to confirm that the plant does conform to the noise objectives. A suitable condition can be imposed for this purpose. Subject to this it is considered that the potential for noise impacts from plant can be satisfactorily addressed.
- 6.4 **Highways and access considerations**
- 6.4.1 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.

6.4.2 The current application proposes that the recently-approved pedestrian entrance from Featherbed Lane, which was to be constructed alongside the new vehicle entrance, is instead constructed a few metres to the south. This revised arrangement would allow for the retention of an oak tree which is situated along Featherbed Lane. A minor alteration to the position of the vehicle entrance is also proposed, to move it away from the tree. The Council's highways officer has confirmed that the revised access position is satisfactory, and conditions can be imposed to require that the access is completed prior to the school extensions being used.

6.5 Ecology issues

6.5.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policy MD2 requires that development enhances, incorporates or restores natural assets.

6.5.2 The proposal would ensure that an existing veteran tree along the site frontage would be retained and this would have ecological benefit. There are no other significant ecological issues raised by the proposal. Conditions on the existing planning permission relating to ecology matters can be transferred to the new planning permission.

6.6 Drainage and flood risk considerations

6.6.1 Core Strategy policies CS18 and CS6 seek to reduce flood risk and protect groundwater resources. A drainage scheme has already been approved as part of the permitted layout. The proposed amendments would not result in an increase in the impermeable area of the site and the existing drainage design has been updated to reflect the proposed revised layout. The Council's drainage consultant has raised no issues on this matter.

6.7 Other matters

6.7.1 In his objection, the Local Member, Cllr Pardy has referred to a proposal to erect a pedestrian access gate within the existing school boundary fence which would provide access from Craig Close at the south-eastern side of the school. This does not form part of the current application and, depending on its height, the provision of such a gate is unlikely to require planning permission in any event.

6.7.2 One of the public objections refers to concern over the school planned size and the location of the car park. Those elements of the scheme have already been permitted, and the current application does not seek to change them. The size of the school would remain the same and the car park would not be altered.

6.7.3 The officer report relating to the application for the school extensions acknowledged that the location of the additional car park at the south-east side of the site may result in some noticeable disturbance to residents living adjacent. However officers considered that this would be restricted to limited times and would not have an unacceptable impact on the amenity of these residents.

7.0 CONCLUSION

7.1 Construction work is underway to extend Harlescott School in line with a planning permission which was granted earlier this year. The proposed modifications to the approved design and layout would ensure the retention of an oak tree at the site

frontage, whilst maintaining an acceptable vehicle and pedestrian access. The design of the plant compound, for which full details were not included as part of the original planning application, has taken into consideration the outlook from nearby properties and, with the screening proposed, and would not have an unacceptable visual impact. Additionally concerns over the noise from the plant have been addressed through noise assessment and a planning condition can secure post-development monitoring. Conditions which were imposed on the existing planning permission can be added to the new consent in order to ensure a satisfactory development. Overall it is considered that the proposed modifications to the approved plans are acceptable and in line with Development Plan policy, and that as such planning permission can be granted subject to the conditions set out in Appendix 1.

8. Risk Assessment and Opportunities Appraisal

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.

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.

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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

CS2 - Shrewsbury Development Strategy
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD8 - Infrastructure Provision
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

12/03129/VAR Variation of condition No.2 attached to planning permission CC2002/0024 dated 11th July 2002 to allow for the retention of the demountable building for a further temporary period of ten years GRANT 30th August 2012

15/02068/FUL Extension to existing car park provisions to the front of the school, to provide an additional 23 car parking spaces GRANT 6th July 2015

20/02736/FUL Creation of 2No bell mouth vehicular access junctions GRANT 12th October 2020

20/04289/FUL Erection of two extensions and one additional building to provide teaching, nursery, assembly and ancillary accommodation; provision of additional parking spaces and re-configuration of existing parking; formation of additional vehicular access; re-configuration of external sports field/pitches; landscaping scheme to include removal of trees GRANT 22nd January 2021

SC/CC1998/0021 Construction of extension to existing parking area PERMIT 27th July 1998

SC/CC1994/0016 Erection of an extension to provide three classrooms and other facilities to rear of PERMIT 17th June 1994

SC/CC2002/0024 Installation of a demountable classroom unit to extend an existing building, and construction of an extension to the adjacent parking area PERMIT 17th July 2002

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 Kevin Pardy

Appendices APPENDIX 1 - Conditions

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

1. The development hereby permitted shall be begun before 22nd January 2024.
Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended), and to relate to the commencement date specified in permission ref. 20/04289/FUL.

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. Prior to the development hereby permitted being first brought into use, the Travel Plan shall be implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The Travel Plan include details of a mechanism for regular review of its provisions so it can act as a working document, and shall remain in force for the lifetime of the use of the school.

Reason: To promote sustainable travel and health benefits and in the interests of protecting the local amenity.

4. Within two months of the date of this planning permission a landscaping scheme shall have been submitted to the Local Planning Authority. The landscaping shall be carried out in full compliance with the approved scheme and, unless otherwise specified within the approved scheme, within the first available planting season following approval of the scheme. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

5. a) Within one month of the bringing into use of the chiller units and rooftop condenser units as shown in Figure A5 of the BREEAM 2018 Pol 05 Assessment report rev. NC2 a noise report shall be submitted to for the approval of the local planning authority. The report shall be based upon a post-completion noise survey and shall detail any sound attenuation measures that are necessary in order to ensure that the development meets the objectives of the above BREEAM report.

b) The mitigation measures included in the report shall be implemented in full within one month of approval of the submitted report and shall thereafter be maintained.

Reason: To enable that the development does not adversely affect residential amenity as a result of noise emissions from the plant.

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

6. The drainage scheme as shown on drawing 4652-CAU-XX-XX-DR-C-1602 rev C05 shall

be fully implemented before the development is brought into use.

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

7. Construction works shall be undertaken in accordance with the Construction Method Statement dated 11/3/21 and the Construction Environmental and Traffic Management Plan (Issue 2) dated 11/3/21 which were both approved under discharge of planning condition application ref. 21/00562/DIS.

Reason: To the interests of highway safety and local amenity.

8. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Arbserve Tree Protection Plan and Arboricultural Method Statement (dated 12/04/21) and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and ground protection shall be in place prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

9. Prior to the use of the school extensions the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted Arbserve Arboricultural Method Statement (dated 12/04/21) and submit to the local planning authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees.

10. External materials for the school extensions shall conform to the details shown on the following plans and schedule which were approved under discharge of conditions application 21/03222/DIS.

1PW01-MHA-ZZ-ZZ-DR-A-21001-A5-C02

1PW01-MHA-ZZ-ZZ-DR-A-27001-A5-C01

1PW01-MHA-ZZ-ZZ-DR-A-27002-A5-C02

1PW01-MHA-ZZ-ZZ-DR-A-27003-A5-C01

1PW01-MHA-ZZ-ZZ-DR-A-27020-A5-C02

1PW01-MHA-ZZ-ZZ-DR-A-31101-A5-C03

1PW01-MHA-FS-XX-RP-A-SC001-S2-P1 - External Materials Schedule

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

11. The development hereby permitted shall not be first brought into use until the access and parking areas have been fully implemented in accordance with the approved plans.

Reason: In the interests of highway and pedestrian safety.

12. External lighting at the site shall conform to the details as shown on drawing 0104036-HLEA-XX-00-SP-E-708007 rev P1 which was approved under discharge of planning conditions application ref. 21/03222/DIS.

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



Committee and Date
Northern Planning Committee
28th September 2021

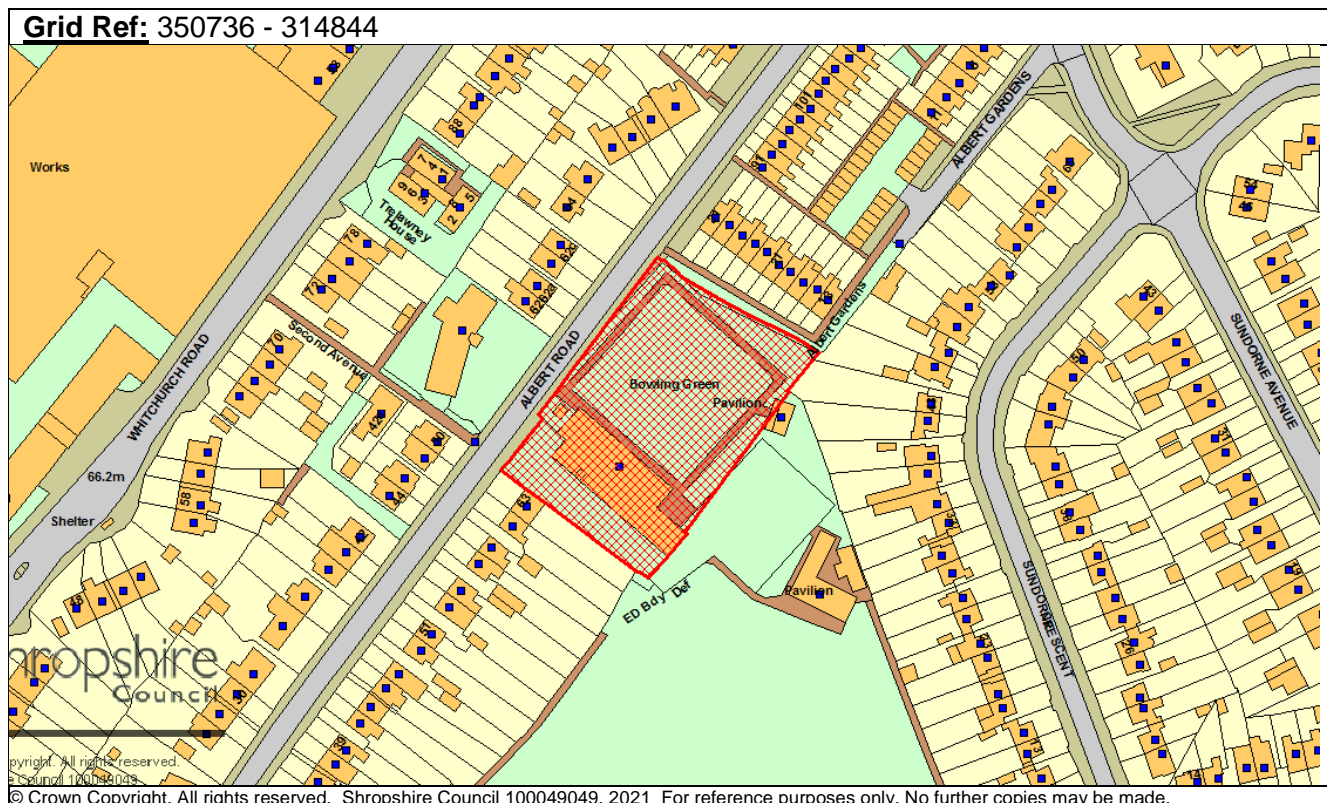
Item
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Public

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 20/05217/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of 12No. dwellings (C3 Class) and 14No. supported living flats with Community Hub (C2 Class) and associated external works including ball strike fencing, road access, landscaping and car parking (amended description)		
Site Address: Site Of Former Sports And Social Club And Bowling Green Albert Road Shrewsbury Shropshire SY1 4JB		
Applicant: Bromford		
Case Officer: Jane Raymond	email	: jane.raymond@shropshire.gov.uk



Recommendation: Grant Permission subject to the conditions as set out in appendix A and

delegate to the Head of Service to make any amendments to these conditions as considered necessary as well as review and finalise the following developer contributions (heads of terms) to be secured by S106 following further consultation and discussion between Shropshire Council Leisure Services, Sports England and the applicant, agent and landowner.

S106 Heads of terms

- Open Space Contribution of £60,139.00.
- 1 affordable dwelling and an affordable housing contribution of £12,668.40 in respect of the balance of 0.2.
- A clause that the Open Space contribution and the 0.2 Affordable Housing Contribution would not become due if all of the dwellings were provided as affordable.
- A replacement bowling green to be provided at Shrewsbury Sports Village (granted under planning permission 20/00141/FUL dated 16.03.2020) to a specification to be agreed by Shropshire Council Leisure Services and available for play for the 2023 season (approximate cost £150,000).
- The legal costs of Shropshire Council and Shropshire Community Leisure Trust incurred to enable the green to be built at the Sports Village.
- A commuted sum payable to Shropshire Council to pay for the future maintenance of the replacement bowling green and/or an agreement regarding the legal and financial means for the future maintenance and management of the bowling green.
- The availability of an alternative site for the bowling club to relocate to for the 2022 season.
- A commuted sum payable to the Cricket Club to pay for the future maintenance of the ball stop fencing.

REPORT

1.0 THE PROPOSAL

- 1.1 This application relates to the erection of 12No. dwellings (C3 Class) offered by the applicant to be affordable dwellings and 14No. supported living flats with Community Hub (C2 Class); associated external works, road access, landscaping and car parking.
- 1.2 The application when first submitted included more two bed and three bed houses. The proposal as now amended includes 4 single bedroom apartments, 4 two bedroom houses and 4 three bedroom houses and a two storey building to provide 14 single bedroom apartments providing affordable supported living units as a 'My place' scheme.
- 1.3 Information provided regarding the 'My Place' building indicate that the design and layout including the proposed parking provision, outdoor amenity space and the

community hub is based on existing successful 'My Place' schemes operated by Bromford Housing and examples have been provided. Bromford Housing have confirmed that the proposed C2 accommodation offer '*a safe and secure living space with onsite care from specialist providers which offers the perfect mix of independence, safety and Security*'.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is the former Albert Road sports and social club, the adjacent bowling green that is still in use, and the access road to the cricket ground to the rear.

2.2 The site is situated within a predominantly residential area to the north of Shrewsbury with a mix of housing designs and sizes to the north east, north west and south west of the site. The cricket ground car park lies immediately to the south east and on the opposite side of Albert Road to the north west of the site is a single storey building currently used as a day care centre for adults with learning disabilities.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposal does not comply with the scheme of delegation as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman agree that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 **SC Highways** Latest comments (02.09.2021): *Further to your consultation sent 4th May 2021 in relation to the above, I can confirm that Shropshire Council as Highway Authority have reviewed the revised details submitted and can confirm that we raise no objection to the granting of consent. We are satisfied that satisfactory access can be provided and the impact on the development would not have a severe harm on the surrounding highway network.*

(Response to proposal as first submitted):

Shropshire Council as Highway Authority raises no objection in principle to a residential development at the proposed location, however would seek further clarification with regard to the proposed access and associated visibility splays following points raised prior to confirming we fully support the submitted application.

Parking

It is noted that the submitted Design and Access statement and Planning statement provides a summary of the type of housing to be provided as part of the development. Each affordable dwelling has been allocated two parking spaces with the exception of plots 5 and 6 which are 1 bedroom flats, it is proposed to provide

one space only. Based on the fact the proposed dwellings are affordable units, this is acceptable in principle. However, we would raise concerns with regard to the suitability/usability of the proposed spaces, specifically those located directed off Albert Road. We need to be satisfied from a highways perspective that the proposed parking spaces will not obstruct visibility for vehicles emerging we would therefore request that a plan is submitted that indicates that visibility splays can be provided and not obstructed.

Appendix 1 of the submitted Design and Access statement provides additional detail with regard to the 'My Place' and states 'As this is a supported housing scheme parking is provided at 50%. Most customers won't have a driving licence or own a car and therefore the parking is predominantly for colleagues, carers and visitors'. It is noted that as a result of concerns raised with regard to the level of parking in relation to the 'My Place' housing, subsequent further information has been submitted to provide clarification with regard to the type of resident and the typical level of parking provided at other locations. It is assumed that there unlikely to be regular deliveries to the site and that residents are likely to access local amenities with their support workers. On this basis it would appear that the level of parking proposed for the 'My Place' appears to be acceptable in principle. We would however seek further clarification with regard to the parking spaces directly accessed off Albert Road.

Vehicle speeds - Albert Road

Concerns have been raised with regard to vehicle speeds and the displacement of parking along Albert Road. Whilst the proposed development is likely to increase the number of vehicle movements along Albert Road, in view of the type of housing and the number of vehicles already using Albert Road it is considered that it would be difficult to justify an objection on highway grounds. As the planning requirement of demonstrating 'severe harm' cannot be presented, in this instance.

The location of this site is relatively sustainable, in transport terms, with many local amenities, facilities and regular bus services being accessible on foot, in relatively close proximity. Also, this proposed residential use will spread the traffic and pedestrian movements throughout the day/evening. Rather than being concentrated to evenings and weekends, as it has been with the former Sports and Social Club usage. It is acknowledged that Albert Road is subject to the typical levels of on-street parking, experienced on most residential streets locally. Also, this street experiences additional traffic movements with local drivers avoiding occasional congestion on adjacent parallel routes. It should be noted that there have been no recorded personal injury accidents on Albert Road. This is probably due to the on-street parking, which acts as a traffic calming measure, reducing vehicular speeds and managing general traffic movement. Subsequently, given the scale of the development proposed, the resultant limited traffic movements and the relatively safe existing road conditions. It is considered that an objection, to this development, on highway safety grounds, could not be sustained.

The layout of the proposed estate road appears acceptable for planning purposes., however, the highway design, layout, sight lines, and construction details will need to be subject to a full technical appraisal through the Section 38 agreement process.

- 4.1.2 **SC Regulatory Services:** *Regulatory Services had not identified the proposed development site as potentially contaminated land but has been provided with a copy of a site investigation report by GRM Development Solutions Ltd; Albert Road, Shrewsbury; Phase II Site Appraisal & Short Form Desk Study for Bromford Developments; Project Ref. P9048, September 2019.*

GRM were appointed by Bromford Developments to undertake a Phase II investigation which refers to a previous Phase II Site Appraisal by Patrick Parsons (Phase II Site Appraisal, Albert Road, Shrewsbury, Ref: B18276, dated August 2018). The Patrick Parsons investigation covered a wider area than that by GRM and Regulatory Services requests a copy of this report due to some of the results reported, including elevated ground gas concentrations within this development boundary and cross boundary contamination.

Notwithstanding the above the GRM investigation has also identified on-site contamination and neither investigation was able to investigate the area beneath the on-site building or the bowling green.

At the time of GRM reporting further ground gas monitoring was also outstanding.

Outline remediation proposals were proposed by GRM, but until the results of further investigation and assessment have been undertaken, Regulatory Services cannot consider these proposals.

Accordingly, while not objecting to the proposed development the following must be included as conditions if planning permission is granted as further investigation is required.

- 4.1.3 **SC Leisure Services:** *Leisure Services have been in discussion with the landowner and their representatives since they acquired the site. We have always advised them that the Bowling Green would need to be replaced on an equivalent or better basis ('like for like') if they wanted to build on the site. The cost of the relocation the Bowling Green would need to be covered by the landowner or any developer that bought the site.*

An application was submitted in the early part of 2020 for a bowling green to be built at The Shrewsbury Sports Village next to the indoor bowls centre. If built this bowling green will mitigate for any loss at Albert Road. If this application is approved the Sports Village site needs to be referenced so the two sites are linked. Appropriate levels of funding need to be agreed for the construction of the new bowling green. To help inform the cost we will need to have a specification that follows Sport England Design Guidance for Natural Turf for Sport and The Ground Management Association, Performance Quality Standard. We would expect to see all of this agreed with a Section 106 agreement. A specification has been sent to Hooper / Burrowes Legal who are acting on behalf of the land owner. Within the specification it gives the details of how the Bowling Green should be constructed and the cost. No development should take place until an appropriate financial figure/specification has been agreed by the Planning Authority to cover the cost of the relocation.

Within the The Playing Pitch and Outdoor Sports Strategy 2019-2038 Albert Road Bowling Club is referenced. "If the provision is lost due to housing, ensure it is mitigated in consistency with Sport England guidance". The strategy also recommends that we should retain the existing quality of Greens. Therefore, focus should be on increasing participation and improving or maintaining the current stock of Bowling Green in Shropshire.

We would expect the new green to be playable before any development takes place on the existing Bowling Green. Once the Green is built it will need to be signed off by an appropriately qualified groundsman/agronomist. The club shouldn't be left without anywhere to play as a consequence of this proposed development.

We would also want assurances that appropriate access will be maintain to the Cricket Pitch.

4.1.4 **Sports England:**Latest comments (15.06.21):

Taking the point regarding the access to the cricket club first, I note that the site plan has now been amended to extend the access through the existing hedge to connect to the cricket club car park. I also note the intention to provide a temporary access until the new access becomes available. This would be acceptable providing this is appropriately secured, either in the planning conditions or the s106 agreement. I would therefore recommend the inclusion of a suitably worded condition to provide and maintain the temporary access upon commencement of development and until such time as the new access is provided and is made available for use to the cricket club. If you can put forward a suitably worded condition, hopefully I can then confirm that this would be acceptable?

I have consulted with the ECB regarding the ball strike assessment. They are agreeable to the findings of the report, which recommends the need for ball strike mitigation, in the form of protective fencing, along two sections of boundary to protect the proposed residential development. The fencing would range in height from 14m down to 5m as per the image in the report. Whilst you suggest this could be dealt with by condition I have a couple of points to raise.

Presumably planning consent would be required for such a large structure? Part of the structure would be required along the boundary between existing and proposed dwellings and in the vicinity of existing houses. In my view this should now be included within the description of development, and be subject to public consultation with those affected residents who may wish to comment? It would be helpful to understand your view on this? If planning consent is granted for the fencing (because its part of the description of development), it may then be acceptable to agree the design details by condition, though I would prefer to see these details agreed at application stage to ensure that what the developer is proposing is fit for purpose etc.

The 2nd point relates to management and maintenance of the ball stop fencing. The developer should be requested to advise how this will be addressed. I would not be supportive of a proposal that placed the burden of responsibility to maintain the fencing on the cricket club since, this is not a situation of their making. Furthermore, part of the boundary fencing will not even adjoin the cricket ground,

being between existing and proposed housing. I would therefore request that the applicant provides some additional details prior to the determination of the application to establish how this fencing will be managed and maintained thereafter.

Notwithstanding my view, if you wish to secure these details by condition, can you please put forward the proposed wording of the condition to include a requirement to address the management and maintenance of the ball catch fencing so that this is addressed. I would therefore wish to maintain Sport England's objection until the wording of the conditions are drafted and agreed.

Sport England's model condition is provided below which may provide a useful starting point to draft a suitable condition for this purpose?

The development hereby approved shall not be occupied until full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in [insert details of the mitigation report], have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority, [after consultation with Sport England]. The approved mitigation shall be installed in full before the development is first occupied and thereafter be managed and maintained in accordance with the approved details.

Finally, in terms of the s106 mitigation for the loss of the bowling green, and the associated wording regarding the trigger point for implementation of the replacement facility, I note the proposed wording :

Prior to commencement of any part of the development (including demolition) the sum of £..... shall be paid to Shropshire Council in order to facilitate the provision of a replacement bowling green at Sundorne Road. The replacement bowling green shall be provided by Shropshire Council within 12 months of receipt of the payment. Development shall only commence within 12 months of receipt of the payment by Shropshire Council or on completion of the replacement bowling green whichever is the sooner.

The structure of the obligation would acceptably address my previous comments to ensure continuity of provision of the bowls green, subject to agreeing the sum. It would be helpful to better understand where negotiations have got to on this, has a sum now been agreed?

Hopefully this is helpful to move this forward. If you can come back to me on the proposed wording of the planning conditions and the final drafting of the s106 agreement, including the proposed sum, hopefully I can then remove the objection at that point? If you decide to require the developer to provide the ball catch fencing details prior to determination (which would be my preferred approach), then please re-consult me on these details in due course.

Initial comments (11.02.21)

Sport England – Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of

land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or*
- land which has been used as a playing field and remains undeveloped, or*
- land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

The Proposal and Impact on Playing Field

The proposal relates to the construction of a residential development on land at Albert Road Sports and Social Club. The application site presently comprises a natural turf crown bowls green, and associated building and an associated access and car parking area. The proposal therefore involves the loss of these existing sports facilities. To mitigate the loss of the bowls green, it is intended to replace the bowls green at Shrewsbury Sports Village, for which planning consent has been obtained to construct a new bowls green, scoring shelter, storage shed and associated lighting (20/00141/FUL).

The existing access and car parking area also serves the existing cricket club that shares the sports and social club site. The proposal has the potential to prejudice the use of the cricket ground for the following reasons:

- the need to ensure an appropriate means of access to the cricket ground is retained in perpetuity*
- part of the development (plots 9-10) would be within 70 metres (or thereabouts) of the cricket pitch, such that there is a potential risk of ball strike to the properties and their occupants when the cricket pitch is in use*

Assessment against Sport England Policy

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception 4 of the above policy, which states:

'The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and*
- of equivalent or greater quantity, and*
- in a suitable location, and*
- subject to equivalent or better accessibility and management arrangements.'*

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 4.

Assessment of Impact on Playing Fields

In respect of the loss of the bowls green and its associated facilities, I note the response provided by your colleague Sean McCarthy, and I concur with his conclusions. The replacement of the bowls green on a like-for-like basis at Shrewsbury Sports Village will ensure that appropriate re-provision is provided in line with Exception E4 of Sport England's playing fields policy and para 97b) of the NPPF. As Sean sets out, it will be dependent on securing an appropriate sum for the construction of the replacement facilities, and whilst not specifically mentioned in his response, I'm aware from recent discussions with Sean that he has requested a sum of £145,000 to meet the cost of this work. I have also included a link to Sport England's current cost guidance, where you will see that a bowls green is estimated to cost £150k, and so I would concur that the sum being requested is reasonable to current build costs. I would also point out that due to the location of the proposed replacement site being at the Sports Village, the applicant benefits from not having to acquire the land or to build a replacement building for the bowls club to use. As such, in Sport England's view, the requested £145k sum is the minimum that should be accepted, which should be secured by a suitably worded section 106 agreement.

As set out in Sean's response, there will be a need to ensure that the bowls club are not displaced as a result of development commencing on site prior to the replacement bowls green having been constructed, the grass established to be suitable for play, and then made available for first use. This could be secured either through a suitably worded Grampian style planning condition or suitably worded clauses in a section 106 agreement. I have set out below Sport England's model condition for your consideration. This should be raised with the applicant to establish if this can be agreed.

*The development hereby permitted shall not be commenced until [or by no later than * months of the date on which the development hereby permitted has been commenced] the [playing field/sports facility] permitted by planning permission xx dated xx has been implemented and made available for use.*

*Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy **.*

Turning to the cricket club, I note that the club have made representations themselves, referring to the need to retain access to the ground. As Sean sets out,

we would want re-assurances that an appropriate access will be maintained to the cricket ground, both during construction and thereafter. In respect of the proposed layout, I note that the proposed access would abut up to the application boundary. The image below from google earth shows that there is a hedge along the boundary that separates the application site from the cricket club car park. In order to provide a suitable means of access to the car park, it will therefore be necessary to extend the access by removing part of the hedge and extending the hard surface into the existing car park. Can the applicant provide re-assurance that these works would also be undertaken by the developer? The cricket club will then require a legal right of access thereafter. Can the applicant confirm that this is what they propose?

Careful consideration is required in respect of retaining sufficient car parking for the cricket club. As the club have set out, part of the existing access also serves to provide some overspill car parking which will be lost to undertake the proposed development. The new access will also neutralise at least one or two car parking spaces within the club's car park. Will parking be permitted on the proposed site access, or if this is to be prohibited, how will this be controlled? It would be regrettable if parking associated with the cricket ground became a source of complaint for the future occupants of this development as a result of the design and layout of this development.

In respect of ball strike, plots 9 and 10 are within ball strike range from the cricket pitch, and so it's probable that some form of mitigation may be required along part of the boundary of the site to ensure that the use of the cricket ground is not prejudiced. I'm mindful that the relationship of the cricket pitch to surrounding dwellings is comparable in places. Nonetheless, it is appropriate to assess the risk from this proposal and to put in place appropriate mitigation where required to ensure that the use of the playing field is not prejudiced by the proposed development in accordance with the agent of change principle set out in paragraph 182 of the NPPF. I would therefore recommend that prior to the determination of this application, the applicant commission Labosport, the ECB's recognised consultant to undertake a ball strike assessment. Where the assessment recommends ball strike mitigation be put in place, the application should then be amended to incorporate appropriate features such as ball strike fencing to be provided and maintained thereafter at the applicant's expense. Please re-consult me when this information is provided so that I can provide further comments in consultation with the ECB.

Conclusions and Recommendation

In light of the above, Sport England wishes to raise a holding objection to this application in order to resolve the points raised above regarding access to the cricket ground and the issue of ball strike risk. Subject to addressing these points, Sport England do not have a fundamental objection to this application in respect of the loss of the bowls green, and anticipate being able to remove the objection in due course once the above matters have been addressed. Please re-consult me in due course and I can then provide further comments on any additional information that's provided.

4.1.5 **SC Conservation:** *The application site is not covered by any Conservation Area*

designation and there are no listed buildings nearby. Referring to sequential historic mapping it would appear that the brick bowling pavilion dates to circa 1940 where plans to extend the building in 1943 and subsequently 1945 are held by Shropshire Archives. While we have no particular comments beyond this on heritage matters, given the mid-20th Century date of the building, prior to its demolition the building should be fully photographically recorded (basic Level 1 Photographic Recording as outlined in standard condition JJ30) as a point in time record.

- 4.1.6 **SC Affordable Housing:** *The ‘My Place’ supported living flats receive the full support of the Housing Enabling and Development Team. This provides much needed supported living accommodation and, in an area, where the residents can be part of a community. The affordable dwellings (12 no.) are also supported in principle and would provide homes in area of high affordable housing need, especially for 2 and 3 bed accommodation.*

The dwellings proposed do not meet space standards identified in Technical Housing Standards – Nationally Described Space Standards. We would expect these standards to be met for affordable housing. The standards for 3 bed accommodation and for a 4-person household is 84 sq. metres and for a 5-person household 93 sq. metres. The 3 bed being proposed measures from my assessment 82.6 sq. metres. The standards for 2 bed accommodation are 70 sq. metres for a 3-person household and for a 4-person household is 79 sq. metres. The two bedroomed dwelling being proposed measures 67.2 sq. metres. We cannot support the space standards as proposed.

- 4.1.7 **SC Ecology** (Latest comments (08.08.2021): *Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.*

I have read the submitted Preliminary Ecological Appraisal with Preliminary Roost Assessment (Focus Ecology, June 2019) and the Bat Surveys (Susan Worsfold, June 2021). I have spoken to Susan Worsfold following my previous response in relation to tree T4.

Landscaping

The landscaping plan should include some native species planting.

The Preliminary Ecological Appraisal states the following:

‘[A]s compensation for the loss of a section of this hedgerow, new species-rich hedgerow planting will be incorporated into the development scheme, along with any required bolstering of the remaining hedgerows, in order to improve condition and maintain connectivity.’

‘Opportunities may include the incorporation of new native hedgerow planting between new property boundaries, as well as landscaping using native species, or those with a known benefit to wildlife. This may include tree planting (specifically fruit trees such as apple, plum, pear etc.) which will provide a vital winter food source for birds. The inclusion of scented night-flowering plants would also enhance the post-developed site by attracting night-flying insects, providing a food resource for bats.’

'A suitable scheme of management for the new and existing hedgerows (e.g. bolstering and/or rotation coppicing where required), should be implemented at the site'.

I have recommended a landscaping condition, but this will not be required if the proposed landscaping is updated now to include the above.

Bats

The Preliminary Ecological Appraisal states that 'It is possible that Tree 4 will need to be removed in order to facilitate the development. Further survey work to assess the trees potential to support roosting bats has therefore been recommended, accordingly.' Activity surveys of Building 1 was also recommended.

The previous SC Ecology response repeated the need for bat surveys of the building and Tree 4. The agent did not instruct Susan Worsfold to assess the tree so only the building was surveyed.

I have spoken to Susan Worsfold and tree is going to be retained so a survey of the tree is not required. Should any works be required to this tree in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

No bat roosts were observed in the building.

Bat boxes should be erected on the new dwellings to provide potential roosting opportunities for bats.

The lighting scheme for the site should be sensitive to bats (and other wildlife) and follow the Bat Conservation Trust's guidance.

Birds

The Preliminary Ecological Appraisal recorded dunnock, house sparrow, starling and swift on or passing over the site.

Works should ideally take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

Bird boxes should be erected on the new dwellings to provide replacement and additional nesting opportunities for birds.

Other species

Working methods have been recommended to protect any common amphibians, reptiles and small mammals that may enter the site during the works.

Hedgehog and invertebrate boxes are recommended as an enhancement.

4.1.8 **APT on behalf of SC Ecology (22.02.20221):**

Recommendation: *Additional information is required relating to protected species (bats).*

In the absence of this additional information (detailed below) I object to the proposed development since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The applicant is advised to provide the assessments detailed below to allow full consideration to be given to ecological issues prior to a planning decision being made. The applicant is invited to contact the planning officer to discuss a mutually agreeable timescale for the provision of the additional information required.

Bats

Focus Ecology (2019) assessed the buildings present on the site and concluded that B1 – the former sports pavilion has potential to support roosting bats and requires at least one bat activity survey in the active season for bats. This additional survey information does not appear on the case file and is required in order to allow a planning decision to be made. Tree T4 was also assessed as having moderate bat roosting potential, I note that the site plans show this tree as retained but I would like to see bat activity surveys of this tree also carried out since the new development has the potential to impact upon the functionality of any roost within this tree.

The rest of the buildings are assessed as negligible bat roosting potential and do not require additional surveys. Careful control of lighting will be required by could be achieved through appropriate planning conditions.

Nesting Wild Birds

There is potential for nesting wild birds to be present on the site. Works should commence outside of the bird nesting season and a suite of artificial nesting boxes should be provided on the site. Both these issues can be covered through appropriate conditions and informatives.

Badgers

There was no evidence of badgers on the site.

Great Crested Newts

The nearest pond is around 1km from the site and it is not considered likely, by Focus Ecology, that great crested newts could be present on the development site and impacted by the proposed works.

Reptiles

The site has little potential to support reptiles and is separated from other areas of suitable habitat by significant built up areas.

Designated sites

The proposed development is not likely to impact upon any designated sites.

- 4.1.9 **SC Trees:** *Due to the nature of the site and current use as building, car park and bowling green the arboricultural impact overall is low and I have no objection on the*

grounds of trees. However, there are a number of trees on the boundary / off site which are worthy of retention and highlighted in the submitted tree report as T9 sessile Oak, T3 Hawthorn and T5 Cherry Plum.

A description of the protective fencing to be used is included in the landscape plan schedule however these details should be shown on a Tree Protection Plan (TPP) showing location / position of protective fencing.

5 new trees are proposed for the site -3 *Acer campestre* (Field Maple) and 2 *Sorbus aucuparia* (Rowan) 3 at the entrance to the site and 2 internal ' this does not match the perspective drawings submitted with the application which appear to show one tree to the front of each property.

Other than initial watering in of the newly planted trees, watering them for the first 2 years to ensure survival is not mentioned in the landscape maintenance schedule.

In summary in order to support the landscape element of the scheme I would like to see the following amendments:

Additional tree planting in POS (not small front gardens)

A 2 year watering schedule to ensure survival of the trees

Positions of tree protective fencing added to the plans for existing retained trees

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

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

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here: <https://new.shropshire.gov.uk/media/7126/shropshire-refuse-and-recycling-planning-guidance-july-2017-002.pdf>

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.

- 4.1.11 **WSP on behalf of SC Drainage:** Recommends a pre-commencement Drainage condition and informative advice.

4.1.12 **West Mercia Constabulary:** Provides advice on 'Secured by Design' and crime prevention and site security.

4.2 - Public Comments

4.2.1 **Shrewsbury Town Council** (comments on application as first submitted): *Members considered this application and wish to object. This development will have a large impact on neighbouring properties and will increase traffic greatly in this area. Albert Road is already a narrow road with a lot of traffic on a daily basis with roads already being congested. It is an over development in that area due to the amount of properties they propose to build.*

4.2.2 **Cllr Dean Carroll** (comments on application as first submitted): *As the local member for this location I wish to formally object to this application on the following grounds:*

1. Insufficient parking is provided within the scheme and there will be a loss of on street parking to create the house frontages. Albert Road already has parking issues and this application will both compound the existing problems and create new problems for residents of these proposed properties.

2. As far as I can see from the site layout and application there no Public Open Space is proposed. This is unacceptable and in contravention of local planning policies.

3. Private amenity space of some of the proposed houses, particularly the four fronting on to Albert Road, is insufficient. Combined with the lack of public open space provided within the scheme this would leave residents with almost no amenity space.

4. Albert Road is already a dangerous road, with much on street parking and being used as a rat run at times of heavy traffic on Sundorne Road and Whitchurch Road. This application would make the road even more dangerous for pedestrians, cyclists and motorists as there is insufficient onsite parking and the existing visibility for motorists driving along Albert Road is very poor. Any vehicles emerging from the proposed access would have a great deal of difficulty in seeing vehicles approaching.

5. The bowling green cannot and must not be lost until a replacement of equal or better standard has been provided. I am not aware that any agreement has yet been reached for such a replacement so I view this application to be premature until such an agreement is in place.

In summary my objections can be categorised as the present application would be overdevelopment of this site. By trying to cram this volume of properties onto a very small site any consideration for the quality of life of future residents of these properties as well as the existing residents of the neighbourhood has been ignored. This application breaches planning policies that seek to ensure public and private amenities. For these reasons I believe this application should be rejected. If it is the view of officers that they are minded to grant permission then I request this application go to Planning Committee for determination.

4.2.3 **Cllr Kevin Pardy** (comments on application as first submitted): *My objections are due to the following reasons;*

- I) Over development
- II) Highways
- III) Flooding

I) To develop the amount of housing applied for on this site is over development caused by using an infill that is far too close in proximity of established housing.

The number of units applied for are too many for the size of the site they are to be built upon.

II) Albert Road is a very narrow road which has an abundance of on road parking. This on road parking and the narrow road they park upon causes difficulties and dangers for passing vehicles and also problems for pedestrians. These problems are increased in early mornings and late afternoons or if there are road works in the area due to drivers using Albert Road as a short cut/rabbit run at times of large volumes of traffic on Sundorne Road and Whitchurch Road.

As already stated there is an abundance of on road parking along Albert Road, noting that the application declares one parking space per household there is no doubt that surplus vehicles will park on Albert Road further increasing problems.

III) Flooding has always been a problem in Sundorne due to the soil being of clay. The development will displace a grassed area and water will naturally find its own level increasing flooding in the area. The flooding is not minor it is far more than that. I live in the area and have had to build a sump to pump excessive flood water from my property.

I wish you to seriously consider my objections. Please consider where Shropshire is in its housebuilding policy and realise there is not any need for this windfall development.

I also request that this application goes to committee.

- 4.2.4 **Representation on behalf of Sentinel Cricket Club:** *On behalf of the Committee and Members of Sentinel Cricket Club, we would like to comment on aspects of this application as they could impact on the operation of the Club. The site proposed is directly adjacent to the Sentinel Cricket Ground.*

The current application relates to the old disused social club and the adjacent bowling green. The bowling green is still in use and is fully maintained for the benefit of its members. The development proposed utilises the frontage of the site on Albert Road and we believe the houses/flats will extend across the bowling green, old social club site and the driveway adjacent to the former Stewards house. We assume that separate discussions are taking place regarding providing a suitable future site for the bowling club, as they would for the cricket club in the event of an enforced move resulting from consented development.

The driveway mentioned above is the only access at present into the cricket club site which is situated to the rear of the proposed development. The cricket club is bounded by Albert Road, Sundorne Road and Sundorne Crescent houses along the rest of the boundary. In addition to access, the driveway is wide enough to

accommodate car parking spaces and when the social club was open this was the area where visitors to the social club parked.

When the existing driveway is no longer available, provision within the development design will be required for an alternative access into the cricket club. This is the most important issue arising from these proposals as they affect our club. Located within the existing driveway is the sewage pumping main from the on-site pumping station which drains the cricket pavilion to the main sewer. This would preferably need moving or an easement as part of this scheme.

The car park within the cricket club site is available when matches and other social events in the cricket pavilion take place, but often the extra spaces alongside the old social club are necessary due to numbers attending. If the extra spaces were no longer available due to the development of the site, there could be a shortage of parking at peak times resulting in additional local street parking.

It is worth noting that the Club membership is in the region of 200 and includes male and female seniors, male and female juniors and a number of social members. Regular matches for all age groups are held on most days of the week, particularly weekends and regular coaching and practice nights also take place.

We are keen to understand how this proposal may impact on the future operation of our cricket club and our many members and supporters will also be interested

4.2.5 Latest objection on behalf of **Shropshire Playing Fields association** summarised as follows:

The application falls well short in justifying the loss of the bowling green and social amenities.

Lack of information and clarity over future costings, management, and maintenance agreements.

Fails to meet the requirements of NPPF Para 97 and is contrary to Shropshire Councils Playing Pitch Strategy that states *'both the Bowling Green and the Cricket Pitch at the Albert Road site need 'protecting' from the threat of future development'*.

Loss of the existing facilities would in our opinion be an act of vandalism against the local community and contrary to Core Strategy Policy CS8 that seeks to protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors.

An outdoor floodlit Bowling Green would simply be an extension of the existing Sports Village Bowls Club. The land is owned by Shropshire Council and managed by Shropshire Community Leisure Trust, whose board of trustees included at the time the application (20/00141/FUL) was made, Shropshire Council Portfolio Holder for Leisure and Culture Lezley Picton.

The proposed piece of land at the Sundorne Sports Village, although not a formal sports or recreation ground is an area of existing publicly accessible land, that

currently can be used for recreational purposes and which has visual amenity value. Therefore, it would be wrong to view existing recreational land as a gain, that could be used to mitigate the loss of the recreational land at Albert Road.

SPFA believe the applicant has been unable to demonstrate that the proposed bowling green at the Sundorne Sports Village could fulfil any of the four elements put forward by NPPF 97 or Sport England (Equivalent or greater quantity and quality and suitable and accessible location), therefore the application should be refused.

To replicate an equivalent or better facility would we believe take 10 years minimum to achieve, and only then if the same drive and commitment from those involved in the club were to be replicated.

The ancillary facilities that already exist at the Sports Village does not in any way mitigate the loss of the social club at the Albert Road Site and the recreation land on which it stands.

Considers that the cost of the land at Shrewsbury Spots Village needs to be added to the cost of re-locating the bowling green and support Sport England's viewpoint on there being a shortfall in funding.

The Sports Village clay sodden soil would be wholly unsuitable for trying to replicate a bowling green surface, as well as trying to maintain a surface that suffers from poor drainage and recommends an independent assessment by the Institute of Grounds Maintenance and the British Bowls Association.

In order to ensure continuity of provision, the replacement green should be provided prior to the development of the existing site.

SPFA would like to see a breakdown of all the costs likely to be incurred in this proposed deal to provide a replacement bowling green and also a maintenance programme with related costs that we believe should be in place prior to any application being agreed.

SPFA consider that paragraph 60 and 65 of Sport England's Planning Policy should be adhered to and insist that all aspects of Sport England's policy are scrutinised by the local planning authority.

The current location of the bowling green and social club at Albert Road has occupied a tranquil, secluded, easily accessible location that sits at the very heart of the local community of Sundorne and to provide an alternative location that will be equivalent or better than the current location will be hard to achieve.

The proposed site will be located less than 4 metres away from the busy Sundorne Road (B5062) that attracts an extremely high volume of passing vehicles as a main route into the town centre of Shrewsbury resulting in noise, vibration and air pollution.

Reported crime is an ongoing problem along Sundorne Road, and at the Sundorne Sports Village Outdoor Sports and Recreation Area.

A new swimming pool is being proposed less than 10 metres away from the proposed green which will create even higher levels of disturbance during construction, along with school buses constantly dropping off children next to the green, once it is open.

The location at the Sports Village with surrounding buildings, car park and road seems hardly conducive for a pleasant evening's bowling and would also be more difficult to access on foot.

The proposed green would be very exposed to the public and the Albert Road site is a more suitable site for bowling than the proposed Sport Village for many other reasons including where the sun sets and protection from the wind.

There is no mention of whom would manage the future bowling green or who would maintain it on behalf of Shropshire Council or what costs would be involved to deliver this proposal appropriately.

It is SPFA's understanding that without proper governance Shropshire Leisure Community Trust would not be in a position to apply for additional grants from Sport England to make good any shortfall in funding that might be necessary to provide an equivalent bowling green.

SPFA believe the management of the facility could also be compromised by the role of the existing bowls club at the Sports Village, the role of the existing Albert Road members and the role of SERCO - who would be ultimately responsible for making operational decisions like pricing, bookings, and hours of opening for playing at the facility - all would seem to be very problematic.

SPFA do not believe the current management and maintenance regime at Sundorne sports village would be able to sustain the provision of a bowling green to an equivalent or better standard than that which is currently being provided at the Albert Road site.

It is misleading for the applicant to state '*There is ample open space in the vicinity of the site with the Cricket Club immediately to the rear of the site*' when the cricket ground might be re-developed. The site should be viewed in its entirety and parts of the site should not be allowed to be developed in isolation of the whole.

We note the land registry covenant accompanying this site states:

That the said lands shall be used for the purpose of the erection thereon of dwellings for the working classes or the provision of public gardens to be held in connection therewith....

We are astounded that Shropshire Council adult services should be supportive of The MyPlace proposal which claims it will contribute to inclusive communities where people with special needs are catered for in the community, when the application would actually deny those most in need immediate access to public open space.

We are appalled at the applicants' statement which says: *It is unnecessary to reduce the number of affordable houses on the site to create a pocket of public open space, as such provision would be of less public benefit than the significant benefits of providing affordable housing and supported accommodation on the site.*

In SPFA's opinion this may be seen as being discriminatory against meeting the open space needs of future residents.

4.2.6 113 letters of objection received (over 60 of which are a signed duplicate letter) with concerns and issues summarised as follows:

Loss of greenspace and bowling green.

The bowling green is well maintained and is a valuable local asset which along with the adjoining cricket ground provides a green recreational space in a relatively dense residential area and both should remain.

It would be a huge loss to the area if the cricket ground was built on and it was a shame to lose the sports and social club, but the cricket ground has continued to provide for the local community, and I believe could go from strength to strength.

The former sports and social club building is an eyesore.

A suitable compromise would be to demolish the social club building and replace it with the "My Space" development.

If development was allowed on this site older persons bungalows, much needed in the area, would be a much better proposal.

Shropshire Council have already given permission for the bowling green to be relocated at the Sundorne sports complex prejudged this planning application.

The replacement bowling green would not be of equivalent quality as it would replace a secluded quietish green with a space on a main road where players would be subject to constant traffic, noise and pollution.

If sixty more homes are to be built on the cricket ground, as part of the second plan, although yet to be submitted, not allowing this first part of development would hopefully put an end to that.

Insufficient parking allocated per household and visitors

Increased traffic and parking in surrounding streets where there is insufficient for existing residents

The increase to road traffic endangers the safety of pedestrians, especially children walking to the 3 local schools, plus it adds to the wear and tear on roads that are already deteriorating.

Albert road is already congested with cars parked on the road and this makes it

harder for pedestrians to see clearly to cross the road and traffic calming measures are required

Increased people living in the area and the resulting increase in noise and pollution

The existing road network will not be able to cope

Accessing Sundorne and Whitchurch Road is already problematic at busy times of the day.

Most of Albert Road is used for parking so there is no provision or space for any more cars.

Albert Road is used as a rabbit run at peak times when Sundorne and Whitchurch Road are heavily congested and there is a problem with speeding cars and on street parking does not slow this.

It is also a main access route for Shrewsbury academy pupils been driven and walking to school.

The current Shropshire Council day centre can cause back logs when mini-buses, taxis and family drop off and collect.

Emergency vehicles already struggle to access properties in Albert Road demonstrated by a recent fire.

Additional noise and disturbance from construction traffic and further potential for road blockages.

The proposed units facing Albert Road will receive very little direct sunlight and exposure to adequate sunlight is essential for maintenance of mental health.

Being new this building should be constructed to the Passive House standard or equivalent for comfort and energy efficiency.

The lack of car ownership of likely residents is a positive aspect of this development

The additional houses and people will put additional strain on the schools, local medical centre, doctors and dentists.

The number of units proposed is an over development of the land for the size of the site.

The majority of people do not want more housing.

There are already houses being built in our beautiful town which are lying empty and this would just add to it.

The development is too close to established housing.

There is no noticeable police presence in this area and there is an increase in drink and drug related incidences, anti-social behaviour and local crime.

Considers more affordable housing, especially supported living flats and community hub would risk increases in these types of incidences by accepting more households in an area that has not the facilities to support and protect neither their safety and wellbeing nor the safety and wellbeing of their neighbours.

Development of this type would be more suited closer to the town centre

The house prices of the houses that back onto the cricket ground will fall

The proposed flats will overlook the front gardens of properties in Albert Gardens resulting in loss of privacy and will block out light.

The development will spoil views from Albert Road and Sundorne Road and a block of flats is not in keeping with houses in the area.

The hedgerow which is used to surround the bowling green supports a biodiversity of life which will be lost due to this development.

The new landowner demolished the old water tower (a listed building) on the front entrance to the land (and got a fine for doing so) and this type of action does not bode well.

With the additional housing that is being proposed the ground will be unable to take away any excess water which lies all around this area and will add to the problems that already exist.

5.0 THE MAIN ISSUES

Principle of development

Open space provision

Loss of bowling green and impact on the cricket club

Highways/Access/Parking

Ecology, trees and landscaping

Scale, design and appearance

Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is situated in an established residential area within the urban development boundary of Shrewsbury. It is close to services and facilities that can be accessed by foot or by cycle and the Town Centre is also readily accessible by public transport. The location of the development therefore accords with the NPPFs presumption in favour of sustainable development and Shropshire Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. In addition, it represents development of a predominantly brownfield site making optimum use of previously developed land which is supported by the NPPF.

6.2 Open space provision

6.2.1 SAMDev Policy MD2 requires all development to provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). This development comprises 12 dwellings (C3 use) providing 24 bedrooms in addition to a 14 bed 'My Place' supported living scheme (C2 use). The open space requirement for the 'My Place' proposal would equate to 420 square metres of open space and the proposal provides approximately 450 square metres of open space around the building that includes a dedicated and enclosed shared amenity space of 350 square metres to the rear of the building for use by residents. Information has been provided regarding other successful 'My Place' schemes operated by Bromford Housing that provide a similar amount of amenity space for residents. It is considered that the open space provision for the 14 residents of the proposed 'My Place' building is acceptable and accords with the requirements of MD2.

6.2.2 The required open space provision for the 12 dwellings equates to 720sqm. Public open space is usually required to be on site but due to existing public open space and recreation facilities in the local area it is not considered necessary to provide a dedicated area of public open space within this development. The existing facilities include the adjacent cricket ground, the Lantern playground approximately 700m to the east that includes a children's play area, a multi-purpose games court and large playing field, and also the sports and recreation facilities at Sundorne Sports Village within 800 metres. The supporting statement highlights the following existing public open space provision all within 800m of the site:

There is public open space within 400 metres at Albert Road/ Albert Square to the north-east and at Coniston Road to the north of the site.

The River Severn footpath & cycle route is only a short walk with the nearest point of access being off Lesley Owen Way.

Just beyond the 400 metres radius of the site are the allotments.

The public open space off Montgomery Way and the Shrewsbury Sports Village are within 800 metres of the site, with the Pimley Community Woodland and the footpath to Haughmond Hill Country Park just beyond.

6.2.3 MD2 only requires developments of 20 dwellings or more to provide an area of functional recreational space for play, recreation, formal or informal uses on site. The proposal is only for 12 dwellings and 720sqm is not considered to be of

sufficient size to provide a valuable and meaningful area of public open space and the provision of more housing rather than 720sqm of public open space is a significant material consideration. In addition, the gardens proposed to be provided are generally more generous than on many housing schemes and will provide valuable outside amenity space for future residents.

- 6.2.4 It is considered that both the shared amenity space for the My Place scheme and the private gardens for the proposed dwellings provide more than adequate open space provision for future residents who will also have reasonable access to existing recreational facilities and wider open space in the neighbourhood within 800metres of the site. Where no public open space provision is being provided on site an off-site contribution is usually required. An off-site open space contribution of £60,139.00 has been calculated and agreed for this site.
- 6.2.5 The applicant is offering all of the 12 dwellings to be affordable and has confirmed that a financial open space contribution in addition to the provision of 100% affordable housing and the cost of providing a replacement bowling green and future maintenance would make the scheme unviable. Due to the site being in an area requiring only 10% affordable housing (equating to only one affordable house) it is considered that eleven additional affordable homes instead of an off-site contribution towards open space provision is a significant benefit.
- 6.2.6 It is therefore recommended that a clause is included in the S106 agreement that the open space financial contribution in lieu of on-site open space would not become due if all the houses are provided as affordable dwellings. The S106 would therefore allow for either an open market proposal to include only one affordable dwelling and an off-site financial open space contribution, or a 100% affordable housing scheme where a financial contribution would not be viable.
- 6.3 Loss of bowling green and impact on the cricket club**
- 6.3.1 Part of the site is currently occupied by a bowling green and the former Reman sports and social club building and the access drive to the Sentinel cricket club car park and cricket ground. Development of the site would therefore result in the loss of the bowling green and could also impact on the use of the adjacent cricket ground. Sports England have therefore been consulted as a statutory consultee as the proposal has the potential to prejudice the use, or lead to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years
- 6.3.2 In their statutory consultation response in January and June of this year Sports England have provided comments in relation to the proposed replacement bowling green and the impact of the proposal on the cricket club. SC Leisure Services, the Cricket Club and Shropshire Playing Fields have also commented on this application and their comments along with all other consultee and public comments are included in section 4 of this report.
- 6.3.3 Sports England have advised in their first consultation response that they will

'oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

6.3.4 Paragraph 99 of the NPPF (previously 97) states the following with regards to development affecting recreation grounds and playing fields:

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

6.3.5 Planning permission has already been approved for the provision of a bowling green at Sundorne Sports Village to include a scoring shelter that will provide covered seating facilities, a protective hedge surrounding it, suitable secure storage and flood lighting. Siting a bowling green here benefits from the changing room and cafe facilities at the Shrewsbury Sports Village. Negotiations are ongoing between the applicant, Shropshire Council Leisure Services and Sports England regarding the applicant funding a replacement bowling green in this location and its future maintenance and management. The applicant has agreed in principle for the following to be secured by S106 and/or pre-commencement planning conditions:

- A replacement bowling green to be provided at Shrewsbury Sports Village (granted under planning permission 20/00141/FUL dated 16.03.2020) to a specification to be agreed by Shropshire Council Leisure Services and available for play for the 2023 season (approximate cost £150,000).
- The legal costs of Shropshire Council and Shropshire Community Leisure Trust incurred to enable the green to be built at the Sports Village.
- A commuted sum payable to Shropshire Council to pay for the future maintenance of the replacement bowling green and/or an agreement regarding the legal and financial means for the future maintenance and management of the bowling green.
- The availability of an alternative site for the bowling club to relocate to for the 2022 season.

If the above are secured it is considered that the proposal accords with paragraph 97 of the NPPF as the loss of the existing bowling green as a result of development of this site would be replaced by equivalent or better provision in terms of quantity

and quality and in a suitable location. Sports England have also confirmed that the '*replacement of the bowling green on a like-for-like basis at Shrewsbury Sports Village will ensure that appropriate re-provision is provided in line with Exception E4 of Sport England's playing fields policy and para 97b) of the NPPF*'.

- 6.3.6 If members resolve to approve this application subject to the above being secured by a S106, a decision notice cannot be issued until the exact wording has been agreed by all parties including the applicant, the landowner, Shropshire Council Leisure Services and Shropshire Community Leisure Trust (who lease the Shrewsbury Sports Village site) and in consultation with Sports England.
- 6.3.7 Further discussions with Leisure Services and Sports England have taken place and other than needing to reach agreement on the exact wording of the S106 to secure the matters outlined in 6.3.5 above the other issues that have been raised and need to be addressed by suitably worded planning conditions and/or secured by S106 are as follows:
- Access to the car park and cricket ground during construction and in perpetuity once development is completed.
 - The provision of ball stop fencing required to protect the proposed development (and not existing housing) from ball strike.
 - A commuted sum payable to the Cricket Club to pay for the future maintenance of the proposed ball stop fencing.
- 6.3.8 Sports England's latest formal consultation comments refer to ball stop fencing that was originally proposed to be to the rear of both the existing and proposed housing in accordance with the Ball Strike Assessment received in May. Sport England have recommended a planning condition (which is included in appendix A of this report) but continue to maintain their objection until the wording of this and other conditions are agreed (or the exact detail of the ball strike fencing and its future maintenance is provided).
- 6.3.9 The latest ball strike report recommends an 18me section of ball stop fencing to be 13m high to be sited on the cricket club land on the northern edge of the pitch (and not to the rear of the proposed or existing housing). The mitigation fencing will be similar to the existing ball stop fencing/netting to the rear of all the existing houses that surround the cricket ground. Revised plans have been received that indicate the position of the ball strike mitigation fencing and the description of development amended to include this fencing. The applicant is also agreeable to paying a commuted sum to pay for the future maintenance of the ball stop fencing.
- 6.3.10 With regards to access to the cricket ground a revised plan has been submitted to outline how this will be maintained. Sports England have confirmed that both the proposed provision of the temporary access and a permanent access to the cricket club indicated on the revised plans is acceptable providing that this is appropriately secured by a S106 or planning condition. An appropriately worded condition is included in Appendix A.
- 6.3.11 It is considered that subject to agreement by all interested parties on the exact

wording of the S106 and relevant planning conditions a replacement bowling green can be secured, and the bowling club wouldn't be left without anywhere to play as a consequence of the proposed development. The proposal would not result in the loss of recreation and sports facilities or prejudice the use of the adjacent cricket ground/playing field.

- 6.3.12 If members resolve to approve this application subject to the recommended draft conditions in Appendix A Sports England will be re-consulted regarding the final wording of the planning conditions and the wording of the S106 relating to the replacement bowling green and future maintenance, access to the cricket club and car park and the ball strike mitigation. Delegated authority is therefore sought to make any amendments to the conditions in appendix A and to agree the wording of the S106.
- 6.3.13 The proposal will also result in the loss of the sports and social club building. CS6 outlines that *'Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term'*.
- 6.3.14 CS8 seeks to protect existing facilities and the loss of existing provision and states that *'development of sustainable places in Shropshire with safe and healthy communities where residents enjoy a high quality of life will be assisted by protecting and enhancing existing facilities, services and amenities that contribute to the quality of life of residents and visitors,'* and by *'Preserving and improving access to facilities and services wherever possible'*.
- 6.3.15 The existing club building closed in 2015 as it was no longer viable and is now derelict and scheduled for demolition. A replacement bowling green in an alternative and accessible location can be secured by S106 but is not considered necessary to secure a replacement social club building as it has been closed and not in use for over 5 years and therefore cannot be considered to be an existing and viable facility.
- 6.3.16 CS8 also states that *'In identifying needs, particular attention will be given to addressing areas with current disadvantage or deprivation'* and that *'The needs of the elderly, the young and vulnerable groups will be prioritised'*. The 'My Place' supported living accommodation includes a Community Hub comprising a lounge, meeting room and kitchen that provides a social area and a facility to provide training, advice and activities for vulnerable residents.
- 6.3.17 Shropshire Adult Social care fully support the proposed 'My Place' scheme as there is a shortage of supported living accommodation in Shrewsbury and this results in out of county placements at a high cost to the Council. The 'My Place' scheme will provide a valuable facility and service in accordance with CS6 and CS8.

6.4 Highways/Access/Parking

- 6.4.1 The NPPF states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. Policy CS6

seeks to ensure that (amongst other things) development includes appropriate car parking provision. Policy MD2 indicates that adequate on-site car parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and therefore negatively impact on the local road network.

- 6.4.2 The latest amended plans indicate adequate visibility splays are proposed for the new access and Highways have now confirmed that the access is satisfactory. The residents of the 'My Place' proposal will not own cars and it is considered that satisfactory parking spaces for the new housing and also for visitors and staff to the 'My Place' proposal will be provided. The level of parking and access for the cricket pitch will also be maintained. There is good accessibility to nearby services and facilities and the concerns of existing residents regarding existing speeding and the number of parked cars on Albert Road is acknowledged but there is no evidence that the proposal would exacerbate this or that the proposal would result in harm to highway users.
- 6.4.3 It is considered that the increased amount of additional traffic arising from the proposal would not significantly compromise highway safety along Albert Road and in the surrounding area and Highways have confirmed that the impact of the development would not have a severe harm on the surrounding highway network. A Construction Environmental Management Plan has been submitted and a condition is recommended to ensure that it is complied with.

6.5 Ecology, trees and landscaping

- 6.5.1 An arboricultural survey and tree constraints report has been submitted. Due to the existing nature and use of the site the Tree officer has confirmed that the arboricultural impact of the proposed development is low. However, the tree officer has recommended additional tree planting (including a 2-year watering schedule) and that the position of protective fencing is added to the landscaping plan to ensure the protection and retention of existing trees close to the boundary of the site. An amended landscaping plan has been submitted that indicates these recommendations that includes the planting of 11 new trees in addition to shrub planting.
- 6.5.2 A Preliminary Ecological Appraisal and Preliminary Roost Assessment has been submitted and was first assessed by APT and additional Bat Surveys were requested. These have been received and reviewed by SC Ecology who have confirmed that as Tree 4 is being retained additional survey work of the tree is not required. The survey also confirmed that no bat roosts were observed on the building.
- 6.5.3 SC Ecology has recommended conditions to require the submission of a landscaping proposal to include native species tree and more hedge planting and the provision of bat and bird boxes and hedgehog and other wildlife friendly landscaping and enhancement.
- 6.5.4 Although the revised landscaping proposal meets the requirements of the tree officer it is considered that further enhancements could be made to improve the sites bio-diversity value. Subject to the recommended conditions regarding the provision of an enhanced landscaping plan, tree protection and implementation of

the landscaping proposal the proposed development would not result in the loss of existing trees, new hedge planting will mitigate the loss of any existing hedgerow and satisfactory landscaping of the site can be provided that will provide ecological enhancement.

6.6 Scale, design and appearance

- 6.6.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character and should also safeguard residential and local amenity. MD13 and CS17 seek to ensure that development protects and enhances the local character of the built and historic environment.
- 6.6.2 The proposal is for a mix of two storey houses including 4 two bedroom semi-detached houses and 4 three bedroom semi-detached houses and a two storey building to provide 4 single bedroom apartments. In addition, the proposal includes a two-storey building to provide 14 single bedroom apartments providing supported living units with additional accommodation for staff.
- 6.2.3 The local area is predominantly residential with a mix of designs and sizes including semi-detached houses, terraces of four and longer terraces, some fronting the road and some at right angles to the road. The proposed layout follows this mixed pattern of development and the proposed scale and appearance of the dwellings is considered to be in keeping with the more recent development in the vicinity of the site.
- 6.6.4 The houses are all proposed to be affordable dwellings. The affordable housing team initially noted that the floor area of the dwellings did not meet the following space standards identified in Technical Housing Standards – Nationally Described Space Standards (NDSS):

NDSS

- 1 bed 1-person household - 39 sq. metres*
- 1 bed 2-person household - 50 sq. metres*
- 2 bed 3-person household - 70 sq. metres*
- 2 bed 4-person household - 79 sq. metres.*
- 3 bed 4-person household - 84 sq. metres*
- 3 bed 5 person household - 93 sq. metres*

The floor area of the one bed apartments meet the NDSS but the two and three bed houses fall just short:

PROPOSED

- 1 bed flats – 47.3 sq. metres ground floor and 55.4 sq. metres first floor*
- 2 bed houses – 67.2 m²*
- 3 bed houses – 82.6 m²*

The agent has confirmed that the floor areas of the dwellings now proposed either meet or exceed the Homes England requirement of 85% of NDSS which is their

acceptable standard for funding purposes. Bromford Housing do not wish to increase the size of the proposed houses and it is considered that the proposed floor area and scale of the houses and the mix and size of accommodation provided is acceptable.

6.6.4 The dwellings will be situated within good sized plots providing more than adequate outside amenity space and sufficient off-road parking. It is considered that the scale, design and appearance of the buildings are appropriate given the context of the site and in keeping with the more recent development in this part of Albert Road. The street fronting elevations would have no adverse impact on the character and appearance of the street scene.

6.6.5 The vacant brick-built building to be demolished is of no architectural or heritage merit but dates to circa 1940. Conservation has no objection to its removal subject to a condition requiring photographic recording. The building to be removed makes a negative contribution to the street scene and its replacement with the proposed two storey housing will represent an enhancement of this part of the site.

6.7 Impact on residential amenity

6.7.1 Policy CS6 and MD2 seek to ensure that development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that development '*creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*'.

6.7.2 The proposed two storey houses and supported living apartment building are located sufficiently distant from the surrounding residential development that they would not appear overbearing or obtrusive or result in a loss of light. There is almost 20 metres between the nearest facing elevations of the existing dwellings in Albert Gardens and the proposed My Place building. Due to the relationship between the existing and proposed development and distances between, it is considered that the position of first floor windows would not result in the opportunity for overlooking and a loss of privacy.

6.7.3 It is considered that the additional homes and families would not result in any additional noise and activity in this predominantly residential area other than that which already exists. There is potential for noise and disturbance during the construction phase, but a construction management plan (CEMP) has been submitted that details the hours of deliveries and activities and details of traffic management, and control over dust and vibration etc. Some disturbance is expected during the construction phase but will be limited if the CEMP is adhered to and a condition is recommended regarding this.

7.0 CONCLUSION

7.1 Residential development of this site is acceptable in principle being located in a sustainable location within the urban development boundary for Shrewsbury and would make efficient and effective use of a part brownfield site. It is considered that the layout, scale, design and appearance of the development is appropriate and

would have no adverse impact on the character and appearance of the street scene or local area and would have no significant adverse impact on residential amenity.

- 7.2 Subject to the recommended conditions regarding landscaping the proposal would not result in the loss of existing trees, new hedge planting will mitigate the loss of any existing hedgerow and satisfactory landscaping of the site can be provided that will provide ecological enhancement and increase the sites bio-diversity value.
- 7.2 It is considered that adequate off-road parking for the proposed housing and 'My Place' proposal will be provided and the increased amount of additional traffic arising from the proposal would not significantly compromise highway safety along Albert Road and in the surrounding area and would not have a severe harm on the surrounding highway network. The shared amenity space for the 'My Place' scheme and the private gardens for the proposed dwellings will provide more than adequate open space provision for future residents and there is access to existing recreational facilities and public open space within reasonable walking distance of the site.
- 7.3 Subject to agreement by all parties on the exact wording of the S106 and relevant planning conditions a replacement bowling green will be secured, and it is considered that the proposal would not result in the loss of recreation and sports facilities or prejudice the use of the adjacent cricket ground/playing field. Although Sports England maintain their objection, if members resolve to approve this application Sports England and SC Leisure Services will be re-consulted regarding the wording of the planning conditions and the wording of the S106 relating to the replacement bowling green and future management and maintenance in addition to maintaining access to the cricket club and car park and providing ball strike mitigation.
- 7.4 Once the draft decision notice and S106 has been finalised Sports England would be re-consulted and a decision cannot be issued until agreement has been reached with all interested parties. Delegated authority is therefore also sought to make any amendments to the conditions in appendix A and to agree the wording of the S106 as considered necessary and in consultation with Sports England.
- 7.5 Subject to compliance with the recommended conditions in appendix A and the recommended S106 heads of terms it is considered that the proposal accords with the aims and provisions of the NPPF and Shropshire LDF policies CS1, CS2, CS6, CS8, CS11, CS17, MD2 and MD12 that are considered to be the local plan policies most relevant to the determination of this application.
- 8.0 Risk Assessment and Opportunities Appraisal
- 8.1 Risk Management

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

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

representations, hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

Core Strategy and Saved Policies: CS1, CS2, CS6, CS8, CS11, CS17, MD2 and MD12

11. Additional Information

List of Background Papers

20/05217/FUL - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QLEAAKTDJBX00>

Cabinet Member (Portfolio Holder): Councillor Ed Potter

Local Member: Cllr Dean Carroll

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. 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 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.

4. No development approved by this permission shall commence until a Level 1 photographic survey (as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice') of the interior/ exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

6. Prior to the commencement of development a maintenance and management plan for the replacement bowling green at Shrewsbury Sports Village approved under planning permission 20/00141/FUL to include a maintenance schedule and management responsibilities and the legal and financial means of how future repairs and maintenance will be secured shall

be submitted to and agreed in writing with the local planning authority.

Reason: To establish and secure the future management and maintenance of the replacement bowling green.

7. Prior to the commencement of development details of the availability and use of an alternative bowling green for the bowling club to relocate to for the 2022 season shall be submitted to and agreed in writing with the LPA.

Reason: To ensure that the bowling club has access to an alternative facility once development commences and prior to the replacement being provided at Shrewsbury Sports Village.

8. Vehicular access to the Sentinel Cricket Club car park off Albert Road must be maintained at all times both during construction of the development and on completion and occupation of the development. Prior to the commencement of development and for entirety of the construction phase the access shall be first provided via the temporary access indicated on the plan reference 21C received 17 September 2021 and this access shall not be closed until the new access via the new estate road indicated on the approved plans has been provided and made available for use.

Reason: To ensure that access to the cricket club is maintained.

9. The Construction Environmental Method Plan (CEMP) hereby approved shall be adhered to throughout the demolition and construction period.

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

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

10. The development hereby approved shall not be occupied until full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in [insert details of the mitigation report], have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority, [after consultation with Sport England]. The approved mitigation shall be installed in full before the development is first occupied and thereafter be managed and maintained in accordance with the approved details.

Reason: To protect the proposed development from ball strike.

11. All hard and soft landscape works shall be carried out in accordance with the approved landscaping plan. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

12. 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 first occupation of the development.

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 hereby approved shall commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the approved landscaping plan have been fully implemented on site. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with.

c) All services will be routed outside the Root Protection Areas indicated on the approved landscape plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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.

13. Prior to first occupation of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in suitable locations, with a clear flight path where appropriate, 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.

14. 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.

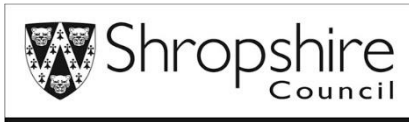
Reason: To minimise disturbance to bats, which are European Protected Species.

15. No above ground works shall take place until a scheme of surface and foul water

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

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

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Committee and Date
 Northern Planning Committee
 28th September 2021

Item
7
 Public

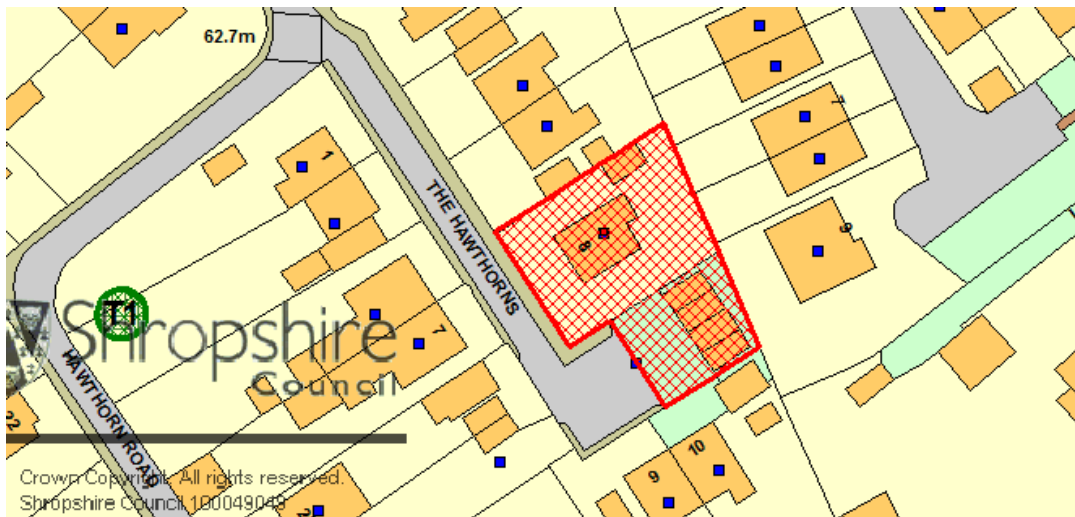
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/03488/FUL	Parish:	Shrewsbury Town Council
<p>Proposal: Extension of an existing detached dwelling to create a pair of semi-detached dwellings and replacement of the adjacent dilapidated block of four garages with one detached double garage for use with the new dwelling; erection of side extension to the existing dwelling, existing ground floor rear extension and brick-built garden store to be demolished</p>		
<p>Site Address: 8 The Hawthorns Shrewsbury SY3 7NA</p>		
<p>Applicant: Mr Fred Pook</p>		
<p>Case Officer: Didi Kizito</p>		<p>email : didi.kizito@shropshire.gov.uk</p>

Grid Ref: 349699 - 311631



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the extension of an existing detached dwelling to create a pair of semi-detached dwellings and replacement of the adjacent dilapidated block of four garages with one detached double garage for use with the new dwelling; erection of side extension to the existing dwelling, existing ground floor rear extension and brick-built garden store to be demolished
- 1.2 The scheme proposes the following elements
- extensions
 - as a result of the extensions, the property would be subdivided in order to form a pair of semi-detached dwellings
 - demolition of a single detached garage and a block of four single garages
 - erection of a single storey double garage.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 8 The Hawthorns is a single detached brick two storey dwelling located on a cul de sac within the Belle Vue Conservation Area of Shrewsbury. The property is predominately surrounded by semi-detached dwellings. The site benefits from a drive, garden and a set of garages.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Application was requested to be referred by the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 Consultee Comment

4.2 Shrewsbury Town Council

The Town Council object to this application on the grounds of over development. The plans show that the dwelling, which is located on a quiet cul-de-sac, will more than double in size and greatly affect the current street scene. Members agree with comments made with regards to possible overlooking/loss of privacy for neighbouring properties. The proposed new garages also appear to be quite taller than current garages in situ. There are also concerns on how this proposed development will affect the residents of Number 10.

- 4.3 SC SUDS: No objection subject to informative

4.4 SC Affordable Houses: No objection

4.5 SC Highways:

The Hawthorns is a narrow urban cul-de-sac. The property is a detached dwelling situated at the end of the cul-de-sac adjacent to the turning head. The property also includes a block of four garages which are accessed off the turning head. The garages have a wide open frontage. The property in the corner of the cul-de-sac (No 10) has a right of access over this wide area of open land.

In order for the proposed development to be appropriately assessed from a highways perspective, the following points need addressing by the applicant:

- Full details of widening and improvements to the existing access to accommodate vehicular movements associated with the revised parking area for the existing dwelling. The widening will require removal of a section of hedgerow.
- Visibility splays should also be demonstrated on a dimensioned scale drawing.
- A lighting column in the footway fronting the existing property is likely to be impacted by the proposed revised access.
- In order to assess the likely impact of the development on the surrounding highways, clarification is sought regarding how many of the existing garages are currently in use, are any rented out?
- The applicant should demonstrate the area of land to be available for access to number 10. This should be clearly defined and available at all times. The proposed garages for the new dwelling are situated very close to the boundary between the two properties and a vehicle parking in front of the garages would be likely to block access to number 10. It is considered that the proposed garages should be positioned so as to minimise any such conflict.
- The turning area must be kept clear at all times and used for turning only.

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

4.6 SC Archaeology: No comments to make

4.7 SC Conservation:

2nd August 2021

The application site is occupied by a single detached brick two storey dwelling and likely dates from the early 1960s as it along with the other later 20th Century dwellings along The Hawthorns are indicated on the 1963 Shrewsbury OS map. The Hawthorns is a cul-de-sac extending off Hawthorn Road within the Belle Vue Conservation Area, where from the 1830s it linked a number of early scattered houses in this area with Hawthorn Road being characterised by several sharp bends before connecting with Havelock Road near the rail line. Hawthorn Road and The Hawthorns are characterised by a mix of earlier dwellings such as Nos 5-7 on the south side of The Hawthorns with mid-20th Century semi-detached and detached houses.

While of no particular historic interest, the 1960s dwellings on the north side of the highway have some visual consistency in their design and from Nos 2 to 8 there is some grain and pattern evident to their layout with Nos 2 and 8 forming single detached dwellings sited forward of and a bit taller than the pair of semi-detached dwellings in the middle of the group (Nos 4-6). No 6 has recently had a set back two storey side extension granted planning permission which we commented on (20/03760/FUL).

There is also dating to the early 1960s a four-bay flat roof garage which is set back at the end of the cul-de-sac between No 8 and No 10. This garage appears to be in a deteriorating state and is likely on the negative side of neutral in terms of impact on the street scene and Conservation Area.

The applicant has acquired the site of the four bay garage and proposes its removal along with extending the existing detached dwelling to the east to create a pair of semi-detached houses as well as extensions to the existing No 8 to the west and removal of its detached set back garage/outbuilding. Where the existing flat roof garages are now, a two bay pitched roof garage serving the new easterly half of the semi-detached dwelling is also proposed.

In considering this application, it is necessary to have regard to relevant local and national policies and guidance on the historic environment including CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, and the revised National Planning Policy Framework (NPPF). Also relevant to this application legislatively is Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where consideration is required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

Having looked at this proposal holistically there is concern raised that this would represent overdevelopment of this combined site at the end of the cul-de-sac. As noted above this detached house is taller than the pair of houses adjacent, and set forward on its plot, so the extensions to both sides and the bulkier roof over two units (where it is extended further to the west as well) may result in an overtly dominant building form which would be visually prominent within the street scene where there is some spacing, rhythm and pattern to the building layout now.

Additionally, with the westerly extension to No 8 this is awkwardly forcing parking to the front of the building which should be avoided where this exacerbates potential overdevelopment of the property.

We would draw attention to the need to consider policies CS6 and MD2 which require taking account of local character and context, responding appropriately to the form and layout of existing development including streetscape, scale and proportion, where these are particularly important considerations within a Conservation Area.

While there is no objection in principle to the removal of the flat roof row of garages which may allow for enhancements to this end of The Hawthorns, the above-noted issues in terms of the policy and legislative requirements relevant to this application within the Conservation Area should be considered, where with this proposal in its

current form the character and appearance of the Conservation Area is not considered to be adequately preserved.

9th September 2021

Following on from our earlier comments the proposal has now been revised and reduced in scale to some degree, with the proposed semi-detached pair of houses now incorporating a more symmetrical and visually balanced appearance and size, and the proposed side extension to the existing No 8 being set back to come no further than a recently approved extension line at No 6 to the west. The latter should mean that there is more room for a vehicle to be parked to the front of the extension with a less cramped appearance along the street scene. The bulkiness of the roofscapes indicated in the original proposal including the new double garage roof have been reduced which is a positive alteration to this scheme. These revisions go some way to mitigating the potential negative impacts on the streetscape and Conservation Area we had highlighted in our earlier comments and no further objections are now raised subject to conditions being set to agree external materials where relevant.

Public Comments

10 representations have been received objecting to the scheme raising concerns over:

- over development
- creation of semi-detached properties
- scale of garage
- overlooking, loss of privacy
- parking
- drainage
- impact on street scene
- loss of light
- right of way
- use of existing garages
- value of properties

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Residential amenity
Highway considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed

development that conflicts should be refused, unless other material considerations indicate otherwise.

- 6.1.2 The site is within the development boundary for Shrewsbury on the proposals map of the adopted SAMDev DPD. Residential development of this site would therefore be acceptable in principle as it would accord with Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development.
- 6.1.3 Shropshire Core Strategy policy CS6 requires all development to protect, restore, conserve and enhance the natural, built and historic environment and to be appropriate in scale, density, pattern and design taking into account the local context and character, and those features that contribute to local character. Policy CS17 which deals with environmental networks and is concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment.
- 6.1.4 Policy MD2: Sustainable design of the adopted Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.1.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires when determining planning applications within Conservation Areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. There is a statutory presumption, and according to the Courts, a strong one, against the grant of planning permission in instances where a scheme cannot be demonstrated to either preserve or enhance the character or appearance of the Conservation Area, unless these very strong considerations are outweighed by other material planning considerations. Case law has established that an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. Harm to a Conservation Area must be given considerable importance and weight in that balance even if that harm is less than substantial.

6.2 Siting, scale and design of structure

The dwellings

- 6.2.1 This development seeks different elements in order to facilitate the creation of two separate independent dwellings albeit resulting to semi-detached. To achieve this the scheme would introduce two storey extensions to either side of the existing dwelling. The proposed extension serving dwelling no 8 is set down from the ridge height and set back from the principal elevation and would be in line with that of no 6. The semi-detached dwellings would be of a similar external appearance constructed of materials matching those of the existing dwelling. As suggested by the conservation team, in order to ensure the materials are of satisfactory quality and will preserve and enhance the setting of the building within the conservation area, materials it is recommended are conditioned accordingly.

- 6.2.2 In addition to erection of side extensions, it is not out of character to see semi-detached hipped roof dwellings along The Hawthorns. Furthermore, the proposed properties are symmetrical and visually balanced within the street scene thus, it is not considered that the scheme would arise to a negative impact in the part of the Conservation Area.
- 6.2.3 Comments relating to over development of the site have been noted, however, in comparison with neighbouring properties the site has a more generous curtilage which would comfortably serve the two properties. No. 8 would benefit from parking space to the front of the dwelling and to compensate for additional garden space to the rear, the existing detached outbuilding and rear extension would be demolished. No. 8A would benefit from front and rear garden and a separate detached outbuilding for garaging purposes.

The detached garage

- 6.2.4 The scheme proposes the demolition of a block of four bay single storey flat roof garages to be replaced with a pitched roof double garage. The existing flat roof block that measures approximately 11.2m wide and 3m high is of poor construction and appearance and not considered to add any value to this part of the Conservation Area. Following concerns raised by officers over the scale of the proposed double garage revised plans have now been received to reduce its height. Based upon these officers now consider that it would be of a modest domestic scale and would have a design similar to those serving neighbouring properties. The proposed single storey double garage would be in line with neighbouring property's garage and measure approximately 7.2m wide, with eaves of approximately 2.2m high and a maximum ridge height of approximately 3.9m.
- 6.2.5 Whilst it is recognised that the detached garage is wider than those of neighbouring properties however, it is of relatively similar height and would be approximately 4m shorter in width of the existing block. Furthermore, with the removal of the existing unattractive and dilapidated garage block is considered to have a positive impact on the street scene consequently, its replacement with the proposed is considered to preserve and enhance the character of the Conservation Area.
- 6.2.6 It is noted that the conservation officer does not raises any objection to the scheme and following submission of amended plans, it is considered that the development would not have a detrimental impact on the street scene. With the utilisation of materials that are sympathetic to the area and the retention of soft landscaping, the scheme is judged to bear a resemblance to the host dwelling as well as neighbouring properties in terms of form, material and arrangement. Consequently, it is not considered that the scheme would be an uncomfortable addition on the street scene. As such the proposal is considered to preserve and enhance the appearance of the Conservation Area, and the requirements of Section 72(1) of the above Act are met.
- 6.3 Residential amenity
- 6.3.1 Core Strategy Policy CS6 seeks (amongst other criteria) to ensure that residential amenity is safeguarded for present and future occupiers. Representations have been

received objecting to the proposal over loss of light, overshadowing, over development, overlooking. Whilst the comments have been acknowledged, it is not considered that the scheme will give rise to a substantial neighbour amenity harm enough to warrant refusal of the scheme.

- 6.3.2 There are no windows on the side elevation of no 6 that would be impacted on by the proposed development. The first floor side elevation window serving no 8 would have a window serving a hallway. Whilst indicated in the planning statement that this window would be of obscure glazing, it is worth noting that it would be directly facing onto a brick wall of no 6. Evidently, this window is purely a source of light into the hallway. In addition, the proposed first floor windows to the rear of no 8 would be of obscure glazing as they would be serving as bathrooms. It is not considered this element of the scheme would result in an over looking impact more than the existing to warrant a refusal. Similarly, it is not considered that the first floor windows introduction 8A would result to an overlooking or loss privacy to residents of Besford Gardens. Bearing in mind that the building line of the proposed is not going to be extended any deeper than that of the existing dwelling, the separation distance (to nos 7, 8 Besford Gardens) of approximately 19m would be retained. Furthermore, the proposed detached outbuilding has been significantly reduced in height to clearly read a single storey garage, consequently, it is not considered that this element of the scheme would have a negative impact on amenity space of the neighbouring properties no 10 The Hawthorns and no 9 Besford Gardens.
- 6.3.3 Furthermore, comments relating to the impact of loss of privacy as a result of the removal of the existing detached outbuilding are noted. However, while its existence provides a level of screening, the same would be achieved through the erection of a 2m boundary fence. Additionally, the retention of existing landscaping to the rear boundary would continue to provide a level of screening to the site and neighbouring properties. To ensure this would be the case, a condition would be imposed.
- 6.3.4 Following Officer suggestions, there have been amendments to the plans and these have included setting back the extension to no 8, a reduction in the width which has enabled the main principal elevations of the properties to appear balanced and symmetrical and significant reduction in the height of the detached double garage. Given the mentioned reconfigurations and the separation distances from neighbouring properties to the rear, the siting and orientation of the proposed development is not considered to result in an unacceptable impact on residential amenity to warrant a refusal.
- 6.3.5 Whilst Officers recognise the comments from the public regarding the scale of the extensions to facilitate the creation of semi-detached dwellings, the harm arising as a result of scheme is considered to be sufficiently limited to not constitute a reason for refusal in its own right. The site is within Shrewsbury development boundary where it is judged that the principal of erecting a new dwelling, extensions and outbuildings on the curtilage of this site adequately complies with planning policies CS2, CS6, CS17, MD2 and MD13. Additionally, it is considered appropriate to remove permitted development rights for extensions to ensure that additional control is maintained over potential impacts on residential amenity.

6.4 Highway consideration

- 6.4.1 Concerns have been raised about the impact on the highway that proposed development would have. The agent has provided the requested information providing visibility splays, retention of the lighting column and current users of the block of garages, and this is judged to be satisfactory. It is worth noting that the existing highway conditions would not considerably alter where currently there is access to the dwelling and garage block. The scheme proposes the removal of a small section of wall and hedging to the front of no 8. With the set back of the extension serving no 8, and removal wall and hedging, there would be sufficient parking and vehicle movement at the front of the property as indicated on the drawing CW-2021-08-08. Furthermore, property No 8A would utilise the double detached outbuilding for garaging. Bearing in mind that there is currently a block of garages available to the curtilage of the property, it is not considered that their demolition and replacement would result to lack of parking afforded to the properties.
- 6.4.2 There were concerns raised in relation to the proposed garage and its impact on access to no 10. Whilst comments have been noted, encroachment on to neighbour property or curtilage is not a material planning. Issues concerning neighbour boundary relate to The Party Wall Act 1996, which is separate from obtaining planning permission. The Act provides a framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings. In addition, the agent has provided information stating "The right of way is clearly defined in the deeds and the proposed garage position is outside of the area that they have a right of way over. No 10's right of way is over the forecourt in front of the proposed garages and their right of way is therefore completely unaffected by the proposal."
- 6.4.3 Furthermore, there is an existing block of garages which the agent advises were being rented out to different people not local to the area. Whilst there is no planning history confirming a change of use of the garages to commercial use, this implies that at any one given time there could have been a minimum of 4 people requiring access to the garage at any given time of the day. It is therefore considered that the ceasing of this enterprise and re-establishing of the proposed for domestic purposes incidental to the enjoyment of the dwelling no 8A would be more in keeping with the locality and the provision of two parking spaces for the new dwelling.
- 6.4.4 Concerns on drainage have been raised however, the drainage team raise no objection subject to informative.

7.0 CONCLUSION

In light of the above it is not considered that the introduction of a pair of semi-detached dwellings would be out of character in this location where evidently the properties along this section of the cul de sac are predominately semi-detached. The site is within the development boundary for Shrewsbury on the proposals map of the adopted SAMDev DPD. Development of this site is therefore acceptable as it would accord with Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development. The revised plans have demonstrated that the scheme would not have an unacceptable visual impact, the proposal would preserve and enhance the character and appearance of the Conservation Area, thus the desirability of preserving and/or enhancing the character or appearance of the Conservation Area in the area of the application site is considered acceptable, the

scale and design is considered acceptable. It is also not considered that the scheme would have an adverse impact to residents of neighbouring properties or on highway and transportation issues. The scheme accords with policies CS6 and CS17 of the Shropshire Core Strategy, MD2, MD13 of the SAMDev as well as the National Planning Policy Framework (NPPF), Planning Practice Guidance and Sections and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

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:

CS2 - Shrewsbury Development Strategy
 CS6 - Sustainable Design and Development Principles
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD2 - Sustainable Design
 MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

21/03488/FUL Extension of an existing detached dwelling to create a pair of semi-detached dwellings and replacement of the adjacent dilapidated block of four garages with one detached double garage for use with the new dwelling; erection of side extension to the existing dwelling, existing ground floor rear extension and brick-built garden store to be demolished 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 Kate Halliday

Appendices

APPENDIX 1 - Conditions

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

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

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

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

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

3. The double garage hereby permitted shall only be used for purposes in connection with and ancillary to the occupation of the dwelling 8A hereby approved. At no time shall it be used as a unit for commercial or business purposes or occupied as a separate independent dwelling.

Reason: To safeguard the residential amenities of the area and prevent the use of the development for purposes which may be inappropriate in this location, in accordance with Policies CS6 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy

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

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

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

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

6. The soft boundary treatment (hedging, trees) as shown on the block plan CW-2021-08-04 D shall be retained indefinitely.

Reason: To preserve the character of the street scene and to safeguard residential amenities

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Class A, AA, B, C, D, E shall be erected, constructed or carried out.

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

Informatives

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

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

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

3. To avoid obstructing the highway, the turning area must be kept clear at all times and used for turning only

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Location: 8 The Hawthorns, Shrewsbury, SY3 7NA, ,

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Committee and Date
 Northern Planning Committee
 28th September 2021

Item
9
 Public

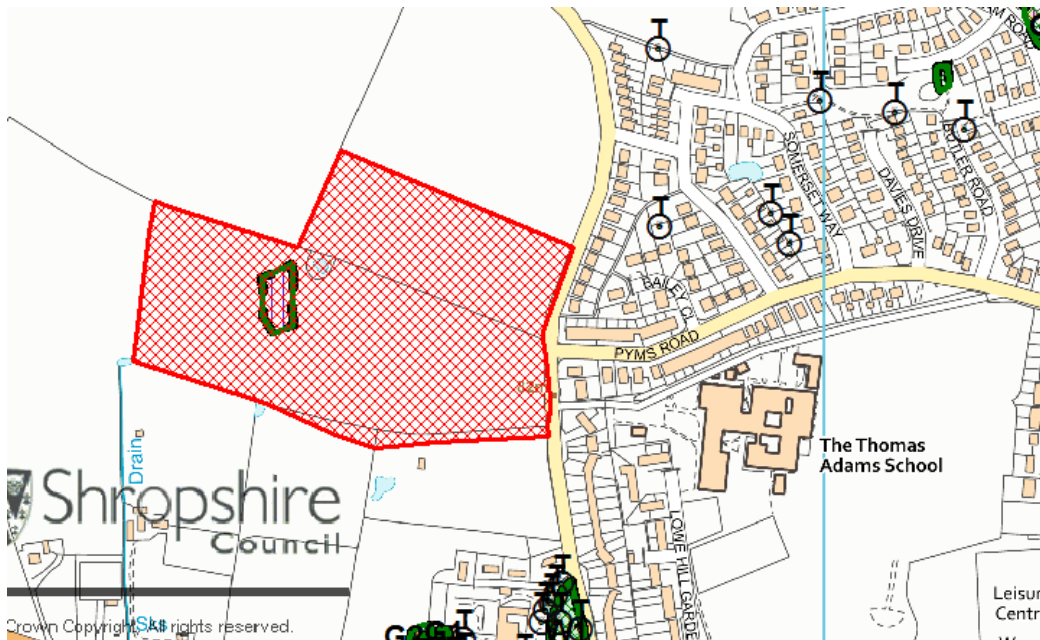
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

<u>Application Number:</u> 21/02768/OUT	<u>Parish:</u>	Wem Urban
<u>Proposal:</u> Outline planning application for Residential development (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved. (Revised scheme) (amended description)		
<u>Site Address:</u> Land West Lowe Hill Road Wem Shropshire		
<u>Applicant:</u> Mr John Tootell		
<u>Case Officer:</u> Philip Mullineux	<u>email</u> : philip.mullineux@shropshire.gov.uk	

Grid Ref: 350593 - 329339



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Recommendation: Approval subject to the conditions as outlined in appendix 1 attached to this report and any modifications to these conditions as considered necessary by the Assistant Director and the signing of a Section 106 agreement in order to ensure provision of affordable housing on site, open space provision and maintenance and a financial contribution towards visitor management mitigation measures at Cole Mere Ramsar site

REPORT

1.0 THE PROPOSAL

1.1 Application is made in outline, with all matters other than access reserved for future consideration, for the erection of up to 100 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works on land west of Lowe Hill Road, Wem.

1.2 **The application is accompanied by a site location plan, statement of community involvement, landscape plan, an ‘indicative’ master plan on how the site could look in layout, access plan, transport assessment, interim travel plan, landscape and visual impact assessment, heritage statements, flood risk assessment, topographical survey, noise assessment, extended phase one ecological survey and ecological detail, arboricultural impact assessment, planning statement and a design and access statement. During the application processing further information was received in relation to ecology.**

1.3 **A previous application, (reference 20/01054/OUT), for residential development on site was refused permission in accordance with the Council's scheme of delegation on June 12th 2020 for the following reasons:**

- *Whilst it is acknowledged most of the site is allocated for housing in accordance with the Shropshire local development plan, it is considered that based on the information in support of the proposal, that any benefits are not outweighed by the significant visual and biodiversity harm as a result of the proposed development. The site is located sensitively in relation to the surrounding landscape and built environment and insufficient information accompanies the application on which basis to approve the application on landscape and visual impact and biodiversity issues. As such the application is considered contrary to Policies CS3, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7a, MD12, and S17 of the SAMDev, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) on these matters.*
- *Part of the site is not allocated for housing being located outside of the recognised development boundary. Insufficient justification and information has been provided in order to allow residential development on land in policy terms classed as open countryside. As such the application is contrary to Policies CS5 of the Shropshire Core Strategy and Policies MD2 and MD7a of the SAMDev.*

2.0 SITE LOCATION/DESCRIPTION

2.1 The site, is located to the west of Lowe Hill Road in Wem and comprises two fields totalling approximately 6.26 hectares (15.5 acres). The eastern site boundary is formed by Lowe Hill Road and the built up area of the market town of Wem. Further agricultural land lies to the north, south, and west, with the site being split from

these fields by typical agricultural field boundaries, including hedgerows and trees. The site is generally flat, with a slight rise in the north western corner and is currently in agricultural use. The majority of the site is allocated for future residential development in the adopted Site Allocations and Management of Development (SAMDev) Plan. (Site Allocation Reference 'WEM003'). No Public rights of way run across the Site. However, a footpath (ref. 0231/10/1) is located close to the site, to the north-east, beginning on Lowe Hill Road. Approximately 30% of the total application site area (the northern limb), is located outside of the recognised development boundary for residential development in accordance with the SAMDev policy.

- 2.2 A screening opinion carried out in accordance with the Environmental Impact Assessment Regulations 2017 and dated 31st January 2020 concluded that the area of the development would exceed one 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 set out in the assessment, it is concluded in relation to cumulative impacts and sensitivity, that an Environmental Statement is not required in order to ensure adequate and thorough consideration in respect of landscape, visual and historic character impacts, historic environment, archaeology, surface and foul water drainage, highway impacts, amenity and any ecological impacts arising from the proposal. With adequate information, the Council considered that these aspects could be covered and considered satisfactorily in submissions as part of any formal application for development on site. It was considered that all points as outlined in Schedule 3 of the EIA Regulations 2017 and reproduced in the Screening Opinion could be adequately addressed without the need for an Environmental Statement in support of the application.
- 2.3 The Council gave pre-application advice in relation to residential development on site dated 14th August 2018. This concluded:

'Whilst it is considered that detail in support of your request for pre-application advice is limited, it is understood this request refers to the principle of development in relation to up to 100 dwelling units. This complies with the policy in relation to the site which is allocated for housing in accordance with local plan policy, and as such the principle of the proposal is considered acceptable.'

You have indicated you wish to add additional land that is not included in the policy as allocated for housing in consideration on site constraints. This will necessitate any formal application including the additional land as indicated, as being advertised as a departure to the local plan. I strongly advice adequate justification demonstrating why this is necessary if you chose to include this additional land as part of any formal application.

You are strongly advised to take note of the advice as outlined above and any formal application will need to demonstrate consideration to cumulative impacts with surrounding development and must demonstrate adequate integration with adjacent residential development in layout, scale and character.

This advice is given in the context of your request and the information provided in

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

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Wem Town Council have raised material considerations on which basis it is considered appropriate for this application to be presented to Committee for consideration.

4.0 Community Representations

4.1 Wem Town Council have responded objecting to the application. The response states:

The western section of the land in the proposed development site is outside of the site allocation Wem003 and falls outside of the town's development boundary. Therefore the land in this section of the proposed application should not be permitted as it is contrary to the local plan.

The Town Council objected to the development of this site in its 2013 response to the Local Plan the Town Council due to Concerns around the impact that the development would have on the town's infrastructure especially the road network

The suitability of the site for a development of this size as this area is prone to flooding. Since this correspondence in 2013 the Town Council's position on the suitability of this site for development has not changed.

Currently there is no development on the western side of Lowe Hill Road.

Lowe Hill Road provides a natural, environmental boundary to the town. The proposed development will lead to urban sprawl and have a negative impact on the setting of the town from the west contrary to policies CS6 and CS17 of Shropshire's adopted Core Strategy. The site is already prone to severe flooding - as photographs will attest. The site therefore fails the sequential test set out in PPS25 and is therefore unsuitable for development in accordance with CS18 of the Core Strategy. Other sites in Wem which have flooding issues which have had swales etc. constructed which residents are having to pay for through high service charges, in addition to Council Tax they must pay. This is an unfair tax and development should not be allowed on such sites in the first place. The flooding issues on the Lowe Hill site will have to be dealt with but why should residents be penalised with service charges?

The Town's infrastructure is already under severe strain as a result of development since the 1980s making it unsustainable in accordance with the provisions of the NPPF. It would also be contrary to policy CS8 of the Core Strategy. The Town Council has taken a consistent line that no further development should take place until the infrastructure of previous development has been addressed in the town - we cannot continue to build our way out of the problems.

With specific reference to the proposed access from the development the Town Council considers that the simple priority T junction shown on the plan in 2 locations is completely inadequate for the safe effective operation of all the traffic movements in this area at peak times regardless of where it is located along Lowe Hill Road for the following reasons;

1. Lowe Hill Road is an important local artery between rural farming community of Whixall and Wem and indeed the county road network generally. Apart from serving the agricultural activities it is a route used by

local small industrial enterprises Browns Buildings and P G Skips.

2. Thomas Adams School buses in pupils from a wide area who arrive and leave on 14 different buses. The school is currently at capacity, but the potential is there for expansion so this number may increase. The proposed junction for this estate is badly sited, being between Pym's Road exit (which is dangerous) and the school entrance and shows no awareness of the potential conflicts of full size coaches with commuter traffic and agricultural vehicles and parked parents cars at school opening and closing times. Also there is no recognition apparent of the pedestrian pupil movements in this facility. The raised platform added is no more than a gesture.

3. The junction of Lowe Hill Road with Ellesmere Road has long been a site of concern regarding the limited visibility to the right when exiting Lowe Hill Road due to the brick boundary wall and curve of Ellesmere Road to the north. An increase in traffic flow will put greater pressure on this poor junction particularly at peak traffic times.

4. Access to the town and all routes south, except to Ellesmere will be via Maunds Corner and the town centre: these are narrow roads that are already overloaded and unsuitable for goods vehicles. A vital consideration is that there is no prospect of a relief road being built to remove through traffic as all roads into Wem are B roads. This lack of a relief road is a huge constraint on the ability of Wem to expand as it simply cannot take any more vehicles. Taking all points raised in mind it should be evident that a far more imaginative approach to the access arrangement is required before this application is progressed and prior to making any decision on this application further consultations must take place at the very least with Wem Town

Council, Wem Rural Parish Council, Wem Economic Forum, Arriva re 511 service, Thomas Adams School and businesses who use the road for access. Other matters of concern It is mentioned in 4.3 of the Transport Assessment that the site was within walking distance of the town. This does not take into account the age or infirmity of many residents. It also fails to mention that the route involves walking round Maunds Corner (mentioned later) described by one pedestrian as 'the most dangerous footpath in Europe'. The map (4.1) fails to show the actual route that would have to be taken from this site to the town supermarket. The actual distance by pavement is 1000 metres (200 over the stated desirable maximum) The rail accessibility figures in the report are untrue. On weekdays off-peak, there is one train every 2 hours, not every 1 hour as stated. The trains are operated by Transport for Wales, not Arriva Trains Wales.

This is a sensitive and controversial development for the town and given this, despite being an allocated site, the application should be considered by the Planning Committee and not under the scheme of delegation.

4.2 Consultee Comment

4.3 SC Public Rights of Way have responded indicating:

There are no Public Rights of Way within the development area therefore we have no comments to make.

4.4 SC Highways have responded indicating:

As you are aware, I have revisited this application following the previous highway advice given in respect of application reference 20/01054/OUT. I

have considered again the local context of the junction of Pyms Road and the School Entrance. Having done so I do not wish to fundamentally change the highway stance as was set out previously and attached below for ease of reference. You will see however that I have reworded the access and raised table planning Condition. In essence I am satisfied that the raised table scheme can provide a satisfactory means of access to the development and deal with some localised traffic conditions, particularly during the school peak periods. I am satisfied also that these works can be accommodated within the highway limits and the frontage controlled by the applicant.

Previous highway advice:-

At the outset it is acknowledged that the development proposal forms part of the SAMDev allocation within Wem (WEM003), although I understand that part of the application site area sits outside of the allocation. From a highway perspective however, the principle of the development of the site has been established and therefore it is the design and detail of the development that is essentially under consideration. At this outline stage only access is being considered, with layout and scale etc to be considered as part of a reserved matters application if outline permission were granted. Access is proposed off Lowe Hill Road and an indicative Masterplan has been submitted as part of the application.

The proposed access location is considered acceptable as is shown on the plan entitled PROPOSED ACCESS OPTION 1 drawing no. 68591 CUR 00 XX DR TP 75001 P04, which includes a raised table extending to the north of the Pyms Road junction and to the south of the access to the school. In essential therefore the raised table provides a school safety scheme as part of the site access proposals, with the view of introducing a 20mph speed limit. The raised table also has the benefit of improving the Pyms Road junction having regard to the restricted measure of visibility at its junction onto Lowe Hill Road in a northerly direction. The access and raised table proposals would be the subject of detailed design and Road Safety Audit prior to the works being implemented together with Traffic Regulation Orders (TRO) in respect of School Keep Clear and Zig Zag markings and other associated TRO requirements.

Highway capacity and safety concerns have been raised by the Town Council, Economic Forum and local residents. A Transport Assessment (TA) has been submitted by the applicant to consider the impact of the development on the local highway network. The TA is accepted as demonstrating that the development will not have a 'severe' impact from a highways and transport perspective, such that would otherwise warrant a highway refusal. The highway authority accept that the TA demonstrates that in the future year with development the junctions scoped in assessment will operate within practical capacity (bar one link that is shown to still operate within theoretical capacity). The highway authority recognise the highway constraints within Wem's highway network and indeed this is a matter currently being considered as part of a wider assessment of traffic movement in Wem. However, as part of this application the highway authority have some concerns regarding increased traffic movements, as a result of the proposed development, at the junction of Lowe Hill Road with the

Ellesmere Road to the south of the site, due to the restricted measure of visibility at the junction in a westerly direction. There is the potential to introduce a mini-roundabout within the junction layout to improve the current substandard junction, to be funded by the development. Whilst it is considered that this could be dealt with by planning condition, alternatively the requirement could be incorporated into a Section 106 obligation.

A condition for a Construction Traffic Management Plan is requested. Particularly prevalent is the need for construction vehicles to route appropriately through Wem especially in relation to minimising the potential impact on the High Street and Maund's Corner.

In conclusion the highway authority raise no objection to the granting of outline consent subject to the following Conditions:-

Conditions:

Approve Access Design

*** Notwithstanding the access details as shown on Drawing No.68591-CUR-00-XX-DR-TP-75001-P04 and prior to the commencement of development full engineering details of the access layout, visibility splays and raised table shall be submitted to and approved in writing by the Local Planning Authority; the access scheme and raised table shall be implemented in accordance with the approved details and a phasing programme to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety and to ensure the comprehensive development of the highway infrastructure to serve the occupation of dwellings within the site.**

Road Design

*** No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water and phasing programme have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented in accordance with the approved details.**

Reason: In the interests of highway safety and to ensure the comprehensive development of the highway infrastructure to serve the occupation of dwellings within the site.

Additional Highway Infrastructure

*** Prior to the commencement of development a scheme for the provision of a mini-roundabout at the junction of Lowe Hill Road and B5063 shall be submitted to approved in writing by the Local Planning Authority: the mini-roundabout scheme shall be fully implemented in accordance with the approved scheme following the occupation of the 50th dwelling within the site.**

Reason: In the interests of highway safety.

Parking and Turning

*** No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.**

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

amenities of the area.

Construction Traffic Management Plan

*** No development shall take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority, to include a community communication protocol. The CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period.**

Reason: In the interests of highway safety and to avoid congestion in the surrounding area and to protect the amenities of the area.

Travel Plan

*** The interim travel plan shall be implemented in accordance with the Action Plan set out in the approved details.**

Reason: In order to promote sustainable travel and associated health benefits and to minimise the use of the private car in the interest of reducing carbon emissions.

4.5 SC Drainage have 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.

1. Shropshire Council's Flood and Water Management Team should be consulted if Ordinary Watercourse Consent is required for the diversion of the land drains.

2. Condition:

Drainage Comment:

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

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

3. Informative Notes:

3.1. The proposed drainage strategy in the FRA is acceptable in principle. However, the final drainage details, plan and calculations should be submitted for approval.

Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided to ensure that the drainage system remains in good working order throughout its lifetime.

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

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

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

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

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

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

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

Shropshire 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. Exceedance flow path should be provided.

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

- 4.6 **SC Trees have responded to the application indicating: I have read the updated Cameron S Crook and Associates Arboricultural Impact Assessment (AIA) and find that overall proposal can be implemented without the loss of important trees.**

Of the 5 trees given an “A” category, 4 mature Oaks have been retained in Public Open Space (POS) with sufficient space to allow for their long-term retention - T9 T10 T11 and T12.

However, I note that T8 described as “A large prominent mature tree in good overall condition” is shown on the indicative layout to be situated in a small back garden South of the proposed properties. This is not sustainable and will lead to shading, proximity and nuisance issues and will detract from such a tree’s amenity value – it should be given the same consideration as the other stand out Oaks on site.

A further application should take account of this tree’s position in relation to the proposed development and the site will also require a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) in line with BS 5837: 2012

An earlier response indicated:

The submitted Cameron S Crook associates Arboricultural Impact Assessment is dated January 2020 and at section 1.4 states it is valid for 18 months only - therefore this report needs updating for this current application. A further application also requires an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to ensure the mature trees on site are incorporated into the scheme without damage, and have a long term future

- 4.7 **SC Affordable Housing** have responded indicating:
If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing in this area is 10%. A development of 100 homes would need to provide 10 affordable homes on site. The assumed tenure of the affordable homes would be 7 for affordable rent and 3 for Shared Ownership and all would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council’s prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable home will need to be agreed with the Housing Enabling Team before any further application is submitted.

- 4.8 **SC Archaeology Manager** has responded indicating:
A Heritage Assessment and a Supplementary Heritage Assessment, both by BWB Consulting, and an archaeological geophysical survey by Phase Site Investigations have been submitted with the application. It is advised that these provide a satisfactory level of information about the archaeological interest of the proposed development site in relation to the requirements of Policy MD13 of the Local Plan and Paragraph 189 of the NPPF.

In view of the above, and in line with Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is advised that a phased programme of archaeological work is made a condition of any planning permission for the proposed development. This should comprise an initial evaluation, consisting of a measured earthwork survey of the ridge and furrow and other features on the southern part of the site and a targeted trial trenching exercise, followed by further mitigation as appropriate. The archaeological earthwork survey should consist of a Level 2 measured survey as defined within Historic England's guidance 'Understanding the Archaeology of Landscapes' (2017). The trial trenches should be targeted at anomalies identified within the geophysical survey, together with a sample of 'blank' areas, up to a total of 2-3% of the overall site area. Any further mitigation will be informed by the results of the evaluation. An appropriate condition of any such consent would be: -

Suggested Conditions:

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased 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 development site is known to have archaeological interest.

- 4.9 SC Landscape Consultant** has responded to the application in conclusion indicating:
The methodology for the assessment of these factors would appear to be appropriate, given the scale of the proposal and likely landscape and visual effects, and accords with the best practice set out in GLVIA3. Assessment of magnitude of landscape and visual effects has been undertaken in accordance with the LVIA methodology and GLVIA3.

All effects are predicted to be adverse, although it is noted that the principle of development on the site is established through its allocation in the Local Plan.

- 4.10 SC Ecology** have responded indicating:
 Conditions have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.
 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.

A financial contribution, secured through a S106 agreement for visitor management mitigation measures at Cole Mere Ramsar site in order to demonstrate that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 (as amended) has

been agreed by the applicant. A separate Appropriate Assessment has been undertaken and provided already in this regard.

Comments

Great Crested Newt

Mitigation for GCN is further detailed in the letter from Ecology Solutions Limited (dated August 2021) and accompanying plan ECO1 'Indicative GCN mitigation strategy'. I am satisfied that impacts to GCN can be adequately mitigated as part of development proposals. A GCN mitigation licence from Natural England will be required for this development.

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

Biodiversity enhancement

Opportunities exist to incorporate areas of wildlife habitat within the development proposals, which are illustrated on the indicative landscape masterplan, and ECO1. A condition is recommended to ensure details of landscaping to enhance biodiversity are submitted as part of reserved matters.

Recommended conditions

European Protected Species Mitigation Licence condition

No development shall take place until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority;

Reason: To ensure the protection of great crested newt. a European protected species.

Landscaping Plan condition

The first submission of reserved matters shall include a landscaping plan.

The submitted plan shall include:

- 1) Planting plans showing creation of wildlife habitats including species-rich grassland, permanent aquatic habitats and hedgerow / tree planting,**
- 2) Written specifications (including cultivation and other operations associated with wildlife habitat establishment);**
- 3) Schedules of plants, noting species (including scientific names, seed mix compositions, planting sizes and proposed numbers/densities where appropriate;**
- 4) Native species used are to be of local provenance (Shropshire or surrounding counties);**
- 5) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;**

6) Implementation timetables.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

- 4.11 Reason: To provide ecological enhancements under NPPF, MD12 and CS17
SC Parks and Recreational Open Space have responded indicating: The Design and Access plan for this development acknowledges the need for open space as set out under SAMDev Policy MD2 and Officers are initially satisfied with the location of the POS within the design layout.

Officers will need to know how many bed spaces this development provides and what the exact amount of public open space provided is so that the open space calculation can be made to ensure the policy requirement is met.

- 4.12 **Officers also require information about who will be taking on the future maintenance of the Public *open Space*. SC Regulatory Services recommends a condition with regards to noise and protection of occupants of the dwellings is attached to any approval notice issued.**

4.13 **Public Comments**

- 4.14 **Twenty letters of objections have been received from members of the public in relation to this application. Key planning related issues raised can be summarised as follows:**

- Concerns about impacts on the existing public highway infrastructure
- Concerns that local school and doctors surgery are over subscribed.
- Issues in relation to drainage on site.
- Concern about potential loss of trees and hedges and in particular mature Oak.
- Insufficient local employment to warrant development.
- Detrimental impact on rural landscape on fringe of the town of Wem.
- Ecology concerns and surveys considered out of date.
- Historic and cultural heritage survey considered out of date.
- Concerns about impacts on adjacent land use and nearby built development
- Surrounding public highways will be unable to absorb the additional traffic the development will create.

5.0 THE MAIN ISSUES

- **Principle of development**
- **Visual impact and landscaping**
- **Ecology**
- **Scale and design and consideration to the land forming part of the application site outside the allocated site.**
- **Drainage**
- **Highways and transportation**
- **The historic environment.**
- **Noise and amenity**
- **Section 106**

6.0 OFFICER APPRAISAL**6.1 Principle of development**

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

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

6.1.3 Policy MD2 of the SAMDev on Sustainable Design indicates for development proposals to be considered acceptable development must respond positively to local design aspirations and contribute to and respect local distinctive or valued character.

6.1.4 The application site covers an area which is mostly allocated for residential development in accordance with Policy S17-1a of the SAMDev. (Land off Pyms Road, WEM003). This indicates that development on this site is acceptable subject to an appropriate contribution towards traffic management, appropriate drainage design and appropriate biodiversity and archaeology surveys. The design of the site may include additional land for community facilities.

6.1.5 Part of the application site is outside of the recognised development boundary for Wem on land classed as open countryside. (The northern limb of the site). The indicative plan submitted in support of the application indicates residential development on this section of the site.

6.1.6 Given the above the principle of development on site is largely acceptable subject to satisfactory consideration to matters as discussed below. Adequate justification with regards to the inclusion of the area of the allocated site and outside of the recognised development boundary is required. It is considered that development on site in principle does comply with the prevalence for sustainable development in accordance with the National Planning Policy Framework. (July 2021).

6.2 Visual impact and landscaping

6.2.1 The application site is mostly an allocated site for residential development in the countryside on the edge of Wem, whilst the development proposal will result in the loss of agricultural land, this matter is considered acceptable and was subject to consideration when the site was allocated for development in accordance with the procedures in relation to formal

adoption of the local plan.

- 6.2.2** The site which consists of grade 3 and 4 agricultural land is relatively flat, bordered by hedges and has been subject to agricultural production. Alongside the site's eastern boundary is the adjacent public highway from which access into the site will be obtained. On opposite side of this highway is the built up form of Wem. Otherwise the site is surrounded by agricultural land. As such integration of development into the surrounding landscape is an important material consideration in relation to this application.
- 6.2.3** Policy CS6 sets out sustainable design and development criteria intended to influence the form of new development so that it respects and enhances local distinctiveness. Bullet point 4 of CS6 requires new development to protect, restore, conserve and enhance the natural, built and historic environment. It should also be appropriate in scale, density, pattern and design taking into account the local context and character and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies.
- 6.2.4** Policy MD2 requires all development to provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area 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, in order to improve the overall quality and usability of the provision.
- 6.2.5** Policy MD12 of the SAMDev indicates that there should be support for 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 and that support should be given to development that contributes positively to the special characteristics and local distinctiveness of an area.
- 6.2.6** The Council's Tree Officer has been consulted on the application and raises no objections in principle indicating whilst there are concerns with regards potential shading from one Oak tree, it is considered this matter can easily be resolved at the Reserve Matters stage. On balance the application in relation to trees is considered to be potentially acceptable in relation to the principals of policies MD2 & MD12 of the SAMDev local plan
- 6.2.7** The applicants have submitted a Landscape and Visual Impact Assessment in support of the application and this concludes that the proposed development is located on the western edge of Wem, on land partly allocated for residential development in the current local plan. The proposals incorporate a low density housing mix, set within a strong axis of landscape buffers which include the retention of valuable (in arboricultural and amenity terms) trees, improvements to the existing boundary hedgerows, flood and drainage attenuation, the provision of community space and an equipped area of play. The new access will be taken off Lowe Hill Road. The landscape character of the area will remain largely intact. The field itself changes inevitable from grazing/arable use to built form, however the field pattern, the key features (such as the trees) and the overall rural nature of the area between Lowe Hill, Wem and the outlying farms remains. The separation to Lowe Hill and farms off Ellesmere Road and as a whole the development will not appear as dense, solid development but in line with the understanding of built form

generally though this area outside the settlement edge – broken up by vegetation, small groups of buildings in a strong landscape context. Generally, the impact on the landscape character within the study area is considered to be low equating to a Minor significance of effect. Visually, as expected the proposal are most noticeable from the residential, road and PRow users in closest proximity to the site. These receptors will experience clear adverse impacts as the direct rural view is changed. However, the number receptors and the time frame for experiencing the change is limited. Those users of the PRow within the study area are aware of the change but due to the local topography and intervening vegetation their experience is mostly limited and the proposals are not the focus of their view

6.2.8 The Council's Landscape Consultant has responded to the application submission by concluding that the methodology for the assessment would appear to be appropriate, given the scale of the proposal and likely landscape and visual effects, and accords with the best practice set out in GLVIA3. Assessment of magnitude of landscape and visual effects has been undertaken in accordance with the LVIA methodology and GLVIA3. All effects are predicted to be adverse, although it is noted that the principle of development on the site is established through its allocation in the Local Plan.

6.2.9 The application has been made in outline with landscaping reserved for future consideration, as such the applicants' submitted master plan is for indicative purposes only. It is noted the applicants' propose a landscape buffer alongside the southern side, (site of an existing gas main), however the plan offers very little in further landscape mitigation, whilst indicating its location to that of the existing built-up form of Wem town and thus highlighting how necessary it is for landscape mitigation in order to mitigate the development into town and countryside in this rural location. The applicants' landscape character assessment plan also highlights how the development will sit in a primary landscape of 'settled pastoral farmlands'. (Shropshire Council's landscape character assessment). As such landscaping in order to mitigate the development into this rural location is essential and this includes consideration to the boundary treatments. Clearly the site is allocated for housing, (mostly), in the local plan and it is also acknowledged that the local plan review includes provision for additional land to the rear of the site to also be included for residential development. (However, the revisions to the upcoming local plan at this stage can be given very little weight owing to the plan's status in the planning adoption process).

6.2.10 In relation to impacts on the historic environment **the applicants have submitted an historic impact assessment and this concludes that there are no Scheduled Monuments or Listed Buildings within the site but that a brick field was present in the later 19th century and evidence for medieval or later ploughing may survive within the site boundary.** (This issue it is recommended can be addressed via an attachment of an archaeology condition **as recommended by the Council's Archaeology Manager in response to the application**) **The Impact on the setting of nearby assets is likely to be mitigated by intervening buildings and/or mature trees.** In consideration of the fact that the **majority of the site is allocated for residential development in accordance with the local plan**, consideration to landscape impacts as discussed in this section of the report and the **relatively low** presence of historic interest in the immediate surrounding environment, it is considered **with a suitably worded landscape condition that impacts on the surrounding historic environment from a landscape perspective will be acceptable**, detail in relation to scale layout and design will be considered at Reserve Matters stage.

6.2.11 In consideration of the site's residential principle in accordance with the local plan, it is considered that with an appropriate landscaping condition attached to any approval notice issued to ensure adequate landscaping consideration at 'Reserve Matters' stage, that the principle of the development is acceptable and in accordance with Policies CS6, CS17, S17.1a, MD2, MD7a, MD12 and MD13 of the local plan and the NPPF on this matter.

6.3 Ecology

6.3.1 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.

6.3.2 The applicants have submitted an ecological impact assessment in support of the application, this concludes that overall, with the exception of bats and great crested newts, there was no conclusive evidence of any specifically protected species occurring on site or closely adjacent to the site that are likely to be adversely affected by the proposals. Similarly, no important habitats were identified that will be adversely affected. Several breeding birds that are protected in general terms during the breeding season, including several Priority Species, do occur on site and there will be an initial loss of breeding habitat. However, with adequate mitigation and the implementation of a number of relatively minor precautions as outlined in the report, it is considered that the proposed development will result in negligible overall ecological impact. With respect to bats, whilst there were no conclusive signs of roosting, several trees suitable for roosting occur on site and bats use the western parts of the site for foraging and commuting to a moderate extent. Retention of this important habitat and improvements to the wildlife will ensure there is no residual impact upon bats and a favourable conservation status will be maintained. There are no extant ponds on site but a pond some 40m to the south and another pond some 160m to the west do support small populations of great crested newts. To ensure that no amphibians will be harmed, all suitable marginal habitat will be retained and enhanced where appropriate, being linked into the wider wildlife corridor, and prior to commencement of any works on site, all habitat suitable for use by amphibians located within 250m of the ponds concerned, shall be initially enclosed by appropriate protective fencing and by means of a trapping scheme, shall be removed from site and relocated in a designated receptor site. This work shall be undertaken as part of a Natural England EPS licence. Whilst there is a modest diversity of invertebrates on site, none of the species recorded are of any significant importance and most of the optimal habitat such as mature trees, hedgerows and wetland, will be retained and managed appropriately. Overall, providing mitigation and habitat compensation proposals are implemented as recommended, there should be no negative ecological impact resulting from proposals to develop the site in question. In addition, to compensate for any loss of habitat and increase biodiversity of the wider area, a significant area of land situated to the south and northwest will be set aside with new ponds created and subsequently managed for great crested newts and other important species. This is

- likely to result in a net positive impact in respect of the local great crested newt population which appears to be currently in decline
- 6.3.3 SC Planning Ecologist has responded to the application indicating no objections subject to conditions being attached to any approval notice issued to ensure adequate consideration to landscaping and the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17. The response also refers to a European Protected Species 3 tests matrix which is attached as appendix 2 to this report. The Ecology response requests consideration to a financial contribution, secured through a S106 agreement for visitor management mitigation measures at Cole Mere Ramsar site in order to demonstrate that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 (as amended), this has been agreed by the applicant. A separate appropriate assessment has been undertaken and provided already in this regard
- 6.3.4 In relation to ecological/biodiversity issues, whilst it is acknowledged the previous application on site subsequently refused permission owing to issues primarily in relation to ecological/biodiversity and landscape issues, it is considered the applicants have as part of the application currently under consideration addressed these matters to a satisfactory conclusion with conditions attached as recommended in this report. Therefore on biodiversity/ecological issues the application is considered to be in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD12 of the SAMDev, the NPPF and the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended).
- 6.4 **Scale and design and consideration to land outside the allocated site**
- 6.4.1 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.
- 6.4.2 The application is made in ‘outline’ with all matters other than access reserved for future consideration, as such scale and design are to be considered at a future ‘Reserve Matters’ stage. Accompanying the application is an ‘indicative site layout plan’ which indicates a proposed site layout including provision for public open space. This matter it is considered will be assessed in more detail at the Reserve matters stage should permission be granted.
- 6.4.3 As previously indicated part of the site is located outside of the recognised development boundary for Wem, on land classed as open countryside in accordance with the local plan. It is recognised that a ‘gas main’ pipe runs through a section of the southern part of the site and that this does create a land constraint. It is noted the masterplan for the application site indicates residential development on the land in the northern section outside of the development boundary. Whilst the gas main is a planning constraint, it is noted the site allocation in accordance with Policy S17.1a of the SAMDev indicates that the design of the site may include additional land for ‘community facilities’, it does not indicate or make reference to further housing. The Council’s pre-application advice acknowledged that any formal application could include additional land as part of the application site, but this would need to be justified by the applicants. In consideration of the land constraint, (gas pipe), and the requirement for a clearance zone within its close proximity and justification as submitted by the applicants in support of the application, as well as

amount of open space indicated, on balance use of the land as suggested on the 'indicative site layout plan is acceptable in principle. (Application has been advertised as a departure to the local plan). The proposal considered by utilising the adjacent land will allow for a character of development which has a lower, and more appropriate density in consideration of the adjacent built environment. (SAMDev policy indicates up to 100 dwellings on this allocated housing site). The indicative layout demonstrates that appropriate areas of open space can be provided, allowing residents access to multi-functional accessible spaces, a community use area and sustainable drainage schemes set within a potentially high quality landscaping. Overall, this considered significant material reasons which on balance to support the application.

6.4.4 The Planning Statement in support of the application refers to the local plan review and the fact that further land adjoining the site is being considered for inclusion into the local plan. Whilst this is correct in that land as indicated to the north of the existing allocated site has been suggested for inclusion into the local plan, this at present carries little planning weight, as the review of the Local Plan is only in its very early stages. The objection to the application is noted from Wem Town Council and thus at this stage in the plan review, it would be premature and prejudicial to pre-judge the progress of the local plan review.

6.4.5 Policy S17:1a of the SAMDev indicates extra land may be considered acceptable in relation to the overall design of the site for the provision of community facilities

6.4.6 Whilst scale, layout and design are important material considerations, these are reserved for future consideration. The indicative site plan in support of the application along with the material considerations and justification as suggested by the applicants, tip the balance in support of the application in relation to this matter and the inclusion of land (approx. 25% - 30% of the application site), outside of the recognised housing allocated site and therefore considered by Officers to be acceptable and overall in accordance with the local plan policies as a whole.

6.5 **Drainage**

6.5.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing run-off rate and not result in an increase in run-off

6.5.2 The Council's Drainage Manager in response to the application has indicated that the proposed drainage strategy in the FRA is acceptable in principle. However, the final drainage details, plan and calculations should be submitted for approval. The response recommends a condition to be attached to any approval notice subsequently issued with regards to a scheme of surface and foul water drainage

6.5.3 Whilst the concerns as raised by Wem Town Council and objectors to the application on drainage and flooding issues are noted, it has to be acknowledged that the Council's Drainage consultee raises no objections on this matter. Therefore on balance the application considered to be in accordance with Policies CS6 and CS18 of the Shropshire Core Strategy and the National Planning Policy Framework on flood and drainage matters.

6.6 **Highways and transportation**

6.6.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraphs 110 and 111, 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.”
- 6.6.2 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.
- 6.6.3 A transport assessment accompanies the application and this concludes that the site is accessible by sustainable modes of transport and that the surrounding area exhibits levels of pedestrian and cycling infrastructure, and there are several public transport opportunities within acceptable walking distance. Following a review of road collision statistics, it is not considered that there is an existing safety issue that is likely to be exacerbated by the proposals. Based on the quantum of development, a single highway access would be sufficient for the site. This would be taken off the existing access, with minor realignment of the road within the site such that it would be perpendicular to Lowe Hill Road. Due to the proximity of the Thomas Adams School, and the associated reduction in speed limit on Lowe Hill Road to 20mph which commences in the north, a raised table has been proposed. This is in line with the Shropshire Council document ‘91’91’91 Specification for Residential/Industrial Estate Roads’ and as stated within Manual for Streets, that raised tables at junctions reduce speeds and facilitate pedestrian movement. A highway impact assessment has been undertaken which demonstrates that traffic generated by proposed development will not have a material impact on the surrounding highway network in the years 2021 and 2026. A review of relevant local and national transport planning guidance has been undertaken. It is considered that the proposed development is in general in accordance with such policies and guidance. From a traffic and transportation perspective, the transport assessment states there are no reasons why the development proposals should not be granted planning approval
- 6.6.4 The application has generated a number of letters of objections from members of the public on public highway and transportation issues and this includes reference to Wem Town Council. As a consequence the SC Highways Manager has visited the site and has responded to the application indicating he has considered again the local context of the junction of Pyms Road and the School entrance. Having done so he does not wish to fundamentally change the highway stance as was set out previously and attached in relation to the previous application refused permission on site. He has however reworded the access and raised table planning condition. In essence the Council's Highways Manager is satisfied that the raised table scheme can provide a satisfactory means of access to the development and deal with some localised traffic conditions, particularly during the school peak periods. He is satisfied also that these works can be accommodated within the highway limits and the frontage controlled by the applicant.(SC Highways Manager's response is copied out in full in paragraph 4.4 above).
- 6.6.5 The SC Highways Manager does not object to the proposal on highway and transportation grounds recommending conditions with regards to access design, road design, highway infrastructure, parking and turning, a construction management plan and a travel plan.
- 6.6.6 Whilst Officers acknowledge there are a number of concerns raised on public highway grounds by members of the public and Wem Town Council, it must be acknowledged that the majority of the site is allocated for housing in accordance with the local plan and further land to the rear is proposed for future housing growth. As such public highway matters in principle would of been considered at land allocation stage into the local plan.The SC Highways Manager appears to

have looked at the application in considerable detail, comparing the latest proposals subject to this application to that of his comments in relation to the previous application that was subsequently refused last year, in accordance with the Council's scheme of delegation. It is considered based on the SC Highways Manager's response as indicated in paragraph 4.4 above, that with conditions attached, as recommended by the Highways Manager, to any approval notice subsequently issued, that in highway and transportation matters this application on balance is acceptable and in accordance with Policies CS6, MD2 and S17 of the Local Plan and the National Planning Policy Framework.

6.7 **The Historic Environment.**

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

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance' (para 199).

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. (para 203)

'Local planning authorities should not permit the loss or harm of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred'. (para 204)

'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies' In this instance heritage assets, are dispersed in the surrounding area and the application does include land classed as open countryside and not designated for unencumbered housing development.

Paragraph 194 of the NPPF indicates: ***'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.***

Paragraph 195 indicates that, ***'Local planning authorities should identify and***

assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

- 6.7.2** The applicants have submitted in support of their application a heritage assessment and supplementary historic landscape statement and these conclude that there are no Scheduled Monuments or Listed Buildings within the site, but that a brick field was present in the later 19th century and evidence for medieval or later ploughing may survive within the site boundary. The Impact on the setting of nearby assets is likely to be mitigated by intervening buildings and/or mature trees. The reports also conclude that field patterns and the town itself have changed over time. Given the relatively undeveloped nature of the proposed development site, particularly the field to the south, a geophysical survey is recommended to determine the potential for archaeology to survive within the site. (This matter has been considered earlier in this report with the recommendation for a condition to be attached to any approval notice issued with regards to an archaeology condition). Though it is recognised that the proposed development will have some minor impact through the loss of a parcel of land, the overall level of encroachment in the landscape character areas is negligible when taken into context with the wider historic landscape as a whole, and reflects the gradual but consistent development of both Wem and the historic landscape over time.
- 6.7.3** In consideration of the revised heritage impact assessment the Council's Conservation Officer to the previous application for development on site concluded that the applicants appear to use the phrase 'substantively' rather than 'harm'. The Conservation Manager considered that potentially with sensitive landscaping mitigation to the wider boundary of the site that on historic matters that Section 66(1) is engaged in terms of adding great weight when balancing harm against public benefits. The reason for this statement is that whilst the application site and the heritage assets assessed do share reciprocal views this does not necessarily mean that the site will cause harm to their significance, especially as the land in question does not have any formal connection to any of the heritage assets such as designed parkland, for example. As a consequence the Council's Conservation Officer did not object on heritage grounds but still had reservations as to how the site might be developed and mitigations measures put in place which do not cause harm, especially as the site it extended beyond the allocated site.
- 6.7.4** The comments as made by the Council's Conservation Officer are noted and in consideration of the fact that on this matter in relation to the previous application subsequently refused and material considerations, (Biodiversity and landscape impacts), of concern and the fact that whilst the Council's Landscape Consultant whilst maintaining that development on site will have an adverse impact on the landscape, does not object with suitable mitigation in place and the reality that the site is mainly allocated for residential development, in accordance with the local plan, with no objections to the current proposal on either landscape or ecology grounds, the balance tips in favour of support from an historic environment perspective as layout, scale and design are reserved for future consideration.

6.7.5 On balance with consideration to all the material considerations, with adequate consideration to landscape mitigation as a consequence of development on site, it is considered that development on site in relation to the historic environment is broadly in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD12 and MD13 of the SAMDev, and the National Planning Policy Framework.

6.8 Noise and amenity.

6.8.1 The applicants have submitted a noise assessment in support of the application and the Council's Regulatory Services Manager responded to the previous application indicating that

'the acoustic report submitted with the application indicates that some parts of the development will not achieve recommended noise standards without mitigation.

Good acoustic design solutions should be used to provide mitigation where required and acoustic glazing which requires windows to be kept shut should only be considered where it is not possible to resolve the issues by other design measures (such as increasing the distance between the road and the properties, changing the internal or external layout and/or construction of noise barriers). As the measures required to protect the amenity of the properties is likely to require changes to the proposed layout and design of the site I recommend that these measures are agreed at outline stage'.

6.8.2 In response to this the applicants responded indicating that their noise consultants calculations indicate that the proposed stand-off, as shown in the indicative layout plan, introduced between Lowe Hill Road and the nearest dwellings is sufficient to achieve the internal noise guideline levels during the daytime, with open windows for ventilation. However, with open windows used for ventilation, the night-time noise levels may be exceeded. In order to achieve the night-time internal noise levels with open windows used to provide ventilation, bedrooms, where possible, could be located on the screened facades of dwellings closest to the road. We would however stress that there are no technical requirements for all rooms of new dwellings to have ventilation provided by open windows, and standard thermal glazing together with alternative ventilation methods are commonly used noise mitigation methods on sites such as Lowe Hill Road. Dwellings further into the proposed development site will achieve the internal noise levels on all facades with open windows used for ventilation, but all dwellings would have openable windows to allow for purge ventilation as required by occupant. Overall, it is stressed that as part of the detailed design process at reserved matters stage, the design, alignment and location of units closest to Lowe Hill Road will be reviewed in terms of noise impacts.

6.8.3 The Council's Regulatory Services Manager indicated that whilst there is no technical requirement for all habitable rooms to be ventilated by openable windows, ProPG does make it clear that, good acoustic design principles should be used to ensure optimum acoustic standards are achieved without adversely affecting the quality of life of the occupants, ProPG also provides advice on good acoustic design, in particular it recommends:

"Using fixed unopenable glazing for sound insulation purposes is generally unsatisfactory and should be avoided; occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open.

Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents.

6.8.4 *Planning applications for new residential development should include evidence that the following aspects of good acoustic design have been properly considered*

- ***Check the feasibility of relocating, or reducing noise levels from relevant sources.***
- ***Consider options for planning the site or building layout.***
- ***Consider the orientation of proposed building(s).***
- ***Select construction types and methods for meeting building performance requirements.***
- ***Examine the effects of noise control measures on ventilation, fire regulation, health and safety, cost, CDM (construction, design and management) etc.***
- ***Assess the viability of alternative solutions.***
- ***Assess external amenity area noise”.***

6.8.5 It should be possible to design this site so that it achieves the recommended noise standards whilst maintaining the quality of life of future occupants, as such the Council’s Regulatory Services recommend that the possibility of acoustic design solutions, as detailed in ProPG, is explored further. As this could involve a significant redesign of the site they recommend that this application is not decided until a scheme of mitigation has been agreed.

6.8.6 The present application is made in outline with all matters other than highway access reserved for future consideration and this includes site layout. Clearly the site is in a semi-rural location and it is considered on balance that this matter can be satisfactorily resolved with the attachment of a suitably worded condition to any approval notice issued, so as the matter is addressed at the Reserve Matters stage should the application be subsequently approved.

6.9 Section 106

6.9.1 THE APPLICANTS HAVE SUBMITTED DETAIL IN SUPPORT OF A DRAFT SECTION 106 AGREEMENT TO ACCOMPANY ANY APPROVAL NOTICE ISSUED. THIS IS CURRENTLY UNDER PREPARATION. THE KEY POINTS TO BE INCLUDED IN ANY SECTION 106 AGREEMENT AS HEADS OF TERMS ARE AS FOLLOWS:

- Affordable housing provision to include 10 affordable homes on site. (10%). The tenure of the affordable homes would be 7 for affordable rent and 3 for Shared Ownership and all would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council’s prevailing Allocation Policy and Scheme.
- Open space provision on site in accordance with criteria as set out in Policy MD2 and detail in relation to its subsequent management and maintenance.
- A financial contribution, for visitor management mitigation measures at Cole Mere Ramsar site. (To demonstrate that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 (as amended)).

7.0 CONCLUSION

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 development as proposed has been assessed in relation to the relevant local plan policies. Material planning considerations have also been considered in the assessment of the merits of the case. The proposed development mainly forms part of an allocated site for housing in accordance with the local plan.(SAMDev).
- 7.3 It is considered that the proposal is finely balanced, as development on site will it is considered have an adverse impact on the surrounding landscape, however it is considered this impact can be mitigated with additional landscaping, and it is also acknowledged the majority of the application site is allocated for residential development in accordance with the local plan and the local plan review, (although at this stage can only be given very little weight), does include provision for further residential development within the site's immediate area.The relevant local plan policy, (SAMDev Policy S17.1a), indicates the site, (Site allocation reference WEM003), as suitable for additional land outside of its allocation for community uses. The housing site itself does have a significant constraint in that a service pipe crosses it and therefore a restraint to development over its land and buffer area, with this in mind, as well as the landscape and visual impact, it is considered that development on site will require significant landscaping and will need to be at the lower end of density patterns and will need open space provision on site in accordance with the criteria of SAMDev policy MD2 criteria as **a minimum**.
- 7.4 The previous application subsequently refused on site, (presently subject to an appeal), was refused mainly owing to biodiversity issues, (landscape and ecology), however it is considered that the ecological issues have been satisfactorily addressed as part of the current application under consideration.(Landscape and Conservation issues containing further information). Impacts on the surrounding historic environment with carefully consideration to density and layout at Reserve Matters stage with appropriate landscaping, it is considered can be addressed satisfactorily.
- 7.5 It is noted there are significant concerns to the application on highway and transportation matters from both members of the public and Wem Town Council, however with appropriate conditions attached to any approval notice issued, it is considered this matter is addressed satisfactorily, as confirmed by the SC Highways Manager and discussed in this report.
- 7.6 With a condition attached to any approval notice issued, in order to ensure a sustainable means of surface and foul water drainage, it is considered detail included in the applicants flood risk assessment and supporting information in support of the application on drainage issues is acceptable. (This matter it is also acknowledged was a reason for a number of objections from members of the public and Wem Town Council).
- 7.7 The concerns with regards to potential noise issues are noted, however the layout plan in support of the application is 'indicative only' and matters in relation to scale, design and layout are reserved for future consideration. With consideration to the site's mainly rural setting and with consideration to the proximity to the site and type of surrounding public highways, as well as adjoining land uses, it is considered this matter can be addressed adequately at the Reserve Matters stage.
- 7.8 It is noted there are objections to the application owing to what some perceive as lack of infrastructure and essential service provision within Wem. This matter it is considered will be addressed via the Community Infrastructure Levy, (CIL) where

considered necessary. The Local Parish Council's comments in relation to this application, as well as Wem Civic Society and those of members of the public who have commented on the current application have been taken into consideration in relation to the processing of this application.

- 7.9 On balance and with careful consideration to all the material considerations, acknowledging the site is mainly allocated for housing in accordance with the local plan, (application was advertised as a departure to the local plan, owing to the additional land included in the application site that is not allocated for housing in the current local plan), this application is recommended for approval, as it is considered overall to comply with Policies CS3, CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD1, MD2, MD3, MD7a, MD12, MD13 and S17 of the SAMDev, the National Planning Policy Framework, (July 2021), the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) and that of the revised local plan under review, whilst acknowledging this plan at this stage in its adoption process carries very little planning weight.
- 7.10 The recommendation is therefore one of approval subject to the conditions as outlined in appendix 1 attached to this report and any modifications to these conditions as considered necessary by the Assistant Director and the signing of a Section 106 agreement in order to ensure provision of affordable housing on site, open space provision and maintenance and a financial contribution towards visitor management mitigation measures at Cole Mere Ramsar site

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

CS3 - The Market Towns and Other Key Centres

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS11 - Type and Affordability of housing

CS17 - Environmental Networks

CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD8 - Infrastructure Provision
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S17 - Wem
SPD Sustainable Design Part 1
SPD Developer Contributions
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

20/01054/OUT Outline planning application (to include access) for the erection of up to 100 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works REFUSE 12th June 2020

**21/02768/OUT Outline planning application for Residential development (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved. (Revised scheme) (amended description)
PDE**

Appeal

21/02909/REF Outline planning application (to include access) for the erection of up to 100 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works INPROG

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 Peter Broomhall Cllr Edward Towers
Appendices APPENDIX 1 - Conditions

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

1. Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. 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

5. Notwithstanding the access details as shown on Drawing No.68591-CUR-00-XX-DR-TP-75001-P04 and prior to the commencement of development full engineering details of the access layout, visibility splays and raised table shall be submitted to and approved in writing by the Local Planning Authority; the access scheme and raised table shall be implemented in accordance with the approved details and a phasing programme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the comprehensive development of the highway infrastructure to serve the occupation of dwellings within the site.

6. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water and phasing programme have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the comprehensive development of the highway infrastructure to serve the occupation of dwellings within the site.

7. **Prior to the commencement of development a scheme for the provision of a mini-roundabout at the junction of Lowe Hill Road and B5063 shall be submitted to approved in writing by the Local Planning Authority: the mini-roundabout scheme shall be fully implemented in accordance with the approved scheme following the occupation of the 50th dwelling within the site.**

Reason: In the interests of highway safety.

8. No development shall take place until details for the parking and turning of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

9. **No development shall take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority, to include a community communication protocol. The CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period.**

Reason: In the interests of highway safety and to avoid congestion in the surrounding area and to protect the amenities of the area.

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

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

11. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased 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 development site is known to have archaeological interest.

12. No development shall take place until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority;

Reason: To ensure the protection of great crested newt. a European protected species.

13. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:

- 1) Planting plans showing creation of wildlife habitats including species-rich grassland, permanent aquatic habitats and hedgerow / tree planting,
- 2) Written specifications (including cultivation and other operations associated with wildlife habitat establishment);
- 3) Schedules of plants, noting species (including scientific names, seed mix compositions, planting sizes and proposed numbers/densities where appropriate;
- 4) Native species used are to be of local provenance (Shropshire or surrounding counties);
- 5) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- 6) Detail of boundary treatment which will include provision for hedges.
- 7) Implementation timetables.
- 8) Recreational space and landscaping/plantings in relation to this.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To provide ecological enhancements under NPPF, MD12 and CS17

14. Any subsequent planning application/reserve matters for development on site will include reference to a scheme for protecting the occupants of the proposed development from the traffic noise on Lowe Hill Road, to be submitted to, and approved in writing by the Local Planning Authority. The scheme shall ensure that all properties have been designed so that the following good noise standards can be achieved: 35dBA LAeq in habitable rooms in the day, 30dB LAeq in bedrooms at night, 45dB LAmax in bedrooms at night and 50dB LAeq in external amenity areas. Acoustic glazing which requires windows to be kept shut should only be used where it is not possible to resolve the issues by other design measures and where there is a clear planning need for the proposed design. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained

Reason: In order to ensure adequate consideration to residential amenity.

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

15. The interim travel plan shall be implemented in accordance with the Action Plan set out in the approved details.

Reason: In order to promote sustainable travel and associated health benefits and to minimise the use of the private car in the interest of reducing carbon emissions.

Informatives

1. The proposed drainage strategy in the FRA is acceptable in principle. However, the final drainage details, plan and calculations should be submitted for approval.

Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided to ensure that the drainage system remains in good working order throughout its lifetime.

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

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

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

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. Exceedance flow path should be provided.

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

EUROPEAN PROTECTED SPECIES: The ‘three tests’

Application reference number, site name and description:

21/02768-OUT

Outline planning application for Residential development (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved. (Revised scheme) (amended description); Land West Lowe Hill Road Wem Shropshire

Date:

05 August 2021

Officer:

**Suzanne Wykes
Specialist Practitioner (Ecology)**

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’?

Mainly an allocated site for residential development in accordance with the local plan.

Test 2:

Is there ‘no satisfactory alternative?’

No site allocated for housing.

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’?

There are fourteen ponds within 500m of the site boundaries, four of which support small populations of great crested newts, though only two of these occurs within 250m of the site boundaries where there is direct habitat linkage.

Of the two ponds within 250m of the site boundaries, one (P1) is approximately 40m to the south, the second (P2c) 160m to the west. No extant ponds occur within the site. Four ponds shown on OS maps within/ directly adjacent to the site had either been filled (ie were completely absent) or were all but dried out, with no aquatic vegetation present.

Surveys of ponds in 2020 by Cameron S Crook identified a small population of GCN in pond P2c.

With regard to pond P1, a small population of great crested newts was recorded in 2017 with a maximum count of one adult male during the third survey visit with no females, no eggs and no juveniles found. However, presence could not be confirmed during the 2020 survey.

Except for the habitat along the site and field margins, comprising mainly hedgerows, rank grassland and scrub, most of the site proposed for development comprises improved grassland, terrestrial habitat that is relatively poor in quality.

In the absence of mitigation, European Protected Species (EPS) offences are likely to be committed by the development proposal, i.e. damage or destruction of an EPS resting place and killing or injury of an EPS.

Section B of the Ecological Survey & Assessment by Cameroon S Crook and Associates dated January 2021 and the letter from Ecology Solutions Limited (dated August 2021) and accompanying plan ECO1 - *Indicative GCN mitigation strategy* sets out appropriate mitigation measures, which will form part of the licence.

These includes a receptor area (along the southern site boundary), exclusion fencing and hibernacula, shown in indicative locations on plan EC01.

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of great crested newt at favourable conservation status within their natural range. Mitigation measures for GCN can be appropriately integrated into the development and detailed at reserved matters stage.

Conditions requiring the submission of both a GCN mitigation licence from Natural England and a detailed landscaping scheme including semi-natural habitat provision, prior to the commencement of development are recommended.

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.

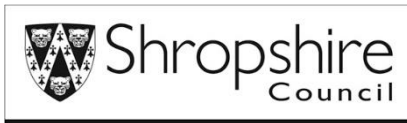
No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive 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
 31st August 2021

Item
10
 Public

SCHEDULE OF APPEALS AS AT COMMITTEE 28th September 2021

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Appeals Lodged

LPA reference	19/04389/OUT
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Diageo Pension Trust Ltd, Care Of Savills Investment Management
Proposal	Outline Planning Application (all matters reserved other than access) for the development of up to 150 residential dwellings
Location	Proposed Development Land To The South Of Meole Brace Retail Park Shrewsbury
Date of appeal	18.01.2021
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/01890/HHE
Appeal against	Refused Prior Approval of Permitted Development
Committee or Del. Decision	Delegated Decision
Appellant	Mr Ian Chaffey
Proposal	Erection of a rear single storey extension to detached dwelling, dimensions 5.50 metres beyond rear wall, 2.90 metres maximum height, 2.90 metres high to eaves
Location	5 The Furlongs Bicton Heath Shrewsbury
Date of appeal	21.06.2021
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/01281/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	SR and JD Moseley
Proposal	Erection of 2 No.bungalows, formation of access and parking (resubmission)
Location	8 Crabtree Lane Wem
Date of appeal	15.06.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/03017/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	G and S Foxley and Forbes
Proposal	Erection of a local needs dwelling including garage and access
Location	Land south of The Little Wickett Rye Bank Wem
Date of appeal	26.05.2021
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	20/03064/CPE
Appeal against	Refused to grant certificate of Law use or development
Committee or Del. Decision	Delegated
Appellant	Mr M Johnson
Proposal	Application for a Lawful Development Certificate for an existing use for repair, maintenance and storage of heavy goods vehicles
Location	Brookside Prees Lower Heath Prees Whitchurch
Date of appeal	19.03.2021
Appeal method	Written Representations
Date site visit	19.07.2021
Date of appeal decision	06.09.2021
Costs awarded	
Appeal decision	DISMISSED

LPA reference	21/01572/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Patricia Jones
Proposal	Siting of metal storage container (resubmission)
Location	Land Opposite Gyrn Cottage Gyrn Road Selattyn
Date of appeal	06.07.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	ALLOWED



Appeal Decision

Site Visit made on 19 July 2021

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2021

Appeal Ref: APP/L3245/X/21/3271407

Brookside, B5065 from Cruckmoor Lane Junction to A442 Prees Lower Heath, Lower Heath, Prees SY13 2BT

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Mark Johnson of FW Johnson against the decision of Shropshire Council.
 - The application ref 20/03064/CPE, dated 30 July 2020, was refused by notice dated 24 September 2020.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended ('the Act').
 - The use for which a certificate of lawful use or development is sought is repair, maintenance and storage of heavy goods vehicles.
-

Decision

1. The appeal is dismissed.

Reasons

2. An application under section 191(1)(a) of the Act seeks to establish whether any existing use of buildings or other land was lawful at the time of the application. Section 191(2)(a) and (b) sets out that uses and operations are lawful at any time if: i) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and ii) They do not constitute a contravention of any enforcement notice then in force.
3. The main thrust of the appellant's case is that the repair, maintenance and storage of heavy goods vehicles (HGVs) began following the appellant's purchase of the site on 30 August 2008 and has continued thereafter.
4. The main issue is whether the Council's decision to refuse to grant a LDC was well-founded. That will turn on whether the repair, maintenance and storage of heavy good vehicles began more than 10 years before the date of the application and continued for a period of 10 years thereafter without significant interruption.
5. In an LDC appeal, the onus is firmly on the appellant to make out their case, on the balance of probabilities. As established in case law, the appellant's evidence should not be rejected simply because it is not corroborated. If a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, and their evidence is sufficiently precise and unambiguous, it should be accepted.

6. Planning merits form no part of the assessment of an application for a LDC under section 191 of the Act. The proposed development must be considered in the light of the facts and the law.
7. The appellant purchased the residential property and outbuildings on 30 July 2008. The appeal site historically comprised part of farm complex. However, the land associated with the farm complex was sold off separately and is not within the appellant's ownership. The appellant advises that the appeal site does not have a County Parish Holding number and has not been in active agricultural use since the purchase.
8. The appellant operates a business specialising in the servicing, maintenance and repair of its own fleet of HGVs and the haulage of animal feed and commodities, operating from the Wem Industrial Estate and with a registered address at Cotton. The appellant states in a statutory declaration that, following the purchase of the appeal site, he began using the main workshop building for carrying out vehicle repairs and maintenance to his fleet of vehicles along with general storage of vehicles and associated equipment/supplies.
9. Photographs submitted alongside the appellant's statutory declaration, Exhibit 3, are alleged to show a Volvo which was re-sprayed at the site. Although the photographs are undated, an invoice dated 13 November 2008 does appear to support the appellant's assertion that the works were carried out at the site some time in 2008. An Autoglass invoice for the Volvo truck at the appeal site, dated 31 October 2011 also indicates that the truck was at the appeal site. However, it is not clear whether the vehicle would have been located at the appeal site on a permanent basis, or at the appellant's site at Wem Industrial Estate.
10. The appellant has provided a photograph of a Ford Transit which was purchased in 2009, however, the appellant's statutory declaration does not identify how the vehicle was used. Similarly, invoices for other vehicles and a log book may show that the appellant purchased them but does not show how the vehicles were used, where they were primarily kept or where they were repaired and when.
11. The appellant has provided a number of other invoices which indicate items have been supplied to the appellant, either to the appeal site or other addresses relating to the appellant. Whilst I accept it may have been necessary to utilise an address other than the appeal address on some of the invoices, the number of invoices provided is very limited. Had a material change of use taken place over a ten year period, I would expect to see a much greater range of items being purchased for use on site.
12. The appellant suggests that receipts were not commonplace as the purchase of parts was often last minute, involving a phone call order and immediate collection in person. However, since the activities are alleged to have formed part of a business, I find such an explanation highly unusual as the appellant would have required the receipts for tax purposes.
13. Whilst the appellant may only be required to keep receipts for tax purposes for 5 years, no receipts have been provided for the period after 2014. Although the appellant has provided a number of letters from companies which state deliveries have been made to the appeal site, including fitters visiting the site, there is limited detail as to what these deliveries comprised, how frequently

- they were made, or whether this fluctuated over time and if so, to what degree.
14. A statutory declaration signed by the owner of the adjacent land states that the land has been used since July 2008 for the repair, maintenance and storage of HGVs but does not give any detail as to what the activities comprised and whether these have changed over time.
 15. The appellant has provided an electricity bill dated 9 March 2012 for the appeal site. Although the appellant incurred energy charges of £32.68, this was for the standing charge. Actual energy consumption at the property between 6 December 2011 and 5 March 2012 was zero. This does not therefore support the appellant's case that activity was occurring at the site but rather points towards the site being vacant.
 16. An electricity bill dated 16 August 2013 requests payment of a monthly instalment but does not provide details of energy usage at the site and therefore does not support the appellant's case that that activity was occurring at the site.
 17. An aerial photograph submitted by the appellant, dated 31 December 2009, shows what appears to be an HGV parked by one of the buildings. Although a greater level of activity appears to be occurring within the site compared with an aerial photograph submitted by the appellant, dated 1 July 2008, there are no HGVs evident in the aerial photograph dated 10 November 2010.
 18. Whilst the evidence points towards there being some activity at the site following the appellant's purchase in 2008, the scale and frequency of the activity appears limited initially. For a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously, as a matter of fact and degree. Even if the site has not been actively farmed since 2008, this does not mean that a material change of use has taken place. Activities which are of a casual intermittent and insignificant nature will not necessarily result in a material change of use of the land.
 19. The aerial photographs submitted, point towards the number of HGVs at the site increasing over time. An aerial photograph dated 28 March 2012, for example, shows what appears to be around four HGVs at the site and an aerial photograph dated 22 April 2015 appears to show around 5 or 6 HGVs within the site. An aerial photograph dated 27 June 2018 appears to show around 11 HGVs within the site.
 20. The Council advise that an operator's license was granted at the appeal site on 12 October 2015 for 8 vehicle(s) and 4 trailer(s). The appellant states that initially, vehicles continued to be parked at Wem Industrial Estate, but by 2015 the fleet had grown to a point where it had become necessary to store some of the vehicles at Brookside overnight and so Brookside was added as an operating centre, in addition to Wem Industrial Estate. The appellant suggests that the haulage side of the business has always been based elsewhere. However, this seems to contradict the identification of the site as an operating centre.
 21. In my view, there is a significant difference between a site that carries out the storage and repair of one or two HGVs and a site which acts as an operating

centre for the overnight parking of a number of HGVs. The vehicle movements and noise and disturbance associated with an operating centre is likely to be far greater than would be associated with the infrequent repair of vehicles and so would alter the character of the land.

22. A number of letters have been submitted by interested parties, including a number of affidavits submitted by occupants of nearby properties, which dispute that the business has operated out of the appeal site for 10 years. The former occupants of The Beeches, for example, state that the appellant started to use the property as a base for running his haulage business after he moved in. A point which is supported by another nearby resident.
23. Whilst the comments made by the interested parties are not identical, the comments generally point towards activity at the site increasing following the appellant's occupation of the dwelling in 2018. Although the workshop buildings open onto the yard to the rear of the site, there are elements of the site which are readily visible from outside the site. Furthermore, given the generally rural character of the area, local residents are likely to notice HGVs being brought to and from the site.
24. Case law has established that a use can only become lawful if it continues throughout the relevant immunity period, such that the local planning authority could have taken enforcement action at any time. It is unclear how many vehicles were repaired or maintained over the 10 year period or how this has fluctuated over the relevant period. Whilst there may have been some activity at the site prior to the appellant moving to the residential property in 2018, the fact that nearby residents did not notice activity at the site prior to this, points towards the activities at the site changing to such a degree as to alter the character of the land.
25. From the evidence provided, it is not possible to conclude whether the activities carried out at the site prior to 2015 constituted a material change of use, or whether the change was *de minimis*, meaning that it is on too small a scale for the law to take account of it. Furthermore, even if I were to conclude that a material change of use of the land occurred in 2008, it is likely that a material change in the use of the land occurred when the site became an operating centre for HGVs.
26. Hence, it has not been demonstrated, on the balance of probabilities that the site has been used for the repair, maintenance and storage of heavy goods vehicles throughout the relevant period, to the extent that the local planning authority could have taken enforcement action at any time.

Conclusion

27. Thus, for the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the site for repair, maintenance and storage of heavy goods vehicles was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

M Savage

INSPECTOR



Appeal Decision

Site visit made on 7 September 2021

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/L3245/W/21/3276701

Land at Gyrn Road, Selattyn, Oswestry SY10 7DL

- 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 Patricia Jones against the decision of Shropshire Council.
 - The application Ref 21/01572/FUL, dated 25 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is described as '*we would like to place a twenty foot steel container on the land. This unit is required to store our old Ferguson tractor and various tools and equipment in. We intend to disguise the container by setting it into the sloping land and planting trees and shrubs around it*'.
-

Decision

1. The appeal is allowed and planning permission is granted for the siting of a metal storage container at Land at Gyrn Road, Selattyn, Oswestry, SY10 7DL, in accordance with the terms of the application Ref 21/01572/FUL, dated 25 March 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The National Planning Policy Framework was revised in July 2021 (the Framework) and this post-dates the Council's refusal notice. The main parties were afforded the opportunity to comment on the implications of the Framework from the point of view of determining this appeal. I have also taken it into account.
3. The Council's decision notice describes the proposal as '*the siting of a metal storage container*'. Relative to the description of development in the banner heading above, this is more succinct. I have therefore referred to the latter description of development in the decision.

Main Issues

4. The main issues are whether the proposal would accord with policy MD7b of the Site Allocations and Management of Development Plan 2015 (SAMDev) in terms of location and the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site falls within the countryside and is located a few hundred metres to the south of the settlement of Selattyn. It is to the west of Gyn Cottage and

- falls within a wider parcel of land of about 6 acres and known as Little Gyrn Fields.
6. It is proposed to position a green container measuring 6.1 metres in length by 2.4 metres in width by 2.9 metres in height on an area of existing flat land and which is surrounded by existing mature trees and vegetation. The appeal site is relatively flat and is at the bottom of land which slopes downwards from Gyrn Road. New tree planting is proposed around the container.
 7. The planning application is accompanied by a report called '*Little Gyrn Fields Restoration Plan*' (LGFRP). There is some family history associated with the historic use and ownership of the land. The evidence is that the appellant lives a long way from the local area and consequently has to transport tools and equipment to and from the site each time she visits the area. The evidence also indicates that the appellant has a five-year restoration and enhancement plan for Little Gyrn Fields which will include a 1 acre wildflower meadow; removal of fallen trees from the existing woodland; an extension of the existing woodland, and improved access and security.
 8. I am satisfied that the appeal development would offer a much needed secure and watertight storage facility for the appellant's tractor, strimmers, hand tools, tree stakes, tree shelter guards and power tools. Given the LGFRP, I am satisfied that the appellant has suitably justified that there is a need for an agricultural storage facility on the land. I would add, however, that both the Framework and the Shropshire Local Development Framework Adopted Core Strategy 2011 (CS) are supportive, in principle, of new agricultural development in countryside locations and in that regard a need case need not be advanced. From an overall size and scale point of view, I do not find that the proposal would conflict with the requirements of policy MD7b of the Site Allocations and Management of Development Plan 2015 (SAMDev).
 9. I accept that in some rural locations the use of storage containers may not be acceptable in visual terms. However, in this case the container would not be significant in terms of its size, would be positioned at the bottom of a steeply sloping field and would be well screened by existing trees. It is proposed to plant a number of additional evergreen trees around the container and, furthermore, the container itself would be finished in a dark green colour. Taking all of these factors into account, I consider that the development would blend in with the surrounding landscape and would assimilate well with the surrounding trees and vegetation.
 10. Subject to the retention of the existing trees and the planting of new trees as shown on drawing No. LG02c, I am satisfied that the development would not appear as a striking, conspicuous or out of place addition in this rural environment. It is proposed that the new trees would be evergreen and, in this regard, the container would not be perceptible from public views even when the existing surrounding deciduous trees were without leaf. Planning conditions could be imposed in respect of new tree planting, the retention of existing trees, as well as the container being permanently finished in a dark green colour.
 11. Policy MD7b of the SAMDev indicates that applications for agricultural development will be permitted where it can be demonstrated that '*the development is well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing*

farm buildings'. The policy does not require all agricultural development to be sited next to existing farm buildings and, in this case, I observed on my site visit that there were no farm buildings within the immediate vicinity of the appeal site.

12. In this case, there is justification for locating the development in an area which is not next to existing farm buildings. This is because the development would not be conspicuous when seen from surrounding public areas and would be in a location where the development would suitably blend in with the surrounding rural environment. While in plan form the site may appear isolated from other buildings, my site visit observations revealed that the development would not actually cause harm to the character and appearance of this part of the countryside from a location point of view. In reaching this view, I have taken into account the representation from Selattyn and Gobowen Parish Council who support the proposal for similar reasons.
13. Given the above, I therefore find that the appellant has suitably justified why locating the container in a position which is away from existing farm buildings is acceptable. In this regard, I do not therefore find conflict with policy MD7b of the SAMDev. I conclude that the proposal would not conflict with the character, appearance, design, environmental quality and landscape requirements of policies CS5, CS6, CS17 of the CS; policies MD2 and MD7b of the SAMdev, or with paragraphs 130(c) and 174(c) of the Framework which collectively seek to ensure that developments are sympathetic to the landscape setting, while not preventing or discouraging appropriate innovation or change, and recognise the intrinsic character and beauty of the countryside.
14. Given my reasoning and conclusion above, I do not agree with the Council that the development would be seen within the local landscape as a sporadic form of development. Indeed, and subject to the imposition of conditions, it would not be seen as a conspicuous or alien feature in the wider landscape setting when viewed by passers-by. Consequently, allowing the appeal would not in turn mean that sporadic development elsewhere in the countryside would be an inevitable outcome.

Conditions

15. The conditions set out in the accompanying schedule are partly based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions in consultation with both of the main parties, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
16. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
17. In order to safeguard the character and appearance of the countryside, it is necessary to impose conditions relating to the colour of the storage container and the retention and planting of trees.
18. In order to define the scope of the planning permission, and to maintain suitable control from the point of view of ensuring an appropriate use in this countryside location and indeed the container, a condition is necessary in

respect of confining the permission to that of the storage of agricultural machinery and equipment only.

Conclusion

19. For the reasons outlined above, the proposed development would not conflict with the development plan for the area. Therefore, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:2500 site location plan 'area 16ha'; block site plan 'area 90m x 90m'; drawing referenced as 'proposed shipping container dimensions'; drawing referenced as 'plan showing areas of design 1-4; drawing LG02c; drawing LG02e and drawing LG02f.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include both the retention of all existing trees shown on approved drawing No LG02 and set out measures for their protection throughout the course of development. The scheme shall also include details of new tree planting as shown on approved drawing No LG02. All planting comprised in the approved details of landscaping shall be carried out in the first planting seasons following the completion of the development; and any new or retained trees which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The container shall at all times be finished in a dark green colour.
- 5) The container hereby approved shall be used only for the storage of agricultural equipment and vehicles.

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