

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

Date: Thursday 14<sup>th</sup> April 2022

**Committee: Northern Planning Committee**

**Date: Tuesday, 26 April 2022**

**Time: 2.00 pm**

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

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

There will be some access to the meeting room for members of the press and public but this will be limited. If you wish to attend the meeting, please email [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

The meeting can be viewed live via Microsoft Teams using the link below. The recording will be made available on YouTube, this will be made accessible from the web page for the meeting shortly afterwards.

<http://www.shropshire.gov.uk/NorthernPlanningCommittee26April2022>

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>

Tim Collard  
Assistant Director – Legal and Governance (Monitoring Officer)

**Members of the Committee**

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

**Substitute Members of the Committee**

Gerald Dakin  
Julian Dean  
Nat Green  
Nigel Hartin  
Pamela Moseley  
Steve Davenport

Your Committee Officer is:

**Emily Marshall / Shelley Davies** Committee Officer

Tel: 01743 257717 / 01743 257718

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# AGENDA

## **1 Apologies for Absence**

To receive apologies for absence.

## **2 Minutes (Pages 1 - 4)**

To confirm the Minutes of the meeting of the North Planning Committee held on 29<sup>th</sup> March 2022.

## **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 5pm on Wednesday, 20<sup>th</sup> April 2022.

## **4 Disclosable Interests**

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

## **5 Proposed Residential Development Site North Of London Road Shrewsbury Shropshire - 21/05981/FUL (Pages 5 - 44)**

HYBRID application for mixed residential development: FULL application for the erection of 103 dwellings (including affordable dwellings), vehicular access from Weir Hill Road, estate roads, footpaths/cycleways, formation of public open space, remediation, landscaping scheme, all associated works; and, OUTLINE application for 32 Self-Build and Custom-Build Dwellings (amended description).

## **6 Arthans Bryn Goleu St Martins Oswestry Shropshire - 22/00193/FUL (Pages 45 - 54)**

Proposed holiday park comprising 9no. units and office and storage buildings

## **7 Appeals and Appeal Decisions (Pages 55 - 74)**

## **8 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, 24<sup>th</sup> May 2022.

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## Committee and Date

Northern Planning Committee

26 April 2022

## **NORTHERN PLANNING COMMITTEE**

### **Minutes of the meeting held on 29 March 2022**

**In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND**

**2.00 - 3.49 pm**

**Responsible Officer:** Emily Marshall / Shelley Davies

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk      Tel: 01743 257717 / 01743 257718

### **Present**

Councillors Garry Burchett, Geoff Elner, Ted Clarke, Vince Hunt, Mark Jones (Vice Chairman), Mike Isherwood, Edward Towers, David Vasmer, Nat Green (Substitute) (substitute for Alex Wagner) and Steve Davenport (Substitute) (substitute for Joyce Barrow)

### **85 Apologies for Absence**

Apologies for absence were received from Councillors Joyce Barrow, Alex Wagner and Paul Wynn

Councillor Steve Davenport substituted for Councillor Joyce Barrow and Councillor Nat Green substituted for Councillor Alex Wagner

### **86 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the North Planning Committee held on 1 March 2022 be approved as a correct record and signed by the Chairman.

### **87 Public Question Time**

There were no public questions or petitions received.

### **88 Disclosable Pecuniary Interests**

Members were reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered

### **89 Land North Of B4397 Baschurch, Shropshire - 21/03108/FUL**

The Technical Specialist Planning Officer introduced the application for the erection of 20no. affordable dwellings including associated works, she advised that Members

had conducted a site visit prior to the meeting and explained that the highways conditions would form part of the S106 agreement as the Council would need to do the Traffic Regulation Order to extend the 30mph speed limit which the developers would pay for.

Councillor Steve Gregory, on behalf of Baschurch Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Nick Bardsley, local Ward Councillor, made a statement against the proposals.

Scott Drummond, (Agent) spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

During the ensuing debate some Members commented that whilst they would prefer affordable housing to be interspersed within the village, they recognised that this site met a recognised need for affordable housing in the area and that the site was a sustainable one. They asked whether more provision could be made for active travel especially cycling.

Having considered the submitted plans and listened to the comments made by all of the speakers, it was **RESOLVED:**

That in accordance with Officer recommendation Planning Permission be granted subject to the conditions set out in Appendix 1 and any amendments to these conditions as considered appropriate by the Assistant Director and the signing of a section 106 agreement securing the affordable housing in perpetuity and reduction in the speed limit.

## 90 **Land Adjacent to the A5 Kinton, Shrewsbury, Shropshire - 20/03976/EIA**

The Principal Planning Officer introduced the application for the erection of four poultry rearing buildings, nine feed bins, landscaping scheme and all associated works and confirmed that this application had previously been refused due to a lack of information but that all the issues raised had been addressed and that therefore the recommendation was one of approval.

Members commented that whilst there may be some adverse visual impact this was minimal and that it was preferable to extend current sites rather than have new site in the countryside. In response to a query regarding the footpath the Principal Planner confirmed that this could be diverted but that this was done under a separate process.

### **RESOLVED:**

That in accordance with the Officer recommendation delegated authority be granted to the Planning Services Manager to grant planning permission subject to the conditions as set out in Appendix 1, and any amendments considered necessary.

## 91 Painsbrook Farm, Painsbrook Lane, Hadnall - 21/05985/EIA

The Principal Planning Officer introduced the application for the construction of two free range poultry houses with feed bins and ancillary equipment. He advised that the application had been brought to committee as it fell under Schedule one of the EIA regulations and under the scheme of delegation had to be determined by committee.

The Principal Planning Officer drew Members attention to the information contained in the schedule of late representations and advised that the applicant had submitted further information in the form of a flood risk assessment, a noise assessment and further details with regard to ecological issues. He informed Members that this information was being considered by Officers and that it was felt that the flood risk assessment appeared to be acceptable and that reference to Policy CS18 in the reasons for refusal was no longer necessary. He went on to say that the information submitted in consideration of ecological and odour issues was significant and was still being considered but that it was felt that it still would not satisfy the requirement of the EIA regulation.

Shaun Jones, (Agent) spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

In response to a query regarding the possibility of deferring consideration of the application the Principal Planner commented that the number of outstanding issues with the application would mean that the application would not be dealt with in a timely manner.

After further discussion it was **RESOLVED:**

That in accordance with Officer recommendation Planning Permission be refused for the following reasons: -

The application lacks sufficient detail on which basis to make a positive recommendation as it is considered the application lacks sufficient detail on biodiversity, (ecological and landscape), amenity, odour, highway and transportation issues. As such the recommendation is one of refusal as the application falls well short of EIA Regulations 2017 and does not comply with Policies CS5, CS6, CS13, and CS17 of the Shropshire Core Strategy, Policies MD2, MD7b, MD12 and MD13 of the SAMDev and the National Planning Policy Framework

## 92 Appeals and Appeal Decisions

**RESOLVED:**

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

## 93 Date of the Next Meeting

It was noted that the next meeting of the Northern Planning Committee would be held at 2.00 p.m. on Tuesday, 26th April 2022

Signed ..... (Chairman)

Date: .....





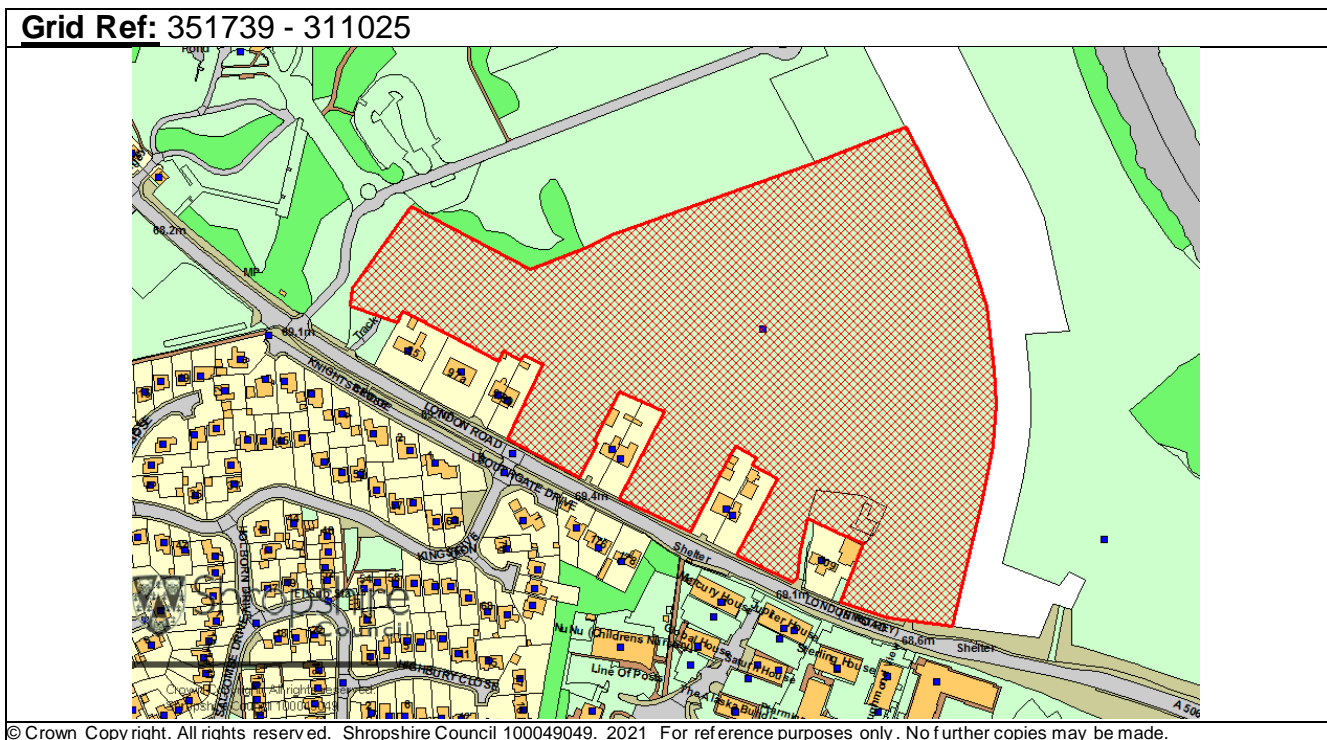
Committee and date	Item
Northern Planning Committee	
26 <sup>th</sup> April 2022	Public

Development Management Report

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

### Summary of Application

<b>Application Number:</b> 21/05981/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> HYBRID application for mixed residential development: FULL application for the erection of 103 dwellings (including affordable dwellings), vehicular access from Weir Hill Road, estate roads, footpaths/cycleways, formation of public open space, remediation, landscaping scheme, all associated works; and, OUTLINE application for 32 Self-Build and Custom-Build Dwellings (amended description).		
<b>Site Address:</b> Proposed Residential Development Site North Of London Road Shrewsbury Shropshire		
<b>Applicant:</b> Cornovii Developments Ltd		
<b>Case Officer:</b> Shannon Franklin	<b>email:</b> shannon.franklin@shropshire.gov.uk	



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and any amendments to these conditions as considered appropriate by the Assistant Director and the signing of a section 106 agreement securing the affordable housing and public open space in perpetuity.**

## **REPORT**

### **1.0 THE PROPOSAL**

1.1 The application seeks planning permission for a residential development to the edge of Shrewsbury equating to a total of 135no dwellings from one to four bedrooms. The application is submitted in hybrid form such that full planning permission is sought for 103no. dwellings (27 Affordable Dwellings including shared ownership, 12 apartments and 65 Market Dwellings) together with the vehicular access from Pankhurst Way, internal roads, footpaths/cycleways, public open space, remediation, landscaping, associated infrastructure and groundworks (levels and drainage strategy) for the self and custom build dwellings and that outline planning permission is sought for a further 32no. dwellings. The 32no dwellings subject to outline planning consent are to be 16no custom build dwellings and 16no. self-build dwellings.

1.2 The application has been subject to written pre-application advice referenced PREAPP/21/00511 which concluded as follows:

*‘On the basis of the information included within the pre-application submission, together with the current planning policy position, Officers would be minded to support the proposed hybrid scheme at the application site. The part of the site which is allocated within the current adopted local plan does not give rise to significant concerns. subject to the provision of the necessary supporting documentation and the concerns highlighted by Officers being addressed, however the portion of the site currently within open countryside, whilst supported by Officers in principle would represent a departure from current adopted policy. Officers accept that the recently formed Weir Hill Road provides a logical access point and boundary to the built development of Shrewsbury and would make this case at application stage, and consider that the material considerations in favour of the application would be sufficient to warrant approval of the scheme.’*

### **2.0 SITE LOCATION**

2.1 The application site comprises of an arable field situated to the south east edge of Shrewsbury town. The parcel of land is situated between the currently unadopted Pankhurst Way (referred to in the pre-application advice and submitted documents as Weir Hill Road) to the east and Emstrey Crematorium to the north. London Road and those houses which front it form the sites boundary to the south/west. The site is an irregular shape being roughly triangular with an northern, east and southwestern boundary.

2.2 Along the northern boundary shared with Emstrey Crematorium a small ‘dog-leg’ of land extends northwest. This northwest corner of the site is bounded by mature

established mixed tree and hedge planting such that the Crematorium is well screened. Continuing along the site northern boundary, the trees and hedging reduced in scale to a lower-level native species hedging boundary the cemetery associated with the crematorium. The east most section of this northern boundary is open to the north where a parcel of agricultural land which does not form part of this application will be retained between the site's boundary and the turning circle of the crematorium.

- 2.3 Pankhurst Way a currently unadopted road forms the sites eastern boundary and runs in a curve terminating to the south at its junction with London Road. Currently the development site is open to this boundary although landscaping is to be introduced to this boundary as part of the conditions associated with the planning permission for Pankhurst Way (formerly known as Weir Hill Road).
- 2.4 Along the sites south-southwestern edge London road and the properties fronting it form the sites boundary. Along the stretch of London Road forming the site boundary there are 9no individual properties who's curtilages extend into the development site such that the application site wraps around their rear curtilage boundaries. These 9no. residential properties are situated in four groups; the first a single dwelling (No.109) approx. 72m from the junction of Pankhurst Way and London Road, followed by a vacant gap of approx. 42.0m, followed by a pair of two dwellings (No.107 and No.109) then a gap of approx. 50m, the second pair of dwellings (No.103 and No.101) then a gap of approx. 52.0m and finally the third group of dwellings (No.99, No.97, No.97A and No.95). The curtilages of these properties extend between approx. 41.0m and 61.0m from the London Road edge in a northeast direction into the application site.
- 2.5 The boundaries of the curtilages of the 9no. residential properties where they adjoin the site (northeast, southeast, northwest boundaries) are formed of a mixture of treatments; trees and hedging of varying age and maturity; low level fencing both timber panel, post and rail and post and wire and metal railing fencing. There are some areas where the boundaries to these rear gardens are delineated only by low-level scrub planting and areas of fencing which have been damaged/partially removed. Where the application site adjoins London Road directly, the boundary is formed of mature tree and hedging planting and post and rail timber fencing.
- 2.6 In a wider context the site is situated to the southeast of Shrewsbury town. Extending northwards beyond the crematorium is the London Road college campus and its associated playing fields followed by residential development of Mayfield Drive and Weir Hill Farm development (under construction). To the east beyond Pankhurst Way the land slopes down to the River Severn beyond which is open countryside. Moving in a southern direction from the site on the opposite side of London Road is Shrewsbury Business Park, followed by thieves Lane which to its southern side has a service station and a vehicles sales and repair garage (Jaguar Land Rover). East of the site between London Road and Wenlock Road is residential development accessed via Kingston Drive. Beyond Wenlock road extending in this direction is Mereside recreation ground.
- 2.7 The A5 is accessed to the southeast of the site via the junction of London Road and the A5 at Emstrey Island. This highways connection provides links to the wider

national highways network, whilst London Road extending north west when exiting the site, provides access to Shrewsbury town centre and its suburbs. Pedestrian and cycle routes into the town centre are available in both the northeast (at points along London Road) and to the east (along Oteley Road). There are three bus stops along London Road bounding the site which are served by 5 services providing access to Shrewsbury town centre, Telford town centre, Oswestry, Sutton Farm, Leegomery, Wellington and Newport as well as intervening villages.

2.8 Part of the site has previously been allocated for housing development within the current adopted Local Plan under allocation reference SHREW001, with the remainder of the site falling within open countryside.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The application does not comply with the scheme of delegation as the land subject to the application is owned by Shropshire Council and therefore the scheme of delegation requires committee deliberation of the application.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 - Consultee Comments**

##### **4.1.1 Parish Council – 04.02.2022 – Neutral**

The Town Council has no objections per se to this application and were supportive of the low carbon standards and the high number of 1 & 2 bedroomed properties proposed. Concerns were raised over the lack of active travel provision within the site plan and asked if it would be possible to provide a separate carriageway for cycling and walking on the estate. The infrastructure needs to be put in place correctly from the start of the development. Members would also like to see the speed limit reduced to 30mph from the Emstrey Island. A concern was also raised with regards to the public open space and if it is of adequate quality and how it would be managed.

##### **4.1.2 SC SUDS – 22.02.2022 – No Objection**

The drainage proposals are acceptable, but offer the following informatives

1. It is strongly encouraged that the SUDS features are offered for adoption by Severn Trent in accordance with the Sewer Sector Guidance. This will ensure continuity of maintenance and reduce overall flood risk.

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

2. The finished levels in the area of public open space should be shaped so that any exceedance floodwater can enter the attenuation pond prior to flowing from the site and onto the Wier Hill access road to the east

##### **4.1.3 SC Landscape – 27.01.2022 – No Objection**

Extract from the report summary provided below. Full report available via the public access system.

No assessment of landscape and visual effects has been undertaken as part of the application. However, the baseline position of the majority of the site being allocated for residential development, the in principle support at pre-application stage for the development of the remainder of the site and the nature of the development and the landscape and visual receptors in the vicinity means that any adverse effects are unlikely to be significant. Subject to successful implementation and aftercare, the proposed development has the potential to create beneficial effects on landscape elements.

#### 4.1.4 **SC Ecology- Final Comments – 17.03.2022 – No objection**

No objection subject to recommended conditions.

##### Biodiversity

Following consultation, the applicants have submitted an updated biodiversity metric calculator to provide a quantifiable assessment of biodiversity loss/gain after development, alongside revised landscaping plans and updated biodiversity report.

Following changes to landscaping to include more semi-natural scrub planting, a higher percentage of native trees in public space and having a permanent water level in the SUDs feature, the revised habitat area for the site after development is currently at a small net gain of 0.45%, with hedgerows at a net gain of 394.61%.

In accordance with the NPPF, developments should seek to improve biodiversity in and around developments and provide net gains for biodiversity. Alongside the biodiversity metric, the applicants have also detailed the provision of bat and bird boxes, amphibian hibernacula and gaps in fencing to facilitate wildlife movement through the development. I am satisfied that the development meets the requirements of NPPF and local policy with regards to the enhancement of biodiversity.

##### **Additional Comments - 17.02.2022 – Additional Information Required.**

I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

The ecology survey carried out by apT in 2018 and then an updated site visit in 2021 (January 2022) described the site as mostly consisting of arable land, with semi-improved grassland margins and scrub, with hedgerow and Heras fencing boundaries.

##### Biodiversity

The applicants have submitted a biodiversity metric calculator to provide a quantifiable assessment of biodiversity loss/gain after development. The net habitat area for the site after development is currently at a loss of 13.34%, with hedgerows at a net gain of 394.61%. In accordance with the NPPF, developments should seek to improve biodiversity in and around developments and provide net gains for biodiversity, therefore the potential to re-design the proposal to achieve at the very least a no net loss of biodiversity in area terms should be explored, particularly through the landscape design, with the assistance of an ecologist.

Incorporating features for biodiversity, such as bat and bird boxes and hedgehog friendly fencing could also go some way to providing enhancements.

#### Great crested newts

Ponds within 250m were assessed for their suitability to support great crested newts. Following the HSI assessment eDNA surveys were conducted in 2018, on water-body 1 and water-body 2. Water-body 1 tested positive for great crested newts. It is assumed that water-body 1 still has great crested newt presence, resulting in an likely offence on the Rapid Risk Assessment Tool. However, the London Road is considered to be a significant barrier between the waterbody and the site. This reduces the potential negative impact to great crested newts.

Best practice working method statement will be followed for the avoidance of newts during the course of the development. This method statement will also aid in the avoidance of harm to reptiles.

#### Breeding birds

The hedgerow, mature trees and wooded compartments offer excellent breeding bird habitat. Sightings during the site surveys revealed low numbers of individual birds. No further surveys regarding birds are considered necessary.

Vegetation clearance shall be conducted outside of the bird nesting season or conducted after a pre-commencement check for nesting birds. Enhancements for breeding birds will be installed as part of the development.

#### Bats

Trees were assessed for potential roosting features (PRFs) for bats. None of the habitat within the red line boundary of the site is considered suitable for roosting bats. The boundary hedgerows are used for commuting/foraging bats. The ecology report states: *'Popular tree outside of the redline boundary (retained during development and post development with retained connectivity) has low bat roost potential with young ivy growth.'*

Enhancements for roosting bats will be installed as part of the development.

#### Badger

No evidence of badger activity was seen during the site surveys. The site boundaries and margin habitat do have the potential to support foraging and commuting badgers. A pre-commencement check for badgers shall be conducted and a method statement followed during the course of the development.

#### Other mammals

The site boundaries and margins have the potential to support hedgehogs. No evidence of hedgehog was found during the site walkovers. Evidence of rabbit was found on site.

**Initial Comments – 26.01.2022 – Additional Information Required**

Additional information is required in relation to an updated Ecological Appraisal including specific assessments for Great Crested Newts. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the 2019 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations.

Further to my response attached to PREAPP/21/00511, the additional information with regards to great crested newts and biodiversity net gain has not been provide.

On review of the Ecological Survey Report and HSI and eDNA assessment for Great Crested Newts (apT 2021 and 2018) the information provided is based on surveys carried out in 2018 with regards to eDNA surveys for great crested newts. The updated site walkover in 2021 only assessed one waterbody within 500m, although there are eight waterbodies with 500m.

#### Great Crested Newts

Great Crested Newts typically have a maximum routine migratory range of 250m from breeding waterbodies during terrestrial phases (Cresswell and Whitworth, 2004).

As identified in the Ecological Report (HSI and eDNA Assessment 2018) a number of ponds have been identified within 250m of the site, one of which has a confirmed population of Great Crested Newts.

The Habitat Suitability Index (HSI) assessment of all ponds within 500m should however be updated and if any waterbodies are regarded as being suitable then it will be necessary to carry out a presence/absence survey for Great Crested newts. This can include either.

1. Four survey visits between mid-March and mid-June with at least 2 visits between mid-April and mid-May. Three survey methods (preferably torch survey, bottle trapping and egg searching) should be used on each survey visit. If Great Crested Newts are discovered then it may be necessary to carry out a population size class estimate which involves an additional 2 visits in the specified time period. or
2. A Great Crested Newt eDNA survey which is to be carried out between 15th April and 30th June, which comprises the taking of water samples. If Great Crested Newts presence is confirmed, then a population estimate by conventional survey (6 visits in the correct time period) will still be required\*.

\*Note: An early eDNA survey is required if any subsequent population estimate surveys are required in the same year.

The ecologist should make recommendations as to whether a European Protected Species Licence with respect to great crested newts would be necessary and the need for a mitigation scheme and/or precautionary method statement.

The Great Crested Newt survey should be carried out by an experienced, licensed ecologist in line with the *Great Crested Newt Mitigation Guidelines* by Natural England (2001) and should be submitted with any necessary mitigation scheme and method statement to the Local Planning Authority in support of the planning

application.

In addition to the traditional survey route outlined above GCN District Licencing is now available in Shropshire in a scheme run by Natural England, additional information can be found at <https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes>

#### Biodiversity Net Gain

SC Ecology now require Biodiversity Net Gain calculations for all major developments. This must demonstrate an increase in habitat value compared to the pre-development baseline.

Shropshire Council's policy wording does not yet include a requirement for Net Gain calculations but we nevertheless need to know the losses and gains for the site. This does not have to utilise DEFRA's Biodiversity Metric but we do need to see a table showing losses and gains, in accordance with MD12, CS17 and the NPPF. The extent of landscaping should be informed by the biodiversity net gain calculation to ensure an appropriate level of net gain is achieved on site.

The mechanisms for sustaining areas of habitats and features for species to deliver both required mitigation and biodiversity enhancement in the long term should be detailed in the planning application.

#### 4.1.5 **SC Regulatory Services – 02.02.2022 – No objection**

Environmental Protection commented previously on a PREAPP/21/00511 and on the submission of an 'Interim Draft' report by H+E Services. Environmental Protections comments on the pre-application are included in support of this application as background papers (PreApplication letter) on 20th January 2022.

In support of this planning application (21/05981/FUL) a further report by H+E Services. London Road, Shrewsbury, Combined Desk Study and Ground Conditions Report (GCR), October 2021, Report Ref. LP658 Revision 1, 'Draft for Approval', has been submitted. This report has updated the previously submitted 'Interim Draft' and now includes an assessment of the results of a ground investigation undertaken in June 2021.

Concerning Noise assessment. The site is considered low risk in terms of monitoring carried out of the A5 road noise which is set back from the site. The recommendations in the noise report should inform the requirements of façade mitigation of any reserved matters application.

Environmental Protection is of the opinion considering previous investigation by Groundfirst and the investigation by H+E Services, that adequate site investigation and risk assessment has been undertaken.

The results of the most recent site investigation have identified elevated contamination (PAH's) in TP12. this is not unexpected given that this is the area where historically a number of buildings burned down. Asbestos was not recorded in any of the soil sample results obtained by H+E Services.

A ground gas risk assessment has determined that in one area of the site (CP1) a gas Characteristic Situation (CS2) exists and new build in this area will require gas



protection having regard to BS8485. Independent validation is crucial in this regard.

The results of previous investigation by Groundfirst identified the presence of asbestos containing materials (ACM's) comprising of broke pieces of cement bound asbestos. however, it is important to note, that no asbestos fibres were detected in soil samples.

The presence of contamination does not preclude the development of this site however, remediation is required to manage the identified risks and therefore a remediation strategy is required.

If planning permission is granted, conditions must be included.

#### 4.1.6 **SC Learning and Skills – 19.01.2022 -No Objection**

Shropshire Council Learning and Skills forecasts that the proposed development, along with other development proposals in the vicinity will impact on future schooling requirements in the area for both primary and secondary. Learning and Skills will continue to monitor the impact of this and future housing applications and developments in the area. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places/facilities considered necessary to meet pupil requirements. Due to the proposed scale of the development, it is recommended that any increased capacity as a result of this development is met from a S106 agreement.

#### 4.1.7 **SC Waste and Refuse – 10.03.2022 – No Objection**

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.

#### 4.1.8 **SC Affordable Housing – Final Comments – 18.03.2022**

The application site is located within an area where the prevailing target rate is 20% for affordable housing. Therefore, for a development comprising 135 dwellings there will be a policy requirement for the development to include 27 affordable dwellings. The tenure of affordable homes is required to be split 70/30%; 70% being affordable rented and 30% low cost home ownership.

The Housing Enabling and Development team comments relate to the site layout Revision D. The number of affordable homes is policy compliant; the tenure split of 70/30 also meets with requirements as set out in the Type and Affordability SPD. The affordable housing comprises 1 and 2 bed accommodation and includes level access accommodation, thereby responding to evidence of need which highlights huge demand for 1 and 2 bed accommodation. The affordable dwellings will be delivered in Phase 1, which is welcomed given this early delivery will help to address the current unprecedented demand for affordable housing in Shrewsbury. The re-positioning of the affordable dwellings shown in Revision D shows significant improvement from the originally submitted layout plan. The scheme is supported, subject to the necessary controls of the delivery, allocation and retention of the affordable homes.

#### **Initial Comments - 31.01.2022 – Amendments Required.**

The pre application response noted the need for the affordable homes to be dispersed through the development. There remains an unacceptable concentration of affordable homes in Phase 1 and centred around the boundary with London Road. Please refer to paragraph 4.41 of the SPD Type and Affordability of Housing which refers to integration of affordable housing with market properties.

I am further concerned by the positioning and form of accommodation presented by units 18 – 25, (4 x 1 bed and 4 x 2 bed). This condensed form of accommodation comprising 8 homes, seemingly without any private amenity space. The blocks should be dispersed within the wider scheme and provided with private amenity space, especially the 2 bed accommodation. This is especially important given that all apartments have been indicated as affordable rented tenure.

#### 4.1.9 **SC Trees – 25.01.2022 – No Objection**

This hybrid application has a joint tree survey / tree constraints report attached. The planning statement notes that 'The tree survey identified the boundary trees and hedgerows, with the trees to the southwest corner being Category C, and the hedgerows, including those fronting London Road and adjacent the Crematorium being Category B'. It further states that 'The majority of trees and hedgerows to the site are to be retained with the exception of openings to provide new vehicular access points from London Road'

I note that the 3 Hybrid Poplars T13 T14 T15 in close proximity to Bungalow plot 1A are now shown to be removed. Whilst large mature trees they have been classified as 'C' category in the tree report and are not suitable species to be retained so close to the adjacent bungalow plot, therefore if the site is to be approved, I will raise no objection to the loss of these trees as mitigation planting is addressed in the landscape scheme.

The overall landscape strategy appears to be comprehensive and detailed including 40 extra heavy standard street trees of mixed native and ornamental species. I am very pleased to see the tree lined open space along the boundary with the access road and the entrance from London Road which should address long term tree cover with adequate space for trees to reach maturity, whilst allowing for the desired outcome of filtered views to the River Severn.

I can't find a Landscape Management plan for the site for the longer- term maintenance of the newly planted trees, shrubs and hedges? Is one available or if not, I recommend that a 3-5 year plan is required to ensure survival to establishment of the extensive new planting.

#### 4.1.10 **SC Highways – 17.03.2022 – No Objection**

Firstly, it is noted that National Highways (NH) has recommended that planning permission not be granted for a specified period. Specifically whilst NH have accepted the AM and PM peak traffic movements generated by the development, they have questioned the assumption relating to the timing of the traffic surveys and the distribution of trips. The issue appears to be that NH now only accept traffic data as from the September of 2021 whereas the application data was collected in May 2021. This appears to be more a requirement of clarification than a fundamental issue being raised by NH. The applicant's transport consultant has subsequently forwarded additional information to NH to address this issue and clearly it will be a matter for NH to assess that information and respond accordingly. It is not anticipated however that this matter cannot be satisfactorily resolved.

Insofar as Shropshire Council is concerned as the highway authority for London Road, the development raises no fundamental highway capacity or road safety issues. Pre-application discussions have taken place parameters of the Transport Assessment have been agreed. The development seeks to provide the principle means of access to the site via the newly built spine road that forms the link road between London Road and Preston Street as part of the delivery of the Weir Hill housing development, currently under construction by Taylor Wimpey and Persimmon Homes.

The spine road junction onto London Road is shortly to be adopted and provides a high order junction arrangement and is considered adequate to serve both the Weir Hill development and the quantum of housing coming forward as part of this application scheme. The spine road, which is fully constructed, is currently being used as part of the approved construction traffic route to complete Phase 1 of the Weir Hill housing development and Phase 2 build out. The completion of the link road through from London Road to Preston Street will not be fully open to through traffic until such time as it is safe to do so. The adoption of the spine road will be finalised at an appropriate stage following the construction of the Weir Hill site being completed, if not before.

In addition to the main development site access onto the Weir Hill spine road, there are 3 direct access points to London road which are proposed to serve plots and effectively mirror the existing building line along London Road by adjacent and existing housing plots. From a construction standpoint, there is no reason that

these cannot be constructed from within the development and not via London Road and therefore limit any construction impact upon London Road. Pre-application discussions have taken place between highway officers and the applicant with regard to the site access(es) and internal road layout and I can confirm that the layout details shown on Drawing No.D01 Rev D are acceptable both in planning terms but also moving forward to securing a Section 38 Agreement, should consent be granted and development proceeding with the aim that the internal roads would become adopted highway. Whilst not specifically a planning or a requirement of this application, the highway authority would anticipate street lighting being provided within this development and this would be dealt with under the Section 38 Agreement.

As part of the spine road frontage, this is shown as POS and footpaths linking through the POS and between the internal estate roads connecting with the spine road. This aspect is in fact the subject of a separate a discharge application with Taylor Wimpey/Persimmon Homes, who are currently tasked with delivering the landscaping in this locality. Clearly the determination of this application will determine those discussions between the applicant/developer and developers of Weir Hill in carrying out the landscaping.

The application submission includes a Construction Strategy Plan, although is submitted in plan only at this stage. This would need to be broadened out into a full Construction Traffic Management Plan/Method Statement to deal specifically with the construction of this development. The submitted plan however includes the principle construction traffic access to the site via the spine road, which the highway authority fully support. Construction traffic routing to the site would take place and restricted via Emstrey Roundabout and London Road. This matter can be adequately dealt with by way of a negatively worded pre-commencement planning condition.

The highway authority therefore raise no objection to the granting of consent subject to the following Conditions being imposed:-

- Prior to the commencement of development a Construction Traffic Management Plan(CTMP)/Method Statement(MS) shall be submitted to and approved in writing by the Local Planning Authority. the CTMP/MS shall be implemented fully in accordance with the approved details for the duration of the construction period. **Reason:** In the interests of highway safety and local amenity.
- Prior to the commencement of construction of Plots 29-31 and 46-48 and 76-79, full details of the means of vehicular access onto London Road together with the provision of visibility splays of 2.4 x 65 metres shall be submitted to and approved in writing by the Local Planning Authority. the dwellings shall not be first occupied until the accesses to London Road together with the parking provision and visibility splays have been implemented fully in accordance with the approved details. Reason: In the interests of highway safety.
- Prior to any dwelling being first occupied the pedestrian and vehicular access and pedestrian route to that dwelling shall be laid out in accordance

with the approved plans and constructed to a minimum base course level in accordance with full engineering details and a phasing construction plan to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** To ensure the coordinated construction of vehicular and pedestrian access to dwellings within the development.

- At the main point of vehicular/Pedestrian access to the site off the Weir Hill spine road, visibility splays of 2.4 x 43 metres shall be provided in both directions along the highway carriageway. all growths/obstructions shall be lowered to and thereafter maintained at a height no greater than 0.3 metres above the level of the adjoining highway carriageway. **Reason:** In the interests of highway safety.

In addition to the above, the Transport Assessment has suggested that the current speed limit of 40 mph along London Road be reduced to 30 mph from Emstrey Island. It is further suggested that this be funded by the developer. Whilst the highway authority acknowledge that this would have some merit, this would need further consideration having regard to the nature of London Road which has a less urban frontage than exists within the 30 mph zone. It is recommended therefore that this matter is further discussed with the applicant to assess the suitability and potential compliance with a 30 mph speed limit being introduced from Emstrey Roundabout.

#### 4.1.11 Highways England

##### **Final Comments – 29.03.2022 – No Objection**

In our previous response dated 15/03/2022 we recommended that planning permissions not be granted for three months to allow the applicant time to provide National Highways with the following information:

1. Validation of May 2021 traffic survey data against the pre-COVID data.
2. Manual trip distribution using the Census 2011 Journey to Work data.

The applicant has provided us with the information requested which we have reviewed and note that they have validated the 2021 traffic survey data using the 2019 DfT data (node: 77460). We are content with the approach adopted to validate the survey data and consider that the traffic survey data collected in May 2021 largely aligns with the pre-Covid DfT data. As such, we consider the trip distribution / assignment figures presented within the Transport Assessment to be acceptable.

Following our review of the Transport Assessment we believe the proposed residential development is not likely to result in any significant traffic impact on the SRN in the area and do not require the applicant to undertake any further assessments in relation to this development.

##### **Recommendation**

As we have established that the proposed residential development is not likely to result in any significant traffic impact on the SRN, National Highways withdraws its previous holding recommendation.

We are now able to formally offer a 'no objection' response to this planning

application.

### **Initial comments - 15.03.2022 – Additional Information Required**

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

### **Transport**

Having reviewed the Transport Assessment submitted, we note that the applicant anticipates that circa 75 and 70 two-way vehicular trips will be generated from the development during standard AM and PM peak hours respectively. We have undertaken an independent TRICS assessment and consider the trip generation assessment undertaken by the applicant is acceptable.

The applicant has undertaken a traffic survey at Kingston Drive/ London Road in May 2021 and the turning proportions from the survey have been used to distribute the trips from the proposed development. Whilst we consider this approach to be acceptable in principle, it is to be noted that National Highways started accepting traffic data from September 2021 only.

**Section 6.1.3 of the Transport Assessment (TA) states** *‘Although the May 2021 data was collected during the COVID pandemic, it was in a period where many restrictions had been lifted and DfT data suggests traffic levels were at 94-95% of what they were prior to March 2020. Accordingly, the flows from the 2026 assessment are assumed to be a robust position to consider this new development from’.*

As this is a general statement applicable to the whole of England, we are not in a position to accept the traffic survey data collected in the area at this stage. If the applicant can validate the May 2021 data against the pre-COVID data in the area, we would welcome this approach. If the applicant wanted to contact National Highways to discuss how best to do this, we would be happy to provide advice.

So that we can fully understand the level of impact this site will have on the A5 Emstry roundabout we would recommend that the applicant undertakes a manual trip distribution using the Census 2011 Journey to Work data.

In summary we require the following information:

1. Validation of May 2021 traffic survey data against the pre-COVID data.
2. Manual trip distribution using the Census 2011 Journey to Work data.

In light of the above, National Highways recommends that planning permission not be granted for a period of three months from the date of this notice, to allow the applicant time to submit additional supporting information.

### **4.1.12 SC Archaeology – 15.02.2022 – No Objection**

The proposed development site is understood to consist of an area of

approximately 6.7 ha of agricultural land on the south-eastern edge of Shrewsbury. Further, that is allocated for housing (site SHREW001) in the Local Plan. There are currently know archaeological features recorded on the Shropshire Historic Environment Record (HER) on the proposed development site itself. However, there are a number of sites within the wider vicinity, including a cropmark enclosure site (HER PRNs 00018) of potential Iron Age ' Roman date c. 500m to the north, and a postulated Roman road (HER PRN 08159) c.70m to the west.

An initial archaeological desk-based assessment that has been provided with pre-application enquiry indicates that LiDAR evidence suggests that the latter feature may have extended onto the proposed development site itself. In addition, it also notes the presence of a number of agricultural features associated with the inter-War (mid-20th century ) small holdings fronting onto London Road, including a number of concrete bases for former agricultural buildings.

A subsequent geophysical survey of the proposed development site did not identify any anomalies that might relate to a Roman road. However, it did identify a range of other anomalies. The three most notable of these comprise a curvilinear ditch that is suggested may be of prehistoric origin. a large undated rectilinear enclosure connected to field boundaries marked on 19th century OS maps and containing potential structural debris, which is suggested may represent a farmstead enclosure predating the Tithe map of 1846. and thirdly a linear features that relates to a field boundary marked on 19th and 20th century OS maps.

In overall terms, and on the basis of current evidence, the proposed development site is therefore considered to have moderate-high potential for archaeological remains of prehistoric and medieval-post medieval date.

With regard to the requirements set out in Local Plan Policy MD13 and Paragraph 194 of the NPPF (July 2021), it is advised that the Archaeological Desk Based Assessment report by Aeon Archaeology and the Geophysical Survey Report by Archaeological Survey West provide a satisfactory level of information about the archaeological interest of the proposed development site.

In relation to Local Plan Policy MD13 and Paragraph 205 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 targeted evaluation trenching exercise to test a range of the geophysical anomalies and 'blank' areas, followed by further mitigation as appropriate.

#### **4.1.13 Clinical Commissioning Group – 07.04.2022 – No Objection**

The planning application is a hybrid application for mixed residential development: FULL application for the erection of 103 dwellings (including affordable dwellings), vehicular access from Weir Hill Road, estate roads, footpaths/cycleways, formation of public open space, remediation, landscaping scheme, all associated works; and, OUTLINE application for 32 Self-Build and Custom-Build Dwellings (amended description)

In total the planning application identifies that 135 new dwellings that will be delivered as part of the overall development.

The CCG has no objections to the development subject to confirmation of the level of contribution requested at £87,749 and the agreement of suitable provisions within a Section 106 Agreement to secure the funding and enable the funds to be drawn down at an appropriate time and that the amount is linked to BCIS TPI to the point of draw down.

On the basis of an average household size of 2.4, the likely impact of the development on primary care health services within Shrewsbury is an additional 324 patients. The CCG is therefore requesting a contribution which would support the development of primary care infrastructure in the area as consequence of the increase in demand directly from the proposed new housing development. The CCG has considered various options to address the impact of the development. It has consulted with the local GP practices and has considered the geography and travel times for patients between the site and the nearest GP surgery.

The development site sits within the Shrewsbury Primary Care Network (PCN). The two closest GP Practices to the site are Belvedere Medical Practice and Marden Medical Practice.

The CCG has commissioned an independent study of the capacity of practices across the Shrewsbury Primary Care Network area. This study has identified that there is a significant shortfall of space to deal with future capacity across the whole PCN. This is specifically the case for both Belvedere and Marden Medical Practices.

The CCG is currently looking to develop a new Health and Wellbeing Hub in the south of Shrewsbury. The targeted location for this Hub would be approximately 1.7 miles away from the proposed development site. The population increase from the proposed new housing development would be catered for within the Health and Wellbeing Hub.

The tables below provide the calculations for the Section 106 contribution and are based upon Department for Health guidance 'Health Building Note 11-01: Facilities for Primary and Community Care Services'. The cost per square metre, (including fees, development costs and VAT), has been provided by a quantity surveyor experienced in health care projects and is based upon the total average costs of two health care projects located within the Staffordshire and Stoke on Trent area, that have both been competitively tendered within the last two years with the prices being increased for inflation.

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Housing Numbers 135  
Household Average 2.4

Consulting / Examination Rooms  
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Population Increase 324  
Access Rate (5260 per 1000 population) 5.26  
Anticipated Annual contacts 1,704  
Assume 100% patient use of C/E room: Patient accessing a C/E room: 1,704  
Assume surgery open 50 weeks per year - Patients Per Wk 34



Appointment duration (minutes) 15  
Patient appointment time per week 8.52  
Building Operational Hrs Per Week 52.5  
Room Utilisation - Per Week 60%  
Rooms Available - Per Week 31.5  
Number of CE Rooms Required 0.27  
Number of C/E Rooms Required - Un-Rounded 0.27  
C/E Room size (m2) 16.00  
Net space required 4.33  
Ratio of clinical space to non-clinical space 30/70 - Increase factor 2.33  
Total space requirement (m2) 14.43

#### Treatment Rooms

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Population Increase 324  
Access Rate (5260 per 1000 population) 5.26  
Anticipated annual contacts 1,704  
Anticipated annual contacts Assume 20% patient use of room: Patients accessing a treatment room: 341  
Surgery open 50 weeks per year 6.82  
Appointment duration 20  
Patient appointment time per week 2.27  
Building Operational Hrs Per Week 52.5  
Room Utilisation 60%  
Rooms Available - Per Week 31.5  
Number of CE Rooms Required 0.07  
Number of C/E Rooms Required - Un-Rounded 0.07  
C/E Room size (m2) 18.00  
Net space required 1.30  
Ratio of clinical space to non-clinical space 30/70 - Increase factor 2.33  
Total space requirement (m2) 4.33

#### Total Cost

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Total floor area required (m2) 18.75  
Cost per m2 4679  
Total cost / Contribution required £ 87,749  
Contribution per property £ 650

## 4.2 - Public Comments

4.2.1 This application was advertised via notice at the site, advertisements in the local newspaper and the Councils website. At the time of writing this report, 14no. representations had been received in response to this publicity objecting to the proposal and one in support.

4.2.2 The reasons cited for the objection to the application can be summarised as follows:

- Lack of energy efficient design initiatives; solar gain, triple glazing, passivhaus etc.
- Lack of native species tree planting proposed.
- Transport statement is inaccurate.

- The scheme will invade the privacy of persons using the neighbouring crematorium.
- The apartment block and dwellings fronting London Road are not in-keeping with the existing surrounding development.
- Noise and traffic will increase significantly due to the scale of development.
- The street lighting will cause light pollution and disturbance.
- The development will rely on car journeys to the town centre due to lack of walking and cycling facilities which is at odds with the supporting documentation.
- The sustainability features of the scheme are not sufficient.
- The submission indicates that gas will still be a fuel needed in these properties.
- Unacceptable levels of noise will affect neighbouring residents amenity.
- Neighbouring resident's privacy will be affected.
- The drainage to existing septic tanks will be affected.
- The overhead electricity cables will need to be relocated and this has not been covered within the proposal.
- The proposal is out of character with the locality.
- The proposal is not as detailed in the local plan allocation.
- Overshadowing and overlooking of neighbouring properties will occur.
- The self-build element of the proposal could result in unfinished properties.
- The London road frontage will appear cramped.
- There will be highways safety issues due to the number of dwellings proposed and new entrances onto London road.
- The submitted sustainability checklist is inaccurate/incomplete.
- Embodied carbon has not been considered in the scheme's sustainability performance.
- The use of bungalows and detached dwellings is an inefficient form of development (energy and land availability).
- The applicant is a company owned by the Council.
- The proposal will have negative impacts upon the ecology and biodiversity of the site.
- More shared ownership properties should be provided. Self builds should not be offered at the site.
- The development should have an increased density to provide more social/affordable housing.
- There should be more landscaping to Pankhurst Way.
- The houses are not reflective of those existing dwellings along London Road.
- The proposal will affect property values in the surrounding area.
- Traffic from the development will affect the wider highways network.
- The walk-up flats at plot 42-45 will give rise to overlooking on existing neighbouring properties.
- Amendments to the plans have been made during the determination without consultation with neighbours.
- The walk-up flats at plot 42-45 should be relocated on the site.
- The boundary treatments are not as previously indicated.

4.2.2 The comment submitted in support of the application can be summarised as

follows:

- The proposal seeks to provide contemporary sustainable dwellings which are often not provided.

4.2.3 The Local Members for the site have not provided written comments pertaining to the application at the point of writing however verbal confirmation that they consider a committee decision to be appropriate due to the potential impact of the application has been received. In response to concerns raised by the Local Member on behalf of existing residents adjoining the site the applicant has made revisions to the scheme discussed in paragraph 6.7.5 below.

## 5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
  - **Siting, scale and design of the structure**
  - **Visual and heritage impact**
  - **Ecology and landscaping**
  - **Highways and parking**
  - **Drainage**
  - **Residential amenity**
  - **Public Open Space**
  - **Sustainability**
  - **Conditions and legal agreements**

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The application seeks planning permission for a range of residential dwelling types across the proposed site together with all the necessary infrastructure. In terms of spatial siting the site occupies both open countryside as well as a parcel of land allocated for housing within the recognised development boundary of Shrewsbury.

6.1.2 Officers assert that the application site is positioned on the edge of the existing built development of Shrewsbury. The Emstrey Crematorium will form the sites northern boundary and London Road will form the south-southwest. Along London Road there are a number of residential properties and their curtilages with extensive additional development, both residential and commercial on the opposite side of London Road to the west. To the south-southeast the site is bounded by the recently constructed and not yet adopted Pankhurst Way, and therefore on all three side to the application site there is built development. Resultantly, the parcel of the land which does lie in open countryside is not considered to be fragmented from a settlement, nor does it constitute isolated development.

6.1.3 Part of the site is currently allocated under site reference SHREW001 within the adopted development plan. The site allocation comprises of approximately 4.3 hectares with a development guideline of 50 dwellings *‘to be low density and to be served by new accesses off London Road, to include a landscape buffer to the adjoining Crematorium site and to have a well landscaped eastern edge having regard to the sensitivity of the Severn valley and views to the site from the east.’*

- 6.1.4 The proposal will comply with the allocation in part in that residential housing will be provided on the site and the landscape buffer to the crematorium to the north has been provided. Additionally, the Councils aim for providing self-build plots will also be achieved at the site. However, the application does not seek to provide a residential development compliant with the original indications of the allocation in terms of number of dwelling or density but instead seeks to increase the size of the site and provide additional dwellings and a greater mixture of housing types.
- 6.1.5 The proposal now seeks to utilise and access off the newly formed (yet to be formally opened) Pankhurst Way which runs along the east-northeast boundary of the site and provides a connection between London Road and the Weir Hill Farm development currently accessed via Preston Street. In addition, contrary to the site allocation the proposal is now for 135no. dwellings which is a significant increase in density from the guideline of 50no. set down at policy S.16.1a of the SAMDev.
- 6.1.6 In terms of areas approximately 4.3 hectares of the site is currently allocated for housing development and 2.3 hectares falls within open countryside outside the existing development boundary of Shrewsbury as defined in the policies map and policy S16 of the SAMDev component of the adopted development plan. As such for the purposes of planning this section of the site constitute open countryside and its development is therefore contrary to policy unless material considerations in favour are put forward which sufficiently out the way to harm attributed to the conflict with policy CS1, CS2, CS5 and MD7a.
- 6.1.7 Officers recognise that part of the land situated in open countryside will be utilised to form public open space associated with the development and however in places housing, roadways and an apartment block will be situated within the land currently designated as open countryside and falling outside the allocation.
- 6.1.8 In terms of the land outside the development boundary, the land is situated between the allocated site and an existing permitted highway which serves neighbouring residential development. The development will not be encroaching further into open countryside than existing permitted development (Pankhurst Way), and the remaining land would not be suitable for continued agricultural use due to the size and access restrictions. If this parcel of land does not come forward for development, then this in turn has impacts upon the allocated development site SHREW001, particularly the access arrangements. It has to be recognised that since SHREW001 was allocated the immediate situation surrounding the site has altered and in practical terms consideration of development the land between it (the allocated site) and Pankhurst Way for residential housing is appropriate given the surrounding built development.
- 6.1.9 In terms of considering the density of the housing development proposed on site policy CS6 seeks to allow on development which *'is appropriate in scale, density, pattern and design taking into account the local context and character'*, and policy MD2 requires all development to *'contribute to and respect locally distinctive or valued character and existing amenity value by.....Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement'*.

- 6.1.10 The total application site comprises of 6.6 hectares of land, 1.0 hectare of which is to form the proposed public open space and the remaining land accommodating the residential development, thereby equating to proposal would represent a density of approximately 24.1 dwellings per hectare. Comparative to other development within the locality; Sutton Farm, Oteley Road SUE, Weir Hill Farm/Preston Street, the density of the application site is similar or less than these developments, no significant concerns have been identified.
- 6.1.11 The 135no. dwellings proposed will comprise of 27no. number affordable dwellings (20%) and 108no. open market dwellings (80%). to include the 32no. self-build/custom build dwellings, 12no. apartments and 65no. open market dwellings. As per the SC Affordable Housing comments, the application site lies in an area where 20% affordable housing is required, which translates to 27 dwellings across the whole site. The application proposes 27no. affordable dwellings on site which is exactly the 20% provision required and therefore there is no shortfall to make up via additional financial contribution.
- 6.1.12 The self-build and custom build element of the proposal has previously been proposed on the site, with Shropshire Council advising the site *'will accommodate 47 homes, made up of 37 self-build plots and 10 affordable housing plots'* in line with the original SHREW001 allocation. Whilst the number of dwellings and the method of provision of the self-build/custom build has altered, this element of the proposal will still provide self-build plots for purchase/development by those wishing to, including those registered on the Councils self-build register, which the Housing and Planning Act 2016 requires authorities to take into account when carrying out their functions in relation to planning, housing, disposal of land and regeneration. These plots will also serve the functions of encouraging house building across the country in line with Self-build and Custom Housebuilding Regulations 2016. Whilst this does not constitute significant weight in favour of approval of an application on the development site contrary to adopted policies/guidelines of the site allocation, it is nonetheless a consideration to add into the planning balance.
- 6.1.13 Having considered the principle of the application, including the land within the development boundary allocated for housing development, and the land falling outside the development boundary and currently comprising of open countryside, Officers conclude that the application is acceptable in principle as a partial departure from adopted planning policy. In the first instance this is due to the Pankhurst Way, granted planning permission after the adoption of the current local plan, now forming a logical boundary for the development site, in addition to the benefits associated with the application (affordable housing, develops an allocated site etc.) discussed further in the report below.
- 6.1.14 In reaching this conclusion Officers have not attributed any weight to the emerging local plan and this is not a consideration which forms part of Officers conclusions due to the current stage of its adoption/examination.

## **6.2 Siting, scale and design of structure**

### **Full planning application**

- 6.2.1 The full planning permission element of the scheme encompasses 103no. dwellings together with the road layout, public open space and associated

infrastructure across the whole scheme. The layout of the site has been determined around the inclusion of a landscape buffer to the north adjacent to the neighbouring crematorium, the need to reflect the character of London Road to the plots facing in this southwest direction and access from this road, together with the primary access point being from Pankhurst Way and the public open space being positioned in this north-northeast corner of the site.

- 6.2.2 The development has been phased for the purposes of Community Infrastructure Levy payments (CIL) although the developer advises construction will be a continual process. All the road layout infrastructure, together with the plots highlighted in blue on the submitted layout plan form phase 1, phase 2 (albeit there will be no defined break in construction activities on site) will be formed by the plots highlighted in purple– the carbon neutral dwellings and the public open space, and phase 3 will comprise of the aspects of the application subject to outline planning permission – custom build and self-build dwellings.
- 6.2.3 The dwellings subject to the full planning permission comprise of a mixture of size and tenure. Affordable housing and shared ownership housing are proposed, and the house types range from one bedroomed bungalows, to four bedroomed dwellings, as well as carbon neutral dwellings.
- 6.2.4 In terms of siting the dwellings subject to full planning permission primarily accommodate the outer ring of the development site along the southwest-south and eastern boundaries. The spatial siting in the context of Shrewsbury town does not give rise to any significant concerns with the site being located on a main highway with bus, pedestrian and cycle routes into the town centre, which the application site proposes to connect to.
- 6.2.5 Internally the site layout has undergone a number of revisions following advice from Officers at pre-application stage, together with comments from consultees such that, on balance it is now considered to be acceptable. Improvements in the position of parking and turning areas the landscaping together with ‘pepper-potting’ of affordable dwellings throughout the development have all been addressed such that no significant concerns in conflict with CS6 or MD2 are identified at this stage in relation to layout.
- 6.2.6 The individual dwelling designs submitted are also considered to be acceptable. The proposal seeks to provide dwellings of a variety of types and scale from single storey to three storey spread across the site which will give a varied outlook and good mix of development scale. All of the dwellings proposed meet with National Described space Standards.
- 6.2.7 Whilst it is recognised that the design of the dwellings across the house type mix proposed is more contemporary in places, a concern which has been raised in submitted representations, owing to the surrounding development this is not considered to be a significant issue. The same is true for the scale, prominence and design of the proposed apartment block. Shrewsbury Business Park is situated on the opposite side of London Road to the west and features a number of buildings with an increased bulk and a variety of contemporary material types. The apartment block scale and the profiles of the dwellings across the site (scale, bulk and massing) whilst more contemporary than some examples of traditional

construction in the locality are not considered to be unacceptable.

- 6.2.8 In considering the overall development subject to full planning permission, the siting, scale and design is considered to be acceptable and in accordance with current adopted policies CS6 and MD2.

### **Outline planning application**

- 6.2.9 The outline planning application relates to 16no. custom build dwellings and 16no. self build dwelling located to the centre and northern edge of the site. These individual plots will be subject to an additional reserved matters application at a later stage where full details will be provided. On the basis of the plot sizes shown on the submitted plans, together with the indicated dwelling positions, no significant concerns are raised.

- 6.2.10 The custom build plots will be marketed on the basis that any prospective purchaser can customise house types to their liking; for example room layouts, specification etc. but will primarily be following the style and types of dwelling included within the full application. The final design details of the custom builds will be determined via a reserved matters application. Whereas the self-builds will have greater flexibility but will still be bound by the requirements of the proposed plot passport and design code submitted by the developer such that continuity of the development characteristics is achieved.

- 6.2.11 The indicative information available at this stage for the 32no. dwellings on site (custom build and self build) is acceptable and no significant concerns pertaining to their siting, scale and design have been identified. The provision of their associate infrastructure as part of the full planning application is appropriate and will encourage each of the plots to be brought forward at reserved matters stage.

### **6.3 Visual and heritage impact**

- 6.3.1 The application site does not accommodate any Listed Building, Scheduled Monuments or other recognised heritage assets. In a wider context given the distance between the development site and the nearest designated heritage asset (Listed Building) no harm to setting is considered to arise. As such no conflict has been identified with policy MD13 of the SAMDev component of the Local Plan.

- 6.3.2 When assessing the character of an area all existing uses contribute towards it. In the context of the application site the surrounding built development types includes; Shrewsbury Business Park, detached and semi-detached dwellings in large curtilages along London Road, linear residential development along Wenlock Road, estate layout residential development surrounding Kingston Drive, Emstrey Crematorium building, car parking and external landscaped grounds, Shrewsbury College London Road campus, Shrewsbury cricket club as well as the natural features of open countryside and the River Severn. Each of these elements together with the highway infrastructure and other nearby development contribute to the varied character of the site and its wider surrounding. The site is therefore afforded a flexible approach in terms of scale, design and settlement pattern, on account of the varied nature of the existing development, whilst still needing to reflect surrounding character (CS6 and MD2).

- 6.3.4 Approaching along London Road from the east (Emstrey island) the prominent

features of the development site will be the apartment block which is two to three storeys in height. Officers accept that this will be a visual feature in the skyline but do not consider this to be a negative factor, rather that the building has the potential to act as a gateway feature to the built development of the town centre, and one which reflects the scale and contemporary character of the business park development opposite.

- 6.3.5 Similarly, the introduction of additional dwellings to the London Road frontage and the creation of a linear style of development along this highway reflects that of Wenlock Road and the existing, albeit fragmented, pattern of built development along the highway. The use of an active frontage with additional dwellings, introduction of improve street lighting and opening up of some areas of existing hedging has also been shown to reduce vehicle speeds and would assist in demonstrating the need to reduce the speed limit along this section of road (see highways comments).
- 6.3.6 The bulk of the public open space and landscaping associated with the development will front Pankhurst Way due to the site typography and therefore from this perspective (once fully open) the public will see the mixture of housing types beyond the public open space. No concerns over visual impact from this perspective are raised.
- 6.3.7 To the edge of the River Severn to the east of the site is a public footpath (Severn Way). Receptors using this footpath at certain points may be able to see parts of the development; primarily the three storey zero carbon dwellings to the eastern edge of the site however due to the site typography and the slope of the land down to the river, this view will be obscured in places.
- 6.3.8 The SC Landscape team (external consultant) have confirmed that the introduction of development at the site is unlikely to result in significant adverse effect on landscape and visual receptors.
- 6.3.9 The scheme before Officers is therefore considered to be acceptable in terms of its character and visual impact, and no significant visual or landscape harm in conflict with the adopted development plan is considered to arise.

## **6.4 Ecology and landscaping**

- 6.4.1 The applicant has submitted the necessary ecological reports requested at pre-application stage to accompany the application. After some additional clarification the submitted ecological report and its contents are acceptable and no conflict with policy CS17 or MD12 have been identified.
- 6.4.2 The applicants have worked with the SC Ecology Team in order to secure a slight biodiversity net gain at the site and to maximise the potential for the creation of habitats within the landscaping scheme proposed. Additional hedging, native and non-native tree planting, scrubland, wildflower meadow planting and grassland will be provided within the site in order to secure a betterment to the current biodiversity and habitats available.
- 6.4.3 The SC Trees consultee have also confirmed that the scheme is acceptable in terms of the submitted tree details and where existing species are to be protected.



There will be some loss of trees and hedging to provide the accesses onto London Road, however this will be supplemented elsewhere across the development site.

6.4.4 The reference to a landscape management plan made within the SC Trees comments has been echoed by the SC Landscape consultee and this condition will there be imposed to secure the landscaping at the site for a suitable period of time that it establishes and enables improve biodiversity, habitats together with visual appearance.

## **6.5 Highways and parking**

6.5.1 The proposed access point to the development site will be from Pankhurst Way – a currently unadopted road constructed to meet the traffic demands associated with the Weir Hill Farm development to the north of the application site. The SC Highways consultee have confirmed that this road has been constructed to a suitable standard and is capable of accommodated the additional traffic flow associated with the proposed development site.

6.5.2 Additionally, it has been confirmed that the individual accesses onto London Road are acceptable. Whilst neighbouring residents' representations have made reference to highways safety concerns pertaining to the introduction of new accesses along this stretch of road, these are not considered to significantly alter the highways scenario and reflect that of neighbouring properties. Subject to appropriate design and specification these additional accesses can contribute to the creation of an active frontage; additional driveways, dwellings, reduction in trees and hedge cover, introduction of additional street lighting, which assist in future consultations to reduce speed limits.

6.5.3 Across the site all dwellings have at least 1no. parking space with the larger scale dwellings having at least 2no. spaces. The provision of 1no. to 2no. car parking spaces for dwellings between one bedroom and four bedroomed in size is considered to be proportionate.

6.5.4 Officers have raised some concerns with regards to the position of parking spaces relative to their associated dwellings, together with the visual appearance of multiple adjacent car parking spaces within both the pre-application enquiry and throughout the determination of the application. In response changes have been made to the layout and positioning of dwellings. Whilst Officers consider there are still certain areas of the site where the parking layout could be improved to reduce visual prominence of parking provision, on balance it is accepted that the proportionate parking provision has been made within the development.

6.5.6 Within the submitted representations reference to pedestrian and cycle provision on the site has been made. The application seeks to provide pedestrian/cycle routes through to London Road to enable access to the existing network of cycle paths into Shrewsbury town centre. In addition, the route through the public open space to Pankhurst Way will enable connectivity to this highway and into the Weir Hill Farm development to the north. The application will also bring forward additional Community Infrastructure Levy payments to secure further funding for improvement and expansion of existing facilities.

6.5.7 Due to the sites proximity to the Emstrey Island and the junction of London Road

and the A5, National Highway(NH)(previously known as Highways England) have been consulted on the scheme. NH consulted on the application because the application has a potential to affect the A5 at Emstrey island to the southeast of the application site, as opposed to the development site itself using a road under their control. Following the provision of additional information NH have confirmed that they raise no objection to the proposal.

## **6.6 Drainage**

6.6.1 The SC Drainage team have confirmed that the drainage proposals are acceptable and compliant with the NPPF and CS18. Foul drainage will be pumped off site and surface water drainage will be allowed to percolate into the ground and channelled suitably such that surface water flooding does not cause an issue. As part of the public open space provision there will be an attenuation pond which will also form as additional habitat for wildlife and improve biodiversity.

6.6.2 Within the submitted representation reference has been made to existing septic tank outflows which terminate in the parcel of land subject to the application. No septic tanks are located within the development boundaries, but their overflows are. As part of the scheme the intention is to divert septic tank outfalls (by agreement with existing residents) onto the proposed foul water drainage layout such that all existing dwellings continue to have an acceptable form of foul drainage serving their properties.

## **6.7 Residential amenity**

6.7.1 Officers have carefully considered the impact of the proposal upon neighbouring uses and whether the introduction of housing at this location would result in an unacceptable conflict with existing neighbouring uses. It is not considered that the introduction of housing to the south of the existing crematorium would result in an unacceptable conflict. The proposed landscape buffer to the shared boundary, together with the siting of bungalows in closest proximity to the shared boundary will reduce the impact upon this neighbour.

6.7.2 In terms of neighbouring residents, there are a number of properties fronting London Road who rear gardens will adjoin the application site. The scheme wraps around these existing dwellings such that a continuous built frontage to London Road will be provided. Concerns have been raised by residents that no site visit has been undertaken as part of the application. The Planning Officer has conducted two site visits to the application site throughout the course of the determination in order to assess the impact on the scheme on existing neighbouring properties (including their curtilages and existing windows), as well as the wider locality.

6.7.3 It is necessary to clarify that the applicant has undertaken the necessary public consultation prior to the applications submission. Prior to the applications submission, following the public consultation event, in consultation with the Planning Case Officer the applicant has made revisions to the site layout through the repositioning of dwellings, introduction of boundary treatments etc. Additional changes (discussed below) have been made during the determination of the application at the request of neighbours and the Local Member.

6.7.4 The submitted representations make reference to impact upon amenity. This can

be though overbearing, overlooking and overshadowing, however upon review of the submitted plans, whilst there will be some limited impact in places, it is not considered that the amenity of existing occupants will be unduly affected. Ample distance between facing elevations and to shared boundaries has been retained throughout the scheme and the scale of the dwellings will not give rise to unacceptable overlooking/overshadowing. The apartment block is of a greater scale than existing neighbouring development but is positioned such that again little to no impact upon residential amenity will occur due to the design which utilises a two-storey element to the section closest to existing neighbour, the distance to the shared boundary (in excess of 12.0m) and the distance between facing elevations (in excess of 23.0m). The apartment block will not result in overlooking as there are no windows in the closest elevation facing the neighbour. Likewise, the concern over single storey garages adjacent to shared boundaries is not considered to represent overbearing development due to their single storey nature and limited height. The introduction of built development to the rear of the existing properties fronting London Road will affect their visual outlook however the specifics of the development remain policy compliant. There are no plots where facing elevations at first floor level are closer than 21.0m to existing neighbouring properties and for two storey side elevations no plot is closer than 12.0m. Given the boundary treatments proposed it is not considered that a demonstrable impact upon neighbouring residents amenity will arise, taking into account the existing window positions, curtilage sizes and the property orientations.

- 6.7.5 The scheme has been revised since its original submission in order to spread the affordable housing development more evenly across the site such that compliance with policy CS11 can be achieved. As a result, a row of 3no. dwellings in a terrace has been replaced with two blocks of walk-up flats at plots 42-45. Officers have reviewed this change in house type and is not considered to give rise to an impact upon neighbouring residents amenity taking into account the distance to the shared boundary, the boundary treatments, the extent of the neighbours curtilage which could be overlooked and the position of neighbours windows. However, the applicant, in consultation with the Local Member and in response to comments made by existing neighbouring residents has revised the internal layout of the first-floor flats such that the bedrooms are to the rear (closest to the neighbouring properties) and therefore the perceived overlooking to these residents has been reduced. Additionally, the applicant has confirmed the shared boundary treatments will afford privacy at ground level.
- 6.7.6 In considering the amenity of the proposed occupiers of the application site, the SC Regulatory Services consultee has confirmed that road noise from the A5, which runs to the east of the site, will not give rise to significant concerns due to its siting. Similarly, Officers do not consider that neighbouring residential development or crematorium development will have an unacceptable impact on future occupants.
- 6.7.7 Provided conditions are imposed to protect occupiers of existing dwellings and occupiers of dwellings constructed in the initial development phase, for the duration of the construction phase, the scheme is considered to comply with CS6 with regards to residential amenity.

## 6.8 Public Open Space

6.8.1 SAMDev Plan policy MD2 requires, among other matters, that development proposals must consider the design of landscaping and open space holistically as part of the whole development and provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set. It seeks to incorporate natural and semi-natural features such as trees, hedges, woodlands, ponds, wetlands and watercourses in schemes. With regard to open space part 5 ii of policy MD2 states:

*“providing adequate open space of at least 30 sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural features. For developments of 20 dwellings or more, this should comprise of an area of functional recreational space for play, recreation, formal or informal uses including semi-natural open space;”*

6.8.2 Part 5 iv of the same policy requires there to be measures in place to ensure that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.

6.8.3 The SAMDev text supporting policy MD2, at paragraph 3.13, advises that the 30 sqm per person standard is calculated for residential developments on the basis of one person per bedroom. Based on the current design for 135no. houses in total, the development will deliver 408no. bedrooms and therefore should provide a minimum of 12,240m<sup>2</sup> public open space. The 408no. bedrooms includes 280no. bedrooms within the full planning permission and an assumed 128no. in the custom and self-build dwellings (maximum of 4no. per dwelling).

6.8.4 The proposal includes 7,726 m<sup>2</sup> of public open space in one continuous area to include a LEAP to the east of the site. This large area of public open space comprises of a footpath/cycle route along the sites northern boundary adjacent to the cemetery, the large open space to the north east, and the continuous area of greenspace including the footpath/cycle path which extends south parallel with Pankhurst Way, terminating outside the proposed apartment block. Within the public open space identified there is a LEAP together with landscaping, green connectivity such as hedging, mixed planting and boundary treatments, together with open space for recreation. The qualifying areas of public open space on site which comply with MD2 equate to a total of 12,895m<sup>2</sup>.

6.8.5 Whilst there are other areas of greenspace and landscaping across the site, these are small scale and fragmented from the continuous parcel of public open space outlined above and as such they do not meet to policy requirement of MD2 and therefore do not contribute to the onsite provision of public open space. Additionally, the SUDS feature within the large space to the northeast of the site (adjacent to Pankhurst Way) has not been included within the calculation.

6.8.6 As 12,895m<sup>2</sup> of public open space compliant with MD2 is provided on site and the development equates to a need for 12,240m<sup>2</sup>, there is no shortfall in this instance, on the contrary the scheme overprovides by 655m<sup>2</sup>, and as such all public open space will be provided of site and an additional financial contribution will not be necessary.

## **6.9 Sustainability**

6.9.1 The application site is spatially located on the edge of the existing settlement of Shrewsbury and is therefore within easy reach of existing services and facilities provided. There are existing cycle, pedestrian and public transport routes into the town where onward travel via train and bus is available. The site is also partially within the existing settlement boundary and therefore in principle the development is considered to be a sustainable location suitable for residential development.

6.9.2 When taking into account the three limbs of sustainability set down by the NPPF the application scores as follows:

- Environmental – neutral; The application will utilise undeveloped land which scores negatively, however the application has also demonstrated that there will be a slight biodiversity net gain at the site on account of the landscaping scheme proposed and the habitats created. Additionally, the development will feature 'low energy' housing and carbon neutral house types which contribute positively towards its score.
- Economically – positive; The development will score positively both during the construction phase when employing local tradespersons and throughout the lifetime of the development as occupants contribute to the local economy.
- Socially – neutral to slight positive; The application will provide additional affordable housing within Shrewsbury where there is a recognised need. Whilst the application does not seek to overprovide affordable housing (it meets the policy compliant 20% provision) the affordable housing proposed will be of mixed tenure and includes housing types (accessible bungalows) which are recognised as being in significant demand. Open market housing to meet local need of varying scales, together with self-build and custom build dwellings will also be secured by the proposal, again a type of housing which is in demand within Shropshire.

6.9.3 The application includes provision of 15 carbon neutral properties with the remainder of the housing subject to full planning permission being 'low energy'. Although not part of the planning balance and given no additional weight in this instance it is also recognised that the specification and thermal performance of 70% of the dwellings subject to full planning permission at the site will meet building regulations part M(4)2 which goes over and above current requirements and complies with policy DP1 – residential mix, of the emerging local plan.

## **6.10 Conditions and legal agreements**

6.10.1 The application seeks full planning permission for a total of 103no. dwellings with outline planning permission for 32no. dwellings. The development of 135no. dwellings in total across the site equates to a policy requirement for the provision of 27no affordable dwellings – all of the dwellings will be provided on site – 70% being affordable rented and 30% low-cost home ownership. The affordable dwellings comprise of 1 and 2 bedroomed units and includes bungalows which are in significant demand. All the affordable housing will be provided within the first phase of the development.

6.10.2 In order to secure this affordable housing in perpetuity the applicant will need to

enter into an appropriate legal agreement.

6.10.3 Additionally, the development includes for the on-site provision of public open space. The legal agreement will also ensure this public open space is retained and managed in perpetuity.

6.10. In addition to the conditions recommended by the relevant consultees (contained at appendix 1 below) Officers consider it necessary to imposed conditions pertaining to the submission of materials details and working hours on site amongst others. The conditions imposed are considered necessary in order to recommend the application for approval and meet the tests set down in the Planning Practice Guidance.

## 7.0 CONCLUSION

7.1 In conducting the planning balance Officers have taken into account the sites spatial position on the edge of Shrewsbury, partially within the development boundary, together with the adjacent development (Pankhurst Way) which has been granted planning permission since the adoption of the local plan. In considering the benefits of the proposal; provision of mix scale and tenure of housing as well as the provision of affordable housing, sustainable location, slight biodiversity net gain, sustainability score of the proposal, and weighed these against the inclusion of a parcel of land currently designated as open countryside.

Officers recognise that the approval of residential development in open countryside which forms part of the site represents a departure from policy but consider that the development site does not encroach beyond existing built development (Pankhurst Way), that Pankhurst Way forms a logical and reasonable physical boundary to the development of Shrewsbury and that the benefits associated with the application outweigh any residual harm.

7.2 **Resultantly, the application is recommended for APPROVAL, subject to the signing of a S106 agreement securing the affordable housing and public open space provision on site in perpetuity, and the conditions set out in Appendix 1 are considered to be necessary.**

7.3 Due to the need to prepare the relevant legal agreements before formal decision is issued, Members are asked to delegate authority to the Assistant Director.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

## **8.2 Human Rights**

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

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

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

## **8.3 Equalities**

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

## **9.0 Financial Implications**

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

## **10. Background**

## Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS2 - Shrewsbury Development Strategy

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS10 - Managed Release of housing Land

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

MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

SPD Type and Affordability of Housing

## RELEVANT PLANNING HISTORY:

PREAPP/21/00511 Residential Development of 142 Dwellings (Comprising of FULL Application for 110 dwellings, 39 Affordable Dwellings and 71 Market Dwellings), Vehicular Access from Weir Hill Road, Internal Roads, Footpaths/Cycleways, Public Open Space, Landscaping and Associated Infrastructure; and OUTLINE submission for 32 Self-Build and Custom-Build Dwellings (Market) PREAMD 3rd November 2021

21/05981/FUL HYBRID application for mixed residential development: FULL application for the erection of 103 dwellings (including affordable dwellings), vehicular access from Weir Hill Road, estate roads, footpaths/cycleways, formation of public open space, remediation, landscaping scheme, all associated works; and, OUTLINE application for 32 Self-Build and Custom-Build Dwellings (amended description) 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 Ted Clarke  Cllr Tony Parsons Cllr Rosemary Dartnall
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. Prior to the commencement of development a Construction Traffic Management Plan(CTMP)/Method Statement(MS) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP/MS shall be implemented fully in accordance with the approved details for the duration of the construction period.

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

4. Prior to the commencement of construction of Plots 29-31 and 46-48 and 76-79, full details of the means of vehicular access onto London Road together with the provision of visibility splays of 2.4 x 65 metres shall be submitted to and approved in writing by the Local Planning Authority; the dwellings shall not be first occupied until the accesses to London Road together with the parking provision and visibility splays have been implemented fully in accordance with the approved details.

Reason: In the interests of highway safety.

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

6. a) Site Investigations have identified the site to be contaminated and before any

development commences 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.

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

c) 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 current guidance - Land contamination: risk management (Environment Agency, 2019) and must be submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a remediation scheme must be prepared which 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. The remediation proposal is subject to the approval in writing by the Local Planning Authority.

d) 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.

7. 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.

8. Within six weeks prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of badgers is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, hedgerows and semi-natural boundaries. 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.

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

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

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

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives and condition categories as detailed in the submitted DEFRA biodiversity metric 3.0 (dated 17 March 2022)
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect, enhance and create habitats and features of biodiversity value in accordance with MD12, CS17 and section 174 of the NPPF.

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.

The landscape management plan shall be carried out as approved.

Reason: In the interests of visual and residential amenity.

12. Prior to the first occupation of any of the dwellings hereby approved, a proposed maintenance regime for any sustainable drainage system proposed, including details of who

will take responsibility, should be submitted for approval to ensure that the drainage system remains in good working order throughout its lifetime.

Reason: To ensure satisfactory drainage of the site and reduce flood risk.

13. Prior to any dwelling being first occupied the pedestrian and vehicular access and pedestrian route to that dwelling shall be laid out in accordance with the approved plans and constructed to a minimum base course level in accordance with full engineering details and a phasing construction plan to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the coordinated construction of vehicular and pedestrian access to dwellings within the development.

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

14. Application(s) for approval of the reserved matters for Phases 3 to 34 (shown on the approved phasing plan referenced 71328 D03 D) shall be made to the local planning authority before the expiration of three years from the date of this permission and the development shall be implemented within 2 years 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.

15. Approval of the details of the design, scale and external appearance of Phase 3 to 34 of the development (shown on the approved phasing plan referenced 71328 D03 D) (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development on Phase 3 to 34 begins and the development shall be carried out as approved.

Reason: In respect of Phase 3 to 34, the application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

16. All site clearance, development and landscaping shall occur strictly in accordance with sections 7.2, 7.3.1, 7.3.5 of the Preliminary Ecological Appraisal Rev 2, apT, dated 17 March 2022.

Reason: To ensure the protection of reptiles, amphibians, bats and breeding birds.

17. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times:

Monday-Friday 7.00 am-18.00pm,

Saturday 8.00 am-13.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

18. None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with the drainage strategy shown in the approved plans.

Reason: In order to ensure that satisfactory drainage arrangements are provided.

19. The landscaping strategy as shown on the approved plans [Plans referenced: 71328 D900 D, 71328 D901 D, 71328 D902 D and 71328 D903] shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of Phase 1 and Phase 2 (shown on the approved phasing plan referenced 71328 D03 B) of the development.

All hard and soft landscape works shall be carried out in accordance with the approved details.

The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

20. No more than 82no. dwellings shall be occupied until the area shown as Public Open Space (P.O.S) on the submitted plans has been laid out in accordance with the approved Landscape Strategy [Plans referenced: 71328 D900 D, 71328 D901 D, 71328 D902 D and 71328 D903] including the provision of the LEAP and play equipment detailed within these approved plans. The area shall not thereafter be used for any purpose other than as Public Open Space and a play area.

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

21. At the main point of vehicular/Pedestrian access to the site off the Weir Hill spine road, visibility splays of 2.4 x 43 metres shall be provided in both directions along the highway carriageway; all growths/obstructions shall be lowered to and thereafter maintained at a height no greater than 0.3 metres above the level of the adjoining highway carriageway.

Reason: In the interests of highway safety.

22. The boundary treatments implemented at the site shall be in accordance with the approved landscape strategy, together with the materials details included within the submitted design code.

The boundary treatments forming the boundary to each individual dwellings curtilage shall be completed, prior to that dwellings occupation.

The boundary treatments across the wider site within the public realm and public open space shall be implemented concurrently with the development and in accordance with condition 19 i.e. no later than the first planting season following the completion of Phase 1 and Phase 2 (shown on the approved phasing plan referenced 71328 D03 B) of the development.

These boundary treatments shall be maintained in perpetuity and shall not be removed, replaced or altered without first seeking written permission from the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

### **Informatives**

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

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

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

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

5. The drainage proposals are acceptable, but offer the following informatives:

1. It is strongly encouraged that the SUDS features are offered for adoption by Severn Trent in accordance with the Sewer Sector Guidance. This will ensure continuity of maintenance and reduce overall flood risk.

2. The finished levels in the area of public open space should be shaped so that any exceedance floodwater can enter the attenuation pond prior to flowing from the site and onto the Wier Hill access road to the east.

-

Location: Proposed Residential Development Site North Of, London Road, Shrewsbury, Shropshire,

DELETE THIS EMAIL - DOC ADDED TO DMS;





Committee and date
Northern Planning Committee
26 <sup>th</sup> April 2022

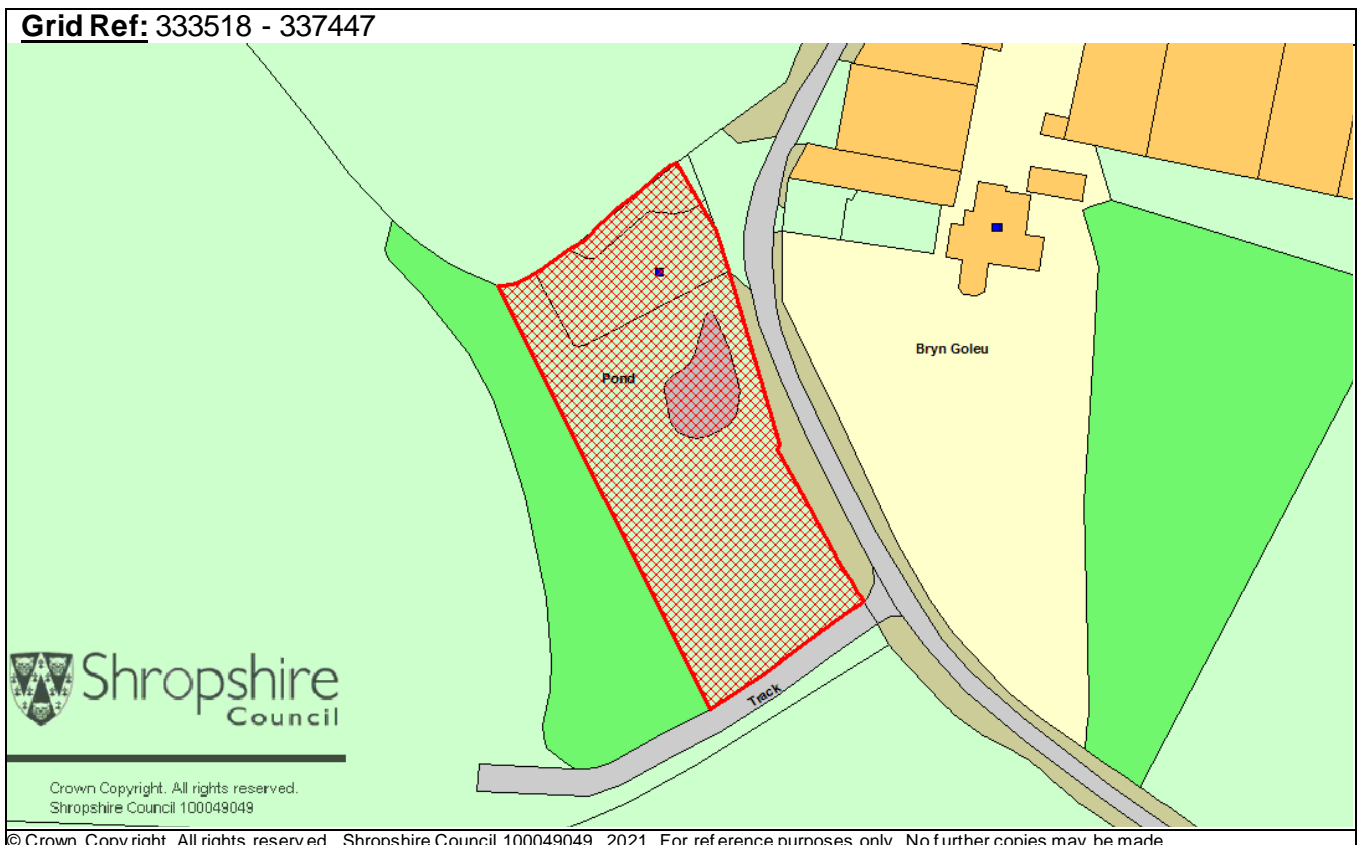
Item
Public

## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 22/00193/FUL	<b>Parish:</b>	Ellesmere Rural
<b>Proposal:</b> Proposed holiday park comprising 9no. units and office and storage buildings		
<b>Site Address:</b> Arthans Bryn Goleu St Martins Oswestry Shropshire		
<b>Applicant:</b> Allum Jones		
<b>Case Officer:</b> Melanie Williams	<b>email</b>	: melanie.williams@shropshire.gov.uk



## Recommended Reason for Refusal

It is acknowledged that the proposed development would contribute to the rural economy and to the role of Shropshire as a tourist destination in which to stay. However, these potential benefits are considered to be outweighed by the harm of the development on the open, tranquil rural character of the landscape, the potential for disturbance of adjacent land users and that the proposal is not located within a sustainable location, where there are also no nearby services. No evidence of the ongoing viability of the existing site has been provided and nor has it has been shown that there is demand for the holiday use in what is considered an unsustainable location.

Accordingly, the proposed is contrary to policies CS5, CS6, CS13, CS16 and CS17 of the Core Strategy and policies MD2, MD7b, MD11, MD12 and MD13 of the SAMDev.

## REPORT

### 1.0 THE PROPOSAL

1.1 Proposed holiday park comprising 9no. units and office and storage buildings

### 2.0 SITE LOCATION/DESCRIPTION

2.3 The site is located adjacent to Bryn Goleu near Street Dinas, St Martins. Currently part of the site is hardstanding previously parking for the gymnasium facilities that used to exist on the neighbouring property; the rest of the site is grassland with a pond in the centre. The nearest neighbour is to the east is the headquarters of Vanguard Cleaning Company formally Bryn Golau Farm.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The office recommendation is contrary to the Parish Councils comments. Therefore in line with the scheme of delegation the application falls to be decided by Planning Committee rather than under officers delegated powers.

### 4.0 Community Representations

4.1 - Consultee Comments  
Shropshire Council Drainage:  
**No objection** subject to a condition and informatives

Shropshire Council Highways:

**No objection** – subject to the development being constructed in accordance with the approved details and the following conditions and informative notes

- Public Comments  
Ellesmere Rural Parish Council

#### **Support**

The Parish Council is content to support this application if the flooding issues on site can be resolved satisfactorily and a sewage treatment plant is made a condition of any planning permission.

### 5.0 THE MAIN ISSUES

- Principle of development
- Details of proposal
- Impact on Residential Amenity

- Flooding

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 The NPPF specifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Development for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside is promoted.
- 6.1.2 Core Strategy Policy CS1 deals with strategic approach, noting that outside community hubs and clusters, development will primarily be for economic diversification and to meet the needs of the local communities for affordable housing. Whilst this policy provides recognition that countryside is a 'living-working' environment which requires support to maintain or enhance sustainability, it also recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environment and other impacts.
- 6.1.3 Policy CS5 outlines strategies to protect the countryside and ensure proposed development maintains and enhances the vitality and character of it and where they improve the sustainability of rural communities by bringing local economic and community benefits. It outlines support for a number of development types including Sustainable rural tourism and leisure and recreation proposals which require a countryside location, provided they are in accordance with Policies CS16 and CS17.
- 6.1.4 Policies CS13 and CS16 indicate support for high quality sustainable tourism development that is appropriate to its location and enhances and protects the existing offer within Shropshire. In rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. Additionally it should promote and preserve the distinctive historic, heritage brand and values of its environment
- 6.1.5 MD11 states that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5, CS16, MD7b, MD12 and MD13. All proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.
- 6.1.6 On review of this policy, it is concluded that there is no outlined principle against new camping/caravan site development within suitable locations within the open countryside. There is however extensive policy that the proposed development must accord with to be acceptable. The first of these requirements is the location of the development being within a sustainable accessible location served by a range of facilities. The second is the consideration of the cumulative impact of visitor accommodation on the natural assets of the area which in this case is open countryside. On review of the location it is not concluded the proposal is either sustainable or served by a range of facilities. Whilst the village of St Martins is a

relatively short distance away part of the route is along the rural lane which does not benefit from any lighting or pavements which is to some extent likely to discourage some holiday makers from walking and be reliant on the use of private vehicle. Given there is only a very limited range of services available St Martins, holiday makers would inevitably use their car to travel further afield.

- 6.1.7 Sustainability relates to the impact of the proposal on the environment, to the economy and its social impact. In terms of impact on the environment, this covers the natural, historic and built environments. While no objections have been raised by the Council's Ecologist there are still concerns regarding the impact of the development on the ecology of the area through any necessary works required.
- 6.1.8 As a result, it is concluded that the proposal is not within a sustainable or easily accessible location and therefore contrary to CS16 and CS5.

## **6.2 Details of proposal**

- 6.2.1 Policy CS6 states that development should conserve and enhance the built, natural and historic environment and be appropriate in its scale and design taking account of local character and context. It also indicates support for small scaled new economic development diversifying the rural economy referring to farm diversification schemes. The scheme does not represent farm diversification as this has been previously broken up, nor does it represent the expansion or diversification of an existing rural business. The site is a standalone field surrounded by land under separate ownerships; the landowner for this site currently lives in St Martins away from the site itself. In addition the application is not supported by any kind of business plan to demonstrate the viability of the proposed scheme.
- 6.2.2 Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and does not adversely affect the heritage values and function of these assets.
- 6.2.3 The proposal is for the siting of 9 huts for use as holiday accommodation; 8 of the units would be type 1 design which provides a single bedroom, lounge, kitchenette and shower area with a WC. The remaining unit would be type 2 design, this is effectively the same as 1 with the same room no. and facilities provided but with the glazed entrance on the side elevation as opposed to either end. The huts are to be faced with horizontal boarding for the walls with a flat roof with a sedum finish.
- 6.2.4 Also proposed are 9 car parking spaces and 2 buildings for office use and storage area. These buildings will be agricultural in appearance constructed using box profile sheeting and facing brickwork.
- 6.2.5 The site is considered to be an unsuitable location as any development of the site would be an extension into the countryside and as such would be harmful to the character and appearance of the rural landscape and the locality. While it may not be visible from all aspects and views, this does not mean that a development may not have an unacceptable impact on the rural landscape.

6.2.6 It is also likely that the proposal will require maintenance of the land to a more domestic appearance to please future visitors to the site, particularly immediately surrounding the huts. This may involve various alterations such as mown grass, together with the provision of waste bins, washing lines, outdoor seating and tables and other forms of domestic paraphernalia. As such this would have a significant impact on the character of the site.

6.2.7 While the units would appear to be potentially moveable and meet with the definition of a caravan it is noted they will be connected to electricity, water and drainage systems which together with patio and the fixed footpath provision to each unit implies that the huts cannot be removed from site. There is also no indication in the application that the huts would be removed from site during periods of the year when not required, such as winter. As such they would appear as a more permanent feature of the landscape and as a result have more of a visual impact.

### **6.3 Impact on Residential Amenity**

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

6.3.2 The nearest neighbouring dwelling is approx. 35m away from the proposed site to the east. The buildings immediately adjacent to the property are owned by Vanguard Cleaning Company (a medical cleaning company); however the site is very peaceful and quiet even within the average working day, with traffic movements to a minimum.

6.3.3 The proposed use would increase the amount of traffic using the lane, especially within the summer months. The use would also mean that the site would generate increased noise and disturbance from future occupiers. A site visit has revealed that part of the existing hedgerow has been removed from the front of the site with some non-native species re-planting carried out. However it is felt that this would provide inadequate screen from both potential noise and any adverse visual impact caused by the development on a field which currently provides a backdrop of uninterrupted landscape.

6.3.4 It is therefore felt that the impact of the proposed development on the residential amenity of neighbouring property in terms of visual and noise generated would be unacceptable.

### **6.4 Flooding**

6.4.1 The site is not located within a Flood Zone nor have Shropshire Council Drainage objection to the scheme (recommending conditions should approval be granted). However, photographs have been supplied to the LPA showing this area including the adjacent lane covered in flood water. Upon investigation the Planning Authority have been informed that this is an unusual occurrence and resulted from the drainage ditches in the lane not being properly cleared.

## **7.0 CONCLUSION**

7.1 It is acknowledged that the proposed development would contribute to the rural

economy and to the role of Shropshire as a tourist destination in which to stay. However, these potential benefits are considered to be outweighed by the harm of the development on the open, tranquil rural character of the landscape, the potential for disturbance of adjacent land users and that the proposal is not located within a sustainable location, where there are also no nearby services. No evidence of the ongoing viability of the existing site has been provided and nor has it been shown that there is demand for the holiday use in what is an unsustainable location which is assessed along a single track public highway with no pedestrian facilities such as a footpath or pavement.

7.2 Accordingly, the proposed is contrary to policies CS5, CS6, CS13, CS16 and CS17 of the Core Strategy and policies MD2, MD7b, MD11, MD12 and MD13 of SAMDev.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

### **8.2 Human Rights**

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

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

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

### **8.3 Equalities**

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

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

### RELEVANT PLANNING HISTORY:

21/00814/FUL Proposed holiday park comprising 9no. units and office and storage buildings  
WDN 27th April 2021

22/00193/FUL Proposed holiday park comprising 9no. units and office and storage buildings  
PCO

## 11. Additional Information

View details online:

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

Cllr Steven Davenport





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## SCHEDULE OF APPEALS AS AT COMMITTEE 26<sup>th</sup> April 2022

### Appeals Lodged

<b>LPA reference</b>	20/05228/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Gareth Hardcastle
<b>Proposal</b>	Conversion of agricultural buildings to residential holiday accommodation and demolition of existing barn
<b>Location</b>	Caegwision Farm Maesbrook, Oswestry
<b>Date of appeal</b>	31.3.2022
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

### Appeals Determined

<b>LPA reference</b>	21/02435/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Ian Heathcock
<b>Proposal</b>	Change of use of domestic garage to beauty parlour
<b>Location</b>	26 Hollands Drive St Martins Oswestry
<b>Date of appeal</b>	21.12.2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	21.03.2022
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	20/04216/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Colin & Jenny Boswell
<b>Proposal</b>	Erection of 1No detached Bungalow following the demolition of existing outbuilding
<b>Location</b>	Proposed Dwelling East Of Wingthorpe Mount Drive Oswestry
<b>Date of appeal</b>	22.12.2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	01.03.2022
<b>Date of appeal decision</b>	23.03.2022
<b>Costs awarded</b>	NO
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	21/00071/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr M Donovan
<b>Proposal</b>	Erection of two storey extension with double garage attached and associated works
<b>Location</b>	Meadow Bank Farm Bryn-y-cochin Dudleston Heath
<b>Date of appeal</b>	02.02.2022
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	22.03.2022
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>ALLOWED</b>

<b>LPA reference</b>	21/03296/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	A J Rutter Limited
<b>Proposal</b>	Erection of 2 no detached houses with on-site car parking following demolition of existing commercial premises
<b>Location</b>	62 Longden Road Shrewsbury
<b>Date of appeal</b>	29.10.2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	08.03.2022
<b>Date of appeal decision</b>	28.03.2022
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

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## Appeal Decision

Site visit made on 1 March 2022

**by Helen Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday 21 March 2022**

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**Appeal Ref: APP/L3245/W/21/3283195**

**26 Hollands Drive, St Martins, Oswestry SY11 3FG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ian Heathcock against the decision of Shropshire Council.
  - The application Ref 21/02435/FUL, dated 11 May 2021, was refused by notice dated 15 July 2021.
  - The development proposed is a change of use of domestic garage to beauty parlour.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbours in terms of disturbance.

### Reasons

3. The appeal site concerns the middle of a block of three domestic garages to the rear of No 26 Hollands Drive, in a residential area. The door has been removed and replaced with an entrance door flanked by two windows. The appellant has operated a beauty business from a room in the dwelling previously.
4. In terms of operations, there would typically be 3 appointments a day, the longest for up to 2 hours, with others requiring in the region of 20-minutes. All appointments would be during normal working hours Monday to Friday. However, if a series of 20-minute appointments were booked during the day, this would increase the frequency of customer visits. It is also likely that the business would generate a variety of appointment bookings depending on customer demands. This would result in an increase of comings and goings on foot, cycle, and by car throughout the day than would otherwise be experienced by a typical three-bedroom household with an incidental outbuilding.
5. The appeal site is located within a quiet residential cul-de-sac that currently experiences limited pedestrian and vehicular activity. The comings and goings of the proposal would be in addition to the movement of pedestrians and vehicles in connection with the dwelling at No 26. The increase in activity and vehicle movements to the appeal property would cause disturbance to the neighbouring occupiers.
6. The appellant maintains that they operate an appointment system and that there is a dedicated parking space available for customers in front of the appeal property. Nonetheless, there is a real possibility that on occasions there would

be an overlap when one customer arrives before another has departed. The parking space could also be in use by one of the family members at No 26. This would give rise to overspill parking demand. As there is no overspill parking provision available, this would lead to customers parking on the nearby narrow streets or in the private parking spaces of neighbouring residents. It is also likely that customers will not always park in a considerate manner.

7. Although the business does not currently operate at full capacity and the owner does not employ any staff, there is the potential that the business could grow, being located in a separate building. Additional traffic would likely be generated from any increased growth of the business, such as an increased number of customer appointments throughout the day, possible recruitment of staff that would need to park, and delivery vehicles to the business premises.
8. Although I do not consider the proposal would compromise highway safety, the increased vehicle movements associated with the use and the inadequate off-street parking provision would have an anti-social impact on the residential area through potential disturbance to neighbours.
9. As the appeal property is separate from the dwelling at No 26, the beauty parlour could potentially be operated by someone not living at No 26 and would therefore negate any sustainability benefits of working from home. This could be controlled by a planning condition, together with the use as a beauty parlour, in addition to restricting its opening times. However, conditioning the number of customers or employees at the premises would be difficult to both monitor and enforce.
10. For the reasons given above, the proposal would have an unacceptable impact on the living conditions of neighbouring residential occupiers in terms of disturbance. The proposal therefore fails to accord with Policy CS6 of Shropshire Council's Core Strategy (2011), which seeks to safeguard residential and local amenities. The proposal also fails to accord with Policies MD2 and MD10a of Shropshire Council's Site Allocations and Management of Development Plan (SAMDev) (2015), which seeks to ensure developments are suitably located to respect existing amenity of residential areas.

### **Other Matters**

11. I acknowledge the proposal would be of particular benefit to the appellant and their family in allowing them to relocate the business from the dwelling to the garage unit. However, planning decisions must be made in the public interest and therefore, such personal benefits attract little weight.
12. I note the letters of support from some of the neighbours. However, the lack of objections from neighbours is a neutral matter and cannot outweigh the harm that has been found.

### **Conclusion**

13. The proposal conflicts with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

*Helen Smith*

INSPECTOR





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## Costs Decision

Site visit made on 1 March 2022

**by Helen Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Wednesday 23 March 2022**

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### **Costs application in relation to Appeal Ref: APP/L3245/W/21/3285091 Wingthorpe, Mount Drive, Oswestry SY11 1BQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990.
  - The appeal is made by Colin and Jenny Boswell for a full award of costs against Shropshire Council.
  - The application Ref 20/04216/FUL, dated 13 October 2020, was refused by notice dated 19 April 2021.
  - The appeal was against a refusal to grant planning permission for the proposed development described as 'the erection of 1No detached bungalow following the demolition of existing outbuilding adjacent to Wingthorpe, Mount Drive, Oswestry, Shropshire, SY11 1BQ.'
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant alleges that the Council acted unreasonably by failing to take account of 1) the fundamental differences between the appeal proposal and the earlier 2015 proposal, 2) the change to site conditions (e.g. the increase in height of the hedge), and 3) its own pre-application advice.
4. In respect of the fundamental differences between the appeal proposal and the earlier 2015 proposal, the Council, as decision maker, exercised their planning judgement by considering whether to grant planning permission or not on the more recent proposal. They took advice from their Historic Conservation team as the neighbouring properties to the appeal site are non-designated heritage assets and the site is within the setting of Conservation Areas. These are matters to be taken into account by the decision maker when deciding whether the proposal would be acceptable when in such close proximity to heritage assets. I consider that the Council set out their reasoning for refusal in the decision notice and the officer's report. I therefore find the Council to have acted reasonably in exercising their planning judgement when determining the application.
5. In respect of the change to site conditions, with particular regard to the height of the hedge, the Council have set out in their reasoning that it would be difficult to rely on a hedge as a screen between the two garden boundaries. This is because a hedge is a living organism that could die or be reduced in

height in the future by cutting back or being removed completely. From my site observations, I noticed that the hedge had been left to grow on the Wingthorpe side. The evidence submitted suggests that the hedge had previously been maintained at a lower level, which was evident when I visited the neighbour's side at Hafod Wynne. Nevertheless, as the proposal would be higher than the hedge, it would still be seen above it. As the ground is at a lower level on the Hafod Wynne side, the proposal would have an overbearing impact on the neighbour's amenity area directly below.

6. With regard to the Council's pre-application advice, the applicant did not submit any new plans to the Council at pre-application stage and the advice given was based on a single-storey 2-bedroom bungalow. The proposal that was later submitted to the Council for application ref 20/04216/FUL was for a 3-bedroom dormer bungalow with a first floor in the roof space. In the absence of this information at pre-application stage, I find the Council to have acted reasonably in exercising their planning judgement when determining the application.
7. Consequently, I consider that the Council provided clear and justified reasons for refusal. They exercised their planning judgement as decision maker and were entitled to come to the conclusions they did based on the adopted development plan for the area. Therefore, I find the Council to have acted reasonably in this instance.
8. In my judgement, in respect of the reason for refusal, the Council gave reasons as to why it was concerned that the proposal, by virtue of an overbearing impact and a loss of outlook caused by the proposal, would be contrary to development plan policy in regard to adverse impacts on human health and wellbeing, and would be harmful to the living conditions of the neighbouring occupants. The above matters involve a degree of judgement and, as I have set out in my other decision, I agree. Although I did not agree with the Council's decision in terms of loss of privacy, or design and context, sufficiently robust evidence was submitted to show that the Council did not apply its judgement in an unreasonable manner, in accordance with the advice in the Guidance.

### **Conclusion**

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not therefore justified.

*Helen Smith*

INSPECTOR



## Appeal Decision

Site visit made on 1 March 2022

**by Helen Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Wednesday 23 March 2022**

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**Appeal Ref: APP/L3245/W/21/3285091**

**Wingthorpe, Mount Drive, Oswestry SY11 1BQ**

- 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 Colin and Jenny Boswell against the decision of Shropshire Council.
  - The application Ref 20/04216/FUL, dated 13 October 2020, was refused by notice dated 19 April 2021.
  - The development proposed is described as 'the erection of 1No detached bungalow following the demolition of existing outbuilding adjacent to Wingthorpe, Mount Drive, Oswestry, Shropshire, SY11 1BQ.'
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### Decision

1. The appeal is dismissed.

### Applications for Costs

2. An application for costs has been made by Colin and Jenny Boswell against Shropshire Council. This application is the subject of a separate decision.

### Main Issues

3. The main issues are the effects of the proposal on the living conditions of the occupiers of Hafod Wynne, with regard to outlook and privacy; and the effects of the proposal on the character and appearance of the area, with specific regard to the setting of the Pant Glas and Brogyntyn and Oswestry Conservation Areas.

### Reasons

#### *Living Conditions*

4. The appeal site is located on a parcel of land within the curtilage of a large dwelling known as Wingthorpe. It is situated in Mount Drive, which is an area characterised by large dwellings set within extensive plots. The dwelling known as Hafod Wynne is located to the east of the site.
5. Hafod Wynne occupies a site several metres below that of the appeal site. Its garden extends around its west elevation and hosts garden furniture, areas of planting, and greenhouses. The west elevation of Hafod Wynne also has several habitable rooms at ground and first floor level that face out towards the appeal site.
6. Due to the sloping nature of the appeal site, the proposal would require groundworks which would result in the development being elevated at the

- southern end. This, combined with the proposals close proximity to the neighbour's boundary, would result in the proposal having a dominant and overbearing impact on the occupants of Hafod Wynne.
7. There is a large hedge on the boundary that separates the two plots. However, it was evident at the time of my site visit that the hedge had been left to grow on the Wingthorpe side but had been maintained at a lower height on the Hafod Wynne side. Standing on the Hafod Wynne side, I could see that the height and thickness of the hedge varied in places. The hedge also drops in height from north to south as it follows the ground level changes.
  8. Although the hedge would offer some screening, due to the height of the proposal its structure and bulk would still be seen above the hedge from the neighbour's side at Hafod Wynne. The height of the proposal would be particularly evident above the hedge where the land slopes down from north to south and in places where the hedge has not grown so high.
  9. It is unlikely that the hedge would provide a solid screen throughout the year as inevitably it will vary in shape over time as it loses some of its foliage. If the existing hedge were to die off in places, be cut back, or be completely removed and replaced with an alternative boundary division (such as wooden fence panels of a lower height) then Hafod Wynne would be exposed to the proposed development. The hedge therefore cannot be relied upon to provide the solution to the issue of outlook.
  10. Consequently, due to the difference in ground levels, the proposal's height and depth would have an overbearing and harmful impact on the outlook for the occupiers of Hafod Wynne from both their garden and the habitable rooms fronting onto the proposed development.
  11. In terms of privacy, the proposed rooflight windows in the east elevation do have the potential to cause overlooking of Hafod Wynne. However, these could be conditioned to be obscure glazed. The two proposed windows on the ground floor and the porch entrance on the east elevation would be screened by the hedge at ground floor level. The proposed first floor round window on the southern elevation would overlook the rear garden at Hafod Wynne, but as it does not directly overlook the neighbour's patio area then the effects would be limited. Consequently, no harmful effects would arise from the proposal in terms of loss of privacy to the occupiers of Hafod Wynne.
  12. In contrast, the site level of Wingthorpe is slightly above that of the appeal site. The orientation and siting of the proposal in relation to Wingthorpe would not be unduly prominent in views from Wingthorpe and its garden space. The proposed side elevation facing Wingthorpe would include rooflights and a small kitchen window that could be obscure glazed. Consequently, no harmful effects would arise from the proposal in relation to outlook and privacy for the occupiers of Wingthorpe.
  13. That said, and for the reasons set out above, the proposal would still unacceptably harm the outlook for occupiers of Hafod Wynne. Consequently, it would not accord with Policy CS6 of Shropshire Council's Core Strategy (CS) (2011), and Policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan (2015), which seek to ensure new development respects the living conditions of current and future occupiers.

14. The proposal would also fail to accord with the National Planning Policy Framework (Para 130), where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

#### *Character and Appearance*

15. The significance of the Pant Glas and Brogyntyn Conservation Area lies, in part, in its extensive views of agricultural landscape, which accentuates its rural character. The appeal site is also located outside but near to the Oswestry Conservation Area which is characterised by a mix of Victorian and Edwardian properties. Wingthorpe and Hafod Wynne are recognised as non-designated heritage assets. They are late Victorian villas constructed in buff brick with plain clay tiles, characterised by gables with overhanging eaves set within spacious plots.
16. The proposal would be of a traditional design which would follow the architectural style of Wingthorpe by incorporating some of its design features and use of materials. It would be set back from the main dwelling. Although the depth of the proposal would extend beyond the building line of Wingthorpe to the rear, it would be consistent with the rear building line of Hafod Wynne. There would be a variation in terms of the proposal's height and roof form compared to the main dwelling, but this, combined with its set back, means the proposal would appear subservient to the main dwelling of Wingthorpe.
17. The proposal would subdivide the garden area of Wingthorpe. However, due to the spacious grounds and sufficient space to the side of the main dwelling, the proposal would not appear unduly cramped in the context of the wider street-scene. As the proposal would be accessed off a private drive, and given the mature planting on the surrounding boundaries, public views of the proposal would be limited from the street-scene.
18. Although the proposal would result in the demolition of an outbuilding, as the outbuilding is contemporary in design its loss would be neutral. The garage unit to the north of the site that has historical significance would be retained.
19. With the above in mind, the appeal scheme would not be harmful to the character or appearance of the area. In addition, due in part to the limited visual influence of the proposed development, its scale, siting and design, the proposed development would not be harmful to the setting of either conservation areas or the significance of the two dwellings as non-designated heritage assets. The proposal would therefore accord with Policies CS6 and CS17 of the CS (2011), which seeks to protect, restore, conserve, and enhance the built and historic environment. The proposal would also accord with Policies MD2 and MD13 of the SAMDev (2015), which seeks to protect, conserve and enhance the historic context and character of heritage assets.

#### **Other Matters**

20. The bungalow would be self-build constructed and lived in by the owners. However, this is a small benefit and there is no suitably robust mechanism before me to ensure that the scheme would be self-build. These matters would not therefore outweigh the harm identified to the living conditions of the neighbouring occupants and the subsequent conflict with the development plan; to which I attach substantial weight.

21. Objection has been raised to the proposal in the respect of the effect it would have on the setting of the Grade II listed buildings at 1-5 Porkington Terrace, 13 Oak Street, and the White Lion Inn. This was not a contentious matter for the Council and taking into account my observations on site, the proposed development would have a neutral effect on the significance of the listed buildings, given its location, scale and design. It would therefore preserve their setting. This is a neutral effect and would not weigh in favour of the proposal.

### **Conclusion**

22. The lack of harm I have found in regard to the character and appearance of the area, including heritage assets, would be neutral and thus incapable of weighing against the harm and conflict with the development plan I have found in regard to the living conditions of neighbours. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

*Helen Smith*

INSPECTOR



## Appeal Decision

Site visit made on 14 March 2022

by **Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22<sup>ND</sup> March 2022

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**Appeal Ref: APP/L3245/D/22/3290596**

**Meadow Bank Farm, Bryn-Y-Cochin, Criftins, Ellesmere SY12 9LW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Donovan against the decision of Shropshire Council.
  - The application Ref 21/00071/FUL, dated 5 January 2021, was refused by notice dated 21 October 2021.
  - The development proposed is for a two-storey extension with the double garage attached to provide utility area, dining room & 2 no. bedrooms.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey extension to provide utility area, dining room & 2 no. bedrooms at Meadow Bank Farm, Ellesmere SY12 9LW in accordance with the terms of the application, Ref 21/00071/FUL, dated 5 January 2021, subject to the following condition:

The development hereby permitted shall be carried out in accordance with the following approved plans: 2002.02; 2002.03 Rev B; Revised Location Plan; only.

### Preliminary Matters

2. A number of plan revisions accompanied the appeal documentation. The officer report states that the double garage was removed from the planning application before it was determined. When carrying out my site visit, it appears that the remaining element comprising the two-storey extension has been carried out in advance of any consent. I have considered the appeal on the basis of the proposal for a two-storey extension only.

### Main Issues

3. The main issues in this appeal are firstly, the effects of the extension on the character and appearance of the host property, a locally designated heritage asset and wider area; and secondly, whether the appeal scheme should be the subject of an ecological appraisal and if so, the effects of the proposed development on wildlife interests.

### Reasons

#### *Character and appearance*

4. The appeal property lies in a fairly exposed hillside location within the countryside; although it is prominent in the immediate local scene, the



topographical undulations and woodland coverage surrounding the hamlet of Criftins means that the property is not highly visible from the public domain.

5. The Council confirms that the appeal site is included within the Shropshire GIS Mapping as potentially having historic merit as a non-designated heritage asset, which carries with it a requirement for a Heritage Impact Assessment to be carried out that identifies the significance of the building in historic and architectural terms, including its setting and whether any development would result in harm to that significance. I note that the appellant maintains that as the two-storey extension is attached to the 1994 extension, it would not involve any diminution of its significance. From what I saw, the extension as built lies within a paddock and away from the historic farm grouping.
6. The significance of this non-designated heritage asset lies in the simple form of this once farm worker's cottage and its setting comprising a modest complex of traditional red brick buildings set close to one another to the rear of the cottage. In my view, it is the arrangement of this complex of buildings that has the greatest importance; the extended cottage and the alterations that have previously been carried out results in the cottage itself having limited heritage significance.
7. I do not accept the contention that the appeal development is either disproportionate or amounts to the overdevelopment of the property or site. Neither do I accept that the extension is out of context and character in relation to the existing dwelling. Although the extension as built is somewhat bulky, its 'L' shape arrangement helps to contain the visual effect of what is now an enlarged building, when seen either from afar or from the nearest point along the public highway. Moreover, its height and use of appropriate materials to the local area results in an acceptable appearance that promotes and reinforces local distinctiveness.
8. In my judgement, I would conclude that the significance of the non-designated heritage asset derived primarily from its history as a cluster of modest traditional agricultural buildings grouped around the farmstead has not been harmed by the appeal extension. The design and use of materials appropriate to the locality has resulted in the introduction of an interesting building which has effectively replaced an unprepossessing one, which in turn has enhanced the character and appearance of the area.
9. As such it satisfies Policies CS5, CS6 and CS17 of the Shropshire Core Strategy (SCS) and Policies MD2, MD7a of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev), SPD Type and Affordability of Housing, which collectively and amongst a plethora of matters seek to ensure that heritage assets of the County are protected through avoidance of loss of heritage significance whilst ensuring that new development is appropriate in scale and design having regard to local character.

#### *Nature conservation*

10. The Council argues that the householder development application should have been accompanied by an ecological appraisal although does not specify why or how such a modest proposal would be likely to have a potentially significant adverse effect directly, indirectly or cumulatively on any of the environments identified in Policy MD12 of SAMDev. There is no substantiated evidence that the development as built would affect, let alone harm, the nature conservation



interest of any designated area or local habitat, nor do I consider that it has. Conditions could have been attached that nature conservation interests are protected and enhanced. However, the Council instead has suggested the submission of a full ecological appraisal, which is wholly disproportionate in my view.

11. Accordingly, the appeal proposal satisfies rather than conflicts with the relevant development plan policies, specifically Policy CS17 of the SCS and policy MD12 of the SAMDev as well as the National Planning Policy Framework. These policies, inter alia seek to prevent development from having significant unacceptable effects on wildlife habitats whilst encouraging its conservation and enhancement.

### **Conditions**

12. A condition is attached specifying approved plans in the interests of providing certainty. I do not consider the need for either a heritage assessment or an ecological appraisal as suggested by the Council given the above.

### **Conclusion**

13. For the reasons stated, I conclude that this appeal be allowed.

*Gareth W Thomas*

INSPECTOR

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## Appeal Decision

Site visit made on 8 March 2022

**by Helen Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Monday 28 March 2022**

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**Appeal Ref: APP/L3245/W/21/3285829**

**62 Longden Road, Shrewsbury SY3 7HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Rutter (A J Rutter Limited) against the decision of Shropshire Council.
  - The application Ref 21/03296/FUL, dated 30 June 2021, was refused by notice dated 14 October 2021.
  - The development proposed is erection of 2 No 4 bedroom detached houses with on-site car parking following demolition of existing commercial premises.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### Reasons

3. The appeal site is located on Longden Road and is currently occupied by a commercial unit. Longden Road consists of mature residential properties with a mix of styles that are predominately two-storey. The rear of the site is adjacent to the Rad Brook Valley, which is characterised by sloping fields and pockets of woodland.
4. The proposed dwellings would be set back further from the street frontage than the neighbouring dwellings, whose front elevations are all at a similar distance from the road itself. Whilst the existing commercial unit is also set back, the proposed dwellings would nonetheless be viewed in the context of the existing neighbouring dwellings. As a result of its positioning being further away from the street frontage, the proposed dwellings would appear as an incongruous feature within the street scene and would not maintain the uniform building line which characterises the area.
5. Furthermore, the scale, height and massing of the proposed dwellings would appear dominant and highly visible within the street scene. This is because the proposed three-storey dwellings would be taller than the adjacent neighbouring dwellings, with a roofline protruding above them. In addition, the proposal would be closer to the side boundary of 64 Longden Road, and therefore wider than the existing commercial unit. The proposal's ridge height would also be set higher than the existing commercial unit which would result in the front elevations appearing more prominent than the existing building on site.

6. The size and position of the proposal would appear cramped on site with very small separation distances between the two proposed dwellings and the neighbouring side boundaries. This would be of visual detriment to the street scene thereby causing unacceptable harm to the character and appearance of the area. The extent of the hardstanding driveway to the front of the proposed dwellings would add to this harm.
7. In addition, the depth of the proposed dwellings would extend further back into the site than the adjacent dwellings. Although the existing commercial property also extends further back into the site, its height is lower, and its width is narrower than the proposal before me.
8. I note that the ground level to the rear of the site changes quite dramatically as it slopes down towards the rear boundary. However, this is also true of the neighbours' properties that have a building line closer to the street frontage.
9. Therefore, for the reasons given, I conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area. The proposal fails to accord with Policy CS6 of Shropshire Council's Core Strategy (2011), which seeks to ensure development is appropriate in scale and mass and takes account of the local context and character. The proposal also fails to accord with Policy MD2 of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan (2015), which seeks to ensure development responds appropriately to the form and layout of existing development, including building heights, lines and scale. It would also fail to accord with the design objectives of the National Planning Policy Framework.

### **Other Matters**

10. The proposal would replace a commercial unit constructed of part brick/part industrial sheeting that generates vehicular movements within a residential area. However, this benefit would not outweigh the harm identified from the proposal to the character and appearance of the area.
11. The appellant claims that the siting of the proposed dwellings minimises the impact on the neighbouring properties side windows. However, I have found the proposal to be incongruous in appearance. During my site visit, I also observed that some of the neighbour's side windows are obscure glazed.
12. Although objections have not been received from the Town Council or the neighbours, the lack of objections is a neutral matter and certainly does not outweigh the harm that has been found.
13. The appellant claims that the proposal would make effective use of a brownfield site in an accessible location. However, this does not negate the conflict that has been identified with the development plan.
14. The site is adjacent to the Shrewsbury Conservation Area (CA). This was not a contentious matter for the Council and taking into account my observations on site, the proposed development would have a neutral effect on the setting of the CA. However, this neutral effect does not weigh in favour of the proposal.

**Conclusion**

15. The proposal conflicts with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

*Helen Smith*

INSPECTOR

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