



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

Date: Monday, 14 June 2021

**Committee: Southern Planning Committee**

**Date: Tuesday, 22 June 2021**

**Time: 1.00 pm – PLEASE NOTE EARLIER START TIME**

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

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

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

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

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

[www.shropshire.gov.uk/SouthernPlanningCommitteeMeeting22June2021](http://www.shropshire.gov.uk/SouthernPlanningCommitteeMeeting22June2021)

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

Tim Collard  
Interim Assistant Director – Legal and Democratic Services

**Members of the Committee**

David Evans (Chairman)  
Robert Tindall (Vice Chairman)  
Caroline Bagnall  
Andy Boddington  
Nick Hignett  
Richard Huffer  
Hilary Luff  
Nigel Lumby  
Richard Marshall  
Tony Parsons  
Dave Tremellen

**Substitute Members of the Committee**

Julia Buckley  
Nigel Hartin  
Heather Kidd  
Kevin Pardy  
Claire Wild

Your Committee Officer is:

**Tim Ward**    Committee Officer

Tel:                    01743 257713

Email:                [tim.ward@shropshire.gov.uk](mailto:tim.ward@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive any apologies for absence.

## 2 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Friday 18 June 2021.

## 3 Disclosable Pecuniary Interests

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

## 4 Land Adjoining Padman House Cape Street Broseley Shropshire (18/04550/FUL) (Pages 1 - 38)

Demolition of existing workshop; erection of four dwellings, a detached garage and formation of vehicular access

## 5 Land to the east of Garridge Close, Albrighton, Shropshire (20/03508/FUL) (Pages 39 - 66)

Erection of 18 No. residential dwellings and associated parking/garaging with new adopted road following demolition of existing bungalow, garage, and pool house

## 6 The Bungalow Ragdon Church Stretton Shropshire SY6 7EZ (20/03751/FUL) (Pages 67 - 86)

Erection of an agricultural implement storage building

## 7 Condover Village Hall Condover Shrewsbury Shropshire (21/00671/FUL) (Pages 87 - 98)

Installation of 18No solar panels on a south west facing roof, and installation of 2No air sourced heat pump wall mounted units on an external wall on the north east elevation

## 8 Dowles Cottage Dowles Road Bewdley DY12 3AB (21/01171/FUL) (Pages 99 - 108)

Erection of two storey side extension and single storey rear extension. (Resubmission of 20/00574/FUL)

## 9 Sunninghill Summerhouse Lane Longden Shrewsbury Shropshire (21/01377/VAR) (Pages 109 - 120)

Variation of Conditions Nos.2 (approved plans) and 11 (amenity area) pursuant of 20/04317/FUL to allow for: a larger dormer to front elevation with 2 windows; addition of porch; installation of glass balustrade to part of flat roof to enable use as balcony amenity area; installation of balcony velux window to rear roof and creation of habitable room in loft (amended description)

**10 11 Foldgate View Ludlow SY8 1NB (21/01539/FUL) (Pages 121 - 128)**

Erection of a single storey rear extension following demolition of existing

**11 42 Barrow Street Much Wenlock Shropshire TF13 6ET (21/01799/FUL) (Pages 129 - 140)**

Erection of a first floor side extension and single storey rear extension together with internal alterations.

**12 Schedule of Appeals and Appeal Decisions (Pages 141 - 158)**

**13 Date of the Next Meeting**

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 13 July 2021.



Committee and date

Southern Planning Committee

22 June 2021

## Development Management Report

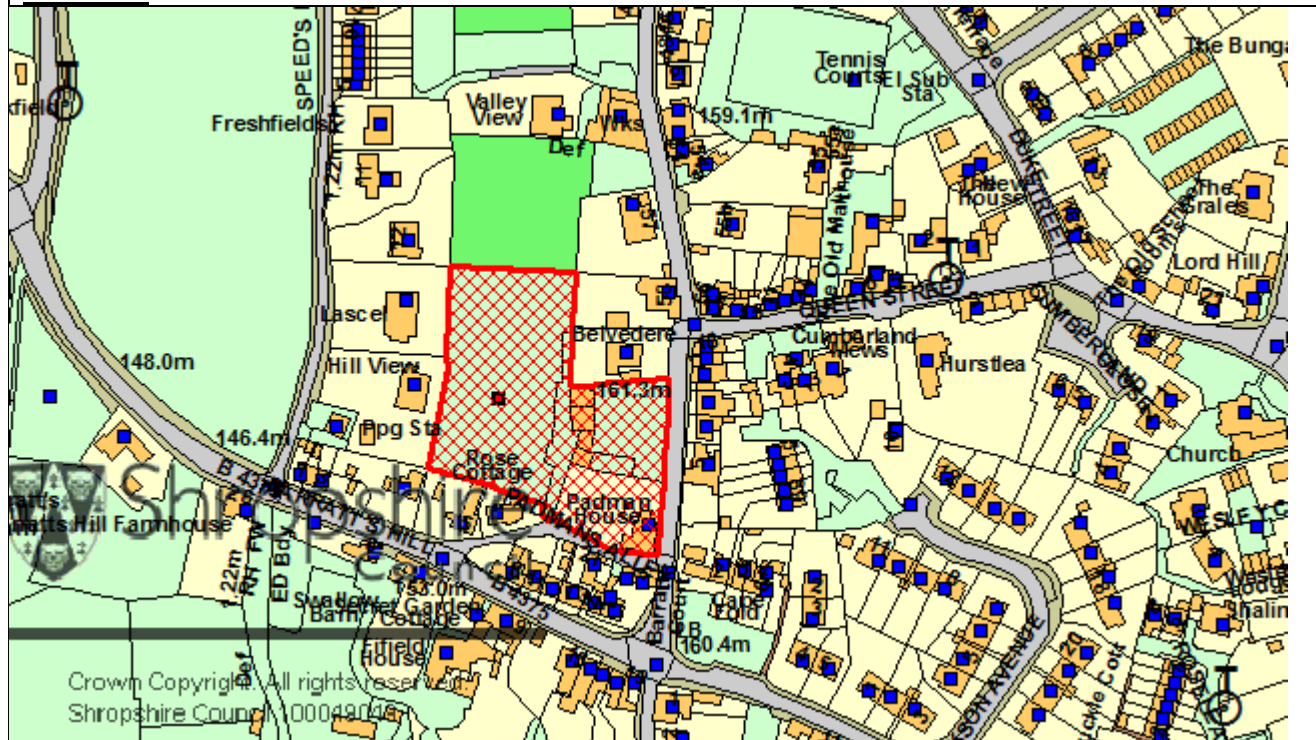
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 18/04550/FUL	<b>Parish:</b> Broseley
<b>Proposal:</b> Demolition of existing workshop; erection of four dwellings, a detached garage and formation of vehicular access	
<b>Site Address:</b> Land Adjoining Padman House Cape Street Broseley Shropshire	
<b>Applicant:</b> Mr Simon & Richard Jones	
<b>Case Officer:</b> Sara Jones	<b>email</b> : sara.jones@shropshire.gov.uk

**Grid Ref:** 367090 - 302074



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This full application proposes the erection of four dwellings, the erection of a garage and parking area to serve the existing property, known as Padman House and the formation of a vehicular access and private drive from Cape Street, Broseley to serve the proposed dwellings, following the demolition of the existing workshops on site.

1.2 The proposed dwellings are identified as:

- Padman Lodge – fronting Cape Street
- No 1 & 2 Padman Cottages – a pair of semi- detached properties located to the middle of the site
- Padman Grange – located to the north of the site.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises land to the west and north of Padman House which is located to the west of Cape Street, Broseley. The site lies within the Broseley Conservation Area and forms a sloping paddock between Cape Street and the rear of properties along Speeds Lane to the bottom of the bank. The area of the site directly bounding Cape Street is made up ground (approximately 1.8 metres above the existing road level) and is supported by a masonry wall. It is separated from the paddock to the rear of the workshops and by Cape Street by a tall wall. The sloping paddock land falls westwards with a change in elevation of approximately 12 metres across the site (a distance of approximately 75 metres) and is currently accessed from Padmans Alley.

2.2 The site lies within the Broseley Development Boundary and is not identified as a Protected Green Space in the Broseley Town Plan.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Town Council view is contrary to the officer recommendation. The Ward Members have requested that the application be considered by the Planning Committee. The application was reported to the Agenda Setting Meeting where it was determined that the matters raised by the Town Council warrant consideration be the Planning Committee.

### 4.0 Community Representations

- Consultee Comments

4.1 **Broseley Town Council** (03.05.2021.) – Objection

Our view on this application is still to oppose on the same grounds as our letter to you dated 8th November 2019.

In the event of this application being approved we request that a section 106 condition be imposed to institute parking restrictions in the form of double yellow lines to protect the junction of Cape Street with Barratt's Hill and the High Street, and to protect the bus route that uses Cape Street.

Street parking should be restricted on both sides of the road for at least 75 metres beyond the junction, or until the junction with Queen Street. These restrictions are requested to preserve sightlines and facilitate safe access.

**4.2 Broseley Town Council (08.11.2019.) – Objection.**

Councillors expressed concern about the build being in a conservation area and that there seemed to be a lot of property within a small site and question if the area can withstand the effects of this. The plan does not comply with the policies set out in the Town Plan of 2013 for building within the conservation area, in particular the following:

H.3 Development within the Conservation Area will only be permitted if specific proposals offer a conservation gain; either by sympathetic restoration of a heritage feature or property, or via an infill development or conversion with a design that complements the surrounding townscape.

H.4 Development within the Conservation Area must not create an unacceptable additional load on the narrow streets of the town; it follows that all such development must have adequate off-street parking and suitable road access.  
H.5 Within the Conservation Area proposals for additional dwelling(s) within the boundary of an existing plot (National Planning Policy Framework para. 53 refers) will not be supported unless the new structure:

- meets the criteria set out in H.3 and H.4.
- can be provided without a negative impact on the sight-lines of adjoining properties and/or on overall density of provision.

Councillors would ask that developers consider the impact upon neighbouring properties and vehicles on the street and recommend that a new proposal is submitted with fewer properties.

**4.3 Broseley Town Council (10.07.2019.) – No objection.**

But notes *“the continued concerns about the scheme itself from nearby residents and the recent Highways Advice Note, which we endorse. We therefore wish to re-state our request for conditions which prohibit any obstruction of this congested bus route by any vehicles associated with the construction of the development and require the replacement of the on-street car parking spaces lost due to the creation of the new site access be effected immediately the new access has been created. We also ask that the usual restrictions on working hours are applied.”*

**4.4 Broseley Town Council (30.10.2018) – Comments:**

Cape Street is a narrow road with on-street parking that is used by residents. It is also a bus route. Council therefore requests that a condition prohibiting parking on or otherwise obstructing the highway by construction traffic is included, if approved;

- Council welcomes the inclusion of three parking spaces for Cape Street residents. It is requested that a legal condition is included which prohibits both residents of the new properties from using these spaces. The condition should also include visitors to the residents of the new properties;

- The development will result in the loss of a substantial old but dilapidated boundary wall on Cape Street. Council requests that consideration be given to the new boundary wall being constructed of the reclaimed bricks from the old wall;

- Council requests that the views and concerns raised by the residents of neighbouring properties be taken into consideration.

4.5 **SC Conservation** (07.06.2019.) -

Following our previous comments amended plans have been submitted that have reduced the scale of the unit known as Padman Grange which is welcomed. In general we do not raise any further conservation issues in relation to the proposals. Recommend conditions.

4.6 **SC Conservation** (07.11.2018) –

The conservation area appraisal for Broseley highlights this area and describes it as follows: *From the western end of Barratt's Hill, from Speeds Lane in the valley bottom and from Bridge Road on the valley side the buildings of Cape Street and King Street are prominent against the skyline, with gardens, orchards and fields running down the valley side. Views of the valley from Cape and King Streets, glimpsed between the buildings, are typical of Broseley's mix of urban and rural character.*

It is clear from the above statement that the character of the orchards and fields and glimpsed views of the valley from Cape Street are considered important to the character of the conservation area. With that in mind the proposed development has the potential to impact upon this character.

The area of the site directly bounding Cape Street is made up ground and is separated from the paddock to the rear by the existing workshops. The construction of a single detached dwelling to the Cape Street frontage should still allow glimpsed views through to the valley. The sloping nature of the site would appear to allow the construction of the two semi-detached dwellings without significant impact on these views.

When viewed from the other side of the valley, from Bridge Road, the site appears as a fairly modest area of green space sloping up behind the modern bungalows on Speeds Lane. The introduction of built form in this view would generally be considered acceptable in principle however there is a prominent view of the three storey properties on the corner of Cape Street and Queen



Street which should be preserved to some extent where possible. The introduction of the large detached unit known as Padman Grange and its associate detached garage has the potential to impact upon this view. It is also considered that a property of the scale proposed here may look overly cramped in this location and perhaps a smaller unit would be more appropriate.

In general the development of this site within the conservation area is considered acceptable in principle, however in order to avoid an overly cramped appearance and impact on significant views it is suggested the unit known as Padman Grange is reconsidered.

#### 4.7 **SC Highways** – (07.06.2021) – No Objection.

Shropshire Council as Highway Authority raises no objection to the granting of consent of the above-mentioned planning application. It is noted that the application is proposing to provide off street parking for No.3 and 4 Cape Street to offset the displacement of parking as a result of the formation of the vehicular access. It is considered that this is of benefit and will help mitigate the impact of the development.

In terms of on street parking, we cannot find any record of any proposals to introduce a formal Traffic regulation order at this location at this time. However, parking within Broseley is always a key issue for the town and under constant review. In order to regularise parking within the vicinity of the site, if the applicant is willing to provide a Section 106 contribution, then this could be secured on the basis that once the development has been brought into use consideration could be given to introducing a Traffic Regulation order if as a result of the development displaced vehicles cause an obstruction. Any Traffic Regulation order will need to be directly related to the development; therefore it is recommended that the Section 106 agreement identifies the area where works can take place ideally through a plan annexed to the legal agreement. It is recommended that a contribution of £5000 is secure prior to the occupation of the first dwelling and any unspent funding is returned within 5 years of the last occupation.

In terms of planning conditions, it is recommended a planning condition to control the construction of the access, use of parking spaces, and submission of a construction management plan.

#### 4.8 **SC Highways** – (20.06.2019) Further information requested. Observations:

In order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant (for the purposes of clarification - the proposed private road may be referred to as a driveway):

The access for domestic vehicles, onto a highway is required to be measured from a point 2.4m back from the carriageway edge at a height of 1.05m (drivers' eyeline) for 30m in each direction for a 20mph speed limit or a road where the

speeds are commensurate with 20mph speeds. The visibility splay should be such that the boundaries are no higher than 900mm to obtain a view of approaching traffic and no higher than 600mm to obtain a view of small pedestrians along a footway or shared space. It should also be noted that the visibility sightlines must be permanently available.

A shared access drive should be 4.2 m in width, maintained for at least the first 6m. If it is bound on either side by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is in order that a vehicle can enter the driveway at the same time as a vehicle is waiting to emerge to prevent an obstruction of the highway.

Drawings are required to be submitted with the scale and the size of the paper upon which they are drawn in order that measurements can be checked.

Although the applicant has stated that there is sufficient room on the site of each unit to accommodate bins and boxes for refuse and recycling, it has not been clarified as to how these are to be collected by the local authority bin wagons which do not enter private roads – a collection site for temporary storage of refuse bins, recycling bins and boxes is required near to the mouth of the junction.

From the potential householder's view, the length of driveway is the trip which they will have to make, weekly, to put out refuse and recycling bins for emptying. The recommended maximum distance is 25m. Smooth, level space is required at the roadside for temporary storage of refuse bins and recycling boxes which must not be allowed to obstruct the highway or the visibility sight lines of the access. Collection is made from the roadside. This needs to be demonstrated on a plan.

No pedestrian facilities are proposed for Acton's Orchard. It is suggested that the addition of a build-out on the south side of the proposed junction and the west side of Cape Street which will act as a safe place for pedestrians emerging from the proposed Acton's Orchard to wait safely to cross the road to the footway in Cape Street could be introduced - it will also help with visibility from the proposed junction. This will need to be demonstrated on a plan.

The proposed Acton's Orchard is a cul de sac. No turning head has been proposed. Vehicles which are likely to require access here include removal lorries; emergency vehicles such as ambulance and fire engine; delivery vehicles such as supermarket online shopping trucks; maintenance vehicles such as telephone and energy suppliers; visitors to the residences. Without a turning head, these vehicles will be reliant on the potential for empty parking spaces in which to turn or may even have to reverse out on to the highway, the latter being undesirable. It appears that there may be room for a turning head between the proposed No.2 Padman Cottages and Padman Grange. This would need to be demonstrated on a plan.

4.9 **SC Highways** – (30.10.2018) Further information requested.  
Observations:

The layout of the proposed parking spaces proposed, for this development, although sufficient, are far from ideal from a highway safety perspective. Some spaces are awkward to easily manoeuvre in/out of, particularly if cars are already present in adjacent spaces. The visibility of and from certain spaces is compromised by blind bends and walls. Therefore, it may be appropriate for some of these spaces to be reconsidered, especially those spaces in close proximity to the main access off Cape Street, where there is likely to be a greater chance of conflict in vehicle and pedestrian movement.

The junction of the proposed Acton's Orchard with Cape Street has not been sufficiently detailed, in respect to the construction of the retaining walls, gradient of internal road and its tie-in to Cape Street. Neither does it provide sufficient visibility splays, and the justification for those splays being proposed.

It should be noted that the proposed access will displace some existing on-street car parking along Cape Street, possibly to the opposite side of the road, which will alter how vehicles pass this site access, (i.e. very close to the boundary way). This means that an appropriate visibility will be particularly important. It is acknowledged that the development has considered the displaced parking and has therefore proposed some additional parking spaces within the site for Cape Street residents. Unfortunately, there are no details provided of how these spaces will be allocated, to the adjacent residents, and subsequently they may not be used appropriately, which could just exacerbate the existing on-street parking situation locally.

No pedestrian facilities have been included in the design.

No highway (surface water) drainage has been included in the design, which could result in water from the site being discharged onto Cape Street, which is unacceptable.

In addition, further consideration should be given to how this site might be serviced for refuse/recycling and deliveries, as well as a fire engine. As the layout of the access road may be difficult to negotiate with large vehicles.

The following informative note may assist the developer in considering details for refuse and recycling collection.

Waste Collection - The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes). Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

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

4.10 **SC Archaeology** – No comment.

4.11 **SC Drainage** – Recommend informatives.

**4.12 SC Regulatory Services (08.04.2021)**

Regulatory Services does not object to this proposed development but considers that further investigation and gas monitoring is required and the planning conditions as recommended in comments made on 22nd October 2018, must be included in the Decision Notice, if permission is granted.

A report by Spilman Associates; Land Padman House, 7 Cape Street, Broseley, Ground Investigation Report; December 2020, Report No. P20068/01 has been submitted in support of this planning application further to comments made by Regulatory Services dated 22nd October 2018.

This report must be read in conjunction comments from the Coal Authority in respect of ground stability issues associated with former mining activities and comments from WSP, who have advised that further information is required in respect of geotechnical matters in their report dated March 2021.

Regulatory Services notes the comments made by WSP in respect of ground contamination and in general is satisfied with the investigation and risk assessment undertaken having regard to the site-specific circumstances. However, Regulatory Services comments on 22nd October 2018 referenced the workshop/garage area of the site, and no investigation of near surface soils in this area has been undertaken and Regulatory Services considers that further assessment is merited in this area.

As per CIRIA C665 guidance, further gas monitoring is required to support a ground gas risk assessment as it is recommended that 12 gas monitoring visits are undertaken for a minimum six month period for a high sensitive end use on sites such as this, with a moderate gas generation potential.

A more detailed remediation strategy will be required having regard to Shropshire Council's Contaminated Land Strategy (<https://www.shropshire.gov.uk/environmental-health/environmentalprotection-and-prevention/contaminated-land/>) which must also provide more detail in respect of gas protection once the additional monitoring has been undertaken and must have regard to BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and, CIRIA C735 Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases, 2014.

The Remediation Strategy should include a detailed verification method statement. This should address how the gas protection measures will be installed and what verification information will be provided to demonstrate the installation has been carried out in accordance with the appropriate guidance. Section 3.2.2 of CIRIA C735 identifies the importance of INDEPENDENCE in this area and states that then person validating the membrane must be independent of the installation contractor or material supplier.

- 4.13 **SC Regulatory Services** (22.10.2020) - Within the proposed development boundary there are areas of the site where there is the potential for contamination to be present. These are in the area of the existing workshop/garage and in the area of the orchard that fronts Cape Street, where it is suggested that the difference in land levels compared to street level, are as a result of made up ground. Recommend conditions.
- 4.14 **SC Affordable Housing** - If the development is policy compliant then whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, then national policy prevails and no affordable housing contribution would be required in this instance.
- 4.15 **SC Ecology** – Recommend conditions & informatives.
- 4.16 **The Coal Authority** (31.03.2021) - The Coal Authority concurs with the conclusion / recommendations of the Ground Investigation Report, dated December 2020, based on the professional opinion of Spilman Associates (Geotechnical and Environmental Engineers), that in order for the application site to be safe and stable for the proposed development (NPPF paras. 178 and 179), further intrusive ground investigations and remedial measures (Section 14.1) are required.

The LPA may wish to consider the imposition of planning conditions that cover the issues set out below.

1. No development shall commence (excluding demolition) until;
  - a) a further scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by recorded mine entry (CA shaft ref: 367302-049) and;
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy (shallow coal mining / mine entry), as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of a layout plan which identifies the location of the on-site mine entry, if found present within the site, together with the calculated zones of influence and the definition of suitable 'no-build' exclusion zone.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site lies within an area of probable shallow coal mining and within influencing distance of an off-site mine entry (CA shaft ref: 367302-049) that extends into the north western part of the site. The Coal Authority hold no treatment details for this mine entry and due to the source data used, there could be some deviation by several metres from the current plotted position. This could result in the mine entry being present within the application site.

The planning application is accompanied by a Coal Mining Risk Assessment (CMRA), dated March 2019 and a Ground Investigation Report, dated December 2020. Both Reports have been prepared for the proposed development by Spilman Associates (Geotechnical and Environmental Engineers). The Ground Investigation Report has been informed by previous desk based assessments / geotechnical reviews (Section 2) of which identified the potential risk to the redevelopment of the site as a result of former coal mining activity beneath the site, including the results of intrusive ground investigation works.

The planning application is accompanied by a Coal Mining Risk Assessment (CMRA), dated March 2019 and a Ground Investigation Report, dated December 2020. Both Reports have been prepared for the proposed development by Spilman Associates (Geotechnical and Environmental Engineers). The Ground Investigation Report has been informed by previous desk based assessments / geotechnical reviews (Section 2) of which identified the potential risk to the redevelopment of the site as a result of former coal mining activity beneath the site, including the results of intrusive ground investigation works.

Section 10.3 informs that evidence of shallow mining (depths below 17m) was encountered in all three boreholes therefore, there is the potential for these workings to affect surface instability at this site. Recommendations have been made that ground stabilisation works (grid drilling and grouting) are required.

It is noted that as a result of gas monitoring, gas protection measures are called for. The Coal Authority recommends that the LPA liaise with their in-house Environmental Health team on this specific matter.

The Ground Investigation Report (Section 14.2) informs that the off-site mine entry could be present within the application site. Whilst it is unlikely to impact the buildings proposed as part of this development (Drawing No. CD111+3 Revision C), this mining feature could affect the safety and stability of the garden area of 'Padman Grange'. The report author highlights that it may be prudent to verify the absence of the mine entry within the site by carrying out appropriate investigation works. The Coal Authority concurs with the recommendations made.

We would suggest that prior to any ground investigation, the source data for the mine entries within this area are reviewed in order that the applicant's technical consultants can geo-reference these mining features and to minimise the physical works required on site.

The applicant is aware that if the mine entry is found present within the site, it is likely that this will require treatment (stabilised by drilling, grouting and capping at rockhead).

All further ground investigations / treatment works should be designed by a suitably competent and experienced body and in accordance with current guidance (CIRIA C758D – Abandoned mine workings manual).

Due to the history of mining, we welcome the comments that there remains the risk of unrecorded mine entries and therefore vigilance should be maintained by all site operatives during groundworks / earthworks. Should any suspicious features be identified, these should be fully assessed by a suitably qualified and experienced engineer / geologist. The Coal Authority should also be notified if any ground anomalies relative to coal are encountered.

#### 4.17 - Public Comments

Advertised 16.10.2018. Expired 06.11.2018. Site notice displayed/dated 11.10.2018. Expired 01.11.2018. 20 letters sent 09.10.2018. Expired 30.10.2018. Seven letters of objection received on grounds which may be summarised as follows:

Scheme is ambitious and is totally out of keeping with this semi-rural conservation area.

The site is within the Broseley Conservation Area. Paragraph 185 of the NPPF states that; "Plans should set out a positive strategy for the conservation and enjoyment of the historic environment... [taking into account]... the desirability of new development making a positive contribution to local character and

distinctiveness....” a character area appraisal of the Broseley Conservation Area should be produced in support of the Local Plan.

Paragraph 192 of the NPPF states that; “In determining applications, local planning authorities should take account of... the desirability of new development making a positive contribution to local character and distinctiveness” The development is considered rather limited in its ambition and is not considered to make a “positive” contribution to the character and distinctiveness of this early industrial settlement which forms part of the setting to Ironbridge Gorge, a World Heritage Site. Materials and detailing should be carefully considered to ensure the highest standard of execution is achieved.

The applicant's agent has noted that “As a specialist in Historic Buildings, I do not rely upon Heritage Impact Assessments as generally they do not provide any information relevant to individual applications to which they relate.” However it is their duty to provide an impact assessment which does relate to the application; paragraph 189 of the NPPF requires an “applicant to describe the significance of any heritage assets affected...”

Paragraph 197 of the NPPF states that; “The effect of an application on the significance of a non – designated heritage asset should be taken into account in determining the application...” The development is in the setting of a number of non-designated heritage assets (the range of C18 dwellings opposite); according to Paragraph 189 of the NPPF. “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.” The development is considered to have high impact on the setting of these assets.

Premature - needs to be considered as part of the Local Plan for Broseley.

The applicant has not requested formal pre-application advice, as encouraged by paragraphs 39 to 41 of the NPPF. Informal advice from local residents was sought, but it has not been set out what response was received, nor whether it was responded to.

The development would have a significant impact on the local Broseley Conservation area and adjoining properties in Cape Street, Barratts Hill and Speeds Lane.

The applicants statement unfairly tries to condemn a designated paddock area which until very recently has been generally well kept in keeping with a conservation area and has been continually used over many years by local horse owners and other livestock owners.

The development would have a significant impact on the adjoining properties in Cape Street, Barratts Hill and Speeds Lane. Scheme includes the offer of additional land to two properties on Barratts Hill as a form of compensation in an attempt to off-set the major impact on outlook etc.



Proposed development would have a detrimental effect, in particular on the outlook from Hillview, Speeds Lane and would potentially affect the property value. This would also apply to all other nearby properties on Cape Street and on Barratts Hill.

Adverse impact on privacy and outlook of 4 Cape Street.

Concern that the proposed dwelling would block the view from Belvedere and that the existing boundary wall is not acceptable a suitable screening is requested. Impact on property value and privacy issues.

Adverse impact on outlook from 58 King Street of the proposed garage building immediately adjacent bottom of the garden. Detrimental impact on the value of the property.

There has been no clear consideration of transport in the pre-application process, as encouraged by paragraph 102 of the NPPF. A Transport assessment should be produced which considers the provision of parking both for new and existing residents. The pressure for parking is so great that it is unlikely a splay will have sufficient visibility, and will be unsafe, therefore having an unacceptable impact on highway safety (paragraph 109 of the NPPF). There is very limited parking in this area and the development will place additional pressure upon this. Construction traffic should be considered, and its impact mitigated on this predominantly residential area.

It is difficult to understand how the major access road to the proposed development site, so called Acton's Orchard Road, could be built and safely operated in Cape Street which is a narrow road. This proposed access road would be accommodating a significant amount of traffic. This could lead to major traffic issues and parking problems for local residents which, whilst mentioned in the application, have not been fully considered for all residents.

The new dwellings are to be provided with three car spaces each, which is twelve car spaces, the current residents are to be provided with three to four car spaces which seems unfair and unrealistic. Who will own the car spaces? How will they be allocated? Will they be allocated to particular residents or will it be a case of "first come, first served?" It would be difficult if not impossible to control.

Do not wish to return from work and have to drive around searching for a car parking space as there are already many cars parked on the streets adjacent to Cape Street. Car insurance premiums will be increased if we do not have a facility to park on the road outside our properties.

Disruption to the residents of Cape Street whilst development is under construction.

The surface water management system has been treated as almost trivial in the application. The soil structure in this area contains an impervious clay layer under the shallow topsoil. Consequently, this makes the management of surface water from the proposed development a major consideration. The land has a significant

slope towards the properties in Speeds Lane and water run-off is a real concern. Also, any septic tank installations associated with these properties could cause a problem if not installed and maintained correctly.

There has been no mention of protection against additional noise with respect to additional residents, cars etc.

The actual boundaries are unclear from the plans and would need to be clarified. No provision has been made to construct more significant boundaries which currently generally consist of a wooden slat / wire fence and some low hedges to the adjoining properties.

The applicant should set out whether the new road is to be adopted by the Local Authority.

Inaccuracies in submitted Statement:-

1. *Field/paddock tends to be left vacant most of the time...* The field / paddock has been used continually over the years to accommodate mainly horses and other livestock and is a valuable asset to the Broseley area for that purpose. Land of this type is in short supply in this area and we understand it is much in demand. It is only recently that the paddock has become vacant for reasons unknown.

2. *My client has tried to approach local residents...* We have not been approached directly but cannot comment about other local residents.

3. *In terms of its market value the land would be a millstone around the sale of Padman House...* The associated land, namely orchard and paddock would actually enhance the sale of Padman House. Padman House is an attractive and historical property and its current associated land would make it an attractive purchase. The land associated with the property has only recently become unkempt. This could be easily rectified.

4. *Unused and unkempt field currently detracts from the conservation area....* The area has only become neglected in recent months. Livestock was in the paddock consistently for many years and until very recently and the land was well kept and in keeping with this conservation area.

5. *The mature conifers which block the views from houses on Cape Street....* This row of conifers was cut on a regular basis historically. They have only become neglected over the last few years and consequently have been allowed to grow to an excessive height thus blocking views from Cape Street.

6. *The proposed dwellings would be looking over the top of the houses on Speeds Lane and the impact of these dwellings would be minimal...* The proposed houses on the paddock area and all in an elevated position, would directly overlook the bedroom accommodation at Hillview and the neighbouring bungalow in Speeds Lane and would have a major impact on current privacy and noise levels. Our property at its nearest point, is less than 20 feet from what is

assumed to be the end of the gardens of the 4 bedroom detached and the two semi-detached 3 bedroom cottages. The plans, which do not appear to be truly to scale, are also unclear with respect to proposed type of boundaries that would be built to retain current privacy levels.

*7. The population in the 2011 census is now less than 200 years ago - Broseley has seen some recent completed major housing developments with more significant developments at the advanced planning stage and this is against, at best, a slow growing population.*

## 5.0 THE MAIN ISSUES

Principle of development  
Impact of the development upon the character and appearance of the conservation area  
Siting, scale and design of the development  
Highways  
Residential Amenity  
Ecology/Drainage  
Land Stability/Contamination

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when deciding whether to grant consent for development which affects a conservation area, Local Planning Authorities should have special regard to the desirability of preserving the character or appearance of that area.

6.1.2 Furthermore, Part 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF) states that (para. 192) local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

6.1.3 This advice is largely echoed within Policy MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan, which requires great weight to be given to the conservation of designated heritage assets. Furthermore, the NPPF, Part 12, seeks to ensure that developments are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change and Core Strategy Policy CS6 seeks to reinforce local distinctiveness.

- 6.1.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'.
- 6.1.5 National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 6.1.6 The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.
- 6.1.7 Broseley is a designated Market Town/Key Centre, as defined in Policy MD1 'Scale and Distribution of Development' of Shropshire Council's Site Allocations and Management of Development (SAMDev) Plan (2015).
- 6.1.8 Policy CS1 'Strategic Approach' of the Shropshire Council Core Strategy (2011) states that sustainable development is supported in Key Centres. This is expanded upon within Policy CS3 'Market Towns and Key Centres', where it is specified that development within Broseley should balance environmental constraints with meeting local needs.
- 6.1.9 Policy CS10 'Managed Release of Housing Land' further examines the need for the Council to keep the availability of housing land under review to maintain a continuous supply of suitable sites to deliver the overall housing target over a five year period. Priority is given to the re-use and development of sustainable brownfield sites. This is further examined within Policy MD3 'Delivery of Housing Development'.
- 6.1.10 Policy S4 'Broseley' of the SAMDev Plan identifies that Broseley will have a growth of around 200 new dwellings up to 2026. New housing development shall be small scale to reflect the local character and meet the design principles within the Broseley Town Plan.
- 6.1.11 The Broseley Town Plan (September 2013) was produced by the Town Council and, whilst it does not form part of the 'Development Plan', was formally endorsed by Shropshire Council as the local planning authority. The vision, objectives and Policies A1, A3, DS1-DS9, H1-H9, ED1-ED4, VE1-VE2, HP4, HP5, HP8, HP9, ENV1-ENV5 in the Broseley Town Plan were adopted as material considerations for development management purposes by resolution of Shropshire Council on 26th September 2013. Development will be expected to meet the policies and guidelines contained in the Broseley Town Plan 2013 and any other future community-led plan or masterplan that is adopted by Shropshire Council.
- 6.1.11 Given that the site is identified as being within the Broseley development boundary, and is in a predominantly residential area, the principle of housing in this location is acceptable, subject to further material planning considerations.

**6.2 Impact of the development upon the character and appearance of the conservation area**

- 6.2.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when deciding whether to grant consent for development which affects a conservation area, Local Planning Authorities should have special regard to the desirability of preserving the character or appearance of that area.
- 6.2.2 Furthermore, SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. This is expanded upon within SAMDev Policy MD13 (Historic Environment) which stipulates that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored where appropriate, and this is echoed further within the Broseley Town Plan. Development is required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.
- 6.2.3 The site lies within the Broseley Conservation Area where the NPPF requires the applicant to describe the significance of any heritage assets affected by planning proposals and in determining applications advises that the LPA should take account of the desirability of sustaining and enhancing significance of heritage assets and putting them to viable uses consistent with their consideration, the positive contribution that heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. The submitted Supporting Statement has been assessed by the SC Conservation Officer is considered adequate in this instance to satisfy this requirement.
- 6.2.4 The Historic Environment (Conservation) team were consulted as part of this application and the Conservation Area appraisal for Broseley was consulted. During the course of the application and in response to the Conservation Officers concerns the applicant has amended the proposals and reduced the scale of the proposed detached dwelling, identified as Padman Grange. The large detached garage has been deleted and the dwelling redesigned to reduce its scale. The SC Conservation Officer has been re-consulted and has confirmed that the amended proposals would overcome the issues raised with respect to that unit.
- 6.2.5 The character of the orchards and fields and glimpsed views of the valley from Cape Street are considered important to the character of the conservation area and as such the proposed development has the potential to impact upon this character. The area of the site directly bounding Cape Street is made up ground and is separated from the paddock to the rear by the existing workshops.
- 6.2.6 It is considered that the construction of a single detached dwelling as proposed to the Cape Street frontage (Padman Lodge) would allow glimpsed views through to the valley and the sloping nature of the site would allow the construction of the two semi-detached dwellings (Padman Cottage No.1 & 2) without significantly impacting on these views.

- 6.2.7 It is also observed that when viewed from the other side of the valley, from Bridge Road, the site appears as a modest area of green space sloping up behind the modern bungalows on Speeds Lane. It is acknowledged that there is currently a prominent view of the three storey properties on the corner of Cape Street and Queen Street, however considered that the introduction of built form in this view as proposed would be acceptable.
- 6.2.8 The Conservation Officer's comments are accepted. The NPPF states at para. 196 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset/s, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case it is considered that whilst the scheme introduces built form into this largely undeveloped paddock, the proposed development is of a design and scale which is appropriate and proportionate to the application site without constituting overdevelopment, and that this less than substantial harm to the character and appearance of Broseley Conservation Area and the setting of nearby listed buildings, would be outweighed by the public benefit and adding to the supply of homes within Broseley.
- 6.3 Siting, scale and design of the development**
- 6.3.1 SAMDev Policy MD2 (Sustainable Design) and Core Strategy Policy CS6 (Sustainable Design and Development Principles) require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. Proposals are required to preserve and enhance the amenity value of the wider area to which they relate including the safeguarding of residential and local amenity.
- 6.3.2 The scheme would utilise the existing access off of Padmans Alley to service the proposed new garage building to serve the existing Padman House and would introduce a new access drive to serve the new dwellings. The proposed dwellings have been designed to include traditional features and proportions and the dwelling proposed to the front of the site to address the street. It is considered that the development would not constitute overdevelopment of the site and would be sympathetic to the location.
- 6.3.3 The application has been accompanied by a Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas and Method Statement (Forester and Arborist Services Ltd, 31.08.2018) which has been assessed by the SC Tree Team who raise no objection, provided that suitable measures are taken to protect retained trees during the implementation of any approved development and that new planting is undertaken as appropriate to compensate for those trees lost to facilitate the development and to enhance its appearance and integration into the surrounding landscape.
- 6.3.4 The development would require the loss of 9 trees and two groups of overgrown Leyland cypress hedging. Of the trees to be removed, the groups of cypress (G1 and G2) and the semi-mature horse chestnut (T2) are considered to be the trees

of greatest visual significance. Although obvious in views from outside the site, it is considered that the cypress trees are out of character with the traditional landscape of the conservation area. It is therefore considered that these could be replaced with more suitable tree and hedgerow planting as part of an approved landscape scheme (to be submitted).

6.3.5 The horse chestnut is causing structural damage to the retaining wall of the adjacent property and reluctantly the SC Tree Team agree that it should be removed – irrespective of any development. However, this tree would potentially have performed a valuable screening function for the property, should the development go ahead. It is important, therefore, that replacement planting with advance-sized tree stock take place as appropriate to compensate for the removal of T2.

6.3.6 Suitable conditions have been suggested by the SC Tree Team to ensure tree protection and appropriate compensatory planting.

#### 6.4 Highways

6.4.1 Core Strategy policy CS6 (amongst other criteria) seeks to ensure that all development is designed to be safe and that local amenity is protected. Furthermore the Broseley Town Plan states that (policy H.4) development within the Conservation Area must not create an unacceptable additional load on the narrow streets of the town; it follows that all such development must have adequate off-street parking street parking and suitable road access.

6.4.2 The site lies within an area of Broseley which is characterised by narrow streets and within the Broseley Conservation Area, the character and distinctiveness of which should be protected. There is a tension in the scheme between the ideal highways specification for the proposed access (visibility splay) and the scheme which seeks to retain the character of the streetscape with the retention of the boundary walls and existing Sweet Chestnut tree. It is also acknowledged that the narrow streets, on street parking and poor visibility mean that vehicles are required to drive a slow speed when travelling around the vicinity and many existing vehicular accesses have poor visibility. Furthermore, it is noted that the public footpath lies on the east side of Cape Street which reduces the risk of pedestrians walking along the west side of the street.

6.4.3 The applicant has sought to address the SC Highways concerns by submitted amended plans which increases the curvature of the proposed walls to either side of the proposed access onto Cape Street and increase the width of the shared access drive to 4.8 metres for the first 6 metres. The amended plans also show a bin collection point, for use on collection days, in proximity to the proposed access onto Cape Street and a turning head has been provided to serve the centre of the site (between Padman Cottages and Padman Grange). Whilst it is noted that the drawings indicate gates to serve Padman Grange there would be space within this dwellings curtilage to provide adequate parking and turning of 3 vehicles. The amended scheme also includes 3 parking spaces for both Padman Cottages (1 & 2) and 2/3 parking spaces for Padman Lodge.

6.4.4 Concern has been raised that the scheme would exacerbate the existing parking

issues by reducing the potential to park on the west side of Cape Street adjacent the existing wall. The scheme seeks to compensate for this by including three parking spaces for the residents of No. 3 and No.4 Cape Street (six spaces in total), an appropriate condition is recommended which would ensure that these spaces are constructed and details of a management plan for the operation of those parking spaces, submitted for approval before the first occupation of the proposed dwellings.

6.4.5 In support of the application the Agent has made the following statement:

*There are five houses on Cape Street which could potentially be affected. Three of these (numbers 1 / 2 and 5) already have provision for off street parking. Numbers 1 and 2 have access to parking off Cape Street, whilst number 5 has a gated access to off street parking. It is therefore numbers 3 and 4 which would be the properties most affected by the proposed development. These properties do not currently have any designated parking spaces for their properties. Although they park along the roadside on Cape Street this is on road parking and therefore do not belong to the properties themselves.*

*As these two properties are the ones which would be affected by the proposals the four spaces being provided within the proposed development site would be allocated as two spaces each for Numbers 3 and 4 Cape Street. As part of the allocation an electric car charging point would be installed for each property to use. As these properties currently only have access to on street parking they currently have no access to off street electric charging points for the electric cars. Our proposals would involve the parking spaces being given to these residents under separate land registry title deeds. Therefore, any issues surrounding the implementation or removal of these spaces would be addressed and would no longer be an issue for concern.*

6.4.6 The NPPF, paragraph 108 – 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* In this case, whilst it is acknowledged that the introduction of the proposed new access would reduce the amount of on street parking available in Cape Street, the numbers of vehicle spaces involved would not have an unacceptable impact on highway safety or be so significant as to result in severe impacts on the highway network.

6.4.7 The proposed retaining wall to the south of the access together with the retained section of wall is positioned to ensure that the required RPA is maintained to protect the Sweet Chestnut Tree (T24) which is a prominent tree in the streetscene from harm which may be otherwise caused by the lowering of the existing ground levels to achieve the proposed access driveway.

6.4.8 Further to the SC Highways response (07.06.2021) it has been subsequently clarified, by the Developing Highways Manager that a traffic order (TRO) would not be essential/necessary in this case to make the development acceptable on highway safety grounds. Whilst parking is restricted within the vicinity of the site,



the highway code requires vehicles not to block access to the new development or park within 10 metres of any highway junction.

- 6.4.9 On balance it is considered that given the local conditions and the scale of the development, the development would not have an unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

#### 6.4 **Residential Amenity**

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

- 6.4.2 The site is adjoined by the existing Padman House to the south and beyond this, properties in Padmans Alley and then Barratts Hill, Belvedere to the north, the dwellings opposite (to the east) and in Speeds Lane to the west.

- 6.4.3 With respect to the erection of a dwelling fronting Cape Street it is acknowledged that this would lead to the introduction of a dwelling where there are currently unobstructed (with the exception of a tall brick boundary wall) views from properties in Cape Street across the valley. However this part of Broseley is characterised by narrow streets with buildings set close to the street and as such whilst the proposal would lead to some loss of existing amenity the separation distance is considered to be an acceptable compromise in this instance weighed against the benefits of the development.

- 6.4.4 Turning to the impact of the proposals on the residential amenity enjoyed by the occupiers of the adjoining modern bungalow (known as Belvedere) to the north. It is noted that the proposed dwelling (Padman Lodge) would be positioned in part forwards and to the south of Belvedere. However, given the separation distances involved and the juxtaposition of these properties, overshadowing impacts would largely impact on the front garden of Belvedere only. Furthermore, it is judged that the introduction of dwellings to the rear as proposed would, by virtue of the separation distances involved, the proposed levels and their juxtaposition would not significantly harm existing residential amenity.

- 6.4.5 With respect to the impact of the proposed development on the residential amenity of the existing occupiers of the properties in Speeds Lane. Amended plans have been received during the course of the application and it is judged that whilst the proposed dwellings would be set at significantly higher ground levels on a sloping site sufficient distance separation would ensure that there would be no undue loss of neighbour amenity.

- 6.4.6 As note above the scheme includes the erection of a garage building to serve the existing Padman House. This building is proposed to be located to the rear of Padman House and accessed off the existing access in Padmans Alley. During the course of the application the design has been amended, which includes the introduction of a hipped roof design. It is considered that the introduction of a double garage building in this position would not lead to any undue loss of neighbour amenity.

6.4.7 The Councils Supplementary Planning Document – Type and Affordability of Housing, makes it clear that in assessing planning applications for residential developments, the Council will take account of the internal and external space provided, with a view to ensuring reasonable living space requirements for the occupants. In this case it is considered that acceptable levels of amenity would be provided for the future occupants of the proposed dwellings.

## 6.5 Ecology/Drainage

6.5.1 National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible. Core Strategy policy CS17 and SAMDev policy MD12 reflects the obligations placed by Wildlife Legislation to ensure the protection and enhancement of ecological interests.

6.5.2 The demolition of the existing buildings triggers the requirement for a bat survey. The submitted surveys found that the buildings to be demolished have negligible potential to be used by roosting bats and the trees to be removed also do not have features that could be used by roosting bats. Furthermore, no evidence of nesting barn owls was found, although it is possible that other species may nest in or on the buildings. The submitted surveys have been assessed by the SC Ecology Team who are content with the survey work and recommend appropriate conditions and informatives.

6.5.3 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by the use of sustainable drainage systems within developments. The application form states that the surface and foul water will be disposed of via the main sewer/septic tank and that the surface water would be disposed of via a soakaway. This has been assessed by the Councils Drainage Consultants who have raised no objections in this instance.

6.5.4 Natural environment interests and surface drainage issues can be adequately safeguarded by condition and informatives.

## 6.6 Land Stability/Contamination

6.6.1 The NPPG confirms that the planning system has an important role in considering land stability by:

- minimising the risk and effects of land stability on property, infrastructure and the public;
- helping ensure that various types of development should not be placed in unstable locations without various precautions; and
- to bring unstable land, wherever possible, back into productive use.

6.6.2 Furthermore, it is noted that in this regard the planning system works alongside a number of other regimes, including Building Regulations, which seek to ensure that any development is structurally sound.

- 6.6.3 Para. 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 6.6.4 The NPPF confirms (para 179) that where a site is affected by contamination or land stability issues, the responsibility for securing a safe development rests with the developer and/or landowner. But that (para. 178) planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 6.6.5 The applicant initially submitted a Slope Stability Assessment which contained an assessment of the potential for slope stability issues to impact on the development. It is noted that the proposed dwellings identified as Padman Grange and Cottages are located close to the crest of the slope on an area of less steeply sloping land. The Assessment indicated that the existing slopes at the site are stable and that no formal slope remedial works are required in relation to the development. However, it stated that foundation design should take account of the presence of the slope (after appropriate ground investigation works to provide geotechnical data) and appropriate retaining structures and other slope engineering measures should be design as necessary to accommodate development platforms.
- 6.6.6 In addition, the applicants have submitted a Mining Report obtained from the Coal Authority Consultants. Whilst there are no records of coal workings beneath the site the site lies within an area where the Coal Authority believes that there are unrecorded coal workings at or close to the surface i.e. less than 30 metres deep.
- 6.6.7 There are no mineshafts recorded within the site, although there is one recorded approximately 5 metres to the west of the site boundary. There is little information regarding this mineshaft other than its location and the Coal Authority has no record of this having been treated or stabilised in any way.
- 6.6.8 The Council instructed consultants to undertake an independent geotechnical appraisal of the site and information submitted, to establish whether sufficient information has been submitted to determine the application. The appraisal concluded that the information submitted by the planning applicant did not meet the requirements for the slope stability assessment report for the following reasons:
- assessment of the stability of the site has not been undertaken in sufficient detail to demonstrate that the site is stable or to determine the level of protection required;
  - the suggested presence of “in-fill” material raises questions regarding the suitability of the founding material on the site. As no site-specific ground investigation work is present in the planning application, the stability and condition of the material remains unknown.

- the impact of the proposed development on slope stability has not been assessed; and
- insufficient information has been provided regarding any mitigation measures and, insofar as any recommendations are given in respect of mitigation measures, these are not adequately supported by appropriate assessments, investigations or calculations.

6.6.9 Furthermore, it was also concluded that the information submitted by the applicant did not meet the requirements for the suitability of the site, taking account of the ground conditions and associated risks for the following reasons:

- an assessment of the nature, source, potential contamination and engineering properties of the ground materials within the site has not been undertaken;
- an assessment of the risks arising from any coal seams or mining activity, which is recognised to be present beneath the site has not been sufficiently undertaken. This can only be considered with the completion of a site-specific ground investigation;
- no consideration has been given to the potential of hazardous material being present on the site and it is not clear whether the “infilled” material is contaminated. Nor has consideration been included regarding the treatment and/or disposal of this material should it be assessed to be contaminated;
- while consideration has been given to the design of foundations should the presence of mine workings be encountered, no site-specific ground investigation work has been undertaken to confirm the presence or otherwise. Nor has any consideration been given to the potential impact of the development of the site on the neighbouring land and residences in relation to the remediation and treatment of potential mine workings; and
- adequate site-specific investigation information has either not been undertaken or made available and therefore the above assessments cannot be undertaken.

6.6.10 Whilst there are no significant changes in terms of site use apparent in the historical maps, the presence and extent of mining beneath the site remains mostly unknown. The presence of an abandoned pit or shaft adjacent to the site and the economic viability of the seams located beneath the site suggest the possibility of potential workings. Accordingly, it was recommended that further site-specific ground investigations were undertaken which would also enable the completion of a thorough slope stability analysis.

6.6.11 The applicant has since undertaken further investigations and submitted additional information seeking to address the issues raised. This has been reviewed by the Councils consultants who advise that no further actions are required providing that appropriate conditions are attached to any grant of planning permission.

6.6.12 Likewise, the Coal Authority concurs with the conclusion / recommendations of the submitted Ground Investigation Report, that in order for the application site to be safe and stable for the proposed development (NPPF paras. 178 and 179), further intrusive ground investigations and remedial measures are required, and recommends appropriate conditions.

6.6.13 Furthermore SC Regulatory Services recommend that a more detailed remediation strategy will be required having regard to Shropshire Council's Contaminated Land Strategy which must also provide more detail in respect of gas protection once additional monitoring has been undertaken and that the remediation strategy should include a detailed verification method statement. SC Regulatory Services recommend that this can be secured by way of an appropriate planning condition.

## 7.0 **CONCLUSION**

7.1 The introduction of additional residential dwellings in this area is considered acceptable in principle. Whilst the scheme introduces built form into this largely undeveloped space, the proposed development is of a design and scale which is appropriate and proportionate to the application site without constituting overdevelopment. The "less than substantial harm" identified to the character and appearance of Broseley Conservation Area and the setting of nearby listed buildings, would be outweighed by the public benefit and adding to the supply of homes within Broseley.

7.2 Overall it is considered that the proposed development is of an appropriate design and the impact on the historic environment is acceptable; in the context of this location, the proposal would not lead to any undue loss of existing residential amenity or result in inappropriate parking which would lead to severe highway safety issues. Furthermore, the land stability and contamination issues can be addressed by the imposition of appropriate conditions. As such, subject to appropriate conditions, the proposal would accord with the aims and objectives of Core Strategy and SAMDev Policies.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against

non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

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

Shropshire Core Strategy and SAMDev Plan Policies:  
CS1 - Strategic Approach  
CS3 - The Market Towns and Other Key Centres  
CS6 - Sustainable Design and Development Principles  
CS9 - Infrastructure Contributions  
CS10 - Managed Release of housing Land

CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD12 - Natural Environment  
MD13 - Historic Environment  
Settlement: S4 – Broseley

SPD Type and Affordability of Housing

Broseley Town Council Town Plan 2013-2026

RELEVANT PLANNING HISTORY:

BR/APP/FUL/05/1031 Erection of a rear conservatory GRANT 6th February 2006

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=PG0YY0TD0BN00>

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

Planning Statement

Tree Report

Surface Water Management Plan

Coal Mining Risk Assessment

Slope Stability Assessment

Bat and Nesting Bird Assessment

Ground Investigation Report

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Dan Thomas

Appendices

APPENDIX 1 - Conditions

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

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

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

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

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

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

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

4. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details

Reason: To safeguard the visual amenity of the area and character of the Conservation Area.

5. In this condition retained tree means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge planted as a replacement for any retained tree.

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

b) All tree works and protection measures detailed in the approved Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas and Method Statement (Forester and Arborist Services Ltd, 31.08.2018) and its associated Tree Location and Protection Plan (Appendix 2) must be fully implemented to the written satisfaction of the LPA before any equipment, machinery or materials are brought onto the site for the purposes of the development.

c) The development shall be implemented in accordance with the approved Method Statement and Tree Location and Protection Plan (Forester and Arborist Services Ltd, 31.08.2018). Approved tree protection measures must be maintained throughout the development until all



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

d) All services will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted and approved in writing by the LPA prior to any work commencing.

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

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

6. The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the first dwelling. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

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

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

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

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

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

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

9. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

10.

1. No development shall commence (excluding demolition) until;
- a) a further scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by recorded mine entry (CA shaft ref: 367302-049) and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy (shallow coal mining / mine entry), as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of a layout plan which identifies the location of the on-site mine entry, if found present within the site, together with the calculated zones of influence and the definition of suitable 'no-build' exclusion zone. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and

findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Core Strategy policy CS6 and paragraphs 178 and 179 of the National Planning Policy Framework.

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

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

12. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include:

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

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

13. No development shall take place before details of all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved

Reason: To protect the visual amenity of the area.

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

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements [e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots];
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);

- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved.

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

15. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.  
Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.

16. No development shall take place before details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include: their form, height and finish; sections and elevations of each means of enclosure, which shall then be indexed on the approved site plan drawings. Prior to the first occupation or use of the development the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: to protect neighbour amenity and the visual amenity of the area.

17. No development shall take place before details of the land regrading works to accommodate the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be measured against a fixed datum and shall show the existing and finished ground levels across the site and in relation to the surrounding property ground levels. The development shall be carried out as approved.  
Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area; and to protect neighbour amenity.

18. Prior to the commencement of development details of the means of access, including the layout, construction and sightlines should be submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

19. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning

authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

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

20. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the spaces shall be maintained thereafter free of any impediment to its designated use.

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

21. Before the first occupation of any residential property hereby approved the parking spaces for No. 3 and No. 4 Cape Street residents shown on the approved site plan shall be constructed and details of a management plan for the operation of those parking spaces, together with details of signage, shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be installed, and the use of the parking area shall commence in accordance with a timetable which has been approved in writing by the Local Planning Authority and the parking spaces shall thereafter be operated in accordance with the approved management plan.

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

22. Prior to first occupation / use of the building[s], the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. A minimum of six artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), house martins (house martin nesting cups), swallows (swallow nesting cups), and/or small birds (32mm hole, standard design) shall be erected on the site.

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

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

23. Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. A minimum of four external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.  
Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 175 of the NPPF.

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

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

### **Informatives**

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

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

Shropshire Core Strategy polices:  
CS1 Strategic Approach  
CS3 The Market Towns and Other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS10 Managed Release Housing Land  
CS17 Environmental Networks  
CS18 Sustainable Water Management

SAMDev policies:

MD1 Scale and Distribution of Development  
MD2 Sustainable Design  
MD3 Delivery of Housing Development  
MD12 Natural Environment  
MD13 Historic Environment  
S4 Broseley  
Type and Affordability of Housing SPD

Broseley Town Plan - A1, A3, DS1 - DS7, DS9, EN1 - EN4, H1 - H7.

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

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

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

4. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<http://new.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed. Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

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

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

6. Bats

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

## 7. Site Clearance

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

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

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

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

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

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

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

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

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

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

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



8. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

9. Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more information with regards to this issue, The Coal Authority's adopted policy, Development and Mine Entries, can be found here: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

10. This planning permission does not authorise the applicant to:  
construct any means of access over the publicly maintained highway (footway/verge) or carry out any works within the publicly maintained highway (street), or authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. scaffolding, hording, safety fencing, material storage or construction traffic, etc.)

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

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

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

11. Does your development require utility connections?

Any works/activities carried out either by, or on behalf of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act (NRSWA) 1991 and the Traffic Management Act (TMA) 2004 and licensed accordingly by the Street/Highway Authority in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Shropshire. Developers must also inform undertakers of their proposed works, to jointly identify any affected apparatus, and to agree diversion or protection measures and corresponding payment.

Any such works or activities commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with Shropshire

Council Street Works Team. To allow effective co-ordination contact must be made with the Street Works Team at least three months in advance of the commencement of the works and any subsequent applications must be in line with the noticing requirements of the NRSWA 1991, TMA 2004 and Highways Act 1980. The developer must particularly ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time and using the same Traffic Management measures.

For more information please contact [Streetworks@shropshire.gov.uk](mailto:Streetworks@shropshire.gov.uk) or <https://shropshire.gov.uk/roads-and-highways/application-forms-and-charges/>

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

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

### 13. Vehicle Charging

The developer is encouraged to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

## Development Management Report

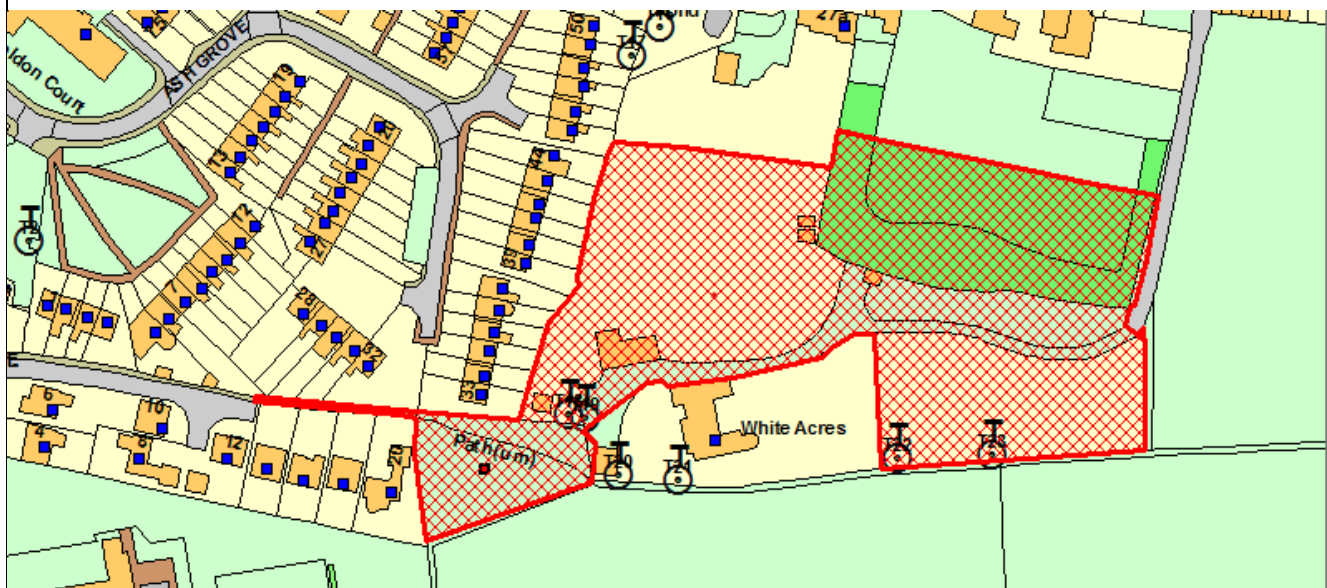
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 20/03508/FUL	<b>Parish:</b>	Albrighton
<b>Proposal:</b> Erection of 18 No. residential dwellings and associated parking/garaging with new adopted road following demolition of existing bungalow, garage and pool house		
<b>Site Address:</b> Land to the east of Garridge Close, Albrighton, Shropshire		
<b>Applicant:</b> Shropshire Homes Ltd		
<b>Case Officer:</b> Andrew Sierakowski	<b>email :</b>	planning.southern@shropshire.gov.uk

**Grid Ref:** 381296 - 303865



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**Recommendation:-** Approval of the Application subject to the conditions set out in Appendix 1 and the heads of terms for a Planning Obligation (in the form of a s.106 agreement or a Unilateral Undertaking) to secure the on-site provision of affordable housing requirement of 2.7 units comprising on-site provision of two units and a financial contribution for the remaining 0.7 of unit.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This is a full application for the erection of 18 eighteen residential dwellings and associated parking/garaging with a new adopted access road following demolition of an existing bungalow, garage and pool house at Whitegates, on land to the east of Garridge Close in Albrighton.
- 1.2 The new dwellings will comprise a mixture of one and two storey 1, 2, 4 and 5 bedroomed properties with associated parking and/or garages.
- 1.3 The existing bungalow, Whiteacres, is to be retained and does form part of the application site, but a second adjacent bungalow, garage and pool house to the north of the Whiteacres, will be demolished.
- 1.4 The site comprises the allocated housing site ALB003 within the adopted SAMDev Plan (2015), with Policy S1 allocating it for the development of up to 20 dwellings and the Development Guidelines identifying that it should deliver housing that is capable of occupation by people of retirement age and a proportion of one and two-bed units.
- 1.5 The application states that all the properties are capable of occupation by people of retirement age. It includes four flats which have two bedrooms within a single block that will benefit from a lift, and otherwise includes three one-bedroom bungalows, and four two-bedroom flats that would be appropriate for retired people.
- 1.6 The types and sizes of properties proposed are as follows:
- 3 x 1 bedroom terraced bungalows with parking (two of which be provided as affordable dwellings);
  - 4 x 2 bedroom 2 storey flats with parking;
  - 3 x 4 bedroom 2 storey detached houses with double garage (Type A);
  - 3 x 4 bedroom 2 storey detached houses with double garage (Type B);
  - 1 x 5 bedroom 2 storey detached house with double garage (Type D);
  - 2 x 4 bedroom 2 storey detached houses with double garage (Type E); and
  - 2 x 4 bedroom 2 storey detached houses with double garage (Type F).
- 1.7 Material finishes comprise facing brick, render, stone banding, grey concrete roof tiles, UPVC windows, with some houses having hipped roofs, porches and gable end chimneys, with the application stating that it has taken design cues from the adjacent Albrighton Conservation Area.
- 1.8 A new vehicular access road will be constructed into the west side of the site from Garridge Close. Planning Permission Ref. 19/02785/REM has already been approved to provide for the construction of part of the new access together with the erection of three residential properties. The application states that access arrangements and the siting of the houses takes account of a number of retained

trees, with foundations, construction routes, services and drainage trenches etc avoiding the root protection zones of the retained trees. It states that where drainage and services pass through a root protection zone area, thrust boring will be used to avoid damage to root structures and no dig construction will be used for the development of the access, where necessary.

- 1.9 There is an existing vehicular access to the east to the high street that will be retained as a pedestrian access only.
- 1.10 Open space will be provided within the site and along the route of a bridleway that extends from the eastern end of Garridge Close and runs along the southern boundary of the site. There are a number of existing mature trees, most of which will be retained, with the on-going maintenance to be undertaken by a private management company.
- 1.11 The discharge of surface water will be controlled through a Sustainable Urban Drainage System (SUDS) and connection to the public sewer system within the proposed access.
- 1.12 Foul drainage will be discharged directly into the existing public sewer via an adopted pumped main.
- 1.13 The submitted details have been amended twice in the course of the determination period in response to the comments of the Tree Officer and the Ecology Officer, as a result of the loss of trees on the site and impact on biodiversity. Following initial comments from Tree Officer and the Ecology Officer a scheme for off-site mitigation, located 2.7km south of the site at Patshul in South Staffordshire was proposed, that included additional tree planting and biodiversity mitigation. This was subsequently withdrawn and amended scheme of on-site planting and biodiversity mitigation put forward, which has subsequently been amended further, to provide two enhanced areas of planting at the eastern end of the site.
- 1.14 The application is accompanied by a Design and Access Statement, Tree Condition Report/Arboricultural Impact Assessment/Root Protection Areas Method Statement, Soakaway Design, Ecological Appraisal (three iterations), Highway and Transport Report, Heritage Impact Assessment, Flood Risk and Drainage Assessment, and a Biodiversity Metric Report.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site extends to approximately 1.5 ha (3.65 acres) in total and slopes very gradually down from west to east. It is currently the extended garden to the property known as Whiteacres and includes a significant number of trees and grassed areas, located to the south of the High Street in Albrighton. It is a fairly secluded site with a long narrow tree lined vehicular access from between two properties on the High Street. It also includes strip of land connecting the main part of the site to Garridge Close to the east, where the new vehicular access will be located.
- 2.2 There are adjacent residential areas at Garridge Close and Ash Grove, to the east,

and open fields to the south. Garridge Close is accessed via Newhouse Lane to the west, with Albrighton Primary School and Nursery located immediately to the south of Garridge Close.

- 2.3 Within the boundary of the existing plot at Whiteacres there are currently two properties located towards its eastern end, including the main existing dwelling, a bungalow, Whiteacres, which is excluded from the application site and is to remain, while the other bungalow and its garage are to be demolished.
- 2.4 There is a bridleway that runs from the end of Garridge Close across the western end of the application site and then extends along the length of its southern boundary. The existing access at the eastern end of the application site is also a public footpath that extends south from the High Street to the open fields to the south.
- 2.5 The north-east quarter of the site falls within the Albrighton Conservation Area. It is separated by open fields from Albrighton Hall which lies approximately 480m to the east.
- 2.6 There are 142 trees, tree groups, woody shrubs and hedges within the application area, including, ten which are protected by a Tree Preservation Order (TPO).
- 2.7 The layout of the development has been amended in the course of the application and a number of additional submissions have been made as a result of which there has been re-consultation with the Parish Council and a number of the consultees.

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

- 3.1 The Parish Council has submitted a view contrary to the officer recommendation and these contrary views cannot be overcome by negotiation or the imposition of conditions and the Principal Planning Officer, in consultation with the Committee Chairman and Vice-Chairman and Local Member, agrees that the Parish Council has raised material planning issues and that the application should therefore be determined by the Committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **Parish Council**

- 4.1 Albrighton Parish Council objects to the development and states that it recommends refusal of the application for the following reasons:
1. Because the land is allocated as site ALB003 in the SAMDev and site ALB2a in the Albrighton Plan, for the for the development of homes for the elderly, and therefore should comprise bungalows. It is also in the Green Belt and approval to infringe on the Green Belt in this instance was only given in this case because it was perceived that there is a significant need for homes for the elderly in the village.
  2. Because the majority (eleven) of the proposed dwellings would be executive

type four-bedroom and five-bedroom bedroom houses, whereas only three would be bungalows. There would also be a three-storey apartment block, that would not be suitable for the elderly;

3. Because the development proposed would be overdevelopment of the site with properties crammed together and some overlooking of adjacent existing properties in the Albrighton Conservation Area; and
4. Because the vehicular access and egress would put excessive pressure on Garridge Close, which is a narrow road.

4.2 The Parish Council advise that they have also consulted the Albrighton Development Action Group (ADAG) who similarly also recommend refusal of this application for the reasons set out above.

### **Public Comments**

4.3 In addition to the comments of Albrighton Parish Council there have been thirty-one third party presentations, all objecting the development, which in summary make the following points:

- The land is allocated as allocated site ALB003 in the SAMDev and allocated site ALB2a in the Albrighton Plan, for the for the development of homes for the elderly, and therefore should comprise bungalows. The dwellings proposed largely comprise larger family homes for younger people. Unless a restriction is placed on their occupancy to limit it to people over 55, the scheme will not serve the needs of the retired population as intended and in compliance with the SAMDev and Albrighton Plan;
- The site is allocated for up to 20 dwellings and development should provide a larger number of small dwellings;
- The Ecological Statement submitted with the application identifies a net loss of biodiversity value on the site. Paragraph 170(d) of the NPPF requires new development to secure a net gain in biodiversity;
- The Heritage Impact Assessment submitted with the applications concludes the development will cause “less than substantial harm” and it is therefore necessary to consider whether the public benefits outweigh the harm which they do not;
- Garridge Close is too narrow and totally unsuitable to accommodate the increase in traffic that will be generated from this development. It is already a hazard for children and other pedestrians, including users of the bridleway, as there is no pavement along much of its length and visibility can be poor;
- Traffic issues have not been fully addressed or accurately represented. Traffic from the development will significantly impact on the residents of Garridge Close. The figures for vehicle movements related school traffic arising from Albrighton Primary School and Nursery quoted in the submitted Highway and Transport Report are not credible and the data submitted in the report generally is inaccurate and misleading;
- School traffic already results in a significant volume of cars parking along the whole way up Garridge Close, often blocking driveways, obscuring a clear

- exit to the road and safe navigation into Newhouse Lane and onto Cross Rd, with traffic backed up for some considerable time and drivers are mounting pavements and blocking safe directional flow;
- Concerns about the suitability of the junction with Newhouse Lane and Crossroads to accommodate the increase in traffic that the development will inevitably create;
  - Access for emergency vehicles would be difficult;
  - The submitted Highway and Transport Report suggests and appears to rely on there being greater working from home in future, as a result of the Covid19 pandemic;
  - There will be an increased traffic hazard during the construction phase and increased noise and pollution;
  - There will be an increase in environmental pollution and noise from the increased traffic from traffic once the development is completed;
  - Concerns about damage to, and the loss of, trees;
  - The adjacent bridleway is subject to flooding. The development will exacerbate the flood risk to adjacent properties;
  - The development will encroach on the bridleway and footpath from the end of Garridge Close;
  - Concern that the existing hedgerows and trees that form the northern boundary with the Bridleway will be properly and regularly maintained;
  - The application states that there is a 'generous facing distance to existing properties' on the north facing side of the development. 25% of the development overlooks one adjacent private garden/residence. There will be a total of 6 properties along this boundary which incorporates the apartment block and also two 4+ bedroom houses resulting in overlooking and a loss of privacy;
  - Concerns about the impact on wildlife;
  - Concerns about surface water and foul water drainage;
  - Concerns about the impact on boundary fences;
  - Concerns about disturbance during the construction phase;
  - Residents from Ash Grove access their back gardens from Garridge Close adding to the risk to pedestrians from traffic including construction traffic if the application is approved;
  - There has been a recent fire at the property on the corner of Garridge Close and Newhouse Lane which has highlighted concerns about access for emergency vehicles;
  - There is another nearby housing development that will create additional traffic; and
  - Although it has been envisaged that access to the allocated site ALB003 in the SAMDev would be through Garridge Close, there has been a significant increase in traffic that has not been taken into account either since the allocation was made and since Garridge Close was built in 2000.

### Technical Consultees

- 4.4 Shropshire Council - Affordable Homes: No objection. Advise that the accompanying affordable housing proforma indicates affordable housing provision as being 2.7 units, which would equate to the provision of two affordable dwellings



and a financial contribution. The information supplied is correct and would accord with policy requirements. The expectation would be that at least one of the two dwellings should be of rented tenure and preferably both. If planning permission is granted, then the affordable housing dwellings and tenure would need to be subject to a s.106 agreement to secure the affordable units and the financial contribution.

- 4.5 Shropshire Council - SUDS: No objection. Advise that the submitted Flood Risk Assessment is acceptable in principle but advise the inclusion of a condition requiring the submission for approval of the surface water and foul water drainage on the site.
- 4.6 Shropshire Council - Highways: No objection. They acknowledge that concerns have been raised with regard to the suitability of Garridge Close to accommodate the additional vehicle movements likely to be generated by the development. However, they advise that whilst Garridge Close appears to be a shared surface, it was originally constructed with the intention that future development would take place. On that basis, the Highway Authority considers that the proposed scale of the development would not have a significant impact on Garridge Close, and therefore a Highway objection to the granting of consent cannot be sustained. They advise the inclusion of a condition requiring the applicant to submit a Construction Management Plan prior to commencement, to minimise the impact on Garridge Close.
- 4.7 Shropshire Council - Public Rights of Way: No objection. Advise that Bridleway No. 8 will continue to run through the new development on its original line from Garridge Close and then adjacent to the southern boundary of the site. This will need to be taken into consideration at all times during the construction phase and after development.
- 4.8 If it is not possible to keep this footpath open whilst development takes place, then they advise that a temporary diversion will need to be put into place.
- 4.9 Shropshire Council Ecology: Following discussion on the original proposal to provide off-site mitigation it was agreed that this did not provide satisfactory mitigation in proximity to the site and because the proposed works would not have been undertaken within Shropshire. Following submission of the amended details providing on-site mitigation, the Ecology Officer still initially objected on the basis that it was not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. To overcome this, they advised that the applicant needed to undertake additional bat surveys, further details of how the bat roost(s) on the site were to be protected and not disturbed, further assessment of the orchard on the site as Priority Habitat and demonstrate that there will not be biodiversity net loss.
- 4.10 Further amended details have subsequently been submitted, including additional bat surveys. The Ecology officer has commented that the additional information includes a biodiversity report and a Biodiversity Metric Calculator to demonstrate the habitat losses and gains and hedgerow losses and gains as a result of the development. They advise that there appears to be a net gain in hedgerows across the site, but a net loss of habitat. This largely reflects the loss of a significant

number of trees across the site. They therefore advise that as well as seeking the retention of more trees within the scheme, to mitigate for biodiversity loss, that features for biodiversity are incorporated into the scheme, to provide habitat for birds, bats and to provide connectivity for hedgehog. However, they advise that these can be secured by condition requiring the submission of a habitat management plan and landscaping plan and that the works are otherwise undertaken in accordance with the details set out in the submitted Ecological Appraisal.

- 4.11 Shropshire Council - Trees: The initial proposal for providing off-site mitigation was also discussed with the Tree Officer, but for the reasons set out above was not considered to provide satisfactory mitigation in proximity to the site and because they would not have been undertaken within Shropshire. In relation to the revised proposals, they have commented that the site comprises the large garden of an existing dwelling, Whiteacres (which is to be retained) a subsidiary bungalow (which is to be demolished), various outbuildings and an adjoining area of unused meadow to the north. The northern part of the site is located within the Albrighton Conservation Area and there are six of the mature ash and oak trees along the site's southern boundary that are protected by a Tree Preservation Order (TPO). The site is otherwise heavily treed, with a variety of mature and younger deciduous and evergreen trees, woody shrubs and hedges being present.
- 4.12 They advise that they do not object in principle to the proposed redevelopment of this site, providing the necessary and correct balance can be struck between the inevitable loss of some of the existing tree cover and the social and economic benefits of the development.
- 4.13 They advise that the submitted Arboricultural Impact Assessment identifies that there are a total of 142 trees, tree groups, woody shrubs and hedges within the site. Of these, 129 are early-mature, mature or older, with just 13 being classed as young. In addition, there are currently two standing dead trees within the site.
- 4.14 Of the early-mature and older group, 86 are proposed for removal to implement the development, with 43 being retained. Of the 86 being removed, 75 of them are classed as category 'B' under the classification described in BS5837: 2012 - Trees in Relation to Design, Demolition and Construction. These are trees of 'moderate quality with a remaining life expectancy of at least 20 years'. The remaining 11 trees are category 'C' (trees of low quality) or 'U' (trees with less than 10 years life expectancy under the current land use). Of the 43 early-mature and older trees to be retained, 33 of them are classed as category 'B' and 10 of them, including all the TPO'd trees on the site, are classed category 'A' - 'trees of high quality with a remaining life expectancy of at least 40 years).
- 4.15 They advise that a fully detailed landscaping scheme has yet to be provided, but that the Proposed Site Layout Plan shows 20 new trees to be planted and a short section of hedge planting to the western site boundary alongside Plot No. 2.
- 4.16 They further advise that they consider the proposed planting positions and chosen species to be reasonable and appropriate to the spatial constraints of the site.

- 4.17 In terms of tree numbers, discounting young trees (of limited amenity value) and considering only early-mature and older trees, and taking account of those trees to be removed and the proposed new tree planting, they advise that the development will result in the net loss of 68 trees, tree groups and hedges, although the latest amendments now show retention of 13 trees and groups of woody shrubs along the eastern and southern boundaries. They nevertheless remain concerned that there will be a large net loss of trees and that the long-term future for the majority of the retained trees, which will be located within private gardens, may not be the preference of future owners.
- 4.18 In relation to the requirements for open space, they comment that SAMDev Policy MD2 requires 30 square metres (sqm) of usable open space per bed space. The submitted Public Open Space drawing shows that a minimum of 1680sqm of open space is required for the 56 bed development, whilst 1787sqm is being provided. However, they comment that a significant proportion of the open space calculation is attributed to the area occupied by a seasonal flood attenuation pond and they therefore question whether its inclusion is valid, because it cannot be considered as publicly accessible or usable open space. If that area is removed from the calculation, then they comment that the amount of open space offered would fall short of the amount required.
- 4.19 With regard to the impacts of the proposed development upon biodiversity net gain (BNG), the Tree Officer, comments that the metrics show an uplift in hedgerow units of 84%, which is welcomed, but that there would still be an overall loss of habitat, as commented on by the Ecology Officer. To address this they advise securing a contribution from the developer to compensate for the net loss of significant trees and habitat as natural assets and/or that there should be an increase in the amount of open space to allow for further tree planting and landscaping works.
- 4.21 Notwithstanding the comments set out above, they otherwise advise, if permission is granted, the inclusion of conditions requiring that all pre-commencement tree works and tree protection measures are implemented, that all construction activities are undertaken in accordance with the Arboricultural Method Statement (AMS) and Tree Protection Plan and associated drawings, that all activities in the root protection area of key trees are undertaken in accordance with the submitted drawings and under the supervision of and monitoring by the project arborist, and requiring the submission for approval and implementation of a tree planting scheme.
- 4.22 Shropshire Council - Conservation: Advise that the site falls partly with the Albrighton Conservation Area, although the part of the site that lies within the Conservation Area consists of rough grassland and doesn't contain any heritage assets. There are nevertheless some non-designated heritage assets around the periphery of the site including Albrighton Hall and its associated historic grounds.
- 4.23 They advise that they have no objection to the demolition of the existing bungalow and garage that dates from the 1960s, but comment that there is extensive tree cover on the site.

- 4.24 They advise that the Heritage Impact Assessment submitted with the application concludes that the proposal has 'no adverse impact' in that it would not detract from the existing Conservation Area and that in relation to the adjacent listed buildings, including Albrighton Hall and its historic curtilage/grounds, it is deemed that there is no intervisibility and therefore a neutral impact. The Conservation Officer advises that they concur with these findings and with the overall conclusion that the proposal would give rise to "less than substantial harm' as defined under paragraph 196 of the NPPF although this will depend on the retention of the existing trees on the site and to ensure existing screening is maintained and enhanced in order to mitigate against the potential impact.
- 4.25 They comment that the submitted site plan shows retention of trees to the north of the site which is important especially with regards to retaining a degree of separation from the listed curtilages of 31 High Street and The Grey House.
- 4.26 They further comments that currently the site feels very separate and detached from the village centre, and that this sense of detachment should be retained as part of the development.
- 4.27 They advise that upper story windows storey windows should be of reduced and they express concern with housing type E and the front gable porch which they consider to be somewhat incongruous and should be removed with the retention of a simple doorcase/porch. They otherwise have no objections, subject to the inclusion of conditions with regards to the submission for approval of joinery details and details of all external materials and finishes, including samples.
- 4.28 West Mercia Constabulary: Advise that they have concerns with regard to the point of access onto the new proposed development. They comment that the access road currently serves a number of dwellings that are open fronted with direct access onto the existing road but that whilst the existing dwellings have off-road parking, on-street parking does take place that restricts the road width.
- 4.29 Otherwise advise that the developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design, which is the nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment.

## 5.0 THE MAIN ISSUES

- Principle of the Development;
- Highways and Pedestrian Safety and Access;
- Design and Impacts on Heritage;
- Impact on Trees and Ecology;
- Open Space Provision;
- Affordable Housing Provision;
- Drainage; and
- Amenity Impacts.

## 6.0 OFFICER APPRAISAL

## 6.1 Principle of the Development

- 6.1.1 The principle of development is not a significant issue in the determination of this application insofar as the site comprises the allocated housing site, ALB003 within the adopted SAMDev Plan (2015) and in the allocated housing site ALB2a in the Albrighton Plan (2014). As such the principle of the development for residential development is established in the Local Plan and Neighbourhood Plan. The only significant issue in relation to the principle is that raised by the Parish Council, regarding the development of the site for housing for people of retirement age.
- 6.1.2 In relation to this issue, SAMDev Policy S1 states that “Albrighton will provide for local needs, delivering around 250 dwellings over the Plan period” and that “local needs will predominantly be met on two allocated sites, with small-scale windfall development within the development boundary making up the balance” It further states that “land is allocated for housing development as set out in Schedule S1...”
- 6.1.3 Schedule 1 includes Land at White Acres (allocation ALB003) and indicates provision on the site of 20 dwellings. The associated Development Guidelines state:
- “Development to deliver housing that is capable of occupation by people of retirement age. A proportion of one and two-bed units is sought within the development. Development proposals should respect and enhance the character and significance of the Conservation Area and its setting and provide an attractive pedestrian route between the High Street and Garridge Close. Vehicular access should accord with the ‘Manual for Streets’ concept of shared streets with very low vehicular speeds”.*
- 6.1.4 The Albrighton Neighbourhood Plan “Light”, which pre-dates the adopted SAMDev Plan, states that the “dwellings shall be in the form of a housing scheme appropriate for people of retirement age” and that “any proposals should be subject to the development enhancing the adjoining conservation area and its setting”.
- 6.1.5 Design and in the impact on the Conservation Area and the highway and pedestrian related aspects of the proposal are considered in more detail below.
- 6.1.6 In relation the requirement for the development to provide housing for people of retirement age, the comments from Albrighton Parish Council and some of the objectors suggest that the development should comprise bungalows. However, this is not explicitly stated in the Development Guidelines and there is nothing in them that requires the development to comprise bungalows. The Development Guidelines only state that a proportion of one and two-bed units should be provided within the development. The applicant has complied with this requirement through the provision of three one-bedroom bungalows and four two-bedroom flats.
- 6.1.7 The comments of the Parish Council and the objectors are understandable given the intention of the Development Guidelines and the site will have very good access to Albrighton High Street, making it ideal for housing for people of retirement age. It is also the case that the scheme will comprise predominantly

large 4 and 5 bedroom family houses which could not be described as meeting a specific local need for retirement homes. In that respect the proposal is unfortunate and cannot be considered to make best use of the site in relation to the identified need that its allocation was intended to meet, but neither is the proposal inconsistent with the requirement of the Development Guidelines and nor could it be said that all the dwellings proposed would not be “... capable of occupation by people of retirement age”. As such, unfortunate though the proposal is in relation to the desire to see the site developed for people of retirement age and comprising to a greater degree housing more specifically aimed at the retirement age group, the development proposed cannot be considered to be non-compliant with the development plan requirement in relation to the Development Guidelines, and the allocation of the site for housing.

6.1.8 It should also be noted that the site lies within the development boundary for Albrighton and is excluded from the Green Belt.

## **6.2 Highways and Pedestrian Safety and Access**

6.2.1 Other than the issue of whether the site complies with the requirement to provide housing for people of retirement age, the other main issue arising from the application out of the comments of third-parties, objectors, the Parish Council and the Police, concerns the vehicular access through Garridge Close. It will be apparent from the objections received that there have been some forcefully expressed views particularly from the residents of Garridge Close.

6.2.2 The objections raised appear on the one hand to be very strongly motivated by concerns about the existing use of Garridge Close by vehicles of parents of children at the adjacent Albrighton Primary School and Nursery at drop-off and pick-up times and the difficulties this causes for residents, with the Close being used for parking and turning, causing congestion and disturbance. On the other hand, the design and layout of Garridge Close itself raises concerns because it comprises for most of its length a relatively narrow shared access driveway, which is already used to a degree for on-street parking. As a result, there is already a high degree of concern by the residents, that the provision of access to the application site is inadequate and that Garridge Close is not of a design or standard suitable to accommodate another eighteen dwellings. There is also a concern, with the existing level of traffic and use by school related traffic, about pedestrian safety and that access for emergency vehicles may at times be very difficult. Objectors have submitted photographic evidence showing a significant number of cars using the Close, with vehicles backed up and blocking access.

6.2.3 The main issue in relation to the application is not about the existing issues that residents experience, but about whether the access through Garridge Close is adequate to accommodate the development proposed, albeit it is appropriate to take into account the circumstances and issues relating to the existing traffic conditions and the pedestrian environment.

6.2.4 A key consideration in this instance is that the site is an allocated housing site, and the allocation was made on the basis of the access being achieved through Garridge Close, there being no other available access. The existing access, from

the High Street, would not be useable as this a long narrow single width tree lined private road that extends from a narrow gap between the properties fronting on to Albrighton High Street.

- 6.2.5 It is certainly the case that because of the shared surface design of Garridge Close that is already used to a degree for on-street parking that it does not provide an ideal access route into the site. However, as the Highway Authority advises, it was originally constructed with the intention that future development would take place and the proposed scale of development is not so great that it would have a significant impact on Garridge Close. On this basis they advise that a Highway objection to the granting of consent cannot be sustained.
- 6.2.6 It is likely that to some degree the highway and pedestrian safety issues raised by existing residents, will be more significant for a development dominated by large family housing where a higher level of car ownership and vehicle use are likely compared with a development intended predominantly of people of retirement age, but again as the site is an allocated site and has been allocated on the basis of access being taken through Garridge Close, the proposal cannot be considered, given the advice of the Highway Authority, as being anything other than compliant with development plan policy and the NPPF. It should be noted that the development would retain pedestrian access through the site from Garridge Close to the High Street in accordance with the requirements of the Development Guidelines. The line of the existing bridleway and footpath would also be retained.

### **6.3 Impact on Trees and Ecology**

- 6.3.1 Other than the objections relating to traffic and access raised by local residents, the other main consideration in relation to the impacts of the development concerns the impacts on trees and ecology. As details above this has been subject of on-going discussion during the determination period. A key feature of the site is the extent and quality of the existing trees and the habitat they provide. The development of the site will, as set out above, result in the loss in large number of trees and with that a loss of habitat.
- 6.3.2 There has been significant discussion and correspondence with the applicant during the determination period, in relation to the impact on trees and ecology and how best to mitigate this. As set out above the applicant initially proposed to address this through the provision of off-site mitigation through a planting and habitat creation scheme at the Patshall Scout Camp Site. This however, although located only 2.7km south of the site, is over the county boundary in South Staffordshire, and was considered to be too remote from the site, as well as being out-of-county to provide an acceptable solution. As a result, the applicant has submitted an amended scheme with enhanced planting on the site. They have also undertaken the additional bats survey requested by the Ecology Officer. The amended scheme includes enhanced planting in two area towards the eastern end of the site.
- 6.3.3 As detailed out in the comments of the Tree Officer and the Ecology Officer, set out above, there remain concerns that the level of mitigation required could be better than is currently proposed, particularly in relation to there remaining an overall net

habitat loss, albeit a gain in hedgerows. It leaves the scheme in a position where, in terms of the impact on trees and ecology, the merits of the proposal are at best marginal and worst still not wholly adequate, but both the Tree Officer and the Ecology Officer have advised, notwithstanding the remaining shortcomings that the scheme could be approved with conditions which seek to ensure that an adequate level of mitigation planting is required. In essence the revisions to the design and layout of the scheme have achieved a level where, on balance the scheme can be approved, albeit that this is subject to the degree of weight to be attached the tree planting and ecological proposals. This is a matter for the Committee to consider and weigh in the overall balance of the scheme.

- 6.3.4 The Tree Officer has suggested that any deficiency in the proposals could be addressed through continuing to pursue an element off-site mitigation. The difficulty with this is that in the absence of the specific and acceptable proposal, as was investigated earlier in the determination period, there is currently no delivery mechanism for ensuring the provision of off-site works, so that this does not at present provide a feasible way to progress. Given that this is the case, the application needs to be determined on the basis of the submitted details and whether these are acceptable. The advice is that on balance whilst not securing a net gain in biodiversity, the proposed layout and design can with the recommended conditions be considered at least to meet the minimum of acceptability, in relation to the key tests set out in Core Strategy Policies CS6 and CS17 and SAMDev Policy MD12 in relation to the natural environment, through the imposition of conditions. It is important to bear in mind that this is an allocated housing site through the adopted SAMDev Plan, with a guideline provision of 20 units, when considering the trees and ecology impacts.

## **6.4 Design and Impacts on Heritage**

- 6.4.1 As detailed above the north-eastern quarter of the site falls within the Albrighton Conservation Area. The comments of the Conservation Officer are set out above. The site is notable for being fairly well hidden away and comprises a discreet and separate area away from Albrighton High Street. Nevertheless, it does partly fall within the Conservation Area and even that part of the site outside it is largely adjacent to the boundary of the Conservation Area. It also appears that the boundary of the Conservation Area has been widely drawn to include an area of surrounding open and undeveloped land to the south to protect the setting of the built-up area within and along the High Street, and elements within the surrounding setting. This includes the application site and land to the east and in particular the trees, which form an important part of the character of the area.
- 6.4.2 As detailed above, the application states that the proposed houses and apartments take their design cues from the adjacent Albrighton Conservation Area, in proportion, massing, fenestration pattern, the inclusion of sash windows, and brick and rendered facades with bay windows. Whilst there may be some cues that link through to the fabric of buildings in the Conservation Area in terms of materials, such as brick facings and bay windows, the layout and style of houses proposed has little or nothing in common with the houses in the Conservation Area, providing generally large detached hipped roof executive styles detached houses in individual plots with UPVC fenestration, compared with the more traditional town houses and



terraces that are feature of the Conservation Area along the adjacent High Street.

- 6.4.3 Whilst the design of the dwellings cannot be said to be particularly poor, they are also of no particular merit, and appear very much as standard modern executive type houses with an element of traditional design detailing. However, it should also be noted that the residential areas to the east of the site in Ash Grove and Garridge Close are of relatively contemporary design.
- 6.4.4 Furthermore, the site is relative discreet and separate from the High Street, and its overwhelming characteristic is the trees. To design a development at a density similar to and more in keeping with properties with the Conservation Area in terms of design and proportions, may not necessary be the best approach in relation to the retention of the trees and existing landscape character of the site. This the application states, is what the applicant has sought to achieve, although as the Tree Officer has commented, given the size of the dwellings proposed, this has not been particularly well achieved by the currently proposed layout.
- 6.4.5 The Design and Access Statement submitted with the application concludes that the development “will not be detrimental to the Albrighton Conservation Area and the style of housing chosen for the site enhances and reinforces the overriding aesthetic”. This is not an accurate conclusion, and it is certainly not the case that the style of housing chosen enhances and reinforces the aesthetic of the Conservation Area. The Conservation Officer, whilst not objecting to the proposal rightly concludes that there will be harm, albeit “less than significant harm”.
- 6.4.6 Overall, the design of the development, whilst not poor, cannot be considered to be any particular merit either. The houses type and design do not, despite the claims of the application or the supporting Heritage Impact Assessment, enhance and reinforce the aesthetic of the Conservation Area. Equally however the design is not so poor that it would necessarily be considered to contrary to the key development plan design policies, Core Strategy Policy CS6 or SAMDev Policy MD2 given the very discreet location of the site, which is not visible from the High Street and would not directly impact upon it. Furthermore, the site is an allocated housing site, so the presumption is that it will be developed, albeit that this does not mean that the allocation gives carte blanc for poor or mediocre design or development that would give rise to harm to the heritage assets. In this case, it can still be considered to give rise to “less than significant harm”. This being the case, as set out in paragraph 196 of the NPPF, this harm needs to be weighed the public benefits of the proposal. In terms of the impact on the adjacent designated heritage assets including the Albrighton Conservation Area and the nearby Listed Buildings and the Committee needs to be mind of the obligations under s.66 and s.72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

## **6.5 Open Space Provision**

- 6.5.1 As set out in the comments of the Tree Officer, the proposed layout raises the issue of whether sufficient open space has been provided within the proposed layout. The requirement, as set out in SAMDev Policy MD2, is that provision should be 30 square metres (sqm) of usable open space per bed space. The drawings show provision 1787sqm as compared with a minimum requirement of 1680sqm. On the

face of it the requirement is met and exceeded, but as the Tree Officer has commented a proportion of this space would be used to accommodate a seasonal flood attenuation pond. Again, this is another aspect of the layout that is not ideal but given that the required level of provision has been achieved, this could not in itself provide a basis for refusal.

## **6.6 Affordable Housing**

6.6.1 As detailed in the comments of the Affordable Housing team, there is a requirement to provide 2.7 units of affordable housing, which would equate to the provision of two affordable dwellings and a financial contribution. The applicant has agreed to this with two one-bedroom units to be provided as part of the development and the remainder as a financial contribution. This, as detailed above, would need to be subject to a s.106 agreement in accordance with Core Strategy Policy CS11 and the Council's Type and Affordability of Housing Supplementary Planning Document (SPD) (2012).

## **6.7 Flood Risk and Drainage**

6.7.1 As detailed above, objectors have raised concerns about the development causing an elevated level of flood risk, particularly along the southern boundary of the site. The layout does incorporate season flood attenuation, and the application is supported by a Flood Risk and Drainage Assessment, which the Council's SUDS team have advised is acceptable. The proposal can therefore be considered to be acceptable in terms of flood risk and drainage.

## **6.8 Amenity Impacts**

6.8.1 Objectors have raised concerns about the amenity impacts the development, particularly during the construction phase. The key concerns would be disturbance and the management construction traffic and related activities including parking. These issues can be addressed through a construction hours condition and a condition to require the submission of Construction Management Plan as recommended by the Highway Authority.

## **7.0 CONCLUSION**

7.1 The principle of the development is acceptable given the allocation of the site in the allocated housing site, ALB003 within the adopted SAMDev Plan (2015) and in the allocated housing site ALB2a in the Albrighton Plan (2014). Whilst the Parish Council have objected to the proposals on the basis that the development should comprise bungalows, this is not an explicit requirement of policy, only that is capable of occupation by people of retirement age and that a proportion of one and two-bed units is provided within the development, which is the case.

7.2 In relation to the other key issues, highways and pedestrian safety and access, the impact on trees and ecology and design and the impacts on heritage, it cannot be said that the development, is notable as high quality development, as it gives rise to not insignificant concerns, but in relation to each, the judgement is a balanced one and the advice overall is that there are insufficient grounds to recommend refusal,

given the allocation of the site for new housing development. It should be noted that local residents have raised major concerns about the development when there are already major concerns about the existing levels of traffic and pedestrian safety, although as set above the advice from the Highway Authority is that the access through Garridge Close has been designed and constructed on the basis that it would provide access to the development of the allocated housing site.

- 7.3 The impact on heritage assets is assessed as being “less than substantial harm”. Paragraph 196 of the National Planning Policy Framework advises that where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case it can be considered that there is a public benefit in the provision of additional housing to meet the identified need in Albrighton, including an element of provision for people of retirement age, and an affordable element. This would be sited in a sustainable location close to, and with ready access to, Albrighton High Street.
- 7.4 That said, as has been detailed in this report, and notwithstanding that the site has been allocated for residential development, there are a number of matters, as detailed above, in relation to which, the determination of the application is a balanced judgement and comes down to the weight to be attached to each of the considerations. This is most obviously the case in relation to the impacts on trees and ecology and in turn the impact in terms of biodiversity net gain.
- 7.3 The advice is that the application can on balance be considered to be acceptable. On this basis it is recommended that the application be approved subject to the conditions set out in Appendix 1 and a s.106 agreement to secure the provision of two units of affordable housing on the site and the details of their tenure and a financial contribution for the remaining 0.7 of a unit.

## **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

### Development Plan Policy

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

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

Council's Type and Affordability of Housing Supplementary Planning Document (SPD) (September 2012).

### National Planning Policy

National Planning Policy Framework (NPPF) (February 2019)

Relevant Planning History:

## Planning Applications

- 14/03657/OUT Outline application for residential development (to include access) GRANT 28th July 2016
- PREAPP/18/00589 Residential development of around 21 dwellings PREAMD 29th March 2019;
- 19/02785/REM Approval of reserved matters (appearance, landscaping, layout, scale) pursuant to 14/03657/OUT for the erection of three residential properties GRANT 11th February 2020;
- PREAPP/20/00068 Demolition of existing bungalow and garage and erection of 13 houses and 5 apartments PREAMD 3rd April 2020

## 11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QFZ68FTD06Z00>

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

- Land at Whiteacres, Albrighton, Shropshire Design and Access Statement, Shropshire Homes, undated;
- Tree Condition Report Arboricultural Impact Assessment Root Protection Areas Method Statement Land at Whiteacre, High Street, Albrighton, WV7 3JF, Forester & Arborist Services Ltd, 9<sup>th</sup> January 2020;
- Soakaway Design in accordance with BRE Digest 365 for Proposed Development on Land at Whiteacres, Albrighton, for Shropshire Homes Ltd, Woodsyde Developments Limited Development Consultants, undated;
- Ecological Appraisal, Whiteacres, Albrighton, Shropshire, WV7 3JF, Greenscape Environmental (Report Ref. 20-02 027.1R, dated 17<sup>th</sup> September 2020);
- Highway and Transport Report, Proposed Residential Development on Land off Garridge Close, Albrighton, Shropshire. For and on behalf of: Shropshire Homes Ltd, Woodsyde Developments Ltd, undated;
- Heritage Impact Assessment, Development on the Site of Whiteacres, Albrighton, Shropshire, SJ 8140 0395 Castlring Archaeology, Report Ref. 708-2, September 2020;
- Flood Risk and Drainage Assessment, Proposed Residential Development on Land off Garridge Close, Albrighton, Shropshire, Woodsyde Developments Ltd, September 2020;
- Biodiversity Metric Report, Whiteacres, Albrighton, Shropshire, WV7 3JF, Greenscape Environmental (Report Ref. 20-02 027.3.MR, dated 1<sup>st</sup> April 2021 and Biodiversity Metric 2.0 - Calculation Tool (undated);
- Comments for 20/03508/FUL Land to the East of Garridge Close, Albrighton, Shropshire, Green Environmental Ltd, 4<sup>th</sup> May 2021;
- Ecological Appraisal, Whiteacres, Albrighton, Shropshire, WV7 3JF, Greenscape Environmental (Report Ref. 20-02 027.2R, dated 24<sup>th</sup> May 2021).

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| - Ecological Appraisal, Whiteacres, Albrighton, Shropshire, WV7 3JF, Greenscape Environmental (Report Ref. 20-02 027.3R, dated 3 <sup>rd</sup> June 2021). |
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Cabinet Member (Portfolio Holder) Councillor Ed Potter
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Local Member Councillor Nigel Lumby
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Appendices APPENDIX 1 - Conditions
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**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

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

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

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

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

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

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

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

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- A Construction Traffic Management Plan, including all HGV routing & unloading proposals; and
- An appropriate community liaison and communication strategy, to inform affected local residents and businesses, throughout the works.

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

5. No development shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) Description and evaluation of the features to be retained, created and managed;
  - b) Ecological trends and constraints on site that may influence management;
  - b) Aims and objectives of management;
  - c) Appropriate management options for achieving aims and objectives;
  - d) Prescriptions for management actions;
  - e) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
  - f) Personnel responsible for implementation of the plan;
  - g) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
  - h) Possible remedial/contingency measures triggered by monitoring; and
  - i) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

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

6. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:
- a) Creation of wildlife habitats including provision of new hedgerow lengths of 300m, in accordance with the submitted Biodiversity Metric Calculator completed by Greenscape Environmental Ltd, April 2021);
  - b) Location and specification for the erection of a minimum of six bird nest boxes suitable for common bird species including tit species, robin (open fronted) and house sparrow (sparrow terrace boxes);
  - c) Location and specification for the erection of a minimum of six bat boxes suitable for crevice dwelling bats;
  - d) Location and specification of hedgehog friendly gravel boards, to promote connectivity for hedgehog through the development;
  - e) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
  - f) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

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

7. Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and management All works, including site clearance, shall occur strictly in accordance with the Great Crested Newt Working Method Statement in section



6.2.2 of the Preliminary Ecological Appraisal (Greenscape Environmental, October 2020).

Reason: To minimise the risk of impacting great crested newt, which is a European protected species.

8. All pre-commencement tree works and tree protection measures detailed in the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP, drawing 178-P-ARB Rev E) contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas , Method Statement, Forester and Arborist Services Ltd, 09.01.2020) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

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

9. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of the development until a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include:

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

The approved tree planting scheme shall be implemented as specified and in full prior to completion of the development. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

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

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

10. 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.

11. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the Heritage Asset

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

12. No construction works shall take place before 8.00 am on weekdays and 9.00 am on Saturdays nor after 6.00 pm on weekdays and 1.00 pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

13. Before the first dwelling is occupied (use commences) the vehicular and pedestrian access to the site shall be constructed and laid out in complete accordance with approved plans.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

14. All demolition, site clearance, development and landscaping shall occur strictly in accordance with section 6.3 of the Ecological Appraisal, Report Ref 20-02 027.3R, Green Environmental dated 3<sup>rd</sup> June 2021.

Reason: To ensure the protection of bats, which are European protected species.

15. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Tree Protection Plan (TPP, drawing 178-P-ARB Rev E) contained within the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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

16. All construction activities within the root protection area of protected trees T31 and T32, as identified in the approved tree report (Tree Condition Report, Arboricultural Impact Assessment, Root Protection Areas, Method Statement, Forester and Arborist Services Ltd, 09.01.2020), shall be undertaken in accordance with drawings 3454 Rev A, 178-P-

03 Rev B and 178-P-04 Rev B, under the supervision of and monitoring on site by the project arborist.

Reason: to ensure damage is avoided to important protected trees on the site.

## INFORMATIVES

### General

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

### Highways

#### Works on, Within or Abutting the Public Highway

This planning permission does not authorise the applicant to:

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

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details: <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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

#### No Drainage to Discharge to the Highway

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

#### Mud on the Highway

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

## Public Rights of Way

Bridleway No. 8 which extends from end of Garridge Close and adjacent to the southern boundary of the site, will need to be taken into consideration at all times during the construction phase and after development is completed. The following criteria must be adhered to

- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards;
- Building materials, debris, etc must not be stored or deposited on the right of way
- There must be no reduction of the width of the right of way;
- The alignment of the right of way must not be altered;
- The surface of the right of way must not be altered without prior consultation with Shropshire Council Public Rights of Way team and nor must it be damaged; and
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.

If it is not possible to keep this footpath open whilst development takes place, then a temporary diversion will need to be put into place. If this is required please contact the Public Rights of way Mapping & Enforcement Team (fees apply).

## Wild Birds

The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal and/or demolition work in buildings or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence/No clearance works can take place with 5m of an active nest. Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at [https://cieem.net/cieem-and-rspb-advise-against-netting\\_on-hedges-and-trees/](https://cieem.net/cieem-and-rspb-advise-against-netting_on-hedges-and-trees/) If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

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<u>Committee and date</u>
Southern Planning Committee
22 June 2021


## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 20/03751/FUL	<b><u>Parish:</u></b>	Hope Bowdler
<b><u>Proposal:</u></b> Erection of an agricultural implement storage building		
<b><u>Site Address:</u></b> The Bungalow Ragdon Church Stretton Shropshire SY6 7EZ		
<b><u>Applicant:</u></b> Mrs Angela Morris		
<b><u>Case Officer:</u></b> Frank Whitley	<b><u>email :</u></b> planning.southern@shropshire.gov.uk	

**Grid Ref:** 345791 - 291551



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

**REPORT**

1.0	<b>THE PROPOSAL</b>
1.1	The application seeks planning permission for the erection of an agricultural implement storage building.
1.2	The development is effectively two joined buildings. The main part is to be two bay open fronted, box profile roof cladding, clad with dark stained timber above blockwork lower walls. It will be @4.3m high with a base of 9.1m x 9.1m.
1.3	Attached to the side is a smaller lean-to building with secure doors, dimensions 4.4m x 7.1m, maximum height @3m at the top of the roof slope.
1.4	<p>According to submitted floor plans, the building is to store agricultural machinery to include:</p> <ul style="list-style-type: none"> <li>• tractor, hay bob, bale trailer, grass topper, mower, hedge cutter, hay bailer</li> <li>• post driver, trailer, vintage tractor, kabota digger</li> </ul> <p>All the items listed above are already owned by the applicant.</p>
1.5	The application follows two previous applications for similar development: The first of these (18/00087/FUL) was for a significantly larger portal frame type building and was withdrawn in February 2018 due in part, to ecological concerns.
1.6	<p>The second application (18/03664/FUL) sought permission for the same building as before but was refused in September 2018 for the following reasons as per decision notice:</p> <p><i>1. The proposed agricultural building is considered as an unacceptable form of development of this scale and type within its edge of hamlet location adjacent to residential properties and away from any other agricultural buildings. The proposal is deemed to be visually inappropriate in its scale, general design and materials within its setting. Therefore, the proposal is deemed to conflict with the relevant policy framework provided by adopted Core Strategy and the adopted SAMDev Plan policies CS5; CS6; CS17 and MD12.</i></p> <p><i>2. The application site would be accessed via a new access leading off the lane through Radgon. Insufficient information has been provided to demonstrate that the access would be safe and accessible to all, and that it would not result in any adverse highway safety concerns, failing to comply with local policies CS6 and MD2 and the NPPF.</i></p> <p><i>3. Additional information is required to fully assess the Ecology matters that relate to this application, in the absence of this additional information as detailed within the objection comments from Shropshire Council Ecologist dated 23rd August 2018, it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2010. Therefore as it stands on the information submitted, the proposed does not comply with Shropshire Core Strategy Policy CS17 and SAMDev Policy MD12</i></p>



1.7	The current application is intended to address the previous reasons for refusal.
2.0	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The settlement of Ragdon is on the southeast side of Ragleth Hill, close to the A49 and Church Stretton. Ragdon consists of a group of residential dwellings and former/existing farm buildings. Descending through Ragdon is a hard-surfaced public lane ending at Ragdon Farm.
2.2	On the western side of the lane is Ragdon Bungalow which has an associated rough pasture field to its rear of @1.25ha (figure excludes the Bungalow and immediate garden curtilage). Towards the top (north) of the field just below the public highway is a pond. From the pond, a watercourse visible as a ditch runs past the rear of the bungalow, and until recently met the lane between the Bungalow and Ragdon Manor opposite.
2.3	The proposed building is to be sited between Ragdon Bungalow and a public footpath just outside the south eastern boundary. The ground has already been prepared with hardcore, thus filling in that part of the existing ditch. The existing gated access from the lane has been widened and surfaced.
2.4	A pipe has been installed underneath the hardcore surface and it emerges at the lower corner of the site, nearest the lane. The pipe will therefore effectively act as a culvert under the proposed building to carry any water from the ditch.
2.5	@20m beyond the lane access for the proposed building, and on the opposite side of the road, is the domestic access for Ragdon Manor. The dwelling is not listed but appears to be an attractive farmhouse adjacent to a range of traditional and more modern farm buildings.
2.6	Ragdon is within the Shropshire Hills AONB.
3.0	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
3.1	The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers. Further, the application has been considered by the Principal Planning Officer, Vice Chair and Chair of the Planning Committee, in conjunction with the views of the Locally elected Member and have taken the view the application should be determined by Committee.
4.0	<b>Community Representations</b>
	<b>Consultee Comments</b>
4.1	<b>Parish Council-</b> objection
	Eaton Under Heywood & Hope Bowdler Parish Council has considered this

application. This is the third time in two years that an application has been submitted. The background is relevant to our response.

The first application, 18/00087/FUL, was withdrawn shortly before the Parish Council was due to consider it. That application indicated the proposed building was required for the development of a business repairing agricultural machinery. The parish council enquired of the Planning Department on 7<sup>th</sup> February 2018 whether the application should include a Change of Use provision and were advised that a Change of Use application would indeed be needed. The application was withdrawn.

The application reappeared as 18/03664/FUL with the “agricultural repair business” element omitted. The applicant and her husband attended the parish council meeting on 17<sup>th</sup> September 2018 and gave assurances that the building was intended purely to store their own agricultural machinery and fodder for livestock. They were asked to explain why they needed such a large building when they have no known livestock and only a very small amount of land. No adequate response was given. The Parish Council objected to that application, detailing in its response the lack of information provided by the applicant, in particular to the highway’s issues - see letter dated 18<sup>th</sup> September 2018 attached. Shropshire Council refused planning for the application – see Mr Kilby’s decision notice dated 28<sup>th</sup> September 2018.

Upon receipt of the current application, 20/03751/FUL, the parish council noted:

1. The size of proposed agricultural building appears to be larger than before – see attached block plans and elevations submitted with 18/03664/FUL and compare with those submitted with the current application. No explanation is included as to why an even larger building is required than in the previous applications. We draw your attention to Mr Kilby’s statements about the previous building being “an unacceptable form of development ... in a hamlet location”. We support both Mr Kilby’s view and the recent public comments on the planning portal concerning the unacceptable visual intrusion this building will create in an unspoilt rural area: we note the observations made in a comment that the land is not being used for agricultural purposes.
2. Highways: We attach the Highways Advice Note given in application 18/03664/FUL.  
The Advice seeks information from the applicant. This requested advice was not given then, as far as we know, and is not given with this application. The 18/03664/FUL access centred on an existing field gate. This new application refers to the “existing access”, but that seems to the parish council to be misleading as in fact a brand-new access, gates and fencing has been built some metres beyond the original galvanised gate - see photographs taken by the parish council on 29<sup>th</sup> September 2020. We cannot see on the planning portal that any authorisation for the new access was sought or approved by Highways. The Highways issues raised in Mr Kilby’s planning decision of 2018 do not appear to have been met.

	<p>3. The proposed new area of hardstanding coupled with the proposed buildings and their frontage will reduce water absorption and, we fear, will create flooding from the water run-off from the hills. We also note that a watercourse which appeared on the two previous applications and was mentioned in the design and access statement has been omitted and the applicant's septic tank has not been shown. We understand the applicant may have filled in the watercourse as this proposed building will be sited on top of the watercourse. This course of action may well be putting the fresh water supply to a neighbouring property's bore hole in jeopardy of contamination. We trust a full SUDS survey will be carried out to discover, inter alia, what has happened to the watercourse, what effect it's possible destruction will have on neighbouring properties and to consider the flood risk impact of all the new hardstanding areas.</p> <p>4. We also trust that the concerns raised by the Shropshire Council Ecology team in the previous application will be pursued.</p> <p>In summary, Eaton Under Heywood and Hope Bowdler Parish Council objects in the strongest terms to this application. As a rural parish council we have to accept that farmers need buildings to house livestock and to store fodder and machinery and these essential buildings sometimes blight the surrounding countryside: that is something we have to live with. This applicant is not a farmer and has only a meagre amount of land, a minimal need for machinery and no known livestock. This proposed development is entirely inappropriate and unnecessary.</p>
4.2	<b>Drainage/SUDS-</b> no objection
	<p><b>Comments from the Flood and Water Senior Engineer, WSP for Shropshire Council:</b></p> <p><b>May 2021</b></p> <p>It has been established from the evidence supplied and from a meeting on site that given the lie of the land, water from the pond cannot flow past the septic tank and under the proposed building. Flow in the watercourse will not reach or pass the mid-section of the watercourse and thereafter will flow down the field.</p> <p>The existing septic tank is located on a ridge of high ground above the watercourse, where ground slopes to the west, east and south. The proposed 150mm pipe under the new building commences below the septic tank and due to the slope of the land will serve a very small area of contributing surface water flow.</p> <p>Whilst the 150mm pipe is of a sufficient size to convey any flow in the watercourse, given the slope of the existing ground from the septic tank, it is very unlikely to be impacted as a result of a blockage, with any exceedance flows being directed to the south away from the septic tank and the building.</p> <p>Details for dealing with the surface water runoff can be dealt with by a condition, as suggested:</p> <p>Prior to construction of the building a scheme of surface water drainage must be</p>

	<p>submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the building is occupied/brought into use (whichever is the sooner).</p> <p>Reason: To ensure satisfactory drainage of the site and to avoid flooding.</p> <p><b>December 2020</b></p> <p>1. The site was visited by the Land Drainage Officer and the Flood and Water Manager who confirmed that the section of piped watercourse passing under the installed foundation is acceptable. It was observed on site that due to the gradient of the watercourse from the pond, very little water would reach the installed pipe but is more likely to flow from the watercourse down the field to the south-west.</p> <p>2. Enabling excavation works for the proposed building appears to have already commenced. There is no evidence that the existing foul drainage field has been disturbed.</p> <p>3. No details of how the proposed building will be drained have been supplied. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.</p>
4.3	<b>Ecology-</b> no objection subject to conditions and informatives
	<p>The site has been surveyed in 2018 and 2020 newt survey season. In 2018 the site had a positive eDNA result, and in 2020 the site had a negative result.</p> <p>Wilkinson Associates has assessed the development and has concluded that works are very unlikely to cause an offence.</p> <p>There is a small ditch crossing the development area; this takes overflow drainage from the pond and exits the field in the south east corner. In July 2018 it was completely dry at the time of survey and supports vegetation which suggests it rarely holds water for any length of time.</p> <p>The proposed new access arrangements would affect only a fence and the immediately adjacent grassland. The pond, which is good quality for GCN is located in the same field as the proposed agricultural building but it is about 80m to the north and about 10m higher elevation.</p> <p>The field for the proposed building is of low biological value. Wilkinson Associates have recommended pond management. This is to include removal of excessive emergent marginal vegetation, maintaining adjacent terrestrial habitat around the pond and the creation of hibernaculum.</p>
4.4	<b>Highways-</b> no objection

**Initial comments received October 2020**

The proposed development appears broadly similar to that proposed under Planning Application 18/03664/FUL which was refused. As part of that planning application a new access was proposed and highway comments expressed concern at the location of the access in a narrow section of the lane and requested further information be provided.

The current application shows access in the same location as that proposed in the previous planning application but it is now marked as existing.

From a highways perspective, the applicant would need to demonstrate that access is suitable and that the largest vehicles associated with the proposed storage building can safely manoeuvre on and off the highway.

Gates for agricultural accesses should be set back a minimum distance of 12 metres from the adjoining carriageway edge and be made to open inwards only. Therefore, in order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant:

- Full details of the access, including the layout, construction and sightlines to be submitted on an annotated scale drawing. The plans should also include details of the gradient of the access which should meet Shropshire Councils current standards.
- Drainage arrangement details will also need to be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway.
- The applicant should demonstrate by means of a tracking exercise that the access layout can accommodate the turning movements of a tractor and trailer or the largest vehicle associated with the development.
- Any gates provided to close the access should be set back a minimum distance of 12 metres from the edge of the adjoining carriageway and be made to open inwards only. A tractor and trailer or the largest vehicle associated with the development should be able to pull clear of the public highway while gates are opened and closed.
- Demonstrate by means of an annotated scale plan that turning for all vehicles associated with the development can be accommodated.

The red edged area on any further plans submitted should include access up to the edge of the public highway and should include visibility splays.

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

**Further comments received from Developing Highways Manager, December 2020.**

	<p>I have been contacted by agent regarding the above mentioned application. In response to the correspondence dated 23rd November 2020, I have reviewed the details of the application and the comment previously submitted by WSP on Shropshire Councils behalf. It would appear that the comments previously submitted were based on the desk top exercise and did not take into account the permitted alterations to the access.</p> <p>The agent has forwarded me a copy of the approved Section 184 application and layout drawing, I would consider that the access is sufficient to accommodate the proposed development and therefore Shropshire Council as Highway Authority raises no objection to the granting of consent.</p>
4.5	<b>Rights of Way-</b> no objection
	No comments to make on the application
4.6	<b>Shropshire Hills AONB Partnership-</b> standard advice only
4.7	<b>Public Comments</b>
	<p>9 Objections have been received in summary: Of these, objections from a neighbour also include correspondence from the Environment Agency – see Para 6.3.3 below</p> <ul style="list-style-type: none"> <li>• Will affect AONB and biodiversity</li> <li>• Risk of newts in pond</li> <li>• no wildlife enhancement</li> <li>• machinery business will harm countryside and peace/tranquility</li> <li>• previous applications withdrawn and refused- concerns not addressed in this application</li> <li>• concerns whether for private or commercial use</li> <li>• building is to be very large, out of scale with landscape and a visual intrusion</li> <li>• stream course has been filled in</li> <li>• risk of flooding and water run-off on road</li> <li>• could damage private water supply</li> <li>• impact on watercourse and septic tank just below the pond</li> <li>• is within AONB and will impact upon views from surrounding hills, eg Ragleth ( from open Spaces Society)</li> <li>• next to footpath</li> <li>• could be used for large tractors owners field is very small</li> <li>• risk that pond and/or ditch could overflow causing flooding over septic tank, polluting watercourse and neighbour's water supply</li> <li>• grass field is not baled or used for agriculture</li> <li>• access is on a steep hill and narrow lane on a bend, used regularly by walkers and Duke of Edinburgh children</li> <li>• inadequate ecology surveys and EDNA testing in pond</li> <li>• possibility of Fairy Shrimps in pond for which have not been tested</li> <li>• building out of character</li> <li>• proposed plan not accurate</li> <li>• profile of field has changed and watercourse illegally filled in</li> </ul>

	<p><b>A further objection has been received on behalf of The Ramblers.</b></p> <p>After a site visit this last week to ensure we had a correct understanding of the site, we must register an Objection to the Application on two grounds. Firstly, the nearly 5 metres high proposed structure will be extremely visible from Public Footpath 0533/10/1 coming from Chelmick as a walker ascends 300 metres up the hillside up from Rag Batch to Ragdon. The current used line of the footpath actually joins the road between Ragdon Farm and Ragdon Manor facing what would be the south end of the structure, which would be very overbearing. This is one of a series of footpaths that form a network around Ragdon and are extremely popular with walkers.</p> <p>Secondly, we have noted and observed on the ground what other objectors have remarked on, and was also commented on in previous Applications; the extra field entrance which was NOT granted Planning Permission, and the infilling of the stream course which occasionally flows from the pond some 100 metres up the field. Both of these acts are blatant disregard of Planning Policy.</p> <p>Unless and until the Applicant complies with Planning Policy and obtains the relevant permissions this Application should be rejected.</p>
	<p><b>A further 11 representations expressing support have been received, summarised as follows:</b></p> <ul style="list-style-type: none"> <li>• No reason for applicants not to have a building to keep equipment safe and secure</li> <li>• No financial impact or other burden to others</li> <li>• Building will not affect surrounding wildlife or environment</li> <li>• Building is for storage of secondhand harvest machinery and better under cover</li> <li>• Comment that as a regular walker in the area there will be no problem with this application</li> <li>• Ease of access for storage</li> <li>• Reasonable request from the applicants</li> <li>• Everyone should have the right to build in their own land</li> <li>• Planned design is in context with similar agricultural buildings and suitable for purpose</li> <li>• Applicants have valid reason for building requirement- machinery and hay would be spoiled outside</li> <li>• Gateway has already been approved and access is not an issue</li> <li>• Applicants baled hay 2 years ago and without covered storage would rot</li> <li>• No issue with size or look of the building</li> <li>• Building is very small and will enhance the look of its surroundings</li> <li>• Small amenity building would be of great benefit</li> </ul>
5.0	<b>THE MAIN ISSUES</b>
	Principle of development

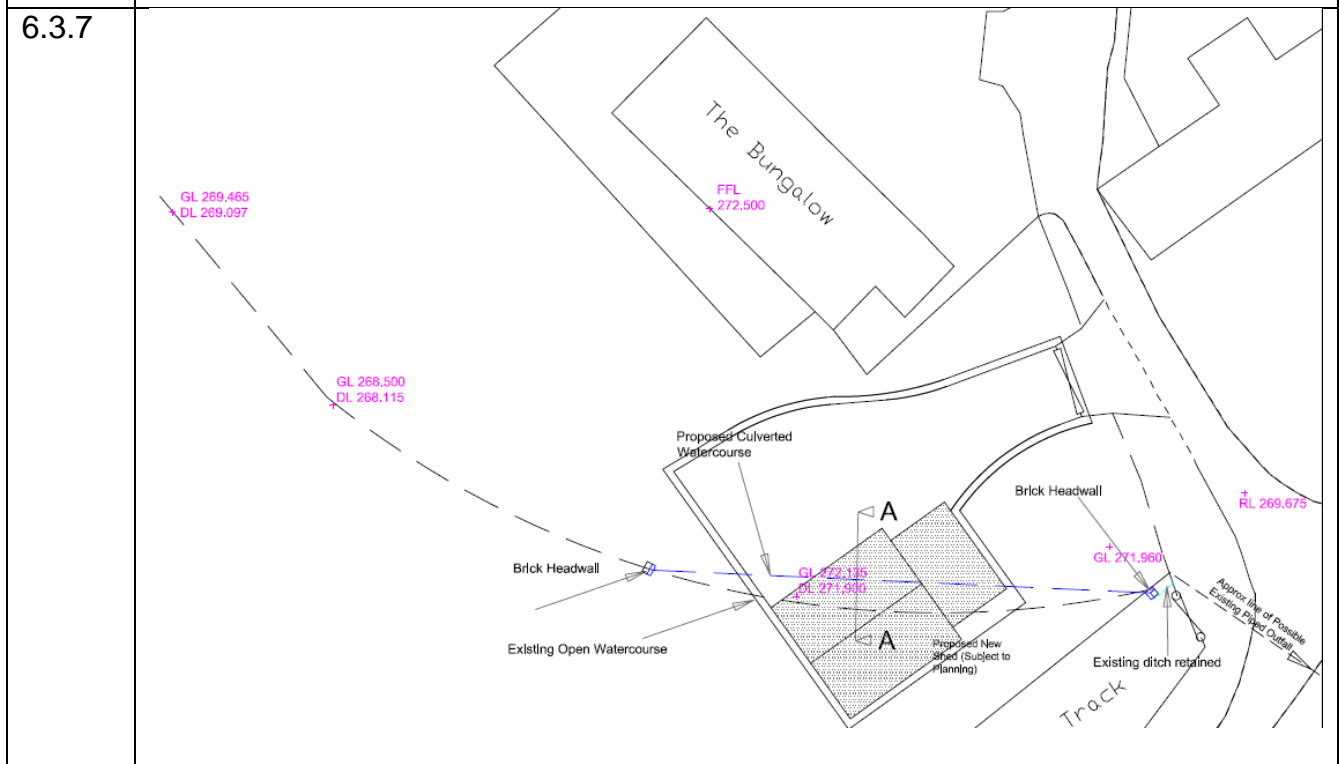
	Siting, scale and design Drainage and surface water Highways Ecology Visual impact and landscaping
6.0	<b>OFFICER APPRAISAL</b>
6.1	<b>Principle of development</b>
6.1.1	Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.
6.2.2	The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
6.2.3	The NPPF at Chapter 6 seeks to build a strong competitive economy, with particular emphasis on supporting a prosperous rural economy as set out in paras 83-84.
6.2.4	At the same time, the NPPF seeks to conserve and enhance the natural environment, for example by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside, placing great weight on designated AONB.
6.2.5	Core Strategy Policy CS5 explains that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities.
6.2.6	MD7b of the SAMDev Plan goes further and explains that proposals for agricultural development will be permitted where it can be demonstrated that the development is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve.
6.2.7	The agent has clarified the building and machinery are to be used entirely for the maintenance of the applicant's own land which is limited to the @1.25ha pasture field. To the limited extent it is relevant, there is no stated intention of using the machinery elsewhere eg for contracting purposes.
6.2.8	Concerns have been raised through representation that the applicant does not use the field for agricultural purposes, and there would therefore be no need for the building.
6.2.9	Officers comment that the field is permitted to be used for agricultural purposes. The applicant has stated the owners have taken at least one hay crop from the field and it is the intention to continue doing so. Historical aerial imagery illustrates clearly that the grass field has been cut (in 2018), presumably for the production of hay. This is a legitimate agricultural use, albeit on a reasonably



	small and informal scale. In that regard, it would not be considered unreasonable to have an appropriately sized building on the land to store machinery for use in connection with the management of the field. It is understood the hay is then sold. There is no proposal to store domestic items or house livestock in the building.																		
6.2.10	According to the requirements of MD7b, the principle of appropriate agricultural development is considered established, though is subject in this case to further main issues identified below.																		
6.2	<b>Siting, scale and design</b>																		
6.2.1	The NPPF seeks to achieve well designed places where good design is a key aspect of sustainable development.																		
6.2.2	Similarly, CS6 and MD2 together seek to secure sustainable design.																		
6.2.3	The proposed building is significantly smaller than previously under 18/00087/FUL (withdrawn), and 18/03664/FUL (refused).																		
6.2.4	The Parish Council consultation comment suggests the current proposal is for a larger building than before. By comparison, Table 1 illustrates dimensions of the proposed building which shows it is much smaller than before. These are maximum dimensions. Since the building has both a stepped roofline and footprint, the difference between the two would appear much greater than Table 1 illustrates.																		
6.2.5	<table border="1"> <thead> <tr> <th></th> <th>Previous</th> <th>Current</th> </tr> </thead> <tbody> <tr> <td>Height overall (m)</td> <td>5.0</td> <td>4.3</td> </tr> <tr> <td>Eaves height (m)</td> <td>4.1</td> <td>3.0</td> </tr> <tr> <td>Length (m)</td> <td>18.5</td> <td>13.5</td> </tr> <tr> <td>Width (m)</td> <td>10.6</td> <td>9.1</td> </tr> <tr> <td>Total Footprint (sqm)</td> <td>196</td> <td>114</td> </tr> </tbody> </table> <p><b>Table 1: Comparison of previous scheme (18/00087/FUL (withdrawn), and 18/03664/FUL (refused), against the current proposal</b></p>		Previous	Current	Height overall (m)	5.0	4.3	Eaves height (m)	4.1	3.0	Length (m)	18.5	13.5	Width (m)	10.6	9.1	Total Footprint (sqm)	196	114
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6.2.6	The building is to be constructed to typical agricultural design and materials, and is considered appropriate in size for small scale agricultural uses. The building is to be located adjacent to the road, close the applicant's dwelling and would integrate with the group comprising a significant number of existing buildings around Ragdon Manor, even taking into account the traditional character of the single storey barns immediately opposite.																		
6.2.7	The development would not appear isolated in the countryside setting, it relates closely to Ragdon Bungalow and the land to which it is associated. For these reasons Officers comment that positioning elsewhere in the field (as has been suggested) would make the building more conspicuous at higher ground levels and thus may bring additional landscape harm.																		
6.3	<b>Drainage and surface water</b>																		

6.3.1	The NPPF provides guidance on flooding in Chapter 14. Further, CS18 seeks to secure sustainable water management.
6.3.2	The site is in an area of generally lowest risk of flooding (Zone 1) according to Environment Agency Flood Maps. However there are plainly local concerns that development could increase the risk of flooding. It is understood the lane passing through Ragdon occasionally carries flowing water.
6.3.3	<p>Further, concerns have been raised by a neighbour that the watercourse from the pond has been obstructed by the laying of hardcore and installation of a piped culvert under the proposed building. From consultation discussions, it is understood that in general terms, the obstruction of a natural watercourse requires a licence (Ordinary Water Consent), and should have been sought in this particular instance. The opinion of the neighbour is that a watercourse of this type has been obstructed, and would lead to flooding, and/or contamination of the water table. The neighbour has supplied an email in representations from an Environment Agency Customer and Engagement Officer that according to its own map, there is a "watercourse" flowing from the pond. For the avoidance of doubt, the full text of the email from the Environment Agency is reproduced as follows.</p> <p><b><i>“Enquiry regarding: Ordinary Watercourse - Ragdon Manor, Ragdon, Church Stretton, Shropshire, ST6 7EZ</i></b></p> <p><i>Thank you for your enquiry which was received on 25/05/2021</i></p> <p><i>We respond to requests under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.</i></p> <p><i>Please refer to <a href="#">Open Government Licence</a> which explains the permitted use of this information.</i></p> <p><b><i>Flood Management Risk - ordinary watercourse</i></b></p> <p><i>It is an ordinary watercourse that runs behind the property , which according to our maps starts at the nearby pond runs through the property and towards woodland.</i></p> <p><i>It is for the Lead Local Flood Authority to address these issues, but anyone constructing a culvert on an ordinary watercourse would require a consent from the Lead Local Flood Authority which is Shropshire Council.</i></p> <p><i>The council would have powers to take action if a culvert is constructed that is causing an increase in flooding.”</i></p> <p><i>Customer &amp; Engagement Officer</i></p> <p><i>West Midlands Area</i></p>

	<p>Shropshire Council has not formally consulted The Environment Agency and there would be no reason to do so for this application to be determined. All parties, including the Shropshire Council engineer, refer to a "watercourse", but the difference in opinion relates to its ability or otherwise to <u>carry</u> water, and how far from the pond, water would be able to flow.</p>
6.3.4	<p>The site has been visited and inspected by the Land Drainage Officer and Flood and Water Manager, in response to above concerns. (The Case Officer has not been informed of an inspection by the Environment Agency). It was observed during the Council's inspection, that the ditch may on occasion carry overflow excess water from the pond (hence the requirement for an ordinary watercourse consent). However, and crucially, due to gradient changes, very little water would reach the installed pipe but is more likely to flow from the watercourse down the field to the south-west. For that reason, the section of piped watercourse passing under the installed foundation was found acceptable, as confirmed in the consultation response from December 2020.</p>
6.3.5	<p>The agent has stated, the self made watercourse and ground levels in fact rise from the level of the pond, approximately midway along the ditch between the pond and site of proposed building.</p>
6.3.6	<p>Members are referred to the submitted Culverting and Watercourse Plan, part of which is illustrated below at <b>Figure 1</b>. The topographical survey shows there is a change in ground and ditch levels (GL and DL respectively) along the route of the ditch. At its lowest, DL is recorded in purple text as 268.115 (measured in metres above a datum point). The DL in the piped culvert section is 271.900, that being 3.8m higher. It would not therefore be possible for water to flow from the first to second point of measurement.</p>



	<p><b>Figure 1: Illustration of ground levels along route of watercourse showing that the level of the piped culvert is 3.8m higher than the lowest level of the watercourse in its route from the pond. (The 150mm culvert pipe begins at the brick headwall, dashed blue line). The septic tank is not shown but its soakaway drains to the lower left corner of the image and not along the watercourse</b></p>
6.3.8	<p>Representations have been received raising concerns about potential local water supply contamination. A neighbouring borehole provides drinking water to Ragdon Manor. The borehole is located @10m beyond the east side of the lane, and within the curtilage of Ragdon Manor. Concerns are that if the applicant's septic tank alongside the Bungalow were flooded by the pond, it would in turn contaminate the borehole.</p>
6.3.9	<p>The immediate neighbour at Ragdon Manor has commissioned a report from Martin Hughes of Hughes Exploration and Environmental Ltd, of Leebotwood, Church Stretton. The report dated 10 October 2020 states:</p> <ul style="list-style-type: none"> <li>• <i>you are correct to be concerned that the proposed development will impact on your water supply.</i></li> <li>• <i>there is no record of an environmental seal having been installed and no evidence at the borehole to establish if, and to what depth, a seal was installed.</i></li> </ul>
6.3.10	<p>The report concludes:</p> <ul style="list-style-type: none"> <li>• <i>The concern is that with any interference to the water course, and the potential build-up of bacteria from the septic tank, combined with the unstable gritstone in the near surface portion of the borehole; there is the likelihood of contamination to the Ragdon Manor Water supply.</i></li> </ul>
6.3.11	<p>In response to the neighbour commissioned report, the Flood and Water Management Team has been consulted for opinion and responded as follows:</p> <p><i>It has been established from the evidence supplied and from a meeting on site that given the lie of the land, water from the pond cannot flow past the septic tank and under the proposed building. Flow in the watercourse will not reach or pass the mid-section of the watercourse and thereafter will flow down the field.</i></p> <p><i>The existing septic tank is located on a ridge of high ground above the watercourse, where ground slopes to the west, east and south. The proposed 150mm pipe under the new building commences below the septic tank and due to the slope of the land will serve a very small area of contributing surface water flow.</i></p> <p><i>Whilst the 150mm pipe is of a sufficient size to convey any flow in the watercourse, given the slope of the existing ground from the septic tank, it is very unlikely to be impacted as a result of a blockage, with any exceedance flows being directed to the south away from the septic tank and the building.</i></p>
6.3.12	<p>Members are again referred to the submitted Culverting and Watercourse Plan,</p>

	and the submitted plan which illustrates the position of the septic tank and soakaway for Ragdon Bungalow. It is evident that any contaminated water would flow into the field to the southwest, rather than towards the neighbour's borehole. For that reason, the Flood and Water Management team has raised no concern regarding the risk of contamination to the water supply of Ragdon Manor. Further, the case officer has discussed the matter with the Council's specialist dealing with private water supplies. She has confirmed that any deficiency in the borehole would be a matter for its owner to address and there is no prospect of an objection being raised to this application.
6.3.13	Concerns have also been raised by the occupiers of Ragdon Manor that a water supply pipe passes through the applicant's land. However no details of the route of the pipe have been provided, nor for what purpose it serves, given there is already a borehole. In any event such risk of harm would not amount to a reason for refusal and would otherwise be a civil matter between respective neighbours.
6.4	<b>Highways</b>
6.4.1	The NPPF at Para 108 seeks to secure safe and suitable access to development.
6.4.2	The lane descending through Ragdon is single vehicle width, though has passing places where necessary. There are two dwellings beyond Ragdon Bungalow, one being Ragdon Manor and the other being Ragdon Farmhouse where the public lane terminates. There is therefore no through traffic in Ragdon.
6.4.3	The agent has submitted in the application a copy of a Section 184 dated March 2019 which granted approval by Shropshire Council under the Highways Act to form a field access onto the public highway. The approved access corresponds with this planning application.
6.4.4	It appears that the initial comments made by WSP on behalf of Council Highways were based on a desk top assessment, without knowledge of the S184 agreement.
6.4.5	The Developing Highways Manager has since assessed the application and commented herself, taking account of the S184, the access as constructed and local circumstances. She has confirmed: <i>I would consider that the access is sufficient to accommodate the proposed development and therefore Shropshire Council as Highway Authority raises no objection to the granting of consent.</i>
6.5	<b>Ecology</b>
6.5.1	An ecological impact assessment (Ec IA) has been submitted based on a report dated July 2018. The site was again surveyed in June 2020.
6.5.2	The letter following the most recent survey states: <i>A previous eDNA survey carried out in 2018 returned a positive result. The previous survey was carried out earlier in the survey season (10th May 2018). The differing results between 2018 and 2020 may indicate that breeding was unsuccessful in 2020, as a late season survey should pick up larval DNA even if the adults have already left the pond. This might reflect a declining population or it</i>

	<i>could be related to the dry conditions experienced in 2020. GCN are a long-lived species, so it cannot be assumed that GCN are completely absent from the site, but rather it indicates that the condition of the pond is perhaps not currently optimal for successful breeding.</i>
6.5.3	The Ec IA concludes that construction and use of the proposed agricultural building would not have any potentially significant impacts on wildlife habitats or on protected/priority species, including GCN. It is recommended in the report that construction work can very likely proceed under non-licensed precautionary measures.
6.5.4	The Council's ecologist has assessed the Ec IA and is in agreement with conclusions. Conditions and informatives are recommended to ensure that development takes place in accordance with the submitted Ec IA. Further, controls are recommended in terms of lighting to safeguard bat habitat.
6.6	<b>Visual impact and landscaping</b>
6.6.1	Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Planning decisions should recognise the intrinsic beauty of the countryside. Further, great weight should be given to conserving and enhancing landscape and scenic beauty (eg AONB). The Core Strategy and SAMDev Plan take a similar approach through CS17 and MD12.
6.6.2	The development would be visible in some places (eg field gate entrances) from the unclassified road passing under Ragleth Hill, but is generally well screened by the intervening roadside hedge. Otherwise the development would be visible from public locations on Ragleth Hill, but in the context of existing buildings in Ragdon, and scattered development in the local area, the building would not appear unduly prominent. Nevertheless, there is considered scope for some screening on the western gable, which would offer additional ecological benefits. In that regard a landscaping scheme to break up the outline would be a desirable and proportionate requirement by condition.
7.0	<b>CONCLUSION</b>
7.1	Extensive consultation has been carried out, particularly with the Council's Drainage and Flood Risk Manager who has visited the site. Council specialists have confirmed the development would not cause any demonstrable harm to the water environment, highway network, nor ecological interests. The development is considered appropriate in scale, design and position taking account of the small-scale nature of the agricultural enterprise. It is considered reasonable for the machinery already owned and specified to be stored under cover. The development complies with the NPPF, the adopted Core Strategy and SAMDev Plans CS5, CS6, CS17, CS18, MD2, MD7b and MD12. Planning permission is recommended.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management

	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.</p>
8.2	Human Rights
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
8.3	Equalities
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
9.0	Financial Implications
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the</p>

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.
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## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD7b - General Management of Development in the Countryside

MD12 - Natural Environment

### RELEVANT PLANNING HISTORY:

18/00087/FUL Erection of an agricultural implements store and new field access WDN 9th February 2018

18/03664/FUL Erection of an agricultural implements store and new field access REFUSE 28th September 2018

SS/1986/37/P/ Erection of an extension to existing dwelling and formation of vehicular access. PERCON 11th March 1986

## 11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QGRJWHTDHBS00>

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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Ecology Report
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Cabinet Member (Portfolio Holder)
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Councillor Ed Potter
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Local Member
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Cllr Cecilia Motley
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Appendices
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APPENDIX 1 - Conditions

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

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

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

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

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

3. Prior to above ground works taking place, a scheme of surface water drainage will be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the building is brought into use.

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

4. The development shall not be brought into use until a landscaping and boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include:

- a) Planting plans
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Maintenance plan of existing and proposed trees and hedgerows

The plan shall be implemented as approved in the planting season during first use of the development , or if not possible, the first planting season following first use.

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

5. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust Interim Guidance: Recommendations to help

minimise the impact artificial lighting.

Reason: To minimise disturbance to bats, a European Protected Species

6. Development shall take place in accordance with the Letters dated 21st August 2020 and 18th January 2021, prepared by Wilkinson Associates Environmental Consultants, unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of biodiversity in line with NPPF

7. The building hereby approved shall only be used for agricultural purposes, though excluding the accommodation of livestock, and manure storage.

Reason: In the interests of neighbouring residential amenity which could be harmed if the building were used for livestock.

### **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.

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Committee and date

Southern Planning Committee

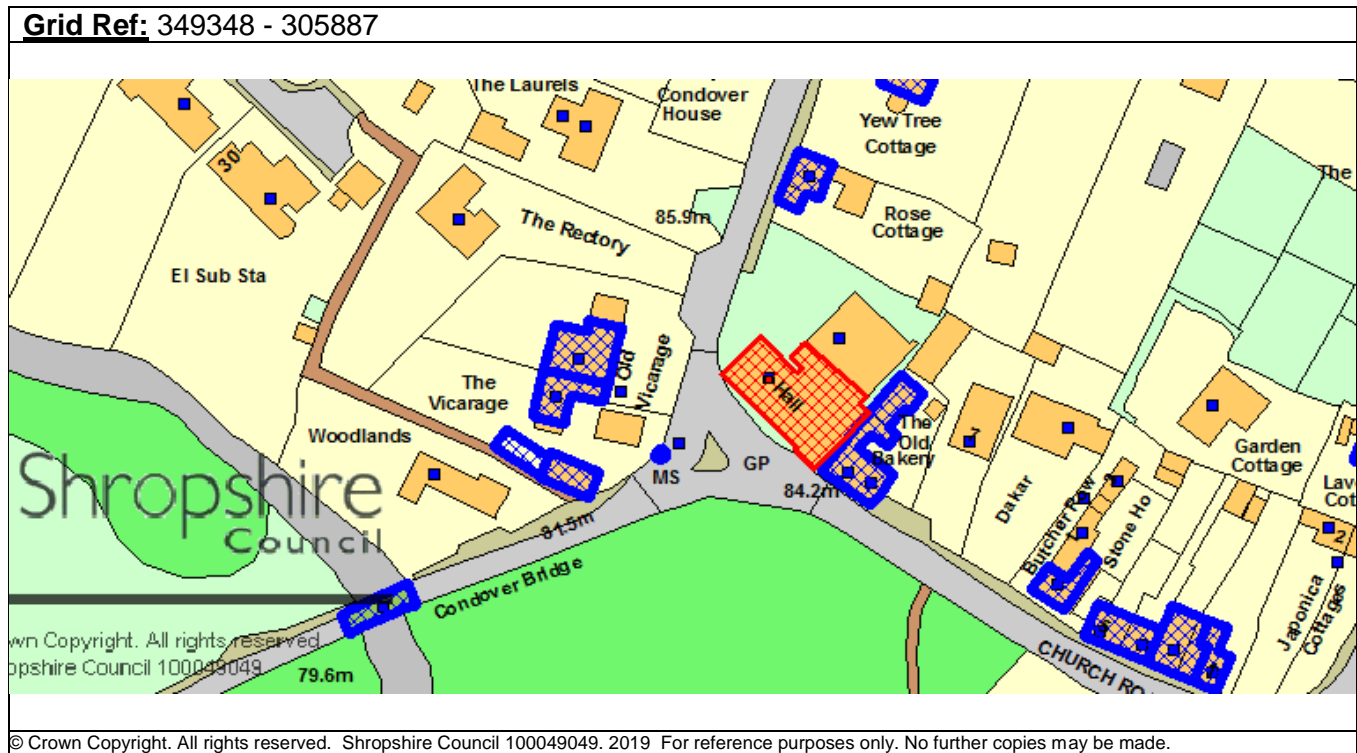
22 June 2021

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 21/00671/FUL	<b>Parish:</b>	Condover
<b>Proposal:</b> Installation of 18No solar panels on a south west facing roof, and installation of 2No air sourced heat pump wall mounted units on an external wall on the north east elevation		
<b>Site Address:</b> Condover Village Hall Condover Shrewsbury Shropshire		
<b>Applicant:</b> Dr Roger Nash		
<b>Case Officer:</b> Alison Tichford	<b>email :</b> <a href="mailto:alison.tichford@shropshire.gov.uk">alison.tichford@shropshire.gov.uk</a>	



**Recommendation:- Refuse**

The PV array would not respect the existing character of the building and would result in detrimental visual impact in the Conservation Area as well as on the setting of nearby listed buildings by reason of its dominance on a prominent roof plane. The harm arising from the proposed installation of a PV array to the principal south west facing elevation of the Village Hall, while less than substantial, is not outweighed by the public benefits from installing this renewable energy source on the building. The proposed development is therefore considered to be contrary to the requirements of the NPPF in respect of not conserving and enhancing the historic environment, Shropshire Core Strategy Policies CS6 & CS17, and SAMDev Policies MD2 and MD13.

## REPORT

<b>1.0</b>	<b>THE PROPOSAL</b>
<b>1.1</b>	This application seeks permission for the installation of 18 solar panels on the principal south west facing front elevation roof of Condover Village Hall as well as the installation of 2 air sourced heat pump units in an elevated position on an external wall on the north east elevation. The solar panels will provide the electricity for battery storage to power the air source heat pumps.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
<b>2.1</b>	Condover Village Hall has a prominent corner position at the westerly entrance to the settlement where it is sited on the north side of the main highway junction, and where the south-west facing main elevation and roof scape of the building is particularly prominent in views entering the village where it is framed between the Grade II listed timber frame stable and Old Vicarage and, on the opposite side of Station Road, the well-treed parkland setting of Condover Hall (Grade I listed) with its stone boundary running along the highway, as well as the Grade II listed The Old Bakery adjacent to the east. From the Condover Bridge and Cound Brook the Condover Conservation Area covers the main historic core of the settlement including the application site.
<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
<b>3.1</b>	The Parish Council has offered comments in support of the application. As their view is contrary to the officer recommendation, and given the balance of material considerations relevant to this case, the principal officer in consultation with the committee chairman and local member consider that the application should be determined by Committee.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>Consultee Response</b>
<b>4.1.1</b>	<b>SC Public Protection</b> consultees raised some concerns with regard to the potential for noise disturbance from air source heat pumps initially and indicated that further information and some form of shielding of the pumps might be

	required. The applicant provided further information with regard to the noise produced by the pumps and the potential for increased noise with added shielding and consultees were satisfied that existing intervening buildings would provided sufficient attenuation for the low levels of noise expected.
<b>4.1.2</b>	<b>SC Archaeology</b> were consulted but had no comments to make in regard to this application.
<b>4.1.3</b>	<b>SC Conservation</b> consultees provided comments as follows.
<b>4.1.3.1</b>	<p>The Village Hall while not listed in its own right is considered to represent a non-designated heritage asset where it forms part of a longer building group terminated at the south-easterly end by the more modest timber frame and painted brick former butcher shop which is Grade II listed. The Hall is comprised of a mix of materials and styles where the Victoria County History series suggests there has been a continuous history of an inn at this corner until the mid to later 19th Century (The Condover Arms) where a datestone on the main brick elevation - EWSO 1853 – also suggests Estate construction to alter the building by EWS Owen (of Condover Hall) with the addition of a magistrate’s room in stone. An entry in the Discovering Shropshire’s History website cites a November 1927 application by architect V G Santo for alterations to the Condover Village Hall so it has been in this use at least from that date.</p> <p>The Village Hall while being a particularly prominent building within this part of the Conservation Area is also sited within close proximity to a number of listed buildings where there is both inter-visibility and co-visibility amongst the group of heritage assets at this junction. Additionally opposite the site is the northerly extent of the Registered Historic Park and Garden associated with Condover Hall.</p> <p>The Council’s Condover Conservation Area Appraisal document reinforces the importance of this location where on the Principal Features of Interest map the Village Hall is identified as a focal point and the corner junction highlighted as affording significant views, and where additionally the document describes the Hall as a key unlisted building which contributes significantly to the character and appearance of the Conservation Area and further highlights the importance of avoiding the introduction of modern materials which may undermine the impact of such key unlisted buildings.</p> <p>Our main concern relevant to the historic environment and heritage issues is with the proposed solar panel array in terms of potential setting issues related to listed buildings nearby (both individually and as a group) and whether the solar panel array would preserve or enhance the character or appearance of the Conservation Area. The visual impact on the Village Hall building itself as a key non-designated heritage asset is also relevant.</p> <p>As noted in HE’s guidance the location of solar panel arrays and managing their visual impact is an important consideration and it is generally not considered sympathetic to a building’s appearance to have solar panels fixed to its main elevation especially where this elevation is most commonly and publicly viewed, and in the case of the Village Hall, where the building is so prominently positioned and sited along with designated heritage assets where there is relatively high inter and co-visibility within the building group.</p>

	<p>As a wider Team while supportive of efforts to repair and invest in the long term use of the building as the Village Hall, it is felt that there is a potential measurable level of harm associated with the installation of solar panels on this prominent roof slope where alternative siting would be supported – the rear and side roof slopes, placing equipment on adjacent lower buildings – where impact on setting and impact on the street scene within the Conservation Area could be mitigated.</p> <p>Solar panel arrays can appear as an incongruous and discordant element with their uniform modern mechanical finish where they can contrast with and sit at odds within a historic setting characterised by historic buildings. Higher quality slim profile fully matte black unframed solar panel arrays have been developed which aim to mitigate visual impact but it is not clear with the current application whether this type of product would eventually be installed, and even so, these higher quality products can still appear as a discordant addition to a historic roofscape. While their reversibility is also acknowledged, photovoltaics do end up being an installation of some permanence.</p> <p>Confirmation of the precise specification or type of product being installed here may address some of the concerns raised on visual impact and setting issues however with the current proposal it is suggested that other siting options should be fully considered and appraised where this particular renewable energy source in the position and extent proposed may result in a level of visual harm at this key focal point within the Conservation Area.</p>
<b>4.2</b>	<b>Public Response</b>
<b>4.2.1</b>	Condover Parish Council has made comments in support of the application. Legal ownership of the Hall lies with Condover Parish Council as Custodian Trustees of the charity “Condover Village Hall” (information supplied by applicant).
<b>4.2.2</b>	A site notice has been displayed as required, an advertisement placed in “The Shropshire Star”, and 6 neighbouring properties have been individually notified as regards the application. No responses have been received as a result of this publicity.
<b>5.0</b>	<b>THE MAIN ISSUES</b>
<b>5.1</b>	<b>Principle of development</b> <b>Design, Scale and Character</b> <b>Impact on Residential Amenity</b> <b>Fire Safety</b> <b>Ecology</b>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
<b>6.1.1</b>	The proposed works do not fall within permitted development. While there is a general permitted development right to the installation of solar PV equipment on the roof of a non-domestic building this right does not apply where that

equipment would be installed on a roof slope which fronts a highway in a Conservation Area.

Para 154 of **the NPPF** indicates that when determining planning applications for renewable and low carbon development local planning authorities should approve the application if its impacts are or can be made acceptable.

At Para 184 the NPPF indicates that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Para 192 requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, as well as the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

Para 193 indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of potential harm. Any harm to or loss of the significance of a designated heritage asset from development within its setting should require clear and convincing justification.

Para 196 indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Para.197 indicates that in weighing applications that directly affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest and derives not only from its physical presence but also from its setting. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

**Historic England** offer guidance in their document "Energy Efficiency and Historic Buildings" (Solar Electric (Photovoltaics)). They note that "prior to the installation of renewables, steps should be taken to cut energy consumption and improve energy efficiency. The installation of any renewable energy source should be seen as part of a "whole building approach" to improve the energy efficiency of a building to enable the best possible balance to be struck between saving energy and reducing carbon emissions, sustaining heritage significance and maintaining a healthy building. It is important to weigh up the cost of the installation against potential savings in energy use.

Historic England continue to advise that it is generally not considered sympathetic to a building's appearance to have a solar panel or other equipment fixed to its main elevation and that there is always likely to be some damage to the historic fabric of a building created through a PV installation.

Wherever a PV installation can be supported they advise that the supporting frame should have a black finish to be the least visually obtrusive with cut ends considered as well. The colour of the PV panels, reflectance and finish should be chosen to complement the colour of the existing roof covering. Consideration needs to be given to the cabling which link the panels to the inverters, isolators batteries, distribution system, and air source heat pumps which will be needed and the best way to put these through the roof with minimal damage.

The **CPRE** considered the installation of solar PV more broadly across all buildings and have suggested that place-responsive design is required. Solar PV must be in harmony with the building onto which it is installed, as well as maintaining or enhancing the character of the wider area.

Shropshire Council has a published “**Shropshire Historic Community**” **Climate Change Guidance Document**, which appears to be perhaps 7-8 years old which also suggests that as a general principle locating equipment on principal elevations should normally be avoided, and that proposed works should not result in loss of special or historical interest to the building or the overall character of the conservation area, including visual impacts. There should be no damage to historic fabric, installation should be reversible without significant long-term impact, cabling should be accommodated without loss or damage to the fabric, the applicant should be able to demonstrate that other energy-saving measures have been considered. It must be demonstrated that the objectives of designation of the area will not be compromised by the development and that any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits.

#### **Conclusion as to principle of development**

The NPPF clearly supports renewable energy but also requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets.

Consideration is required as to the impact of the proposed installation of solar panels and air source heat pumps on the significance of: the Conservation Area ( a designated heritage asset), the setting of nearby listed buildings (also designated heritage assets), and the Village Hall building itself, which is considered a non-designated heritage asset.

Great weight should be given to the conservation of designated heritage assets and their setting irrespective of the level of harm, but if harm is less than substantial, it should be weighed against any public benefits of the proposed works. In general, the addition of solar panels to principal elevations of historic buildings which face roads and are within Conservation Areas and the setting of listed buildings is considered to reduce the significance of the heritage assets and cause less than substantial harm. As consultees have noted (4.1.3.1 above) the Condover Conservation Area Appraisal document identifies the Hall as a key unlisted building which contributes significantly to the character and appearance of the Conservation Area and further highlights the importance of avoiding the introduction of modern materials which may undermine the impact of such key unlisted buildings.



The applicant argues that there are public benefits to the proposed works in terms of gains to the environment, gains to the preservation of the non designated asset and gains to the community which the Village Hall serves.

The applicant has indicated that the air source heat pumps will use approximately 25% of the energy used in fossil fuel based heating systems and this will likely be an excellent reduction in the carbon footprint of the building. They seek to provide this energy requirement for the ASHPs with the solar panel installation but it may be that there could be similar environmental gain from the use of a renewable energy supplier. It should be noted that solar panels have a complex manufacture process using chemicals, that toxic by-products and carbon are produced in their manufacture, that they are difficult to recycle and do not biodegrade when they become waste and usually need replacing every 20 years. The environmental gain for solar panels is not clear cut and it may be that there would be greater benefits from a renewable energy supplier.

Similarly, while heating the hall more consistently undoubtedly has the potential to better preserve its fabric, (depending in part upon other measures intended – insulation needs to be of natural materials, for example), officers are not persuaded that the solar panel element is essential to achieve that improved heating, where a renewable energy supplier could also power the air source heat pumps.

However, there may be some economic gains from producing electricity to power the ASHPs. The proposed works may enable more affordable heating of the hall which may be a community benefit if use of the hall is available to all in the community. However, immediate savings will need to be balanced against the necessary costs of replacement of the solar panels in 20 or so years' time, even if the initial cost is covered by grant funding. Again, it may be that using a renewable energy supplier is more cost effective in the long run, although clearly there may be uncertainty as to future costs of such energy supply.

Thus, while there may be some public benefit from the proposed solar panels installation, the greater benefit comes perhaps from the introduction of ASHPs, with alternatives being available to provide the energy for these units which will cause less harm to the significance of the Conservation Area, the setting of nearby listed buildings and the Village Hall building itself.

There are clear benefits and disadvantages to weigh against each other, with best practice in renewable energy evolving over time. Officers consider that the great weight to be given to any harm to the significance of designated heritage assets outweighs the minor benefits of the introduction of solar panels at this particular location, and that in this case the principle of development has not been established. However, should Committee disagree, additional planning matters are considered below.

**6.2 Design, Scale and Character**

**6.2.1** SC Climate Change Strategy is an overarching aim across the work of Shropshire Council and informs all SC decision making. The appropriate provision of renewable energy for existing buildings will support greater sustainability in

Shropshire. However, Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy also requires sustainable development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character.

In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.

Policy CS17 and SAMDev Policy MD13 require that all development protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not affect the visual and heritage value and functions of these assets and their immediate surroundings.

The proposed site is situated within the Condover Conservation Area and therefore special regard has to be given to preserving or enhancing the character or appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Additionally, given the siting of listed buildings nearby, Section 66 of the Act is also relevant where special regard to the preservation of listed buildings and their settings is required. Historic England Guidance on the setting of heritage assets and the installation of renewable energy on historic buildings is also relevant.

SC Conservation Consultees have concerns with regard to the proposed solar panel array in terms of potential setting issues related to listed buildings nearby (both individually and as a group), whether the solar panel array would preserve or enhance the character or appearance of the Conservation Area, and the visual impact on the Village Hall building itself as a key non-designated heritage asset.

The proposed ASHP units will be installed to the rear of the village hall in an elevated but screened position and will have minimal impact on the character of the building or on the surrounding Conservation Area and listed buildings.

However, the proposed solar panels will be sited on a very prominent roofscape of a historic building which makes a positive contribution within the Conservation Area and within the setting of nearby listed buildings and officers do not consider that their introduction will preserve or enhance Shropshire's historic built environment. From the public realm the solar panels will draw the eye and appear as an unsympathetic addition to the property which will detract from the character and appearance of the historic roof and the local area.

Officers have concerns with regard to the level of detail available as to the solar panels proposed to be installed. Plans suggest that 18 x 375W solar panels will be mounted in 2 rows of 9 panels in portrait at an angle of 40 degrees on the south west facing roof. The layout is neat and symmetrical although covering a large area of this front facing roof slope. The PV array will be mounted above the existing ceramic tiles. No details of fixing have been provided but generally roof

	<p>anchors will be fixed to the rafter and support a mounting rail for the PV panel to sit in and clamps used to hold the panels in place. The applicant advises that advice has been received that the roof is likely to be able to support the proposed panels without strengthening work and that a structural survey will be undertaken if planning permission is granted. The replacement of any tiles damaged during works is likely to be feasible if of some cost implication</p> <p>Only exemplar details have been provided as to the proposed panels themselves with little information as to their design and visual appearance apart from example dimensions. There is no indication of backing, cell structure or framing. The applicants have indicated they would prefer white backed panels for greater output but would be prepared to accept black backed panels in line with consultee and general historic England guidance.</p> <p>The applicants are seeking grant funding for the installation of renewable energy and have had to advertise the work for tenders with the choice of tender being agreed between the applicant and the funder. The tender advertisement does not specify the visual quality of solar panels required which creates uncertainty as to the suitability of any panels proposed. While the advertisement seeks experience it does not specify that experience is required with regard to installations on heritage properties.</p> <p>The criteria identified for selection between tenders does not allow for the consideration of visual impact of the panels proposed. It is not clear that the applicants would have the flexibility to meet a condition to provide further details before implementation or requiring implementation of a PV system that is low profile, low visual impact, black framed, with black backing and wireless (no silver thread visible but were the installation to be approved additional certainty over the details of any system proposed would be highly desirable in this sensitive location.</p> <p>On balance, officers consider that the introduction of solar panels to such a prominent roof within the Condover Conservation Area will not preserve or enhance Shropshire’s historic environment and would be contrary to CS6 and 17, as well as MD13. Were Committee to conclude otherwise on the balance of material considerations, further detail would be required to ensure any solar panels installed have the minimum possible impact.</p>
<p><b>6.3</b></p>	<p><b>Impact on Residential Amenity</b></p>
<p><b>6.3.1</b></p>	<p>Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.</p> <p>The provision of renewable energy equipment will have minimal impact on any neighbouring properties, other than the potential for increased noise arising.</p> <p>The air source heat pumps proposed will be routinely operational as internal temperature requires during the day from 7am until 10pm and at night when required to deal with frost. While public protection consultees had some initial concerns about noise impacting on nearby residential properties, on provision of</p>

	<p>further information by the applicant, consultees had no further objection and were satisfied that there will be no unacceptable impact.</p> <p>Officers are satisfied that there will be no significant impact on the amenity of neighbouring properties.</p>
<b>6.4</b>	<b>Fire Safety</b>
<b>6.4.1</b>	Fires originating from PV systems are rare as long as there is good system design and installation. We have no evidence that a PV fire risk assessment has been completed but this would fall within building regulations assessment..
<b>6.5</b>	<b>Ecology</b>
<b>6.5.1</b>	There may be disturbance to wildlife. Works may have some potential to disturb roosting bats. Bat surveys should be conducted prior to any works commencing as without further information there is a possibility that a license may be required.
<b>7.0</b>	<b>CONCLUSION</b>
<b>7.1</b>	<p>The proposed installation of two wall mounted ASHPs will have no impact on the character of the existing building, the setting of nearby listed buildings and will not result in detrimental visual impact in the Conservation Area or in detrimental impact on the amenity of neighbouring properties. However the harm arising from the proposed installation of a PV array to the principal south west facing elevation of the Village Hall, while less than substantial, is not outweighed by any balancing public benefits. The PV array would not respect the existing character of the building and would result in detrimental visual impact in the Conservation Area as well as on the setting of nearby listed buildings and it is recommended that this aspect of the proposed works is refused. The proposed development is therefore considered to be contrary to the requirements of the NPPF, s.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, adopted Core Strategy Policies 6 &amp; 17, and SAMDev Policies MD2 and 13.</p> <p>Recommend permission is refused</p>
<b>8.0</b>	<b>RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> </ul>

	<p>with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.</p> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination of application for which costs can also be awarded.</p>
<b>8.2</b>	<b>Human Rights</b>
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
<b>8.3</b>	<b>Equalities</b>
	<p>The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.</p>
<b>9.0</b>	<b>Financial Implications</b>
	<p>There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.</p>

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS6 – Sustainable Design and Development Principles  
CS8 – Facilities, Services and Infrastructure Provision  
CS17 – Environmental Networks  
MD2 – Sustainable Design  
MD12 – Natural Environment  
MD13 – Historic Environment

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QO9ZSOTDKLF00>

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

Cabinet Member (Portfolio Holder)  
Councillor Ed Potter

Local Member

Cllr Dan Morris



Committee and date

Southern Planning Committee

22 June 2021

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 21/01171/FUL	<b>Parish:</b>	Kinlet
<b>Proposal:</b> Erection of two storey side extension and single storey rear extension. (Resubmission of 20/00574/FUL)		
<b>Site Address:</b> Dowles Cottage Dowles Road Bewdley DY12 3AB		
<b>Applicant:</b> Mr M Bostan		
<b>Case Officer:</b> Jacob Collett	<b>email</b> : <a href="mailto:jacob.collette@shropshire.gov.uk">jacob.collette@shropshire.gov.uk</a>	

**Grid Ref:** 377375 - 276734

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**Recommendation:-** Permit, subject to the conditions set out in Appendix 1.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is the resubmission of 20/00574/FUL which was permitted in 2020 and compromised a two-storey side extension. It was noted in the officer report that the proposal was 'considered to be sympathetic to the size, mass, character and appearance of the original dwelling house' and would be in accordance with the relevant policy.
- 1.2 Since this permission, engagement with the applicant has resulted in a resubmission of the same proposal that includes the addition of a rear first floor balcony with two supports, insertion of a new window on the rear elevation and new rooflights. This includes the removal of the previously approved side elevation Juliet balcony. There are no other alterations or additions compared to the previous application.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The dwelling is situated adjacent to the B4194 road, just northwest of Bewdley and falls within open countryside. This classified road lies to the east of the dwelling with fields beyond and runs in a northwest to southeast direction, fields also lie to the north and west with the Wyre Forest SSSI and Ancient Woodland beyond. To the south is a residential caravan site which also shares the same access onto the B road as the dwelling.
- 2.2 The site is divided by the Shropshire-Worcestershire border with the majority of the site area including the dwelling being within the administrative area of Shropshire. The property has had a number of extensions and alterations in its history beyond the application in 2020.
- 2.3 The brick-built dwelling was erected under BR/APP/FUL/06/0308 and replaced a previous dwelling with a floor space of 199m<sup>2</sup> that had fallen into disrepair. From previous planning files, it is noted that the replacement dwelling has a floor area of 201.52m<sup>2</sup>. Some of the original buildings were retained that constitute heritage importance.
- 2.4 In addition, the dwelling has also benefitted from the erection of a glazed line extension and conversion of the outbuilding into ancillary accommodation, which has a floor area of 107.41m<sup>2</sup> which represents an approximate 53.3% increase. This annex is considered to be a non-designated heritage asset as defined under Annex 2 of the NPPF.
- 2.5 Alongside the previous submission 20/00574/FUL in 2020 another



application for a rear extension, balcony and other works was submitted in 2021 (21/00998/FUL). This application was refused and is now under the appeal process.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application was requested by the local councillor within 21 days of electronic notification to be submitted to planning committee for determination if the planning officer was recommending approval, due to concerns about neighbour amenity impacts and the Parish Council view is contrary to the officer recommendation.

### 4.0 Community Representations

- Consultee Comments

Kinlet Parish Council

The Parish Council unanimously recommend refusal of this application as it is considered that this development would cause lack of privacy to no. 1 Fallowfield which it would now overlook to a considerable extent by looking directly into the main bedroom window There is also concern re the noise which would be created from the balconies and also light pollution in the open countryside. The property has been extended several times and would now be out of keeping with the rural surroundings.

SC Archaeology  
No comment

SC Drainage  
Provided informative

SC Conservation

The proposal affects Dowles Cottage that is mentioned as part of the Historic Farmsteads Characterisation Project on the Historic Environment Record (HER), where it has early nineteenth century origins. Therefore, the building is considered to be a non-designated heritage asset as defined under Annex 2 of the NPPF. The existing building is faced with brick and stone, roofed with plain clay tiles.

It is noted that this proposal is effectively a resubmission of 20/00574/FUL that was granted permission along with some minor amendments including the insertion of a new window on the rear elevation, new rooflights and the substitution of a casement window to the previously approved Juliet balcony on the north (side) elevation. There are no principle objections to the proposed amendments where the removal of the Juliet balcony is certainly supported.

No objection subject to conditions as previously attached to 20/00574/FUL

with regards to matching external materials and finishes (condition 3).

Wyre Forest District Council  
No objection

- Public Comments

A site notice was displayed at the Site on the 1<sup>st</sup> April 2021 with an expiration date of the 22<sup>nd</sup> April 2021.

1 Objection has been received which summarised below:

- Detrimental to our privacy of our driveway and importantly to our front bedroom.
- It's not in keeping with the close surroundings or the area generally.
- It will spoil the general appearance of this beautiful retirement area.
- It is not compliant with SAM DEV local plan. 17 December 2015.
- We feel new development should respect the existing pattern of close development; we feel this doesn't.
- This proposed plan does not respect the surrounding countryside, or our neighbours or our quality of life. We quote, Article 8 human rights act, we feel it may apply here.
- During the last twelve months, this plot has undergone extensive redevelopment and massive expansions and is still ongoing.
- We have suffered dust and noise and digging machinery most of last summer and at times prevented us using our own garden during lockdown.

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Visual Impact and Setting  
Heritage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Shropshire Councils Core Strategy CS5 and CS6 along with MD2,MD07b and MD12 of SAMDev allows for extensions to dwellings, providing that the development should conserve and enhance the built and natural environment and be appropriate in its scale and design taking account of local character and context. However, the extension or alteration of a dwelling which results in disproportionate additions over and above the size of the original dwelling is considered to adversely impact on the openness, permanence and visual amenity of the land to be preserved. It is further stated that development should safeguard residential and local amenity. Core Strategy 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 natural and built

environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and function of these assets. In principle the development proposed accords with these policies.

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

6.2.1 The proposal involves the addition of a two-storey extension to an existing detached dwelling to create a sitting room at first floor and two additional bedrooms on the ground floor and would create an additional footprint to the dwelling of circa 62 sq/m.

6.2.2 The current proposal would set back from the front elevation, the roof would be pitch albeit at a lower ridge height both of which would ensure the proposal was subservient in nature and allow clear definition between the old and new, in addition it would be constructed from brick to match the existing dwelling. Windows would grace all elevations, with a door to the ground floor side elevation and a balcony to the first-floor rear elevation.

6.2.3 Overall, the proposed extension is considered to be sympathetic to the size, mass, character and appearance of the original dwelling house and would be in accordance with Shropshire Core Strategy Policies CS5, CS6, CS17 and SAMDev MD2 and MD12. It is also concluded that the addition of the larger balcony, rooflights and other alterations do not detract from the development to warrant a refusal where they are minor in scale and of a design that is cohesive with the existing. The removal of the side elevation Juliet balcony from the previous approved also improves the overall design of the proposal.

## 6.3 **Residential Amenity and Landscape Impact**

6.3.1 Located to the southwest lies 6 caravans that share the same access from the B road. The existing dwelling would offer some protection from overlooking and the addition of fenestrations on the rear (west) elevation would be no more detrimental to resident amenity than the existing fenestrations. It is also not concluded the development has any significantly harmful impact on the wider landscape.

6.3.2 With the alterations to the original permission there is no concern with the majority of changes. The biggest impact is the addition of the first-floor balcony. On assessment it is determined that due to the balcony's distance from the adjacent domestic curtilage which is also across existing buildings there would not be a significant increase in overlooking compared to the previously approved Juliet balcony on the rear elevation, which was not judged to unduly harm neighbour amenity.

## 6.4 **Heritage**

6.4.1 The dwelling was given permission to be replaced in 2006 where the main heritage element of the Site was removed. The outbuilding however was retained leaving some heritage importance at the Site. As the proposal does not directly impact any of the original heritage assets and outlines small alterations to the previously permitted side extension it is determined in

agreement with the conservation officer there is no significant harm caused to any building of heritage value under this proposal.

## 7.0 CONCLUSION

The proposed development is the resubmission of a previously approved application with a number of small alterations and the addition of a balcony. It is determined that the proposed works would accord with the primary determining policy where the extension is subservient, cohesive with the existing and of good design. Furthermore, the proposal on balance is not determined to result in any detriment to neighbour amenity or impact on the wider landscape. Consequently this application is recommended for approval.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
MD2 - Sustainable Design  
MD7b - General Management of Development in the Countryside  
MD12 - Natural Environment  
MD13 – Historic Environment

### RELEVANT PLANNING HISTORY:

10/01788/FUL Erection of a glazed link extension and conversion of outbuilding into ancillary living accommodation GRANT 28th June 2010  
 11/01677/AMP Application for non-material amendment to Planning Permission 10/01788/FUL approved 28/6/10 to substitute window with full height glazed window on south elevation - Erection of a glazed link extension and conversion of outbuilding into ancillary living accommodation GRAMP 13th May 2011  
 20/01658/FUL Erection of stable block consisting of 2 stables and a tack/mower store and change of use of land for the keeping of horses GRANT 18th June 2020  
 21/00722/AMP Non-material amendment to planning application number 20/00574/FUL for changes to rear balcony, French Doors to window on Side elevation. REAMP 5th March 2021  
 21/00998/FUL Reduce height of roof to outbuilding, installation of dormer window, glazed gable and balcony and erection of single storey extension REFUSE 7th May 2021  
 21/01171/FUL Erection of two storey side extension and single storey rear extension. (Resubmission of 20/00574/FUL) PCO  
 21/02308/AGR Erection of a new forestry building PRQ 4th June 2021  
 BR/APP/LDCE/02/0059 Use of land for the stationing of five residential caravans and erection of chalet for permanent residential use PDDEV 16th April 2002  
 BR/APP/FUL/06/0308 Erection of a replacement dwelling and construction of vehicular access GRANT 19th June 2006

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QPKA9ETDLB000>

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

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

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

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

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

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

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

### **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.

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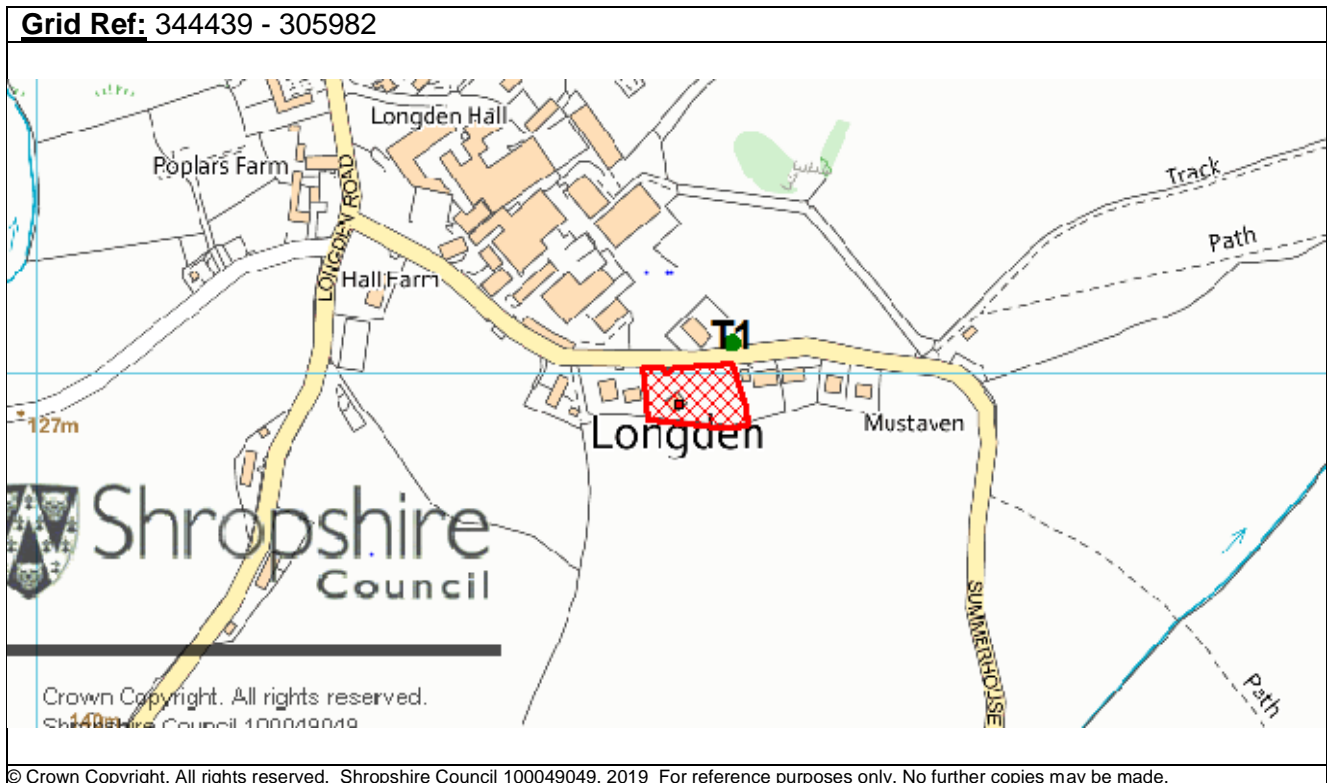
<u>Committee and date</u>
Southern Planning Committee
22 June 2021

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 21/01377/VAR	<b>Parish:</b>	Longden
<b>Proposal:</b> Variation of Conditions Nos.2 (approved plans) and 11 (amenity area) pursuant of 20/04317/FUL to allow for: a larger dormer to front elevation with 2 windows; addition of porch; installation of glass balustrade to part of flat roof to enable use as balcony amenity area; installation of balcony velux window to rear roof and creation of habitable room in loft (amended description)		
<b>Site Address:</b> Sunninghill Summerhouse Lane Longden Shrewsbury Shropshire		
<b>Applicant:</b> Mr & Mrs R Parsons Jones		
<b>Case Officer:</b> Alison Tichford	<b>email :</b> <a href="mailto:alison.tichford@shropshire.gov.uk">alison.tichford@shropshire.gov.uk</a>	



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

**REPORT**

<b>1.0</b>	<b>THE PROPOSAL</b>
<b>1.1</b>	Planning permission for alterations to the detached property Sunninghill in Longden including the erection of two-storey side extensions and a single storey rear extension was granted by virtue of planning permission 20/04317/FUL. The development has commenced.
<b>1.2</b>	This application proposes to vary condition no. 2, with regard to approved plans, and condition 11, which ruled out the use of the flat roof to the rear extension as an amenity area.
<b>1.3</b>	Condition 2 attached to planning permission 20/04317/FUL read as follows:  <i>The development shall be carried out strictly in accordance with the approved plans and drawings.</i>  <i>Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.</i>
<b>1.4</b>	Condition 11 attached to planning permission 20/04317/FUL read as follows: <i>The flat roof to the single storey rear extension shall at no times be used as an amenity area.</i>  <i>Reason: To protect the amenity of neighbouring residents.</i>
<b>1.5</b>	This current application therefore seeks planning permission for the variation of condition No. 2 (approved plans) and 11 (amenity area) attached to planning permission 20/04317/FUL to allow for: <ul style="list-style-type: none"> <li>• an enlarged dormer to the front side elevation with 2 windows</li> <li>• A porch to the secondary entrance via the utility</li> <li>• The removal of a chimney</li> <li>• Alterations in location of cladding</li> <li>• The installation of a glass balustrade to part of the flat roof to the rear single storey extension to enable use as a balcony amenity area</li> <li>• The installation of a balcony velux window to the rear roof in order to enable a habitable room in the loft</li> </ul>
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
<b>2.1</b>	The existing mid C20 dwelling occupies a pleasantly mature 0.6 acre plot to the south of Summerhouse Lane in the rural village of Longden. There is an existing small garage/workshop of similar age to the dwelling.
<b>2.2</b>	The existing house has brick walls and a hipped tiled roof with chimney and is set back appx. 18m from the road with access on a tarmac driveway.
<b>2.3</b>	There are C21 detached dwellings to the west and on the other side of the road to the north east, and a C20 bungalow to the west. There are open agricultural fields to the rear/south.

<b>3.0</b>	<b>REASON FOR COMMITTEE DETERMINATION OF APPLICATION</b>
<b>3.1</b>	The applicant is a staff member of Shropshire Council who reports indirectly to the Home and Communities AD, formerly within Infrastructure and Communities, and the application therefore requires consideration by Planning Committee as set out SC Scheme of Delegation and Part 8 of the Shropshire Council Constitution.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>Consultee Response</b>
<b>4.1.1</b>	<b>Longden Parish Council</b> has made comments neither objecting to nor supporting the application, adding that they make no objection providing that no neighbour has his or her privacy compromised by the changes to fenestration.
<b>4.1.2</b>	<b>SC Ecology</b> did not object to the original application following the submission of a preliminary ecological appraisal subject to the inclusion of conditions to ensure the protection of wildlife and to provide ecological enhancements. The pre commencement condition requiring ECW confirmation of no changes has been satisfied by the provision of a further short report from Pearce Environmental.
<b>4.1.3</b>	<b>SC Trees</b> had no objection to the original application.
<b>4.2</b>	<b>Public Response</b>
<b>4.2.1</b>	A site notice has been posted as required, and three neighbouring properties have been individually notified with regard to the proposed works and no comments have been received as a result of this publicity.
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<b>Principle of development</b> <b>Design, Scale and Character</b> <b>Impact on Residential Amenity</b> <b>Ecology</b>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
<b>6.1.1</b>	Specific planning conditions were imposed on planning permission ref: 20/04317/FUL in order to safeguard the character, visual and residential amenities of the local area in accordance with policies CS6 and 17 of the Core Strategy and MD02 and MD12 of the SAMDev Policies.
<b>6.1.2</b>	Matters considered under Planning Permission Ref: 20/04317/FUL are not being reviewed here. However, the applicant has applied to vary those plans to include <ul style="list-style-type: none"> <li>• an enlarged dormer to the front side elevation with 2 windows</li> <li>• A porch to the secondary entrance via the utility</li> <li>• Removal of a chimney</li> </ul>

	<ul style="list-style-type: none"> <li>• Alterations in location of cladding</li> <li>• The installation of a glass balustrade to part of the flat roof to the rear single storey extension to enable use as a balcony amenity area</li> <li>• The installation of a balcony velux window to the rear roof in order to enable a habitable room in the loft.</li> </ul>
<b>6.1.3</b>	The main issues raised by the current application relate to the impact on the character of the dwelling and local area as well as the impact on the residential amenities of neighbouring properties. Householder alterations are generally acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6 and MD2, and further consideration of CS17 and MD12 will also be appropriate.
<b>6.2</b>	<b>Design, Scale and Character</b>
<b>6.2.1</b>	<p>Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character.</p> <p>In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6, providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.</p>
<b>6.2.2</b>	The original permission restricted permitted development rights to further alterations in terms of extensions, alteration to the roof including dormer windows, and freestanding buildings within the curtilage in order to ensure local planning authority control so that the scale of the development remains appropriate to the plot and the local character and to ensure neighbour amenity.
<b>6.2.3</b>	The addition of a secondary porch, the removal of a chimney, and the alterations proposed to cladding are considered to have minor impact on the scale and character of the development.
<b>6.2.4</b>	The enlarged dormer to the front side elevation will increase the massing to the front but may also appear a better fit with the existing front gable and improve the overall appearance of the extension. The small flat roof balcony amenity area protected by a glass balustrade is not inappropriate in this location to the rear of the dwelling and will not be unduly prominent in public views. The large velux cabrio window to the rear will have some impact and may seem a little out of place if lit at night but is sufficiently distant from public viewpoints as to not have significantly more impact than existing glazing to the rear elevation. The applicants indicate that this room will be used as a home office and is unlikely to be lit often at night time.
<b>6.2.5</b>	The proposed development involves significant works on site. The existing landscaping will contribute to softening the impact of the proposed extensions and alterations and a condition requiring a simple landscaping plan for the project to be approved by the local planning authority was included on the original

	permission and should be repeated on this variation application to ensure the alterations proposed to the previous permission remain appropriate to the local character and context.
<b>6.3</b>	<b>Impact on Residential Amenity</b>
<b>6.3.1</b>	Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
<b>6.3.2</b>	There have been no objections to the proposed alterations from neighbouring properties and the Parish Council were satisfied as long as there were no impacts on neighbour privacy as a result of alterations to fenestration.
<b>6.3.3</b>	The small balcony area proposed to be introduced above the flat roof single storey rear extension and the proposed velux cabrio window to the rear roof will face south east across open fields but will have some potential for views to the east towards the gardens of neighbouring property Meadowsweet and for corresponding views back from the gardens of Meadowsweet. There is no potential for direct intervisibility between the two dwellings.
<b>6.3.4</b>	The boundary to the garden at Meadowsweet is set at appx. 39m from the proposed balcony area and existing plants and hedges will offer some screening. Officers consider that that at this distance and with the small scale of the balcony area there will be no unacceptable impact on the privacy of either property and neither will residential noise arising from the use of these small balcony areas have the potential to significantly disturb neighbour enjoyment of their private amenity areas, or the use of the area to be experienced as overbearing. It will be appropriate to amend condition 11 to allow use of the small area of the flat roof as indicated on approved plans as balcony amenity area.
<b>6.3.5</b>	The enlarged dormer to the front side elevation with additional window will have a restricted angled view towards the north and will be set appx. 50m from the new dwellings to the north of Summerhouse Lane and will not lead to any significant increased potential for overlooking or impact on privacy while it’s additional bulk will remain set within the proposed hipped roof to the extension and will not have any overbearing impact on the neighbouring property to the west.
<b>6.3.6</b>	On balance the revised scheme is considered to satisfy policy CS6 and SAMDev MD2 in relation to safeguarding residential amenity.
<b>6.4</b>	<b>Ecology</b>
<b>6.4.1</b>	SC Policy CS17, consolidated by MD12, requires that all development protect and enhance the diversity of Shropshire’s natural environment. The original application included conditions to ensure the protection of wildlife and to provide ecological enhancements and these should be repeated on this variation application, other than the pre commencement condition which has already been satisfied.
<b>7.0</b>	<b>CONCLUSION</b>

<b>7.1</b>	<p>It is considered that the proposed variation to condition 2 pertaining to planning permission 20/04317/FUL is acceptable in that it will be consistent with policy and will not adversely affect the character and appearance of the locality or cause unacceptable harm to the residential amenities of neighbouring properties. Likewise, the proposed variation to condition 11 pertaining to planning permission 20/04317/FUL is acceptable. The natural environment on site can be protected by means of condition. As such the proposal is considered to be in accordance with the NPPF and Core Strategy Policies 6 and 17 of the adopted Shropshire Core Strategy 2011, as well as of SAMDev Policies MD2 and MD12.</p> <p>Recommend permission is granted with conditions as discussed above.</p>
<b>8.0</b>	<b>RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL</b>
<b>8.1</b>	<b>Risk Management</b>
	<p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.</li> </ul> <p>Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination of application for which costs can also be awarded.</p>
<b>8.2</b>	<b>Human Rights</b>
	<p>Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p>

	This legislation has been taken into account in arriving at the above recommendation.
<b>8.3</b>	<b>Equalities</b>
	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.
<b>9.0</b>	<b>Financial Implications</b>
	There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

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

### RELEVANT PLANNING HISTORY:

20/04317/FUL Erection of a single storey rear extension (following demolition of existing) and two-storey side extensions to include double garage (revised description) GRANT 20th January 2021

21/00991/AMP Amendments to planning permission 20/04317/FUL - proposed additional window to first floor extension to balance elevation, proposed window to plant room, proposed removal of redundant chimney, proposed porch WDN 18th March 2021

## 11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QQ28LGTD0HG00>

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

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

1. The development hereby approved shall be begun before the expiration of three years from 19th January 2021, the determination date of planning permission 20/04317/FUL.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

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

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

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

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



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

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

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

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

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

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

- o A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.

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

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

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

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

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

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

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

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

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

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

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

11. The flat roof to the single storey rear extension shall at no times be used as an amenity area other than that area screened by glass balustrades as indicated on approved plan 2032-MA(00)0002 .

Reason: To protect the amenity of neighbouring residents.

### **Informatives**

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



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Committee and date

Southern Planning Committee

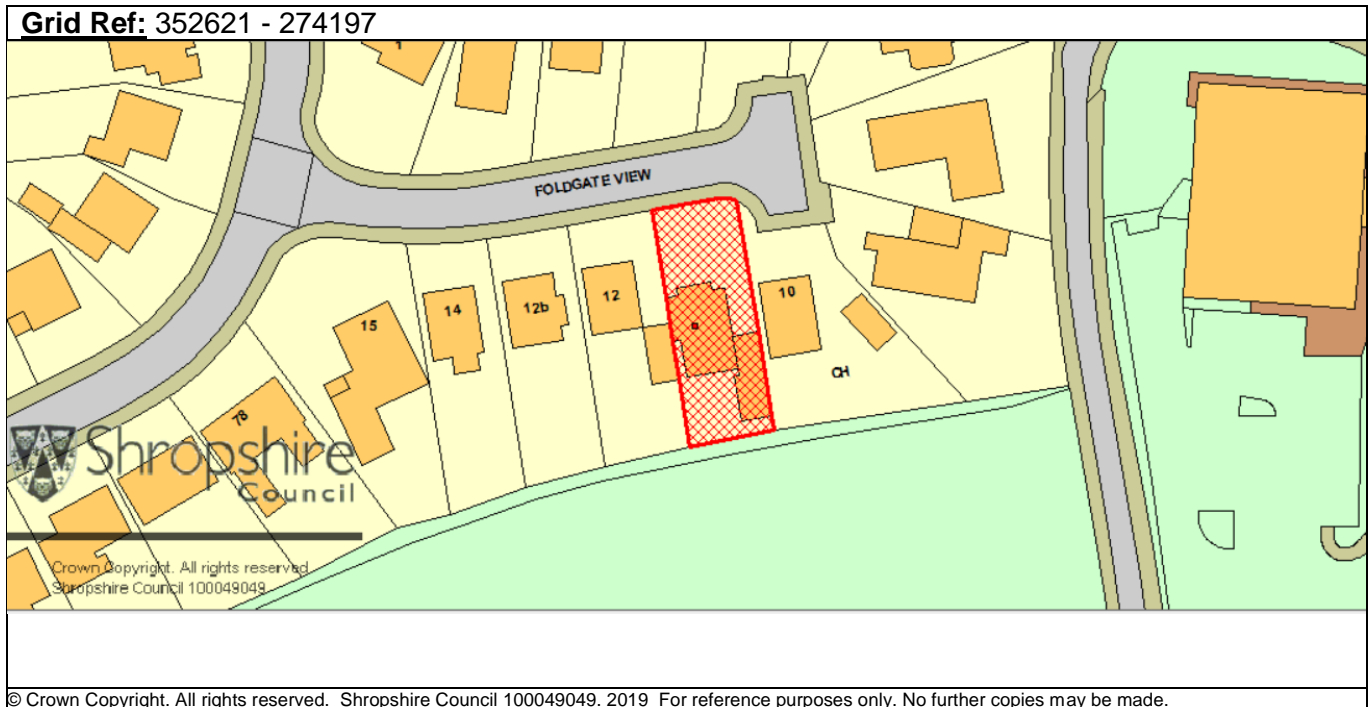
22 June 2021

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 21/01539/FUL	<b>Parish:</b>	Ludlow Town Council
<b>Proposal:</b> Erection of a single storey rear extension following demolition of existing		
<b>Site Address:</b> 11 Foldgate View Ludlow SY8 1NB		
<b>Applicant:</b> Ms J Price		
<b>Case Officer:</b> Helen Tipton	<b>email</b> : helen.tipton@shropshire.gov.uk	



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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a single storey rear extension following demolition of an existing conservatory.
- 1.2 The proposed building would be intended for use as a garden room and would measure 3.0 metres x 3.57 metres, with a height to the roof pitch of 2.998 metres. It would be positioned over the footprint of the existing conservatory.
- 1.3 A roof lantern would be seated, centrally above a shallow hipped roof, with the roof tiles matching those of the existing property, whilst the external walls would be constructed of brick, which would also match.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 Number 11 is a detached, dormer bungalow, constructed of brick beneath a tiled roof. The window casements and doors are constructed of white uPVC and the dwelling lies to the north of Foldgate View, a cul-de-sac on the south eastern fringe of Ludlow Town, which slopes upwards, to the east.

Approach to the site is made via 'Green Acres', an unclassified, circular route, which leads from Sheet Road. The house sits at right angles to the road, in a similar formation to the neighbouring properties, although it is set further into the grounds, with its front elevation running virtually parallel with the property directly to the east.

The dwelling settles wholly outside of the town's conservation area. It has rear views over a field, to the north of Foldgate Lane.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Local Member has provided views contrary to delegated officers and has requested, within 21 days of being validated, that the application should be decided by the Planning Regulatory Committee. This would involve automatic referral for a committee decision.

### 4.0 Community Representations

#### 4.1 Consultee Comments

- 4.1.1 Shropshire Council Drainage - comment.

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

to soak away naturally, with connection to existing drains or sewers being a last resort.

4.1.2 Ludlow Town Council - no objection.

4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site and four neighbours were notified separately, by letter.

4.2.2 One neighbour objection has been received, which is summarised as follows; the full text of which is available to view on the public register:

- Large extensions here already overlook my property and an existing conservatory is close to my boundary.
- The proposal is wider, taller and longer, bringing it nearer. Due to the gradient of the site, it would be overbearing.
- The large side window would overlook my garden and further affect my privacy.
- Demolition of the existing conservatory is unjustified and should be retained.
- This is a modest bungalow and the extension, together with previous alterations and additions would be over-development, further reducing the already limited green space at the property.
- Drainage concerns.

4.2.3 Local Member – objection.

The neighbour feels that the property has had several extensions and because of this small piece of land, it has been overdeveloped. These plots were only meant for the small two bedroomed bungalows that were built on the plots originally and it can make the extensions overbearing and cut out the light to other properties on the site next door.

5.0 **THE MAIN ISSUES**

Principle of development  
Siting, scale, design and visual impact  
Residential amenity  
Drainage

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 Alterations and extensions to residential properties are generally acceptable in principle, particularly to dwellings within the development boundary of settlements. The proposed extension would replace an existing conservatory in association with a residential dwelling and so the principle of development is satisfied.

6.2 **Siting, scale, design and visual impact**

- 6.2.1 The SPD requires additions to be in scale and character with the original dwelling and its surroundings, whilst Core Strategy Policy CS6 also states that development should be appropriate in scale, density, pattern and design, taking into account the local context and character.
- 6.2.2 Whilst it is acknowledged that extensive work has been carried out to the property since its first construction, the proposed extension would be of a single-storey and would replace a conservatory to the rear of the property, albeit increasing its footprint. The proposed extension would have the same use as the existing structure and given its rear position and low stature, it would not be a dominant addition to the dwelling or be visible from any main public viewpoints.
- 6.2.3 The form and materials would also be sympathetic and unobtrusive, further limiting its visual impact on the surrounding character of the area.

### 6.3 Residential amenity

- 6.3.1 Due to the gradient, the property sits at a raised level to that of its neighbour to the west. However, the house is set back within its curtilage and the area proposed for development is bound, on the western side, by domestic fencing and a neighbouring hedge, which screen the site and prevent direct overlooking to the neighbouring garden. The single-storey status of the proposed building, coupled with the boundary planting / fencing and position of the building would also ensure there is no loss of light or overbearing impacts to the adjacent dwelling.
- 6.3.2 The existing conservatory also has a doorway leading to the west, whilst the proposed extension would have only windows to this side, thereby reducing any perceptible privacy concerns.
- 6.3.3 The eastern side of the extension is, additionally concealed by a wall of an outbuilding, ensuring the living conditions of neighbours to the east are also not unduly impacted upon.

### 6.4 Drainage

- 6.4.1 Despite the topography of the site, the Council's Drainage consultants have raised no overriding concerns in this respect and are satisfied with the proposals. Informative comments merely advise on the use of sustainable surface water drainage systems.

## 7.0 CONCLUSION

The development is acceptable in principle and its modest scale, subordinate design and discreet siting would avoid it harming the character of the locality or unduly affect residential amenity. There are also no drainage concerns associated with the development and approval of the scheme is recommended.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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



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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

## Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
SPD Type and Affordability of Housing

## RELEVANT PLANNING HISTORY:

SS/1/09/21607/F Erection of an extension to dwelling PERCON 30th April 2009  
SS/1982/401/P/ Alterations and additions to existing dwelling. PERCON 8th October 1982  
SS/1974/884/P/ Erection of private garage. PERCON 24th September 1974

### 11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QQJGVXTDLSD00>

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Vivienne Parry
Appendices APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings.  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

**Informatives**

1. In order to control/attenuate surface water at source and avoid increasing the risk of flooding at the site or elsewhere, the incorporation of sustainable drainage systems (SuDS) such as soakaways designed in accordance with BRE Digest 365, water butts, rainwater harvesting, permeable paving, attenuation and grey water recycling should be considered.
2. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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Committee and date

Southern Planning Committee

22 June 2021

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 21/01799/FUL	<b>Parish:</b>	Much Wenlock
<b>Proposal:</b> Erection of a first floor side extension and single storey rear extension together with internal alterations.		
<b>Site Address:</b> 42 Barrow Street Much Wenlock Shropshire TF13 6ET		
<b>Applicant:</b> Passmonds Estates Ltd		
<b>Case Officer:</b> Lynn Parker	<b>email</b> : <a href="mailto:lynn.parker@shropshire.gov.uk">lynn.parker@shropshire.gov.uk</a>	

**Grid Ref:** 362544 - 299769

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is for the erection of a first floor side extension and single storey rear extension together with internal alterations at no. 42 Barrow Street, Much Wenlock. The single storey rear extension would measure approximately 2.25m max width x 5m in depth to match the adjacent existing rear projection with a single pitch roof containing 2 no. rooflights and formed into a catslide with the existing roof to the south east side. It would facilitate an open plan dining/kitchen/living area and add approximately 10.2m<sup>2</sup> to the footprint.
- 1.2 The first floor extension would be positioned above the existing garage which is indicated to be converted into an entrance hall. It would provide approximately 8.7m<sup>2</sup> of additional internal floor area creating a study and staircase/landing. This element is designed with a stepped down dual pitched roof, side gable and 2 no. rooflights.
- 1.3 Other alterations include the replacement of the existing front door with a full height window, 2 no. rooflights to the existing two storey rear projection and new fenestrations to its existing rear stone gable, a further rooflight to the existing front facing roof slope of the main dwelling, internal alterations to re-locate the stairs and reconfigure the rooms to improve internal movement, and removal of the remains of a chimney.
- 1.4 Materials are proposed as block and render walls, roof tiles reclaimed from the site or to match the existing, painted timber windows to match the existing, conservation type rooflights and an aluminium bi-folding door. No alterations are proposed to accesses or parking, and no trees or hedges would be affected.
- 1.5 During the course of the application minor design amendments have been submitted in response to officers' concerns which introduces a panelled lower section to the existing front door to be changed to a window. A case has additionally been presented for the number of rooflights originally proposed to be retained.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls centrally within the Market Town of Much Wenlock on the periphery of the main Town Centre area which is adjacent to the north west. It is also within Much Wenlock Conservation Area. This part of Much Wenlock is a residential area formed by close packed traditional two storey cottages and three storey town houses accessed directly from the pavement. No. 42 is an end of terrace two storey cottage, constructed in painted brick and Wenlock limestone with a tiled roof. The dwelling is set at the north eastern front end of a long narrow plot which extends approximately 60m to the south west and has a maximum width of 7m. It has a lean-to garage on its south east facing side elevation which extends up to the boundary on that side.
- 2.2 There are neighbouring dwellings on all sides, those across the road to the north

east being approximately 11m away, however are positioned such that there is an access gap directly across from the dwelling and garage at no. 42. Both dwellings on either side are much wider at the front of their plots and are separated from no. 42s rear garden by a 1m high timber fence on the north west side and by the garage itself together with boundary fencing on the south east side.

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

3.1 Request by the Ward Member at the time the application was submitted, on notification of the proposal, that this application be determined by Committee on the grounds that the loss of the small garage would potentially add to more parking on Barrow Street; surface water flooding in Town needs to be taken into account.

### 4.0 **Community Representations**

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

4.1.1 Much Wenlock Town Council – Support.

4.1.2 SC Drainage - Informatives recommended in relation to a sustainable drainage scheme for the disposal of surface water from the development and fulfilment of MWNP Policy RF.2.

4.1.3 SC Conservation – The revised drawings are noted and the amendments considered to be acceptable. Previous objection withdrawn subject to conditions as previously recommended.

4.1.4 SC Archaeology - It is recommended that an archaeological inspection of any ground works for the proposed development be made a condition of any planning permission for the development.

#### 4.2 **- Public Comments**

4.2.1 Confirmation of site notice display received on 30<sup>th</sup> April 2021. Proposal advertised in the Shropshire Star on 4<sup>th</sup> May 2021 as being within a Conservation Area.

4.2.2 Four letters of public representation including the Much Wenlock Civic Society have been received, three of which support the proposal, the Civic Society expressing neutrality. These can be viewed in full online, however are summarised below:

- We have viewed the plans for the refurbishment of 42 and Planning and Heritage Statement and give our full support to the development.
- The single storey extension at the rear will improve our privacy.
- The plans are very much in taste with the rest of the street.
- They are turning an unliveable house into an attractive and practical dwelling.

The Civic Society welcomes the archaeological oversight as there are known to have been tobacco pipe kilns in the area. Some design amendments are suggested including that rear pedestrian access is continued.

## 5.0 THE MAIN ISSUES

- 5.1
- Principle of development
  - Design, scale and character
  - Impact on neighbours/residential amenity
  - Impact on the historic environment

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. Policy MD2 of the SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved.

6.1.2 LDF Core Strategy 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 historic environment and does not adversely affect the heritage values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored.

6.1.3 Policy GQD2 of the Much Wenlock Neighbourhood Plan requires all development to be designed to a high quality and to reinforce local distinctiveness. Development proposals will be expected to:

- make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area.
- be suitably designed for the context within which they are set.
- retain existing important landscape and natural features.
- ensure that the scale and massing of buildings relate sympathetically to the surrounding area.
- use traditional and vernacular building materials where such treatment is necessary to respect the context of the development concerned.

6.1.4 The proposed development, as amended, is not considered to have an adverse impact on the character or context of the existing building or surrounding Conservation Area and would be of an appropriately domestic scale and design, utilising matching and suitable materials. The principle of development is therefore acceptable.

### 6.2 Design, scale and character

6.2.1 The scale of extension proposed would not result in significant additions to the dwelling and the proposed works are considered to be appropriately proportionate in that they would not visually detract from the intrinsic character of the cottage. The first floor side extension would demonstrate subservience by its stepped down roof ridge and long roof pitch sloping away from the front elevation.



Overall the changes indicated appear to be of high quality design and materials that would protect and enhance the character and appearance of the dwelling.

### 6.3 **Impact on neighbours/residential amenity**

6.3.1 It is not considered that there would be adverse impact on the residential amenities of neighbouring properties from overbearing, overshadowing or overlooking from the proposed extension in this instance. Both of the extensions proposed are modest in scale and have been designed to minimise impacts on the adjacent properties with openings positioned such that direct overlooking would be avoided. Representations of support have been submitted from the neighbour directly to the north east to whom the single storey rear extension would be visible.

6.3.2 The conversion of the garage to an entrance lobby with identifiable front door together with the stepped down first floor extension would enhance the appearance of the dwelling within the street scene.

### 6.4 **Impact on the historic environment**

6.4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in exercising planning functions.

6.4.2 The proposal affects an end of terrace dwellinghouse that dates from the nineteenth century, constructed in painted brick and local Wenlock limestone. The terrace lies within the Much Wenlock Conservation Area, where it is considered to be a Non-Designated Heritage Asset (as defined under Annex 2 of the NPPF), where it makes a positive contribution to the existing character and appearance of the Conservation Area, albeit it is acknowledged that it is in a poor state of repair where it is noted that the property has been vacant for two years.

6.4.3 SC Conservation initially noted that whilst there was no principle objection to the single storey rear extension, new rear gable fenestrations, or incorporation of the existing lean-to garage into the living accommodation, concerns were raised over the rooflights proposed to the front roof plane. Additionally that the existing front door to be made into a window should be partially glazed with a panelled lower section to match the proposed new front entrance. However it should remain legible that it was the former principal front doorway.

6.4.4 Amended plans have been submitted which alter the existing front door as advised so that it is now considered to be acceptable. Photographs have been submitted showing front rooflights in place on the neighbouring properties either side of the site, the agent advising that it is believed that the rooflights proposed for no. 42 would not have any greater impact. SC Conservation have noted the amendments and consider them to be acceptable.

6.4.5 The proposed development site lies within the Medieval urban form of Much Wenlock (Shropshire Historic Environment Record [HER] No. PRN 05029) as defined by the Central Marches Historic Towns Survey, within a block of tenements on the southwest side of Barrow Street (PRN 05011). Archaeological

investigation of an adjoining plot (42a) in 2001 found evidence for post-medieval tobacco-pipe manufacturing in the vicinity, and in 2006 archaeological investigations a few plots to the northwest (36a) recorded features and deposits dating from the 13th to 14th centuries. The proposed development site is therefore considered to have some archaeological potential.

6.4.6 In view of this, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, SC Archaeology recommend that an archaeological inspection of any ground works for the proposed development be made a condition of any approval decision in order to appropriately manage the archaeological potential

6.4.7 Therefore it is concluded that the proposal should enhance the existing Non-Designated Heritage Asset and would not be detrimental to the overall character and appearance of the Conservation Area.

## 7.0 **CONCLUSION**

7.1 It is considered that this proposal is not contrary to adopted policies and would protect and enhance the existing dwelling. It would not be detrimental to the residential amenities of neighbouring properties, or to the surrounding Conservation Area or its street scene. The works to this Non Designated Heritage Asset can be appropriately managed through condition.

## 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 three months after the grounds to make the claim first arose.

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:  
CS6 - Sustainable Design and Development Principles  
CS17 - Environmental Networks  
MD2 - Sustainable Design  
MD13 - Historic Environment

Much Wenlock Neighbourhood Plan  
Much Wenlock Design Statement 2000

RELEVANT PLANNING HISTORY:

None relevant.

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QR7GVUTDM6800>

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

Planning and Heritage Statement.

Preliminary Ecological Appraisal by Biome Consulting Ltd dated 7th April 2021.

Cabinet Member (Portfolio Holder)  
Councillor Ed Potter

Local Member

Cllr Dan Thomas

Appendices  
APPENDIX 1 - Conditions

**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

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

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

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

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

3. Details of all the materials to be used externally on the works hereby approved, including

for the facing render which should be off-white in a scratched finish, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

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

4. No construction works, demolition and associated deliveries in relation to the development shall take place outside the hours of 7.30am to 6.00pm Mondays to Fridays; 8.00am to 1.00pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

5. The construction work shall be carried out in accordance with the Construction Method Statement provided at Section 4 of the Planning and Heritage Statement by Moss Co LLP received on 8th April 2021.

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

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

6. No development approved by this permission shall commence until the applicant has notified Shropshire Council's Historic Environment Team not less than three weeks prior to commencement of ground works, and to provide him/her with reasonable access in order to monitor the ground works and to record any archaeological evidence as appropriate.

Reason: The site is known to hold archaeological interest. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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

7. Prior to the commencement of the relevant work details of all new external timber joinery on the front elevation and aluminium joinery for the rear shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the Heritage

Asset.

8. Prior to first occupation use of the of the extensions hereby approved, an appropriately qualified and experienced ecologist shall provide a report to the Local Planning Authority demonstrating implementation of the recommendations made in Section 4 - Conclusions and Recommendations, of the Preliminary Ecological Appraisal by Biome Consulting dated 7th April 2021.

Reason: To ensure the protection of and enhancements for wildlife.

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

9. No windows or other openings shall be formed in the north west facing side elevation of the single storey rear extension hereby approved.

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

### **Informatives**

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

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

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

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

3. The drainage system should accord with Policy RF.2 of the Much Wenlock Neighbourhood Plan with regards to the disposal of surface water.

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

fledged chicks are still dependent.

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

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

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

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

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

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

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

LDF Core Strategy Policies:  
CS6 Sustainable Design And Development Principles  
CS17 Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD2 Sustainable Design  
MD13 Historic Environment

Much Wenlock Neighbourhood Plan 2013-26  
Much Wenlock Design Statement 2000

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

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**SCHEDULE OF APPEALS AS AT COMMITTEE 22 June 2021**

<b>LPA reference</b>	20/03580/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs Smythe
<b>Proposal</b>	Erection of part two storey, part single storey extension following partial demolition (re-submission)
<b>Location</b>	Pryll Cottage 19 Burway Road Church Stretton
<b>Date of appeal</b>	27/04/2021
<b>Appeal method</b>	Fast track written representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	19/02197/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Mr Richard Corfield
<b>Proposal</b>	Application under Section 73A of the Town and Country Planning Act 1990 for the change of use of pastureland/woodland to camping for up to 50 tent pitches 8 glamping units and retrospective permission for shower and toilet block
<b>Location</b>	Oaklands Leisure Campsite And Fishery Harton Shropshire SY6 7DL
<b>Date of appeal</b>	12/05/2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	20/03213/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mrs J Matthews
<b>Proposal</b>	Conversion of part of building to 1no. live/work unit
<b>Location</b>	Stables At Applecross Equestrian Alveley
<b>Date of appeal</b>	21/12/2020
<b>Appeal method</b>	Written representaions
<b>Date site visit</b>	16/02/2021
<b>Date of appeal decision</b>	13/05/2021
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	20/01086/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Hopton Court Estates
<b>Proposal</b>	Change of use of land including existing access route and pathways to provide a six pitch seasonal use glamping site; existing hardstanding to provide parking; retention of temporary toilet/washing facilities and septic tank; provision of a reed bed
<b>Location</b>	Proposed Glamping Site To The North Of Hopton Wafers Shropshire
<b>Date of appeal</b>	16/03/2021
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	
<b>Date of appeal decision</b>	21/05/2021
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	20/03303/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr C Preece
<b>Proposal</b>	Provision of paved/hardstanding area
<b>Location</b>	1 Prestwich Close Morville Bridgnorth
<b>Date of appeal</b>	17.03.21
<b>Appeal method</b>	Written representations
<b>Date site visit</b>	18/05/21
<b>Date of appeal decision</b>	26/05/21
<b>Costs awarded</b>	
<b>Appeal decision</b>	Allowed



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## Appeal Decision

Site visit made on 16 February 2021

**by M Cryan BA(Hons) DipTP MSc MRTPI**

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

**Decision date: 13 May 2021**

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**Appeal Ref: APP/L3245/W/20/3262914**

**Applecross Equestrian, Vicarage Bank, Alveley WV15 6NB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs J Matthews against the decision of Shropshire Council.
  - The application Ref 20/03213/FUL, dated 10 August 2020, was refused by notice dated 6 October 2020.
  - The development proposed is described as 'the conversion of part of building to 1no. live/work unit'.
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### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. The proposal is for the conversion of part of an existing building on a site within the Green Belt. Paragraph 143 of the National Planning Policy Framework ('the Framework') states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances. However, Paragraph 146 (d) allows for the re-use of buildings within the Green Belt provided that they are of permanent and substantial construction, and where the development would preserve the openness of the Green Belt and the purposes of including land within it. Policy CS5 of the 2011 Shropshire Core Strategy ('the Core Strategy') indicates that new development in the countryside and Green Belt will be strictly controlled in accordance with national planning policies.
3. The existing building which would be converted is both permanent and substantial, and no enlargement of it is proposed. The Council's view is that the development falls within the exception set out in Paragraph 146 (d) of the Framework and, notwithstanding its other concerns about development in the countryside, it accepts that the proposed development would be 'not inappropriate in the Green Belt' in the Framework's terms. On the basis of the evidence before me and what I saw on site I agree with that assessment. I therefore consider that the main issues are:
  - Whether or not the proposal would be an acceptable form of development for its countryside location, having regard to local and national policy in respect of the location of development; and
  - The effect of the proposed development on the character and appearance of the area.

## Reasons

### *Location of development*

4. The appeal site is part of the 'Applecross Equestrian' complex, set in open countryside outside, although reasonably close to, the village of Alveley. The proposal principally relates to part of an existing barn, though the appeal site also encompasses a small grassed area to the rear of the barn, part of the external concrete hardstanding, and the gravel drive which provides access to the site from Vicarage Bank some 200m or so away from the barn. The wider Applecross Equestrian site beyond the appeal 'red line boundary' includes stables, storage buildings and an outdoor riding arena, as well as open fields. There is also a set of dog kennels which are used as part of the appellant's dog breeding business, 'Poolehall Labradors'.
5. The proposed development is the conversion of the two bays within the existing building to create a unit with work facilities on the ground floor, and residential accommodation on the first floor. The ground floor would have office, utility and storage space, as well as a whelping room and viewing area, to be used by the dog breeding business. Upstairs would be two double bedrooms and a single open-plan kitchen, dining and living area.
6. A previous planning application for a dog breeding facility at ground floor and residential accommodation at first floor<sup>1</sup> was refused in January 2020 on the basis that it would lead to the development of an isolated home in the countryside for which, having regard to local and national planning policies, a functional need had not been demonstrated. The appellant states that she is keen to seek a form of development that would support the existing business and provide necessary on-site accommodation, and that at the time of this earlier application she was unaware of live-work units but now recognises that this is the type of development she is seeking. The evidence before me indicates that the outdoor space in the current scheme is larger than previously proposed and now described as a garden rather than a dog run, and a ground floor room previously described as a washing room would now be an office and utility room. The proposal appears to be otherwise substantially the same as that refused permission in 2020.
7. As a live-work unit, the proposed development would be a *sui generis* use with economic development and residential elements. I have not been made aware of any development plan policies specifically addressing proposals for live-work units, though several are nonetheless relevant.
8. Policies CS1 and CS4 of the Core Strategy set out the Council's overall strategic approach to development and investment, indicating that it will be located predominantly in community hubs and community clusters, and not permitted outside these settlements unless it complies with the requirements of Policy CS5. Policy CS13 encourages home-based enterprise, including the development of live-work schemes, although it also reflects the need for proposals for development in rural areas to comply with the requirements of Policy CS5.
9. As well as addressing development in the Green Belt as described above, Policy CS5 provides some support for development on 'appropriate sites, which

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<sup>1</sup> LPA ref: 19/04868/FUL

maintain and enhance countryside vitality and character', including small-scale new economic development diversifying the rural economy, and dwellings to house agricultural, forestry or other essential countryside workers. The policy requires the need for, and benefits of, such development to be demonstrated, and expects it to take place primarily in recognisable named settlements or be linked to other existing development and business activity.

10. Policy MD7a of the 2015 Shropshire Site Allocations and Management of Development Plan ('the SAMDev Plan') permits dwellings to house essential rural workers where certain criteria including financial and functional tests are met.
11. It is also appropriate to consider the consistency of the development plan policies with the requirements of the Framework. Paragraph 77 advises that in rural areas that planning policies and decisions should be responsive to local circumstances and local needs. Paragraph 78 states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Paragraph 79 seeks to avoid the development of isolated homes in the countryside except in certain circumstances. Paragraph 81 requires planning policies to allow for new and flexible working practices, including live-work accommodation. Taken together, I consider that the policies outlined above are consistent with these requirements of the Framework, and provide an appropriate basis for assessing the proposal.
12. The appellant has been breeding dogs for more than 30 years, and states that a presence is required on the site 24 hours a day to ensure the welfare and security of the dogs. The appellant lives in a bungalow some 225m or so east of the appeal site, from where the kennels and animals cannot be seen. In the light of reported increases in the theft of dogs lately, as well as two recent break-ins at the site and advice from West Mercia Police that the lack of surveillance makes the area vulnerable, security concerns are the primary justification put forward in support of the scheme. The residential element of the scheme would allow for closer surveillance of the kennels and other buildings within the Applecross Equestrian complex, and I recognise that this may deter crime and reduce the fear of crime. However there is no evidence that other options such as remote monitoring have been considered, and given how close to the site the appellant lives it seems very likely to me that alternative methods could also improve the security, or perceived security, of the business. The possible security benefits therefore appear representative of the appellant's preferences rather than being a substantive operational need or economic benefit in the terms set out in Policy CS5.
13. The appellant suggests not only that the existing business may be forced to close resulting in job losses if the proposed live-work unit were not permitted, but that the additional dog training the proposal would support could lead to the creation of two additional jobs. However, the appellant has been running a dog breeding business for a significant period of time, and the evidence before me describes the reputation of, and demand for, dogs bred by Poolehall Labradors. It is therefore not clear why a failure to secure planning permission for the proposed development might lead to the business becoming unsustainable. While the facilities proposed for the ground floor could enable extra dog training activities to take place, there is no substantive evidence before me to indicate why this would need a combined live-work unit on the site. I am not therefore persuaded either that the scheme as proposed would

support diversification of the rural economy, or that it is necessary to ensure the ongoing success of the appellant's business.

14. The appellant considers that the Council has 'unreasonably' assessed the proposal as a rural worker's dwelling. However, in determining an application for a live-work unit it is necessary to consider the effect of introducing residential as well as economic uses to the site. Furthermore, the argument that there is an essential need for the appellant (or a member of her family or staff) to live on the appeal site to support the needs of the business forms a substantial part of the appellant's case, and it is necessary for the matter to be addressed. Based on the submitted evidence, and for the reasons I have already set out, I do not consider that the proposal justifies the development of new residential accommodation in a countryside, even within a live-work unit.
15. The appellant has referred to two examples elsewhere where the Council has granted planning permission for live-work development<sup>2</sup>. I do not know the full details of those other schemes, and although neither had existing residential accommodation within the site boundary (as in this appeal) this is not particularly indicative of relevant similarities given the close proximity of the appellant's existing home as I have already described. Neither of the other cases appears to be directly comparable to this appeal, and neither lends weight in support of this proposal.
16. Taken as a whole, although there would potentially be some modest economic benefits arising from the proposal they do not in my view amount to a justification for a live-work unit in the terms set out in the development plan. I therefore conclude that the proposal would not be an acceptable form of development having regard to local and national policy. For the reasons I have set out above it would conflict with Policy CS5 of the Core Strategy and MD7a of the SAMDev Plan which seek to restrict development outside settlements. The proposal would also be at odds with the aims and objectives of the Framework in respect of development in the countryside.
17. The Council's decision notice also indicated conflict with Policy MD6 of the SAMDev Plan, which requires that development proposals within the Green Belt should not conflict with the purposes of the Green Belt. However, this was not explained in either the Council's officer report or its appeal statement. On the basis of the evidence before me I find no conflict with this policy.

### *Character and Appearance*

18. The building to be part-converted for the proposed live-work unit is a modern open-fronted barn type unit, with a steelwork frame, concrete panels forming the lower parts of three side walls and open timber panelling above. Two of the existing five bays of the building would be filled in to create the live-work unit, the materials and form of which would reflect those of the existing building.
19. Other than being within the Green Belt, which I have addressed above, there is nothing before me to indicate that the site is in a visually-sensitive location, or that it is part of or close to any heritage assets. Although the proposed live-work unit would undoubtedly be simple and agricultural in its appearance, this would reflect the remainder of the building. To the extent that a live-work unit within a modern barn possibly could, it would form a coherent part of the

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<sup>2</sup> LPA refs: 18/03993/FUL and 18/04311/FUL

building as a whole. In turn, it would also be in keeping with the wider surroundings of the Applecross Equestrian complex.

20. The Council's reason for refusal indicated that it considered that the extent of works required to form the live-work unit would be 'tantamount to the construction of a new dwelling under the roof of the existing steel framed structure rather than the conversion of the building'. I agree, but while I understand why this may be relevant in cases where prior approval for a change of use is at issue, there is no indication of what actual harm the Council considers may arise here as a consequence. None of the Council's arguments persuade me that the proposal would have an unacceptable visual impact.
21. I therefore conclude that no harm to the character and appearance of the area would result from the proposal. It would therefore comply with Policies CS5 and CS6 of the Core Strategy and Policy MD2 of the SAMDev Plan, which seek to protect the countryside and the Green Belt, and to ensure that development respond appropriately to local character and the form, layout, design and details of existing development. It would also comply with the requirements of the Framework in these respects, including the provisions of paragraphs 79 and 145.

### **Planning Balance and Conclusion**

22. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
23. The development would be acceptable in terms of its effects on the character and appearance of the area, and there would be no unacceptable impacts on living conditions for nearby occupiers. These are matters which have a neutral impact on the overall balance.
24. The proposal would provide a live-work unit, with employment and other economic benefits likely to arise during construction and its future use. However, given the scale of the scheme the contribution it would make both to housing supply and economic growth would be small, and carries limited weight in favour of the proposal. The development plan seeks primarily to locate development in community hubs and community clusters, limiting the siting of development in other locations in the countryside. In this case, the location of a live-work unit in the countryside has not been adequately justified by reference to the need for or benefits arising from the proposal. Permitting the scheme to go ahead in such circumstances would undermine the plan-led approach to the location of development. This weighs significantly against the proposal, and outweighs the modest benefits associated with the scheme.
25. The scheme consequently conflicts with the development plan read as a whole. None of the material considerations identified, including the Framework, outweigh this conflict or justify a decision other than in accordance with the development plan. The appeal is therefore dismissed.

*M Cryan*

Inspector

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## Appeal Decision

Hearing (Virtual) Held on 18 May 2021

Site Visit made on 19 May 2021

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

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

**Decision date: 21 May 2021**

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**Appeal Ref: APP/L3245/W/20/3264190**

**The Riddings, Hopton Wafers, Cleobury Mortimer DY14 0JL**

- 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 Christopher Woodward (Hopton Court Estate) against the decision of Shropshire Council.
  - The application Ref 20/01086/FUL, dated 10 March 2020, was refused by notice dated 4 June 2020.
  - The development proposed is change of use of land including existing access route and pathways to provide a six-pitch seasonal use glamping site; existing hard standing to provide parking; provision of temporary toilet/washing facilities and septic tank plus a reed bed.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The site address above is taken from the appeal form but with the post code added. It is more accurate than the address on the application form and the main parties agreed to its use at the hearing.
3. I have been advised that the named appellant is a trustee of Hopton Court Estate, rather than one of the directors as referred to on the application form. However, I am satisfied that the applicants and the appellant represent the same body and that the appeal has been lodged by an appropriate party.
4. On my site visit, I saw bell tents, toilet cabins, a sauna, communal fire pits and a honesty shop. As such, the development has commenced although elements such as the provision of a reed bed have not been carried out. I have had regard to the features that I saw but my decision is based on the appeal plans.
5. The description of development in the header above is different to that on the application form as it includes the word 'provision' rather than 'retention' which is not an act of development. While not specified in the description, the submissions indicate that the site would be open seasonally from 1 May to 30 September each year. My assessment is made on this basis.
6. An emerging Shropshire local plan has been the subject of public consultation but has not yet been submitted to the Secretary of State for examination. There is a significant degree of uncertainty over whether the emerging policies will be adopted in the form provided to me and so they attract limited weight.

## **Main Issue**

7. The main issue is whether the development is in an appropriate location having regard to the policies of the Shropshire Core Strategy 2011 (CS), the Shropshire Council Site Allocations and Management of Development Plan 2015 (SAMDev), the National Planning Policy Framework (the Framework) and accessibility.

## **Reasons**

8. The site is in an area that is generally vacant of buildings and is predominantly woodland, pasture fields and heathland. It is a significant distance from any settlement as defined in the CS or SAMDev. CS policy CS4 looks to make rural communities more sustainable by resisting development outside defined settlements unless it meets CS policy CS5. This allows proposals which maintain and enhance countryside vitality and improve the sustainability of rural communities by bringing local economic and community benefit. Policy CS5 goes on to list developments which could be permissible.
9. The first bullet point in the policy CS5 list refers to small-scale development that diversifies the local economy. It is expected that such schemes will be in settlements or linked to existing development and business activity. The sixth bullet point allows sustainable rural tourism, leisure and recreation proposals which require a countryside location in accordance with CS policy CS16. Amongst other things, this policy places an emphasis on visitor accommodation in accessible locations served by a range of facilities. Also, these proposals should be close to or within settlements or at an established tourism enterprise where accommodation is required.
10. The appellant does not dispute the Council's claim that the site is 1.8 km from Hopton Wafers and 2.6 km from the Crown Inn at the village. Other facilities at Oreton, Cleobury Mortimer and in the wider area are further away from the site. CS policy CS16 provides no guidance as to the meaning of 'close to a settlement'. However, the significant separation distances and isolated location indicate the development is not near to Hopton Wafers or any other village. Also, while noting the limited on-site facilities, there are no serviced shops, catering outlets or built tourist venues convenient to the development.
11. Various festivals take place at Hopton Court but these are short events and there is no evidence to demonstrate that they will continue. In any case, the glamping site is set away from the main part of Hopton Court and open when no festivals are taking place. As such, the development is not clearly connected to an established tourist business enterprise.
12. The scheme is in line with the aims of CS policy CS16 to support tourism development which diversifies the existing offer and promotes visitors' access to the natural environment and rights of way network. However, compliance in these regards does not address the specific policy requirement in respect of the location of visitor accommodation. The development is outside and not close to a settlement and it is not linked to an established business. As such, it would not accord with CS policy CS16 when read as a whole and bullet points 1 or 6 under CS policy CS5.
13. The main parties agreed at the hearing that the development is a green tourism scheme and so it is supported to a degree by CS policy CS13. The

- justification to this policy recognises that such development may need to be in the countryside away from settlements but the policy itself states proposals must accord with CS policy CS5. Also, SAMDev policy MD11 includes the same requirement. As such, the identified non-compliance with CS policy CS5 means the development is also contrary to CS policy CS13 and SAMDev policy MD11.
14. The referred to CS and SAMDev policies are generally consistent with the Framework in terms of the stated support for sustainable rural tourism and leisure development. The Framework recognises local rural business needs may have to be accommodated on sites beyond existing settlements. However, at the same time it encourages the use of sites that are physically well-related to settlements where opportunities exist. As CS and SAMDev policies are generally consistent with the Framework, I attach significant weight to the identified non-compliance with policy.
  15. At the hearing, I was advised that most visitors to the glamping site arrive by car, which is understandable given its isolated location and lack of realistic alternatives. Visitors can reasonably walk to nearby public rights of way and local countryside. Some may make longer walking or cycling trips to facilities in Hopton Wafers, Cleobury Mortimer and elsewhere in the surrounding area. The development has attracted no highway safety objections and does not generate significant levels of traffic and so there is no conflict with CS policy CS6. Nevertheless, the isolated position and general lack of nearby facilities is likely to place a high reliance on car travel to and from the site. This goes against the aim to improve the sustainability of rural communities as set out in policy CS5.
  16. For the above reasons, I conclude the development is not in an appropriate location having regard to CS policies CS5, CS13 and CS16 and SAMDev policy MD11.

### **Other Matters**

17. The development is outside but a short distance from Catherton Common Site of Special Scientific Interest (SSSI), which is also designated as a local wildlife site. The SSSI notification record indicates the common is an extensive area of wet and dry heathland that includes flora and dragonfly species of ecological interest. The development has no direct effect on the SSSI but it is likely to lead to additional visitors. However, the glamping use is low key and seasonal and so any extra recreational pressure on the SSSI is likely to be limited. There is no firm evidence before me that the scheme has negative effects on the ecological value of the SSSI and so it is acceptable in this regard.
18. The on-site pond is identified as containing great crested newts (GCNs), a European protected species. The development has no direct effect on the pond but includes a change of use of surrounding land. Subject to the implementation of measures set out in the appellant's Reasonable Avoidance Method Statement, the Council raises no concerns that the scheme would cause harm to GCN's. There is no reason for me to arrive at a different view on this matter and so I find the scheme is acceptable in this respect. The provision of bat and bird boxes as part of the development is a minor benefit to the ecological value of the site.
19. Shropshire Hills Area of Outstanding Natural Beauty lies some 1.3 km to the north west. Given the separation distance and intervening tree and vegetation cover, the development would have no meaningful effect on this area or its

setting. Furthermore, the main part of the site is set back from the road and largely screened from public views by trees and hedges. As such, the scheme causes no harm to the rural character and appearance of the locality. Acceptability in these regards is a neutral factor in my assessment.

20. The appellant refers to permitted development rights (PDRs) that allow the use of land as a camping site on a temporary basis. However, the appeal development's seasonal use is a markedly longer period than that allowed each year under PDRs. As such, the scheme is significantly different and more harmful than the fallback position provided by PDRs. Therefore, this factor attracts limited weight in my assessment.
21. The support for the proposal by local residents and businesses is noted. However, this fails to address the identified non-compliance with development plan policies and so attracts limited weight in my consideration.
22. The development would help meet demand for local holiday accommodation and promotes tourism, which is supported in general terms in the development plan and the Framework. The site generates maintenance, cleaning and other employment. Also, visitor spending supports local businesses although the benefits in these regards are likely to be curtailed due to the significant separation of the site from facilities. Nevertheless, these factors attract positive weight in my consideration.
23. The development lies in a tranquil rural environment and allows easy access to the surrounding countryside. Therefore, the accommodation promotes leisure and recreational activities with subsequent social and health benefits. These advantages attract positive weight in my assessment. However, I am unconvinced by the claim that such benefits rely upon the use of an isolated site away from settlements and facilities, particularly as significant parts of the surrounding rural area are just as tranquil and closer to villages.

### **Planning Balance and Conclusion**

24. The conflict with CS and SAMDev policies means the scheme is contrary to the development plan when read as a whole. Its benefits and other considerations are of insufficient weight to justify allowing the appeal contrary to the development plan policies. As such, I conclude the appeal should not succeed.

*Jonathan Edwards*

INSPECTOR

### **APPEARANCES**

FOR THE APPELLANT:

Chris Woodward	Appellant
Sian Griffiths BSc (Hons), DipTp, MScRealEst, MRTPI, MRICS	Planning agent
David Fellows LL.B (Hons)	Planning agent

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Sierakowski BSc(Econ)Hons, Consultant Planner – Development  
MSc, GDL, LLM, MRTPI, IHBC Management

Tim Rogers Team Manager – Development  
Management

INTERESTED PARTIES

Madge Shingleton

Nick Davis

Clare Todd

Amber Wykes

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## Appeal Decision

Site Visit made on 18 May 2021

**by Tamsin Law BSc MSc MRTPI**

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

**Decision date: 26 May 2021**

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**Appeal Ref: APP/L3245/W/21/3269487**

**1 Prestwich Close, Morville, BRIDGNORTH, WV16 4TH**

- 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 Christopher Preece against the decision of Shropshire Council.
  - The application Ref 20/03303/FUL, dated 16 August 2020, was refused by notice dated 18 November 2020.
  - The development proposed is the provision of paved/hardstanding area.
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### Decision

1. The appeal is allowed and planning permission is granted for the provision of paved/hardstanding area at 1 Prestwich Close, Morville, BRIDGNORTH, WV16 4TH in accordance with the terms of the application, Ref 20/03303/FUL, dated 16 August 2020, and the plans submitted with it, subject to the following conditions:
  - 1) Within two months of the date of this permission details of surface water drainage arrangements, including timetable for implementation and completion, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and timetable.

### Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this more accurately describes the development.
3. The paved/hardstanding area has been constructed and therefore I am considering this appeal retrospectively.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the Morville Conservation Area, a locally designated heritage asset.

### Reasons

#### *The Location*

5. The site is located in a predominantly residential area characterised by a modern red brick housing estate to one side and traditional converted red brick barns to the other. The site adjoins an area of green open space which provides a pleasant space between the modern and older buildings. An access track adjoins the site and lies between the development and the converted barns.

6. It is noted from the submission from the Council, appellant and third parties that this area of land was meant to be laid to grass, however the developers of the housing estate utilised this area of land as parking for a show home and this was then sold, without the landscaping being completed, to the appellant.

#### *Conservation Area*

7. The site lies immediately adjacent to the boundary of Morville Conservation Area (CA), which includes the traditional converted barns to the south-west of the site, a number of other traditional buildings scattered along the main road and Morville Hall with its associated buildings and grounds. The CA contains a large amount of open space, mostly surrounding Morville Hall. It derives its significance from the age and architectural interest of buildings and their apparent historic links with Morville Hall.
8. From my visit I was able to view the CA from the appeal site. The development has been completed with paving and is bound on two sides by planting and one side by a fence. Adjoining the site is an area of open space laid to grass with some tree planting. Whilst the appeal site has been developed to provide parking it still retains an open character which provides a buffer between the modern housing estate and the CA. The appeal site itself is largely screened from the CA by the converted barns and I noted that the barns closest to the appeal site have cars parked in their gardens. As such, on-site parking is not uncommon within the immediate area.
9. Whilst the development has altered this small area of land and can be viewed from the CA, the introduction of a paved parking area would not detract from its significance which is derived from the age and architecture of buildings and their links to Morville Hall. The development still provides a buffer between the housing estate and CA, and the introduction of a paved area and associated parked vehicles would not detract from this or the wider character and appearance of the area.
10. I conclude that the development would be consistent with the preservation of the character and appearance of the area and Morville Conservation Area and would comply with Core Strategy<sup>1</sup> policy CS17 and Development Plan<sup>2</sup> policies MD2, MD12 and MD13 which seek to protect and conserve the historic environment and ensure that development respects locally distinctive or valued character. I also find that the development complies with the relevant paragraphs of the Framework and National Design Guide which seek to preserve and enhance CA's and the character and appearance of an area.

#### **Other Considerations**

11. With regards to the effect of the development on living conditions, in particular effect on outlook and noise disturbance, the distance maintained between nearby properties, the intervening access track and established boundary treatments of the converted barns ensures that there will be no adverse effect with regards to living conditions on nearby occupiers.
12. From my site visit I noted the narrow nature of the road serving the development and its proximity to other accesses, however due to the nature of the development it is unlikely to generate large volumes of traffic. Whilst I

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<sup>1</sup> Shropshire Local Development Framework: Adopted Core Strategy March 2011

<sup>2</sup> Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 17 December 2015



appreciate this is a snapshot in time, on site I saw that the narrow nature of the road also meant that vehicles travelling along it do so at generally low speed. This combined with the nature of development does not lead me to consider that pedestrian or highway safety issues will arise from the development.

13. With regards to surface water run-off, on site I saw that the development slopes down towards the access track which adjoins the site. In their submission the Council, and third parties, have also raised the issue of surface water run-off with the Council suggesting a condition. It is considered that matters relating to surface water run-off can be dealt with via condition. I have taken into account third party comments both objecting to and in support of the development.

### **Conditions**

14. The appeal being allowed, I attach a condition, as suggested by the Council, which would secure site drainage. I consider this necessary in order to safeguard nearby accesses and properties from any run-off from the development.

### **Conclusion**

15. For the reasons set out above the appeal is allowed.

*Tamsin Law*

INSPECTOR

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