

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

Date: Monday, 8 August 2022

Committee: Northern Planning Committee

Date: Tuesday, 16 August 2022

Time: 2.00 pm

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

You are requested to attend the above meeting. The Agenda is attached
There will be some access to the meeting room for members of the press and public but this will be limited. If you wish to attend the meeting, please email democracy@shropshire.gov.uk to check that a seat will be available for you.

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

<https://shropshire.gov.uk/northernplanningcommittee16august2022/>

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link:
<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard - Assistant Director – Legal and Governance

Members of the Committee

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

Substitute Members of the Committee

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

Your Committee Officer is:

Emily Marshall / Shelley Davies Committee Officer

Tel: 01743 257717 / 01743 257718

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

AGENDA

1 Apologies for Absence

To receive apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 21st June 2022, attached, marked 2.

Contact: Emily Marshall on 01743 257717

3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5.00 p.m. on Wednesday 10th August 2022.

4 Disclosable Pecuniary Interests

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

5 Site Of Former Sports And Social Club And Bowling Green, Albert Road, Shrewsbury, Shropshire, SY1 4JB (20/05217/FUL) (Pages 7 - 54)

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

6 34 Bynner Street, Shrewsbury, Shropshire, SY3 7NZ (22/02574/FUL) (Pages 55 - 64)

Erection of a rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant

7 Land North Of Edstaston, Wem, Shropshire (22/01825/FUL) (Pages 65 - 90)

Change of use of field to horse paddock, formation of a new access, erection of stabling for horses and other associated external works

8 Blandings, Withington, Shrewsbury, Shropshire, SY4 4QA (22/02303/FUL) (Pages 91 - 104)

Erection of outbuilding, outdoor kitchen, new gated access and external landscaping works to include 2No pergola structures

9 Appeals and Appeal Decisions (Pages 105 - 134)

10 Exclusion of Public and Press

To consider a resolution under Section 100 (A) of the Local Government Act 1972 that the proceedings in relation to the following items shall not be conducted in public on the grounds that they involve the likely disclosure of exempt information as defined by the provisions of Schedule 12A of the Act.

11 Planning Enforcement Quarterly Report (Pages 135 - 148)

12 Date of the Next Meeting

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 13th September 2022 in the Shrewsbury Room, Shirehall, Shrewsbury.

This page is intentionally left blank



Committee and Date

Northern Planning Committee

16th August 2022

NORTHERN PLANNING COMMITTEE

Minutes of the meeting held on 21 June 2022

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

2.00 - 3.51 pm

Responsible Officer: Emily Marshall / Shelley Davies

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

Present

Councillor Paul Wynn (Chairman)

Councillors Joyce Barrow, Geoff Elner, Ted Clarke, Vince Hunt, Mark Jones (Vice Chairman), Mike Isherwood, Edward Towers and David Vasmer

13 Apologies for Absence

Apologies for absence were received from Councillors Garry Burchett and Alex Wagner.

14 Minutes

RESOLVED:

That the Minutes of the meeting of the North Planning Committee held on 24th May 2022 be approved as a correct record and signed by the Chairman.

15 Public Question Time

There were no public questions or petitions received.

16 Disclosable Pecuniary Interests

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

17 Station Yard, Pipe Gate, Market Drayton, Shropshire (22/01789/OUT)

The Technical Specialist Planning Officer introduced the outline application for phase 2 residential scheme for the development of up to ten housing plots for self-build/custom housing (resubmission of application reference 21/05785/OUT). The Technical Specialist Planning Officer informed the Committee that there was an error in the report, which referred to a delegated decision, but confirmed that this was in fact a Committee decision and not delegated to officers.

The Council's Solicitor read out a statement from Woore Parish Council, against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Council's Solicitor read out a statement from Mr Gez Willard, Agent on behalf of the applicant, in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Technical Specialist Planning Officer reported late representations that had been received from Councillor Roy Aldcroft, local member, who supported the statement made by Woore Parish Council.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposal.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1 and a Section 106 obligation to secure the affordable housing provision and long term, ownership, maintenance and perpetuity of the open space.

18 Proposed Residential Development Land North East Of Grove Lane, Bayston Hill, Shrewsbury, Shropshire (22/01619/FUL)

The Principal Planning Officer introduced the application for the erection of 2No. detached dwellings and associated garages, formation of vehicular and pedestrian access (revised scheme) and confirmed that the Committee had undertaken a site visit that morning to assess the impact of the proposed development on neighbouring properties and the surrounding area. Members' attention was drawn to the information contained within the Schedule of Additional letters.

Mr Bryan Bishop, on behalf of local residents spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Mark Underwood, on behalf of Bayston Hill Parish Council spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Ted Clarke, as local ward councillor, made a statement and then moved to the back of the room, took no part in the debate and did not vote on this item.

Amy Henson, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Vince Hunt left the meeting at this point.

During the ensuing debate, members of the committee commented on how useful the site visit had been, noting that the site was surrounded by a mixture of dwelling types and the layout and scale of the development would not adversely impact the amenity of surrounding properties, limited impact in terms of overlooking and the retention of a mature hedgerow were also noted. Access for emergency vehicles would also be improved by the development. Members were pleased to note that a construction management plan would be conditioned to control working times on site and requested that an informative be added to ensure the highway was kept clear of mud.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the proposals.

RESOLVED:

That planning permission be granted subject to the conditions as set out in Appendix 1 to include an informative regarding mud on the highway and an additional condition regarding working times on site.

19 Roundabout Junction A41 and A525, Whitchurch, Shropshire (22/01663/ADV)

The Technical Specialist Planning Officer introduced the application for the erection and display of four sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposals.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1.

20 Roundabout Junction A41 And A49, Prees Heath, Whitchurch,(22/01665/ADV)

The Technical Specialist Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted, subject to the conditions set out in Appendix 1.

21 Roundabout Junction A53 and A442, Hodnet, Shropshire (22/01667/ADV)

The Technical Specialist Planning Officer introduced the application for the erection and display of four sponsorship signs placed on the roundabout.

Having considered the submitted plans the majority of members expressed their support for the proposal.

RESOLVED:

That planning permission be granted subject to the conditions set out in Appendix 1.

**22 Roundabout Junction B4579 and College Road, Oswestry, Shropshire
22/01669/ADV**

The Technical Specialist Planning Officer introduced the application erection and display of four sponsorship signs placed on the roundabout

During the ensuing debate, members expressed concern at the significant amount of signage already on the roundabout, which was an important gateway into the town of Oswestry.

RESOLVED:

That planning permission be refused, contrary to the officer's recommendation for the following reason:

The adverse visual impact of the cumulative effect of this signage and others already on the roundabout which is a gateway into Oswestry.

23 Roundabout Junction A41 and A53, Tern Hill, Shropshire (22/01686/ADV)

The Technical Specialist Planning Officer introduced the application for the erection and display of four sponsorship signs placed on the roundabout.

The Council's Solicitor read a statement from Councillor Rob Gittins, local ward councillor in accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1).

During the ensuing debate, members noted the comments of the local ward council and expressed concern at the adverse impact on highway safety at a small and busy roundabout.

RESOLVED:

That planning permission be refused, contrary to the officer's recommendation for the following reason:

Unacceptable adverse impact on highway safety at a small and busy roundabout.

**24 Roundabout Junction Chester Road and Bargates, Whitchurch, Shropshire
(22/01700/ADV)**

The Technical Specialist Planning Officer introduced the application for the erection and display of three sponsorship signs placed on the roundabout.

Members attention was drawn to the schedule of additional letters, which contained a statement from Councillor Biggins, the local ward councillor.

During the ensuing debate, members noted the comments of the local ward council and considered the proposal to be unacceptable due to the adverse visual impact on the landscaping and setting of the roundabout.

RESOLVED:

That planning permission be refused, contrary to the officer’s recommendation for the following reason:

Unacceptable adverse visual impact on the landscaping and setting of the roundabout.

25 Proposed Essential Workers Dwelling North Of Merrington Bomere Heath Shropshire (21/05888/FUL)

RESOLVED:

That determination of the application be deferred.

26 Land to the rear of Scout Hut Adj. To Rad Valley Gardens Shrewsbury Shropshire (22/02030/FUL)

The Principal Planning Officer introduced the application for the erection of a telecoms shelter with fencing.

Having considered the submitted plans members expressed their support for the proposal.

RESOLVED:

That planning permission be granted Permission subject to the conditions set out in Appendix 1.

27 Appeals and Appeal Decisions

RESOLVED:

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

28 Date of the Next Meeting

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday 19th July 2022, in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

This page is intentionally left blank



Committee and Date
 Northern Planning Committee
 16th August 2022

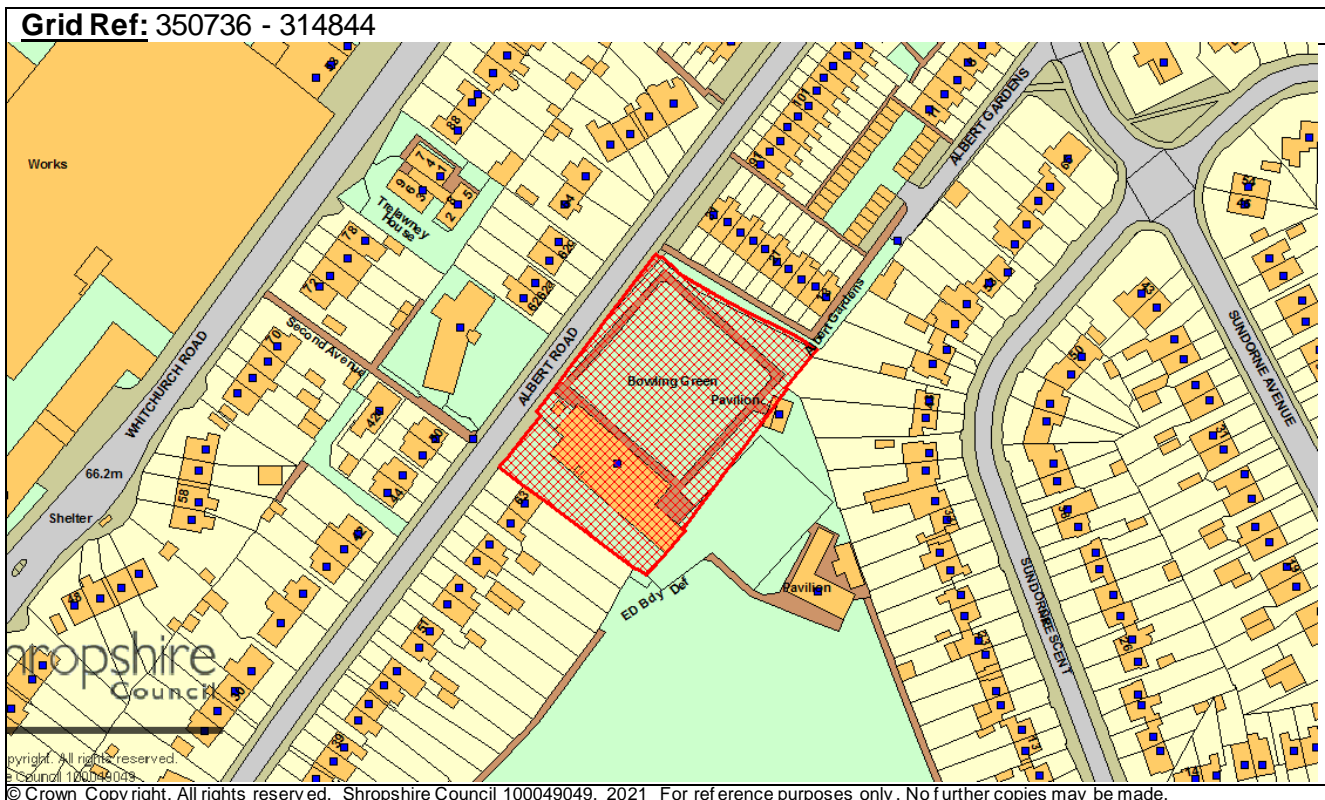
Item
5
 Public

Development Management Report

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

Summary of Application

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



Recommendation: Grant Permission subject to the conditions as set out in appendix A and delegate to the Assistant Director of Economy and Place to review and finalise the following revised developer contributions (heads of terms) to be secured by S106 and make any amendments to the recommended conditions as considered necessary following consultation with Sports England:

S106 Heads of terms:

- Open Space Contribution of £60,139.00 to be paid prior to occupation of the last dwelling.
- 1 affordable dwelling and an affordable housing contribution of £12,668.40 in respect of the balance of 0.2 to be paid prior to the occupation of the last dwelling.
- A clause that the Open Space contribution and the 0.2 Affordable Housing Contribution would not become due if all of the dwellings were provided as affordable.
- Prior to commencement of any material operation (as defined by Section 56(4) of the Town and Country planning Act 1990 but excluding the demolition which has already taken place on site) a payment of £3,000 shall be paid to Shropshire Council to facilitate the relocation of the Albert Green bowling club to Greenfields Bowling Club for the 2022 bowling season.
- Shropshire Council shall transfer the £3,000 to Albert Green Bowling Club on receipt and shall not use for anything else.
- Prior to commencement of any material operation (as defined by Section 56(4) of the Town and Country planning Act 1990 but excluding the demolition which has already taken place on site) a payment of £82,440 to be paid to Shropshire Council to pay for the programme of improvements to the redundant bowling green at Greenfields Bowling Club indicated in the Bromford Bowling Green Assessment 2022 by Alan Lewis.
- That Shropshire Council will not use the £82,440 for anything else other than phased payment to Albert Green Bowling Club or a party nominated by them to be used for the refurbishment of the redundant bowling green at Greenfields in accordance with a funding agreement and the specification indicated in the Bromford Bowling Green Assessment 2022 by Alan Lewis, or if it does not become possible to refurb the redundant bowling green at Greenfields for whatever reason then for the provision or refurbishment of bowling facilities within the urban development boundary of Shrewsbury.
- That a sum of £650 shall be paid to Shropshire Council to pay the legal fees for the preparation of a funding agreement and a sum of £1050 plus VAT to cover the costs of monitoring the agreement and the works being undertaken in accordance with the Alan Lewis specification.

REPORT

1.0 PURPOSE OF THIS REPORT/REASON FOR COMMITTEE CONSIDERATION

- 1.1 This application was previously considered by the Northern Planning Committee at its meeting on 28th September 2021 and the report to that committee is attached at appendix B. Members resolved:

That planning permission be granted, in accordance with the Officer's recommendation subject to the conditions as set out in Appendix 1 of the report and authority delegated to the Head of Service to make any amendments to these conditions as considered necessary as well as to review and finalise the developer contributions (heads of terms as set out in the report) to be secured by S106 following further consultation and discussion between Shropshire Council Leisure Services, Sports England and the applicant, agent and landowner.

- 1.2 Since the committee meeting last year negotiations have been ongoing and due to the site at the sports village no longer being available an alternative site for the provision of a replacement bowling green has been sought and secured at Greenfields bowling club. Due to this alternative site for a replacement bowling green being materially different to what was originally considered by members it is necessary for these amendments to the heads of terms to be re-considered by committee.

2.0 REVISED HEADS OF TERMS

- 2.1 The heads of terms that are materially different to those that were previously considered by members relate to the replacement bowling green being provided in a different location. Paragraph 99 of the NPPF states the following with regards to development affecting open space and sports and recreation facilities:

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

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

A bowling green is not a playing field and therefore Sports England are not a statutory consultee with regards to this aspect of the proposal. However, consideration of paragraph 99 remains relevant as development of this site would result in the loss of land used for sport and recreation.

- 2.2 The replacement bowling green was originally to be provided at Sundorne Sports Village which is managed on behalf of Shropshire Council by Shropshire Community Leisure Trust. In negotiations with the Trust, following the committee decision, the Trust advised that the provision of a bowling green at the Sports

Village should not be considered on a piece meal approach, but that it should be considered once the master plan for the Sports Village has been decided. Due to the length of time that decisions regarding the masterplan for the sports village would take this would significantly delay reaching agreement on the exact wording of the S106 and therefore delay the issuing of the decision notice.

- 2.3 Bromford are keen to develop this site which will be subject to Homes England funding to provide 12 affordable dwellings and 14 much needed affordable tenure supported living flats with Community Hub (C2 use) referred to as the 'My Place' scheme. Shropshire Adult Social care fully support the proposed 'My Place' scheme as there is a shortage of supported living accommodation in Shrewsbury and this results in out of county placements at a high cost to the Council. If the decision isn't issued soon the Homes England funding will be lost, the development will not proceed, and Albert Green Bowling Club will have nowhere to play as no replacement will be secured for the bowling green at Albert Road that has already closed and is no longer available for play.
- 2.4 It is accepted that the original replacement bowling green was a new green and what is now proposed is refurbishment of an existing green at Greenfields. However, this bowling green is not often used by Greenfields bowling club or any other bowling club and is therefore redundant and surplus to requirements. It also needs significant works and upgrading to bring it up to the required standard for play as outlined in a Bowling Green Assessment recently undertaken by Alan Lewis.
- 2.5 The bowling green at Albert Road is no longer available for play and the revised heads of terms for the S106 negotiated with the applicant will ensure that the recommendations outlined in the Alan Lewis report are carried out and fully funded by the developer. The revised heads of terms also ensures that the works are fully monitored and that the cost of monitoring the works and the provision of the funding agreement are also paid for by the developer. The developer has also agreed that they will pay £3000 to Albert Green bowling club to cover the costs of playing at Greenfields for the 2022 season.
- 2.6 Condition 5 included within the recommended conditions at appendix A of this report will ensure that a maintenance and management plan for the refurbished bowling green at Greenfields Bowling Club is submitted to include a maintenance schedule and management responsibilities and the legal and financial means of how future repairs and maintenance will be secured.
- 2.7 If the revised heads of terms are secured by a S106 it is considered that the proposal accords with paragraph 99 of the NPPF as the loss of the existing bowling green as a result of development of this site would be replaced by an improved provision in a suitable location that has been agreed with Albert Road bowling club.

3 Other Matters

- 3.1 In addition to the loss of the bowling green the development has the potential to affect the use of the adjacent cricket ground which meets the NPPF definition of a playing field and therefore Sports England are a statutory consultee.

- 3.2 Sports England's latest formal consultation comments referred to ball stop fencing (to protect the proposed dwellings from ball strike) and recommended a planning condition (condition 10 within appendix A of the original report to committee). In addition, the heads of terms also included that a commuted sum should be payable to the Cricket Club to pay for the future maintenance of the ball stop fencing. This requirement has now been removed from the heads of terms for the S106 and incorporated into the revised condition 10 which is now condition 8 within the recommended conditions at appendix A of this report. This condition in addition to requiring details of the ball stop fencing also requires details of the financial means of how future repairs and maintenance will be secured to be submitted to and approved by the LPA.
- 3.3 The condition regarding maintaining vehicular access to the cricket ground carpark at all times remains unchanged and is now condition 6 within the recommended conditions at appendix A of this report.
- 3.4 Sports England have been consulted on the revised wording of condition 10 (now condition 8) but their response has not yet been received. This condition may be subject to further revision following receipt of Sports England response and further consultation on this matter.
- 3.5 It is considered that subject to agreement with Sports England on the exact wording of the planning conditions relating to the cricket ground the proposal would not prejudice the use, or lead to the loss of use, of land being used as a playing field.

4 **CONCLUSION**

- 4.1 Subject to the revised heads of terms to be secured by a S106 and the recommended conditions in appendix A it is considered that the proposal accords with paragraph 99 of the NPPF as the development would not prejudice the use, or lead to the loss of use, of land being used as a playing field (the cricket ground), and the loss of the existing bowling green would be compensated for by an improved replacement provision in a suitable location.
- 4.2 Delegated authority to officers is therefore sought to make any amendments to the conditions in appendix A and to agree the final wording of the S106.
- 4.3 All other matters remain unchanged from when the application was first considered by the Northern Planning Committee at its meeting on 28th September 2021.
- 5.0 Risk Assessment and Opportunities Appraisal
- 5.1 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.

5.2 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.

5.3 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.

6.0 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.

7. Background

Relevant Planning Policies

Central Government Guidance: NPPF

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

11. Additional Information

List of Background Papers

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

Cabinet Member (Portfolio Holder): Councillor Ed Potter

Local Member: Cllr Dean Carroll

Appendices

APPENDIX A – Recommended Conditions

APPENDIX B – Report to Northern Planning Committee 28 September 2021 (Item 6)

APPENDIX A: Recommended Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

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

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

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

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

4. No above ground works shall commence until a hard and soft landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);

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

c) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);

d) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

e) Native species used are to be of local provenance (Shropshire or surrounding counties);

f) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs. Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

5. Prior to the first occupation of the development a maintenance and management plan for the refurbished bowling green at Greenfields Bowling Club to include a maintenance schedule and management responsibilities and the legal and financial means of how future repairs and maintenance for a 10 year period following the refurbishment being carried out in accordance with the specification indicated in the Bromford Bowling Green Assessment 2022 by Alan Lewis, shall be submitted to and agreed in writing with the local planning authority. The maintenance and management of the refurbished bowling green must be implemented in accordance with the approved maintenance and management plan for the first 10 years following the refurbishment being carried out.

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

new access via the new estate road indicated on the approved plans has been provided and made available for use.

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

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

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

8. Prior to commencement of works other than demolition full details of the design and specification of ball stop mitigation (ball strike fencing), including details of management and maintenance responsibilities, and the legal and financial means of how future repairs and maintenance will be secured, have a) been submitted to and b) approved in writing by the Local Planning Authority following consultation with Sport England. The approved ball stop mitigation shall be installed in full before any part of the development is first occupied and thereafter be managed and maintained in accordance with the approved details.

Reason: To protect the proposed development from ball strike.

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

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

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

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

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

c) All services will be routed outside the Root Protection Areas indicated on the approved landscape plan or, where this is not possible, a detailed method statement and task specific

tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

11. Prior to first occupation of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in suitable locations, with a clear flight path where appropriate, and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

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

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

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

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

APPENDIX B – Report to Northern Planning Committee 28 September 2021 (Item6)



Committee and Date
Northern Planning Committee
28th September 2021

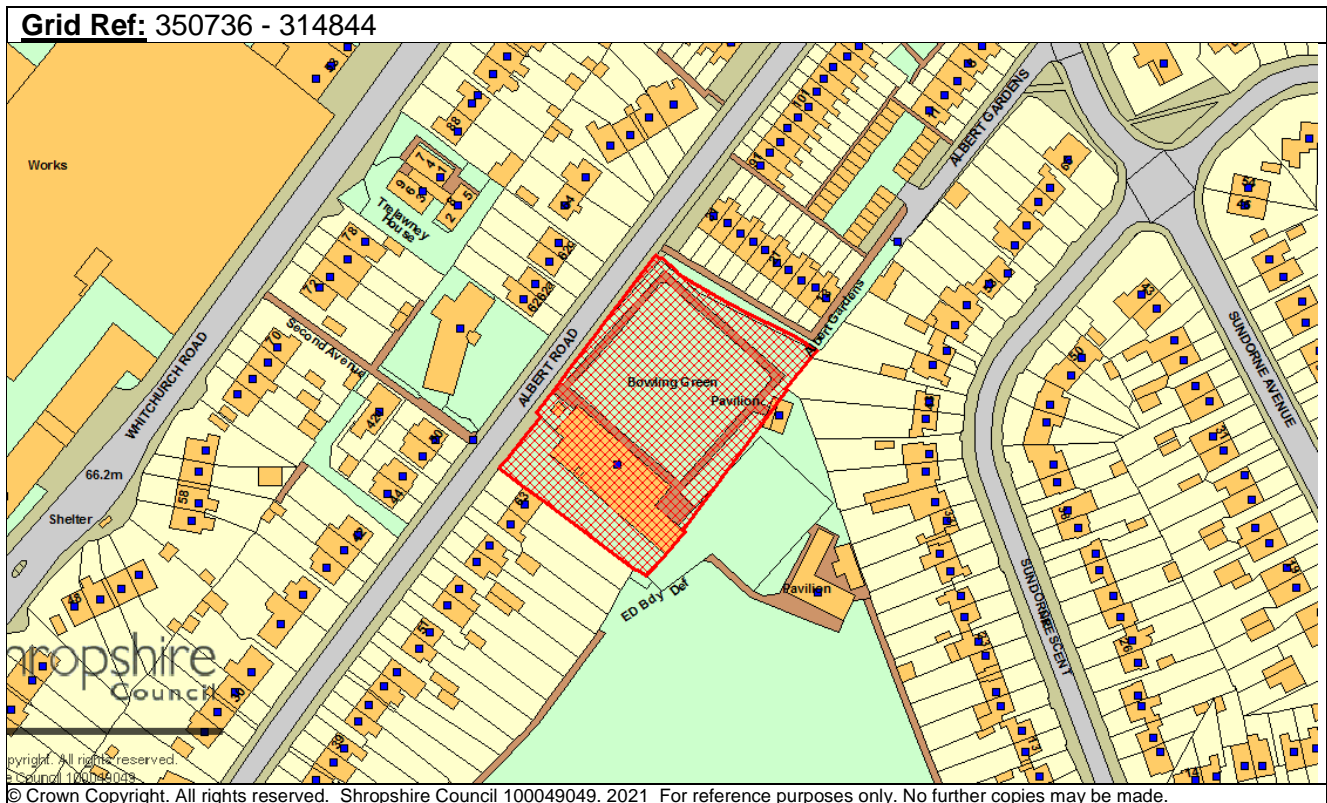
Item
6
Public

Development Management Report

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

Summary of Application

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



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

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

S106 Heads of terms

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

REPORT

1.0 THE PROPOSAL

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

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

2.0 **SITE LOCATION/DESCRIPTION**

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

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

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

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

4.0 **Community Representations**

4.1 **- Consultee Comments**

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

(Response to proposal as first submitted):

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

Parking

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

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

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

Vehicle speeds - Albert Road

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Initial comments (11.02.21)

Sport England – Statutory Role and Policy

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

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

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

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

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

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

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

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

The Proposal and Impact on Playing Field

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

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

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

Assessment against Sport England Policy

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

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

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

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

Assessment of Impact on Playing Fields

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

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

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

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

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

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

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

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

Conclusions and Recommendation

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

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

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

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

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

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

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

Landscaping

The landscaping plan should include some native species planting.

The Preliminary Ecological Appraisal states the following:

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

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

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

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

Bats

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

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

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

No bat roosts were observed in the building.

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

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

Birds

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

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

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

Other species

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

Hedgehog and invertebrate boxes are recommended as an enhancement.

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

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

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

Bats

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

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

Nesting Wild Birds

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

Badgers

There was no evidence of badgers on the site.

Great Crested Newts

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

Reptiles

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

Designated sites

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

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

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

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

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

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

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

Additional tree planting in POS (not small front gardens)

A 2 year watering schedule to ensure survival of the trees

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

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

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

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

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

Particular concern is given to any plots which are on private drives that the vehicles would not access. Bin collection points would need to be identified and residents advised when they move in/purchase.

Residents would also need to be made aware that they would be collection points only and not storage points where bins are left permanently.

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

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

4.2 - Public Comments

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I also request that this application goes to committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We note the land registry covenant accompanying this site states:

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

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

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

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

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

Loss of greenspace and bowling green.

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

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

The former sports and social club building is an eyesore.

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

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

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

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

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

Insufficient parking allocated per household and visitors

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

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

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

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

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

The existing road network will not be able to cope

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

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

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

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

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

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

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

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

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

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

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

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

The majority of people do not want more housing.

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

The development is too close to established housing.

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

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

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

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

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

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

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

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

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

5.0 THE MAIN ISSUES

Principle of development

Open space provision

Loss of bowling green and impact on the cricket club

Highways/Access/Parking

Ecology, trees and landscaping

Scale, design and appearance

Impact on residential amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

6.2 Open space provision

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

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

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

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

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

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

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

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

- 6.2.4 It is considered that both the shared amenity space for the My Place scheme and the private gardens for the proposed dwellings provide more than adequate open space provision for future residents who will also have reasonable access to existing recreational facilities and wider open space in the neighbourhood within 800metres of the site. Where no public open space provision is being provided on site an off-site contribution is usually required. An off-site open space contribution of £60,139.00 has been calculated and agreed for this site.
- 6.2.5 The applicant is offering all of the 12 dwellings to be affordable and has confirmed that a financial open space contribution in addition to the provision of 100% affordable housing and the cost of providing a replacement bowling green and future maintenance would make the scheme unviable. Due to the site being in an area requiring only 10% affordable housing (equating to only one affordable house) it is considered that eleven additional affordable homes instead of an off-site contribution towards open space provision is a significant benefit.
- 6.2.6 It is therefore recommended that a clause is included in the S106 agreement that the open space financial contribution in lieu of on-site open space would not become due if all the houses are provided as affordable dwellings. The S106 would therefore allow for either an open market proposal to include only one affordable dwelling and an off-site financial open space contribution, or a 100% affordable housing scheme where a financial contribution would not be viable.

6.3 **Loss of bowling green and impact on the cricket club**

- 6.3.1 Part of the site is currently occupied by a bowling green and the former Reman sports and social club building and the access drive to the Sentinel cricket club car park and cricket ground. Development of the site would therefore result in the loss of the bowling green and could also impact on the use of the adjacent cricket ground. Sports England have therefore been consulted as a statutory consultee as the proposal has the potential to prejudice the use, or lead to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years
- 6.3.2 In their statutory consultation response in January and June of this year Sports England have provided comments in relation to the proposed replacement bowling green and the impact of the proposal on the cricket club. SC Leisure Services, the Cricket Club and Shropshire Playing Fields have also commented on this application and their comments along with all other consultee and public comments are included in section 4 of this report.
- 6.3.3 Sports England have advised in their first consultation response that they will

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

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

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

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

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

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

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

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

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

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

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

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

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

6.4 Highways/Access/Parking

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

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

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

6.5 **Ecology, trees and landscaping**

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

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

6.6 Scale, design and appearance

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

NDSS

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

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

PROPOSED

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

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

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

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

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

6.7 **Impact on residential amenity**

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

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

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

7.0 **CONCLUSION**

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

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

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

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

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

representations, hearing or inquiry.

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance: NPPF

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

11. Additional Information

List of Background Papers

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

Cabinet Member (Portfolio Holder): Councillor Ed Potter

Local Member: Cllr Dean Carroll

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To protect the proposed development from ball strike.

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

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

12. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to

be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of first occupation of the development.

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

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

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

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

13. Prior to first occupation of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be sited in suitable locations, with a clear flight path where appropriate, and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

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

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

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

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

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

This page is intentionally left blank



Committee and date
 Northern Planning Committee
 16th August 2022

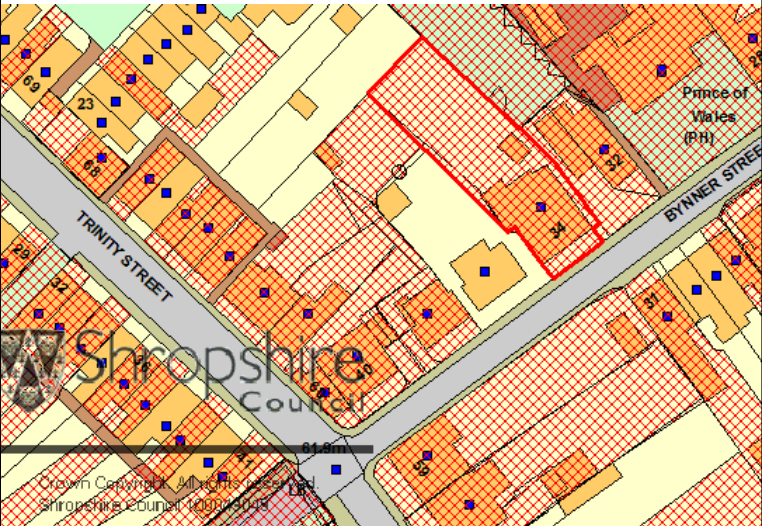
Development Management Report


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

Summary of Application

Application Number: 22/02574/FUL	Parish:	Shrewsbury Town Council
Proposal: Erection of a rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant		
Site Address: 34 Bynner Street Shrewsbury Shropshire SY3 7NZ		
Applicant: Mrs Rachael Vasmer		
Case Officer: Didi Kizito	email: didi.kizito@shropshire.gov.uk	

Grid Ref: 349783 - 311759



 The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2022 For reference purposes only. No further copies may be made.

Recommendation: - Approval subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 34 Bynner Street is a detached property dating to the 19th century within the Belle Vue conservation area, and subject to an article 4 direction removing permitted development rights for works pertaining to its frontage. The property benefits from a large rear garden.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This applicant is in related to a Shropshire Council councillor and therefore this application should be determined by committee.

4.0 Community Representations

Consultee Comment

- 4.1 Shrewsbury Town Council:
The Town Council raise no objections to this application.
- 4.2 SC Conservation:

In considering this planning application, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, and the revised National Planning Policy Framework (NPPF). Special regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also required in terms of the extent to which this proposal would preserve or enhance the character or appearance of the Conservation Area.

The proposed works relate to the extension and rationalisation of the various rear elements to create a more contemporary appearance, where the proposal does not include any works to the frontage of the property, which is subject to an article 4 direction removing permitted development rights in respect of works to the frontage including windows, doors, walls etc.

The main changes to the rear elements relate to the addition of a first floor extension to the south western boundary, along with a rationalisation and extension at ground floor level wrapping around the rear with a shallow pitched metal roof. These two elements are the most visible within the conservation area, albeit will be incidental views to the rear through the gaps viewed from the street and not prominent additions. The two storey element projects out beyond the building line to the south west side, though this is already the case at ground floor level. Given it will be set back from the primary building envelope and will be well below the height of the main ridge, it is not considered that this would be unduly prominent or create a 'terracing' effect.

As such, and subject to details of materials and roof details, it is not considered that the proposed development would be detrimental to the character and appearance of the conservation area, and no objections are raised where taking account of the above policies and legislation.

Conditions: CC01

Roof details:

Before the relevant parts of the work are commenced, details of roofing materials and of ridge and eaves construction shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

- 4.3 SC Archaeology:
We have no comments to make on this application with respect to archaeological matters.

Public Comments

- 4.4 No comments have been received at the time of writing this report.

5.0 THE MAIN ISSUES

- Principle of development
- Scale, design and impact on conservation area
- Residential amenity

6.0 OFFICER APPRAISAL

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

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

- 6.1.2 Shropshire Core Strategy policy CS6 requires all development to protect, restore, conserve and enhance the natural, built and historic environment and to be appropriate in scale, density, pattern and design taking into account the local context and character, and those features that contribute to local character. Policy CS17 which deals with environmental networks and is concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment.
- 6.1.3 Policy MD2: Sustainable design of the adopted Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.1.4 SAMDev Plan Policy MD13 deals with the historic environment. This requires that all of the County's historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset.
- 6.2 Scale, design and impact on conservation area
 - 6.2.1 The property is on a prime location and highly visible from the highway. With none of the works proposed to the principle elevation of the dwelling, the extensions will be limited to the rear of the dwelling albeit there will be incidental views of the extensions through the gaps viewed from the street. In addition to erection of extensions, the scheme proposes internal remodelling that would facilitate the creation of wheelchair friendly accesses around the property.
 - 6.2.2 The comments made and conditions recommended by Shropshire Council's Conservation team are accepted. The careful use of materials will complement the dwelling within its surroundings, where enhancement to the dwelling, a non-designated heritage asset will be achieved through the works being sympathetic to the historic and architectural importance of the building. It is considered the scheme would preserve and enhance the character of this part of the Conservation Area. The development is therefore considered to accord with Shropshire Council policies CS6, CS17, MD2 and MD13. Regard has been given to the preservation and enhancement of the character and appearance of the Conservation area as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 6.3 Residential amenity
 - 6.3.1 SAMDev Policy MD02 and Core Strategy Policy CS06 encourage development that is thoughtfully designed, for the benefit of both the site to which it would be built and its wider surroundings. In designing development, consideration should be given to

the impacts of that proposal upon neighbours and/or the local area more generally (including any specific benefit arising from that scheme).

- 6.3.2 The proposal is within close proximity to neighbouring dwellings; however, the scheme has been designed sympathetically in that it would not have a detrimental impact on neighbouring residents whilst also maximising the usability of the dwelling for wheelchair access. The development would not lead to any significant loss of privacy over and above the existing situation, nor would it lead to any significant degree of overbearance in relation to neighbouring occupiers. No letters of representation have been received at the time of writing this report.

7.0 CONCLUSION

Based on the information submitted against the above considerations, the proposal is considered to be acceptable and accords with the principal determining criteria of the relevant development plan policies. Approval is therefore recommended subject to conditions as outlined in the appendix attached to this report.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

22/02574/FUL Erection of a rear extension and remodelling of existing detached house, to provide fully an accessible house for a disabled applicant PCO
SA/02/0611/F Erection of a single storey rear & side extension PERCON 27th June 2002

11. Additional Information

[View details online:](#)

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

Cabinet Member (Portfolio Holder) Councillor Ed Potter

Local Member Cllr Kate Halliday

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

3. Before the relevant parts of the work are commenced, details of roofing materials and of ridge and eaves construction shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure satisfactory preservation of the Heritage Asset.

4. Prior to the above ground works commencing samples of 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 works harmonise with the existing development and to preserve the character and appearance of the dwelling within the Conservation Area.

This page is intentionally left blank



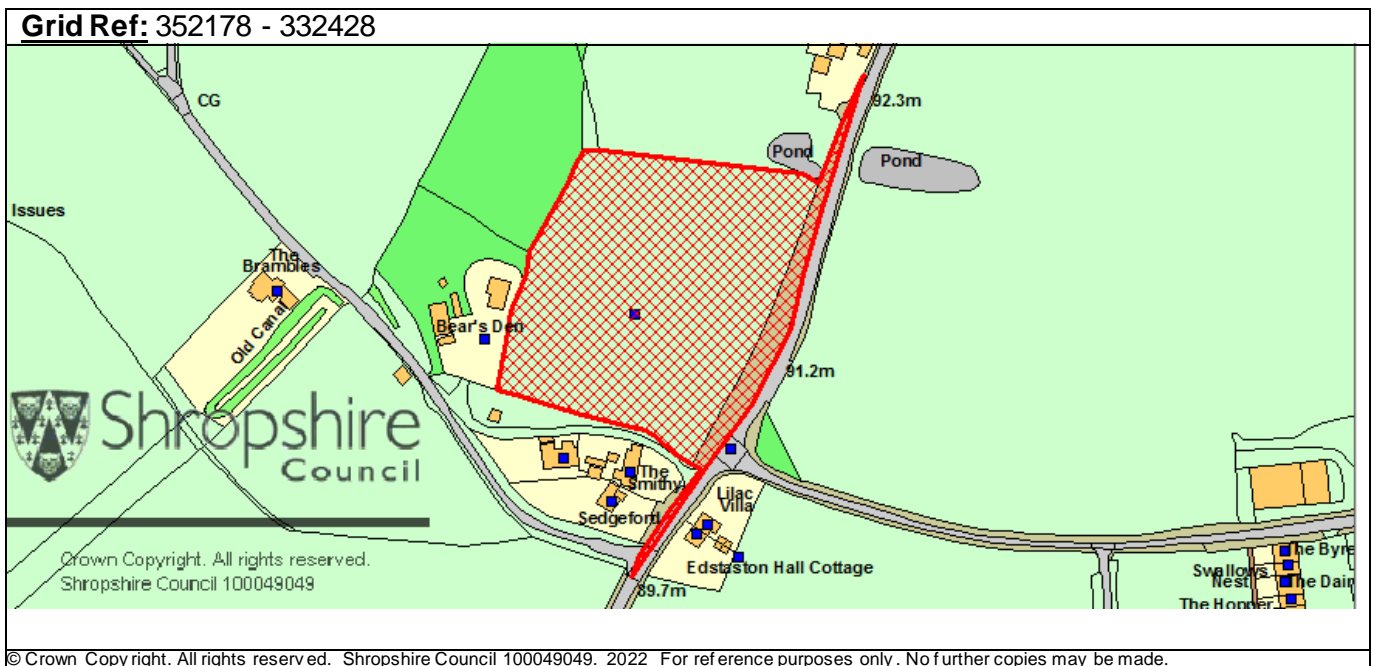
Committee and Date
 Northern Planning Committee
 16th August 2022

Development Management Report

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

Summary of Application

Application Number: 22/01825/FUL	Parish:	Wem Rural
Proposal: Change of use of field to horse paddock, formation of a new access, erection of stabling for horses and other associated external works		
Site Address: Land North Of Edstaston Wem Shropshire		
Applicant: Mr D Rogerson		
Case Officer: Jane Preece	email	: jane.preece@shropshire.gov.uk



Recommendation:- That planning permission be granted, subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks consent for the: 'Change of use of a field to horse paddock, formation of a new access, erection of stabling for horses and other associated external works'
- 1.2 The field proposed for change of use is stated as 1.16 hectares (2.87 acres) in area and is roughly square in shape. The proposal is to change the whole field into a horse paddock and for the paddock to be served by a new vehicle access, access track and stabling. The proposed access track is located centrally within the field and leads across it to a reinforced grass turning head and two stable buildings and associated yard. A reinforced grass passing place will also be provided adjacent the new access entrance. The new access apron is intended to be tarmac to the Council's highway standard. The access track is intended to be of hardcore.
- 1.3 Each of the two stable buildings will be of the same size and design; being single storey and 'L' shaped in plan form. The buildings will have pitched roofs, approximately 4.5 m high at the ridge. Each stable building will accommodate three stables (12ft x 14 ft) together with a hay store (24ft x 14 ft) and tack room. The external finishing materials of the buildings are noted as 'To be agreed' and the submitted application forms, although the intention for the buildings to be of brick and tile construction is specified in the submitted Design and Access statement.
- 1.4 A separate composting toilet will also be provided, located behind the proposed stables and contained within a small 'privy' building 2m x 1.5 m in footprint.
- 1.5 Clean water such as surface water from roof run-off is proposed to be disposed of to a sustainable drainage system and soakaways.
- 1.6 Otherwise, no details of how dirty water from cleaning, such as washing down the stable buildings, is provided.
- 1.7 The land the subject of the application was purchased last year and is owned by a sister and brother, both of whom have their own families (with 5 children age between 9-22 in the one household and 4 children in the second age between 10-25). The children all ride, doing dressage and horse jumping and participate in shows throughout Staffordshire, Shropshire, Chester, Wirral, Merseyside, Hereford and Wales along with Europe. The proposed development is for the private use of the two families and not a commercial enterprise. It will provide a facility for 6 horses to be stabled, 3 for each family with tack and hay storage. Whilst neither family live in the immediate vicinity of the site, the location is indicated to be a 10 minute drive or 30 minute cycle from one of the families

home, which is in the parish of Wester Under Redcastle. The other family is understood to live out of the county in Chester.

- 1.8 For the last six years both families have rented stables and land across north Shropshire and elsewhere when available. According to the agent finding and retaining land to keep horses is difficult and travel to most sites is inevitable. Currently the horses are kept on rented land at Shirleywich, Stafford, which is one hour travelling time from the applicant's property. Now with their own land this will stop the uncertainty for the families and offer the potential to reduce access time. The applicant also rents storage areas at Rosehill, Stoke upon Tern, for two horse box wagons and two towable horseboxes and it is stated that these will remain off site.
- 1.9 The families will exercise the horses either on their land or on the local road network and travel to equestrian centres to show/perform/event – a potential list of equestrian centres is provided that includes centres in Cheshire, Tarporley, Penkridge, Rugby and Bangor on Dee.
- 1.10 No pre-application advice has been sought in relation to the proposal. The submission follows on from the refusal of an earlier application, reference 21/05768/FUL. The agent has referred to the previous refusal to inform this current application, which is a revised scheme.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The site occupies a countryside location within the parish of Wem Rural. It was recently offered for sale by public auction in July 2021, when it was described as highly productive, level pasture land. As mentioned above, the field is 1.16 hectares in area (just under 3 acres) and is generally square in shape and bounded by field hedgerows. It is further bounded by B5476 to the east and a wooded belt to the west. Some rural residential properties lie to the south, south east, south west and north east.
- 2.2 The site is currently accessed via a field access gate from a driveway along part of the southern boundary. The driveway connects to the B4756 public highway to the east. The driveway does not form part of the application site.
- 2.3 The agricultural land classification of the field is Grade 3, now confirmed as likely to be grade 3b.
- 2.4 The site lies within a Minerals Safeguarding Area.
- 2.5 The land is served by a mains water supply and an overhead line crosses the site.
- 2.6 There is a section of land to the application frontage, between the road side boundary hedge of the field and the highway, which is freehold land owned by Shropshire Council.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The parish council has submitted a view contrary to officers and the Chair and Vice Chair of the Northern Planning Committee and the Local Members in consultation with the Principal Planning Officer agree that the parish council has raised material planning considerations that warrant referral of the application to the Northern Planning Committee for determination.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **SUDS** – Informative notes regarding sustainable drainage scheme for disposal of surface water from development.

4.1.2 **SC Ecology** – Standing advice applies.

Recommendation: Conditions and informatives recommended to ensure protection of wildlife and provide ecological enhancements under NPPF, MD12 and CS17.

Preliminary Ecological Appraisal (by Arborist and Ecological Services 16.11.21) found no evidence or suitable habitat for protected or notable species. No further surveys were recommended.

Any external lighting installed should be kept low level to allow wildlife to continue to forage and commute around surrounding area.

SC Ecology require biodiversity net gains at site in accord with NPPF and CS17. Installation of bat box/integrated bat tube and bird boxes will enhance site for wildlife by providing additional roosting and nesting habitats.

Recommend following conditions and informatives are included on decision notice:

Conditions:

- Bat and bird boxes
- Lighting plan

Informatives:

- Nesting birds
- Landscaping

4.1.3 **SC Highways** – Conditional acceptance.

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

Conditions:

- Access, Drive/Track, Visibility Splays
- Parking Loading, Unloading and Turning
- Point of Access
- Access Apron
- Gates

Observations/Comments:

Application is resubmission of earlier proposal reference 21/05768/FUL refused on planning policy grounds.

Use of site and stabling facilities has been stated as private use for 2 family members who currently have to rent grazing land nearby. Proposed scheme has been amended and reduced to provide 2 blocks of stables, each having a hay and storage provision.

Proposed access junction has not been amended from earlier application. Access design continues to be supported by an Access Statement and is considered acceptable for prevailing highway conditions in accommodating likely traffic generation by stabling use.

Above assessment and recommendation have been made from highway authority perspective and based upon submitted documentation. Is considered that, subject to conditions listed above being included on any approval, there are no sustainable Highway safety grounds upon which to base an objection.

Access route however crosses strip of land between site frontage boundary hedge and adopted highway which is registered as freehold to Shropshire Council as private landowner. Is understood that notice has been served on Shropshire Council, but is advised the applicant/agent may wish to address the implications of this further by contacting Shropshire Council's Head of Property and Development, Steve Law.

Informative notes:

- Protection of Visibility Splays on Private Land
- Works on, within or abutting the public highway
- Mud on highway
- No drainage to discharge to highway

Background:

21/05768/FUL

4.1.4 **SC Conservation** – Given site is not in conservation area, and proposal would be some distance from The Smithy to south, which would be considered a non-designated heritage asset, would not wish to comment in detail in this case.

4.1.5 **SC Regulatory Services** – Re-consultation comments: Revised layout should protect nearby properties from associated noise.

Original comments: Is potential for early morning activity in yard area to impact on nearby property (Bears Den). This could be resolved by changing orientation of stables so stable buildings form screen between yard area and neighbouring property. Alternatively, stables could be moved to north west corner of field.

Would not have any concerns regarding odour.

4.2 **Public Comments**

4.2.1 **Wem Rural Parish Council – Re-consultation comments:** Further to the re-consultation, the Parish Council continues to object to the application.

Original comments: This is the second application for this proposal, the previous application (21/05768/FUL) being refused by the Planning Authority. It appears the applicant has now taken advice from planning officers (see pre-application advice section of application form).

The Parish Council would draw the planning officer's attention to the following: The DAS states 'The land has been purchased by a brother and sister'. It is assumed the single applicant is the brother. However, Ownership Certificates and Agricultural Land Declaration only confirms Shropshire Council (although not named) has been given notice. The Parish Council suggests the 'sister' should be given notice as joint owner or be joint applicant.

Sustainable location

Local plan policy and the NPPF all strive towards development that is sustainable socially, economically, and environmentally.

In terms of the environmental sustainability, the NPPF in paragraph 8 states that sustainable development must "protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy".

The DAS states, in response to the Parish Council's concerns raised for the first application: 'Whilst the Parish Council were concerned with riding out on the main road, this is not where they would ride out as they have the transport to move the horses to safe areas where they can be ridden'.

The Parish Council does not consider the site to be environmentally sustainable, i.e. moving to a low carbon economy, if the competition horses have to be transported to obtain their regular exercise to the following safe areas:

Southview Equestrian Centre, Winsford CW7 4DL – approx. 48 miles round journey.

Kelsall Hill Equestrian Centre Tarporley CW6 0SR – approx. 52 miles round journey.

Rodbaston Equestrian Centre, Penkridge ST19 5PH – approx. 70 miles round journey.

Onley Equestrian Complex, Rugby CV23 8AJ – approx. 180 miles round journey.

Springban Arena Show Jumping, Bangor on Dee LL13 0BW – approx. 30 miles round journey.

The DAS goes on to state ‘There are however, miles of lanes in Whixall which the council have erected caution horses slow down signs so there is currently no restriction to horses being ridden locally with many riding centres riding out on those roads’.

The Parish Council would question the justification based on ‘many riding centres’ as the nearest riding school it is aware of is in Cockshutt.

Having stated that the horses would not ride out on the main road, the Parish Council questions how the horses would ride out on Whixall lanes if not by accessing the main road.

The two statements regarding transporting the horses to safe areas to exercise and riding out locally appear to contradict each other.

With regard to the two horsebox wagons and two towable horseboxes, the DAS states they will remain off site. With the stated requirement of transporting the horses to exercise, the practicality to remain off site is questionable. It is common practice for lorries and trailers to be prepared the night before a trip/competition so on the day, only the horses are required to be loaded.

The Parish Council considers these two statements of vehicles remaining off site and used frequently to be contradictory.

The Parish Council’s concerns regarding the number of horses being accommodated, now 6, on the site remain despite the explanation given in the DAS. The Parish Council notes the DAS states the site is 4 acres but 1.16ha on the application form. 1.16ha is 2.8 acres which does not meet the Defra standard.

Residential and local amenity

The positioning of the compostable toilet is near to the southern stable block, closest to the property called Bear’s Den. Consideration should be given to position the toilet adjacent to the northern stable block.

Other considerations

The Parish Council notes that no details of site management or security are included and as competition horses can be highly valued, the Parish Council is concerned how the applicant will become aware of any emergency issues with the site as he does not live within close proximity.

Summary and conclusion

The Parish Council acknowledges this application and DAS satisfies some of the concerns raised in connection with the first application. However, the reasons for

development are substantially outweighed by the unsustainability of the proposal. Accordingly, it is considered that the proposal fails to comply with Shropshire Local Development Framework Core Strategy policies.

The Parish Council submit the following objections:

1. The site does not meet the sustainability requirement.
2. Potential noise and activities on the site, especially at early morning and late at night would harm local amenity.
3. The danger of slow moving vehicles exiting the site onto a national speed limit B road.
4. The additional concerns relating to animal welfare, safety and security

The Parish Council strongly requests Shropshire Council refuse this planning application.

Should the planning officer take a different opinion to the Parish Council, it is requested that a condition should be included on any consent that no commercial activity should take place on the site and its use is restricted to the applicant's family.

The Parish Council reserves the right to add and/or amend its response following receipt of further information.

4.2.2 **Public representations** – None received.

5.0 **THE MAIN ISSUES**

The main issues are considered to relate to the principle of development having regard to the location of the site and the impact of the development on the local environment, including upon the character and appearance of the local rural area, landscape and amenity. Highway concerns have also been raised by the parish council/local members.

6.0 **OFFICER APPRAISAL**

6.1 **Policy and Principal of Development**

6.1.1 The policy and principle of development considerations largely remain as set out in respect of the previous application and as such are repeated below.

6.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision taking is therefore the development plan.

6.1.3 The proposal seeks full planning permission for the change of use of agricultural land to equestrian together with the proposed erection of 2 stable blocks and associated yard, access, parking and turning arrangements and the provision of

a composting toilet. The equestrian use and stabling is for the private use of the two families that own the land the subject of the application.

- 6.1.4 The site lies outside any defined development boundary and occupies a countryside location for planning policy purposes. As such the proposal falls to be assessed, in principle, against a number of adopted development plan policies including Shropshire Core Strategy policies CS5, CS6 and CS17 and adopted Site Allocation and Management of Development (SAMDev) Plan policy MD2.
- 6.1.5 Taken together, it is considered that the above suite of adopted development planning policies indicate that, in principle, there is some policy support for limited equestrian development for private recreational purposes in rural areas. However, such development must be appropriate in terms of location, use, siting, scale and design and satisfy general development management criteria and environmental expectations.
- 6.1.6 Policy CS5 states that new development will be strictly controlled in the countryside. The policy sets out that development proposals must be on appropriate sites which maintain and enhance countryside character and will only be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. This includes development that relates to sustainable rural tourism and leisure and recreation proposals which require a countryside location and that accord with policies CS16 and CS17.
- 6.1.7 Policies CS6 and CS17 together seek to ensure that all development is designed to a high quality which both respects and enhances local distinctiveness; protects and enhances the natural and built and environment; is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, and will not adversely impact upon or affect visual character. Policy CS6 additionally seeks to safeguard natural resources, including high quality agricultural land.
- 6.1.8 Policy MD2 Policy MD2 builds upon the requirements of policies CS6 and CS17, in reiterating the need for development proposals to contribute to and respect local character and amenity value; including the need to respond appropriately to its surroundings, including in relation to location, size, scale, form, design and layout. The policy also seeks for developments to enhance and incorporate natural assets and for landscaping design to respond to and reinforce the character and context within which the development it is set, all further in accordance with policy MD12.
- 6.1.9 Policy MD12 - Policy MD12 is concerned with conserving, enhancing and restoring Shropshire's natural assets. Developments which are likely to have a significant adverse effect on landscape character and local distinctiveness will only be permitted if they can demonstrate there is no satisfactory alternative means of avoiding the impact through re-design or re-location on an alternative site and that the social or economic benefits of the proposal outweigh the harm to the asset.

6.1.10 For clarity, the use will be private with no business use and so no economic or employment benefit is foreseen where policies CS13, CS16 and MD11 would also potentially be engaged in this regard.

6.1.11 Policy MD7b - Although the proposed development is not for agricultural purposes, policy MD7b also gives some indication as to the consideration of the impacts of new development in the countryside - in the need for such development to be of an acceptable size and scale; to be well designed and located in line with CS6 and MD2; sited where possible so that it is functionally and physically closely related to existing buildings and to not give rise to unacceptable impacts on environmental quality and existing residential amenity.

6.2 Previous reasons for refusal

6.2.1 Under reference 21/05768/FUL, a previous application on this site was recently refused in February 2022. Application 21/05768/FUL proposed to change of the use of field to horse paddocks, dividing it into 4 paddocks, together with the formation of a new access, the erection of 4 stable buildings arranged in a quad centrally with the field, with each of the stable buildings containing 2 stables, a hay store, a tack room and a toilet; the installation of a packaged sewage treatment plant to serve the 4 toilets and other associated external works, including visitor parking (5 spaces).

6.2.2 Application 21/05768/FUL was refused for the following reasons:

'It is considered by the Local Planning Authority that the development as proposed is both excessive and disproportionate to the land the subject of the application. Further, it is considered that development as proposed is out of context with and fails to respond appropriately to the character of the rural locality by virtue of siting, scale and layout. Therefore, it is considered that the proposal will not only detract from the current open character of the land but also adversely impact upon the visual amenities and character of the surrounding rural area and landscape. Additionally, and in the absence of any substantive evidence to demonstrate otherwise there is some concern that the proposal has the potential to impact upon existing natural assets that has not been justified, including good quality agricultural land and mineral resources. Overall, therefore, it is considered that the proposal will not protect or enhance the local environment, would not constitute good design and would result in a significant and demonstrable harm to the character and appearance of the locality and surrounding rural landscape. It is not considered that any social, economic or environmental benefits have been identified or substantiated in support of the proposal that would outweigh the harm and conflict identified. This harm to the character of the area would make the development environmentally unsustainable and therefore the proposal fails to satisfy the both the environmental objective of sustainability as set out in the National Planning Policy Framework and the sustainable objectives of Shropshire Core Strategy policies CS5, CS6 and CS17; the Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD12.'

- 6.2.3 An appeal has been lodged by the applicant to the Planning Inspectorate against the above refusal. However, at the time of writing the Council has not yet received notification from the Inspectorate of a formal 'start date' in respect of the appeal.
- 6.2.4 Notwithstanding the above, the applicant has also submitted this current planning application. The application is a revised scheme that seeks to address the previous reasons for refusal set out above.
- 6.2.5 The main revisions are that the scale of the built development and engineering works now proposed has been reduced, the positioning of the stabling has been re-sited, the layout has been adjusted, the enclosure fencing removed, the visitor parking removed and the provision for 4 WCs served by a new foul drainage treatment plant and drainage field removed.
- 6.2.6 To explain further, the number of stable blocks has been reduced from 4 to 2 and the associated number of horses that can be accommodated from 8 to 6. The position of the stable blocks has been moved from mid field westwards to the outer edge, where the buildings will be set against the backdrop of rear boundary and woodland beyond. The access entrance point remains unchanged but the internal engineering works – the passing place, connecting access track and turning head facility - now all appear scaled back and not so overtly engineered for the rural context. The 4 WCs and foul drainage scheme have all been replaced with a single composting toilet. There is now no enclosure fencing denoted, save for that marked across the front and rear of the yard area between the two stable blocks.
- 6.2.7 Taking into account all the above, officers consider the revised scheme to be more respectful of the rural site context and open character.
- 6.2.8 In addition to revised plans showing the reduced scheme, the application is also accompanied by a Land Quality Assessment Report by Halls Holdings Ltd and a Minerals Search Report by Shropshire Council as Mineral Planning Authority.

Agricultural land classification

- 6.2.9 The Land Quality Assessment report confirms the land is grade 3 and advises that the characteristics of it are such that it is far more likely to be Grade 3b than 3a. One of the main characteristics is the soil type. The soil type in this area is described as 'as slowly permeable, seasonally wet, slightly acid, loamy/clayey soil'. This indicates that it is a type of land that '... is only suited for grassland use rather than arable because of the limitation of being wet at times ...' – hence grade 3b rather than 3a. This puts the land in the moderate quality agricultural land class as opposed to the BMV agricultural land class, graded 1 to 3a.

Minerals safeguarding

- 6.2.10 The Minerals Search Report reviewed the site location and the proposed development. The Report is concluded to be sufficient to accompany the application to demonstrate compliance with policy MD16(3). The justification for this is cited in points 1 to 6 of the Report, which general set out that site area is

too small to be economic for mineral working; the constraints surrounding the site (including neighbouring residential properties and the highway) would present significant obstacles in terms amenity protection and carriageway integrity; the mineral is buried beneath boulder clay deposits which would not justify the amount of excavation needed in relation to the size of the mineral recovery; the land drainage is of poor quality which would complicate recovery and may adversely affect future options for the use of the site and that the equestrian use proposed would not sterilise the majority of the site.

6.2.11 A revised Design and Access Statement also accompanies the submission and concludes:

6.2.12 *'This site will provide an upgraded access with no loss of hedging. It is not part of a larger agricultural field/use so does not impact on this use and is naturally separated by existing hedging, and dwellings on three sides as well as a coppice. The land will still be grazed and due to the retained hedging will not be visible from the road as shown from the street scenes.*

The two families need their own base to stable their horses and this site is ideally situated for both families and will not adversely impact on the surrounding rural countryside but utilise a field that currently is not a viable area to farm so is having a negative impact.'

6.2.13 The application has been subjected to consultation and assessed against the relevant planning policies of the adopted development plan .

6.2.14 As given in section 4.2.1 above, the Parish Council (PC) have submitted detailed comments of objection. Whilst the PC acknowledge that this current application satisfies some of the concerns raised with the previous application, they remain strongly opposed to the development. The Local Members support the PCs objections. In summary the main objections of the PC relate to the following grounds:

1. The site does not meet the sustainability requirement.
2. Potential harm to local amenity from noise and activity associated with the development.
3. Highway danger to the adjoining B road from slow moving vehicles exiting the site
4. Animal welfare, safety and security

6.2.15 To add to the above, the Local Members remain concerned that the scale and design of the proposed development is not appropriate, nor the indicated use of brick and tile as construction materials. As such the Local Members consider that the proposal will introduce a permanent form of sporadic development onto the site that will appear out of scale and erode the character of the countryside at this point and to a level of harm that is not outweighed by any social or economic benefit, in conflict with planning policies CS5, CS6 and CS17.

6.2.16 These issues, amongst other matters, are discussed further below.

6.3 Sustainable location issues

- 6.3.1 The PC's sustainability concerns relate to the location and number of horses to be kept at the site and their transportation to and from the site by the owners to the listed equestrian centres to obtain their regular exercise, which are all located out of the local area by some considerable distance. The Parish Council has also questioned the practicality of the transportation vehicles (2 x horseboxes and 2 x towable horse trailers) remaining off site, as indicated in the submission, given the understanding that the horses would frequently be transported off site for regular exercise and events.
- 6.3.2 The site is currently open agricultural land amounting to 1.16 hectares set within a predominantly rural area and is as otherwise described in section 2 above.
- 6.3.3 The lawful use of the land is currently that of agriculture and as such the land may be used for the keeping of farm animals and for the grazing of horses. The keeping of horses is generally considered to be an appropriate activity in the countryside. At 1.16 hectares in area then using the Defra guidelines the land could sustain 2 grazing horses if no supplementary feeding is provided. The guidelines go on to state that '*A smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout.*'
- 6.3.4 The application proposal includes for the erection of stabling to accommodate up to 6 horses together with the change of use of the land to equestrian use, which would allow for the supplementary feeding and the exercising of horses on the land. As such the agent argues that the site could support 6 horses. The keeping of 6 horses is a reduction compared to the refused scheme - as is the amount of land take due to the lesser amount of operational and engineering works now proposed.
- 6.3.5 In relation to the matter of regular exercise, the agent has responded that it is not the case that the owners would need to transport the horses off site to the listed equestrian centres for regular exercise. The families will exercise the horses either on their land or on the local road network but have the means to transport them if they want to ride in a different place and to travel to equestrian centres to show/perform/event. This, he adds, is a situation common to many horse owners who participate in dressage, horse jumping and showing.
- 6.3.6 Their means of transport comprises two horsebox wagons and two towable horseboxes. It is stated that these are to remain off site. The agent has confirmed that the applicant rents storage areas at Rosehill, Stoke upon Tern. This is where these vehicles are stored and the applicant is unlimited in relation to the hours that vehicles can be collected and returned to this storage area.
- 6.3.7 Otherwise, on the matter of travel, sustainability and location the information set out in paragraph 1.8 above is reiterated, ie For the last six years both families have rented stables and land across north Shropshire and elsewhere when available. According to the agent finding and retaining land to keep horses is

difficult and travel to most sites is inevitable. Currently the horses are kept on rented land at Shirleywich, Stafford, which is one hour travelling time from the applicant's property. Now having acquired their own land at Edstaston, it is said that this will stop the uncertainty for the families and offer the potential to reduce access time.

6.4 Residential and local amenity

- 6.4.1 Policies CS6 and CS17 of the Core Strategy refer to the need safeguard residential and local amenity and recognise the importance of ensuring that developments do not have unacceptable consequences for neighbours.
- 6.4.2 In this submission it has been clarified that the use is for the private use of landowners and not commercial or business use.
- 6.4.3 The PC are concerned that potential noise and activities on the site would harm local amenity, especially at early morning and late at night, and have suggested that the position of the composting toilet should be re-positioned further from the neighbouring property called Bear's Den.
- 6.4.4 Bearing these concerns in mind the Council's Regulatory Services team were consulted. The Public Protection Officer (PPO) commented and raised no concerns regarding odour or in relation to the positioning of the compost toilet. However, the PPO confirmed that there was potential for early morning activity in the yard area to impact on the nearby property (Bears Dean) but that this could be resolved by re-orientating the stable building, to form a screen between the yard area and the neighbouring property. Amended plans were consequently invited and received in this regard. Having re-consulted upon the revised plans, the PPO has consequently confirmed that the revised layout should protect nearby properties from associated noise.
- 6.4.5 Further, on the understanding that the development is for private use and not to be used for any business use or commercial gain and with planning conditions in place to restrict the development accordingly, then as such that it is considered the proposal will not result in any unacceptable impact on the residential amenities of the surrounding properties.
- 6.4.6 In the event that noise, odour and disturbance at unreasonable hours was to occur from the use then the Council's Regulatory Services would have the power to investigate this under separate legislation.
- 6.4.7 Horse manure will also generally need to be managed, stored and disposed of in accord with other legislation so that it does not create a problem.
- 6.4.8 External lighting could also be controlled by way of planning condition to prevent light pollution and as recommended by the Council's Ecologist.

6.5 Highway matters

- 6.5.1 Core Strategy policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.5.2 The development of the site for business use or commercial gain could be construed as unsustainable in terms of location, given that it would attract vehicle users in this countryside location. However, the applicant has confirmed that the proposal is for the private use of the landowners and some discussion around the scale of the development, the sustainability of the location and the associated travel has already been given in the preceding sections above in this regard.
- 6.5.3 This section therefore focuses on highway matters from the technical highway perspective.
- 6.5.4 The application is supported by an Access Statement by Sumner Consultancy Ltd (Civil Engineering & Transportation Consultant) and a detailed proposed site layout plan showing the access and turning arrangements, including visibility splays.
- 6.5.6 The application and supporting documentation have been referred to the Council's Highway Officer. As set out in section 4.1.3 above the Highway Officer raises no objections on technical highway grounds and is satisfied that, with the recommended planning conditions of approval in place to secure the access, visibility and turning arrangements as proposed then the development would meet with highway standards.
- 6.5.7 The PC and Local Members are opposed to the development and the formation of the new vehicular access on highway safety grounds.
- 6.5.8 At Paragraph 111 of the NPPF it is stated that: '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'
- 6.5.9 Whilst the concerns of the PC and Local Members are acknowledged, as evidenced by the Council's Highway Officer consultation comments, it is considered that there are '*no sustainable Highway safety grounds upon which to base an objection*' in this case.
- 6.5.10 In respect of highway matters, the Local Members have raised an additional concern that '*... whilst it is not a planning matter, we feel we must draw your attention to the proposed exit from the site, it is noted in Highway comments that the applicant is not in control of access to the highway. This land is a very wide strip of road side verge that was compulsorily purchased by Shropshire Council*

some years ago to help make this dangerous bend that has a lot of speeding traffic along it, safer. This would not help the road safety on this bend at all. The rights to cross this and would have to be purchased from Shropshire Council and this needs clarifying before any consents are given. Would Shropshire Council consider selling this?'

- 6.5.11 As mentioned in section 2.7, there is a section of land to the application frontage, between the road side boundary hedge of the field and the highway, which is freehold land owned by Shropshire Council. The proposed new access would need to cross this land to connect the field to the highway.
- 6.5.12 The planning system entitles anyone to apply for permission to develop land, irrespective of ownership and a freehold interest. An applicant is required to notify owners of the land to which the application relates and provide the relevant certificates with the application, confirming ownership and that the relevant notices have been served. Notice has been served on the Highway Authority and all the relevant land owners in this case. Certificate B has been completed confirming this.
- 6.5.13 There is no requirement for the applicant to demonstrate that any right to cross and/or develop the Council's freehold land has been agreed prior to the granting of planning permission. The granting of planning permission does not affect any civil rights. If the consent of the land owner is not obtained to develop the land affected then this can preclude the development from being implemented. The Highway Officer advises that the applicant/agent may wish to address the implications of this land ownership matter further by contacting Shropshire Council's Head of Property and Development, Steve Law. An informative can be added to any planning permission issued containing this advice.

6.6 Animal welfare, safety and security

- 6.6.1 In response to the PC's concerns relating to animal welfare, safety and security the agent has responded that: *'The welfare of the horses is clear they have stabling, grazing, supplemental feeding when required, able to be exercised on the land and regularly taken to events, so their welfare is paramount to the owners. Safety is no greater than any other site, they will either be stabled or in the paddocks and are not visible from the main road, and behind a hedged and fenced boundary, with a secure gated access.'*
- 6.6.2 In any event horse owners have a duty of care under separate legislation (The Animal Welfare Act 2006) that covers such matters.
- 6.6.3 Security is often raised an issue where there is no on-site dwelling. However, there are numerous ways of providing adequate security for horses without on-site residence, including site layout, mindful design and the use of technology. In this case the location of the stabling on the far side of the field, the enclosure of the field by hedging and boundary treatments and the use secure gated access are all features cited by the agent that provide adequate security.

6.7 **Impact on character, appearance, landscape and local rural environment.**

6.7.1 To add to the objections of the PC, the Local Members remain concerned that the scale and design of the proposed development is not appropriate, nor the use of brick and tile as construction materials and that the design does not show significant emphasis on achieving quality and sustainability. As such the Local Members consider that the proposal will introduce a permanent form of sporadic development onto the site that will appear out of scale and erode the character of the countryside at this point and to a level of harm that is not outweighed by any social or economic benefit, in conflict with planning policies CS5, CS6 and CS17.

Siting, scale, design and landscape

6.7.2 As discussed in paragraphs 6.2.5 and 6.2.6 this scheme has been significantly revised in comparison with the previously refused application.

6.7.3 The scheme seeks full planning permission for a reduced scheme for two stable blocks positioned on the far side of the field and approached by an open hardcore track and serviced by a reinforced grass turning area and passing place at either end of the track. The buildings are single storey, with a ridge height of circa 4.5m. The revised siting places the buildings in the distance view from the public highway, set against a backdrop of woodland. The reduced scale and amount of development lessens the intrusion. In combination the revisions are considered by officers to better retain the open nature and rural feel of the field and so to cause less visual harm to the local rural landscape.

6.7.4 The stable blocks are utilitarian in their design; a design typical of stabling and suited to their function. Solar panels and water butts are included as sustainable resource and energy features. As regards materials, the use of brick and tile as construction materials are considered vernacular to the locale. It is further considered that the choice of external building materials has the potential to lend to aesthetic quality of the completed built and harmonise with other existing buildings of brick and tile in the immediate surroundings. The prior approval of the actual bricks and tiles to be used can be secured by condition.

6.7.5 The field is bounded by existing hedges, to the north, east (roadside) and south and an area woodland to the west. No alteration to the boundaries is denoted, other than the removal of a section of hedge to create the new vehicular access entrance point. However, the proposed plans indicated that this will be mitigated with the planting of replacement hedging on the line of the 45 degree splay. Therefore, the harm caused by any hedgerow loss will be neutral.

Agricultural land and minerals safeguarding

6.7.6 The previous reasons for refusal included reference to '*... some concern that the proposal has the potential to impact upon existing natural assets that has not been justified, including good quality agricultural land and mineral resources*'. As reported in section paragraphs 6.2.9 and 6.2.10 above these concerns have been satisfactorily addressed in this submission with the inclusion of professional reports that confirm there will be no adverse loss of BMV agricultural land or conflict with minerals safeguarding policy MD16(3) arising from the development.

Ecology and biodiversity

- 6.7.7 Otherwise, in terms of the potential impact on the natural environment, ecology and biodiversity the application site is not covered by any features on the Councils environmental network map (SEN) and the application is accompanied by a Preliminary Ecology Appraisal (by Arborist and Ecological Services). The appraisal found no evidence or suitable habitat for protected or notable species.
- 6.7.8 The Council's Ecologist has been consulted on the application and as summarised above in section 4.1.2, is happy that the proposal does not raise any significant ecology and biodiversity issues. She does request that bat and bird box provision and a lighting plan are secured by planning condition and that informatives relating to nesting birds and landscaping are included on any favourable decision notice. The bat and bird box provision will deliver ecological enhancements in line with national and local planning policy.
- 6.7.9 In the circumstances and with the recommended planning conditions and informatives in place, it is considered that there is no barrier to the granting of consent on ecological grounds. The proposal is therefore considered capable of compliance with planning policy in relation to ecology and biodiversity.

Historic Environment

- 6.7.10 The national guidance contained in the NPPF and the requirements set out in Shropshire Core Strategy Policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 all seek to ensure that all development protects and enhances the historic environment.

The Council's Historic Environment Team have been consulted. The Conservation Officer has consequently responded with the comments summarised in section 4.1.4 above. Given that the site does not lie within a designated conservation area and is located some distance from the nearest non designated heritage asset (Smithy Cottage to the south) then no harm to heritage significance is identified.

Social and Economic Benefits

- 6.7.11 It is acknowledged that there will be some limited social and economic benefits arising from the development. Socially, the development will benefit the two families, in their private recreation and leisure pursuits associated with their horses. Economically, there is the potential for economic activity associated with construction phase and thereafter, for example, with the purchase and supply of straw, hay and other feeds locally.

Summary

- 6.7.12 On balance, whilst acknowledging the concerns of the Local Members, taking all the above factors into consideration and when assessed as a whole, officers are of the view that the revised scheme is acceptable and will not unduly impact upon or adversely harm the character, appearance and amenity value of the local rural environment and landscape.

6.8 **Drainage and waste**

- 6.8.1 The NPPF and Core Strategy Policy CS18 states that development should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality.
- 6.8.2 The size of the site exceeds 1 hectare, where the NPPF requests consideration be given in relation to an FRA. No FRA has been identified as being required in this case, given that the nature of the change of use will retain the pasture land as paddock for the keeping of horses and otherwise the stabling and hard surfacing amount to approximately 0.11 of a hectare.
- 6.8.3 The surface water is intended to be disposed of to a sustainable drainage system and soakaways.
- 6.8.4 The Council's drainage advisor has been consulted on the application and has raised no objection on drainage grounds. It is simply recommended that an informative be included on any decision notice which relates to sustainable drainage guidance. However, whilst it was said in the previous submission that the was 'self-draining', the land quality and minerals reports that accompany this current submission identify the land as having drainage issues. Bearing this in mind, it is considered necessary to recommend the imposition of a drainage condition to secure an adequate surface water drainage scheme in the circumstances.
- 6.8.5 Dirty water disposal facilities from activities such as washing down the stables has not been specified but can also be secured by planning condition for later approval.
- 6.8.6 In relation to waste, a waste management planning condition could be applied, although other legislation would need to be adhered to in relation to waste management, storage and disposal.
- 6.8.7 Having regard to the above and with appropriate planning conditions and informatives in place, the proposals are considered capable of satisfying the requirements of national policy and local planning policy in relation to drainage and flood risk.

6.9 **Other matters**

- 6.9.1 In closing their objections the PC state that: *'Should the planning officer take a different opinion to the Parish Council, it is requested that a condition should be included on any consent that no commercial activity should take place on the site and its use is restricted to the applicant's family.'*
- 6.9.2 In response, the agent has confirmed that a condition stipulating that *'... that no commercial activity should take place is accepted as this is not what has been applied for.'* However, he considers that *'... Restricting the use to the applicants family, is to[o] restrictive and the planning is for the change of use and the owner or any future owner should be able to freely use the land for the private use applied for.'*

6.9.3 A suitably worded can be imposed accordingly.

7.0 **CONCLUSION**

7.1 On balance, officers consider that the revised proposal the subject of the application, as supported by additional information and revised plans, is now acceptable, will not give rise to unacceptable impacts on environmental quality, highway safety and existing residential amenity and is capable of compliance with prevailing planning policies as relevant. Where previous issues have been raised then it is acknowledged that these have been satisfactorily resolved within the revised scheme and supporting information and can additionally be adequately addressed through the imposition of appropriate planning conditions of approval.

7.2 Approval is therefore recommended, subject to the imposition of the conditions listed in the appendix below.

7.3 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS1, CS5, CS6, CS13, CS16, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD1; MD2, MD7b, MD11, MD12, MD13, MD16 and S17 and the National Planning Policy Framework.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance::
National Planning Policy Framework

Core Strategy and Site Allocation and Management of Development Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure
 CS17 - Environmental Networks
 CS18 - Sustainable Water Management
 MD1 - Scale and Distribution of Development
 MD2 - Sustainable Design
 MD7B - General Management of Development in the Countryside
 MD11 - Tourism Facilities and Visitor Accommodation
 MD12 - Natural Environment
 MD13 - Historic Environment
 MD16 - Mineral Safeguarding
 Settlement: S17 - Wem

RELEVANT PLANNING HISTORY:

21/05768/FUL Change of use of field to horse paddock, formation of a new access, erection of stabling for horses, installation of a packaged sewage treatment plant and other associated external works REFUSED 4th February 2022

11. Additional Information

[View details online:](#)

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

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

3. 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 and all hard surfacing 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 stabling and use hereby permitted being first occupied the access, driveway/track and visibility splays shall be satisfactorily completed and laid out in accordance with the approved site plan as proposed. The approved access junction and visibility splays shall thereafter be maintained at all times as such for that purpose.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

5. The development hereby permitted shall not be brought into use until the areas shown on the approved site plan as proposed for the parking, loading, unloading, and turning of vehicles has been provided properly laid out, appropriately surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

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

6. Vehicular and pedestrian access to the adjoining highway shall be limited to the approved access onto the Class II road, B5476 as detailed on the approved site plan as proposed.

Reason: In the interests of highway safety.

7. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the permitted use of the site commencing.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

8. Prior to first occupation / use of the buildings, the following boxes shall be erected and/or provided on the site:

- A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups)

The boxes/integrated bricks shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting.

The boxes/integrated bricks shall therefore be maintained for the lifetime of the development.

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

9. Notwithstanding the provisions of Town and County Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external lighting shall be installed at the site without the full details and a lighting plan firstly having been 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 to the same standard for the lifetime of the development.

Any submitted lighting scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows and 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.

Reason: To safeguard the amenities of the locality and to minimise disturbance to bats, a European Protected Species.

10. A scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority to serve the development hereby approved. The approved surface water drainage scheme shall be fully implemented before the stable buildings hereby approved are first brought into use.

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

11. A scheme for the disposal of dirty water drainage shall be submitted to and approved in writing by the Local Planning Authority to serve the development hereby approved. The approved dirty water drainage scheme shall be fully implemented before the stable buildings hereby approved are brought into use.

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

12. Any hedgerow loss incurred to accommodate the new access shall be replaced with the planting of an indigenous hedge along the line of the new 45 degree splay between the proposed gates and the existing hedge as shown on the approved site plan as proposed and shall permanently be retained in situ thereafter. The hedge planting works shall be carried out by the end of the first available planting season upon completion of the proposed development or in accordance with a timetable to be agreed with the Local Planning Authority. Any plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with like indigenous species as originally approved, by the end of the first available planting season.

Reason: To mitigate against the loss of the original hedgerow and to ensure the provision, establishment and maintenance of a reasonable standard of new hedgerow in the interests of safeguarding and enhancing the character, visual amenities and biodiversity value of the locality.

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

13. The development hereby approved shall only be for the private equestrian use of the owners of the land and buildings the subject of the application and shall at no time be used for any commercial purposes.

Reason: To control the development to that applied for as development in the locality is strictly controlled and in the interests of highway safety and to protect the general amenities of the area.

14. No storage of vehicles or equestrian equipment of any description shall take place outside of the buildings and yard area on the site hereby approved.

Reason: To safeguard the visual and rural amenities of the locality.

15. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 13.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

-



Committee and date
 Northern Planning Committee
16th August 2022

Development Management Report

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

Summary of Application

Application Number: 22/02303/FUL	Parish:	Withington
Proposal: Erection of outbuilding, outdoor kitchen, new gated access and external landscaping works to include 2No pergola structures		
Site Address: Blandings Withington Shrewsbury Shropshire SY4 4QA		
Applicant: Mr Steve Knight		
Case Officer: Gemma Price	email	: gemma.e.price@shropshire.gov.uk

Grid Ref: 357757 - 313242

✘ The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2022 For reference purposes only. No further copies may be made.

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

Recommended Reason for Approval

REPORT

1.0	THE PROPOSAL
1.1	The application seeks planning permission for the erection of outbuilding, outdoor kitchen, new gated access and external landscaping works to include 2No pergola structures to the dwelling known as Blandings, Withington, Shrewsbury.
1.2	The proposals are for external landscaping works which include an outbuilding which will contain a gym, storeroom and wet room, open sided pergola type structures to provide covered areas for a hot-tub, fire pit and outdoor kitchen and a new gated entrance finished with a low-level stone wall and masonry pillars which will hang electric timber gates and will provide secure access to the dwelling.
1.3	<p>Planning History:</p> <ul style="list-style-type: none"> • SA/74/0763 – Erection of one dwelling – application REFUSED. • SA/77/1069 - Erection of a dwelling with integral private garage and formation of vehicular and pedestrian accesses – application GRANTED. • SA/84/1172 - Alterations and additions at the rear to provide a single storey flat roof extension to provide bedroom accommodation for elderly persons and use ground floor of existing dwelling as kitchen, lounge, and dining room – application REFUSED. • SA/85/0196 - Alterations and additions at the rear to provide a single storey part flat roof part pitched roof extension to provide bedroom accommodation for elderly persons and use ground floor of existing dwelling as kitchen, lounge and dining room – application GRANTED. • PREAPP/19/00367 - Extensions and remodelling of the existing property – application ACCEPTABLE IN PRINCIPLE. • 20/00705/FUL - Erection of two storey and single storey extensions with first floor rear balcony; internal reconfiguraiton; detached double garage with external staircase to first floor storage – application GRANTED. • 20/02482/AMP - Non Material Amendment to planning application 20/00705/FUL to removal wall within curtilage – application GRANTED. • 20/03226/VAR - Variation of condition no.2 (approved plans) and condition no.5 (use of garage) attached to 20/00705/FUL to allow for the redesign of the approved garage and its relocation to the northern boundary – application GRANTED. • 21/03657/DIS - Discharge of condition 3 (Materials) attached to planning permission 20/03226/VAR Variation of condition no.2 (approved plans) and condition no.5 (use of garage) attached to 20/00705/FUL to allow for the redesign of the approved garage and its relocation to the northern boundary – discharge conditions APPROVED. • 21/04688/AMP - Non Material Amendment for the omission of an originally proposed window, replaced with a bi-folding door Addition of total 3 No. Rooflights (2 No. to ground floor dining area and 1 No. to first floor dressing area) to approved planning permission 20/00705/FUL Erection of two

	storey and single storey extensions with first floor rear balcony; internal reconfiguration; detached double garage with external staircase to first floor storage – application GRANTED.
1.4	Permitted development rights have been removed from the property under planning application 20/00705/FUL and therefore although the majority of the proposals fall within the applicants Permitted Development rights, as these have been removed the applicant requires planning permission.
2.0	SITE LOCATION/DESCRIPTION
2.1	Blandings is a newly constructed modern detached two-storey dwelling, located within village of Withington, Shrewsbury. The dwelling is set back from the highway by approx. 76m and is accessed via a long private drive which only serves access to the Blandings. The dwelling benefits from a parking and turning area to the principal elevation of the site and therefore parking and access will remain unchanged and will not be impacted by the proposals. The detached dwelling sits within a large plot and is bounded by neighbouring dwellings to the north, east and west elevations of the site, to the south elevation is a playing field which is Shropshire freehold Land.
3.0	REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
3.1	The Parish Council are of a contrary view to officers. At the draft agenda setting meeting on the 3rd August 20221 the Committee Chair and Vice Chair both agreed that taking into account the findings within the officers report, the application should be determined by the Planning Committee.
4.0	COMMUNITY REPRESENTATIONS
4.1	- Consultee Comments
4.1.1	<p>Withington Parish Council</p> <p>Following the Withington Parish Council meeting held on Wednesday 6th July 2022 at which the planning application was discussed and consultation with residents whose properties are adjacent to the Blandings we wish to object for the following reasons.</p> <p>1) Visual Amenity/Layout and Density of Building/Design, Appearance and Materials</p> <p>From the designs provided we are very concerned that the curtilage of the property will have a very high ratio of development/buildings to what would be acceptable as visually amenable in a small village such as Withington. The design of the gym/outbuilding appears to be very overbearing and out of proportion with the rest of the property.</p> <p>The proposed development will result in a significant increase in the amount of land within the curtilage being paved over and we are concerned about potential flooding risk due to water runoff.</p> <p>The slope of the property runs towards the Village Green and specifically to an area of the Green known as the "wet area" due to flooding problems. We can only</p>

	<p>see this development exasperating the situation.</p> <p>2) The significant negative impact upon neighbouring houses, specifically Numbers 5, 7, and 9 of The Woodlands with regards to:</p> <ul style="list-style-type: none"> o Overlooking and loss of privacy o Overshadowing o Noise and disturbance o Smells from the outside kitchen <p>We are aware that the residents of 5,7 and 9 The Woodlands have submitted their individual objections and the Parish Council support their views.</p> <p>We are also aware that there is a land ownership dispute between the owners of the Blandings and residents in the Woodlands upon which this development would take place. Whilst this is a civil issue and not the responsibility of the Parish Council or Shropshire Council to resolve and not a reason to reject the application, we would suggest that if planning permission is granted then construction should not be allowed to start until the issue has been resolved.</p>
4.1.2	<p>SC Drainage/ SUDS Informative recommended.</p>
4.1.3	<p>SC Highways I have reviewed the proposed entrance wall proposals as shown on Drawing No.PL-006 dated 27/07/2022 and am satisfied that the wall will not have an adverse impact upon visibility from the access.</p>
4.1.4	<p>SC Regulatory Services (Environmental Protection) The proposed development is designed to maximise the use of the external space beyond what is typical of a residential property. Depending on the nature and frequency of the use of this area there is potential for it to impact on the amenity of the surrounding residential properties due to noise and odour. I would recommend that a 2.4m high acoustic fence is constructed around the boundary of the property to minimise the impact of noise from the external areas. If the property is only used for normal residential use, the area is unlikely to result in a significant impact on amenity with the recommended mitigation. However, should the property be used for holiday lets or any other commercial purpose associated with the outdoor space it would have a significant adverse impact on surrounding properties. Therefore should the planning authority be minded to approve this application I recommend the following conditions are applied: 1. The property shall not be used for holiday lets or any other form of short term letting. 2. A 2.4m high acoustic barrier, of at least 10kg/m2 in density, shall be constructed around the boundary of the property. Reason: To protect the amenity of the neighbouring residential properties</p>
4.2	- Public Comments
4.2.1	<p>This application was advertised via notice at the site, at the time of writing this report four objection comments have been received which are summarised as follows:</p> <ul style="list-style-type: none"> • Inaccuracies in plans • Problems for neighbours due to close proximity to fence lines

	<ul style="list-style-type: none"> • Buildings will exceed a standard fence height • Neighbours dwelling 10m away from proposed outbuilding • Visual impact • All matures trees and hedgerows have been removed from the boundaries • Buildings will have implications to cause disturbances, loss of privacy, extra noise and smells on a regular basis which will affect the quality of life for neighbours • New buildings will block light and privacy • Boundary dispute regarding residents • Overshadowing • Layout and density of buildings • Design and appearance • Unreasonable impact • Light pollution • Attract vermin • Construction will create unnecessary disruption • Affect wildlife • Existing features and character will be abused
5.0	THE MAIN ISSUES
5.1	<ul style="list-style-type: none"> • Principle of development • Siting, scale and design of structure • Impact on amenities
6.0	OFFICER APPRAISAL
6.1	Principle of development
6.1.1	The proposal falls to be considered against the following adopted local planning policies: Shropshire Core Strategy policies CS5 (Countryside and Greenbelt), CS6 (Sustainable Design and Development) and CS17 (Environmental Networks), Site Allocations and Management of Development (SAMDev) Plan policies MD2 (Sustainable Design), MD7(a) (Managing Housing Development in the Countryside), the Supplementary Planning Document (SPD) on the Type and Affordability of Housing and the national policies and guidance set out in the National Planning Policy Framework (NPPF).
6.2	Siting, scale and design of structure
6.2.1	The proposals are for the erection of outbuilding, outdoor kitchen, new gated access and external landscaping works to include 2No pergola structures.
6.2.2	The proposed outbuilding will contain a gym, store and wet room and will be sited to the north elevation of the site. The proposed outbuilding measures at approx. 11.8m in length, 2.6m in height with a depth of 3.9m and complies with Permitted

	<p>Development guidelines, however, as Permitted Development rights have been removed from the site, this planning application has been submitted. The siting, scale and design of the proposed outbuilding is deemed acceptable, the proposals are subservient sympathetic to the size, mass, character, and appearance of the detached dwelling and although is modern in design, will match the character of the existing dwelling on site.</p> <p>Although Permitted Development rights have been removed from the property, the curtilage of the site is big enough to accommodate an outbuilding of this nature. The proposed outbuilding which will contain a gym, does have the potential for increased noise levels during periods of use, however, it is not likely that a gym would be used for long periods of time and therefore is not deemed to create significant harm in terms of noise.</p>
6.2.3	<p>The two pergola structures that are proposed as part of this application will be open sided and will contain a seating area with a fire pit under one and a hot tub under the other. These structures will be sited to the west and south west of the site. No concerns are raised in relation to these pergola structures and their use. The addition of a hot tub or seating area with a fire pit would not require planning permission.</p>
6.2.4	<p>The outdoor kitchen will be sited to the north west of the site and will be situated under a three sided structure. The proposed kitchen area will contain a fitted BBQ and pizza oven with fitted counter tops and a fridge. Whilst the structure does also fall within Permitted Development guidance (measuring approx.. 7m in length, 2.6m in height with a depth of 4.9m) planning permission is required for the structure/ open sided outbuilding but planning permission is not required for the furniture, BBQ or pizza oven, any person can benefit from utilising a BBQ or pizza oven within their curtilage without the need for planning permission. Therefore the case officer can only consider the elements that require planning permission which is the structure in which will cover the proposed furniture, BBQ and pizza oven. The case officer deems that the proposed kitchen shelter is deemed acceptable as the size and scale is subservient to the dwelling, it is single storey and therefore not deemed to have a significant impact on neighbouring dwellings. The curtilage is big enough to accommodate a kitchen shelter of this size.</p>
6.2.5	<p>No concerns are raised in relation to the proposed new gated access which will provide the application site with additional security. Providing that the development is carried out in accordance with drawing no. PL-006 dated 27/07/2022.</p>
6.3	Impact of amenities
6.3.1	<p>The proposed outbuilding, outdoor kitchen and pergolas will not be visible from the street scene and therefore will have no impact. The proposed new gated access will be visible, however, there are a number of properties within the street which benefit from gated entrances and therefore it is not deemed that the proposed new gated access will have a significant impact on the street scene.</p>
6.3.2	<p>The proposals are not deemed to have a significant impact on neighbouring amenities due to the single storey nature of the proposals. The boundary of the site consists of fence panels to the north elevation and a bricked wall to the west</p>

	<p>elevation and therefore it is deemed that the majority of the proposals will be screened by the existing boundaries. The proposed outbuildings measure at approx. 2.6m in height which is only 0.6m higher than a 2m fence panel which anyone can construct without the need for planning permission, therefore it is not deemed that the proposed outbuildings will have a significant impact on neighbouring dwellings.</p>
6.3.3	<p>In relation to the comments made from SC Regulatory Services, the case officer agrees that a condition should be applied stating that ‘the property shall not be used for holiday lets or any other form of short-term letting’ in order to protect the amenities of neighbours. Letting the property to large groups will have the potential to increase outdoor noise and additional traffic which would have a detrimental impact on nearby residents. However, the case officer does not feel that a condition imposing ‘a 2.4m high acoustic barrier, of at least 10kg/m² in density, shall be constructed around the boundary of the property’ is required or necessary for a residential property and its curtilage. Planning conditions need to meet the following 6 tests:</p> <ol style="list-style-type: none"> 1. necessary; 2. relevant to planning; 3. relevant to the development to be permitted; 4. enforceable; 5. precise; and 6. reasonable in all other respects. <p>The case officer does not deem it necessary to construct an acoustic barrier to the boundary of the property, the property is and remains in residential use and the curtilage will be used by the family residing in it therefore it is not deemed to be relevant to the development to be permitted. Should noise become an issue from the proposed outdoor structures then this would need to be raised through the appropriate public nuisance channels which has its own legislation. The scheme before officers refers to the use of an outdoor gym which will be used for no more than a couple of hours in total per day and therefore it is not deemed reasonable to impose a condition that requires an acoustic barrier to prevent a few hours of noise per day. The outdoor kitchen proposed is technically an outdoor BBQ area in which the applicants could carry out without the need for planning permission, although this BBQ area will have a covered shelter making the use of it not so dependant on weather, it is unlikely that this will be used daily and therefore the levels of noise that will be created from this structure is not deemed to increase significantly.</p>
6.4	Other matters
6.4.1	The case officer would like to address the concerns raised in the objection comments.
6.4.2	In relation to inaccuracies to the plans, any planning permission granted will be subject to a condition that the development shall be carried out strictly in accordance with the approved plans and drawings, therefore if the applicants have provided inaccurate plans this will prevent them from complying with this

	condition and therefore enforcement action can be considered if development is not in accordance with these plans. The case officer can confirm that the plans provided correspond with what was evident on site at the time of the case officers site visit.
6.4.3	Although the proposed outdoor structures are sited in close proximity to fence lines, Permitted Development guidelines allow outbuilding within close proximity as long as it does not exceed in height 2.5m, these outbuildings measure at approx. 2.6m so therefore are not deemed to have a significant impact on neighbouring dwellings and no visual impact.
6.4.4	In relation to the removal of mature trees and hedgerows, the case officer can only consider what was evident on site and therefore the existing boundary treatments have been taken into consideration when determining this application.
6.4.5	The nearest neighbouring dwelling is situated to the north elevation measuring approx. 12m away from the proposed outbuilding, the proposed outbuilding has no windows to this elevation and is single storey in nature therefore there is no concerns in relation to overlooking and the case officer is unable to conclude that there is a conflict with policy CS6 for this reason. Given the distance and single storey nature of the proposed outbuilding it is not deemed to cause loss of light or block light into neighbouring dwellings given that a 2m fence can be constructed without the need for planning permission and would not be deemed to cause loss of light, it is therefore not deemed that with the distance and height of the proposals that a demonstrable and substantial harm will be caused in this instance.
6.4.6	It is not deemed that the proposed outbuildings will create a loss of privacy for neighbouring dwellings in that neighbouring dwellings will still be able to enjoy time in their private residential gardens without the proposed outbuildings preventing the neighbours from doing so, neighbouring dwellings will not be visible from the structures and therefore the proposals will not prevent neighbours from enjoying their gardens without other people seeing them. However, any increased movements in a neighbouring garden have the impact to cause disturbance but it is not deemed that the proposals will significantly cause a regular disruption more so than what would exist with or without the proposed outbuildings. Statutory nuisances can be defined as a matter which is unreasonable and causes substantial interference in the use and enjoyment of a person's property and can take place outside as well as in buildings, everyday noise is not deemed as a statutory nuisance, and neither is domestic odours (food smells). As mentioned in paragraph 6.3.3 statutory nuisance is covered under separate legislation that can address concerns but in order for a matter to be actionable as a nuisance in law it must be a serious and persistent issue. It is not deemed that the proposed outbuildings will cause anything other than everyday noise and domestic odours from these proposals.
6.4.7	It is not deemed that the layout and density of the buildings are significant to warrant a refusal, the proposals are all subservient to the original dwelling and the site is big enough to accommodate the outbuildings and pergolas proposed.
6.4.8	The design of the proposed works is deemed to be in keeping with that of the detached dwelling, the proposals are of a modern nature and therefore are deemed to match in design and appearance of the existing dwelling. It is not

	deemed that the dwelling and its curtilage benefits from any existing features or character as the dwelling has undergone alterations and remodelling which has modernised the dwelling creating a contemporary family home.
6.4.9	No lighting plan has been submitted as part of this application and therefore light pollution has not been considered as part of this application. It is not deemed that the proposed outbuildings will cause glare, skyglow and light trespass which are the three main forms of light pollution.
6.4.10	It is not deemed that the outbuilding proposed to shelter the proposed outdoor kitchen would attract any more vermin than what any outdoor BBQ would.
6.4.11	The existing outdoor space at the Blandings currently has very little biodiversity merit in that the surface within the curtilage is primarily gravel therefore the proposals are not deemed to cause a significant impact on wildlife.
6.4.12	As the following are not deemed as material considerations these objection comments have not been taken into consideration: <ul style="list-style-type: none"> • boundary dispute • problems arising from the construction period
7.0	CONCLUSION
7.1	The works are judged to be in scale and character with the original building and of no demonstrable harm in terms of visual impact. No significant harm is considered to arise to the neighbouring resident's amenity and the application therefore accords with the principal determining criteria of the relevant development plan policies including CS6 and MD2 and approval 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"> • 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. <p>Both risks need to be balanced against the risk of not proceeding to determine the</p>

	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
	<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 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.</p>

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

PREAPP/19/00367 Extensions and remodelling of the existing property PREAIP 1st October 2019

20/00705/FUL Erection of two storey and single storey extensions with first floor rear balcony; internal reconfiguraiton; detached double garage with external staircase to first floor storage.

GRANT 28th April 2020

20/02482/AMP Non Material Amendment to planning application 20/00705/FUL to removal wall within curtilage. GRANT 6th September 2020

20/03226/VAR Variation of condition no.2 (approved plans) and condition no.5 (use of garage) attached to 20/00705/FUL to allow for the redesign of the approved garage and its relocation to the northern boundary. GRANT 13th November 2020

21/03657/DIS Discharge of condition 3 (Materials) attached to planning permission

20/03226/VAR Variation of condition no.2 (approved plans) and condition no.5 (use of garage) attached to 20/00705/FUL to allow for the redesign of the approved garage and its relocation to the northern boundary DISAPP 3rd August 2021

21/04688/AMP Non Material Amendment for the omission of an originally proposed window, replaced with a bi-folding door

Addition of total 3 No. Rooflights (2 No. to ground floor dining area and 1 No. to first floor dressing area) to approved planning permission 20/00705/FUL Erection of two storey and single storey extensions with first floor rear balcony; internal reconfiguraiton; detached double garage with external staircase to first floor storage GRANT 4th October 2021

22/02303/FUL Erection of outbuilding, outdoor kitchen, new gated access and external landscaping works to include 2No pergola structures PDE

SA/77/1069 Erection of a dwelling with integral private garage and formation of vehicular and pedestrian accesses. PERCON 10th January 1978

SA/74/0763 Erection of one dwelling. REFUSE 1st July 1975

SA/85/0196 Alterations and additions at the rear to provide a single storey part flat roof part pitched roof extension to provide bedroom accommodation for elderly persons and use ground floor of existing dwelling as kitchen, lounge and dining room. PERCON 11th April 1985

SA/84/1172 Alterations and additions at the rear to provide a single storey flat roof extension to provide bedroom accommodation for elderly persons and use ground floor of existing dwelling as kitchen, lounge, and dining room. REFUSE 21st February 1985

Appeal

76/00186/REF Erection of one dwelling. ALLOW 9th July 1976

11. Additional Information

View details online:

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

Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Lezley Picton
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings including Drawing No.PL-006 dated 27/07/2022.

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

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

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

3. The property , Blandings, Withington shall not be used for holiday lets or any other form of short term letting.

Reason: To safeguard the residential amenities of the area and prevent the use of the

development for purposes which may be inappropriate in this location, in accordance with Policies CS6 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

Informatives

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

This page is intentionally left blank



<u>Committee and Date</u>
Northern Planning Committee
16 th August 2022

<u>Item</u>
9
Public

SCHEDULE OF APPEALS AS AT COMMITTEE 16th August 2022

Appeals Lodged

LPA reference	21/05082/VAR
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr R Harper
Proposal	Removal of Condition No.3 and No.5 attached to planning permission 10/02100/FUL dated 04/11/2010 for the erection of a detached affordable dwelling and garage (resubmission)
Location	Red Brick House Ashfields Hinstock Market Drayton
Date of appeal	08.04.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/00097/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs M Connell
Proposal	Erection of single storey extensions and alterations to dwelling following demolition of existing extensions
Location	Manor Farm Spoonley Market Drayton
Date of appeal	02.04.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/02595/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	James Corbett
Proposal	Erection of farm managers dwelling with farm office, detached garage and installation of package treatment plant (re-submission)
Location	Proposed Agricultural Workers Dwelling Keppel Gate Farm Grug Hill Elbridge Ruyton-XI-Towns
Date of appeal	09.06.2022
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01424/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Jonathan Stackhouse
Proposal	Erection of a detached oak framed car port
Location	Radnor House Pountney Gardens Shrewsbury
Date of appeal	21.06.2022
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/00825/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs Griffiths
Proposal	Outline application (all matters reserved) for the erection of one dwelling
Location	North Of Ashford Prescott Road Prescott Baschurch Shropshire
Date of appeal	12.05.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01705/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr G Corfield
Proposal	Application under 73A of the Town and Country Planning Act 1990 for a balcony with a balustrade, on the roof of the dining room
Location	245 Wenlock Road Shrewsbury
Date of appeal	17.06.2022
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/01650/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr Malcolm Ellis
Proposal	Erection of one replacement dwelling including first floor balcony, detached double garage, and re-positioning of vehicular access, following demolition of existing buildings; change of use of land to domestic garden land (resubmission)
Location	Rose Cottage Winnington Green Middletown Welshpool
Date of appeal	09.05.2022
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/00722/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Miss Desi Koleva
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of extension to existing dwelling
Location	41 Roseway Shrewsbury
Date of appeal	20.06.2022
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/01706/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr G Corfield
Proposal	Application under Section 73A of the Town and Country Planning Act 1990 for the erection of boundary wall with metal fencing and sliding gates to the front of the property (amended description)
Location	245 Wenlock Road Shrewsbury
Date of appeal	24.06.2022
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/00652/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mrs Clare Rogers
Proposal	Installation of dormer to side elevation
Location	13 Mayfield Grove Bayston Hill Shrewsbury
Date of appeal	30.06.2022
Appeal method	Householder
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/02541/LBC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	DR. Dennis Carter
Proposal	nstallation of 18No replacement windows affecting a grade II listed building
Location	Pentre Farm Woodhill Oswestry
Date of appeal	18.7.22
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	19/05356/DSA106
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Ms R Lane
Proposal	Discharge of Section 106 Agreement pursuant to 14/02465/FUL
Location	The Bradleys Prescott Road Prescott Baschurch
Date of appeal	18.07.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

Appeals Determined

LPA reference	21/00567/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	LMO Property Investment Ltd
Proposal	Conversion of stable block to rear of Riversdale to form two bedroom dwelling, refurbishment of existing cottage and erection of new four bedroom dwelling on adjacent land; formation of new crossover and driveways.
Location	Land Adj Riversdale Church Street Ruyton Xi Towns
Date of appeal	21.12.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	19.05.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	20/03270/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mrs V Hughes
Proposal	Erection of 5 No. detached dwellings and garages, construction of access and associated infrastructure (re-submission)
Location	Land Off Red Barn Road Off Longden Road Shrewsbury
Date of appeal	22.10.2021
Appeal method	Written Representations
Date site visit	10.05.2022
Date of appeal decision	29.06.2022
Costs awarded	
Appeal decision	DISMISSED

LPA reference	21/02563/OUT
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	Mr John Jones
Proposal	Outline application (all matters reserved) for the erection of two dwellings
Location	Proposed Residential Development Land East Of The Nesscliffe Hotel Nesscliffe Shrewsbury
Date of appeal	10.12.2021
Appeal method	Written Representations
Date site visit	26.04.2022
Date of appeal decision	08.07.2022
Costs awarded	
Appeal decision	ALLOWED

LPA reference	21/02213/FUL
Appeal against	Appeal Against Refusal
Committee or Del. Decision	Delegated Decision
Appellant	R & C Clarke & Francis
Proposal	Erection of one dwelling including provision of access and amenity space (paragraph 79)
Location	Proposed Dwelling To The South Of Fitz Shrewsbury
Date of appeal	23.12.2021
Appeal method	Written Representations
Date site visit	26.05.2022
Date of appeal decision	13.07.2022
Costs awarded	
Appeal decision	ALLOWED



Appeal Decision

Site visit made on 12 April 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 19 May 2022

Appeal Ref: APP/L3245/W/21/3283903

Riversdale, Church Street, Ruyton Xi Towns, Shropshire SY4 1LA

- 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 O'Shea (LMO Property Investments Ltd) against the decision of Shropshire Council.
 - The application Ref 21/00567/FUL, dated 2 February 2021, was refused by notice dated 14 April 2021.
 - The development proposed is described as 'conversion of stable block to rear of Riversdale to form two bedroom dwelling, refurbishment of existing cottage and erection of new four bedroom dwelling on land adjacent Riversdale. Formation of new crossover and driveways.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the appeal site does not form part of the approved residential development reference 08/15747/OUT and its subsequent applications. This approved residential development is located to the rear of the appeal site.
3. The refurbishment of the existing cottage at Riversdale has already commenced on site. The appeal statement (para 1.2) refers to the refurbishment of the cottage as 'internal works', which 'would not classify as development'. I have therefore dealt with the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on:
 - Highway and pedestrian safety.
 - Protected species.
 - The character and appearance of the area, with specific regard to heritage assets.

Reasons

Highways and Pedestrian Safety

5. The appeal site is located on Church Street and is currently occupied by a 2-storey building known as Riversdale cottage, with a former stable block to its rear. The site is adjacent to existing residential development and a post office

- building. Opposite the site is a vehicle repair garage unit and a café. A primary school is located further along Church Street, all leading to pedestrian and vehicle movements in and around the locality.
6. The proposal would make use of an existing driveway to access the former stable block, and would introduce a new access to provide off-road parking for both Riversdale and the proposed 4-bedroom house in the form of tandem parking bays. However, with no space for manoeuvring on site, the proposed tandem parking spaces are likely to result in vehicles reversing onto the highway.
 7. I acknowledge Church Street has a speed limit of 20mph, being in close proximity to the primary school. In my mind, this means that Church Street is sensitive to highway safety and therefore detailed information on visibility splays is necessary to assess the appropriateness of the proposed access points.
 8. The Council's Highway Officer requested details of the visibility splays from either side of the driveway access points to demonstrate if the splays are achievable from the appellant's land and the adjoining highway. This information has not been provided by the appellant.
 9. However, the submitted evidence has not demonstrated that the proposed access arrangements can accommodate the adequate visibility lines for vehicles exiting the site, and that pedestrian visibility can also be achieved. With the absence of substantiative evidence to the contrary, I find the proposed access arrangements would encourage users to reverse in or out of the appeal site. Those drivers would have limited visibility and those movements would take place at a point of access where it would be likely that pedestrians and vehicles would be regularly passing by.
 10. I observed during my site visit that there are nearby properties which have limited onsite parking and manoeuvring area, and as such vehicles would likely need to reverse in or out of these properties. Even so, those arrangements are not before me. On the basis of the evidence, I am not satisfied that the proposed access arrangements would not increase the risk of pedestrian and vehicle collisions in the area to the detriment of highway safety.
 11. The appellant has suggested that the provision of parking could have been limited to only serve the 4-bedroom dwelling and not Riversdale cottage, thus reducing the proposed parking spaces from six to four. Nonetheless, the risk to highway safety I have identified remains.
 12. A condition could be imposed to secure a Construction Method Statement with a Construction Traffic Management Plan to ensure there is satisfactory highway safety during the construction phase. However, the proposed development's impact on highway safety cannot be appropriately assessed without the information on visibility splays. Consequently, it has not been demonstrated that the proposal would not have an adverse impact on highway safety. A condition would not be reasonable as any mitigation measures found necessary to remove adverse effects on highway safety could lead to a substantial re-design of the development.

13. I therefore conclude that insufficient information has been submitted to be satisfied that highway and pedestrian safety would not be adversely affected by the proposed development.
14. For the reasons given above, in the absence of the substantive evidence to the contrary I find the scheme would be harmful to highway and pedestrian safety. The proposal therefore conflicts with Policies CS6 and CS9 of Shropshire Council's Core Strategy (CS) (2011), which, amongst other things, seeks to ensure safe access to the site can be achieved for all users. The proposal also conflicts with MD2 of the Site Allocations and Management of Development Plan (SAMDev) (2015), which seeks to ensure development is designed so that it does not result in unacceptable adverse impact on the local road network.
15. In addition, the proposal would also fail to accord with paragraph 111 of the National Planning Policy Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Ecology and Protected Species

16. A protected species survey was undertaken in 2018. However, this survey was undertaken a long time ago, such that between that time circumstances could have changed for protected species. I also note CIEEM's advice which says a survey more than 3 years old is unlikely to still be valid. An updated ecological survey of the site is therefore needed. This has not been provided by the appellant.
17. The appellant has suggested that a pre-commencement condition could be used to undertake the ecological survey prior to development works commencing on site. However, the proposed development's impact on protected species cannot be determined without an up-to-date ecological survey. Consequently, it has not been demonstrated that the proposal would not have any adverse effects on protected species.
18. A condition would not be reasonable as any mitigation measures found necessary to remove adverse effects on protected species could lead to a substantial re-design of the development. It may also be the case that adverse effects can't be mitigated, which would need to be established before permission is granted. Any measures found necessary to protect species would also need to be in place through conditions and/or planning obligations before permission is granted. Furthermore, Policy MD12 of the SAMDev Plan recognises the importance of developments demonstrating at application stage whether any adverse effects on protected species can be avoided, and the effectiveness of any proposed mitigation measures.
19. I therefore conclude that insufficient information has been submitted to be satisfied that protected species would not be adversely affected by the proposed development. I must therefore take a precautionary approach.
20. For the reasons given above, the proposal conflicts with Policy CS17 of the CS (2011), which, amongst other things, seeks to ensure development identifies, protects, and enhances Shropshire's environmental assets. The proposal also conflicts with MD12 of the SAMDev Plan (2015), which seeks to ensure that development which is likely to have a significant adverse effect on protected species can clearly demonstrate that there is no satisfactory alternative means

of avoiding such impacts through re-design or by re-locating on an alternative site.

Character and Appearance

21. The surrounding area consists of a variety of architectural styles and building heights, which contribute positively to the character and appearance of the area. The pattern of development along Church Street is defined by properties occupying the predominant width of each plot and by the varied building line, which results from the staggered progression of buildings following the slope of the road. Overall, the area has traditional but varied character and appearance.
22. The Council have identified Riversdale and the outbuilding/former stable block as non-designated heritage assets. The significance of these two non-designated heritage assets derives, in part, from their age, scale and traditional form.
23. The proposed 4-bedroom dwelling would be of traditional design, which would follow the architectural style of Riversdale by incorporating some of its design features and use of materials. It would maintain the established building line of Riversdale. Its ridge height would also be lower than Riversdale and would therefore appear subservient in massing to the original building on site.
24. Whilst there would be a variation in terms of the proposed 4-bedroom dwelling's height compared to the neighbouring post office building, this would not be dissimilar to the variation of building heights found elsewhere on Church Street. As the proposal would be set back further from the road than the post office building, it would not appear dominant. It would also continue the staggered position and layout of properties evident within the wider street-scene. The proposal would therefore appear sufficiently in keeping with the pattern of development.
25. The appeal site is uncharacteristically wide in comparison to most plots in Church Street. The proposed 4-bedroom dwelling would be positioned to the west side of Riversdale. Due to the spacious grounds and sufficient space to the side of Riversdale, the proposal would not appear unduly cramped in the context of the wider street-scene. In addition, the proposed development would preserve the open characteristics of the appeal site, by virtue of adhering to the building line set back and maintaining a rear garden area.
26. Furthermore, the overall design, scale and location would reflect the traditional characteristics of Riversdale and the built form evident throughout the street-scene. The effect of the proposal would therefore be neutral and would not be harmful to the character and appearance of the area or the significance of the two non-designated heritage assets.
27. Turning to the former stable block to the rear of Riversdale, the proposal would convert the building into a two-bedroom dwelling. The design is sympathetic to the original building; it would not extend its footprint and would involve minimal changes to its exterior. Therefore, the proposal's refurbishment of the former stable block would have a neutral effect and would not be harmful to the significance of the non-designated heritage asset.
28. Although the proposal would result in the partial demolition of the front boundary brick wall, the development would repair the remaining part of the wall, which is currently in a poor structural state. Therefore, its partial loss

would be balanced by the restoration of the remaining wall, which would improve its safety. I conclude that this would represent a neutral effect.

29. The Council has criticised the proposal's use of boundary treatment in the form of timber fencing. However, this type of boundary treatment could be controlled by use of condition securing a landscape scheme for the site.
30. Although the proposal would introduce a garden shed to the site, its mass would be small in comparison to the other buildings, and it would sit comfortably within the spacious grounds without causing harm.
31. With the above in mind, the appeal scheme would not be harmful to the character and appearance of the area. In addition, its scale, siting and design would not be harmful to the setting or significance of either of the non-designated heritage assets or the wider historic area of the village. The proposal would therefore accord with Policy CS6 of the CS (2011), which seeks to protect, restore, conserve, and enhance the built and historic environment. The proposal would also accord with Policies MD2 and MD13 of the SAMDev (2015), which seeks to protect, conserve and enhance the historic context and character of heritage assets.

Other Matters

32. The Council have raised no objection to the proposal in respect of the effect it would have on the setting or significance of any designated heritage assets, including the listed Talbot Inn Public House. Based on the evidence before me and the observations I made during my site visit, I also find the proposed development would have no effect on the setting or significance of any designated heritage assets. This is a neutral effect and thus carries no weight in favour of the proposal.
33. The Parish Council has indicated that they are in the early stages of planning extensive traffic calming measures in the area. However, no evidence of this has been submitted. I therefore attach little weight to this matter.
34. The proposal would provide two dwellings with adequate access to local services. However, given the small scale of the proposal, the provision of these additional two dwellings would attract only modest weight.
35. The appellant refers to a shift to home working and the need for additional room within an ideal home. However, no evidence has been submitted to substantiate these claims.

Planning Balance and Conclusion

36. The proposal would provide two dwellings with adequate access to local services. However, given the small scale of the proposal, the provision of these additional two dwellings would attract only modest weight. I also acknowledge the proposal would support a shift to home working and the need for additional room within an ideal home.
37. The lack of harm I have found in regard to the character and appearance of the area, including heritage assets, would be neutral in the balance. Thus, overall, the modest benefits are insufficient to outweigh the harm I have found in regard to highway safety and protected species. There are no material considerations worthy of sufficient weight that would indicate a decision other

than in accordance with the development plan. The appeal should therefore be dismissed.

Helen Smith

INSPECTOR



Appeal Decision

Site visit made on 10 May 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2022

Appeal Ref: APP/L3245/W/21/3285440

Land off Red Barn Lane, Shrewsbury, Shropshire

- 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 V Hughes against the decision of Shropshire Council.
 - The application Ref 20/03270/FUL, dated 13 August 2020, was refused by notice dated 18 June 2021.
 - The development proposed is residential development of five detached dwellings and garages, construction of access and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Kingsland Special Character Area of the Shrewsbury Conservation Area.

Reasons

3. The appeal site comprises an agricultural field which slopes downhill towards the Rad Brook. The site is bounded by mature trees and woodland, open agricultural land and the Rad brook, and residential development to the south-east and south-west. Access into the site would be via an existing and currently overgrown lane that leads down to the site from Longden Road.
4. The appeal site is located within the Kingsland Special Character Area of the Shrewsbury Conservation Area (CA). As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. For the purposes of the National Planning Policy Framework (Framework), the CA is a designated heritage asset.
5. The significance of the CA lies, in part, to its tranquil setting in a river valley location, and open areas of green space, mature vegetation and woodland landscape, which accentuates its rural character. The overall verdant character of the area also contributes towards the significance of the CA.
6. The existing dwellings along Longden Road are predominately semi-detached buildings with mature rear gardens, set back from and facing the road. The dwellings vary in their design. Red Barn Lane is located to the west of the site. This is a narrow lane that serves a small number of dwellings of varying scale and design, with their rear gardens bordering the appeal site to its south-west. There is consistency in the existing dwellings, in that they follow established

- building lines and generally have a presence within the street-scene, which creates a strong pattern of development.
7. The appeal site is set back from Longden Road and has a sense of spaciousness, resulting from its openness and its relationship with the undeveloped garden land to the rear of the existing dwellings. This, along with the pleasant rural character of the river valley, contributes positively to the significance of the CA.
 8. The proposal would introduce five large, detached dwellings and associated garages on land beyond the rear building line of the existing residential development. The siting, scale and mass of the proposed dwellings and associated development would be out of keeping with the prevailing pattern of the surrounding development. The proposal would create an incongruous form of residential development adjacent to a well-established rear garden environment and would not respond positively to the overriding spacious character of the area.
 9. Furthermore, the proposal would erode the spacious and verdant nature of the area that the appeal site contributes to. The position of the proposed dwellings behind existing development, means that they would interrupt the established urban grain and reduce the openness of the area by protruding into the green corridor of the river valley. This would result in harm to the significance of the CA.
 10. Although the backland siting of the proposal would, to some extent, limit its wider effect on the character and appearance of the area, it would nevertheless be highly visible from neighbouring gardens and would have a harmful impact on the character and appearance of the CA.
 11. In reaching my decision, I have had regard to the landscape and heritage evidence submitted by the appellant including the Landscape and Visual Appraisal June 2020 revised August 2020; Landscape Mitigation Plan, Built Heritage Statement dated August 2020, and to the Heritage and Landscape Proofs of Evidence attached to the appellant's statement of case. However, notwithstanding this evidence, I have found that harm would result from the proposal for the reasons stated.
 12. I have had regard to the appellant's suggestion of imposing a condition to remove permitted development rights for garden structures, which would restrict such development were planning permission to be granted. However, this would not overcome the harm identified nor address any domestic garden paraphernalia that may be associated with the proposed gardens. Such paraphernalia would further erode the rural character and openness of the area.
 13. Therefore, the proposal would be harmful to the significance of the CA, a designated heritage asset. The harm to the significance of the CA that would result from the proposal would be less than substantial, which I note the appellant accepts. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In accordance with paragraph 202 of the Framework, the harm should be weighed against any public benefits of the proposal.

14. The proposal would likely provide some modest investment into the local economy by the proposal's initial construction and associated infrastructure and ongoing contributions from new residents. It would also make a small windfall contribution to the delivery of housing for the area on a site that is accessible to a range of services, facilities, and sustainable modes of transport. In addition, the proposal would include the provision of public open space creating opportunities for leisure and recreation, and would provide some modest social benefits, such as associated community infrastructure, and vitality of Shrewsbury's services and facilities.
15. The proposal aspires to use long-term sustainability and energy efficiency methods. However, there is nothing persuasive to demonstrate that the integrated electric charging vehicle points, on-site integrated renewable and low carbon energy systems, broadband infrastructure, and the provision of an integrated sustainable drainage scheme, would distinguish the design as being truly outstanding. Any environmental benefits would therefore be modest.
16. I also note the suggested benefits of hedgerows, tree planting and landscaping scheme, biodiversity enhancements, and restoration of the riverbank. However, these are neutral advantages and do not weigh in favour of the proposal.
17. A completed Planning Obligation in the form of a unilateral undertaking has been submitted with the appeal. Within the obligation the owners of the appeal site undertake to pay £127,000 affordable housing contributions to the Council. Though I note the Council's concern regarding land ownership and the ability of the undertaking within the obligation to be delivered, I also note that the undertaking requires payment to be made prior to the commencement of development and as such, appears to have addressed the Council's concerns. I attach moderate weight to the affordable housing contributions.
18. Overall, whilst the proposal would provide some modest economic, social, and environmental benefits associated with the provision of additional dwellings and whilst I attach moderate weight to the affordable housing contributions, any public benefits of the proposal would not be significant enough to outweigh the harm to the designated heritage asset identified.
19. Consequently, the proposal would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of the Act. For the same reasons, it would be contrary to policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy (March 2011), and policies MD2, MD12 and MD13 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan Adopted Plan (December 2015). Collectively, these policies seek, amongst other things, to ensure that development conserves and enhances the natural, built and historic environment and local character. In addition, the proposal would fail to comply with the historic environment policies contained within the Framework.

Other Matters

20. Although, due to its position near to residential development, the appeal site may have limited agricultural value, this does not weigh in favour of the proposal.
21. The appellant has made reference to the Council's Strategic Land Availability Assessment and how this document identifies the appeal site as having long-

term potential for residential development. However, there is no evidence before me to indicate that the appeal site is to be released for development through the Council's local plan review. I therefore attribute little weight to this matter.

22. A draft Statement of Common Ground has been submitted by the appellant. However, this has not been signed by the Council. I therefore attribute little weight to it.

Conclusion

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

Helen Smith

INSPECTOR



Appeal Decision

Site visit made on 26 April 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/L3245/W/21/3288834

Land adjacent Nesscliffe Hotel, Nesscliffe SY4 1DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Jones against the decision of Shropshire Council.
 - The application Ref 21/02563/OUT, dated 18 May 2021, was refused by notice dated 13 August 2021.
 - The development proposed is outline permission for the erection of two dwellings.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of two dwellings at Land adjacent Nesscliffe Hotel, Nesscliffe SY4 1DB in accordance with the terms of the application, Ref 21/02563/OUT, dated 18 May 2021, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The planning application was submitted in outline form with matters of access, layout, scale, landscaping and appearance reserved for future consideration. I have determined the appeal on this basis and thus have treated the submitted plans as being for indicative purposes only.

Main Issue

3. The main issue is whether the proposed dwellings would be in a suitable location for housing.

Reasons

4. The appeal site is a parcel of land on the north side of Holyhead Road, which runs through Nesscliffe and along which the built form is laid out in a predominantly linear pattern with buildings sited close to the highway. The site is located below Nesscliffe Hill which provides a wooded backdrop beyond open fields. The site does not appear to have any significant amenity value.
5. Travelling southeast along Holyhead Road, the Nesscliffe Hotel is the last building before the appeal site, however the boundary wall of this building projects up to the appeal site thus further extending the presence of built form. On the approach to the appeal site from the southeast, on passing the signage informing of the approaching village of Nesscliffe and the speed limit signage, the street scene retains a predominantly rural character for a short stretch. However, on turning the bend, glimpses of the built form on the southern side of Holyhead Road and the Nesscliffe Hotel quickly appear. When up close, the

- existing built form changes the earlier rural character and give a clear sense of arrival into Nesscliffe.
6. Whilst the street scene along the immediate short stretch next to the appeal site is semi-rural due to the reduced built form on this northern side of Holyhead Road, this contradicts strongly with the cluster of residential properties opposite which clearly read as part of the settlement. Moreover, the appeal site is not visually closely related to the open fields and wider countryside beyond, which are separated by a fence, sit at a higher level and rise steeply towards Nesscliffe Hill. Therefore, taking a broader view of the streetscene, the appeal site has a closer affinity, both visually and functionally, with the built form opposite and adjacent which is readily apparent in the immediate vicinity, and thus the settlement as a whole.
 7. The introduction of residential properties to this undeveloped site would not appear incongruous as they would therefore assimilate well with the existing built form due to this close relationship. The proposal would not result in fragmented development or sprawl that would result in significant visual harm to the wider countryside given this context. The steep rising of the land to the rear of the proposed development and views of Nesscliffe Hill would also remain visible from various points along the highway. Accordingly, along with the dwellings opposite, the appeal site marks a logical start/end of the built-up area of Nesscliffe.
 8. The appeal site can be seen from nearby public footpaths to the rear. When viewed from this vantage point, the appeal site may appear to somewhat form part of the wider field. However, the land level changes between the field and the appeal site are not readily discernible from this point. Furthermore, any views which would be achieved of the proposed development would largely be read in context with the existing surrounding built form and backdrop. As such, it would not blur the definitions of the village, with open countryside beginning beyond the appeal site away from the existing built form.
 9. The appeal site is currently bound by hedging along its highway boundary. The submitted plans indicate a wall along the highway boundary, to which the Council has raised concern with. However, the plans are for indicative purposes only and, based on the information before me, I can see no reason why an appropriate boundary treatment could not be devised and agreed at the reserved matters stage, notwithstanding the concerns from the Council's highway consultee.
 10. Therefore, subject to a sensitive design, the introduction of built form to this undeveloped site would not be out of keeping in this location and the proposal would not result in harm to the character of the area.
 11. Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) sets out the strategic approach to development in the district and notes that the rural areas will become more sustainable through a rural rebalance approach. This is supported by CS policy CS4 which seeks to make communities more sustainable by focusing development into community hubs and clusters. CS policy CS3 states that balanced housing development will take place within the towns' development boundaries and on sites allocated for development.

12. The Council consider that the appeal site is located outside of the Community Hub of Nesscliffe and thus for development plan purposes it falls within a countryside location. Although there are limited details before me regarding the Local Plan Review which has been submitted for examination, I acknowledge the suggestion that Nesscliffe is to be given a development boundary, which the appeal site would not fall within. I do not know the stage of the examination or whether there are any unresolved objections and as such, I can only afford this matter very limited weight.
13. Although a development boundary may assist in determining the extent or definition of the settlement, I have nevertheless found that the appeal site, when experienced in the locality, reads as part of Nesscliffe, with a close affinity to the existing built form. Regardless of this matter however, CS policy CS5 strictly controls development in the countryside in order to maintain and enhance countryside vitality and character. I have already found that the proposal would not harm the character of the area.
14. Although the proposed development does not fall within any of the examples listed in CS policy CS5 in terms of development which may be permissible in the countryside, this list is not exhaustive and, moreover, the overall aim of this policy is to ensure developments maintain and enhance countryside vitality and character, where they improve the sustainability of rural communities by bringing local economic and community benefits.
15. The appeal site is located close to the main hub of Nesscliffe which is largely centred around the public house and petrol station, which also includes a convenience store and post office. The proposal would provide two new dwellings which, based on the indicative plans, could constitute family sized dwellings. Future residents would likely use the shops, services and facilities within Nesscliffe and would not rely on private vehicle to do so, given the close relationship with the village and bus stops. The good availability of public transport would also provide access to settlements further afield. The proposal would support the desire for a rural rebalance through contributing towards social and economic vitality and thus provide benefits to the community.
16. Accordingly, taking all the above into consideration, the appeal site represents a suitable location for residential development as the proposal would enhance countryside vitality by bringing local economic and community benefits and would not result in harm to the character of the area. Therefore, the proposal would accord with CS policies CS1, CS4, CS5, CS6 and CS17 of the CS, policies MD1, MD3 and MD7a of the Shropshire Council Site Allocation and Management of Development (SAMDev) Plan (December 2015) and the National Planning Policy Framework (the Framework) in their collective aim to ensure that rural housing developments are sustainable and of a high-quality design which reflects local context, character and environment.
17. Policy S17 of the SAMDev is referred to within the Council's decision notice however this relates to the Wem area, in which the appeal site is not located. CS policy CS11 is also referenced, although as the proposal is for less than 10 dwellings, in light of the Framework and as acknowledged by the Council, the provision of affordable housing is not a requirement of this proposal. Further to the above policies which are referred to in the decision notice, the Council also states that the proposal would conflict with CS policy CS3 however this concerns the market towns and other key centres in the district.

Other Matters

18. The Nesscliffe Hotel is a detached Grade II listed building (the LB) which is identified as a former staging post. It is a dominant three storey property occupying a prominent siting along the highway and forward of the appeal site. Given the distance and relationship to the LB, I consider that the appeal site makes a neutral contribution to its significance and thus, in principle and subject to a sensitive design, the proposed residential development would preserve its setting. This is a neutral matter in the overall planning balance.
19. Concern has been raised that there are badgers within close proximity to the site however no further evidence has been submitted in support of this. The appellants Preliminary Ecological Appraisal¹ (the EA) indicates that the habitat of the appeal site is of very low/negligible ecological value and found no evidence of badgers on the site or within 50m. The Council's ecology consultee has also raised no objection to the proposed development, subject to conditions.
20. With regards to concerns relating to the living conditions of neighbouring occupiers, as the proposal is in outline form with all matters reserved, this would be a detailed consideration for future applications. Nevertheless, the indicative plans indicate that two dwellings could be erected at the appeal site with a generous separation distance across the highway. I also note there are concerns that this proposal would set a precedent however there is nothing before me to indicate that a similar proposal would be forthcoming on another site and, moreover, each development is determined on its own merits. Matters of the effect of hardstanding on natural drainage would be appropriately controlled via a condition.

Conditions

21. I have considered the conditions suggested by the Council and those set out in the consultee responses. The appellant has raised no substantive objections to them. Having regard to the tests set out in the Framework and the advice in the Planning Practice Guidance, where appropriate I have carried out some minor editing to the suggested conditions which has not affected their controlling elements.
22. The first 3 conditions are required by law. A condition specifying the relevant plan showing the application site is imposed for certainty. I have attached a condition relating to drainage as this is necessary in the interests of flooding.
23. Conditions relating to the access, gates, parking and turning areas are not necessary at this stage as they relate to matters which are reserved for subsequent consideration.
24. The EA includes recommended measures for mitigating impacts on and enhancing potential for protected species. Conditions requiring work to be carried out in accordance with the EA, the provision of roosting and nesting opportunities for bats and birds and the submission of details of any lighting scheme are attached as they are necessary in the interests of ecology. I have also attached a condition which ensures the EA remains up-to-date for the duration of the development.

¹ Reference: LSP/2481/20.1, dated 2nd March 2021

Conclusion

25. I note that the Council considers it can demonstrate in excess of a 5 year supply of deliverable housing sites. However, this target is not a ceiling figure. Moreover, I do not consider that this is a strong enough reason on its own to prevent further development. In any event, I have determined this appeal on its individual planning merits and have concluded that the proposal would accord with the development plan.

H Ellison
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout and scale (the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) This approval relates to Location Plan: 01.
- 5) 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) and shall be retained thereafter.
- 6) Prior to first occupation, a minimum of 1 external woodcrete bat box, integrated bat brick or ridge tile bat roost, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on each dwelling hereby approved. They shall be installed at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting, and retained thereafter.
- 7) Prior to first occupation, a minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups) shall be erected on each dwelling hereby approved. 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 retained thereafter.
- 8) Prior to its installation, details of any external lighting to be installed on site shall be submitted to and approved in writing by the local planning authority. The lighting shall be implemented in accordance with the approved details and retained thereafter.
- 9) Construction works on site shall be carried out in strict accordance with the recommendations made in the Preliminary Ecological Appraisal: Land adjacent

to Nesscliffe Hotel, Nesscliffe SY4 1DB, Reference: LSP/2481/20.1, dated 2nd March 2021.

10) If the development hereby permitted does not commence (or having commenced is suspended for more than 12 months) within 3 years from the date of the Preliminary Ecological Appraisal: Land adjacent to Nesscliffe Hotel, Nesscliffe SY4 1DB, Reference: LSP/2481/20.1, dated 2nd March 2021, then the approved ecological measures and mitigation secured through conditions shall be reviewed and, where necessary, updated and amended.

The review shall be informed by further ecological surveys (in line with recognised national good practice guidance) in order to i) establish if there have been any changes in the presence and/or abundance of species or habitats on the site and ii) identify any likely new ecological impacts and mitigation requirements that arise as a result.

Where updated surveys show that conditions on the site have changed (and are not addressed through the originally agreed mitigation scheme) then a revised updated and amended mitigation scheme, and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out strictly in accordance with the proposed new approved ecological measures and timetable.



Appeal Decision

Site visit made on 26 May 2022

by **G Rollings BA(Hons) MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/L3245/W/21/3289722

Land south of Fitz, Fitz, Shrewsbury, SY4 3AS

- 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 R & C Clarke & Francis against the decision of Shropshire Council.
 - The application Ref 21/02213/FUL, dated 23 April 2021, was refused by notice dated 14 July 2021.
 - The development proposed is the erection of a new dwelling including provision of access and amenity space (paragraph 79).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling including provision of access and amenity space at land south of Fitz, Shrewsbury, SY4 3AS in accordance with the terms of the application, Ref 21/02213/FUL, dated 23 April 2021, subject to the list of conditions set out in the annex to this Decision.

Preliminary Matters

2. The application was made whilst a previous version of the National Planning Policy Framework (the Framework) was in force. This 2019 version enabled, at paragraph 79, for the development of isolated homes in the countryside in instances where design was of an exceptional quality. The current 2021 version, at paragraph 80, makes a similar allowance but removes the ability of such design to be tested by way of its innovation. The 2021 version supersedes the previous, and is the version under which this appeal is considered.

Main Issue

3. The main issue in this appeal is whether the proposal reaches the standard of design sought in Framework paragraph 80, taking into account the character and appearance of the surroundings.

Reasons

4. A generally high standard of design and an appropriate location and relationship with surroundings is expected for new development as set out in the Council's local plan, including the *Adopted Core Strategy* (2011) and SAMDev¹ Policies provided in its decision notice. In particular, SAMDev Policy MD7a manages the development of new market housing outside of identified

¹ Shropshire Council *Site Allocations and Management of Development Plan* (SAMDev) (2015).

locations, with countryside development restricted unless certain criteria can be met, none of which are in this instance.

5. However, the Framework postdates the local plan. Paragraph 80 of the Framework also discourages the development of isolated homes in the countryside but provides for some exceptions. One of these, at paragraph 80(e), is that the design must be of exceptional quality, setting four tests. The development is tested against these in the remainder of this section.

Whether the design is truly outstanding, reflecting the highest standards in architecture

6. The site in its present state has different components, comprising woodland, farmland and a semi-wooded bank to the river. The area on which the house is proposed has been previously cleared.
7. The proposal has had a protracted design process. Elements such as a central dome have been altered or eliminated and through a process of consultation and evolution, the scheme now proposes a neo-classical building that is set on high ground back from the river's edge, taking advantage of the varying site levels and existing woodland. The appearance of the building, together with its compact nature, is reminiscent of a folly in the English grand house tradition. The style of the dwelling draws heavily on the classical architecture of the past. In this regard it could be considered a pastiche, in the same way that neo-classical architecture of the past drew on the eras that went before.
8. However, unlike a traditional folly, the building would have a practical purpose as residential accommodation. Views from and towards Fitz from the appeal site are shielded by woodland that would be retained and managed as part of the property, with limited views from other public spaces. The main views of the building would be within the expansive site area with glimpses from the river. The surrounding site area would have a mix of domestic and pastoral space that would both blend and enhance the existing landscape, whilst creating an appropriate setting for the new building. The design process has been subject to robust review to ensure that the development would not only stand as high-standard development in its own right but also be a positive addition to the rural setting.
9. I appreciate that appearance and design can be a subjective matter but consider that in this case, the rigorous design process has resulted in a proposal that successfully blends traditional and modern styles. It is coherent and would provide a legible building that is well integrated within both the altered and existing parts of the surrounding landscape. Its design achieves a very high standard of quality and in this regard, I consider that it passes the relevant test.

Whether the design would help to raise standards of design more generally in rural areas

10. The proposal is an example of a development that achieves two seemingly opposing outcomes: to both integrate within an existing bucolic landscape, and to impose a manmade 'statement' in a similar manner to country-house architecture of the past. Accordingly, it is a modern interpretation of a traditional style of English architecture that has been appropriately executed and, as such, could be an exemplar for similar development.

Whether the design would significantly enhance its immediate setting

11. The wooded part of the site would be retained and would in future be managed to ensure improvements to its sylvan character. The existing grassland would also be managed but would retain an agricultural character. Other interventions would use materials appropriate to the local landscape. Areas of the site closest to the house would be terraced but mostly shielded in views across open land and from the river. Overall, the domestic interventions would sit well within the landscape and I am satisfied that the development would have a significantly positive visual and operational relationship with the surrounding land.

Whether the design would be sensitive to the defining characteristics of the local area

12. The defining characteristics closest to the site are the planted 19th-century woodland, the agricultural nature of other parts of the site, its topography and the proximity of, and views to and from, the river. As previously described, the development enhances each element but would not detract from their importance nor their ability to be appreciated.
13. Further afield, Fitz settlement and its listed buildings are on higher land but are not visible from the site. The building is visually and physically separate and takes no design cues from the settlement. However, neither the building nor other parts of the site to be developed would affect the settlement or its constituent buildings, and accordingly, the proposal would be sensitive to the defining characteristics of the area.

Conclusion on main issue

14. The proposal reaches the exceptional standard of design sought in Framework paragraph 80, and would not harm the character and appearance of the surroundings. The proposal would not accord with the local plan, including Core Strategy Policies CS1, CS4, CS5 and CS11 and SAMDev Policies S16.2(viii), MD1, MD7a, which together do not allow market housing in the open countryside. The plan does not specifically allow for exceptions, and is consistent with Framework paragraph 80 insofar that isolated homes in the countryside are discouraged. However, the proposal accords with the Framework, including paragraph 80. There is not consistency between the Framework and the local plan, in that the former allows for exceptional development of this nature, and as the former post-dates the latter, I accord the Framework greater weight in my decision.

Other Matters

Effect on listed buildings

15. Fitz settlement is to the north of and on higher land than the location of the proposed house. Listed buildings within the settlement include the Church of St Paul's and St Peter's, and Fitz Manor, both of which are grade II* listed. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, its significance, or any features of special architectural or historic interest.

16. The significance of these listed buildings derives from their architectural features and ornaments, and their relationship as part of the historic settlement. Due to topography and vegetation, their setting is limited to the area within and immediately surrounding the settlement, although the woodland forming part of the site continues outwith to adjoin the garden of the Manor. Nonetheless there is no direct visibility between the designated heritage assets and the site and the development would not affect their significance. Additionally, the development would be sympathetic to the topography of the site and its landscape and would not harm any of the traditional relationships between the heritage assets and surrounding land.
17. Therefore, in accordance with the clear expectations of the Act, the setting of the listed buildings would be preserved, together with the significance of the designated heritage assets.

Planning obligation and affordable housing

18. A completed Section 106 Planning Obligation has been submitted. Given that an obligation may constitute a reason for granting planning permission only if it meets the tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 and paragraph 57 of the Framework, it falls to me to reach a finding on its acceptability.
19. The document provides an undertaking upon the appellants to provide £13,500 to the Council, together with costs, as a contribution towards affordable housing provision within the district. This sum was calculated in accordance with the formula as set out in the Council's *Type and Affordability of Housing Supplementary Planning Document* (2012) and is in accordance with the aims of Core Strategy Policy CS11 in meeting the diverse housing needs of local residents.
20. The contribution is justified and I am content that the obligation meets the requirements of the statutory and acceptability tests.

Local residents' and other submissions

21. There is both support for and objections against the proposal within the local community. The main concerns not already addressed within this decision would be mitigated through the planning conditions.
22. I have had regard to the previous appeal decision provided by the Council in support of its position. Whilst I consider it relevant to this appeal in that both seek Framework paragraph 80 exemptions, the proposal in this appeal is appropriate in bespoke design terms for the reasons that I have set out above.

Conditions

23. I have assessed the list of conditions proposed by the parties in the draft statement of common ground and the Council's suggested list against the tests set out in the Planning Practice Guidance (PPG)². Condition 2 is included for the absence of doubt and in the interests of proper planning. Conditions 3, 5 and 6 are imposed to ensure a high-quality finish and to ensure that the site has an appropriate character and appearance. Condition 4 is applied to enable suitable drainage sustainability, and conditions 7 and 8 for the preservation

² PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

and appropriate treatment of protected species and biodiversity. Conditions 9 and 10 are provided to ensure acceptable access and highway safety. Given the bespoke nature of the proposal and the aims of the Framework, Condition 11 is appropriate to maintain the design vision during the life of the development and meets the tests of reasonableness and necessity.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

Annex: List of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0511 001 Context Plan; AWB.122 000 Location Plan; AWB.122 002 rev. A Site Plan; FITZ01 Proposed Basement Plan; FITZ02 Proposed Ground Floor Plan; FITZ03 Proposed First Floor Plan; FITZ04 Proposed Roof Plan; FITZ05 Proposed South Elevation; FITZ06 Proposed North Elevation; FITZ07 Proposed East Elevation; FITZ08 Proposed West Elevation.
- 3) No development shall take place until 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.
- 4) 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 (whichever is the sooner).
- 5) 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. All external joinery shall be carried out in complete accordance with the agreed details.
- 6) No above ground works shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the Local Planning Authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

- 7) Prior to first occupation/use of the building, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:
- A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), and/or small birds (28mm or 32mm hole, standard design).
- The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
- 8) 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, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Guidance Note 08/18 Bats and artificial lighting in the UK* or any replacement version. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.
- 9) The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with approved plan AWB.122 002 Site Plan prior to the dwelling being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.
- 10) The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwelling being occupied.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to Schedule 2, Part 1, Class; A, B, C, D and E shall be erected, constructed or carried out.

End of list.

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank