

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

Date: Monday, 18 July 2022

Committee:
Southern Planning Committee

Date: Tuesday, 26 July 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.

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

<https://shropshire.gov.uk/southernplanningcommittee26july2022/>

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

David Evans (Chairman)
Caroline Bagnall
Andy Boddington
Nigel Hartin
Nick Hignett (Vice Chairman)
Hilary Luff
Nigel Lumby
Richard Marshall
Tony Parsons
Christian Lea
Richard Huffer

Substitute Members of the Committee

Kevin Pardy
Claire Wild
Pamela Moseley
Gwilym Butler
Mark Williams

Your Committee Officer is:

Tim Ward / Ashley Kendrick Committee Officer

Tel: 01743 257713 / 01743 250893

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes

To confirm the minutes of the Southern Planning Committee meeting held on 28th June 2022 – Minutes To Follow.

Contact Tim Ward (01743) 257713.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 5.00pm on Wednesday 20 July 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 Proposed Dwelling To The North Of Seifton Lane, Seifton, Shropshire - 22/00106/OUT (Pages 1 - 22)

Outline application for the erection of one dwelling to include means of access.

6 Proposed Industrial Building To The South Of Stokewood Road, Craven Arms, Shropshire - 22/01576/OUT (Pages 23 - 38)

Outline application for the erection of steel commercial/industrial building, vehicular access and yard, parking facilities (all matters reserved).

7 Roundabout Junction A442 Bridgnorth Road, B4176 and B4379, Sutton Maddock, Shifnal, Shropshire - 22/01671/ADV (Pages 39 - 46)

Erect and display four sponsorship signs placed on the roundabout.

8 Roundabout Junction B454 and B4363 Wolverhampton Road, Swancote, Bridgnorth, Shropshire - 22/01696/ADV (Pages 47 - 54)

Erect and display four sponsorship signs placed on the roundabout.

9 Roundabout Junction A442 Cann Hall Road, Mill Street and B4363 Wolverhampton Road, Bridgnorth, Shropshire - 22/01698/ADV (Pages 55 - 62)

Erect and display four sponsorship signs placed on the roundabout.

10 Roundabout Junction A454 and B4176, Hilton, Claverley, Shropshire - 22/01699/ADV (Pages 63 - 70)

Erect and display four sponsorship signs placed on the roundabout.

11 Golden Moments, 50 Broad Street, Ludlow, Shropshire, SY8 1NH - 22/01790/FUL (Pages 71 - 82)

Alterations and extension to include change of use to form a residential townhouse.

12 Golden Moments, 50 Broad Street, Ludlow, Shropshire, SY8 1NH - 22/01791/LBC (Pages 83 - 92)

Alterations and extension to include change of use to form a residential townhouse affecting a Grade II Listed Building.

13 Proposed Dwelling North Of 68 High Street, Albrighton, Shropshire - 22/02285/FUL (Pages 93 - 104)

Erection of single storey bungalow following demolition of outbuildings.

14 Schedule of Appeals and Appeal Decisions (Pages 105 - 126)

15 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.

16 Planning Enforcement Quarterly Report (Pages 127 - 140)

17 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 23rd August 2022 in the Shrewsbury Room, Shirehall.

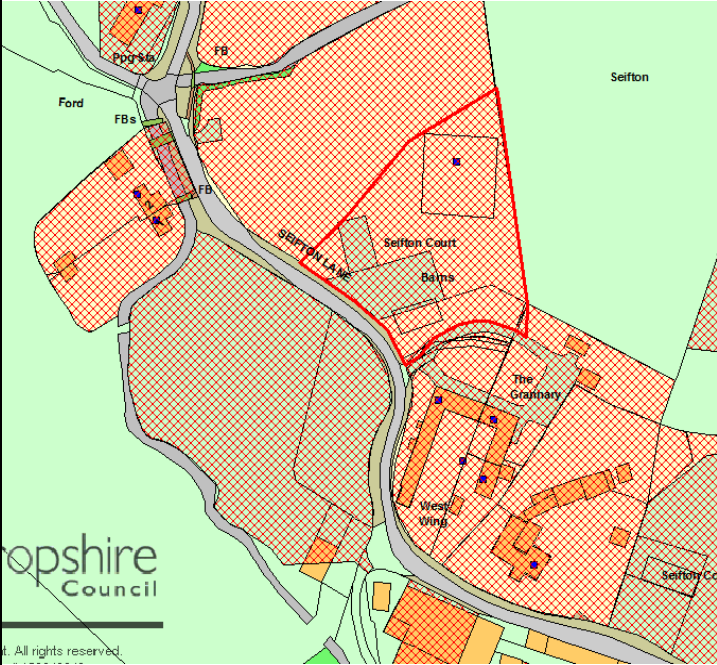
	<p><u>Committee and Date</u></p> <p>Southern Planning Committee</p> <p>26 July 2022</p>
---	---

Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/00106/OUT	<u>Parish:</u>	Culmington
<u>Proposal:</u> Outline application for the erection of one dwelling to include means of access		
<u>Site Address:</u> Proposed Dwelling To The North Of Seifton Lane Seifton Shropshire		
<u>Applicant:</u> Mr & Mrs Pease		
<u>Case Officer:</u> Sue Collins	<u>email</u> : sue.collins@shropshire.gov.uk	

<u>Grid Ref:</u> 348342 - 283148

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

Recommendation:- Grant outline planning permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the erection of a dwelling on land to the north of Seifton Lane, Seifton, Shropshire.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies to the north of the barn conversion scheme at Seifton Court with other dwellings located to the north and north west of the site.

2.2 Access to the site is via Seifton Lane which terminates at Pool Cottage and The Corn Mill. This lane passes to the south east of the site. There are some domestic style outbuildings located on the site with trees and hedgerows within the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons the following tests need to be met:
(i) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and
(ii) the Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee

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

4.1 Consultee Comments

4.1.1 **Culmington Parish Council:** This application was discussed at the Culmington Parish Council meeting on the 1st February 2022. Culmington Parish Council unanimously resolved to object to this application as Seifton Lane is within Culmington Parish and does not come within a Community Hub or Community Cluster and is therefore designated as 'open countryside' where new development is strictly controlled in accordance with Policy SP10 of the Shropshire Local Plan. The application does not meet any of the exceptions to the Strategic Plan within Section SP10 of the Local Plan.

The Local Plan states in S7.3 that a Community Cluster in Seifton is only that part of Seifton which is in the Diddlebury Parish. A letter from David Hedgley dated 30th July 2019 (Chair of Diddlebury Parish Council) to Ian Kilby (Shropshire Council) states that 'It is only the part of Seifton which is in Diddlebury Parish that has been assigned status as a development cluster for open market development.' (See attached document).

Culmington Parish Council also has concerns about any development along Seifton Lane, including this application, for the following reasons:

a. Flooding – Seifton Lane experiences severe flooding and difficulties for normal

and emergency service vehicles to access properties throughout the length of this no through road. Further development will only exacerbate the problem.

b. Traffic – this application indicates four parking spaces. Traffic along this single-track lane is already an issue with private drives being used as passing places. A working farm is based half way along the lane and is already struggling to use the lane due to the increase in traffic and are sometime required to reverse with attached trailers causing a greater risk to other road users including pedestrians. The addition of a further 4 vehicles is of great concern.

4.1.2 **Affordable Housing:** No objection. The proposed development falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing. Therefore, no affordable housing obligations apply in this instance.

4.1.3 **Ecology:** No objection

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

The updated ecological appraisal carried out by BIOME Consulting (December 2021) found the site to be in the same condition than the original 2020 survey, with the exception of a small amount of Himalayan Balsam along the watercourse, which will be managed in order to stop it's spread.

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

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

4.1.4 **Trees:** No objection

The indicative site plan and visibility splay (Plan ref. 19_998_003) identify the loss of approximately 6m of established native hedgerow but otherwise very few direct arboricultural implications. However, given that all matters except access are reserved there remains potential for arboricultural implications to accrue from any significant change to the indicative layout shown in plan 19_998_003. The Tree Team note that this application seeks consent for access and that the Highways Team's Comments broadly accept the visibility splay without modification and so the Tree Team would not expect significant change to access in a reserved matters application.

The NPPF set out an expectation that new development will result in biodiversity net gain, and the national local policies CS6 and MD2 as bolstered by the national model design code aspire for the sustainable integration of new development into the local and wider landscape. In the light of these considerations and the loss of 6m of hedgerow the Tree Team recommend that the council secure measures for landscape mitigation and compensation to be submitted as part of any subsequent reserved matters application.

4.1.5 **Conservation:**

Response Received 10.06.22

Further to our previous comments a Heritage Desk Based Assessment has been

submitted. The document has attempted to assess the impact of the development upon the setting of nearby listed buildings. However, due to the lack of any details of the design, scale, massing or materials of the proposed dwelling, the assessment has not been able to make any firm conclusions in this regard and notes that the assessment made 'is based on the limited information and assumptions made about this development only'. Therefore, we are unable to conclude that the development would not result in less than substantial harm to the setting of heritage assets.

Response Received 08.02.22

The application proposes the erection of one dwelling to the north of Seifton Lane, Seifton. The application is in outline with all matters reserved save for access. The proposed site lies to the north of the Grade II listed Seifton Court and associated historic farmstead and to the west of the Grade II listed Seifton House. As stated at preapplication stage due to the proximity of the proposed development to designated heritage assets a Heritage Impact Assessment should be provided in line with the NPPF and SAMDev requirements. It is noted that none has been provided and the reason given being that the application is in outline. However, the lack of an assessment and any detail of the scale, design, materials, bulk and massing of the development mean that the application is lacking in sufficient information to enable the local planning authority to understand the potential impact of the proposal on the significance of heritage assets.

The National Planning Policy Framework paragraph 194 states 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.' At the current time the application does not comply with local policy MD13 or the national requirements under paragraph 194 of the NPPF, there is insufficient evidence and information submitted to demonstrate that it would not be detrimental to the character and setting of the heritage assets taking into account the above mentioned policies and legislation, and at the current time would recommend refusal on this basis.

4.1.6 **Archaeology**

Response received 10.06.22

The proposed development site is located within the historic core of Seifton, and on the site of the deserted medieval village at Seifton (HER PRN 00961), comprising banks, hollow ways, field boundaries, rig and furrow and building plots. The transcription of the Tithe Award map for Culmington Parish of date and historic editions of the Ordnance Survey map indicate that the application site remained undeveloped throughout the 19th century, and during this period, was used as an orchard. As a result, there is a possibility that archaeological remains relating to the earlier history of the village may be present. The proposed development site is therefore deemed to have some archaeological potential.

An archaeological desk-based assessment has now been submitted with the planning application (Wessex Archaeology Ref. 262480.1, May 2022). It should be noted that the maps and plans included within the report require updating. Wessex Archaeology have been contacted regarding this matter. Notwithstanding this issue, the assessment has established that there is high potential for the presence of both buried archaeological and possible upstanding earthwork remains relating to the medieval period and Seifton DMV. It also found there is a background potential for prehistoric and/ or Romano-British activity inferred from similar levels of activity in the wider landscape. The assessment concludes that any adverse impact to upstanding earthworks or buried archaeological features as a result of the implementation of the development proposals would be permanent and irreversible in nature. An appropriate scheme of archaeological mitigation was therefore recommended, including the potential need for further pre-commencement fieldwork.

RECOMMENDATION:

Please note the Conservation Officer will provide comments on the impact of the proposed development on the listed buildings. The recommendations made below therefore only relate to the archaeological interest of the proposed development site.

In light of the above, and in relation to Paragraph 205 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a pre-commencement measured earthwork survey of the development site, with further archaeological mitigation thereafter. Depending on the results of the earthwork survey, this may include further pre-commencement evaluation of the site through a trial trenching exercise and/or an archaeological watching brief.

Response received 09.02.22

The proposed development site is located within the historic core of Seifton, and on the site of the deserted medieval village at Seifton (HER PRN 00961), comprising banks, hollow ways, field boundaries, rig and furrow and building plots. The transcription of the Tithe Award map for Culmington Parish of and historic editions of the Ordnance Survey map indicate that the application site remained undeveloped throughout the 19th century, and during this period, was used as an orchard. As a result, there is a possibility that archaeological remains relating to the earlier history of the village may be present. The proposed development site is therefore deemed to have some archaeological potential.

The site also lies near to a number of listed buildings and as such any development here has the potential to impact upon the setting of these heritage assets.

RECOMMENDATION:

The National Planning Policy Framework (NPPF) Paragraph 194 states that 'In

determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.' This includes undesignated as well as designated heritage assets. On the basis of the above, and in relation to Policy MD13 of the Local Plan and Paragraph 194 of the NPPF, it is advised that a Heritage Impact Assessment, to include an Archaeological Desk-Based Assessment and walk-over survey, should be submitted prior to the determination of this application. The assessment should include all heritage assets that may be directly affected by the development and address any issues of setting and visual impact on heritage assets that may arise. The assessment should conform to Historic England's guidance on Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets (2017) and the Chartered Institute for Archaeologists' Standard and Guidance for Archaeological Desk-based Assessment (2014). This will enable an informed planning decision to be made regarding the impact of the proposed development, including on the archaeological interest of the site, and thereafter, the need for any further archaeological mitigation. There should be no determination of the application until the results of the required assessment has been submitted to the Local Planning Authority, or it should otherwise be refused.

- 4.1.7 **Highways:** No objection – subject to the development being constructed in accordance with the approved details and the recommended conditions and informative notes. The development is seeking outline consent with access included as a determined matter for the erection of a single dwelling. The site is served off a rural unclassified no through road, which currently serves a number of other properties and surrounding agricultural land. The likely traffic generated by the proposed property over and above the traffic the road already experiences is considered unlikely to lead to severe harm to the highway network upon which to sustain an objection. Care will however need to be taken with the management of construction traffic with consideration taken in terms of the nature of the lane and delivery times avoiding peak traffic flow times. All associated vehicles will need to be accommodated on the site to not adversely impede the highway. It is advised that prior to the submission of the required information for the Traffic Management Plan, the applicant/developer should contact Shropshire Council's Street Works Team on the following link to approve details prior to applying for the discharge of the condition.
- 4.1.8 **Drainage:** No objection subject to the inclusion of the recommended conditions

and informatives on any planning permission that may be granted.

4.2 **Public Comments**

4.2.1 Five letters of representation have been received. The following concerns were raised:

- This area is open countryside and therefore development would be contrary to the adopted SAMDev.
- Only exception housing should be allowed in this area.
- Extra traffic on the lane will cause problems for highway safety particularly for farm traffic and pedestrians using the road
- Scheme is out of keeping as existing dwellings are old or created through conversion of old buildings.
- The road and land including dwellings is subject to regular flooding with access by tractor and boat only.
- Increasing hardstanding will cause more flooding and exacerbate the problem.
- As the house is unlikely to be occupied by local people this could cause problems for existing agricultural businesses operating adjacent to the site.
- The proposed access is adjacent to an existing access and will require the removal of hedging to provide visibility. This together with the rest of the scheme will impact on wildlife in the area.
- Allowing this development will set a precedent for further development in the future
- There are restrictive covenants on the land preventing development across part of the site.

5.0 **THE MAIN ISSUES**

- Principle of Development
- Design, Scale and Character and Impact on Historic Environment
- Impact on Residential Amenity
- Ecology
- Trees
- Conservation
- Archaeology
- Highways
- Drainage

6.0 **OFFICER APPRAISAL**

6.1 **Policy & principle of development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for

local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 The local Parish Councils and Local Member have indicated that the settlement of Seifton is considered open countryside and as such no further open market housing should be approved in this location. Culmington Parish Council have referred to policy reference SP10 in their response. This is a policy that is included in the draft Local Plan that is currently under review. At this stage it holds no weight in determining applications as it has not yet progressed far enough in the adoption process.
- 6.1.3 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, the Council's Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer open market housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the relatively recent SAMDev Plan. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances, or unless other relevant material considerations are held to outweigh the statutory priority afforded to the local development plan.
- 9.1.4 Seifton is identified as a component of a Community Cluster alongside Corfton, Bache Mill, Boulton, Broncroft, Middlehope, Peaton, (Great/Little) Sutton and Westhope, under SAMDev Policies MD1 and settlement policy S7.
- 9.1.5 The settlement Policy at S7.2(ii) gives a guideline of around five additional dwellings, and no more than ten, in each of the settlements by 2026, and besides conversion schemes the intention is for these to comprise infill development on suitable small-scale 'windfall' sites.
- 9.1.6 Since there is no predefined development boundary around Seifton the question of whether or not specific schemes would constitute infilling is a matter for judgment in each case.
- 9.1.7 The site subject to this application is accessed off Seifton lane, a no-through road which provides access to a group of around 14 properties. The site is located to the north of Seifton Court Barns. Opposite the site to the west lies a pair of semi-detached dwellings, separated by the no-through road and to the north a detached dwelling, separated from the site by a watercourse. Bearing the above in mind it is considered that the site is sufficiently bounded by existing development to represent infill and in principle maybe acceptable for the development of one detached dwelling.
- 9.1.8 In relation to the objection by the Parish Councils and the Local Member, Officers' have sought advice from the Council's Solicitor. The current interpretation of this matter is that both the plan and policy maps have been through consultation and a Local Plan Examination. While reference is made to Diddlebury Parish, no

reference has been made to Culmington Parish in the explanatory notes. The Development Plan for an area is the development plan documents taken as a whole that have been adopted for that area. The SAMDev policy MD1 sets out the settlement policy framework and lists community cluster settlements. These are not set out in Parishes but in settlements. The SamDev Plan policy map for the area shows the cluster settlements marked with a star. There is a star on the settlement of Seifton not in the Diddlebury parish.

- 9.1.9 In terms of the evidence base underpinning the policy, the Craven Arms Area was discussed in the SAMDev Technical background paper dated March 2014, and at para 3.137, the settlements in Policy S7.2(iii) are discussed as follows:

Bache Mill, Boulton, Broncroft, Corfton, Middlehope, Peaton, Seifton, (Great and Little) Sutton and Westhope Cluster

3.137

At the Issues and Options stage (2010), rural Parishes in the Craven Arms area were invited to consider whether settlements in their parishes might reasonably accommodate new development. Parishes in the wider Corvedale area including Diddlebury, chose to take this matter into the preparation of their local Parish Plans.

3.138 Shropshire Council supported this approach due to the significant potential for development in Diddlebury village due to its accessibility on the B4368 through Corvedale and the potential range of development opportunities in the village. Diddlebury Parish considered the issue of future development in the parish during the preparation of SAMDev Preferred Option and confirmed their wish to have a Cluster in their parish early in 2013.

3.139 This Cluster was confirmed in the SAMDev Revised Preferred Option in July 2013 with the Parish Plan nearing completion. At this time, there was majority support for small scale development but no desire to accommodate large housing developments. It was proposed instead, that Diddlebury village be the principal location for the delivery of affordable housing on exception sites. In response to the SAMDev Revised Preferred Option there was majority support for this Cluster.

3.140 Shropshire Council welcomes this Cluster in the physically contained and relatively inaccessible Corvedale valley. The provision of local opportunities for new housing will support the local communities within a strategy which offers a responsible and planned approach to the delivery of open market and affordable housing.

- 9.1.10 While only Diddlebury Parish is mentioned in the policy and not Culmington Parish it does not explain that it is not intended to include the whole of Seifton. Reference to the Corvedale valley is a geographical location rather than any administrative or parish area.
- 9.1.11 Overall by referencing policy S7 together with the policy map it is considered that the policy as a whole says that the settlement of Seifton is in the cluster and does not relate to only those parts which maybe in Diddlebury Parish. This would need to be clarified by specific wording explaining the limitations and this is not contained in the policy.

9.1.12 As such in view of the legal opinion that has been received it is considered that the site is part of the settlement of Seifton and this is considered part of the Cluster as set out in policy S7.2 of SAMDev

9.1.13 Other issues such a Drainage, Highways etc will be discussed further in this report.

6.2 **Affordable Housing**

6.2.1 Comments have been made by the Affordable Housing Officer in relation to the amount of Affordable Housing Contribution. Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Councils housing needs evidence base and related policy pre date the Court of Appeal decision and subsequent changes to the NPPG, meaning that on balance and at this moment in time, National Policy Prevails and consideration will be made in light of the above details. As such no contribution is required for this size of development.

6.3 **Design, Scale and Character Impact on Historic Environment**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition, policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design.

6.3.2 This application is in outline where the issues of appearance, layout and scale have been identified as reserved matters. As such no details of these have been provided at this stage. It is appreciated that the site is close to heritage assets, but as it is unknown exactly the details of the proposed development it is not possible to fully assess the impact on these. A condition is recommended for inclusion on any planning permission granted that the first application for reserved matters be accompanied by a full Heritage Impact Assessment to ensure that the scheme proposed is appropriate for this location.

6.3.3 Overall from the information available there is no justification to refuse the current outline application.

6.4 **Impact on Residential Amenity**

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

6.4.2 As indicated at para 6.3.2 this is an outline application. The size of the site will allow for some flexibility in its potential layout and there will be scope for a

dwelling to be designed which would ensure that any impact on residential amenities would be to an acceptable level. As such no objection is raised by Officers in relation to the impact of the development on the residential amenities of the area.

6.5 Ecology

6.5.1 Some comments have been received that the proposed development will have an unacceptable impact on wildlife in the area. Not only from the building on the land but also the removal of a section hedgerow in order to create the proposed access.

6.5.2 As part of the application an updated ecological appraisal was submitted which has been assessed by the Council's Ecologist. No objection has been raised by them regarding the scheme, subject to the inclusion of the recommended conditions and informatives. These would include enhancements to the ecology and biodiversity of the area through the provision of bat and bird boxes and protection for wildlife through a buffer zone during the construction works and by the need for approval for external lighting prior to its installation.

6.5.3 As no objection has been raised by the Ecologist and the recommended conditions would help to protect and enhance the ecology and biodiversity of the area this would be considered to be in accordance with the NPPF and policies CS17 and MD12 of the Shropshire LDF.

6.6 Trees

6.6.1 The application would include the removal of approximately 6 metres of the hedging to the front of the site to create the visibility splay necessary for the creation of the vehicular access. It is also noted that as this is an outline application only other implications in regard to the impact on trees and hedgerows could require further consideration.

6.6.2 However as it is outline, the landscaping of the site would be considered as part of any reserved matters application. As such it would be possible to ensure that appropriate planting or other landscaping works are carried out to mitigate for the loss of the hedgerow. Therefore subject to the inclusion of the recommended conditions no objection has been raised by the Council's Tree Officer.

6.7 Archaeology

6.7.1 During the course of the application further information regarding archaeological matters has been submitted for consideration. This has been assessed by the Council's Archaeologist.

6.7.2 While minor updates are required to the submitted plans and maps submitted it has established that there is a high potential for the presence of remains relating to the medieval period and Seifton DMV. There is also the potential for prehistoric and/or Romano-British activity. AS the development may have a permanent impact on any of these features an appropriate scheme of archaeological mitigation was recommended. It has been recommended that a condition be

included on any planning permission granted that further archaeological works are carried out prior to the commencement of any development.

6.8 Highways

- 6.8.1 Concerns have been raised regarding the impact of the new dwelling on highway safety of the area particularly as Seifton Lane is single track width and is heavily used by agricultural vehicles.
- 6.8.2 The Council's Developing Highways Manager has commented on the application raising no objections to the scheme. The land is an unclassified no through road which serves a number of other properties as well as surrounding agricultural land. However they consider that it is unlikely that the additional dwelling would lead to severe harm to the highway network and as such it is not possible to justify refusal on this basis.
- 6.8.3 A number of conditions and informatives have been recommended for inclusion on any planning permission that may be granted. These will ensure that there is careful management of construction traffic and that the proposed access and parking is to a satisfactory standard prior to the occupation of the dwelling and remains so for the lifetime of the development.
- 6.8.4 In view of these comments it is officer opinion that there is insufficient justification to recommend refusal of the application on this basis and there would not be severe harm caused to the highway network as a result of the development.

6.9 Drainage

- 6.9.1 A number of local residents have identified that the area is prone to flooding to the point where the Emergency Services are required to allow occupiers of dwellings along Seifton Lane to leave their homes. As such they consider another dwelling will not only place a bigger strain on the emergency services, but the additional hardstanding will exacerbate the flooding of the area.
- 6.9.2 The Council's Drainage Engineer has assessed the application and the Flood Risk Assessment (FRA) which has been submitted by the Agent. Any future application for reserved matters will need to take into consideration the mitigation recommended within the FRA. These have been specified by the Drainage Engineer in his response on the application. A condition has also been recommended for inclusion on any planning permission granted which will require full details of the foul and surface water drainage methods that are to be used. This condition will ensure that a satisfactory drainage system is proposed that would prevent the scheme from exacerbating the existing flooding of the area.
- 6.9.3 From the above comments while there is undoubtedly a problem with flooding in this area, the site can be appropriately developed without causing any further harm in relation to flooding. It is Officer opinion therefore that the scheme would be in accordance with policy CS18 of the Shropshire Core Strategy.

7.0 CONCLUSION

7.1 A number of issues have been raised by local residents, Local Member and the Parish Council's these have been assessed by officers. It is considered that the development of an open market dwelling in this location would be acceptable and that the recommended conditions would deal with any matters raised to ensure that the scheme is carried out in a suitable manner. As such the scheme is considered to be in accordance with the NPPF and policies S7.2(ii), CS4, CS6, CS17, CS18, MD2, MD12 and MD13 of the Shropshire LDF.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning

committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD12 - Natural Environment
MD13 - Historic Environment
National Planning Policy Framework
Settlement: S7 - Craven Arms

RELEVANT PLANNING HISTORY:

PREAPP/19/00353 Proposed single dwelling residential dwelling. PREAIP 19th September 2019
22/00106/OUT Outline application for the erection of one dwelling to include means of access
PCO

11. Additional Information

View details online:

[22/00106/OUT | Outline application for the erection of one dwelling to include means of access | Proposed Dwelling To The North Of Seifton Lane Seifton Shropshire](#)

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 Cecilia Motley

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

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

3. The first submission of reserved matters shall include a Himalayan Balsam management plan. Works shall be carried out strictly in accordance with the approved management plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent the spread of invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

4. The first submission of reserved matters shall include a Construction Environmental Management Plan. The submitted plan shall include:

a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented;

b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

c) Requirements and proposals for any site lighting required during the construction phase;

d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);

e) The times during construction when an ecological clerk of works needs to be present on site

to oversee works;

f) Identification of Persons responsible for:

i) Compliance with legal consents relating to nature conservation;

ii) Compliance with planning conditions relating to nature conservation;

iii) Installation of physical protection measures during construction;

iv) Implementation of sensitive working practices during construction;

v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and

vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.

g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12,

CS17 and section 175 of the NPPF.

5. A minimum 20m buffer shall be temporarily fenced off parallel to the bank along the length of the watercourse, as described in the updated ecological appraisal prepared by BiOME Consulting (December 2021). No access, material storage or ground disturbance shall occur within the buffer zone. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of the watercourse, and associated wildlife, during construction works

6. The reserved matters application will include a comprehensive scheme of landscape compensation and mitigation works to be carried out on the site. This shall include:

(i) Details of existing and proposed ground levels, and of the grade of topsoil to be used in connection with level changes

(ii) Details of proposed planting schedules, methods for protection from grazing and for aftercare provision.

(iii) Timetables for implementation

(iv) A clear and unambiguous statement that: any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season in

accordance with further details which shall first be submitted to and agreed in writing by the local planning authority.

REASON: To compensate for the loss of established planting as a result of development works at the site, and to preserve the character and appearance of the local area, in accordance with Policies CS6 & CS17 and MD2 & MD12 of the Shropshire Local Development Framework Adopted Core Strategy and SAMDev plan.

7. Where plans and particulars submitted for the reserved matters application indicate that construction work excavations or level changes are to take place close to or within the Root Protection Area (RPA) of any retained tree(s), large shrubs or hedges, the application will be supported by a Tree Protection Plan (TPP) which will be

supported by an arboricultural method statement (AMS) where any breach of the tree(s) or hedgerows RPAs is proposed. These will detail how the retained trees / hedgerows will be protected during the development. All supporting arboricultural details will be compatible with good practice as set out in BS5837:2012 trees in retain to design demolition and construction recommendations.

REASON: To ensure that retained trees shrubs and hedgerows are appropriately protected during the development, so that their condition and amenity value is not compromised or eroded.

8. The first application for reserved matters shall be accompanied by an up to date Heritage Impact Assessment.

Reason: To ensure that the proposed scheme will not have a detrimental impact on the nearby heritage assets.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

10. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

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

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

12. No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the 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

13. Prior to first occupation / use 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 following boxes shall be erected 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 Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design), House Martins (House Martin nesting cups) and/or

small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development.

The boxes 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 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.

14. The access shall be satisfactorily completed and laid out in accordance with the Indicative Site Plan Drawing No. 19_998_003 prior to the dwelling being occupied.

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

15. 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.

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

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

16. 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 5.0 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.

17. 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. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

Informatives

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

2. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

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

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

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

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

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

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

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

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

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


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

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

This page is intentionally left blank

	<p><u>Committee and Date</u></p> <p>Southern Planning Committee</p> <p>26 July 2022</p>
---	---

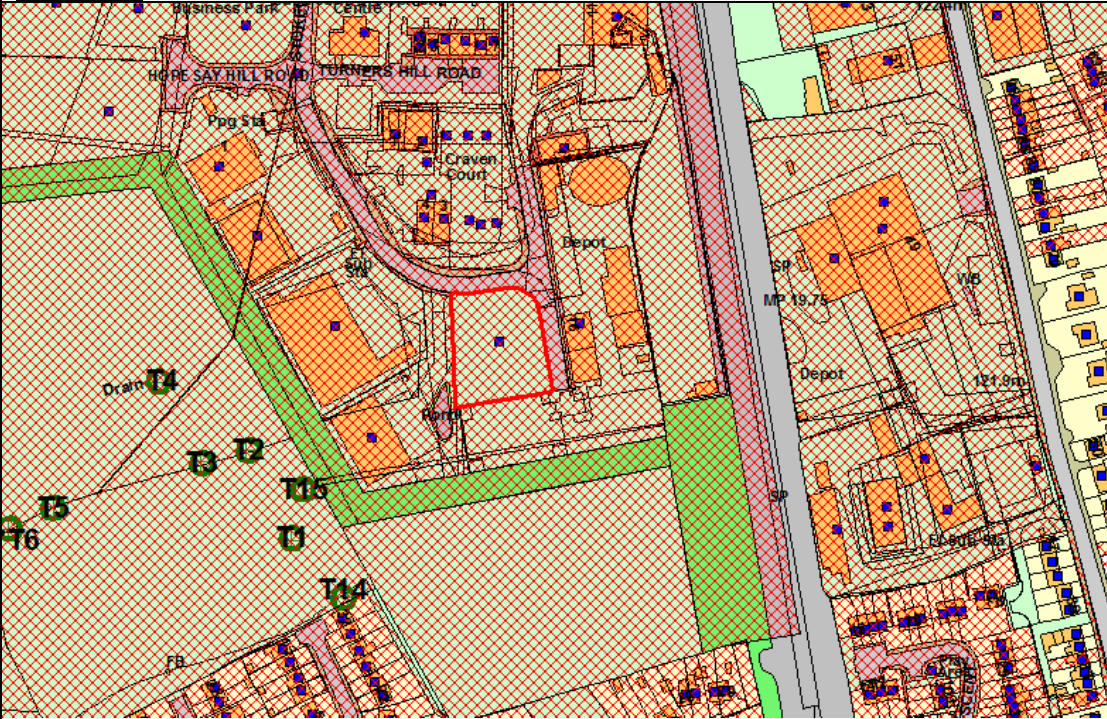
Development Management Report

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

Summary of Application

<p>Application Number: 22/01576/OUT</p>	<p>Parish:</p>	<p>Craven Arms</p>
<p>Proposal: Outline application for the erection of steel commercial/industrial building, vehicular access and yard, parking facilities (all matters reserved)</p>		
<p>Site Address: Proposed Industrial Building To The South Of Stokewood Road Craven Arms Shropshire</p>		
<p>Applicant: Tough Furniture Ltd</p>		
<p>Case Officer: David Jones</p>	<p>email: david.jones@shropshire.gov.uk</p>	

Grid Ref: 342992 - 283304



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

Recommendation:- Grant outline planning permission subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This is an outline planning application with all details reserved for future consideration. The proposal is described in the submission as portal frame steel building of around 900-meter square, being 6 metres to the eaves having a vehicular access yard and parking facilities. An indicative block plan accompanies the application which shows the footprint of the of a building (36 metres by 23 metres) a 6-metre-wide vehicle access leading to a 9 metre tarmac hardstanding along the frontage of the building. A 2.4-metre-high palisade type fence is annotated along the southern and western boundary positions.
- 1.2 It was clarified in the course of processing the planning application that the use being applied for is furniture manufacturing which would fall within a B2 (General Industrial Use) under The Town and Country Planning (Use Classes) Order 1987 (as amended). The applicant has confirmed that the development would be used for the storage of materials, assembly of furniture and their distribution from the site. Working hours would be 06.00 until 22.00 weekdays and 06.00 to 14.00 on Saturdays.
- 1.3 The submission states that surface water will be disposed of either by way of soakaways or the public sewer.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is a greenfield site having an area of 0.211 hectares located on an established industrial estate.
- 2.2 There are existing residential areas to the south the nearest of which is around 100 metres from the application site.
- 2.3 The mainline railway is located around 80 metres to the east of the application site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This is a third-party planning application for an industrial development on Council owned land and on the basis that this is not a statutory function of the Council under the scheme of delegation it is considered that the application should be determined by the planning committee.

4.0 Community Representations

4.1. Consultee Comment

4.1.1 **SC Archeology (Historic Environment)**

23.05.2022 The proposed development site lies adjacent to a cropmark enclosure of prehistoric to Roman date (PRN 02046). It also lies a short distance to the east of the route of Watling Street (PRN 00108) and in the area of several roman occupation sites (PRN 02041 & PRN 00620).

A geophysical survey by GSB Prospection in 1991 (ESA 7457), and an archaeological evaluation, by Birmingham University Field Unit in 1992 (ESA 2490), revealed the presence of Roman occupation associated with the enclosure. Within the development site itself, a number of linear anomalies were identified, and trial trenching (Trench 5) identified two ditches, two possible post holes, and a number of pit features. Issues during these investigations has meant that the exact location of these features is unclear.

Archaeological excavation by SLR consulting (ESA 7777) immediately to the south of the proposed development site identified the northern extent of the cropmark enclosure (PRN 02046), associated with external activity which spanned approximately 200 years. A late prehistoric V-shaped ditch, comprising a timber stockade running parallel to the western side of the enclosure, and a later Roman ditch overlying/ replacing part of the earlier ditch, were found to continue north beyond the excavated area, and are therefore likely to extend into the proposed development site. The later ditch may have been for drainage, allowing water to flow southwards, and/or it may have demarcated different zones of external activity, perhaps related to the use of the land to the east for ovens and structures, while to the west lay a more open area.

Given the above, significant archaeological remains associated with this site may be impacted on by the proposed development. The development site is therefore deemed to have high archaeological potential.

RECOMMENDATION:

In view of the above and in line with Policy MD 13 of the Local Plan and Paragraph 205 of the NPPF, it is advised that a phased programme of archaeological work should be made a condition of any planning permission for the proposed development. This should be in the form of a strip, map and record exercise, initially covering the eastern half of the site (c.25m N/S x 20m E/W), with further mitigation thereafter depending on the results. This may include further extensions to the pre-commencement area excavation and/or a watching brief during groundworks, as well as an appropriate level of post-excavation analysis and reporting of any features and deposits that are encountered.

An appropriate condition of any such consent would be:

Suggested Conditions:

No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological.

4.1.2 **Severn Trent Water Ltd**

23.05.2022 Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

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

4.1.3 **SC Ecologist**

13.05.2022 Standing Advice

4.1.4 **SC Regulatory Services**

24.05.2022 Given the proximity of unit to a residential area I would recommend the following condition is applied to any permission given.

No operational use of manufacturing or extraction equipment shall take place until a noise assessment of proposed activities with appropriate noise mitigation scheme if required has been approval by the Local Planning Authority. The approved scheme shall be completed prior to the first manufacturing operation of the building and shall thereafter be retained.

14.07.2022 Confirmed that there are no concerns that the use of the site for woodworking as part of furniture manufacture would be unacceptable in principal at the site , there are already similar uses being undertaken at neighbouring units. Would fully expect noise control; from the activities to be easily controlled.

4.1.5 **Network Rail**

30.05.2022 Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk.

LEVEL CROSSINGS

As there is a level crossing in the vicinity then no part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing, This stipulation also includes the parking of vehicles, caravans, equipment and materials etc, which again must not cause rail and road approach sight lines of the crossing to be obstructed. At no point during construction on site or after completion of works should there be any deterioration of the ability of pedestrians and vehicles to see the level crossing and its signage. There must be no reduction in the distance that pedestrians and vehicles have sight of the warning signs and the crossing itself. Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc) and level crossing equipment along any part of its railway.

4.1.6 **SUDS**

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

1. Condition:

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

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

2. Comment:

2.1. Surface water and foul drainage schemes for the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

2.2. Appendix A2 - Surface Water Drainage Proforma for Minor Developments must be completed and together with associated drainage details, must be submitted for approval.

4.1.7 **SC Highways DC**

19.02.22 The Local Highway Authority want to reiterate that, even though the applicant has provided a detailed site layout plan, the conditions outlined below are based on the fact the application is 'Outline - All Matters Reserved' and that access arrangements and the yard/parking facilities will be subject to Highway's approval at the 'Reserved Matters' stage.

Based on the above the Local Highway Authority in turn ask for the following conditions;

Means of Access

Development shall not take place until details of the means of access, including the layout and construction, have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Parking/Turning/Loading

Development shall not take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

Informative and Note

Drainage Scheme (Informative)

Details of a drainage arrangement scheme to ensure that surface water from development does not discharge onto the public highway, will need to be provided at the reserved matters stage. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Note

The site layout proposals are purely indicative at this stage and aren't subject to Highway's approval. The applicant will need to provide a tracking exercise at the 'Reserved Matters' stage which shows that the largest vehicle associated to the site can manoeuvre accordingly and leave the site in a forward gear. The parking arrangements associated to the commercial/industrial building also need to be clearly outlined, showing enough spaces have been provided to accommodate the

proposals.

4.2 Public Comments

- 4.2.1 The application was publicised with a site notice and the publicity period expired on the 16.05.2022, no representations were received within this period.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Policy CS1 (Strategic Approach) of the Core Strategy identifies that accommodating investment and new development will contribute to meeting the County's needs and to make its settlements more sustainable. The Market Towns and other Key Centres will maintain and enhance their traditional roles in providing services and employment.
- 6.1.2 Policy CS3 (Market Towns and Other Key Centres) of the Core Strategy lists the Market Towns and other Key Centres and states that these will maintain and enhance their roles in providing facilities and services to their rural hinterlands.
- 6.1.3 Policy CS13 (Economic Development, Enterprise and Employment) seeks to support enterprise and deliver sustainable economic growth and prosperous communities. The policy also seeks to ensure that the business investment recognises the economic benefits of the County's environment and quality of life as unique selling points which need to be valued, conserved and enhanced. There is a need to promote a sustainable pattern of development in line with the spatial strategy means that much of the economic development takes place in Shrewsbury and the Market towns.
- 6.1.4 Policy CS14 (Managed Release of Employment Land) states that a strategic supply of employment land and premises will be identified and managed to release 290ha of employment development up to 2026 which will be distributed in accordance with Policy CS1.
- 6.1.5 Policy MD1 (Scale and Distribution of Development) of the SAMDev sets out where the pattern of employment land will be within the County; namely Market Towns and other Key Centres such as Craven Arms where sustainable development will be supported.
- 6.1.6 Policy MD4 (Managing Employment Development) states that employment development will be managed in accordance with spatial strategies CS1 – CS5 and

economic and employment strategy CS13. As part of the management of a portfolio of employment land and premises (CS14 and CS19) and to maintain a reservoir of available sites

1. Employment land and development will be delivered by permitting proposals that are sustainable development and:

- I. are on committed or allocated sites (portfolio sites) identified in Policy area S2 and on the Policies map; or
- II. are other suitable development sites; and
- III. comprise Class B or sui generis uses which include industrial or commercial employment opportunities;
- IV. are operations which are compatible with adjoining uses;
- V. satisfy the relevant settlement policy and accompanying development guidelines.

6.1.7 The proposal is located within the settlement boundary of a market town under the settlement strategy. It is considered that the redevelopment of this site for the purposes being applied for would align with the development plan's spatial strategy and would meeting policy aims in terms of sustainability and in safeguarding and bringing forward employment land in accord with the economic aims of the policies listed.

6.2 **Siting, scale and design**

6.2.1 Policy CS 6 (Sustainable Design and Development Principles) of the Core Strategy (2011) seeks to create sustainable places by ensuring that development will be designed to a high quality using sustainable design principles to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. Policy MD2 (Sustainable Design) of the SAMDev (2015) contains similar provisions.

6.2.2 The planning application is submitted in outline form but parameters are provided with an indicative plan provided illustrating the footprint of the building measuring 36 by 23 metres a 6 metre wide vehicle access leading to a 9 metre tarmac hardstanding along the frontage of the building. The submission also indicates that the building would have a height of 6 metres to the eaves and that palisade type fencing would demarcate some boundaries. The application site is located on an established industrial estate and the proposal is considered to be appropriate in this context and on this basis aligns with the material planning policies above.

6.3 **Residential Amenity**

6.3.1 There are existing residential areas to the south the nearest of which is around 100 metres from the application site. A B2 (General Industrial) use is being applied for which has the potential to impact on the residential amenities of the occupant's of adjacent properties. The council's SC Regulatory Services have confirmed that the use of the site for woodworking as part of furniture manufacture would be acceptable in principle as there are already similar uses being undertaken at

neighbouring units. A planning condition reflective of that recommended by SC regulatory Services requiring details of any manufacturing or extraction equipment installed in the development and a further condition regulating the working hours (06.00 am to 10.00 pm weekdays and 06.00am to 14.00 pm Saturdays) of the development have been recommended to mitigate impacts on the residential amenities of the area.

6.4 Other Matters

6.4.1 The council's SC Highway in recognition that the planning application is in outline form recommend planning conditions requiring details of the means of access, parking and turning.

6.4.2 Foul and surface water would be disposed of to the public sewer and this is considered acceptable subject to the condition recommended by both SUDS and Severn Trent Water Ltd both of which essentially require a detailed scheme of foul and surface water drainage.

6.4.3 Given the archaeological potential described in the comments of SC Archeology (Historic Environment) a planning condition is recommended requiring that a written scheme of investigation in relation to archaeology is approved prior to the commencement of the development. Planning conditions have also been recommended in accord with the standard advice of SC Ecology.

6.4.4 The mainline railway line is located 80 metres to the east of the application site and the matters listed by Network Rail have been included as an informatives which would likely require agreement with the developer.

7.0 CONCLUSION

7.1 The proposal is policy compliant and is considered appropriate on this industrial estate location in terms of detailed assessment. Given that the application is in outline form a number of planning conditions have been recommended to ensure that reserved details would be acceptable. Conditions have also been recommended to protect the residential amenities of the area.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

22/01576/OUT Outline application for the erection of steel commercial/industrial building, vehicular access and yard, parking facilities (all matters reserved) PCO

11. Additional Information

View details online:

[22/01576/OUT | Outline application for the erection of steel commercial/industrial building, vehicular access and yard, parking facilities \(all matters reserved\) | Proposed Industrial Building To The South Of Stokewood Road Craven Arms Shropshire](#)

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 David Evans Cllr Hilary Luff
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological significance.

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).

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

6. No development shall not take place until details of the means of access, including the layout and construction, have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.

7. No development shall not take place until details for the parking, turning, loading and unloading of vehicles have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

8. No development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall be constructed with the approved slab levels.

Reason For the avoidance of doubt and to ensure a satisfactory form of development.

9. No development shall take place until descriptions and colours of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

Reason To ensure a satisfactory appearance to the development.

10. No development shall take place until full details of a scheme indicating all of the proposed means of enclosure around and within the site whether by means of walls, fences or hedges has been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed, erected or planted prior to occupation of the development hereby approved.

Reason To ensure that the details and appearance of the development are acceptable to the Local Planning Authority.

11. No development shall take place until a scheme of landscaping and tree planting for the site has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner. Any trees or shrub which forms part of the approved

landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.

Reason In the interests of the visual amenities of the locality.

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

12. A minimum of 1 external woodcrete bat box or integrated bat brick, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to the occupation of the development. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

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

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

14. Prior to the installation of any external lighting a lighting scheme shall be submitted to and approved in writing by the local planning authority.

The lighting scheme for the site shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The lighting 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 lighting scheme and thereafter retained for the lifetime of the development.

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

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

15. No operational use of any manufacturing or extraction equipment "Equipment" shall take place until a noise assessment for the proposed Equipment with an appropriate noise mitigation scheme has been submitted to and approved in writing by the Local Planning

Authority “Approved Scheme”. The Approved Scheme shall be completed prior to the first operation of the Equipment which shall thereafter be retained and maintained in accord with the Approved Scheme for the lifetime of the operational use of the Equipment in the development hereby approved.


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

16. The use hereby permitted shall not be carried out before 06.00 am Monday - Fridays and 06.00 am on Saturdays nor after 22.00 pm on weekdays and 14.00 pm on Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

-

This page is intentionally left blank

	<p><u>Committee and Date</u></p> <p>Southern Planning Committee</p> <p>26 July 2022</p>
---	---

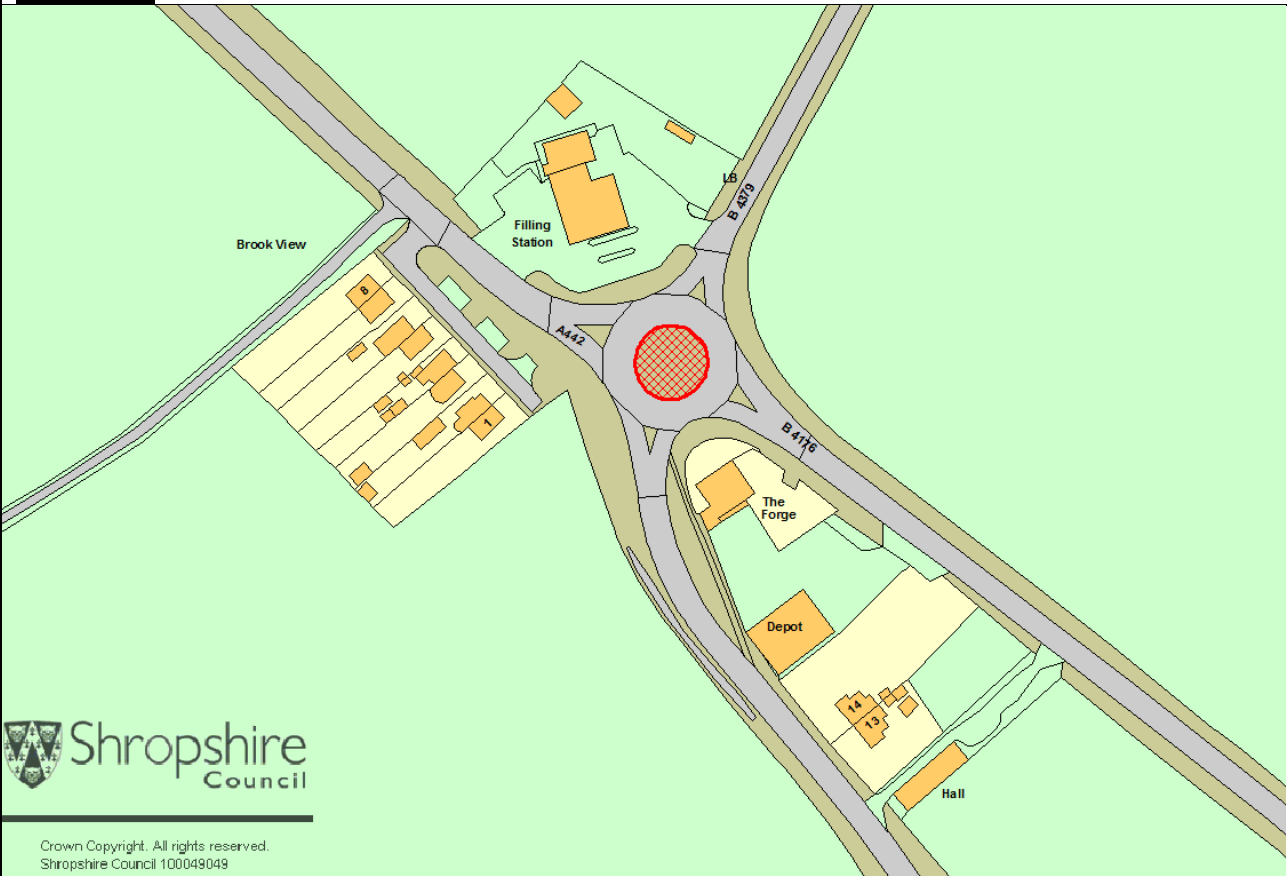
Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/01671/ADV	<u>Parish:</u>	Sutton Maddock
<u>Proposal:</u> Erect and display four sponsorship signs placed on the roundabout		
<u>Site Address:</u> Roundabout Junction A442 Bridgnorth Road, B4176 and B4379, Sutton Maddock, Shifnal, Shropshire		
<u>Applicant:</u> CP Media on behalf of Shropshire Council		
<u>Case Officer:</u> Richard Denison	<u>Email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 372031 - 302441



Crown Copyright. All rights reserved.
 Shropshire Council 100049049

© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2019 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

1.1 This is an advertisement application for the erection of four identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 1.2 metres wide by 0.55 metres tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 450mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

2.0 SITE LOCATION/DESCRIPTION

2.1 The existing roundabout is located 1.5km to the southeast of Sutton Hill at the junction of the A442 (Bridgenorth to Telford Road) with the B4176 and B4379. The roundabout is relatively flat and grassed with a small, landscaped centre, together with black and white chevron signs and blue directional highway signs. There are four existing sponsorship advertisement signs advertising 'Sutton Maddock' a van rental business on the roundabout which are unauthorised. The roundabout is situated adjacent to a petrol station and convenience store, with an adjoining vehicle van dealership. There are eight semi-detached properties opposite the roundabout. The existing roundabout falls within The West Midlands Green Belt.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

4.1.2 **Sutton Maddock Parish Council** - Sutton Maddock Parish Council object to the proposed signage on Sutton Maddock Island.

Central Government Circular 03/07 and Part 7 of the National Planning Policy Framework (NPPF) states that the display of outdoor advertisements should be controlled only in the interests of 'amenity' and 'public safety'. The main issues relevant for consideration therefore are:

- Impact on Amenity
- Impact on Public Safety

Impact on Amenity

There is no firm definition of amenity within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, however regulation 2(1) states it includes aural and visual amenity. The National Planning Policy Framework at paragraph 136 recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. In this respect, the level of impact will depend on the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality. This is reflected in Shropshire's Core Strategy policy CS6 and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

The site is located in a prominent rural location within the Green Belt. One of the purposes of the GB is the safeguard the countryside from encroachment (para 138(c) of the NPPF 2021).

Para 136 of the NPPF also states that; The quality and character of places can suffer when advertisements are poorly sited and designed..... Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. In this regard, the proposed four signs are considered to represent unnecessary visual clutter in the Green Belt open countryside and would be of detriment to the amenity of the area and the streetscene. Accordingly, I consider that the proposed signage is contrary to Development Plan policies CS6 of the Shropshire Core Strategy, and MD2 of SAMDev, and National Planning Policy Framework (NPPF) 2021.

Impact on Public Safety

The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 111 it states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

In this regard, we do not consider there to be any significant adverse impact.

However, it is noted by the Parish Council that there are four existing signs on the roundabout and nowhere on the application does it mention these or whether there is the intention to take these down and put up four new signs or to add to the existing four making eight signs on the roundabout. Sutton Maddock PC would like to know which is proposed to enable them to have further discussion on the application but also note that page five of the application 'Location of Advertisements' sections 2 & 3 are misleading as it indicates that there are no signs already in situ. The roundabout is on a junction with four roads where the national speed limit is acceptable which will all end at a very busy roundabout and these signs will limit visibility and offer a distraction to drivers. The photo/plan is an indicative photo of a roundabout not the Sutton Maddock Roundabout so does not give a true picture of the location.

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 OFFICER APPRAISAL

6.1 Background & Policy

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 136 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 This application has not been subject to any formal pre-application enquiry.

6.2 Impact on Public Safety

6.2.1 The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users.

6.2.2 Sutton Maddock Parish Council have raised comments that it is not clear from the application whether the existing signs will remain potentially providing eight signs on this roundabout. The agent has confirmed that this is a new sponsorship scheme and therefore any existing signs will be removed. A condition is proposed that any existing signs on the roundabout shall be permanently removed in the interest of highway safety and visual amenity.

6.3 Impact on Visual Amenity

6.3.1

Sutton Maddock Parish Council have raised objection to the application indicating that the proposed four signs are considered to represent unnecessary visual clutter in the Green Belt open countryside and would be of detriment to the amenity of the area and the street scene. The Council can confirm that there have been similar sized unauthorised sponsorship signs on this roundabout for over 13 years. During this time there have been no formal enforcement complaints made regarding the visual impact on the countryside or Green Belt.

- 6.3.2 The existing roundabout is located within the edge of the West Midlands Green Belt where policy CS5 of the Core Strategy indicates that there is a general presumption against inappropriate development, particularly development which impacts on the openness of the Green Belt. Policy MD6 of the SAMDev Plan indicates that the purpose of the Green Belt is to prevent urban sprawl and to provide certainty that the land that lies between major urban areas will remain undeveloped over the long term. This policy supports sustainable development and at a local level supports the rural economy.
- 6.3.3 The proposed signs are located on a roundabout which is not located in open countryside and is adjacent to a built-up environment and will be visible to drivers as they approach the roundabout. The signs are modest in size 1.2 metres wide by 0.55 metres tall (total sign area of 0.6 sqm) and will be low to the ground. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout.
- 6.3.4 The proposed signs are modest in size and low profile and will be significantly smaller than the existing black and white chevron signs which are over three times larger. The signs will not result in a significant visual impact on the character of the local area and will not impact upon the openness of the Green Belt and will not cause urban sprawl.

7.0 CONCLUSION

- 7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS5, CS6, MD2 and MD6.
- 7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be

awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

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

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

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

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD6 : Green Belt

10.2 Relevant Planning History

There is no relevant planning history.

11.0 ADDITIONAL INFORMATION

View details online:

[22/01671/ADV | Erect and display four sponsorship signs placed on the roundabout | Roundabout Junction A442 Bridgnorth Road, B4176 And B4379 Sutton Maddock Shifnal Shropshire](#)

List of Background Papers - Planning Application 22/01671/FUL

Cabinet Member (Portfolio Holder) - Cllr Edward Potter

Local Member - Cllr Richard Marshall

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions


STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicleReason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. 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

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.
Reason: In the interest of highway safety and visual amenity.

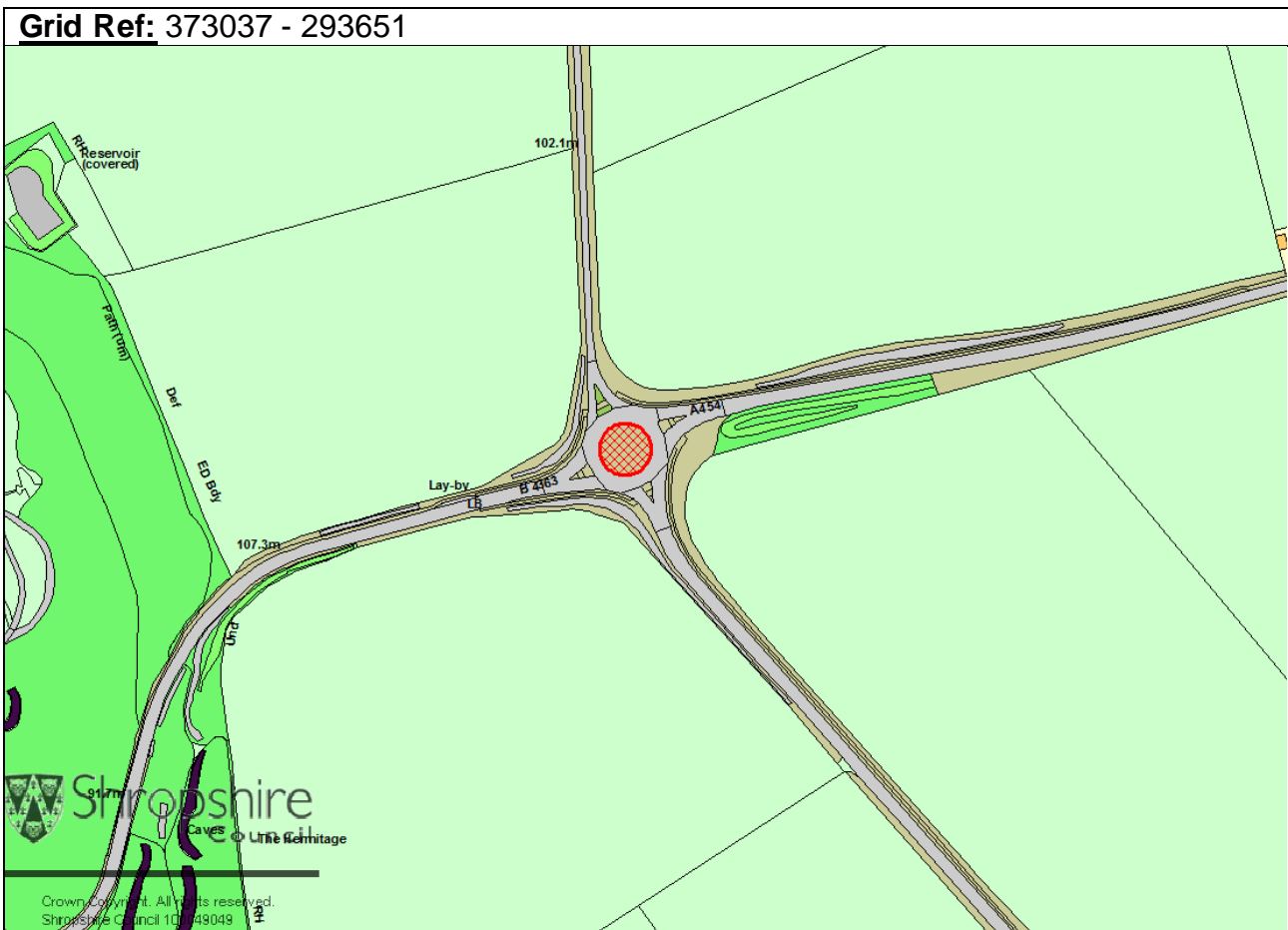
	<u>Committee and Date</u>
	Southern Planning Committee
	26 July 2022

Development Management Report

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

Summary of Application

Application Number: 22/01696/ADV	Parish:	Worfield
Proposal: Erect and display four sponsorship signs placed on the roundabout		
Site Address: Roundabout Junction B454 and B4363 Wolverhampton Road, Swancote, Bridgnorth, Shropshire		
Applicant: CP Media on behalf of Shropshire Council		
Case Officer: Richard Denison	Email: planning.northern@shropshire.gov.uk	



Recommendation: Granted Permission subject to the conditions set out in Appendix 1. REPORT

1.0 THE PROPOSAL

1.1 This is an advertisement application for the erection of four identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 1.2 metres wide by 0.55 metres tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 450mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

2.0 SITE LOCATION/DESCRIPTION

2.1 The existing roundabout is located 0.5km to the northeast of Bridgenorth at the junction of the A442 (Bridgenorth to Telford Road) with the B454 and B4363 Wolverhampton Road. The roundabout is relatively flat and grassed with a central, landscaped centre, together with black and white chevron signs and blue directional highway signs. There are four existing sponsorship advertisement signs on the roundabout which are unauthorised. The existing roundabout falls within The West Midlands Green Belt.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

4.1.2 **Worfield and Rudge Parish Council** considered this application on the 5/5/22. Members have no objections to this application subject to a full highways assessment being made, all visibility splays must be adhered to.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background & Policy
- Impact on Public Safety

- Impact on Visual Amenity

6.0 OFFICER APPRAISAL

6.1 Background & Policy

- 6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.
- 6.1.2 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 136 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.
- 6.1.3 This application has not been subject to any formal pre-application enquiry.

6.2 Impact on Public Safety

- 6.2.1 The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users

6.3 Impact on Visual Amenity

- 6.3.1 The existing roundabout is located within the edge of the West Midlands Green Belt where policy CS5 of the Core Strategy indicates that there is a general presumption against inappropriate development, particularly development which impacts on the openness of the Green Belt. Policy MD6 of the SAMDev Plan indicates that the purpose of the Green Belt is to prevent urban sprawl and to provide certainty that the land that lies between major urban areas will remain undeveloped over the long term. This policy supports sustainable development and at a local level supports the rural economy.
- 6.3.2 The proposed signs are located on a roundabout on the approach into Bridgnorth and will be visible to drivers as they approach the roundabout. The signs are modest in size 1.2 metres wide by 0.55 metres tall (total sign area of 0.6 sqm) and will be low to the ground. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout.

- 6.3.3 The proposed signs are modest in size and low profile and will be significantly smaller than the existing black and white chevron signs which are over three times larger. The signs will not result in a significant visual impact on the character of the local area and will not impact upon the openness of the Green Belt and will not cause urban sprawl.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS5, CS6, MD2 and MD6.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 **Equalities**

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

9.0 **FINANCIAL IMPLICATIONS**

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

10.0 **BACKGROUND**

10.1 **Relevant Planning Policies**

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

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD6 : Green Belt

10.2 **Relevant Planning History**

There is no relevant planning history.

11.0 **ADDITIONAL INFORMATION**

List of Background Papers - Planning Application 22/01696/ADV

Cabinet Member (Portfolio Holder) - Cllr Edward Potter

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicleReason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
6. 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

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing

highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank

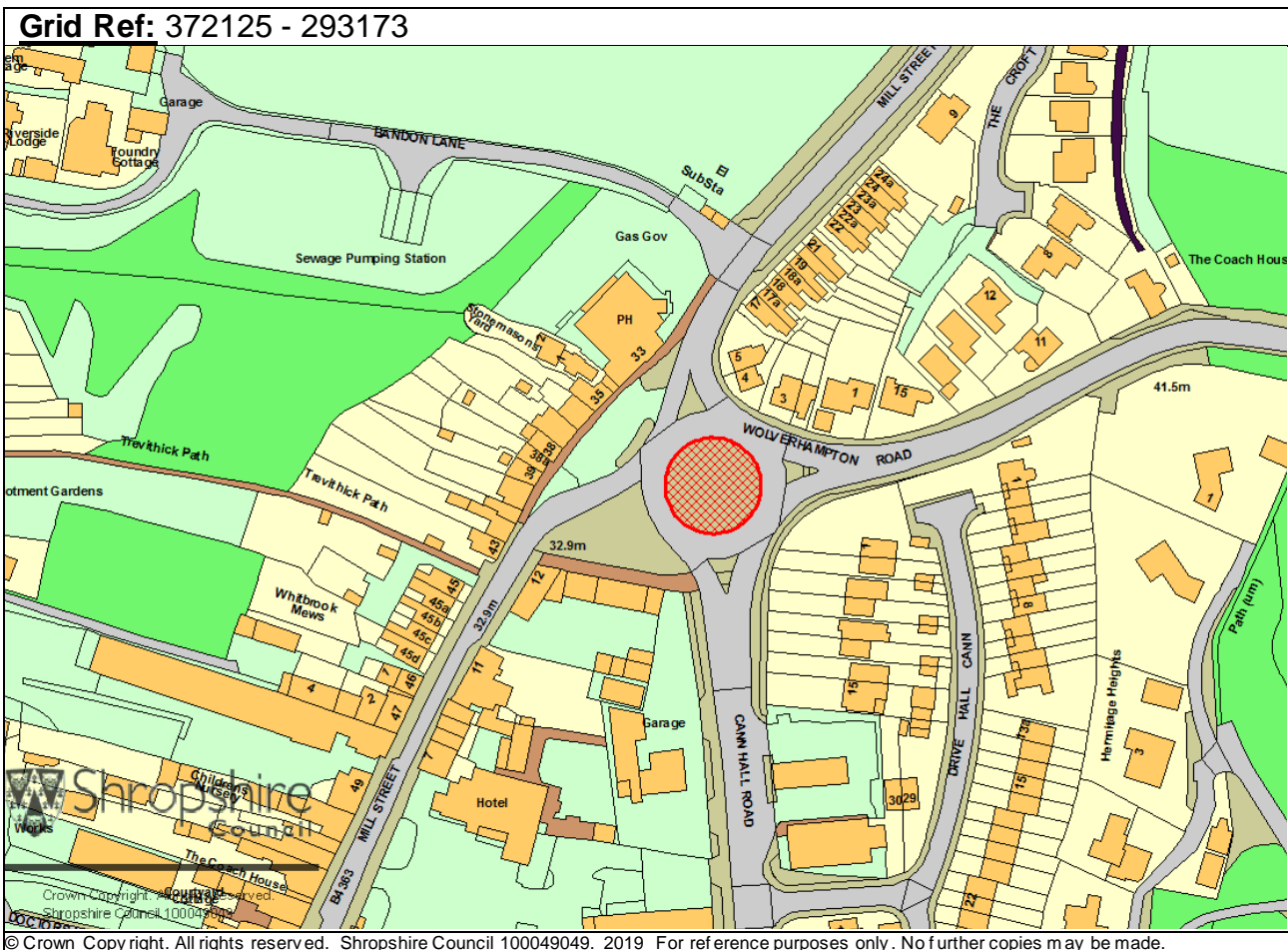
	<u>Committee and Date</u>
	Southern Planning Committee
	26 July 2022

Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/01698/ADV	<u>Parish:</u>	Bridgnorth
<u>Proposal:</u> Erect and display four sponsorship signs placed on the roundabout		
<u>Site Address:</u> Roundabout Junction A442 Cann Hall Road, Mill Street and B4363 Wolverhampton Road, Bridgnorth, Shropshire		
<u>Applicant:</u> CP Media on behalf of Shropshire Council		
<u>Case Officer:</u> Richard Denison	<u>Email:</u> planning.northern@shropshire.gov.uk	



**Recommendation: Granted Permission subject to the conditions set out in Appendix 1.
REPORT**

1.0 THE PROPOSAL

1.1 This is an advertisement application for the erection of four identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 1.2 metres wide by 0.55 metres tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 450mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

2.0 SITE LOCATION/DESCRIPTION

2.1 The existing large roundabout is located within Bridgnorth on the approach from the north and east at the junction between the A442 and B4363. The roundabout is relatively flat and grassed with the centre incorporating a metal frame structure representing the bridge which spans the River Severn with landscaping and four small standing stones. There are three existing sponsorship advertisement signs on the roundabout which are unauthorised and were installed by Bridgnorth Town Council and have been on the roundabout more than 13 years. Whilst two temporary signs have also been sited on the roundabout. The roundabout is situated on a main gateway entrance into the town and surrounding by residential properties, a public house and commercial premises. The proposed site falls outside of the Bridgnorth Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

4.1.2 **Bridgnorth Town Council** have maintained this roundabout (the cutting of the grass and maintenance of the flower beds) for some 20 years (initially under license) and we continue to do so. This removes any cost that would otherwise lay with Shropshire Council through either its highways maintenance or Street scene budget. Advertising is already in place on the roundabout and has been for many years. If it is evidenced that the Town Council does not have the appropriate agreement with Shropshire Council to maintain the roundabout, then Shropshire Council will be required to pick up the maintenance regime with near immediate

effect. The ownership / license / responsibility for maintenance needs clarification before any planning application can be approved here.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity
- Other Matters

6.0 OFFICER APPRAISAL

6.1 Background & Policy

6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.

6.1.2 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 136 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 This application has not been subject to any formal pre-application enquiry.

6.2 Impact on Public Safety

6.2.1 The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users

6.3 Impact on Visual Amenity

6.3.1 The proposed signs are located on a large roundabout which is within a built-up environment and will be visible to drivers as they approach the roundabout. The signs are modest in size 1.2 metres wide by 0.55 metres tall (total sign area of 0.6

sqm) and will be low to the ground. There are existing street structures including road names, directional signs, bollards, lampposts, etc in and around the proximity of the roundabout. Due to the modest size and low profile of the signs they will not result in a significant visual impact on the street scene or character of the local area.

6.4 Other Matters

6.4.1 Bridgnorth Town Council have indicated that they have maintained this roundabout for some 20 years by cutting the grass and maintenance of the flower beds. This was initially under license with Shropshire Council, although it appears that this agreement has now lapsed, and it would be the responsibility of Shropshire Council to now maintain the roundabout. The responsibility for the maintenance of the roundabout is not a material planning consideration and as such this matter needs to be resolved outside of this advertisement application.

7.0 CONCLUSION

7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS6 and MD2.

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

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

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

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):
CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):
MD2 : Sustainable Design

10.2 Relevant Planning History

There is no relevant planning history.

11.0 ADDITIONAL INFORMATION

Vie Details on Line :

[22/01698/ADV | Erect and display four sponsorship signs placed on the roundabout | Roundabout Junction A442 Cann Hall Road, Mill Street And B4363 Wolverhampton Road Bridgnorth Shropshire](#)

List of Background Papers - Planning Application 22/01698/ADV

Cabinet Member (Portfolio Holder) - Cllr Edward Potter

Local Member - Cllr Kirstie Hurst-Knight

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to—
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. 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

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank

	<u>Committee and Date</u>
	Southern Planning Committee
	26 July 2022

Development Management Report

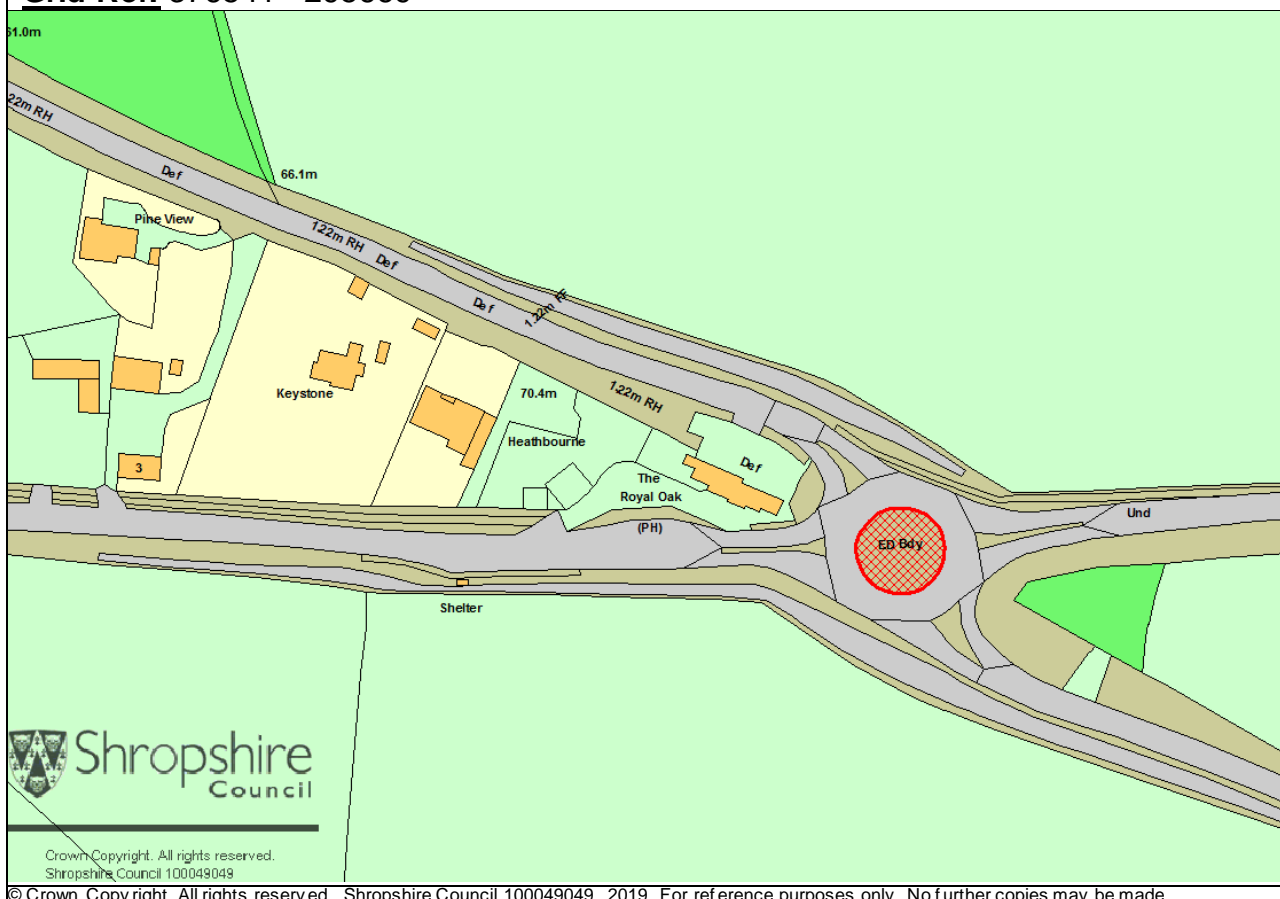
Responsible Officer: Tim Rogers

Email: tim.rogers@shropshire.gov.uk Tel: (01743) 258773 Fax: (01743) 252619

Summary of Application

<u>Application Number:</u> 22/01699/ADV	<u>Parish:</u>	Claverley
<u>Proposal:</u> Erect and display four sponsorship signs placed on the roundabout		
<u>Site Address:</u> Roundabout Junction A454 and B4176, Hilton, Claverley, Shropshire		
<u>Applicant:</u> CP Media on behalf of Shropshire Council		
<u>Case Officer:</u> Richard Denison	<u>Email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 376541 - 295669



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2019 For reference purposes only. No further copies may be made.

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

REPORT

1.0 THE PROPOSAL

1.1 This is an advertisement application for the erection of four identical free standing sponsorship signs on behalf of Shropshire Council. The proposed signs will measure 1.2 metres wide by 0.55 metres tall and constructed from steel and aluminium with a powder coated finish with vinyl graphics applied. The sign will be attached onto two dark blue posts 450mm above ground level. The signs will be positioned on the roundabout facing traffic approaching from each direction. All sponsor plaques will be simple in design and the designs will be approved in writing by Shropshire Council. The minimum length of sponsorship is 12 months and the branding on the signs will remain constant during this period.

2.0 SITE LOCATION/DESCRIPTION

2.1 The existing roundabout is located at the junction of the A544 and B4176 at Rudge Heath approximately halfway between Bridgnorth and Wolverhampton. The roundabout is relatively flat and grassed with four shrubs located around the edge, together with black and white chevron signs and blue directional highway signs. Historically the roundabout had sponsorship signs from approximately 10 years from 2009 but have subsequently been removed. The Royal Oak public house is located directly adjacent to the roundabout. The existing roundabout falls within The West Midlands Green Belt.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is in relation to land owned by Shropshire Council which is not in line with a statutory function and therefore this application should be determined by committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Shropshire Council, Highways** - No objection is raised on highway safety grounds subject to a site inspection by highways officers prior to the installation and removal of any existing unauthorised signs.

4.1.2 **Worfield and Rudge Parish Council** considered this application on 5/5/22. Members have no objections to this application subject to a full highways assessment being made, all visibility splays must be adhered to.

4.1.3 **Claverley Parish Council** does not have any objections to this planning application provided the sponsorship signs do not restrict visibility.

4.2 Public Comments

4.2.1 No public representations have been received.

5.0 THE MAIN ISSUES

- Background & Policy
- Impact on Public Safety
- Impact on Visual Amenity

6.0 OFFICER APPRAISAL

6.1 Background & Policy

- 6.1.1 Local authority roundabout sponsorship or advertising schemes are now very common throughout the UK and Shropshire Council would like to offer local businesses the opportunity to advertise. Roundabout sponsorship is typically used by small to medium sized local business to raise their profile. It serves as a cost-effective way for them to promote themselves in high visibility locations for considerably less money than would otherwise be possible - helping boost the local economy. The income generated from advertising on Highway's assets will be reinvested in the Highways network.
- 6.1.2 The National Planning Policy Framework provides guidance on the display of advertisements, in particular paragraph 136 which states "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*". This is reflected in policy CS6 of Shropshire's Core Strategy and policy MD2 of the Site Allocations and Management of Development (SAMDev) Plan.

6.1.3 This application has not been subject to any formal pre-application enquiry.

6.2 Impact on Public Safety

- 6.2.1 The proposed signs will be set back from the edge of the roundabout and clear views are available of traffic on or entering the roundabout. The Council Highways Manager is satisfied that the proposed signs will not be a significant distraction to drivers and that there would be no highway safety implications which could otherwise affect road users

6.3 Impact on Visual Amenity

- 6.3.1 The existing roundabout is located within the edge of the West Midlands Green Belt where policy CS5 of the Core Strategy indicates that there is a general presumption against inappropriate development, particularly development which impacts on the openness of the Green Belt. Policy MD6 of the SAMDev Plan indicates that the purpose of the Green Belt is to prevent urban sprawl and to provide certainty that the land that lies between major urban areas will remain undeveloped over the long term. This policy supports sustainable development and at a local level supports the rural economy.

- 6.3.2 The proposed signs are located on a roundabout which is on the significant rural junction adjacent to a built-up environment and will be visible to drivers as they approach the roundabout. The signs are modest in size 1.2 metres wide by 0.55 metres tall (total sign area of 0.6 sqm) and will be low to the ground. There are existing street structures including road names, directional signs, chevron barriers, lampposts, etc in and around the proximity of the roundabout. Due to the modest size and low profile of the signs they will not result in a significant visual impact on the street scene or character of the local area.
- 6.3.3 The proposed signs are modest in size and low profile and will be significantly smaller than the existing black and white chevron signs which are over three times larger. The signs will not result in a significant visual impact on the character of the local area and will not impact upon the openness of the Green Belt and will not cause urban sprawl.

7.0 CONCLUSION

- 7.1 It is considered that the proposed signs will have no adverse impact on public safety and would have no significant adverse impact on the character and appearance of the site or the visual amenity of the locality. It is recommended that standard advertising conditions are attached to any approval notice issued. The proposed development meets the criteria of national guidance on advertisements and local plan policies CS5, CS6, MD2 and MD6.
- 7.2 In arriving at this decision, the Council has used its best endeavours to work with the applicants in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

10.1 Relevant Planning Policies

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

National Planning Policy Framework (July 2021):

Shropshire Council Core Strategy (February 2011):

CS5 : Countryside and Green Belt

CS6 : Sustainable Design and Development Principles

Site Allocations and Management Development Plan (December 2016):

MD2 : Sustainable Design

MD6 : Green Belt

10.2 Relevant Planning History

There is no relevant planning history.

11.0 ADDITIONAL INFORMATION

View Details on Line :

[22/01699/ADV | Erect and display four sponsorship signs placed on the roundabout | Roundabout Junction A454 And B4176 Rudge Heath Claverley Shropshire](#)

List of Background Papers - Planning Application 22/01699/ADV

Cabinet Member (Portfolio Holder) - Cllr Edward Potter

Local Member - Cllr Elliot Lynch

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
5. No advertisement shall be sited or displayed so as to—
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle

Reason: To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. 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

7. Prior to the installation of the sponsorship signs a site inspection shall be undertaken with the Highways Authority to agree the layout of the signs in context with existing highway street furniture and landscaping. The agreed layout shall be submitted to the Local Planning Authority for approval and the sponsorship signs installed in accordance with the agreement. Any existing signs on the roundabout shall be permanently removed.

Reason: In the interest of highway safety and visual amenity.

This page is intentionally left blank

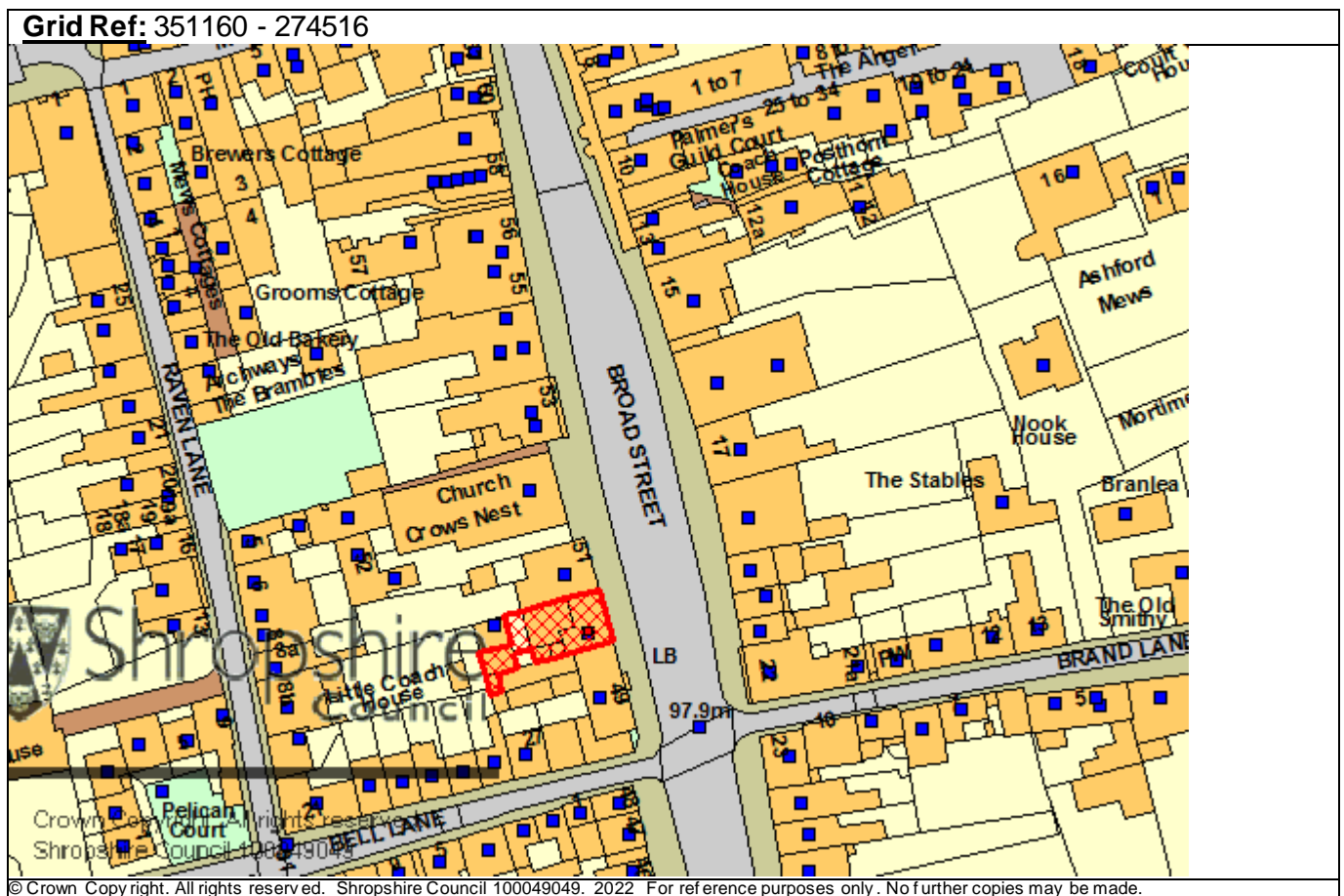
	<p><u>Committee and Date</u></p> <p>Southern Planning Committee</p> <p>26 July 2022</p>
---	---

Development Management Report

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

Summary of Application

<p>Application Number: 22/01790/FUL</p>	<p>Parish:</p>	<p>Ludlow Town Council</p>
<p>Proposal: Alterations and extension to include change of use to form a residential townhouse</p>		
<p>Site Address: Golden Moments 50 Broad Street Ludlow Shropshire SY8 1NH</p>		
<p>Applicant: Barratt</p>		
<p>Case Officer: Elizabeth Griffiths</p>	<p>email : elizabeth.griffiths@shropshire.gov.uk</p>	



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks to change the use of 50 Broad Street, Ludlow from an Indian restaurant with associated living accommodation to a town house including internal alternations and a rear extension.
- 1.2 The proposal is the subject of two applications:
22/01790/FUL – application for full planning permission
22/01791/LBC – application for listed building consent

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located with Ludlow Conservation Area and on the west side of Broad Street. The building is Grade II listed and is currently used as a Indian restaurant with living accommodation above. The building extends over three levels including a basement, with a single storey range of buildings that extends west into rear garden spaces. There are stepped levels to the rear and several flying freeholds, as built-over and built-under adjoining the property to the south at No 49. The agent has confirmed via email that the Restaurant lease expired in 2020 and is currently in holdover and has been given notice by the landlord.
- 2.2 The building was originally a town house then was converted into a public house and obtained permission under SS/1987/49/P for its current use.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The Town Council view is contrary to the Officer recommendation and the local ward member has requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Planner, consider that the material planning considerations raised in this case warrant determination by Committee.

4.0 Community Representations

4.1 Consultee Comment

- 4.1.1 Ludlow Town Council - Objection
The proposed development would have a detrimental effect on the character of the local area.
- 4.1.2 Shropshire Council Historic Environment - Comments
Further to our previous comments, photographs have been provided which are useful. Based on the information provided the alterations proposed are generally considered acceptable in conservation terms. We would recommend the following

conditions be imposed on any approval: Joinery details, Roof details, Samples of external materials, Metal rainwater goods, Scribe around historic features, Hitherto unknown evidence, Retain & protect architectural features.

More information required (18/05/22)

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2021, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes alterations and extension to include change of use to form a residential townhouse at Golden Moments, 50 Broad Street, Ludlow a Grade II listed building within the Ludlow Conservation Area. Whilst in principle there are no conservation objections to the change of use of the building to residential use, it is slightly unclear the impact upon the fabric and character of the building. The Heritage Assessment is currently lacking in any photographic evidence. Photographs of the areas to be altered to support an assessment of the impact would be useful. Please reconsult conservation when this is available

4.1.3 Shropshire Council Drainage - no objection, recommended informative

4.1.4 Shropshire Council Affordable Housing - No objection.

The proposed development falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing, therefore no affordable housing obligations apply in this instance

4.1.5 Shropshire Council Archaeology - No comment

4.1.6 Shropshire Council Trees - Comments

There development falls to the rear of the property and any trees or shrubs that might be affected are not visible from a public open space and so do not contribute significantly to the character and amenity of the area. Therefore, from an arboricultural perspective the Tree Team have no sustainable objection to the proposed development

4.2 Public Comments

4.2.1 A notice at the site has advertised the application and 29 objections have been received in response to this publicity and are summarised as follows:

- Importance and value of having a quality dining establishment in town is imperative to bring footfall and secondary trade into Ludlow.
- Golden Moments is a thriving, successful, well run business. Business would have to move into town centre where rents higher or left with 1 indian restaurant.
- Premises has had a ground floor business since 1960's.
- Security have been raised as possible issues relating to the restaurant,

- although there has never been a complaint related to Golden Moments.
- The restaurant does not cause any undue noise or nuisance.
 - Trying to cash in on the domestic property values
 - If approved will result in unwelcome change to broad street. Too many retail buildings being converted to dwelling, the street has always been of mixed use.
 - Will not improve the amenity of the neighbourhood.
 - The D&A states that this will restore a former town house, which if followed to its logical conclusion would be the resurrection of the medieval timber frame.
 - Draws attention to an illegal flue - can be addressed by landlord and SC Enforcement team
 - Quiet residential areas are fine but closed properties with unopen shutters and no signs of life in a number of those buildings on Broad Street is not conducive to good urban crime prevention.
 - The Design and Access Statement (DAC) states that the proposed development would "meet the needs of people with local connections". I would contend the existing use of the building is doing exactly that; people with local connections need to eat.
 - Ludlow is already meeting and exceeding its housing quotas, largely due to the developments at Foldgate Lane and the former quarry at Fishmore Road. Therefore the statement in the DAC that the proposed development would "help to deliver housing need within the community" is arrant nonsense

Cllr Andy Boddington - objection

I object to this application in the strongest terms. Ludlow has seen over the years retail properties being converted to homes and that is a national trend. But those businesses had been struggling or had closed. Golden Moments is thriving. The closure is simply because the new owner of the property lives next door and has ambitions to "restore the property to a former townhouse and return the street scene to a more quiet residential setting."

There is no evidence provided in the application that Golden Moments causes any nuisance.

The application claims Golden Moments "is located some distance out side of the Town Centre Zone." The restaurant is 300 metres outside the designated town centre (SAMDev S10) and under the National Planning Policy Framework (NPPF), it is regarded as an edge of centre site:

"Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary...

"Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants..."

The NPPF of course assumes that applications would be to establish a business,

not close it down. However, it is clear that the location of Golden Moments is compatible with the current national planning framework.

Para 1 of the National Planning Policy Guidance (NPPG) for Town Centres and Retail states:

"Evening and night time activities have the potential to increase economic activity within town centres and provide additional employment opportunities. They can allow town centres to diversify and help develop their unique brand and offer services beyond retail. In fostering such activities, local authorities will also need to consider and address any wider impacts in relation to crime, noise and security."

As Shropshire Councillor for Ludlow North which includes the wider town centre area, I have never heard a complaint about Golden Moments relating to crime, noise and security. The existence of the restaurant is compatible with the NPPG.

This application has adverse impact for employment. Although there will be a short term and minor economic benefit should No 50 Broad Street be converted back to a town house, which it hasn't been for at least seven decades, there will be a longer term loss of jobs.

This is a family run business and the attempt to shut it down and increase the gentrification of Broad Street should be resisted through the planning system. Ludlow town centre needs businesses like Golden Moments.

I wish to call this application in to the Southern Planning Committee for consideration unless planning officers are minded to reject the application.

In my earlier comment, I said: "The restaurant is 300 metres outside the designated town centre". This should have read "The restaurant is within 300 metres outside the designated town centre".

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual impact
- Residential amenity
- Other matters

NOTE: The impact on the special architectural character and historic interest of the listed building is considered within the officer's report attached to the listed building application reference – 22/01791/LBC.

6.0 OFFICER APPRAISAL

- 6.1 Principle of development
- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted

development plan ‘unless material considerations indicate otherwise’. Paragraph 11 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

- 6.1.2 The ground floor is currently used as a restaurant and the proposed would see this converted into residential space, the first floor would see the current space reordered and the flat roof rear extension would be removed and replaced with a 2 storey extension. The proposed change of use would see the building revert to residential accommodation under Use Class C3.
- 6.1.3 Ludlow is one of the towns within Shropshire to which Core Strategy Policy CS3 – The Market Towns and Other Key Centres, applies. This policy supports ‘balanced housing and employment development, of an appropriate scale and design that respects each town’s distinctive character and is supported by improvements in infrastructure, will take place within the towns’ development boundaries and on sites allocated for development’.
- 6.1.4 Ludlow is a market town which has a focus of development for around 875 dwellings for the period between 2006 and 2026. Policy S10 of the Site Allocations and Management of Development, (SAMDev) Plan indicates that new housing development would be delivered, primarily on allocated housing sites with additional infill and windfall development within the towns development boundary.
- 6.1.5 The site falls within the development boundary for Ludlow and is located in a mainly residential area consisting, of properties of various sizes and/or form. The site is outside the designated town centre and primary shopping area (SAMDEV S10 map) where Shropshire Council have policies under the Core Strategy and SAMDev that protected business.
- 6.1.6 If the building had not been listed then this change could take place under Schedule 3 Class MA of the Town and Country Planning (General Permitted Development) (England) (Amended) Order 2015 which is development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.
- 6.1.7 The property also has good access to local facilities including public transport and would provide sustainable development. The principle of development is therefore satisfied.
- 6.2 Siting, scale and design of structure
 - 6.2.1 Shropshire Core Strategy Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 in the adopted SAMDev Plan reinforces CS6 by making sustainable design a critical element of any new development.

- 6.2.2 The proposed development has the potential to impact on the listed building and surrounding listed building in this conservation area and therefore the proposal has to be considered against Shropshire Councils policies CS17 and SAMDev MD13 and with national policies and guidance including PPS5 Historic Environmental Planning Practice Guide and Section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 6.2.3 The front elevation would see the removal of signage and external lighting only, while the rear elevation would see the existing flat roof extension removed and replaced with a 2-storey pitched roof extension of matching materials to ensure it blends in along with a single storey flat roof element that would allow for a small area of decking. Large areas of glazing would be added to this rear elevation to allow for as much natural light as possible while internally new openings would be formed to comply with fire safety. The agent has submitted a design and access statement and heritage statement that fully details the proposed works.
- 6.2.3 On balance it is considered that proposal is sympathetic to the size, mass, character and appearance of the original building and would be in accordance with Shropshire Core Strategy Policies CS6 and CS17 and SAMDev MD2 and MD13. All the proposed materials will be reinforced by condition to ensure that the materials used will match and complement those of the existing building.
- 6.3 Visual impact
- 6.3.1 The changes to the front elevation (ie removal of signage and external lighting) would have minimal visual impact upon the area. The changes to the rear elevation would be visible from the surrounding area however it is considered these changes would have minimal visual impact on the conservation area due to them being at the rear.
- 6.3.2 On balance, it is considered that the proposal would not detract from the visual amenity of the building, the surrounding area or cause harm to the conservation area.
- 6.4 Residential amenity
- 6.4.1 The proposed fenestrations to the rear of the dwelling are not considered to increase overlooking significantly as the proposed fenestrations are no more detrimental to amenity than the existing windows and doors and would not cause harm from overlooking.
- 6.4.2 No off-road parking is proposed for the scheme, however there is on street parking available in Broad Street along with on foot access to public transport, schools, facilities and services required for day-to-day living.
- 6.5 Other Matters
- 6.5.1 Objections have been received from the public stating that this is a thriving

business and popular restaurant, and that there are no security/noise issues and how the applicant is trying to cash in on domestic property values and too many buildings are being changed into dwellings. These are not planning matters however it should be noted that there are empty buildings within the designated town centre that would be more appropriate and supported by policy which the tenant could move into and operate the restaurant from.

7.0 CONCLUSION

The proposal is judged to be in scale and character with the original building and would have no significant adverse impact on the visual or residential amenities of the conservation surrounding area. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

West Midlands Design Charter

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

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

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

SS/1/07/20095/LB Construction of suspended ceiling; replace door, door frame, entrance screen and bar; remove plaster from chimney and expose brickwork PERCON 12th December 2007

SS/1/4836/L/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to buildings at ground floor level, internal alterations and installation of new windows PERCON 18th August 1994

SS/1/4835/P/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to buildings at ground floor level, internal alterations and installation of new windows PERCON 18th August 1994

SS/1987/49/P/ Change of use from Public House with living accommodation to licenced Restaurant with living accommodation. PERCON 5th March 1987

- SS/1972/3547 Alterations to 50 Broad Street GRANT 8th December 1972
- SS/1972/3547/L/459 Alterations to 50 Broad Street, Ludlow GRANT 8th December 1972
- SS/1970/2034 Installation of a new doorway REFUSE 2nd October 1970
- SS/1970/2034/L/193 Installation of a new doorway REFUSE 2nd October 1970
- SS/1/07/20095/LB Construction of suspended ceiling; replace door, door frame, entrance screen and bar; remove plaster from chimney and expose brickwork PERCON 12th December 2007
- SS/1/5815/U/ Application to fell a Lime tree OBJECT 20th July 1995
- SS/1/4836/L/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to buildings at ground floor level, internal alterations and installation of new windows PERCON 18th August 1994
- SS/1/4835/P/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to buildings at ground floor level, internal alterations and installation of new windows PERCON 18th August 1994
- SS/1987/49/P/ Change of use from Public House with living accommodation to licenced Restaurant with living accommodation. PERCON 5th March 1987
- SS/1/98/009390/TP Felling of an Ash tree REFUSE 17th December 1998

Appeal

SS/4/00/00022 Refusal of planning permission on 1/98/ 009390/TP ALLOW 3rd July 2000

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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 Andy Boddington
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

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

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

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

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

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

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

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

5. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

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

6. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays, public and bank holidays.

Reason: To protect the health and wellbeing of residents in the area.

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

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

Informatives

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

2. Drainage

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at:

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and->

maintenance/sustainable-drainage-systems-handbook/

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

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

	<p><u>Committee and Date</u></p> <p>Southern Planning Committee</p> <p>26 July 2022</p>
---	---

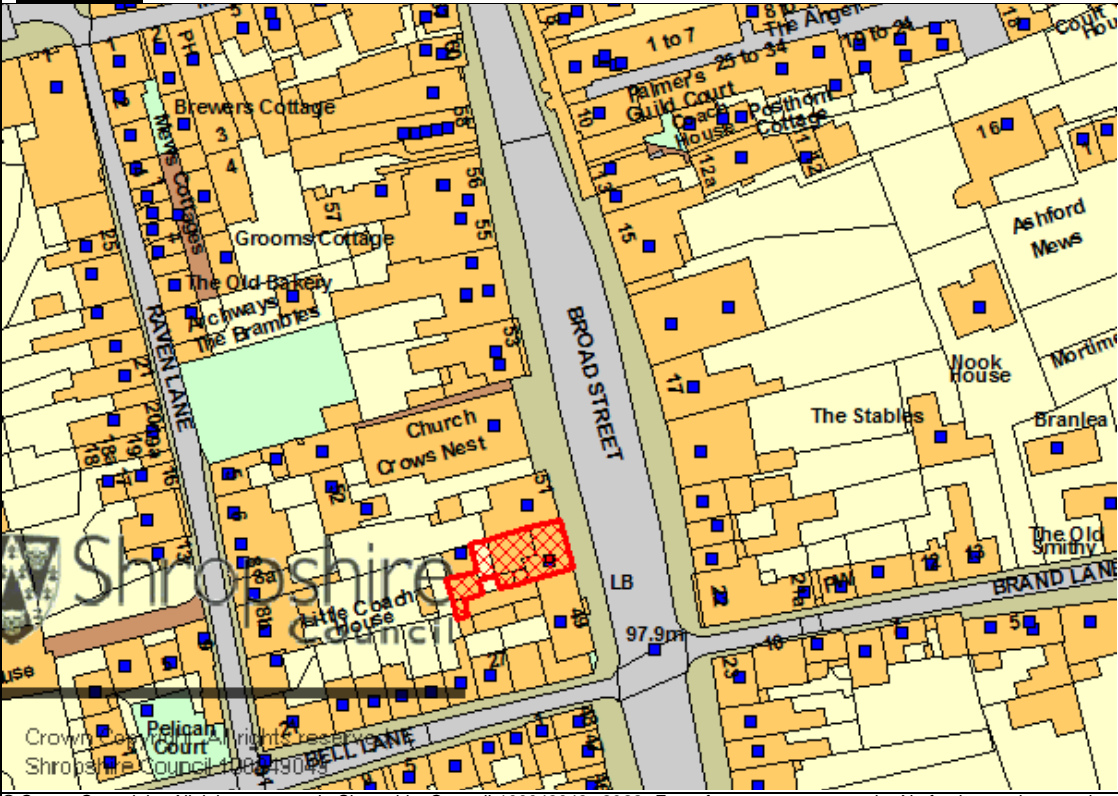
Development Management Report

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

Summary of Application

Application Number: 22/01791/LBC	Parish:	Ludlow Town Council
Proposal: Alterations and extension to include change of use to form a residential townhouse affecting a Grade II Listed Building		
Site Address: Golden Moments 50 Broad Street Ludlow Shropshire SY8 1NH		
Applicant: Barratt		
Case Officer: Elizabeth Griffiths	email	: elizabeth.griffiths@shropshire.gov.uk

Grid Ref: 351160 - 274516



© 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.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks to listed building consent to 50 Broad Street, Ludlow for internal alternations and a rear extension.
- 1.2 The proposal is the subject of two applications:
22/01790/FUL – application for full planning permission
22/01791/LBC – application for listed building consent

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located with Ludlow Conservation Area and on the west side of Broad Street. The building is Grade II listed and is currently used as a Indian restaurant with living accommodation above. The building extends over three levels including a basement, with a single storey range of buildings that extends west into rear garden spaces. There are stepped levels to the rear and several flying freeholds, as built-over and built-under adjoining the property to the south at No 49. The agent has confirmed via email that the Restaurant lease expired in 2020 and is currently in holdover and has been given notice by the landlord.
- 2.2 The building was originally a town house and then was converted into a public house (Jester Inn) and obtained permission under SS/1987/49/P for its current use.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 The Town Council view is contrary to the Officer recommendation.. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Planner, consider that the material planning considerations raised in this case warrant determination by Committee.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 Ludlow Town Council - Objection

The proposed development would have a detrimental effect on the character of the local area.

4.1.2 Historic Environment - Comments

Further to our previous comments, photographs have been provided which are useful. Based on the information provided the alterations proposed are generally considered acceptable in conservation terms. We would recommend the following conditions be imposed on any approval: Joinery details, Roof details, Samples of external materials, Metal rainwater goods, Scribe around historic features, Hitherto unknown evidence, Retain & protect architectural features

More details required (18/05/22)

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published July 2021, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes alterations and extension to include change of use to form a residential townhouse at Golden Moments, 50 Broad Street, Ludlow a Grade II listed building within the Ludlow Conservation Area. Whilst in principle there are no conservation objections to the change of use of the building to residential use, it is slightly unclear the impact upon the fabric and character of the building. The Heritage Assessment is currently lacking in any photographic evidence. Photographs of the areas to be altered to support an assessment of the impact would be useful. Please reconsult conservation when this is available.

4.1.3 Shropshire Council Drainage - no objection, recommended informative

4.1.4 Shropshire Council Affordable Housing - Comments
There are no affordable housing obligations are applicable in this instance

4.1.5 Shropshire Council Archaeology - No comment

4.2 Public Comments

4.2.1 A notice at the site has advertised the application and 10 objections have been received in response to this publicity and are summarised as follows:

- It adds character and colour to a lifeless part of Ludlow
- Well run restaurant that does not cause noise or nuisance and would be a loss to the town
- This is an attempt to increase the value of the properties
- How does this proposal "improve the amenity of the neighbourhood, meet the needs of people with local connections" or that it will "make better use of the building"?
- It states that this will restore a former town house - medieval frame?
- Draws attention to an "illegal extraction flue"
- Broad Street has been an environment where both activities live in harmony.
- Replace with holiday lets does nothing for town economy
- The local community should stand united behind the family and support it in the way in which it supported our community during the pandemic.

Officer note - these comments do not relate to the impact of the proposal on the historic fabric of the building.

5.0 THE MAIN ISSUES

Impact on Listed Building

NOTE: The impact of the broader planning issues are considered within the officers

report attached to planning permission 22/01790/FUL.

6.0 OFFICER APPRAISAL

6.1 Impact on Listed Building

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'. Paragraph 11 of the National Planning Policy Framework builds on this wording by encouraging planning to look favourably upon development, unless the harm that would arise from any approval would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

6.1.2 The proposed development has the potential to impact on the listed building and surrounding listed building in this conservation area and therefore the proposal has to be considered against Shropshire Councils policies CS17 and SAMDev MD13 and with national policies and guidance including PPS5 Historic Environmental Planning Practice Guide and Section 16 of the National Planning Policy Framework (NPPF). Special regard has to be given to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.1.3 Shropshire Core Strategy Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. Policy MD2 in the adopted SAMDev Plan reinforces CS6 by making sustainable design a critical element of any new development.

6.1.4 The application would see changes to the internal layout of the building as the ground floor is currently used as a restaurant and the proposed would see this converted into residential space, the first floor would see the current space reordered and the flat roof rear extension would be removed and replaced with a 2 storey extension. The signage and external lighting would be removed from the front elevation and all works are fully described within the supporting documentation and plans submitted with the application. These submissions have been reviewed by the Conservation officer who agrees with the conclusions of the reports and has no objection. All internal works are fully reversible and would have no adverse impact on the historic fabric of the building. The previous and poor rear extension will be removed and improved with a new 2 storey extension, and any essential repairs will also be undertaken. Overall, the proposal will preserve historic fabric and preserve and enhance the external character and appearance of the building.

7.0 CONCLUSION

It is considered that the proposed alterations to enable the change of use to a dwellinghouse will secure its viable use and future maintenance and repair. The proposed alterations and rear extension have been sensitively designed and overall

will preserve the historic fabric and preserve and enhance the character and appearance of the building and on balance it is considered that the benefits outweigh any harm

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 **Financial Implications**

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

10. **Background**

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

West Midlands Design Charter

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

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

MD2 - Sustainable Design

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

SS/1972/3547 Alterations to 50 Broad Street GRANT 8th December 1972

SS/1972/3547/L/459 Alterations to 50 Broad Street, Ludlow GRANT 8th December 1972

SS/1970/2034 Installation of a new doorway REFUSE 2nd October 1970

SS/1970/2034/L/193 Installation of a new doorway REFUSE 2nd October 1970

SS/1/07/20095/LB Construction of suspended ceiling; replace door, door frame, entrance screen and bar; remove plaster from chimney and expose brickwork PERCON 12th December 2007

SS/1/5815/U/ Application to fell a Lime tree OBJECT 20th July 1995

SS/1/4836/L/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to buildings at ground floor level, internal alterations and installation of new windows PERCON 18th August 1994

SS/1/4835/P/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to buildings at ground floor level, internal alterations and installation of new windows PERCON 18th August 1994

SS/1987/49/P/ Change of use from Public House with living accommodation to licenced Restaurant with living accommodation. PERCON 5th March 1987

SS/1/98/009390/TP Felling of an Ash tree REFUSE 17th December 1998

SS/1/07/20095/LB Construction of suspended ceiling; replace door, door frame, entrance screen and bar; remove plaster from chimney and expose brickwork PERCON 12th December 2007

SS/1/4836/L/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to

buildings at ground floor level, internal alterations and installation of new windows PERCON
18th August 1994

SS/1/4835/P/ Demolition of 2 storey annexe and outbuildings, extension of existing lean-to
buildings at ground floor level, internal alterations and installation of new windows PERCON
18th August 1994

SS/1987/49/P/ Change of use from Public House with living accommodation to licenced
Restaurant with living accommodation. PERCON 5th March 1987

Appeal

SS/4/00/00022 Refusal of planning permission on 1/98/ 009390/TP ALLOW 3rd July 2000

11. Additional Information

View details online: [22/01791/LBC | Alterations and extension to include change of use to form a residential townhouse affecting a Grade II Listed Building | Golden Moments 50 Broad Street Ludlow Shropshire SY8 1NH](#)

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 Andy Boddington

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

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

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

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

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

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

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

5. All new partitions and other elements of construction shall be scribed around historic and architectural features including cornices, picture rails, chair rails, skirting's, panelling, door and window linings and shall not cut through such features.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

6. All existing features of architectural and historic interest (e.g. windows, doors, ornamental plaster, joinery, staircases, fireplaces) shall be retained in-situ and fully protected during the approved works.

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

7. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.

8. Upon completion of the works hereby approved, any damage caused to the building by the works shall be made good within 6 months in accordance with a scheme submitted to, and approved by, the local planning authority.

Reason: To ensure satisfactory preservation of this Heritage Asset.

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

9. All gutters, downpipes, soil and vent pipes and other external plumbing shall be of cast iron or cast aluminium.

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

Informatives

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

This page is intentionally left blank

	<p><u>Committee and Date</u></p> <p>Southern Planning Committee</p> <p>26 July 2022</p>
---	---

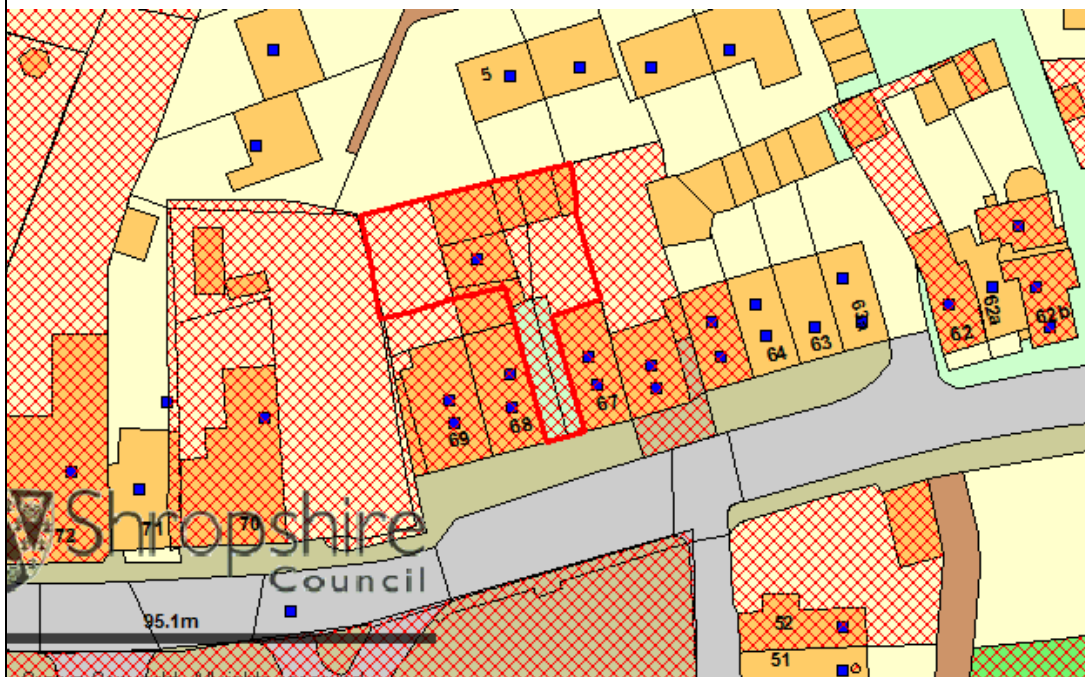
Development Management Report

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

Summary of Application

<u>Application Number:</u> 22/02285/FUL	<u>Parish:</u>	Albrighton
<u>Proposal:</u> Erection of single storey bungalow following demolition of outbuildings		
<u>Site Address:</u> Proposed Dwelling North Of 68 High Street Albrighton Shropshire		
<u>Applicant:</u> Mr James Colton		
<u>Case Officer:</u> Didi Kizito	<u>email</u>	: didi.kizito@shropshire.gov.uk

Grid Ref: 381514 - 304084



© 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.

REPORT

1.0 THE PROPOSAL

- 1.1 This resubmission application seeks planning permission for the erection of a residential bungalow to the rear of a shop parade on Albrighton High Street. The application site is currently in use as a storage yard for commercial waste bins, and is occupied by a range of single storey, flat roofed outbuildings.
- 1.2 Pre application advice was sought under reference number PREAPP/20/00060.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site lies to the rear of a small parade of commercial units, outside of Albrighton's primary shopping area but within the Conservation Area. Access is via a single width private drive.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council have provided views contrary to the Officers recommendation. The application was discussed with the Chair/Vice Chair of Planning Committee, in consultation with the Principal Planner, and it was concluded that a committee determination should be pursued as it was considered the Town Council has raised material considerations which make the application worthy of Committee consideration.

4.0 Community Representations

Consultee Comment

4.1 Albrighton Parish Council

APC Appreciate the size of the proposed accommodation has been reduced however, it still objects to residential property at the rear of these shops for the reasons set out in the previous planning application. The proposed property would still be out of character and at odds to the surrounding properties within this conservation area.

4.2 SC Archaeology

The proposed development site lies towards the eastern end of the historic core of the medieval town of Albrighton (Shropshire Historic Environment Record [HER] No. PRN 05385) as defined by the Central Marches Historic Towns Survey, and occupies a group of tenement plots to the north of High Street (HER PRN 05381). The site also lies within the Albrighton Conservation Area. The site was open ground in the later 19th century and was developed in the 20th century. The proposed development site can therefore be deemed to have some archaeological potential, though archaeological remains on the site are likely to have been damaged or removed by previous developments on the site.

RECOMMENDATION:

In view of the above, and in relation to Paragraph 205 of the NPPF (July 2021) and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is recommended that an archaeological inspection of any ground works for the proposed development be made a condition of any planning permission for the development. An appropriate condition of any such consent would be: -

Suggested Conditions:

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

Reason: The site is known to hold archaeological interest.

4.3 SC Conservation

The existing site lies behind existing shops that seem to date from around the 1950-60s, where it lies within the Albrighton Conservation Area. The site also lies adjacent to 70-71 High Street that is grade II listed to the west, bounded by an existing brick wall. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, along with emerging policies SP1 and DP23 of the Submission Local Plan, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in July 2021 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

It is noted that the proposal has been subject to pre-application enquiry (PREAPP/20/00060), where the planning officer raised various amenity issues with regards to having residential development on this site. These concerns have been relayed into the previous refusal (22/00405/FUL), where the reason for refusal was based on concern that the proposal would provide cramped development at odds with the surrounding properties.

As previously mentioned, there is no principle objection to the proposed demolition of the existing outbuildings and extension where these buildings contribute little to the existing character and appearance of the conservation area, there is still concern as to how tight this site is. Whilst being the centre of Albrighton, with buildings of a higher density lying directly onto the High Street, the rear curtilages are generally spacious with generous garden space, where this dwelling would have little amenity space. The HIA conclusions are noted, where it states that there would be 'no impact' to the existing character and appearance of the conservation area, as well as the setting of 70-71 High Street adjacent. Whilst the building would be tucked away at the back and set back within its plot, where there is a brick wall between the site and the curtilage of the listed building, there shall be some inevitable visual impact, with some potential glimpse views and intervisibility (mainly roofscape), though it is not

considered that this harm would stray into 'less than substantial territory' as defined under paragraph 202 of the NPPF.

The design of the proposed bungalow in some respects has become worse, where there should be a traditional roof pitch (as previously proposed), where there is still concern with regards to proposed use of materials (rendered panels) could perhaps reference the local vernacular better with regards to the use of plain clay tiles and red brick.

Objection with regards to proposed footprint, layout, and facing materials, where it is considered that the proposal is contrary to paragraph 130 of the NPPF and characteristics C1, C2, I1, I2, I3, B1, B2, & B3 of the National Design Guide, policies CS6 and CS17 of the Core Strategy, policies MD2 and MD13 of SAMDev, and emerging policies SP1 and SP5 of the Submission Local Plan.

4.4 **SC Affordable Houses**

No objection. The proposed development falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing. Therefore, no obligations are applicable in this instance.

4.5 **SC Regulatory Services**

No comments

Public Comments

4.6 At the time of writing this report, no comments had been received from the members of the public.

5.0 **THE MAIN ISSUES**

Principle of development

Siting, scale and design and impact on conservation area

Highway considerations

6.0 **OFFICER APPRAISAL**

6.1 Principle of development

6.1.1 Albrighton is a settlement identified in the Core Strategy as a key market town in South East Shropshire, where housing development can be permitted on appropriate sites. The Site is located within the development boundary, and in principle the provision of housing development in this location would be in accordance with the policies set out in the Core Strategy and the SAMDev plan, and the Albrighton Parish Plan.

6.1.2 The development will be situated in an established residential area within the urban development boundary of Albrighton. It is close to essential services and facilities that could be accessed by foot or by cycle and readily accessible by public transport.

The location of the development therefore accords with the NPPFs presumption in favour of sustainable development.

6.1.3 The National Planning Policy Framework reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.

6.2 Siting, scale and design and impact on conservation area

6.2.1 SAMDev Policy MD2 'Sustainable Design' and Core Strategy Policy CS6 'Sustainable Design and Development Principles' require development to be designed to a high quality by being sustainable in its design, inclusive and accessible in its environment and respecting and enhancing local distinctiveness. It is also required to preserve and enhance the amenity value of the wider area to which it relates including the safeguarding of residential and local amenity.

6.2.2 Properties along this section of the street and immediately adjacent to the site generally have a direct relationship with the streetscene in terms of frontages and the rear, the properties are characterised by extensions and outbuildings. The location of the proposed dwelling is such that it would be served only by a narrow access, extending southward from the High Street with no meaningful relationship with the public streetscene.

6.2.3 The proposed dwelling would be set back to the rear of numbers 68 and 69 resulting in backland residential development. The dwelling would be set further back from the street frontage than the neighbouring properties along this section of the High Street where front elevations are all at a similar distance from the road itself. While it is accepted that the introduction of a dwelling resulting in backland development would have the propensity to appear incongruous with respect to the established pattern of development along the High Street, it is noted there is some level of development albeit outbuildings on the application site.

6.2.4 Whilst there are existing storage unit buildings located on the application site that are set back from the street scene, the proposed dwelling would nonetheless be viewed in the context of the existing neighbouring properties and pattern of development. The proposed scheme has been amended in scale, design and layout. Where previously, the proposal was contrived within the plot with little in way of outdoor amenity space. The current bungalow subject to this application has been amended reflecting a smaller footprint and inclusion of outdoor amenity space reflective of the dwelling size. The amendments have made provision for a degree of separation distance between the proposed dwelling and the neighbouring boundaries of no's. 68 and 69 which the previous application did not.

6.2.5 Comments submitted by the conservation officer have been noted. As stated within the comments, the conservation team do not oppose the demolition of outbuildings and acknowledge the buildings contribute little to existing character and appearance

of the conservation area. However, together with the Town Council objection, concerns have been raised over the design and proposed materials consisting of rendered panels where it consultees conclude the scheme would be out of character of the surrounding environment. Whilst the objections raised are acknowledged, it is worth noting the conservation team do not consider the harm identified would stray into 'less than substantial territory'. In addition the applicant has confirmed they are prepared to amend the materials to brick and slate roof tiles. This would be an improvement to the scheme and condition would be imposed on relation to materials. On balance, officers observe that the existing outbuildings are unattractive features on the site and have a negative impact upon the immediate locality. Consequently, their removal and replacement with a single storey bungalow will result in a visual betterment. Therefore some weight in favour of approval would be attributed to this whereby on balance, the scheme would not have a detrimental impact on the conservation area more so than the existing outbuildings to warrant a refusal of the scheme. In addition, it is worth highlighting similar scale low profile bungalows are located on neighbouring street Fair Lawn.

6.3 Highway considerations

6.3.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110-111 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all users and “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.”

6.3.2 Core Strategy policy CS6 requires all development to be safe and accessible to all and have appropriate parking. It seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. It also aims to achieve safe development and where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

6.3.3 Shropshire Council has not set local parking standards for residential and non-residential development. At paragraph 3.15 of the SAMDev Plan, which is part of the explanation to policy MD2 (Sustainable Design), it states that developments must be designed so as to not result in an unacceptable adverse impact on local infrastructure, and gives as an example that adequate on-site parking should be incorporated within a development site to ensure that cars do not overspill onto surrounding roads and thereby negatively impact on the local road network.

6.3.4 SC Highways has confirmed that proposed development is acceptable. From a highway perspective, it is considered that the proposed development would not lead to an intensification of the access that will have a significant impact on the surrounding Highway network. Additionally, turning to the parking provision given the

scale of this development proposal and the close proximity of the site to town centres services and public car parks, the parking provision is adequate.

7.0 CONCLUSION

The proposal would make effective use of a brownfield site in an accessible town centre location. The use of this site for an additional dwelling within the Town would be a public benefit of significant weight in the planning balance. Due to its scale, on balance, the proposals would be sympathetic to local character and history, including the surrounding built environment. Furthermore, the proposed development would not lead to an intensification of the access that would have a significant impact on the surrounding Highway network; and, subject to appropriate conditions, the residential amenity of the area would not be unduly harmed.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

22/00405/FUL Erection of single storey bungalow at rear of shops parade following demolition of outbuildings REFUSE 6th April 2022

22/02285/FUL Erection of single storey bungalow following demolition of outbuildings PCO

11. Additional Information

[View details online:](#)

[22/02285/FUL | Erection of single storey bungalow following demolition of outbuildings | Proposed Dwelling North Of 68 High Street Albrighton Shropshire](#)

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 Nigel Lumby

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. Demolition, Construction shall only take place between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No construction activities shall occur on Sundays and public holidays.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: The site is known to hold archaeological interest.

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

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

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

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

6. 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-H shall be erected, constructed or carried out.

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

Informatives

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

Informative Notes:

A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related Documents Section on the Council's Website at:

<https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

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

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

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

This page is intentionally left blank

	<p style="text-align: right;"><u>Committee and Date</u></p> <p style="text-align: right;">Southern Planning Committee</p> <p style="text-align: right;">26 July 2022</p>
---	--

SCHEDULE OF APPEALS AS AT COMMITTEE 26 July 2022

LPA reference	22/01033/CPL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr David Smith
Proposal	Application for a Lawful Development Certificate for the erection of a single storey garden room to rear
Location	Curlew Cottage Rowe Lane Stanton Long Much Wenlock TF13 6LS
Date of appeal	20/06/2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/00180/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr T Poyner
Proposal	The Laying of a hardcore track and creation of a new access from an unregistered road into the field for the purpose of agriculture.
Location	Redthorne Farm Barns Redthorne Hill Cleobury Mortimer Shropshire
Date of appeal	13.01.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	20.06.2022
Costs awarded	
Appeal decision	Allowed

LPA reference	20/04700/VAR
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr Colin Head
Proposal	Variation of Condition No.s 1 (approved plans) and 7 (landscaping) attached to planning permission 19/03888/VAR dated 28 January 2020 (As amended)
Location	Development Land West Of Springfield Park Clee Hill Shropshire
Date of appeal	04.02.2022
Appeal method	Written representations
Date site visit	26.04.2022
Date of appeal decision	29.06.2022
Costs awarded	No
Appeal decision	Allowed

LPA reference	19/02846/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Paul & Gabrielle Buszard
Proposal	Erection of 1No dwelling and formation of pedestrian access
Location	Proposed Dwelling Adjacent 20 St Marys Steps Bridgnorth
Date of appeal	25.04.2022
Appeal method	Written Representations
Date site visit	21.06.2022
Date of appeal decision	04.07.2022
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/01569/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Ryan Jones
Proposal	Erection of dwelling and formation of vehicular access (amended)
Location	Proposed Dwelling North East Of 24 Snailbeach
Date of appeal	06.07.2022
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	22/00839/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Paul Inions
Proposal	
Location	Hall Cottage Folley Road Ackleton
Date of appeal	Erection of a single storey rear extension and garage and gym extension to the side (resubmission of 21/00796/FUL)
Appeal method	Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/04700/VAR
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr Colin Head
Proposal	Variation of Condition No.s 1 (approved plans) and 7 (landscaping) attached to planning permission 19/03888/VAR dated 28 January 2020 (As amended)
Location	Development Land West Of Springfield Park Clee Hill Shropshire
Date of appeal	04.02.2022
Appeal method	Written Reps
Date site visit	
Date of appeal decision	29.09.2022
Costs awarded	No
Appeal decision	AI

This page is intentionally left blank



Appeal Decision

Site visit made on 8 March 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/L3245/W/21/3284054

Redthorne Farm Barns, Redthorne Hill, Cleobury Mortimer DY14 8QH

- 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 T Poyner against the decision of Shropshire Council.
 - The application Ref 21/00180/FUL, dated 22 December 2020, was refused by notice dated 13 April 2021.
 - The development proposed is the laying of a hardcore track and creation of a new access from an unregistered road into the field for the purposes of agriculture.
-

Decision

1. The appeal is allowed and planning permission is granted for the laying of a hardcore track and creation of a new access from an unregistered road into the field for the purposes of agriculture at Redthorne Farm Barns, Redthorne Hill, Cleobury Mortimer DY14 8QH in accordance with the application, Ref 21/00180/FUL dated 22 December 2020 subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes it instead of the much longer and detailed description given on the application form.

Main Issues

3. The main issues are:
 - Whether there is an agricultural need for the proposed development; and
 - Highway safety

Reasons

Agricultural need

4. The appeal site consists of a number of sizable fields in pastoral use. The fields are in an area of undulating open countryside extending beyond the village of Cleobury Mortimer. When I visited the site, I observed that there were cows in the top field and a number of feeding troughs dotted across the landscape. There is an existing gated field access from Lion Lane.
5. A country lane extends along one side of the fields with sporadic residential development along it. The surrounding landscape has a largely verdant and agrarian character. The natural features on the boundaries to the site, including

trees and hedgerows, add to the rural character to this part of the site, which is free from built development.

6. The proposed development involves the formation of a stone retaining wall, new access from the lane and a track into one of the appellant's fields, approximately 3m wide and extending for some 46m. The appellant has stated that the track is required to allow vehicles to enter the field to feed cattle during the winter and has been positioned in a field that is dryer than surrounding ones.
7. Policy MD7b of the Shropshire Council Site Allocations and Management of Development Plan (2015) (SAMDev) relates to the management of development in the countryside. Part 3 of the policy relates to agricultural development and criteria b. states that where possible development should be sited so that it is functionally and physically related to existing farm buildings.
8. Whilst the proposed track would not be closely related to existing farm buildings the site consists of a number of sizable fields devoid of agricultural structures. Moreover, the proposal would have a clear functional agricultural purpose assisting the appellant to feed cattle during the winter.
9. Representations have been raised questioning the need for the proposed development. Whilst it appears that a further gated field access is located further along the lane the appellant advises that this does not fall within their ownership and therefore cannot be used to access the site. In addition, the existing cattle holding pens cannot be used for feeding as they are required for animal welfare purposes only. As such, I am satisfied that no other reasonable alternatives exist and that the appellant has sufficiently demonstrated that the proposed development is required for agricultural purposes.
10. The dimensions of the track and its finish combined with the natural changes in levels in the surrounding area and field boundaries means the proposed development would not be unduly prominent within the surrounding area and would not unduly diminish the surrounding rural characteristics.
11. I conclude that the proposed development would accord with Policy CS6 of the Shropshire Core Strategy (2011) (CS) and SAMDev Policy MD7b which, amongst other things, requires development to be adaptable, safe and accessible, designed to a high quality and that is consistent with its required agricultural purpose.

Highway safety

12. The lane is single width with grass verges, banks and hedges close to the road serving agricultural land and dwellings. The proposed development is unlikely to intensify movements to and from the site given its continued agricultural use. Whilst a new access would be formed there is nothing to suggest that the lane is unsafe or that vehicle movements would be restricted due to the width of the road.
13. The visibility splays would be adequate and satisfactory views and sightlines could be obtained in both directions. Given the width of the lane vehicle speeds along it, and when entering and leaving the site are likely to be very low. Furthermore, in rural areas drivers would be mindful of encountering some farm traffic.

14. Paragraph 111 of the National Planning Policy Framework (the Framework) advises that development proposals should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe.
15. As such, based on the evidence before me and taking into account the advice of the highway authority, the proposed access is adequate, and there is no substantive evidence to indicate that the appeal proposal would have an unacceptable impact upon highway safety. Therefore, there would be no conflict with CS Policy CS6 which, amongst other things, requires high quality sustainable design or the Framework.

Other Matters

16. It is incumbent upon me to assess the merits of the proposal before me in respect of the main issues. The reference to the future intentions of the appellant in relation to the track is not a matter for me as part of this appeal. Therefore, I give it negligible weight in coming to my decision.
17. There would be no change in the agricultural use of the site and there is no substantive evidence to indicate that the proposed development would result in increased agricultural activity. Therefore, I am satisfied that the proposed development would not unacceptably harm the living conditions of nearby occupiers.

Conditions

18. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. A condition relating to landscaping has been imposed to ensure the satisfactory appearance of the development. A condition has been imposed for the Council to monitor the groundworks in the interest of archaeological significance.
19. The Council has suggested a condition restricting the use of the track solely for agricultural purposes. However, the application has been advanced as an agricultural project as such I do not consider that it is necessary to impose the condition.

Conclusion

20. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no 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: Location Plan; Block Plan; Cross Section Plan and Agricultural Track Access Plan Drawing Number KK1665-1001 Rev A.
- 3) The development shall not commence until Shropshire Council's Historic Environment Team have been notified, not less than three weeks prior to commencement of ground works, to provide them with reasonable access in order to monitor the ground works to record any archaeological evidence as appropriate.
- 4) The development should not be brought into use until the hard and soft landscaping scheme has been laid out and completed in accordance with Agricultural Track Access Plan Drawing Number KK1665-1001 Rev A. The hard surfaced areas shall thereafter be kept available for its intended purpose for the lifetime of the development.
- 5) All planting comprised in the approved landscape details shown on Agricultural Track Access Plan Drawing Number KK1665-1001 Rev A shall be carried out in the first planting and seeding seasons following completion of the development; and any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.



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: 29 June 2022

Appeal Ref: APP/L3245/W/21/3283341

Development land west of Springfield Park, Clee Hill, Shropshire SY8 3QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by KH Developments against the decision of Shropshire Council.
 - The application Ref 20/04700/VAR, dated 11 November 2020, was refused by notice dated 13 April 2021.
 - The application sought planning permission for the variation of condition no.7 pursuant to SS/1/07/19934/F to allow for a redesign of all 13 approved properties; re-design of site layout and erection of one detached garage block (amended description) without complying with conditions attached to planning permission Ref 19/03888/VAR, dated 28 January 2020.
 - The conditions in dispute are Nos 1 and 7 which state that:
Condition 1: *'The development shall be carried out strictly in accordance with the approved plans and drawings'.*
Condition 7: *'All hard and soft landscape works shall be carried out in accordance with the approved plan, and in accordance with a schedule of plants and trees which have first been approved by the local planning authority in writing. 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 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'.*
 - The reasons given for the conditions are:
 - 1) *'For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details'.*
 - 2) *'To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs'.*
-

Decision

1. The appeal is allowed and planning permission is granted for the variation of condition no.7 pursuant to SS/1/07/19934/F to allow for a redesign of all 13 approved properties; re-design of site layout and erection of one detached garage block (amended description) at Development land west of Springfield Park, Clee Hill, Shropshire SY8 3QY, in accordance with the application Ref 20/04700/VAR dated 11 November 2020, without compliance with conditions numbers 1, 3 and 7 previously imposed on planning permission Ref 19/03888/VAR dated 28 January 2020 and subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs is made by KH Developments against the Shropshire Council. This application is the subject of a separate decision.

Preliminary Matters

3. I have taken the site address from the appeal form as this reflects the address adopted in both decision notices. In addition, and at the time of my site visit, plots 1 and 3 were substantially constructed and the groundworks for plot 2 were underway. I have considered this appeal accordingly.
4. The appellant also seeks to vary condition No 7, which relates to landscaping, as they have advised that the approved landscaping plan includes references to the floor levels which they are now seeking to vary. Notwithstanding the inclusion of floor levels within the approved landscaping plan, I note that the Council has raised no issues with the amended landscaping plan now being proposed. As such, there is no need for me to consider the merits of it further, however I shall return to this matter within the conditions section below.

Background and Main Issue

5. The appeal site has extensive planning history for the approval of residential development. From the information before me, the original planning permission¹ granted approval for 13 dwellings. There was a subsequent approval² for the same number of properties with amendments to the estate road and private drives. This most recent approval was then varied³ through the submission of amended plans (the '2019 variation').
6. It is this 2019 variation which is the subject of this appeal. The appellant seeks to vary it by amending the approved plans as the dwellings on plots 1, 2 and 3 have been/are being constructed at a higher level than originally indicated. The appellant has indicated that the raised levels were to ensure the operation of a gravity flow plot drainage to a centrally located attenuation tank. The information before me indicates that the raised levels were included on the drainage scheme which was approved following the granting of the 2019 variation. Condition No 1 of the 2019 variation requires the development to be carried out in accordance with the approved plans which are included in an informative within the decision notice.
7. The Council refused the variation of the approved plans on the basis that the increased levels of the dwellings on plots 1, 2 and 3 would be overbearing and create issues of overlooking for neighbouring properties on Tenbury Road.
8. In light of the above, the main issue is the effect of varying the approved plans and thus the affected conditions on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

9. Plots 1, 2 and 3 are located along the western boundary of the wider residential site. They are sited at a higher level than the properties immediately adjacent to the west along Tenbury Road due to the vast variation in local topography. This contrasting relationship has been established through the 2019 variation. Compared to the approved plans of the 2019 variation, this appeal seeks to increase the floor levels and overall heights of the dwellings on plots 1, 2 and 3 by between 0.8 metres (m) and 0.95m.

¹ Council ref: SS/1989/397/P

² Council ref: SS/1/07/19934/F

³ Council ref: 19/03888/VAR

10. The rear of the nearest properties on Tenbury Road are already dominated by the increased land levels and existing boundary treatments, which together create a strong sense of enclosure to the rooms and garden areas of those properties. The proposed increase in height of the appeal dwellings would not be so noticeable or oppressive when compared to the existing restricted layout to the rear and the approved relationship, so as to amount to significant harm to outlook or an overbearing sense of enclosure for existing occupiers. The proposed landscaping would also contribute towards a softer, natural outlook.
11. The lower ground floor levels of the appeal properties would be arranged as the main habitable rooms such as living rooms and kitchen/dining rooms. There would be very limited options to overlook neighbouring properties from these rooms. The rooms in the upper ground floor levels would be arranged as bedrooms and it is the increased level of the windows serving these rooms, and the remaining property above, which would be most felt from neighbouring occupiers compared to the approved design.
12. I observed that the main outlook from the upper ground floor rooms was directly outwards across the rooftops of neighbouring properties towards the landscape beyond. There were very limited views into neighbouring rear gardens due to the boundary treatment and the difference between land levels. I nevertheless acknowledge that neighbouring occupiers may get a sense that they are being overlooked, particularly in their upper floor rooms.
13. However, given the use of the upper floor rooms in the appeal dwellings, it is unlikely that future residents would spend considerable amounts of time looking out from these windows. Furthermore, given the good distance between the properties and the intervening landscaping both existing and proposed, which would assist in reducing any presence of the dwellings, the differences between the 2019 variation and the appeal proposal would not be so substantial so as to create significantly greater opportunities to overlook neighbouring properties that would result in a harmful loss of privacy.
14. Accordingly, the proposed increase in floor level and heights of dwellings on plots 1, 2 and 3 would not result in unacceptable harm to the living conditions of neighbouring occupiers. It would therefore accord with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan (December 2015) which is referenced within the Council's evidence. Collectively these policies seek to ensure that developments safeguard residential amenity.

Other Matters

15. Numerous concerns have been raised relating to matters which fall outside the scope of the main issue and thus scope of this appeal. Namely, drainage, flooding, the effect on light to neighbouring properties and damage to shared boundaries and retaining walls. The latter is a civil matter between the appellant and neighbouring occupiers.
16. The Council has raised no concerns with the effect on light and given the nominal differences between the appeal proposal and the approved development, I concur with this view. With regards to drainage and flooding, there is no objection from the Council in this regard and I acknowledge that approved drainage details were based on the proposed raised floor levels and

were deemed to be acceptable through a discharge of conditions application. Accordingly, I afford these matters limited weight.

17. I note that the plans submitted with this appeal also indicate some minor adjustments to the levels of the dwellings on some of the other plots within the wider development site. Whilst the Council has alluded to possible enforcement action, it has not advised of any specific objections in this regard and indeed it has recommended a condition, in the event that the appeal is allowed, specifying the amended site plan. As such, there is no need for me to consider this matter further within the context of this appeal.
18. The appellant has advised that there is an error in the 'LGF' measurement of plot 1 as referenced on the amended proposed site plan. The appellant has clarified the correct floor level measurements within their submitted evidence, which correlate with the levels stated in the sectional plans, which I have therefore based my decision on. This discrepancy on the plan is a matter for the main parties to resolve where necessary.
19. Article 8 of the European Convention on Human Rights affords the right to respect for private and family life. Taking all the above into consideration, I am not persuaded that the homes, family life or privacy of neighbouring occupiers would be significantly diminished in the case that the appeal were allowed. The degree of interference that would be caused therefore would be insufficient to give rise to a violation of rights under Article 8 of the First Protocol.

Conditions

20. The Planning Practice Guidance (the PPG) makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. I have had regard to the conditions suggested by the Council in the event that the appeal is allowed. I note that these largely reflect the conditions of the 2019 variation, aside from the amended plans. The appellant has not raised any concern with these conditions.
21. For the avoidance of doubt, other than those specified below, I have not made any substantial alterations to the remaining conditions within the 2019 variation other than some minor editing in light of the advice in the PPG which has not affected their controlling elements.
22. The approved plans are listed as an informative on the 2019 variation decision notice. The PPG advises that informative notes do not carry any legal weight and cannot be used in lieu of planning conditions or a legal obligation to try and ensure adequate means of control for planning purposes⁴. Accordingly, and to ensure condition No 1 is precise and enforceable, I have included the approved plans list within the main body of its wording. I consider that no party would be prejudiced by me doing so.
23. Condition No 2 concerns the external facing materials and roof tiles of the proposed development. Whilst the majority of the wider development has largely been constructed and although the Council has not recommended reattaching this condition, as the dwelling at plot no 2 remains to be fully constructed, I consider this condition is necessary to ensure it is finished in similar materials to the existing properties.

⁴ Paragraph: 026 Reference ID: 21a-026-20140306

24. I note that condition No 3, which relates to matters of drainage, has been discharged. Nevertheless, the condition continues to have an effect in perpetuity therefore it should be reattached. This will then be a matter for the main parties to resolve were necessary.
25. The Council has recommended restating the landscaping plans which were approved under the discharge of conditions application for condition No 7⁵. These plans do not correlate with the amended landscaping details submitted with the variation of conditions application and to which the Council raised no concerns with. Accordingly, I can see no reason why any party would be prejudiced by me including the amended landscaping plans within condition No 1. I shall however amend condition No 7 of the 2019 variation to ensure that that the landscaping is implemented and retained as required.

Conclusion

26. For the reasons given above, and having regard to all relevant material considerations, the proposal would accord with the development plan thus the appeal should be allowed.

H Ellison
INSPECTOR

⁵ Council ref: 21/02427/DIS

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: WDS102 E, WDS105 B, WDS106 B, WDS107 A and WDS108 A.
2. The external facing materials and roof tiles shall be as specified on the approved drawings.
3. Other than site clearance and land regrading works, together with any measures required to ensure that there would be no increase in surface water run-off impacting on adjacent properties when these works are carried out, no development in relation to the details shown on the approved plans 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).
4. The construction of roads, footways, sewers and other services within the development hereby permitted shall be carried out in accordance with the Highway Authority's Specification for the time being then in force for Residential Estate Roads.
5. Construction work shall only take place on site between the hours of 0800 and 1830 Mondays to Saturdays and not at all on Sundays and Bank Holidays.
6. All parking, loading and unloading in connection with the site development operations shall take place within the site boundaries.
7. All hard and soft landscape works shall be carried out in accordance with the approved plans prior to the occupation/use of any part of the development hereby approved. If, within a period of five years from the date of planting, any tree or plants are removed, uprooted, destroyed or die or become, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant unless the local planning authority gives its written consent to any variation.



Costs 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: 29 June 2022

Costs application in relation to Appeal Ref: APP/L3245/W/21/3283341 Development land west of Springfield Park, Clee Hill, Shropshire SY8 3QY

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by KH Developments for a full award of costs against Shropshire Council.
- The appeal was against the refusal of planning permission for the variation of condition no.7 pursuant to SS/1/07/19934/F to allow for a redesign of all 13 approved properties; re-design of site layout and erection of one detached garage block (amended description) without complying with conditions attached to planning permission Ref 19/03888/VAR.

Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary and wasted expense in the appeal process. Costs cannot be claimed for the period during the determination of the planning application although behaviour and actions at the time of the planning application can be taken into account in my consideration of whether or not costs should be awarded. The applicant's claim is that the Council acted unreasonably through creating delays as a result of failing to adhere to the appeal deadlines for submitting information.
3. I note that the Council requested an extension of time for the submission of its statement of case. This request was a considerable length of time after the appeal was first submitted and on the date on which the statement was due, as set out in the appeal timetable. The reason for requesting this extension of time was that the Council was not in receipt of the appendices to the applicant's statement of case due to the email being sent to an individual officer's email address rather than a dedicated appeals email address.
4. The evidence before me indicates that when the applicant originally sent the appeal to the Council an officer confirmed receipt of the submitted documents. Whilst the Council may prefer for appeal documents to be sent to a dedicated appeals email address, the applicant was not advised to redirect their email and attachments or any further correspondence to a different address within the acknowledgement email from the officer. Although the officer subsequently

ceased employment at the Council, the Council as a whole is responsible for the processing of appeals.

5. I do however note that the applicant only provided a list of appendices within its email to the officer rather than the documents themselves. These appendices related to documents which were submitted with the planning application and documents which the Council produced themselves. As such, the Council would already have had copies and therefore sight of the documents. However, the onus is on the applicant to provide copies of all relevant documentation to the Council when making their appeal.
6. Nevertheless, the appendices were subsequently sent to the Council and a brief extension of time was granted to allow the Council to submit its evidence. This extension was not adhered to, with the Council again citing email issues whereby the grant of the extension of time was not received by officers due to the email being deposited into a junk email folder. Nevertheless, a further amendment was made to the planning appeal timetable to allow proper advertising of the appeal, to ensure no interested parties were disadvantaged.
7. Overall, it is clear that the Council suffered some technical issues with regards to the receiving and management of emails, whether to an individual officer's email address or its dedicated appeals email address. These technical issues should have been addressed early on by the Council however they persisted for a considerable length of time and the issues only came to light very late in the appeal process, resulting in delays overall to the timetable. It is the responsibility of the Council to adhere to deadlines so as the appeal can process efficiently. The lack of addressing of the email issues constitutes unreasonable behaviour by the Council.
8. Turning now to whether or not this unreasonable behaviour has directly caused the applicant to incur unnecessary or wasted expense in the appeal process, the applicant has not specified the effect which these delays may have had. They have nevertheless raised additional concerns that the Council's case was unsubstantiated as the planning committee failed to conduct a site visit and determined the application against the recommendation of officers following a debate principally relating to matters of drainage.
9. The evidence before me indicates that members were equipped with sufficient detail so as to come to a fully reasoned decision based on the assessment of the proposal in relation to its surroundings, having regard to relevant development plan policies. They subsequently resolved to refuse the application on the grounds of residential amenity. Members of the planning committee are not duty bound to follow the advice of its professional officers.
10. Accordingly, notwithstanding the Council's unreasonable behaviour during the appeal process which led to delays, there were fundamental disagreements between the parties in relation to the effect of the proposal on the living conditions of neighbouring occupiers, thus the appeal process was unavoidable in this regard.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. A claim for costs is not therefore justified and accordingly it is refused.

H Ellison
INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 21 June 2022

by **Andrew Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2022

Appeal Ref: APP/L3245/W/22/3291663
20 St Marys Steps, Bridgnorth WV16 4AQ

- 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 Dr & Mrs Paul & Gabrielle Buszard against the decision of Shropshire Council.
 - The application Ref 19/02846/FUL, dated 24 June 2019, was refused by notice dated 3 August 2021.
 - The development proposed is erection of a two storey dwelling - new build four bedroom house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of neighbouring occupiers with respect to their outlook, and whether the development would provide acceptable living conditions for its future occupiers in respect of the outdoor amenity space.

Reasons

Living conditions – neighbouring occupiers

3. The site is located on land which falls steeply from west to east and the neighbouring land to the east is lower still. The site is separated from the neighbouring dwellings to the east by the width of St Marys Steps which is a footway.
4. The dwelling at No. 24 is located to the east of the appeal site. There are a set of patio doors on the rear elevation, at first floor level, which provide access to a small sitting out area. From these doors, the proposed dwelling would be seen up the hill above the boundary wall. Although the development would, from the plans, be over 7m from these glazed doors, almost the full length of both storeys of the proposed dwelling would most likely be visible. This, combined with its highly elevated position, would result in the dwelling appearing very prominently and being overbearing. Dense vegetation and the bulk of Hillside House directly behind No. 24 means the outlook from these patio doors is already restricted, but the proposal would substantially fill the remaining space on the right hand side. I accept that open views down the hill to the left would remain. Nevertheless, the development would significantly, and unacceptably, worsen the outlook from these patio doors.

5. No. 24 also has a number of windows on its side elevation facing towards the site, but these appear to be very small or obscurely glazed which suggests they do not serve habitable rooms. In any case, the view from them is largely above the existing house at No. 20 to the verdant hillside behind, so would be towards the proposed outdoor amenity space not the new dwelling.
6. The proposed dwelling would be to the north-west of Hillside House. From the north facing first floor windows and second floor dormer windows, the proposal would be visible off to the left, and it would represent a significant change from the current view of the verdant garden of No. 20. Nonetheless, a generally open outlook would remain available from these windows, above No. 24 and off to the right down the hill.
7. In summary, the proposal would unacceptably harm the outlook from the rear of No. 24 such that the living conditions of its occupiers would be unsatisfactory. As such the development would fail to accord with Adopted Core Strategy (2011) policy CS6, which seeks to ensure development safeguards local amenity, and policy MD2 of the Site Allocations and Management of Development Plan (2015) which requires proposals to respect existing amenity value.

Living conditions – future occupiers

8. The site currently forms the existing garden for No. 20, which is a very modestly sized house. The garden is limited in terms of its useability due to the topography and there are only a few areas, notably that immediately around the dwelling, which are readily useable.
9. The amenity space to serve the proposal would be mainly limited to the first floor terrace, supplemented by a small area to the north which is an existing small terraced area. I accept the appellants have no need for extensive amounts of outdoor amenity space themselves; indeed they are seeking a reduction in the amount of maintenance necessary. However the National Planning Policy Framework advises that developments should create places that have a high standard of amenity for future as well as existing users. It is reasonable to expect that a three-bedroomed family house of the size proposed would have good quality outdoor areas, such as for play. The proposed terrace, and the existing terrace, would not be wholly unusable, but due to their narrowness (under 3m at their widest point) their usefulness would be limited.
10. The appellant has provided brief details of other new developments in Bridgnorth which have limited useable amenity space, and due to the local topography I have no doubt some houses nearby will not have much level garden area. However, the lack of useable garden space in other properties should not excuse a deficiency in this case.
11. As such, the lack of sufficient useable outdoor amenity space means the development would fail to provide acceptable living conditions for its future occupiers. It therefore would fail to accord with policies CS6 and MD2 which both aim to ensure development is designed to a high quality.

Other Matters

12. The site is clearly very constrained and the contemporary design, which makes a more efficient use of it, is supported by policy MD2. Moreover, the development would result in an additional dwelling to add to the supply of

homes, and one which would have good access to local facilities and services. I give these matters moderate weight.

13. I fully appreciate the personal circumstances of the appellant, and their desire to continue living locally whilst in a house that meets Dr. Buszard's requirements in terms of size, layout, level access and 24-hour care. Reference is made to an unsuccessful search for a suitable house over a 40-mile radius, but I have no substantive evidence of this. Likewise, I have no evidence to suggest specialist accommodation, such as this, is much needed generally. In any case, the national Planning Practise Guidance advises that planning is concerned with land use in the public interest and that private interests are generally not material considerations.
14. The location of the site within the Bridgnorth Conservation Area and close to listed buildings at Hillside House, St Mary Magdalene's Church and on East Castle Street is noted. However as I am dismissing the appeal for other reasons, and as it has not been suggested that there would be a beneficial effect on these designated heritage assets, I need not assess the impact of the proposal against these.

Conclusion

15. The proposal would fail to provide acceptable living conditions for its occupiers with respect to the quality of the outdoor amenity space, and would unacceptably harm the living conditions of neighbouring occupiers in terms of their outlook. These harms are considerable and are not outweighed by the benefits set out above.
16. As such, the proposal fails to accord with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan.
17. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR

This page is intentionally left blank

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