

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

Date: Monday, 16 September 2024

Committee:
Southern Planning Committee

Date: Tuesday, 24 September 2024

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.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

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)
Nick Hignett (Vice Chairman)
Caroline Bagnall
Andy Boddington
Richard Huffer
Christian Lea
Hilary Luff
Nigel Lumby
Tony Parsons
Ed Potter
Robert Tindall

Substitute Members of the Committee

Roy Aldcroft
Joyce Barrow
Gwilym Butler
Rachel Connolly
Cecilia Motley
Nigel Hartin
Kevin Pardy
Colin Taylor
Claire Wild
Paul Wynn

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@shropshire.gov.uk

AGENDA

1 **Apologies for Absence**

To receive any apologies for absence.

2 **Minutes** (Pages 1 - 6)

To confirm the minutes of the Southern Planning Committee meeting held on 23 July 2024

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 12.00 noon on Wednesday 18 September 2024.

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 **Development Land At Site Of Ironbridge Power Station, Buildwas Road, Ironbridge, Telford, Shropshire (24/01661/REM)** (Pages 7 - 24)

Application for the approval of reserved matters (appearance, landscaping, layout and scale) for Phase 1A residential development of 107No. dwellings pursuant to outline planning permission 19/05560/OUT.

6 **Schedule of Appeals and Appeal Decisions** (Pages 25 - 56)

7 **Date of the Next Meeting**

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 22 October 2024 in the Shrewsbury Room, Shirehall.

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Committee and Date

Southern Planning Committee

24 September 2024

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 23 July 2024

2.00 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillor David Evans (Chairman)

Councillors Nick Hignett (Vice Chairman), Richard Huffer, Nigel Lumby, Tony Parsons, Ed Potter and Robert Tindall

24 Apologies for Absence

Apologies for absence were received from Councillor Andy Boddington (Substitute: Colin Taylor), Councillor Christian Lea (Substitute: Roy Aldcroft) and Councillor Hilary Luff (Substitute: Claire Wild).

25 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 25 June 2024 be approved as a correct record and signed by the Chairman.

26 Public Question Time

There were no public questions.

27 Disclosable Pecuniary Interests

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

28 Proposed Development Land At Redhill Shrewsbury Shropshire (24/01248/FUL)

The Principal Planning Officer introduced the application which was for the proposed construction of two dwellings, and with reference to the drawings and photographs displayed, she drew Members' attention to the location and layout. The Principal Planning Officer confirmed that members had conducted a site visit.

Councillor Paul Carter spoke on behalf of Longden Parish Council in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Roger Evans, local Ward Councillor spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Ewan Dryburgh, (Architect), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members queried whether paragraph 84 of the NPPF could be legally interpreted when considering two dwellings and sought legal advice. It was confirmed that it was the decision of the committee as to whether two dwellings could be considered unique and of an exceptional design.

RESOLVED:

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to apply standard conditions as necessary.

Members felt that having accepted advice, the development complies with the NPPF and was extraordinarily well designed for the site and context. The design and size complement the large unused site and members welcomed the use of stone to tie in with the local area.

29 West Bungalow Chirbury Montgomery Shropshire SY15 6BH (23/04608/REM)

Councillor Robert Tindall left the meeting room during this item and therefore did not take part in the discussion or decision making process.

The Planning Officer introduced the application for the approval of reserved matters (access appearance, landscaping, layout and scale) pursuant to 22/04842/OUT for the demolition of existing bungalow and erection of 2No. dwellings, and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout. Members were reminded that the outline application had been approved at a previous committee meeting and the minutes of that meeting had been provided to the agent.

The Solicitor read out a statement on behalf of Mr and Mrs Koenig, local residents, against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Heather Kidd, local member, gave a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members raised concerns that the heritage and historic objections had been disregarded and expressed disappointment that the scale of the development was contrary to the original committee decision.

RESOLVED:

That the application be deferred to allow the applicant to address concerns and submit an alternative design, preferably as a single storey development.

Members felt that further discussions with the Heritage Team were required prior to resubmission to enable the application to be considered for approval.

30 Proposed Battery Storage Facility North Of Bath Mews Minsterley Shrewsbury Shropshire (24/00889/FUL)

Councillor Claire Wild left the meeting room during this item and took no further part in the meeting.

The Senior Planning Officer introduced the application which was an application for the erection of a raised platform and installation of a battery energy storage system (BESS) with boundary fencing, access track, landscaping, and associated infrastructure and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout and elevations. Members were reminded that a site visit had taken place in June, prior to the committee meeting.

Doug Jones, on behalf of Minsterley Flood Action Group, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Susan Lockwood, speaking as Vice Chair of Minsterley Parish Council and Chair of CPRE, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Nick Hignett, as local member, spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking in Planning Committees.

Nick Williams (Agent) spoke on behalf of the applicants in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

After declaring an interest, Councillor Nick Hignett left the meeting and took no part in the discussions for the remainder of the item.

Members were reassured that previous concerns had been addressed and that there would be a minimal impact on local housing and were therefore minded to accept the officer's recommendation for approval.

RESOLVED:

That in accordance with the Officer recommendation planning permission be granted and that delegated authority be given to officers to apply conditions as necessary.

31 Land At Tip House Farm, Billingsley (24/01654/FUL)

The Planning Officer introduced the application which was for the erection of an affordable dwelling (in response to an identified local need) and detached garage and associated works and with reference to the drawings and photographs displayed, he drew Members' attention to the to the location and layout and elevations. Members were reminded that a site visit had taken place prior to the meeting.

The Solicitor read a statement on behalf of Councillor Gwilym Butler, local member in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Dyanne Humphries, agent, spoke in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The committee were conflicted due to the more isolated nature of the proposed site compared to other similar schemes and recognised the need to be consistent with planning policy requirements adopted by the Council for affordable developments in the countryside. Committee also considered local housing need benefits of the scheme, attributing them significant weight in the planning balance. It was noted that both the Parish Council and local member, who was also a Cabinet member, had given their support to the application and members considered the relative weight that this should carry.

Members considered the submitted plans, planning policy for Affordable Housing and planning balance and noted the comments of all speakers. On the Chairman's casting vote it was

RESOLVED:

That contrary to Officer recommendation planning permission be granted and that delegated authority be given to officers to apply standard conditions as necessary.

Whilst members acknowledged planning policy with regards to settlements, members felt that due to the nature and characteristics of the area, the dwelling would be no less isolated than other nearby properties and would support a local housing need.

32 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 23 July 2024 be noted.

33 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 20 August 2024 in the Shrewsbury/Oswestry Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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AGENDA ITEM



Committee and date
Southern Planning Committee
24th September 2024

Development Management Report

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

Summary of Application

Application Number: 24/01661/REM	Parish: Buildwas
Proposal: Application for the approval of reserved matters (appearance, landscaping, layout and scale) for Phase 1A residential development of 107No. dwellings pursuant to outline planning permission 19/05560/OUT.	
Site Address: Development Land At Site Of Ironbridge Power Station, Buildwas Road, Ironbridge, Telford, Shropshire	
Applicant: BDW Trading Ltd	
Case Officer: Louise Evans	email: Louise.m.evans@shropshire.gov.uk
Grid Ref: 365460 - 303820	
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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1, with delegation to officers to refine or amend conditions as required.

REPORT

1.0 THE PROPOSAL

- 1.1 The outline scheme to which this reserved matters application relates is 19/05560/OUT which permitted up to 1000 dwellings, a retirement village, employment development, a new school, playing fields, a local centre and retail development together with associated infrastructure at the Former Ironbridge Power Station on Buildwas Road, Ironbridge. The development is intended to be carried out over seven phases and this application seeks to secure the detailed proposals relating to the first residential phase of development known as Phase 1A.
- 1.2 The scheme for approval seeks permission for 107 dwellings. This includes 6 affordable dwellings which is consistent with the 5% affordable housing requirement set through the S106 Agreement attached to the outline permission.
- 1.3 The housing mix is made up as follows:

Number of bedrooms	Open Market	Affordable	Total
1-bedroom house	0	2	2
2-bedroom house	10	2	12
3-bedroom house	58	2	60
4-bedroom house	29	0	29
5-bedroom house	4	0	4
Total	101	6	107

- 1.4 The proposed dwellings range from 1-bedroom maisonettes to 5-bedroom family houses and are between 2 and 3 storeys in height.
- 1.5 Facing materials are proposed in brick with contrasting colour detailing. Roofs are proposed to be clad in roof tile. Final material choices are still to be agreed by condition.
- 1.6 Boundary treatments are formed by timber fencing for rear gardens, brick walling for rear gardens that face public spaces and privet hedging. Dwarf walling is also proposed for the riverside dwellings to give a clear definition between the public and private realm.
- 1.7 Dwellings have been designed with a fabric first approach for energy efficiency and delivered at 50% above requirement of building regulations for airtightness. Each property will have an air source heat pump to provide heating and hot water and

electrical vehicle charging facilities.

- 1.8 A total of 262 external car parking spaces are proposed along with 26 detached garages and all dwellings without dedicated garage space are provided with bike storage. Space for refuse and recycling storage has also been detailed on plan for each dwelling.
- 1.9 The proposals include a multi-functional public open space area that will also function as a surface water drainage feature with biodiversity enhancement through landscape planting. A 'green street' has also been created with footpath connectivity through the centre of the site.
- 1.10 Internal highways are proposed to be formed by a continuous network of adopted streets. Only 8 dwellings will be served via private drives which are those located on the proposed 'green street'.
- 1.11 A previous reserved matters scheme was refused (reference 23/02030/REM) by the Council on 20th December 2023 under delegated powers. This included 9 reasons for refusal which officers now consider have been satisfactorily overcome within the current scheme.
- 1.12 There have also been a number of amendments received since the validation of the current application including the elevational treatments of the dwellings as well as layout changes. The elevational treatments now take inspiration from the pump house and there have been other changes such as the removal of box dormers from the scheme and the inclusion of features such as balconies for the dwellings that front onto the open space. The layout changes have included the reduction in the number of dwellings proposed from 109 to 107 which has allowed for better parking arrangements for the individual plots and the inclusion of more soft landscaping within the streets. Furthermore, there have been changes to the accesses for the dwellings that front onto the green street and this has been made into a no through route for vehicles.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Phase 1A is an 8.93 hectare site that is semi-circular in shape and is bordered by existing mature trees on all sides.
- 2.2 The River Severn runs to the north east, a private railway line to the south west and a vehicle access road to the north west.
- 2.3 Adjoining to the east of the site is the Ironbridge Gorge World Heritage Site and Conservation Area. Approximately 1500 metres to the west lies the grade 1 listed Buildwas Abbey which is also a Scheduled Monument.

2.4 The site is relatively flat, with a gradual fall from north west to south east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This is a major application, which, in the view of the Planning Services Manager in consultation with the Chairman, should be determined by the relevant planning committee.

4.0 Community Representations

Consultee Comment

Environment Agency (Midlands Region)

Noted that the proposed development is contained within flood zone 1, an area at low risk of fluvial flooding. Notwithstanding this, Condition 13 of the outline consent (19/05560/OUT) requires each reserved matters application to include a detailed flood risk assessment for each phase. (This will be dealt with under a separate discharge of conditions applications).

Network Rail

Standard advice and guidance with no site specific details provided.

Historic England (Midlands)

Reference to standard published advice. No site-specific comments made.

SC Conservation (Historic Environment)

20th May 2024: Since the previous refusal, the applicants have engaged in pre application negotiations with the LPA (including the Historic Environment Team). Request for street scenes to be provided with the submission. (These have since been provided)

1st August 2024: No objections to the revised scheme.

SC Ecologist

Happy with the proposed landscaping (condition 49b) in relation to Phase 1a. (Other conditions relating to ecology have been submitted via a separate discharge of condition application).

SC Highways DC

21st May 2024: Raised concern with regard to the suitability of the proposed layout and the proposed positioning of parking for individual plots.

4th September 2024: No objection. Noted that the proximity of the SUDS attenuation basin has not altered despite previous concerns and the applicant should be aware that evidence to support the proposed design will be required

within any future section 38 agreement submission (for adoption of this section of highway). Detailed highway design proposals will also be required to be submitted and agreed in order to discharge condition 28 of permission 19/05560/OUT. The extent of adoption in relation to plot 56 will also require further consideration as the current layout appears to indicate that the forward visibility cord for the highway will cross the private land associated with this dwelling. Again, this will be a matter for agreement within the section 38 adoption process.

SC Affordable Houses

Six affordable homes are proposed as part of this REM application. The provision of 2 x 1, 2 x2 and 2 x3 is as previously requested by Housing Enabling and therefore acceptable. The affordable dwellings either meet or exceed Nationally Described Space Standards. The tenure split is consistent with our requirements and therefore acceptable. The number of affordable homes satisfies the percentage requirement as set out in the Outline application/S106.

SC Rights Of Way

There are no Definitive Public Rights of Way affected by this development.

SC Trees

21st May 2024: The landscaping proposals and tree species choices are generally considered appropriate and acceptable from an arboricultural perspective. Advice provided regarding the detail of the planting proposals and choice and location of certain tree species provided.

19th August 2024: The points raised in the previous response have been satisfactorily addressed and incorporated within the revised plans.

The new housing layout and access arrangements are an improvement over the original iteration and will both look and function better.

The open space and tree planting arrangements along the green street have altered, and as part of the changes the two Liquidambar styraciflua 'Silhouette' (sweet gum) trees have been replaced with Magnolia Kobus. The Tree Team does not object to this change per se, but given the splendid autumn colours and narrow crown profile of the Liquidambar Silhouette, it would be preferable to see it included within the scheme where suitable. It is suggested that the two Malus trilobata trees in front of plots 10 and 13, either side of the entrance to the green street, could be substituted with two Liquidambar Silhouettes. It is recognised that this might break up the avenue of Malus that runs the length of the central spine road, but equally it would serve to differentiate and highlight the point at which the green street meets that road.

Finally, it is noted that the proposed copper beech tree at the gateway entrance to

the site has been substituted in the altered layout with a Norway maple 'Crimson King'. The Tree Team does not object to this amendment - the maple should work well in the space afforded to it within the revised layout.

SC Waste Management

It is vital new homes have adequate storage space to contain waste and that the highway specification for new developments is suitable to facilitate the safe and efficient collection of waste.

SUDS

15th May 2024: The submitted Drainage Strategy is acceptable in principle. Comments made regarding the information provided on the detailed design. (SUDS design detailing is required to be agreed via a condition attached to the outline consent which will be dealt with separately but concurrently to this reserved matters scheme).

7th August 2024: Further comments provided but these relate to conditions attached to the outline consent so have not been provided here.

Telford And Wrekin Council

In its present form, Telford & Wrekin Council would not support the proposed development. This is on the basis of lack of an appropriate form of design which is not compliant with the approved Design Code. It is however considered that amendments could be made to overcome these concerns if the points above are addressed. (comments received prior to final amendments).

SC Regulatory Services

Environmental Protection recognises that this is a reserved matters application in respect of the appearance, landscaping, layout, and scale for the Phase 1 residential development.

It is however noted that Condition 53b in respect of the requirement for a remediation strategy to include a validation plan, has not yet been discharged (see comments on application 22/04694/DIS) and this is needed prior to the commencement of the development to ensure that the identified risks are managed.

Design: Midlands

Consider that it's much improved scheme from previous iterations. The green street works much better and has the potential to become a valuable asset for the development. The tree lined verge is also positive.

Facing and roofing materials

Suggest that the most prominent plots such as the three storey townhouses are afforded higher quality materials, such as (in order of preference): Slate / Gemini or Ashmore / SL8s.

The elevations respond to the context and the use of black brick is a simple but effective 'nod' to the pumping station. I would recommend removing the black brick from the gable end of the Moreton house type as the windows aren't completely centred which makes the black brick look odd when it meets the top of the gable (asymmetrical).

Boundary walls in the public realm

These are good to have, however in many locations (see 1, 10, 13, 24, 43/44, 76, 81, 84, 95, 98) the position of the wall leaves somewhat awkward/left over spaces. I'd recommend pushing the wall out in these locations and having the wall 'hard up' to the street edge.

Soft landscaping

There are lots of little pieces of space given over to grass. I'd recommend getting rid of these:

Townhouses - bits of grass behind the low walls — recommend these are removed and replaced with dense shrubs.

Side of 42's parking space - recommend remove and replace with dense shrubs.

Triangular 'slices' of grass - recommend these are removed and given over to private driveways and dense shrubs. See for example the strip of grass at the side of plot 9; side of 50. Better to make this driveway wider.

Front strips - recommend these pieces of grass are removed and replaced with shrubs: see 14-19; 21-24; 54-55; 84; 81, 74-76; 73; 95; 71-72; 59-64.

Public Comments

None received.

5.0 THE MAIN ISSUES

The Design Code

Access

Layout

Scale

Appearance

Landscaping

6.0 OFFICER APPRAISAL

6.1 The Design Code

6.1.1 The outline scheme was approved subject to 69 conditions and a S106 agreement. Condition 5 required the submission and agreement of a design code and condition 5b requires all subsequent applications to accord with the details of the code. The

design code was submitted within application 22/04694/DIS which was approved on the 11th July 2023.

- 6.1.2 The approved design code provides a set of high-level design criteria that should be used to guide the delivery of development through reserved matters applications. The code is structured as a two-tier document, tier one being the strategic design code which sets guidelines that are relevant to the site as a whole, and tier 2 being a detailed design code that sets specific design instructions applicable to the relevant phases of development.
- 6.1.3 The application site falls within the 'Gateway' character area, and the code recognises that this phase has an 'important gateway function to the whole development'.
- 6.1.4 The vision for the development as set out within the design code is 'to create an inclusive and sustainable community that truly integrates with its diverse historical roots; recognising the heritage and landscape surrounding the site and reflecting local character'.
- 6.1.5 The scheme has been discussed at length with developer and this process has been assisted by Design:Midlands who have been able to offer independent advice and suggestions to the Local Planning Authority. Key spaces within the proposals have been defined via workshops and an approved Parcel Code which has expanded on the high-level requirements of the Design Code and takes account of the key vistas both internally and externally of the site.
- 6.1.6 Members will note from the remainder of this report that Shropshire Council Officers are now satisfied that the scheme meets with the objectives of the design code and is compliant with condition 5b attached to the outline consent.
- 6.2 Access
 - 6.2.1 Access with regards to reserved matters deals with accessibility to and within the site including the positioning and treatment of accesses and circulation routes, as well as how these fit into the surrounding access network.
 - 6.2.2 Reserved matters approval has been obtained for a single vehicular access point into the application site under reference 22/04695/REM. The current reserved matters application then shows a single 'secondary street' (as defined by the design code) running centrally through the site with 'minor access ways' (again, as defined by the design code) extending off the main vehicular route. A perimeter edge lane is also provided which benefits from a 1.2 metre footway.
 - 6.2.3 The continuous loops of adopted highway throughout the development allows for ease of access for emergency, refuse and delivery vehicles and provides safe and efficient opportunities for pedestrians and cyclists. Overall, it is a very legible

scheme with excellent edge to edge connectivity.

6.2.4 In addition to the main vehicular and pedestrian access, there is also a pedestrian link via an existing set of steps which provides access into wider development scheme. Furthermore, the use of an adoptable highway around the perimeter of the development has left the opportunity for new routes/pedestrian linkages to be formed with ease - should the wider development progress and create the need/desire for these to be created in the future. At this point in the scheme, future transport links are still unknown, so the potential created within the development is welcomed.

6.2.5 The proposed streets are in general accordance with the hierarchy set out in the approved Design Code and agreed Parcel Code. Highways have been designed to put pedestrians and cyclists first and have created a legible hierarchy of streets typologies within the development. The development also meets requirements for vehicles including bin collections. A green street through the centre of the site prioritises cyclists and pedestrians through the design of the environment and no-through restriction for vehicles. Overall, permeability and links with the surrounding footpath network are good.

6.2.6 The concerns raised by the Local Highway Authority with regards to the proximity of the surface water attenuation basin are noted and the developer will be required to submit further justification to ensure the stability of the highway prior to adoption, however, this is a matter that can be resolved outside of the current planning application. If changes to the layout are required in order to facilitate adoption, an additional planning application will be required. Similarly, the matters raised with regards to Plot 56 and the forward visibility chord potentially crossing third party land will be resolved through the Section 38 adoption process. However, neither plot 56 nor the SUDS pond design raise issues of highway safety that would warrant the refusal of this reserved matters application.

6.3 Layout

6.3.1 Layout deals with the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

6.3.2 The layout of the scheme is well informed by the context in which it sits. The SUDS attenuation basin, which is proposed as a semi natural feature that also functions as public space, has been sited at the north eastern edge of the development where it's impact as public open space can be maximised adjacent to the banks of the River Severn. The location of this has allowed for the creation of an attractive crescent of dwellings formed by three storey gable fronted buildings that have a similar rhythm to buildings seen within Ironbridge. It is also here that views from across the river are afforded (through the existing tree belt) for those entering Ironbridge and on approach to the Ironbridge Gorge World Heritage Site, making

this an important vista for the development.

6.3.3 The layout is also characterised by the main tree lined street and the use of a formal building line with distinctive dwellings at key points such as street corners. The gateway to the site has been emphasised allowing for pockets of greenery and trees around key dwellings. The development also provides a 'green street' which is a no through route for vehicles but provides a green link though the development that can be used by pedestrians and cyclists as a link or by residents a public open space.

6.3.4 It is recognised that the there are some good design features in the layout, such as the creation of perimeter blocks of back-to-back housing that allows for good levels of natural surveillance over public areas and allows for good levels of safety and privacy within private garden areas.

6.3.5 The approach to car parking predominantly comprises parking spaces for each dwelling located to the side of the dwelling or adjacent to the garden for the dwelling with good natural surveillance for all spaces.

6.3.6 Dedicated parking provision is proposed as follows:

Number of bedrooms	Parking spaces provided
1	1
2	2
3	2
4	3
5	4
Visitor	13 in total

6.3.7 Overall, the proposal has responded well to the existing site features including the river frontage and surrounding tree belt and has created character within key points of the development through an appropriate and efficient layout.

6.4 Scale

6.4.1 'Scale' deals with the height, width and length of each building proposed within the development in relation to its surroundings.

6.4.2 The scheme is made up of mainly two storey dwellings throughout the site but with the use of two and a half or three storey dwellings at key points within the development. For instance, the crescent of dwellings adjacent to the SUDS basin/public open space will be made up from three storey dwellings which will provide a good sense of enclosure for users of the space.

6.4.3 Narrower dwellings are utilised within semi-detached or terraced groups so that overall buildings that are formed from them have better scale and proportions. The

detached dwellings are then generally larger in scale but combined with the use of side parking for the majority of the dwellings the overall result is a good mix of dwelling types that sit comfortably with one another at a density that is appropriate for the site.

6.5 Appearance

6.5.1 Appearance deals with the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

6.5.2 The vision for the development requires the creation of a locally distinctive place. In this instance, inspiration for design features and detailing has been derived from the pumphouse located to the north east of phase 1. (This is a 1930s building that was used to for taking cooling water from the River Severn into the former Power Station which operated from the 1930s until the 1960s, when the plant was upgraded. Along with the Station A Bridge, these are the only visible reminders of this phase of the history of the site).

6.5.3 Contrasting brick detailing has been applied to the developer's standard housetypes inspired by the art deco features of the pumphouse and will result in a cohesive scheme of attractive dwellings that have appropriately reflected character in a contemporary style.

6.5.4 Conditions have been recommended to deal with the agreement of external finishes and some aspects of the final detailing (as suggested by Design: Midlands). Subject to the use of the recommended conditions, officers consider that the scheme put forward will be a high quality, locally distinctive development that accords with best practice for design.

6.6 Landscaping

6.6.1 Landscaping as a reserved matter deals with the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated.

6.6.2 In this case, the development proposal is a semi-circular site enclosed almost entirely by existing and mature trees. As a setting for new development, it is already screened on all sides and allows an opportunity for a unique development that is largely unconstrained by existing development.

6.6.3 The landscape strategy includes a 'green' connection through the centre of the site linking the perimeter woodland, a key green space at the river frontage and the main street is also tree lined. All of spaces enable the development to integrate with the surrounding green infrastructure and draw it into the proposals.

- 6.6.4 Comments from Design: Midlands with regards to small triangle strips of grass being altered is acknowledged, however, it is recognised that this is a result of straight buildings being provided on a curve, which in itself has other design benefits within this scheme. It is also recognised that these areas are located within private individual plots where future residents will be responsible for future maintenance/alteration and as such, there would be insufficient justification to seek an amendment to the proposals in this instance.
- 6.6.5 With regards to hard landscaping, it is noted that driveways will be block paved and all access roads and footpaths will be finished with tarmac. To ensure the footpaths are provided with a bound finish to enable ease of use for all, a condition has been recommended. Any boundary treatments that adjoin streets or public spaces will be formed via brick walls or soft landscaping which allows for good public and private realm definition. To address to the comments from Design: Midlands regarding the siting of boundary walls, a condition has been recommended.
- 6.6.6 Overall, the proposals provide an array of natural green spaces, amenity space, community areas, and play, providing a healthy environment for new residents. Links to wider parkland, ecological areas and formal pitches will be delivered as part of the wider scheme relating to the Ironbridge Power Station Re-development but the current scheme offers an attractive and well considered scheme for approval.
- 6.7 Other matters
- 6.7.1 A separate discharge of conditions application has been submitted alongside this reserved matters application that deals with aspects of the development required to be agreed at the submission of each reserved matters stage (such as flood risk, drainage and ecology enhancements) and therefore these do not need to be specifically considered within this application. The outline consent also separately deals with all other aspects of the development that require agreement of details at certain trigger points.
- 6.7.2 The comments made by the Tree Officer with regards to the provision of two Liquidambar Silhouettes adjacent to the green street and the detailing on the 'Moreton' house type made by Design: Midlands have been overcome with the submission of amended plans which will be included in the approved document list.
- 6.7.3 The development site adjoins the Ironbridge Gorge World Heritage Site and Conservation Area. Visibility and intervisibility between the development and the heritage assets will be limited to partial and glimpsed views between the trees from Buildwas Road. In this location, particular care has been taken with the design of the scheme to ensure that there is no detriment to the setting of this or any other heritage assets.

7.0 CONCLUSION

7.1 The vision for the development as set out within the design code 'is to create an inclusive and sustainable community that truly integrates with its diverse historical roots; recognising the heritage and landscape surrounding the site and reflecting local character'. The proposed scheme has adequately achieved that whilst also accommodating the requirements of modern building standards.

7.2 Planning conditions are proposed for this reserved matters scheme to deal with certain aspects of the design and finishes. Subject to the use of these conditions, the scheme will result in a high quality and well considered development that accords with best practice, the requirements of the approved design code and adopted planning policy.

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 Policy Guidance
National Design Code
Manual for Streets 1 and 2

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

CS6 : Sustainable Design and Development Principles
CS8 : Facilities, Services and Infrastructure Provision
CS11 : Type and Affordability of Housing
CS17 : Environmental Networks
CS18 : Sustainable Water Management
MD2 – Sustainable Design
MD8 – Infrastructure Provision
MD12 – The Natural Environment
MD13 – The Historic Environment

AGENDA ITEM

Southern Planning Committee - 24th September 2024

Development Land At Site Of
Ironbridge Power Station

Ironbridge Gorge World Heritage Site Supplementary Planning Guidance (2023)
Type and Affordability of Housing Supplementary Planning Guidance (2012)
Shropshire Refuse and Recycling Advice for Developers 2022 Update

RELEVANT PLANNING HISTORY:

19/05560/OUT Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works GRANT 16th September 2022

22/04695/REM Application for approval of reserved matters (access, scale, layout, appearance, and landscaping) for Phase 1 enabling and infrastructure works pursuant to planning permission 19/05560/OUT - Outline application (access for consideration comprising formation of two vehicular accesses off A4169 road) for the development of (up to) 1,000 dwellings; retirement village; employment land comprising classes B1(A), B1(C), B2 and B8; retail and other uses comprising classes A1, A2, A3, A4, A5, D1 and D2; allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works GRANT 22nd June 2023

23/02030/REM Application for the approval of reserved matters (appearance, landscaping, layout and scale) for Phase 1A residential development of 104No. dwellings pursuant to outline planning permission 19/05560/OUT. REFUSE 20th December 2023

24/01972/DIS Discharge of conditions 13, 14a&b, 28, 31a, 32, 39a, 40, 41, 43a, 44, 45, 46, 47, 49a, 51 and 52 for Phase 1A residential development pursuant to outline planning permission 19/05560/OUT PCO

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SCKA5QTDHDQ00>

List of Background Papers

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

AGENDA ITEM

Southern Planning Committee - 24th September 2024

Development Land At Site Of
Ironbridge Power Station

Local Member

Cllr Claire Wild

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

1. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

2. Nothing herein contained shall be deemed to affect or vary the conditions imposed on Outline Planning Permission Ref: 19/05560/OUT which shall remain in full force.

Reason: The conditions attached to the Outline Approval are still valid.

3. Prior to any above ground works commencing, a sample panel or panels of the materials to be used in the construction of the external surfaces must be prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed materials, bonds, pointing technique and full palette of materials including roofing, fenestration and any cladding to be used in the development including the guttering, fascias, soffits, dry verge capping and balconies. The panel or panels must also demonstrate the depth of the recess between the fenestration and the outer face of the dwellings. The development shall be constructed in accordance with the approved sample/samples, which shall not be removed from the site until completion of the development.

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

4. Prior to any above ground works commencing, a scheme must be submitted to and approved in writing by the local planning authority to confirm the level of projection/recess between the brick detailing where blocks of contrasting coloured bricks are used on the elevations of the dwellings hereby permitted. Development shall be carried out in accordance with the approved details.

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

5. Notwithstanding condition 1 and prior to the above ground works commencing, details of the design, siting and materials to be used in the construction of the boundary 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.

6. Notwithstanding condition 1 and prior to first occupation, a scheme for the provision of play equipment and street furniture must be submitted to and approved in writing by the local planning authority. The scheme must include:

- o Details of the individual items,
- o The proposed siting within the development, and
- o a timescale for implementation.

The development must be carried out in accordance with the approved details.

Reason: To ensure establishment of a reasonable standard of facilities to serve the approved development.

7. Prior to occupation of the 100th dwelling hereby approved, all footpaths detailed on the approved plans must be finished with a bound surface (including bound gravel for the footpath adjacent to the SUDS attenuation basin).

Reason: To ensure establishment of accessible routes prior to the completion of the development.

8. The landscaping scheme shall be implemented in accordance with the approved documents and completed prior to occupation of the 100th dwelling hereby approved. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

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

9. Prior to occupation of any dwelling hereby permitted, full details of a gateway feature must be submitted to and approved in writing by the local planning authority. The details must include the scale, proposed materials, siting and a timescale for implementation. The development must be carried out in accordance with the approved details.

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

SCHEDULE OF APPEALS AS AT COMMITTEE 24 September 2024

LPA reference	23/03695/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Billy Joe Watton
Proposal	Erection of a pair of semi-detached holiday lets and carport.
Location	Proposed Residential Development Land To The South Of Knowle Sands Bridgnorth Shropshire
Date of appeal	19.03.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	12 July 2024
Costs awarded	
Appeal decision	Dismissed

LPA reference	23/04667/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Aequus Land Dorrington Ltd
Proposal	Erection of two detached dwellings, garages, formation of vehicular access and associated works
Location	Land Adjacent The Rectory Plealey Lane Longden
Date of appeal	12.07.2024
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/00115/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Kay Gibbon
Proposal	Outline planning application for the replacement of a function room with a larger two storey building consisting of six one bedroom and six two bedroom apartments for a mixture of open market housing, affordable housing, pub letting and owner accommodation in currently redundant space between the pub and the rear car park with all matters reserved
Location	The Swan Inn Knowle Sands Bridgnorth
Date of appeal	16.7.2024
Appeal method	Hearing
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	23/01805/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr J Corbo
Proposal	Partial demolition of the existing retail convenience store and construction of extensions, revision to car parking facilities, provision of four electric vehicle charging points, installation of solar panels on extension roof and change of use of the ground floor of 17 St Marys Road to a coffee shop (resubmission)
Location	Wheatland Garage Bridgnorth Road Much Wenlock Shropshire TF13 6AG
Date of appeal	06.03.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	29.07.2024
Costs awarded	
Appeal decision	Refused

LPA reference	23/05505/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr J Corbo
Proposal	Partial demolition of the existing retail convenience store and construction of extensions, revision to car parking facilities, provision of four electric vehicle charging points, installation of solar panels on extension roof and change of use of the ground floor of 17 St Marys Road to a coffee shop (re-submission)
Location	Wheatland Garage Bridgnorth Road And 17 St Marys Road Much Wenlock Shropshire TF13 6AG
Date of appeal	13.05.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	29.07.2024
Costs awarded	Refused
Appeal decision	Refused

LPA reference	23/04354/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Apley Estate
Proposal	Erection of single storey extension to side/rear elevation to include some demolition
Location	Foxgloves Allscott Bridgnorth Shropshire WV15 5JU
Date of appeal	14.05.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	08.08.2024
Costs awarded	
Appeal decision	Dismissed

LPA reference	24/00936/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Helen Williams
Proposal	Erection of first floor extension to rear elevation
Location	21 Corporation Street Bishops Castle Shropshire SY9 5AL
Date of appeal	10.06.2024
Appeal method	Written Representations
Date site visit	
Date of appeal decision	16.08.2024
Costs awarded	
Appeal decision	Dismissed

LPA reference	23/04367/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Lena Greatwich
Proposal	Change of use of residential dwelling to residential care home (revised scheme)
Location	41 Clifton Villas Temeside Ludlow
Date of appeal	20/08/2024
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	24/01643/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Peter Hartland
Proposal	Installation of double boxed dormer window to front roofline, raise rear roofline with installation of skylights to the rear flat roof dormer to facilitate loft conversion, changes to fenestration
Location	12 Bramblewood Broseley Shropshire TF12 5NY
Date of appeal	09/09/2024
Appeal method	Written representations – fast track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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Appeal Decision

Site visit made on 17 June 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12th July 2024

Appeal Ref: APP/L3245/W/24/3337530

Land South of Moor Cottage, Knowle Sands, Bridgnorth, WV16 5JL

- 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 Billy Joe Watton against the decision of Shropshire Council.
 - The application Ref is 23/03695/FUL.
 - The development proposed is the erection of a pair of semi-detached holiday lets and carport.
-

Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The second of the Council's two reasons for refusal relates to an alleged failure to conform with local highway safety standards. However, for the reasons set out in the Council's statement, this relates to an issue concerning site layout design capable of being addressed by condition in the event of the appeal succeeding. I share that view.
3. In his final comments, the appellant referred to examples of what he regarded as similar developments to that proposed that had been granted planning permission by the Council. The appellant was subsequently invited to provide further details, which he did. The Council did not respond to an invitation to comment on the further information submitted by the appellant.

Main issue

4. The main issue is the appropriateness of the proposed development having regard to development plan policies governing tourist accommodation and the protection of the countryside.

Reasons

5. The Council relies principally on the provisions of policy MD11 of the Site Allocation and Development Management Plan (SAMDev). The policy is directed to Tourism Facilities and Visitor Accommodation within the Council's area. The policy provides that tourism development will be permitted where it is compatible with other listed development plan policies. The policy also lists several criteria which should be met.

6. Several of the criteria relate to visitor accommodation in rural areas and add detailed guidance to the provisions of Policy CS16¹ of the Shropshire Core Strategy (SCS). The explanatory text to this latter policy envisaged additional guidance eventually being provided in the SAMDev.
7. Criterion 8 of SAMDev policy MD11 says:

Holiday let development that does not conform to the legal definition of a caravan, and is not related to the conversion of existing appropriate rural buildings, will be resisted in the countryside following the approach to open market residential development in the countryside under Policy CS5 and MD7”.
8. The proposal does not involve a caravan. Indeed, the development is of permanent construction with its design resembling a pair of semi-detached dwellings. The appellant suggests that Knowle Sands is a centre in its own right, with good access to the services available in Bridgnorth². However, the site lies well outside the designated settlement boundary for Bridgnorth in an area which for policy purposes is clearly countryside. The other development plan policies referred to in MD11 are generally resistant to the development of new open-market housing in the countryside.
9. There is no doubt in my mind that the proposal is at odds with the provisions of SAMDev policy MD11. That being the case, are the material considerations raised by the appellant of sufficient weight to indicate that the provisions of development plan policy should be set aside?
10. Knowle Sands, as the appellant says, is a loosely knit settlement displaying tourist accommodation and a tourist attraction, Daniel Mill. There are other tourist attractions within a relatively short distance. The accommodation is said to be needed to assist in fostering the local economy. Moreover, the appellant contends that the placing of caravans on the site would be allowable and/or not conflict with policy³. None of these points in my view are of sufficient weight to set aside the provisions of policy – they could be repeated too often and the policy objective of protecting of the countryside for its own sake would be put at risk.
11. The appellant asserts that the Council has granted planning permission for similar development and has produced the references of the relevant cases relied upon.
12. The references provided for the development at Daniels Mill relate to a planning permission and listed building consent for replacement tearooms. There is no mention of residential tourist accommodation in either document. It is for the appellant to provide the evidence in support of his case, and none of relevance has been provided for this example.
13. The permission at Alveley related to the change of use of an existing building used as stables to tourist accommodation. It is not therefore directly comparable. I note that a recent application was made to remove the conditions restricting the occupancy of the converted building to enable it to become an open market dwelling. The application was refused earlier this year.

¹ On which the appellant principally relies

² Including a bus service

³ Although no planning permission or certificate of lawfulness has been produced

14. The permission at Brosely is more directly comparable in the sense that it was a new build development outside the settlement boundary. It was permitted in 2012 as being compliant with the provisions of SCS policy SC16. However, as already indicated above, the explanatory text to that policy envisaged additional guidance on this type of development being provided in the SAMDev. That was provided a few years later when the SAMDev was adopted. It is a moot point whether the Brosely development would be allowed today having regard to the provisions of criterion 8 of SAMDev policy MD11. In this case too, a recent application was made to remove an occupancy condition so that the building could become an open market dwelling.
15. The appellant suggests that the site is relatively well screened, additional landscaping could be established and the development would not prove conspicuous in the wider landscape. I share that view to an extent but I also note from historical Google imagery that the site's frontage until fairly recently was lined with conifers, but these have been felled and removed to be replaced by timber fencing. Notwithstanding this, local policies are designed to protect the countryside from inappropriate development, and the proposal clearly falls into that category.
16. I therefore conclude that the proposal would conflict with the provisions of SAMDev policy MD11 and the general presumption contained in other development policies directed to protecting the countryside from inappropriate development. No material consideration raised is of sufficient weight to justify a departure from development plan policy.

Other matters

17. I note the references to other development plan policies, but those to which I have referred are considered the most relevant in this case.
18. I also note the appellant's passing reference to the past use of the site, but no documentation has been provided indicating that the site had a past lawful use. No other matter raised is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

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Appeal Decisions

Site visit made on 15 July 2024

by **Ben Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024

Appeal A Ref: APP/L3245/W/23/3335681

Wheatland Garage, Bridgnorth Road, MUCH WENLOCK, Shropshire

TF13 6AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Corbo against the decision of Shropshire Council.
 - The application Ref is 23/01805/FUL.
 - The development proposed is 'Partial demolition of the existing retail convenience store and construction of extensions, revision to car parking facilities, provision of four electric vehicle charging points, installation of solar panels on extension roof and change of use of the ground floor of 17 St Marys Road to a coffee shop.'
-

Appeal B Ref: APP/L3245/W/24/3343900

Wheatland Garage, Bridgnorth Road, MUCH WENLOCK, Shropshire

TF13 6AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Corbo against the decision of Shropshire Council.
 - The application Ref is 23/05505/FUL.
 - The development proposed is Partial demolition of the existing retail convenience store and construction of extensions, revision to car parking facilities, provision of four electric vehicle charging points, installation of solar panels on extension roof and change of use of the ground floor of 17 St Marys Road to a coffee shop (re-submission).
-

Decision

1. Appeals A and B are dismissed.

Application for costs

2. An application for costs has been made by Mr John Corbo against Shropshire Council with respect to appeal B. This is the subject of a separate decision.

Preliminary Matters

3. The proposed developments that relate to Appeals A and B are similar and consist of the same extent of development. Scheme A (of appeal A) was refused due to insufficient information with respect to highway matters, the noise effect to occupiers 18 St Mary's Road (No 18) and heritage effects. It was also refused due to the effect on the living conditions of Wheatland Cottage in terms of outlook, and the Council has raised daylight concerns in its Statement of Case.
4. Scheme B (for Appeal B) was made in an attempt to resolve the Council's concerns with the first proposal. The second scheme was refused with two similar reasons as the first refused scheme, with respect to insufficient

information concerning the noise and highway matters. Also, a third reason of the second refusal, was included that related to insufficient information and/or conflicting details with respect to plans. As a result, Scheme B is a continuation of the planning discussion from Scheme A. Some information provided in support of the application for Scheme B has also been submitted, in the appeal documents, in support of Scheme A.

5. The Council's concerns raised in respect to the first refusal, included the effect on the conservation area and living conditions of Wheatland Cottage but were not raised in connection with the second refusal. I am cognisant that a heritage assessment and daylight evidence was submitted in support of the second appeal. However, the Council is silent on these matters in its Statement of Case for appeal B, and an officer report has not been provided to demonstrate how and why it found these reasons for refusal had been satisfied. The Council's rebuttal to the costs application notes, with respect to heritage, that "this matter is no longer of concern". Nonetheless, I shall consider both of these matters as main issues of dispute in connection with appeal A, if any harm is found this may affect my consideration of appeal B.

Amended plans

6. Amended plans have been submitted (references: Proposed elevations- 1298-06E Rev A, Proposed Floor plans- 4298-05C Rev A and Proposed block plan- 4298-04Exa Rev A) in connection with both appeals. These show the slight relocation of the retail units storage area's access door and the reconfiguring of the electric vehicle (EV) spaces to resolve the conflict of access to the store with these spaces. It seems that this change has not been subject to re-consultation during the Council's consideration of the planning application. Nonetheless, under the Holborn Studios Ltd¹ principles, I have considered whether the development is so changed that to grant approval would deprive those who should have been consulted the opportunity of such consultation.
7. The alteration to the internal arrangement of the car park would be minor and would not change the substance of the proposal. Furthermore, the proposal would have no material effect on surrounding neighbours, due to the distance of the altered area from adjacent residential plots. Consequently, my acceptance of the plan would not cause procedural unfairness to neighbouring occupiers who would have otherwise required re-consultation. As such, I have taken the amended plans into account in these appeals.

Proposed car park layout plans

8. The configuration of car parking spaces between plans 002-1 (swept path analysis – oil tanker) in the Appellant's SLR Transport Statement and plan 04Exa Rev A have different car parking layouts. Whilst plan 002-01 shows the swept path analysis for how a petrol delivery vehicle would move through the site, the Appellant's technical note explains that this plan did not accommodate the tank filler values suitably. As such, car parking layout of 'proposed development 04Exa Rev A', which is part of the amended plans set, showing 28 parking spaces, is the parking configuration I shall use in consideration of the merits of both appeals.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Details associated with 17 Mary's Road

9. With respect to Appeal B, the Council's RfR1 raised concerns that the submitted plans were both inaccurate and conflicting. This related to an absence of existing plans and elevations, a plan to show the extent of demolition of parts of the existing building and the proposed plans of the first-floor in association with No 17.
10. The submitted plans demonstrate that the existing garage to the side of the building would be demolished. This is evident when comparing the existing plan (4298-02) with the proposed development plan (4298-04Exa Rev A) showing the footprint of the building changing from a square shape to a rectangle. Furthermore, the proposed development plan (4298-05C) shows sections of internal wall denoting where the original rear wall existed. As such, it is of sufficient clarity to understand how the space would be rearranged to accommodate the proposed change of use. The existing rear elevation includes a window and patio door. Plan 05C shows that this elevation would have the window infilled and patio doors replaced with a standard personal door. Although, the proposed rear elevation is not provided to demonstrate this, it is clear from my visit and the proposed plans what is intended here.
11. With respect to the use of the first-floor, no plans have been provided. The existing stairs would be removed and the Appellant states that the first-floor would be used for storage only. The Appellant has also confirmed that access would be gained via a loft hatch. As such, the residential use at both ground and first floor would be replaced by the proposed coffee shop and the submitted details are sufficient to demonstrate this.

Details associated with the retail store

12. The existing plan (4298-02) shows three sets of stairs. Two accommodate short level changes, within the building, from the shop floor down to a store one side and two offices on another side. Also, a separate set of stairs appears to provide access into a first-floor area partly within the roof space above the existing storage area. The two short level changes do not appear on the proposed layout plan (4298-05C). Thus, it seems that the store area and two offices would have a raised floor height to align with the main store area, removing any internal level changes. Also, the stairway, to the roof space above the store, would be retained but would be likely to require some alterations at its base to align with the raised floor level. The plans do not make these alterations particularly clear, but these are internal changes to parts of the building that are proposed to be retained, as such these works would not require planning permission.

Details of solar panels

13. The description of development explains that the solar panels would be located on the roof of the proposed extension to the retail unit. No details have been provided to show the arrangement or quantity of panels on the roof. However, these would be located in a discreet position within the site at a high level. Consequently, the specific details of the panels could be adequately provided though the imposition of a condition.

Main Issues

14. The main issues associated with both appeals A and B are:

- whether the proposal would function well from access, parking and servicing perspectives, and
- the effect of the proposal on the living conditions of residential occupiers, especially those of No 18, with particular respect to noise effects.

15. The main issues, affecting only appeal A are:

- the effect of the proposal on the living conditions of occupiers of Wheatland Cottage regarding outlook and daylight, and
- the effect of the proposed development on the character and appearance of the area.

Reasons

Highway matters

16. Policy CS6 of the Shropshire Core Strategy [2011] (CS) requires development to be built to a high standard and to include appropriate car parking provision. The National Planning Policy Framework (the Framework) requires development to only be refused if it would cause an unacceptable impact on highway safety. Paragraphs 114-116 require development to provide a safe and suitable access for all users and for priority to be given to pedestrian and cycle movements. Paragraph 116 also seeks to ensure that proposals are safe and minimise the scope for conflict between pedestrians, cyclists and vehicles.
17. The appeal site is a corner plot at the junction between Bridgenorth Road and St Mary's Road. There are three access points, with two onto St Mary's Road. Car parking is arranged in three main areas. These are alongside No 17, alongside the side boundary with Wheatland Cottage and within and around the forecourt area of the petrol filling station.
18. During my visit I found that the site had around 11 spaces adjacent to Wheatland Cottage and 10 spaces alongside No 17 and within the forecourt area, totally about 21 spaces, including a disabled space. This largely aligns with the application form that states that 22 parking spaces are currently provided. Nevertheless, informal parking and parking whilst using the pumps also play a role in the site's parking profile.
19. The Transport Statement² (TS) has demonstrated, through surveys, that the existing car park always has capacity when in use. The Appellant's highway technical note³, in support of appeal B, has provided further information relating to how the TS was prepared. This explains that the site was surveyed on its busiest day of the week and assessed traffic movements in and out of the site, and parking demand.

² Transport Statement, SLR Consulting Ltd, December 2023

³ Technical Note (Highways), SLR Consulting Ltd, April 2024

20. The scheme proposes 28 parking spaces, including a disabled space and in addition 4 EV charging spaces. The proposal includes the demolition of the front half of the retail store. The existing retail use has a floor area of 398sqm retail space and 132sqm of associated storage and office space. The proposed scheme would provide 440sqm of retail space with 209sqm of associated storage and office space and a coffee shop of 55sqm. The proposed demolition of part of the retail unit would enable access to the rear garden of No 17 to provide new parking and would allow for an increased level of parking to be provided.
21. The originally submitted Transport Statement⁴ (April 2023), made in support of the application for the proposal of Appeal A, found that the traffic peaks generated by the proposed development would be acceptable in terms of highway safety and capacity impacts on the surrounding roads. However, this Statement raised several concerns and queries by the Highway Authority.
22. A revised TA, submitted in support of Scheme B, has also identified that the site location and parking capacity would be suitable for the proposed development. The Statement considered the impact of the various proposed uses within the site, noting that the proposed retail store, including demolition and extension, would create similar traffic generation to the existing use of the site and therefore would not materially change the parking requirements of this element. The EV charging spaces would be occupied at a maximum of 3 cars per hour and it is anticipated that users of these spaces would use the coffee shop whilst waiting. The coffee shop use, using forecast modelling, would generate around 81 two-way trips a day, averaging around 5 cars an hour and a demand for 2-3 parking spaces.
23. The TA concludes that the proposal represents an uplift in vehicle movements of 15% and this would not have a material impact on the safety and capacity of the A458. These conclusions are reasonable and seem to be largely uncontested by the Council, I therefore see no reason to question the proposed quantum of parking provision. The TA identifies that the Council's parking policy does not require car parking spaces to conform to any prescribed standards. However, it would be necessary for the parking to be arranged in an easily accessible manner to enable it to function well.
24. Most of the proposed parking would be within an area to the side of the forecourt. Spaces 1-8 would be within an enclosed corner of the forecourt that would be difficult to access. Especially spaces 1 and 5 which would be against a boundary. The substation would be awkwardly placed, and this would be better located in a more discreet area of the car park. An awkward pinch point would be caused between the substation and space No 8 due to the staggered row of spaces. Also, the three access points into the site would lead to users coming on and off site in a haphazard arrangement, causing confusion. As such, the circulation around the car park would be constrained and would cause awkward manoeuvring. Furthermore, the layout is absent a clearly defined and safe pedestrian route through from the main car parking area to the retail store entrance.
25. Without a safe pedestrian route through the site, pedestrians would find conflict with motorists. No safe route is provided for pedestrians alongside the building or walking into the site, and the pedestrian route shown at appendix D

⁴ Transport Statement, HVJ Transport Ltd, April 2023

is part of a superseded layout plan. These conflicts, in combination with the arrival of occasional tanker and goods deliveries and the anticipated awkward on-site vehicle manoeuvres, would create a hazardous environment for the public. As a result, the constrained car parking area would not function well.

26. Accordingly, the proposed layout, in association with Appeals A and B, would not function well and would result in substantial conflict between pedestrians, cyclists and vehicles. Therefore, these proposals would be contrary to CS policies CS6 and CS8 and policies MD2 and MD8 of the Site Allocation and Management of Development Plan [2015] (SAMD) and the Framework. These seek, among other matters, for development to be designed to be safe and for consideration to be given to the potentially adverse effect on traffic and transport during the operation of the infrastructure development.

Living conditions - noise

27. The proposed coffee shop would occupy the ground floor and rear extension of No 17. The counter would be alongside the party wall. The coffee shop would provide access for customers from the side of the building, directly from the car parking area. The front elevation is proposed to be retained in its existing form, but it seems that the existing front door would become redundant.
28. During my visit I entered No 18. The front door is alongside the party wall with No 17. Ahead, beyond a small hallway, is a narrow galley kitchen. To the side of this are stairs running front to back, alongside the stairs is a lounge that also runs front to back. Beyond the kitchen is a conservatory that extends to the full width of the house and beyond this is an access into the rear garden. The rear garden falls towards the rear boundary. The conservatory is alongside the rear extension of No 17.
29. The hours of use, of both the petrol station, shop and coffee shop are proposed to be 6am to 10pm daily. The kitchen for No 18 is a relatively narrow room that would most likely be used only for food preparation and not for dining purposes. As such, this space would not be deemed to be a habitable room where noise effects would be especially invasive. Furthermore, a coffee shop use would be unlikely to generate substantial noise levels or require especially noisy equipment.
30. These factors, coupled with the ability to apply a condition for sound mitigation along the party wall, would result in limited scope for the proposed use to demonstrably harm the living conditions of the adjacent occupiers. Furthermore, the use of the car park within the existing garden of No 17, would be unlikely to create a materially greater noise impact than is generated with the existing commercial setting.
31. The Appellant's Noise Assessment⁵ identified four key noise sources associated with the scheme. These relates to works associated with changes/renovations to the existing structures, implementation of the building to be used as a café, EV spaces and additional parking areas. The Assessment noted that cooling fans would be used in connection with the EV rapid charging points and considered the noise effects of people using the car park, including doors and boots shutting.

⁵ Noise Impact Assessment, SLR, December 2023

32. The proposed scheme does not include details on any fixed plant to serve the proposed coffee shop. This is unsurprising based on the proposed use and the submitted Noise Assessment that confirms that such plant is not proposed. However, the Assessment has modelled the addition of heating, refrigeration and air handling for completeness. Such typical equipment has been anticipated as being mounted 1.5m high, with a sound level output of 62dB(A). The Assessment considered the noise impact on four local noise sensitive receptors, being the nearest residential properties around the site, it assigned No 18: 'receptor 3'. The assessment found that the sound rating levels were significantly lower than the representative background levels at receptor 3.
33. The Assessment did not consider the provision of plant associated with the commercial refrigeration units with the existing retail unit. Nonetheless, it is anticipated that the existing equipment may not be replaced and if it were, new equipment would be located in a similar location at rooftop level. The siting and appearance of any required plant could be agreed through conditions. The Assessment concludes that noise from fixed plant, EV charging points, the additional parking area and car movements is predicted to be slightly above background noise levels for 2 key receptors. These receptors are at receptor locations 2 and 4, being the end of Falcons Court and 13-16 St Mary's Road. However, the effects would result in only low adverse effects due to the low increase in noise and the existing commercial nature of the site.
34. Consequently, the proposed development, associated with appeals A and B, would not cause materially adverse noise impacts for nearby residential occupiers. Furthermore, it has been demonstrated that the proposed coffee shop would not materially harm the living conditions of occupiers of No 18 with respect to noise. As such, the proposals associated with both Appeals A and B, would comply with CS policy CS6 and SADM policy MD2, with respect to matters of living conditions. These seek, among other matters, for development to safeguard residential amenity and respond appropriately to the form and layout of existing development and the way it functions.

Summary of main issues associated with Schemes A and B

35. In summary, I have found that both schemes A and B would fail to function well due to the arrangement of the car park and the range of different activities proposed to take place within a constrained site. However, I have also found that the proposal would not have an adverse impact on the living conditions of No 18 in terms of noise effects.

Living conditions – outlook and daylight

36. The proposed extension to the retail unit would be on a retaining wall where levels have been altered to create a level car parking area. The site is adjacent to Wheatland Cottage, which is recessed from the highway. The boundary consists of a brick retaining wall and fence above. Wheatland Cottage is separated from the boundary by its driveway. The nearest window is a wide bay window that would serve a habitable room on the building's frontage. The proposed extension would be ahead of the front building line and be a similar height as the eaves of Wheatland Cottage. The proposal would include a chamfered front corner, in plan form, that would reduce the scale of the projection from the perceived outlook of the nearest neighbouring window.

37. The extension would be around a metre from the elevated side boundary and planting is proposed here to help soften its visual impact. Despite the front garden being the main external space for the dwelling, due to the separation distance and chamfered footprint, the proposed development would provide a reasonable sense of separation between these two buildings. As such, the proposal would not materially harm the outlook from the nearest window. As a result, the proposal would not dominate the outlook and would not be overbearing. Furthermore, due to the separation distance occupiers of the dwelling would be unlikely to experience a tangible reduction in daylight levels.
38. Consequently, the proposal associated with appeal A would not demonstrably affect the living conditions of occupiers of Wheatland Cottage with respect to outlook and daylight. As a result, the proposal would comply with CS policy CS6 and SADM policy MD2 in relation to matters of living conditions. These seek, *inter alia*, for development to safeguard residential amenity and respond appropriately to the layout of existing development.

Character and appearance

39. The appeal site is a petrol filling station and large shop, on a corner plot within a residential area, opposite open space. The site is halfway up a shallow gradient. It is a short distance from the southern boundary of the Much Wenlock Conservation Area (MWCA) with residential development on three sides. Housing consists of a diverse range of styles being two-storey and including terraced and detached buildings. Development along St Mary's Road shares common front building lines with a regimented formation. However, development along Bridgenorth Road is more staggered with no clearly defined building line or common setback. Due to its commercial nature and limited landscape planting, the site makes a neutral contribution to the character and appearance of the area.
40. Due to the retaining wall, the western side of the site is elevated above natural ground level. The boundary wall, and a fence above, create a hard edge to the site. Nonetheless, the extensive hedge planting along frontages towards the conservation area provide substantial screening that soften many views of the site from southeast views. Accordingly, due to the extent of plant screening and the varied staggered building line of properties along Bridgnorth Road, the elevated car park to the side of the site is not overt in the streetscene.
41. The proposed retail extension would bring built form closer to Bridgenorth Road and over the elevated ground alongside Wheatland Cottage. A line of proposed planting would be placed between some of the boundary fence and the side elevation of the proposal which would soften the visual effect of the scheme and enable only fleeting glimpses of the side of the proposed extension.
42. The heritage assessment⁶, submitted in support of appeal A and for the planning application associated with appeal B, considers the significance of the conservation area and the impact of the proposal on its setting. This identifies that the conservation area consists of a market town formed by traditional rural buildings that include Wenlock Priory and Priory House, both Grade I listed buildings and around 81 other listed buildings. The significance of the conservation area seems to derive from its rural character set within the relatively intimate topographical landscape of a small bowl. The site is close,

⁶ Heritage Statement and Impact Assessment, by Heal Planning and Developments, August 2023

but visually separated, from the conservation area. It is within an area of relatively modern development that makes a negligible contribution, if any, to the significance of the WMCA.

43. The proposal would be on the front facing side of the existing building and set towards Bridgnorth Road. Through demolition it would retreat from St Mary's Road and create a more nucleated form, separated from Bridgnorth Road by the sloped access. The proposal would be relatively well screened in views from the conservation area due to intervening buildings and frontage landscaping. The screening would be supported by new planting providing further enclosure that would integrate the site with local greenery along Bridgnorth Road. As such, the extent of landscaping and the subservient nature of the scheme, the proposal would make a neutral contribution to the appearance of the site.
44. As a result, the proposal associated with appeal A would complement the character and appearance of the area. The proposed scheme would therefore comply with SAMD policy MD13, Historic guidance HEAN12 and the Framework. These seek, among other matters, for development to avoid harm or loss of significance to designated or non-designated heritage assets and be sympathetic to local character.

Summary of main issues only affecting scheme A

45. In summary of those matters that affect only Scheme A, the proposal would complement the character and appearance of the area and would not adversely affect the living conditions of neighbouring occupiers with respect to outlook and daylight.

Other Matters

46. The proposed operation of the business on site would provide a boost to the local rural economy by increasing the services available to the local community and tourists in the area. The business is recognised as important within the community in both serving the local residents and providing employment. The Framework seeks to support a prosperous rural economy and supports the expansion of all types of business in rural areas. The proposal also gains support for similar reasons by the Neighbourhood plan.
47. The Appellant asserts that the proposed additional storage would enable the site to reduce the number of deliveries the business receives a week. It is also suggested that by providing local super-fast electrical car charging points the scheme would boost the sale of electric vehicles in this area as an environmental benefit. The benefits are of limited to modest weight in favour of the proposed Schemes A and B.

Planning balance and conclusion for appeals A and B

48. The proposed scheme, associated with both appeals A and B, would add investment into the local economy during both construction and upon completion through new economic activity. The proposal would also deliver some environmental improvements to the site's frontages. These benefits weigh in favour of the proposal.

49. In contrast, I have found that the proposal, with respect to both Schemes A and B, would result in the provision of a poor car parking arrangement that would prevent the site from functioning well. This would be likely to cause adverse harm to the overall operation of local roads due to the inefficient operation of the car park, causing conflict with the development plan and the Framework. This conflict is of substantial weight. Despite finding no conflict with policy for most of the Council's Reasons for Refusal, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
50. Although the proposal of Schemes A and B, would comply with many policies in the development plan, this has not outweighed the conflict I have found with the relevant planning policies. Consequently, the proposals associated with both Schemes A and B would conflict with the development plan when taken as a whole.
51. For the above reasons, appeals A and B are dismissed.

Ben Plenty

INSPECTOR



Costs Decision

Site visit made on 15 July 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024

Costs application in relation to Appeal B Ref: APP/L3245/W/24/3343900 Wheatland Services, Bridgnorth Road, MUCH WENLOCK, TF13 6AG

- 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 Mr John Corbo for a full award of costs against Shropshire Council.
 - The appeal was against the refusal of planning permission for the partial demolition of the existing retail convenience store and construction of extensions, revision to car parking facilities, provision of four electric vehicle charging points, installation of solar panels on extension roof and change of use of the ground floor of 17 St Marys Road to a coffee shop.
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. A Council may be vulnerable to costs if it has unreasonably refused a planning application or not determined a similar case in a consistent manner.
3. The costs application essentially alleges that the Council acted unreasonably by not properly considering the new information submitted for the second scheme which had been submitted to address the Council's concerns with the first scheme including a new Transport Statement. The claim asserts that the Council failed to provide comments from the Highway Authority and therefore failed to fully consider the revised scheme. It is also suggested that the Council behaved unreasonably by adding a third reason for refusal, that was not part of the refusal of the first scheme. It is further claimed that the Council has since agreed that the principle is acceptable, and as the additional technical details provided demonstrate that the scheme is acceptable, the decision to refuse was unreasonable.

Background

4. The costs application relates to the second version of a proposal that was first submitted under reference 23/01805/FUL (Appeal A). The first version was subject to four reasons for refusal (RfR), resulting in Appeal A. The second version (23/05505/FUL) was refused for three reasons, resulting in Appeal B, two reasons of which were similar to the first refused decision.

Assessment of the second scheme

5. The Council has explained that the proposal was determined by delegated authority without the benefit of an officer report. The appellant makes no suggestion that the Council was in breach of its delegated powers, and I see no reason to question this here. There is no statutory requirement to produce an officer report, although it is good practice for one to be produced for each decision for transparency and probity reasons.
6. The Council has explained that the second submission was subject to internal consultation evidenced by the Council removing its concerns as to the effect on the conservation area. Furthermore, the Council have confirmed that the SLR Transport Statement and Noise Assessments were reviewed by the Highway Authority and Regulatory Services, respectively and informed its decision.
7. Accordingly, I see no evidence that the new details, submitted in support of the second scheme was not considered by suitable consultees. Furthermore, I have found in my main decision that some of the Council's concerns with respect to highway impacts were reasonable and warranted the refusal of the second scheme. Consequently, the behaviour of the Council with respect to this matter is not regarded as unreasonable.

The additional reason for refusal

8. The Council included a new RfR in connection with the second scheme. This related to a number of inconsistencies and omissions from the plans that caused the Council to be uncertain as to the effects of the proposal.
9. In my main discussion I accepted the amended plans, showing the delivery area and car parking functioning without conflict. Also, in my preliminary matters I explored the details submitted for each component of the proposal. I found that details were missing, with respect to the changes to 17 St Mary's Road, with respect to a rear elevation plan. However, I also found that the submitted plans were of sufficient clarity to understand that the garage was proposed for demolition and the rear extension was being retained. The appellant also confirmed that access to the first-floor would be achieved by a loft ladder, explaining how this upper space could be used for storage without retaining the stairs.
10. Furthermore, whilst a plan showing the internal layout of the neighbouring dwelling would have been useful, I was able to visit the neighbouring property to understand the internal layout to come to a view on this matter. Hence plans of the neighbour were not required.
11. With respect to the retail unit, the Council raised concerns with respect to the absence of stairwells. Clearer details, in the submission, would have been useful. However, the submitted plans were of sufficient clarity to understand what was proposed and were adequate, especially as the areas of uncertainty were within a part of the retail building proposed to be retained.
12. The Council's question with respect to the solar panels was that it was unclear whether the panels would be on a building or a free-standing array. Assessment of the plans demonstrate that little space would exist for a free-standing array. Moreover, the description of development explains that it would be located on the roof of the proposed extension to the retail store. The

location of the proposed was therefore clearly stated in the submission. The final specification for the solar panels could have been agreed by of condition.

13. In summary, the additional RfR mostly raised issues with plans that were either not required, could be resolved by condition, or were a result of the Council not fully understanding the nature of the proposal. Nonetheless, it is also recognised that amended plans were submitted, and accepted at the appeal stage, that addressed one of the issues raised by the Council.
14. It is poor practice for a Council to add new reasons for refusal to a similar scheme that has already been considered and refused by a Council in the recent past. Such practice erodes public confidence in the planning process and acts contrary to the Framework's requirement for decision makers to act proactively with applicants to secure development that would improve the economic, social and environmental conditions of an area. Nonetheless, the Framework also places great importance in pre-application engagement to enable Planning authorities to front load the decision-making process and avoid unnecessary delay. The Council asserts that no pre-application discussion took place; a point agreed by the applicant, but it the Appellant stated that the first refusal provided adequate guidance for the submission of the second scheme.
15. The submitted plans were opaque in places, requiring the Council to spend time and energy working through details that could have been clearer. Also, the Council states that it made efforts to arrange a site meeting to address these matters, but this was declined. Furthermore, this RfR was not without merit, confirmed by the Appellant providing amended plans. I have found that the additional RfR has been largely justified by the Council, it is possible that this should have been included in the first refusal and this may be where the error ultimately lies.
16. In any event, even if the imposition of the additional reason was unjustified and amounted to unreasonable behaviour, this alone would have generated limited additional, and therefore wasted, expense to the applicant.

The principle of development

17. The Appellant has included an email received from the Council after the second scheme was refused. This explained that the Council encourages pre-application discussion to assist finding a positive outcome. It also states that there is no objection in principle to the scheme. This final point suggests that subject to the required justification to demonstrate it is suitable, from highway and noise impact perspectives, the scheme could be acceptable.
18. This does not seem an unreasonable or contradictory statement but provides some constructive feedback post decision.

Conclusion

19. Therefore, I have found that the Council has not acted unreasonably. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ben Plenty

INSPECTOR

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Appeal Decision

Site visit made on 16 July 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/L3245/W/24/3340712

Foxgloves, Hopes Lane, Bridgnorth, Shropshire, WV15 5JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Apley Estate against the decision of Shropshire Council.
 - The application Ref is 23/04354/FUL.
 - The development proposed is described as "residential property extension."
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on protected species, and on the character and appearance of the host building, a non-designated heritage asset.

Reasons

Protected Species

3. Paragraph 180 of the National Planning Policy Framework (the Framework) refers to amongst other things, protecting and enhancing sites of biodiversity, and minimising impacts on and providing net gains for biodiversity. Paragraph 186 indicates that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, planning permission should be refused.
4. Planning Practice Guidance¹ (PPG) states that an ecological survey will be necessary in advance of the planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.
5. The appeal site comprises a single dwelling of brick and sandstone construction under a tile roof. From the evidence before me and what I saw during my site visit it appears that the building has not been occupied for some time and is now in a dilapidated state.
6. The PPG advises that surveys should be required where roosts are likely. It lists a series of examples when roosts may be located in buildings, which includes, buildings with little or no artificial lighting, uneven roof tiles and has cracks, crevices, and small openings. Given that the appeal property has uneven tiles, openings and cracks, the proposed development could impact on bat roosts. I

¹ Bats: advice for making planning decisions

consider that a bat survey is necessary in order to establish the likely effects of the proposal on bats.

7. Circular 06/2005² states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted. On the basis of the evidence before me, I do not consider that it would be appropriate to condition the undertaking of further survey work. While the appellant argues that the surveys could be conditioned, I am not convinced that there is sufficient detail to fully understand the impact of the development on biodiversity interests.
8. For the reasons outlined above I conclude that it has not been demonstrated that the scheme would avoid or adequately mitigate unacceptable harm to bats, which are a protected species. The scheme would therefore conflict with Policy MD12 of the Shropshire Council Site Allocations and Management Plan (2015) (SAMDev) which seeks, amongst other things, to ensure that development avoids harm to natural assets and their conservation, enhancement, and restoration. The proposal would also conflict with paragraphs 180 and 186 the Framework that seeks to protect and enhance sites of biodiversity value.

Character and Appearance

9. The host dwelling is a traditional two storey dwelling finished in painted white brick under a tile roof. The dwelling appears to have been altered with the addition of small single storey extensions to the side. The site is located away from the highway on an elevated area of land. The site is accessed via a single track, which during my visit was overgrown. Due to its elevated position, the dwelling is visible from the A442, which runs between Bridgnorth and Telford.
10. The Council identifies that the host dwelling is a non-designated heritage asset. Whilst the dwelling has had a small extension and is in a dilapidated state, it nevertheless retains a pleasant, traditional character, wherein lies its significance. Paragraph 209 of the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale and harm or loss and the significance of the heritage asset.
11. The proposed development would introduce a large single storey extension to the rear and side of the host dwelling. The extension would be of a simple modern design with large, glazed windows and would be finished in timber cladding under a fibreglass roof. The contrasting use of materials would ensure that the proposal would be viewed as an extension and allow the host dwelling's traditional form and character to be easily read. Furthermore, the flat roof, single storey nature of the proposal combined with its location to the side and rear of the dwelling would ensure that the extension appears subservient to the host dwelling.
12. Taking the aforementioned into consideration, the proposal would not be overly dominant or prominent and would not detract from the rural character and appearance of the host dwelling.

² Biodiversity and geological conservation: circular 06/2005

13. Consequently, I find that the proposed development would not harm the character and appearance of the host dwelling, which is a non-designated heritage asset. I find no conflict with Policies CS5, CS6 and CS17 of the Shropshire Council Core Strategy (2011) and Policies MD2 and MD13 of the SAMDev. Together these seek, amongst other things, to ensure developments contributes to and respects locally distinctive or valued character and avoids harm to non-designated heritage assets. I also find no conflict with paragraphs 135 and 209 of the Framework which seek good design sympathetic to local character and development that does not harm non-designated heritage assets.

Conclusion

14. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR

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Appeal Decision

Site visit made on 2 August 2024

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/L3245/D/24/3343431

21 Corporation Street, Bishops Castle, Shropshire, SY9 5AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Helen Williams against the decision of Shropshire Council.
 - The application Ref is 24/00936/FUL.
 - The development proposed is the erection of timber frame, first floor, bathroom extension on top of existing ground floor masonry walls. New rainwater goods and storm drainage run.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant states that the Council hindered resubmission efforts. This is a matter between the appellant and the Council.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is a brick-built two storey semi-detached dwelling. It is set back from the street behind a narrow grass verge, hedge and small front garden and has a single storey detached garage and large garden to the side and a single storey lean-to extension and small garden area to the rear.
 5. The appeal property is located in a residential area characterised by the presence of largely two storey dwellings, many of which are semi-detached and are similar in appearance to the appeal dwelling.
 6. The surrounding area is characterised by the presence of large green open spaces, trees and hedges. These combine with front, side and rear gardens to create a green and spacious character.
 7. Further to the above, many of the houses in the area share similar characteristics, including brick and slate materials and similarities in design. I noted during my site visit that, whilst many dwellings have been altered and/or
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extended, such changes generally appear modest and in keeping with host dwellings and the surrounding area.

8. Further, the juxtaposition of dwellings is such that a number of rear gardens and rear elevations are widely visible in their surroundings and I noted during my site visit that where visible, changes to the rear of dwellings appear equally modest and extensions tend to comprise small, single storey additions. This and the similarity of dwellings lends an attractive sense of uniformity to the area.
9. The proposed development would add a storey above the existing rear extension. The siting of the appeal property is such that the extension would be widely visible from various locations along Corporation Street.
10. I find that the proposal would stand out as a two storey rear extension where few exist and as a consequence, that it would appear as an incongruous feature. The harm arising from this would be exacerbated as a result of the proposal appearing widely visible in its surroundings – notably from Corporation Street to the side.
11. Whilst the existing lean-to rear extension appears relatively modest and in keeping with its surroundings, the height, bulk and overall scale of the proposed development combined with its somewhat awkward flat-roofed and boxy design would result in it unduly dominating the rear elevation of the appeal dwelling.
12. The harmful visual impact of the above would be heightened by the presence of timber cladding and an obscure glazed window, which would appear incongruous against the brick and slate materials common to the host dwelling and its surroundings.
13. Taking all of this into account, I find that the proposal would harm the character and appearance of the area, contrary to the National Planning Policy Framework; to Shropshire Council Core Strategy (2011) Policies CS6 and CS17; and to Shropshire Site Allocations and Management of Development (SAMDev) Plan (2015) Policy MD2, which together amongst other things, seek to protect local character.

Other Matters

14. In support of her case, the appellant refers to other developments within the wider vicinity. However, none of these comprise developments and circumstances so similar to the proposal before me as to provide for direct comparison and in any case, I have found that the proposal would result in significant harm and this is not something that is mitigated by the presence of other developments elsewhere.
15. The proposed development is aimed at improving and “future-proofing” the appeal property. These are factors in favour of the proposal. However, they do not amount to something that outweighs the harm identified and hence the decision below.
16. In support of her case, the appellant refers to the absence of objections to the proposed development. However, an absence of objection could be for any reason and does not in itself equate to support for a proposal. I have found that the proposed development would result in harm and this is not something that is altered by the absence of objections.

Conclusion

17. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

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