



Committee and date

South Planning Committee

8 May 2019

Development Management Report

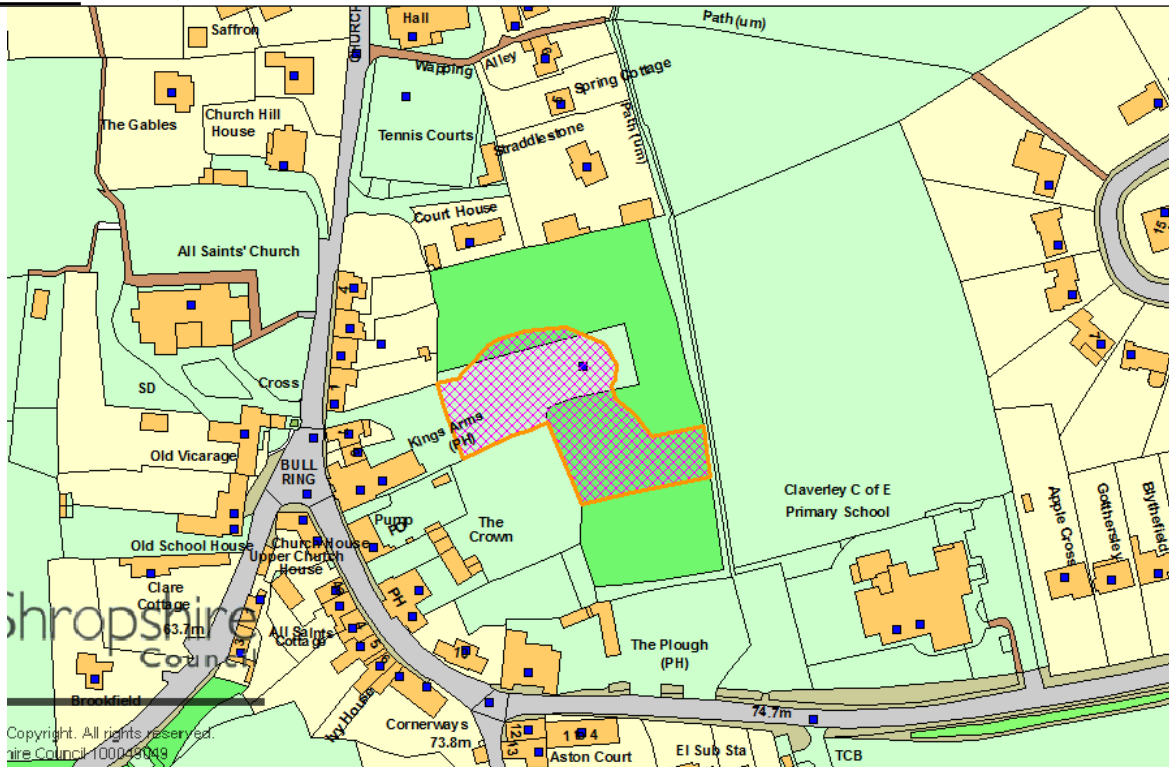
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Summary of Application

Application Number: 18/05149/FUL	Parish: Claverley
Proposal: Erection of 6 No. affordable dwellings and associated infrastructure	
Site Address: Proposed Residential Development Land East of the Bull Ring, Claverley Shropshire	
Applicant: Oakwood Homes (Bridgnorth) Ltd	
Case Officer: Andrew Sierakowski	email: planningdmc@shropshire.gov.uk

Grid Ref: 379382 - 293408



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Recommendation:- Permit, subject to the conditions set out in Appendix 1 and a section 106 agreement to ensure that the dwellings constructed remain available as affordable homes to meet the needs of the local community in perpetuity, including relevant provisions relating to the proposed cross-subsidy, in accordance with the requirements of the Type and Affordability of Housing Supplementary Planning Document (SPD) (September 2012).

REPORT

1.0	THE PROPOSAL
1.1	This is a full application for the erection of six affordable dwellings and associated infrastructure, on land at the rear of the former Kings Arms pub on the east side of the Bull Ring, in Claverley.
1.2	Three of the dwellings will be for sale at a discounted price and three will be for rent with a capped rent (at the Local Housing Allowance rates).
1.3	<p>The six houses would be built in two terraced blocks of three houses each, with Plots 1-3 constructed at the rear of the site adjacent to the southern boundary at its south east corner on an area located to the immediate east of the car park for adjacent Crown Inn. This terrace would comprise the following:</p> <ul style="list-style-type: none"> • Plots 1 & 3 - 3 bedroom end-terrace houses with a gross internal floor area of 83.3m²; and • Plot 2 - 2 bedroom mid-terrace house with a gross internal floor space of 67.6m².
1.4	<p>Plots 4-6 would be located immediately behind and to the east of the former Kings Arms to the immediate north of the car park for adjacent Crown Inn. This terrace would comprise the following:</p> <ul style="list-style-type: none"> • Plots 4 & 6 - 3 bedroom end-terrace houses with a gross internal floor area of 83.2m²; and • Plot 5 – 2 bedroom mid-terrace house with a gross internal floor space of 70.0m².
1.5	The terrace comprising Plots 1-3 would be constructed with the long sides of each house adjoining one another, whilst for the terrace comprising Plots 4-6 they would be constructed with the narrow sides end on to one another, with the result that Plots 1-3 would present a shorter wider terrace and Plots 4-6 a longer narrower terrace. All the houses would be constructed with a facing brick, plain tiles and vertically divided and proportioned casement windows. The middle houses in both terraces would be slightly stepped down in terms of the height of the ridge of the roof and in the terrace comprising Plots 1-3 would have a slightly recessed front

	<p>and rear elevation. In the terrace comprising Plots 4-6 the middle house would have a slightly lower eaves than the two end terraces. The doorway in the middle house in the terrace comprising Plots 1-3 and the all three houses comprising Plots 4-6, would have doors on the front elevation with small overhanging pitched roofs. The two end terraces on the terrace comprising Plots 1-3 would have their main doorways in the end elevations. The overall appearance would be two terraces of traditionally designed cottages.</p>
1.6	<p>The application states that it follows on from a development of 6 affordable cross subsidy houses that have received planning permission and been successfully completed in Alveley. The proposal that is the subject this application, it states, has been designed to mirror the application in Alveley and it is proposed that it should be covered by a similar section 106 agreement and that the cross-subsidy scheme allows the sale of up to 50% of the houses at a price of no more than 90% of open market value. The sale of the 3 houses will fund the remaining 3 houses that are rented at a capped rent to people with local connections. The rental properties will remain under the control of the applicant, Oakwood Homes Ltd and priority will be given to people with local connections using the Shropshire Homepoint register as laid out in the section 106 agreement.</p>
1.7	<p>A new internal access road would be constructed from the existing access into former Kings Arms car park, that is located between No 7 Bull Ring and the adjoining property to the immediate north at No.1 Church Terrace. This would extend past the Plots 4-6 and then loop round in a curve to the area in front of Plots 1-3 with a turning head. It is proposed to provide two car parking spaces within the curtilage of Plot Nos. 1,4 and 6 and an additional 6 residents and two visitor car parking spaces around loop in the internal access road. The layout plan has been amended in response to the initial comments from the Council's Tree officer, in order to safeguard the trees that might otherwise be affected by the originally proposed car parking arrangement. A refuse bin storage area would be provided to the immediate rear of the former Kings Arms, the position and layout of which has also been amended in response to the initial comments of SC Highways, so as to be located within 25m of the refuse bin collection point on the kerbside at the Bull Ring. LPG gas tanks would be provided in the south eastern corner of the site at the end of the internal access road to the east of Plot 1.</p>
1.8	<p>The application acknowledges that HGV access and access for emergency vehicles, particularly fire engines, may be difficult. The application states that there have as result been discussion with the Fire and Rescue Service who have confirmed that the fire regulations for the residential development on this site can be complied with by installing either a dry/wet rising main or by installing a sprinkler system in each of the proposed properties, one or other of which would be installed.</p>
1.9	<p>There is a large open area adjacent the north east side of the application site that falls within the blue line area identified by the applicant, i.e. the area of land within the applicant's control, which is marked as "Open Space". This area was proposed partly for car parking on a previous application (Application Ref. 16/05605/FUL) (see below) submitted for the site. The supporting documents in the current</p>

	application state that this area is being left undeveloped “for any alternative commercially viable or community options to be considered should they come forward”.
1.10	The application is accompanied by a Tree Constraints Plan, Arboricultural Impact Assessment, a Bat Survey Report, Phase 1 Ecology and Phase 2 Species Survey Report and a Heritage Impact Assessment. Amended layout plans and a number of additional supporting statements have been submitted by the applicant following submissions, in response to the comments of consultees.
2.0	SITE LOCATION/DESCRIPTION
2.1	The site extends to just under 0.24 hectare and comprises part of the former car park at the rear of the Kings Arms and an area of landscaped open space to the south of this, located around the boundary with the car park for the adjacent Crown Inn.
2.2	The application states that the King’s Arms public house (now closed) is a prominent building on the main street through Claverley, which is currently in the process of being converted to two houses. It has a relatively large former car parking area to the rear on its east side, which extends to approximately 0.6 ha. The access to the car park is from the Bull Ring. As well as being listed Grade II, the former Kings Arms lies within the Claverley Conservation Area. It was one of three pubs, located almost adjacent to one another on Church Street/Aston Lane, each with a separate car park to the rear that adjoin one another.
2.3	There are three immediately adjacent Listed Buildings which include Nos. 6-7 Bull Ring that form part of the group of adjoining buildings that include the former King Arms which are Grade II Listed and Nos. 2-4 Church Terrace (but not No. 1) which are also Grade II Listed. There is significant number of other nearby Listed Buildings including, most significantly, the Church of All Saints on the west side of the Bull Ring which is Grade I Listed, and the Vicarage which is adjacent to the church, which is Grade II* Listed.
2.4	The pub itself is a brick-built structure with steep tiled roofs and tall chimneys, possibly of 18th century in origin, but has been heavily remodelled internally and externally, with substantial extensions in the intervening period. To the east was a small beer garden, with the rest of the site previously covered in hardstanding to accommodate approximately 70 car parking spaces. Works are currently on-going to convert the pub into houses, and some clearance work has been undertaken on the area of car parking. There are a number of significant and mature trees on the land to the rear of the pub and within the current application site.
2.5	Prior to the submission of the Planning and Listed Building Consent applications for the pub, pre-application discussions took place with Officers of the Council and several meetings occurred with the Parish Council, and it is from these discussions that the original proposals emerged for conversion of the pub to two dwellings, the erection of 12 dwellings to the rear and the establishment of a 40 space public car park to be gifted to the Parish Council (Ref. 16/05605/FUL & 16/05606/LBC).

2.6	These applications were submitted 9th December 2016, but withdrawn 31st July 2017 following advice from the Council that no effective legal link could be made on planning grounds between the application for the new-build units and the public car park. Furthermore, under the current Development Plan for Claverley, open market housing on the car park could not be supported in principle.
2.7	Notwithstanding this objection, the repair and conversion of the vacant Listed Building was supported, and amended Application Refs. 17/03879/FUL and 17/03880/LBC were submitted and subsequently approved on 25th October 2017 and 20 th October 2017 respectively for this element of the scheme alone. These consents are currently being implemented.
3.0	REASON FOR THE COMMITTEE DETERMINATION OF THE APPLICATION
3.1	The proposed development accords with relevant development plan policies but Claverley Parish Council has objected to the application. The Chair and Vice Chair of the South Planning Committee, in consultation with the Area Planning Manager, consider that the material planning considerations raised in this case require the application to be referred to the Planning Committee for determination.
4.0	COMMUNITY REPRESENTATIONS
4.1	<u>Claverley Parish Council</u> : Objects to the application. Its states that affordable housing sites, according to Shropshire Council policies, should have sustainable infrastructure such as employment opportunities and facilities such as a bus service, shops and a good road infrastructure. It considers that Claverley meets none of these requirements and consequently it objects to the development.
	Public Comments
4.2	<p>In addition to the comments from the Parish Council there have been representations from the Claverley Preservation Society and 32 local residents (some of whom have submitted more than one representation). All but one of these offers objections. They include submissions by professional advisors on behalf of the Claverley Preservation Society including an architectural advisor (Read Buray Associates) and an independent transport consultant (Mode Transport Planning). The objections in summary make the following points:</p> <ul style="list-style-type: none"> • Do not be object to 6 new affordable dwellings if the results of the recent local Affordable Homes survey determines that they are required but determination of the application would be premature pending the undertaking of a house needs survey; • A two bedroomed property has been for sale in the centre of Claverley, since the August 2016 at a price of £154,000, which suggest that there may be little or no need for affordable housing; • The site is not “surrounded by residential development” as the application states;

- There is inadequate infrastructure, amenities and public transport to support additional housing development in Claverley;
- There are other more suitable sites which are nearer to local facilities, employment and public transport and which would not impact so significantly on the historic environment of the centre of the village, including a number of Listed Buildings and the Conservation Area;
- A large area of undeveloped land has been retained adjacent to the site. The development of six houses is likely only to be the first phase of development on the land to the rear of the former Kings Arms and the applicant is deliberately taking a fragmented approach to the development of the site to avoid all the issues raised by its complete development being considered as part of a single coherent planning application;
- The layout of the development does not make any provision for visitors and collection, delivery vehicles and other visiting traffic;
- The proposed houses are unlikely in practice to be affordable and are not likely to be occupied by local people, with local need or local connections;
- The proposal does not comply with NPPF or Development plan policy;
- The access into the site is substandard, unsafe, and not suitable for additional dwellings and would not allow adequate or safe access by refuse collection and emergency service vehicles, including fire engines, and there is high risk that such vehicles would damage the adjacent Listed Building;
- The proposed access threatens the structural integrity of the adjoining buildings;
- The development will result in the loss of mature trees which would adversely affect the character of the Conservation Area and the village;
- The development will not be financially viable at the scale proposed;
- Additional housing in Claverley will put even more pressure on the over-subscribed places at Claverley School;
- The lanes around Claverley are in very poor condition due to the increased volume of traffic as result of new housing development in recent years;
- The land at the rear of the Kings Arms should be more positively used as a communal area for the benefit of the village as a whole, for example for providing parking for the church, residents without drives and functions at the village hall;
- The proposed plan shows the "open space" edged blue indicating the land is under the same ownership. Can this be included within the redline boundary and become part of the development?
- The Bull Ring is already a congested and difficult part of the village to drive through and parking is very often at capacity during church services, village hall meetings, and during doctor's surgery and Post Office opening times. These problems will be exacerbated the on-going conversion of the Kings Arms to two dwellings and the potential construction of a further six houses;
- The full length of the access into the site from the Bull Ring has not been included in the red line boundary of the planning application; it should be;

	<ul style="list-style-type: none"> • The submitted plans show the access as being wider than it actually is and omit to show the access into No.1 Church Terrace; • The applicant does not own all the land that they claim they do; • The distance from some of proposed houses to the refuse bin storage area and collection point of up to 90m exceeds and does not comply with the standard recommended by Shropshire Council Waste Management and is very steep; • The proposed waste collection point will obstruct the public pavement fronting the former Kings Arms; • The mature Ash tree (T33) on the site, is liable to be damaged by the construction of the proposed car parking; • The (amended) layout proposed does not adequately address the comments of SC Highways; • The Claverley Parish Plan (2016-2025) in line with the Core Strategy and the SAMDev does not support further housing development in Claverley; it is not a hub or a cluster; It states that the Parish Council will (Action 23) resist further housing development except where very exceptional circumstances apply e.g. where there is community benefit; • The construction of additional houses will increase air pollution as a result of more vehicles and emissions from heating systems and which is contrary to the Council’s environmental policies; • The design of the development is not in keeping with the character and appearance of the Conservation Area and the adjacent Listed Building or the historic character of the village; • It does not include adequate access for disable people or disabled access; • The occupants of the new houses would suffer from noise and light pollution from the adjacent pubs and their car parks; • The development requires cross subsidy by the discounted sale of the three of the houses whereas the need for more affordable dwellings could be met on another site at Boundary Close, which could accommodate 8 more dwellings, where this would not be the case.
4.3	<p>The one representation (in two submissions) in support of the application, from a local resident makes the following points;</p> <ul style="list-style-type: none"> • The development will ensure a sustainable and cohesive village with a mix of housing; • Alternative sites suggested in the other representation are not sustainable; and • In response to statements in other representations advise that No.1 Church Terrace is not a Listed Building.
	<p>Technical Consultees</p>
4.4	<p><u>Shropshire Council - Affordable Homes</u>: Comment that the applicant seeks to justify the need for 3 90% of the open market value (OMV) dwellings to cross subsidise 3 “affordable” (defined by policy) homes, to be let at 80% of the open market rent (OMR) or the local housing allowance (LHA) limit - whichever is lower. They confirm that this has been demonstrated, based on the owner/developer retaining</p>

	the freehold of the affordable rent homes.
4.5	They also confirm that there is currently more local housing need in Claverley than this application would satisfy.
4.6	<u>Shropshire Council - Highways:</u> Initially advised in relation to the original submitted plan that the proposed bin collection point was to be located 36.3m from the carriageway and reached via a steep upgradient on the existing driveway and that it would need to be demonstrated that the bin collection point is acceptable to the Shropshire Council Waste Management Team. If this is not possible that the refuse bins and recycling boxes from the six dwellings could be temporarily stored awaiting collection on bin day bearing in mind those from the two properties from the pub conversion and surrounding properties.
4.7	They also commented that from the potential householders viewpoint, the length of driveway is the trip which they will have to make, weekly, to put out refuse and recycling bins for emptying. The recommended maximum distance is 25m and that a smooth, level space is required at the roadside for temporary storage of refuse bins and recycling boxes which must not be allowed to obstruct the highway or the visibility splay of the access, if collection is made from the roadside.
4.8	They also commented that some of the internal parking spaces may not be viable and that adding landscaping to the surrounds of the spaces on the inside of the bend will remove any visibility sightlines which are already constrained by the design. Some of the spaces proposed development would involve multiple manoeuvres to access them which is not desirable.
4.9	They additionally advised that site shows an LPG compound and that the refuelling tanker driver must have line of sight of the tanks from his vehicle and that the tanker must be able to get within 25m of the tanks from the service road.
4.10	In response to the amended layout plan the Highways officer has offered no objection. They comment that although the access to the highway is sub-standard in not conforming to specifications which allow an emerging driver a view of pedestrians approaching on the footway, when taken in context with neighbouring accesses, to which it is similar, it is as it would previously have been used.
4.11	The Highways officer therefore has no objection to the development subject to the inclusion of highways related informatives in relation to mud on the road, drainage works on, within or abutting the highway.
4.12	<u>Shropshire Council - SUDS:</u> Have no comment other than requesting the inclusion of a condition requiring submission of the drainage details and informatives on the design and construction of the surface water drainage system.
4.13	<u>Shropshire Council - Regulatory Services:</u> Have no comment.
4.14	<u>Shropshire Council: Ecology:</u> Have no objection subject to the inclusion of conditions relating to provision of bat boxes and bird boxes and the submission of a

	lighting plan and informatives relating to nesting birds, wildlife protection and landscaping.
4.15	<u>Shropshire Council - Trees:</u> Initially commented in relation to the original layout that the loss of the existing trees bar one holly within the red line of the site boundary would be an unacceptable impact on the amenity value of the site and the Conservation Area. They recommended adjustment to the layout, so as to allow the retention of the multi stem sycamore and the yew tree on the site boundary to the west of proposed Plot 3, by a realignment of the parking to Plot 1 from ‘side by side’ to ‘in line’ (similar to Plot 3) and shifting the whole block of three dwellings slightly to the east, thereby affording sufficient space to the west of Plot 3 to allow retention of the sycamore and the yew.
4.16	They also commented that the original layout included provision of a new 2.5m wide timber gate opposite the front Plot 6 that would conflict with an adjacent multi-stemmed sycamore. The advised that the proximity of the new gates to the tree could necessitate its removal or cause it such damage as to make its safe, healthy retention unviable. This tree is considered to have sufficiently high current and potential future amenity value as to warrant adjusting the position of the proposed new gate, so to allow its viable retention.
4.17	In relation to the amended layout plan SC Trees have now advised that it addresses the concerns set out in their initial comments. The amended layout allows for the retention of the mature sycamore and a mature yew that were identified for removal in previous layouts. They also advise the other trees within the ‘red line’ and around its boundaries are unsuitable for retention in light of residential development and that they do not object to their removal, given appropriate replacement planting and suitable protection of the retained trees within the site and other trees within the ‘blue line’ boundary.
4.18	The submitted Arboricultural Impact Assessment they advise gives adequate recommendations for measures to be taken to protect retained trees within and adjacent to the site during any approved development. They therefore have no objections subject to the inclusion of conditions relating to submission and implementation of an updated tree protection scheme and tree planning scheme, taking into account the amended layout.
4.19	<u>Shropshire Council - Conservation:</u> Advise that the Kings Arms is a Grade II listed building within the Claverley Conservation Area, and that the site lies to the rear of the former pub on land that was used as car parking for the business. The site is bounded by development on two sides, modern development exists to the north of the site which falls within the Conservation Area and the historic street fronting properties lie to the west of the site and are also within the Conservation Area. The land to the east is made up of open fields that separate this side of the village from modern development to the east of the school and to the south lies the rear plots of other historic properties fronting the Bull Ring and High Street, with the rear of The Plough public house and its car park directly further south. The view of the site from the Bull Ring and the main vista from the Conservation Area is through the narrow access between buildings fronting Bull Ring. This vista will provide a glimpsed view

	of the development to the rear of the former pub, however Conservation officer advises that they consider that the development proposed will have limited impact upon the main street scene views within the centre of the Conservation Area.
4.20	They additionally comment that the site currently forms part of the curtilage and immediate setting of the Grade II listed former pub. However, it is a fairly functional space rather than an open green vista and does not contribute great significance to the listed building in its current form. Historic mapping shows that further built development existed to the rear of the pub, although less than is currently proposed. The historic mapping appears to show an L-shaped range of outbuildings across the middle of the site leaving a paddock or open field to the east. This historic form does not necessarily dictate what type of development would now be appropriate on the site but does show that the openness and field views from the rear of the listed building were not always in place.
4.21	They comment that the use of smaller adjoined units in a cottage style is acceptable in this location and the use of greenspace and appropriate planting and landscaping schemes could provide a visual enhancement to the site. The design of the proposed units takes influence from vernacular details using mainly vertically proportioned windows with brick headers and elements such as dormer windows, pitched roof porches and chimneys.
4.22	There are therefore no fundamental conservation objections raised in principle to the proposed development, but the Conservation Officer recommends conditions relating to landscaping, external materials and joinery.
4.23	<u>SC Archaeology:</u> Advise that the site lies in the core of the historic settlement of Claverley which has its origins in the medieval period at least, and with possible occupation dating back to the Roman period and that ground works undertaken for the proposed new residential development may offer the opportunity to recover additional archaeological evidence relating to the developmental history of this part of Claverley. The site can therefore be considered to have moderate archaeological potential.
4.24	They further advise, in the light of the above, and in relation to Paragraph 199 of the NPPF (Revised 2018) and SAMDev Policy MD13 that a programme of archaeological work be made a condition of any planning permission for the proposed development. This programme of archaeological work should comprise a watching brief during ground works associated with the development.
4.25	<u>Shropshire Council - Rights of Way:</u> No Comment.
4.26	<u>Shropshire and Fire and Rescue:</u> Have advised that the access must be fully compliant with the Building Regulations, which set out the requirements for the widths and distances of the access. Swept path analysis must also be compliant the requirements of the regulations. Any deviations would require proposals of compensatory features to be made.
4.27	The requirement for accessing the site is not, they advise, solely for the purpose of

	supplying water for firefighting operations. The distance requirements also consider the time and physiological effects on firefighters having to carry the equipment from the fire appliance to the incident and also the need for the incident commander to make a rapid assessment of the incident.
4.28	They advise that it may be possible to overcome the access issues with the installation of sprinkler systems, which would be considered at the Building Regulations Consultation stage.
5.0	THE MAIN ISSUES
5.1	<ul style="list-style-type: none"> • Principle of the Development • Scale and Design and Loss of Tree • Access and Parking • Other Issues
6.0	OFFICER APPRAISAL
6.1	Principle of the Development
6.1.1	In relation to the principle of the development, the key issue in the determination of this application concerns the location of site for an affordable housing development and whether this is acceptable in the centre of Claverley in terms of compliance with relevant development plan and national planning policy.
6.1.2	The main relevant policy is set out in the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) and includes Policies, CS1, CS3, CS5 and CS11 and the Site Allocations and Management of Development Plan (SAMDev Plan) (December 2015), Policy MD7a.
6.1.3	Core Strategy Policies CS1 and CS3 set out the settlement hierarchy for the county, with new development focussed in Shrewsbury, the main Market Towns, and other identified Key Centres. Claverley is not included under Policy CS3 as one of the identified Market Towns and Other Key Centres, and is not a Community Hub or part of a Community Cluster under Policy CS4. Instead lies within the area identified on the Council's Adopted Policies Map as open countryside and within the Green Belt. Policy CS5, is therefore the main relevant policy.
6.1.4	In support of Core Strategy Policies CS1 and CS3, the adopted Site Allocations and Management of Development Plan (SAMDev) (December 2015), Policy MD1 and the supporting Schedule MD1.1: Settlement Policy Framework list the identified Market Towns and Key Centres in the county, but these do not as a result include Claverley and it does not have defined settlement boundary. The SAMDev does however in its supporting text make clear that Claverley is not included in the Green Belt and that in consequence Core Strategy Policy CS5 and the relevant requirements of SAMDev Policy MD7a will apply.
6.1.5	Policy CS5 states that new development will be strictly controlled in accordance with national planning policies protecting the countryside, although this allows for

	<p>some development on appropriate sites which maintain and enhance countryside vitality and character, which will be permitted where it improves the sustainability of rural communities by bringing local economic and community benefits, and particularly where it relates to affordable housing/accommodation to meet a local need in accordance with national planning policies and Policy CS11.</p>
6.1.6	<p>Policy CS11 on the Type and Affordability of Housing aims to ensure future housing need is met and the creation of mixed, balanced and inclusive communities, stating that an integrated and balanced approach will be taken with regard to existing and new housing, including type, size, tenure and affordability. This will be achieved by ensuring adequate provision of affordable housing in accordance with the targets set through the Core Strategy, including permitting exception schemes for local needs affordable housing on suitable sites in and adjoining Shrewsbury, the Market Towns and Other Key Centres, Community Hubs, Community Clusters and recognisable named settlements. This is subject to scale, design, tenure being suitable and to ensuring prioritisation for local people and arrangements to ensure affordability in perpetuity.</p>
6.1.7	<p>Policy CS11 in turn is supported by a more detailed policy statement in relation to the way affordable housing will be delivered in Shropshire in the Council's Type and Affordability of Housing Supplementary Planning Document (SPD) adopted in September 2012, Chapter 5 of which deal with Rural Exception Sites for local people.</p>
6.1.8	<p>This makes clear, in paragraph 5.53, in relation to ensuring affordability in perpetuity, that where affordable housing is granted planning permission as an exception to normal planning policies, it must, as far as is possible, remain within the affordable housing stock in perpetuity. This is usually achieved through a planning condition where the development consists solely of properties managed by a Registered Provider, and through a section 106 legal agreement in all other cases. Paragraph 5.54 further states that to ensure affordability in perpetuity (defined as the lifetime of the building), wherever possible, restrictions will be put on the Right to Buy/Right to Acquire for rented homes managed by Registered Providers, and on the ability of purchasers to "staircase" beyond 80% ownership for Shared Ownership. Similar restrictions will also be applied to private affordable housing for rent and shared ownership or equity share purchase schemes together with mechanisms to ensure that their values remain affordable over time.</p>
6.1.9	<p>In addition, the affordable value of housing for outright sale on exception sites is to be expressed within a section 106 agreement as a simple fixed percentage of the prevailing open market value. This percentage of the open market value will apply in perpetuity and is to be used to determine the sale value applicable at subsequent changes in ownership. The section 106 legal agreement will also place a restriction on the title of the property, to the effect that the property cannot change hands without the written consent of Shropshire Council. Therefore, the Land Registry will effectively enforce this provision, as it will not be possible to register a new ownership with the Land Registry without the appropriate written consent from Shropshire Council.</p>

6.1.10	The National Planning Policy Framework (NPPF) which was updated in July 2018 and again in February 2019, makes clear in paragraph 77 that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. It states that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.
6.1.11	Furthermore paragraph 78 makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
6.1.12	In this policy context, development of the site falls to be considered as development in the open countryside, but not in the Green Belt, and as such can also be treated as a Rural Exception Site for affordable housing under Policies CS5 and CS11. As a site in the very centre of Claverley, there is no doubt at all that it would be development that would meet the test of improving the sustainability of rural communities by bringing local economic and community benefits, and it is an affordable housing development that it can be considered to meet a local need in accordance with national planning policies and Policy CS11.
6.1.13	The key test in Policy CS11 is that it is an exception scheme for local needs affordable housing on a site in a recognisable named settlement, and which subject to suitable scale and design (considered below), can through the granting of permission subject to s.106 agreement, ensure the tenure and prioritisation for local people and arrangements to ensure affordability in perpetuity.
6.1.14	<p>Objectors in this case, as set out above, have questioned whether there is a justified need but this has been confirmed by the Housing Enabling Officer, as has the viability of the scheme as a cross subsidy housing scheme. Objectors have also stated that they consider the development to be contrary to Action 23 of the Claverley Parish Plan which states that:</p> <p><i>“Action 23: The Parish Council will resist further housing development except where exceptional circumstances apply (e.g. for community benefit)”.</i></p>
6.1.15	Whilst the SPD, in paragraph 5.9 states that the Council will take account of any duly prepared and adopted Parish, Town and Neighbourhood Plan, this has to be done in a way that is consistent with the statutory development plan, i.e. the adopted Core Strategy and the SAMDev. The latter as set out above clearly makes provision for the development of Rural Exception Sites for affordable housing in the line with the NPPF. Given that local need in this case has been confirmed by the Housing Enabling Officer, determination of the application in accordance with the development plan in terms of the principle of the development can be justified in the context of Action 23 of the Parish Plan as an exceptional circumstance providing community benefit.
6.1.16	Consequently, the development of the site can be considered to meet the criteria extremely well in terms of its location adjacent to the existing village centre in

	Claverley and in terms of access to community facilities and can therefore considered to be compliant with Core Strategy Policies CS5 or CS11 as a Rural Exception Site.
6.1.17	Consideration of the scale and design criteria for Rural Exception Sites, is set out below under the heading of Scale Design and Loss of Trees.
6.1.18	Some objectors have, in addition, raised the issue of whether the proposed dwellings would be affordable and whether they would be occupied by local people, with local need or local connections. However, in order to comply with Core Strategy Policy CS11 and the Affordability of Housing Supplementary Planning Document SPD, applicants are required to enter into a section 106 legal agreement to ensure affordability in perpetuity and that the houses to be built will meet local need and be offered to people with a strong local connection. Accordingly, in compliance with the requirements of the Policy and the SPD, the grant of planning permission would be subject to a section 106 agreement to achieve this and the applicant has indicated they are willing to enter into such an agreement.
6.1.19	In overall terms therefore, the Principle of the Development in this case meets the criteria for the granting planning permission for the development of the site, as a Rural Exception Site. There is confirmed local need, and a section 106 agreement, which the applicant has indicated that they are willing to enter into to, will ensure that the dwellings constructed remain available as affordable homes to meet the needs of the local community in perpetuity. The site can also be considered to be acceptable in terms of its location adjacent to the village centre and its close proximity to local community facilities. The development accordingly meets the requirements as a Rural Exception Site set out in Core Strategy Policies CS1, CS3, CS5 and CS11, the SAMDev Policy MD7a and the NPPF.
6.2	Scale, Design and Loss of Trees
6.2.1	The scale and design of the development has been commented on by number of objectors, and this is a relevant consideration in relation to the criteria set out in the Type and Affordability of Housing SPD, as well Core Strategy Policies CS6, CS17 and SAMDEV Policies MD2 and MD13 and Chapter 16 of the NPPF (2019) on Conserving and Enhancing the Historic Environment. These seek to ensure the new development contributes to and respects locally distinctive or valued character and existing amenity value by responding appropriately to the form and layout of existing development; reflects locally characteristic architectural design and details, such as building materials, form, the colour and texture of detailing, and takes account of its scale and proportion; and protects, conserves and enhances the historic context and character of heritage assets, their significance and setting.
6.2.2	In addition, because of the proximity of the number of adjacent and nearby Listed Buildings and the location of the site in the Claverley Conservation Area, the Council needs to be mindful of the obligations under Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
6.2.3	The application in this case stresses the importance attached to the design and

	<p>layout of the development and that the proposed orientation, scale and appearance of the proposals has been consciously evolved in a form to minimise the potential impact on the adjacent Listed Buildings, the Conservation Area and their respective settings, specifically respecting the constraints inherent in the historic architectural form and fabric of Claverley’s village centre.</p>
6.2.4	<p>The Conservation officer has as set out above commented in some detail on the application and has advised that there are no fundamental conservation objections raised in principle to the proposed development, subject to the inclusion of conditions on the grant of planning permission relating to landscaping, external materials and joinery. In addition, the Trees officer had expressed concern about the loss of several mature trees on the site and the impacts of the loss of these, including the impact in the context of the setting of the site in the Conservation Area. In response to these concerns the applicants has amended the layout, to ensure the protection and retention of the key trees on the site, and the Trees officer has in consequence confirmed that the proposed layout is now acceptable.</p>
6.2.5	<p>There is therefore no fundamental reason to consider the development as proposed in not acceptable in terms of the criteria set out in the Type and Affordability of Housing SPD, Core Strategy Policies CS6 and CS17 and SAMDEV Policies MD2, MD12 and MD13 and the NPPF (2019) or that it is not acceptable in terms of the obligations under Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.</p>
6.3	Access and Parking
6.3.1	<p>The most significant issue arising from this application concerns the access and parking arrangement. There are two main aspects to this; that the access would be through the narrow entrance between No. 7 Bull Ring and No. 1 Church Terrace that was previously used to serve the former King Arms car park and the constraints this presents; and that the design of layout of the internal access road may make access to some of the car parking spaces quite difficult.</p>
6.3.2	<p>Relevant Policy includes Core Strategy Policy CS6 and SAMDev Policy MD2 which require all development to be safe and accessible to all.</p>
6.3.3	<p>As set out above the issue of the access has been raised as a significant consideration by objectors and in particular the constraints presented by the narrowness of the access between No. 7 Bull Ring and No. 1 Church Terrace. The Claverley Preservation Society has sought its own expert consultant advice on this, from Reade Bury Associates and Mode Transport Planning, who advise that the access is too narrow, at 2.90m at its narrowest point between the walls of the two adjoining properties, to allow a Fire Tender or Refuse Collection Vehicle (RCV) to access the site and that even if they could, the manoeuvrable space required at the Bull Ring may make this very difficult, with on-street parking meaning that vehicles are frequently parked close to both sides of the entrance. In practice the access may be even narrower because the blue line boundary submitted with the application shows a small standoff from the wall with No. 1 Church Terrace.</p>

6.3.4	<p>The applicant has responded to this comment by stating that refuse will be collected from the kerbside outside No.7 Bull Ring and therefore there is no need for RCV access to the site. Similarly, they have stated that their own consultation with the Fire and Rescue Service has confirmed that the installation of a hydrant or spinklers would be an acceptable alternative. Specific comment has been sought from the Fire and Rescue Service, who as set out above have advised that it may be possible to overcome the access issues with the installation of sprinkler systems, which would be considered at the Building Regulations Consultation stage.</p>
6.3.5	<p>The Highways officer has, as set out above stated that whilst the access is not up to the standard that would normally be required in a new development, it will not be dissimilar to other existing access in the centre of Claverley, and on that basis they have no objection. It is the case that refuse bins would have to be put out for collection on the pavement to the south of the access, but again this is not dissimilar to the existing situation along most of Church Street and Aston Lane. It is the case that they could obscure visibility either side of the access and obstruct pedestrian access along the pavement, but again this is no different from the position in relation to other properties along Church Street and Aston Lane. Obstruction of the visibility of traffic at Bull Ring is not likely to be significant, because the existing on-street parking, already results in visibility being obscured whether recycling bins have been put out or not. Some obstruction of the pavement is likely but this is common place, and whilst not ideal there is no readily obvious solution and the concerns raised by objectors are understandable. Whilst not entirely satisfactory it is not considered this of itself to be so substantial an issue in its own right to warrant the refusal of consent.</p>
6.3.6	<p>In relation to parking it should be noted that the intention is to provide 12 residents parking spaces and two visitor parking spaces. The internal access layout has been amended in the course of the application in response to the comments from consultees, and although the arrangement of car parking spaces has been revised, the accessibility of some of these spaces is still potentially quite awkward, either because of their narrowness means there is little room for manoeuvrability as vehicles turn and in and out of the spaces or, in the case of the spaces located with the loop of the access road, because they would be sited on the inside of the bed requiring either very acute turning or several manoeuvres to get into and out of them. This does not appear to be so much an issue of trying to cram too much into the site (i.e. over development), but rather is due to the shape and dimensions of the site, and the seeming desire of the applicant to leave a substantial undeveloped area of open space. A better layout could potentially be achieved if more space was made available within the red line boundary to accommodate the access road and car parking. That said the issue does not impact on the public highway, and whilst it is not ideal, SC highways have raised no objections, and it cannot be considered to be so inadequate as to make the scheme unacceptable or unacceptable in terms of compliance with Core Strategy Policy CS6 or SAMDev Policy MD2.</p>
6.4	Other Issues

<p>6.4.1</p>	<p><u>There are Other Better Alternative Sites:</u> Several of the objections, including the consultant report from Reade Bury Associates submitted in behalf of the Claverley Preservation Society, suggest that there are better alternative sites or locations for the development, including most notably at Boundary Close off Aston Lane, approximately 300m south east of the current application site. It may be the case that there are potentially other locations available, but this is only a relevant issue in the event that the principle of the development in the location proposed is unacceptable. In this instance this is not the case, with the application site being situated almost as close into centre of Claverley as it is possible to be on what is essentially a gap site within the existing built up area, making it in principle, an ideal location. The land at Boundary Close, is further out of the centre, albeit still reasonably well related to existing facilities in Claverley, but the underdeveloped area to the south of the Close and the south of Aston Lane falls with the Green Belt, and as such planning permission could only be granted in the event that very special circumstances could be demonstrated, which is unlikely when there is alternative site available that is not in the Green Belt. As such the case argued by the objectors does not provide the basis for the refusal of the current application.</p>
<p>6.4.2</p>	<p><u>A Large Area of Undeveloped Land has Been Retained Adjacent to the Site:</u> The primary concern of objectors in relation to this point is that this area of land is being retained for further future development by the applicant, and that the applicant is attempting to secure planning permission in a phased way for development of the whole site. This may or may not be the case, but regardless of whether it is, the application has to be determined on its own merits and its determination does not prejudice the determination of any future application for the remaining open area. The only other comment I would make about this, is as I have set out above, that the shortcomings in the proposed layout could potentially be addressed by including some of this additional land into the current application site to improve the proposed access and car parking arrangements. Be that as it may, this a matter for the applicant and if they are not willing to consider this, the application must be determined on the basis of the submitted plans. As I have set out above, whilst the proposed layout is not ideal, I do not consider it to be so sub-standard or its shortcomings so serious, as to render the scheme unacceptable and consequently warrant refusal.</p>
<p>6.4.3</p>	<p><u>That the Proposed Access Threatens the Structural Integrity of the Adjoining Listed Buildings:</u> This comment appears to have been primarily in relation to the potential impact on No. 1 Church Terrace, This in fact is not a Listed Building, and the owner in this case has responded to this comment, expressing his support for the development, and correctly pointing out that any issue of the structural integrity will be civil matter between himself and the developer.</p>
<p>6.4.4</p>	<p><u>That there is Inadequate Infrastructure, Amenities and Public Transport to Support Additional Housing Development in Claverley:</u> Whilst some local residents may feel that this is the case, Claverley compared with many other villages is comparatively well served by the facilities it offers. These include the church, shop two pubs, a village hall, school, medical centre, tennis club and number of other clubs and societies. The development of additional new housing if, anything is likely to</p>

	support the growth and development of these facilities and services.
6.4.5	<u>That the lanes around Claverley are in very poor condition due to the increased volume of traffic as result of new housing development in recent years:</u> There is no reason to think or evidence to suggest that the road network around Claverely is in significantly worse condition than anywhere else in the County, but in any event, the addition of six new houses is not likely to have a significant impact on the condition of the local road network.
6.4.6	<u>That alternative use of the land at the rear of the Kings Arms would be more appropriate:</u> It may be that there are alternative uses that would be appropriate on the site, but the Council has to determine the application that has been submitted to it. The proposal presented is not in principle unacceptable and there are currently no alternative proposals being forward for the development of the site. As detailed above, a large open area has been retained, which could potentially be developed for an alternative use or for community benefit. The issue has also been raised as to whether this area could be brought into the red line boundary. The applicant is under no obligation to do this and as there is no development proposed on this part of the wider area at the rear of the King’s Arms there is no need for them to do so.
6.4.7	<u>Congestion in the centre of the village:</u> As set out above there is a concern that the centre of village can be congested from traffic. The development of the housing proposed is unlikely to add significantly to this. It includes parking for residents and visitors and the fact that the new houses would be located so close into the centre of the village, is if anything is likely to lead to less traffic than if they were located elsewhere, as the occupants will not need to drive and park their cars to access local facilities.
6.4.8	<u>That the applicant does not own all the land they claim:</u> In response to this comment the applicant has acknowledged that the landownership boundary shown on the original submitted plan was incorrect and has submitted a corrected plan to show this. This does not alter the scheme, although as set out above, this may indicate that the width of the access between No.7 Bull Ring and 1 Church Terrace is narrower than the 2.90m distance between the walls of the two properties. A related comment that the red line does not include the full length of the access to the Bull Ring, is correct but the additional length outside the red line is within the applicant’s control and there is no prejudice to the application or its consideration by it not being included.
6.4.9	<u>The distance from some of proposed houses to the refuse bin storage area and collection point would be up to 90m and the bin collection point will obstruct pedestrians:</u> It is the case that the refuse bin storage area would be a considerable distance from Plots 1 to 3 and so would the bin collection point on the kerb in front of No.7 Bull Ring. The applicant has however indicated that bin storage would also be provided at each house. There has also been a concern that the access would be very steep for moving wheelie bins. This is not however, so significant that it would present an impediment to the ability of residents to wheel their bins to the bin collection point, having a gradient of 1 in 20.

6.4.10	<p>Notwithstanding that that may be the case, I do not consider that the location of the bin storage area and collection point have not been particularly well addressed. These are however difficult issues because their provision and siting are constrained by the lack of anywhere obvious to store bins where this would be close to both the houses and to the street frontage. The absence of a usable access for a Refuse Collection Vehicle (RCV) does not help this situation, but equally for an RCV to make a detour into the site to collect bins would potentially be more disruptive to local residents, than collection at the Bull Ring. The additional issue of bins obstructing visibility and pedestrian access has been raised, and whilst this may seem to present a valid concern, the location of the collection point on the street frontage in the Bull Ring, is in practice (as I have set out above) unlikely to adversely affect visibility any more than the existing on street parking. It probably will however make access along the pavement for pedestrians more difficult and it may be an inconvenience and annoyance to the occupier of No. 7 Bull Ring. These are not however, as I have set out above, sufficiently significant concerns to warrant refusal of the application when the same could potentially be said in relation to any bin put out for collection in the centre of Claverley.</p>
6.4.11	<p><u>The construction of additional houses will increase air pollution as a result of more vehicles and emissions:</u> Almost all new development will result in some additional emissions, but in this case the ongoing increase is not likely to be significant given the small scale of the development and central location of the site in the village, which is in fact likely to result in less car journeys to access local facilities than a more remote site might do.</p>
6.4.12	<p><u>That the development does not include adequate access for disable people or disabled access:</u> In response to this the applicant has advised that the site survey shows a rise of 500mm over a distance of 10m, which equates to a slope of 1:20 which is considered to be acceptable for disabled access in accordance with the Building Regulations Part M.</p>
6.4.13	<p><u>That the occupants of the new houses would suffer from noise and light pollution from the adjacent pubs and their car parks:</u> The amenity of the future occupants of the houses is a valid material consideration, but in this instance there is no particular reason to consider that the future occupants would suffer any more significantly undue amenity impacts than any other adjacent or nearby residential occupiers, as a result of the proximity of the two pubs and their respective car parks to the south of the site.</p>
7.0	CONCLUSION
7.1	<p>That the proposed erection of six affordable dwellings and associated infrastructure, on land at the rear of the former Kings Arms pub on the east side of the Bull Ring, in Claverley.is acceptable in terms of the principle of the development, its scale and design and impact on trees, access and parking and other issues and it can therefore be considered to be compliant with Shropshire Core Strategy Policies, CS1, CS3, CS5, CS6, CS11, CS17 and the SAMDev Policies MD2, MD7a. MD12 and MD13 and the NPPF .</p>

7.2	To ensure compliance with the Type and Affordability of Housing Supplementary Planning Document (SPD), consent should be granted not only subject to the conditions listed in Appendix 1 at the end of this report but also to a section 106 agreement as set out in paragraph 6.1.19 above.
8.0	Risk Assessment and Opportunities Appraisal
8.1	Risk Management
8.1.1	There are two principal risks associated with this recommendation as follows: <ul style="list-style-type: none"> As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry. The decision may be challenged by way of a Judicial Review by a third party.
8.1.2	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.
8.1.3	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
8.2.1	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.
8.2.2	First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.
8.2.3	This legislation has been taken into account in arriving at the above recommendation.
8.3	Equalities
8.3.1	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

9.1 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

10.1 Relevant Planning Policies

10.2 National Planning Policy

- National Planning Policy Framework (2019)

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

- Shropshire Council, Shropshire Local Development Framework: Adopted Core Strategy (Adopted March 2011):
 - Policy CS1: Strategic Approach;
 - Policy CS3: The Market Towns and Other Key Centres
 - Policy CS5: Countryside and Green Belt;
 - Policy CS6: Sustainable Design and Development Principles;
 - Policy CS11: Type and Affordability of Housing
 - Policy CS17: Environmental Networks; and
- Shropshire Council, Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015):
 - Policy MD2: Sustainable Design;
 - Policy MD7a: Managing Housing Development in the Countryside
 - Policy MD12: Natural Environment;
 - Policy MD13: Historic Environment.

10.4 Supplementary Planning Documents

- Type and Affordability of Housing Supplementary Planning Document (SPD) (September 2012)

10.5 Relevant Planning History:

- BR/87/0638 - Display of Three Lanterns Two Spotlights Two Floodlights And One Pictorial Sign at the Kings Arms Public House High Street Claverley - Approved 24/09/1987;
- BR/APP/FUL/04/0208 - Erection of twenty houses and alteration to access on Land Rear of The Plough Crown and The Kings Arms, Claverley - Withdrawn 07/05/2014;
- BR/APP/FUL/05/0171 - Erection of twenty houses, construction of access road and alteration to access on Land Rear of The Plough, The Crown and The Kings Arms, Claverley - Refused 24/05/2015;
- 16/05606/LBC - Conversion of Grade II listed former public house to 2 no dwellings, demolition of outbuilding and erection of 12 new dwellings with associated parking at the The Kings Arms Inn, Bull Ring, Claverley - Withdrawn 31/07/2017;
- 16/05605/FUL - Conversion of former public house to 2no dwellings; demolition of outbuildings and erection of 12 new dwellings with associated parking; formation of 40 car space parking area (for community use), The Kings Arms Inn, Bull Ring, Claverley – Withdrawn 31/07/2017;
- 18/05076/TCA - Fell 1no Sycamore (T35), a Holly (T32), an Ash (T33) and a Hawthorn (T34) within Claverley Conservation Area (Amended 07/12/2018) at the Kings Arms Inn, Bull Ring, Claverley - No Objection 14/12/2018;
- 17/03879/FUL - Conversion of former public house to two dwellings; formation of parking areas; following demolition of outbuildings (revised scheme) at the Kings Arms Inn Bull Ring Claverley - Approved 25/10/2017;
- 17/03880/LBC - Works to Listed Building to facilitate the conversion of former public house to two dwellings, with parking off existing access following demolition of outbuildings (revised scheme) at the Kings Arms Inn Bull Ring Claverley - Approved 25/10/2017

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Design and Access Statement Ecology Report Arboricultural Impact Assessment Heritage Impact Assessment
Cabinet Member (Portfolio Holder) Cllr R. Macey
Local Member Cllr Tina Woodward
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

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

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

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

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

Reason: The site is known to hold archaeological interest.

6. Prior to commencement of development a scheme shall be submitted to the written satisfaction of the LPA to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site. The scheme shall be based upon an Arboricultural Impact Assessment and include an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), prepared in accordance with and meeting the minimum tree protection requirements recommended in, British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations, or its current version. All pre-commencement tree works and tree protection measures detailed in the approved AMS and TPP shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

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

7. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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

8. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a landscaping tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

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. The approved landscaping tree planting scheme shall be implemented as specified and in full prior to occupation of the first dwelling. If within a period of three years from the

date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the LPA becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

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

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

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

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

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

Reason: To safeguard the architectural and historic interest and character of the Claverley Conservation area and the setting of the adjacent heritage assets.

12. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species; and
- A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), swifts (swift bricks or boxes) and/or house martins (house martin nesting cups).

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

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

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or

sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 *Bats and artificial lighting in the UK*. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

15. The development hereby permitted shall not be brought into use/occupied until the internal access road has been completed and the car parking for each dwelling completed before that dwelling is occupied, as shown on the approved Drawing No. KA/PL/400D Site Development Plan (Revised Scheme) Rev D dated 22nd January 2019.

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

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

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

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

17. The car parking spaces to be provided shall be kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure an appropriate level of parking is provided for the lifetime of the development.

INFORMATIVES

General

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

Highways

Mud on highway

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

No drainage to discharge to highway

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

Works on, within or abutting the public highway**This planning permission does not authorise the applicant to:**

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

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

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

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

Drainage

1. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

The development lies within a groundwater Source Protection Zone 3. Surface water run-off should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed for a 1 in 100 year + 35% for climate change.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area:

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

3. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new driveway run onto the highway.

Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where exceedance flows are likely to result in the flooding of property or contribute to flooding outside of the development site. For example, vulnerable areas may occur where a sag curve in the carriageway vertical alignment coincides with lower property threshold levels or where ground within the development slopes beyond the development boundary.

Shropshire Council's 'Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12' (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site.

4. Consent is required from the service provider to connect into the foul main sewer.

Bats and Trees

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

The required tree works should be undertaken as soon as possible. It is recommended that the trees are felled in short sections.

In event that the tree works have not commenced before the active season for bats (March-November), an update inspection will be required immediately before felling.

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

Nesting Birds

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

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

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

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

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

Wildlife Protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance

under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

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

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

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

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

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

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

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

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

Landscaping

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.