

Development Management Report

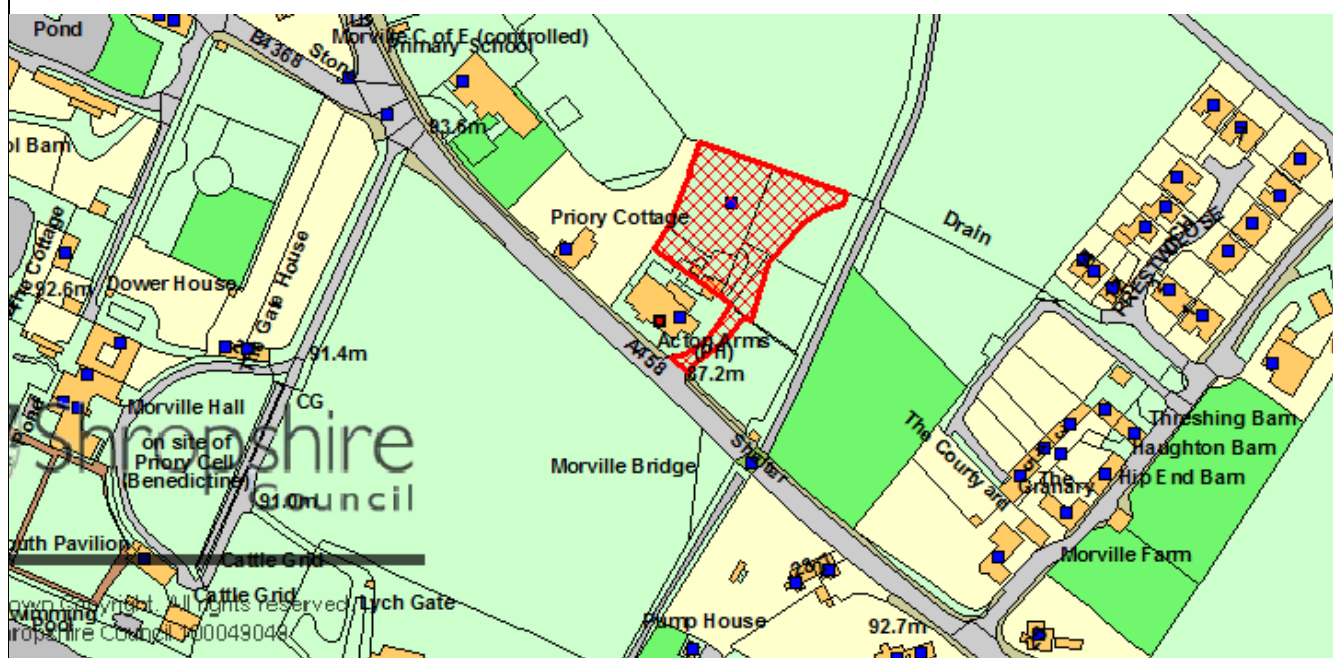
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 20/03647/OUT	<u>Parish:</u>	Morville
<u>Proposal:</u> Outline application for residential development of 3 no. detached dwellings to include access, layout and scale (Amended description 25.01.2021.)		
<u>Site Address:</u> Acton Arms Hotel Morville Bridgnorth Shropshire WV16 4RJ		
<u>Applicant:</u> James Collins		
<u>Case Officer:</u> Sara Jones	<u>email :</u> planning.southern@shropshire.gov.uk	

Grid Ref: 367050 - 294022



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Recommendation:- Refuse

1. Although it is recognised that the proposal would contribute to the social objective by adding to the supply of housing in the village, potentially increasing the likelihood of the PH re-opening and there would be some limited economic benefit through the construction process, this development would result in the number of commitments and completions further exceeding the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) the by an additional 3 dwellings which is significant, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

REPORT

1.0 THE PROPOSAL

- 1.1 Initially this application proposed the development of six dwellings on this site however during the course of the application the scheme has been amended to propose three dwellings. The application seeks approval for the scale of the development together with the access and layout. Details of the appearance and landscaping are reserved for future consideration.
- 1.2 The initial scheme has been amended to take into account new technical information regarding the potential for the site to flood. The revised layout shows that the development is no longer in Flood Zones 2 or 3. The scheme has also subsequently been amended to delete the plot initially proposed immediately to the rear of the Acton Arms PH.
- 1.3 In support of the application the applicant has made the following points:
- the scheme would provide a small development of high quality new housing within the area of an existing sustainable settlement with good local amenities and connections.
 - the scheme aims to create a new, small neighbourhood with a distinct sense of place that reinforces local character and contributes positively to the existing community.
 - the scheme would use the well-defined boundaries to 'contain' the development and existing hedgerows to soften the character of the scheme.
 - the scheme would retain existing site features that have natural amenity and ecological benefits, such as the mature trees.
 - the scheme utilises the existing access point of the A458.
 - the scheme proposes to use a shared surface drive to create an attractive environment with a more communal feel, not dominated by vehicles

- 1.4 The applicant points out that the Acton Arms PH has been closed for nearly 2 years and is the only pub in the village. As part of this proposal it is intended to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. This scheme will involve the creation of 3 letting rooms to enable the tenants of the pub to have an additional source of income which will help ensure long term viability of the business. Additionally money is proposed to be provided to ensure the rent can be set at a suitably reduced level in order to allow the new tenants to develop and grow the trade at the pub and that without the development of the land to the rear of the pub it is difficult to see how the long term future of the pub can be secured.
- 1.5 It is noted that full planning permission was previously granted on 10th April 2017 (application No. 15/00304/FUL) for the erection of 6 dwellings (4 detached houses and two semi-detached houses) on this site, subject to a Legal Agreement to ensure an affordable housing contribution of £10k subject to an overage clause and open book appraisal on completion. At that time it was considered that whilst the level of development went beyond that envisaged in the SAMDev Plan, in the light of the policy provisions as a whole, and considering the specific circumstances of the application proposal in relation to the criteria in MD3(2) i-v, and considering the balance between full and outline approvals at the time in the cluster the detailed proposal was acceptable in this location and represented sustainable development.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The application site extends to approximately 1970 square metres and, is located to the rear of the Acton Arms PH and the north of the A458. Adjacent to the PH is the existing car park and to the rear of the PH there is a pub garden, beyond which is an informal grassed area containing a number of trees. The northern boundary of the site is delineated by a post and wire fence and a hedgerow beyond which is a field. The eastern boundary has been drawn in during the course of the application to exclude part of the original application site and the amended scheme sees an irregular eastern site boundary. There are various trees beyond this boundary and a river course. The residential curtilage of Priory Cottage is located to the west of the site a grade II Listed building.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Local Member has requested the application is considered by the Planning Regulatory Committee in the event of an approval recommendation. While the recommendation is for refusal the Principal Officer, in consultation with The Chair and Vice Chair of the South Planning Committee, consider the material planning considerations in this case, including the site history, warrants this application being determined by Committee.

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4.0 **Community Representations**

- Consultee Comments

4.1 Morville Parish Council - (18.12.2020.)

Comment:- Whilst they wish to see the Acton Arms restored as a thriving village public-house they are concerned that it depends on a small housing development at the rear in order to finance it. They also note that there are no semi-detached or affordable homes included in the plan. Councillors however, are mindful of Morville Parish Council's designation in the SAMDev document– i.e. 'Countryside' - no market dwellings to be built in the parish and Councillors trust that the decision will be upheld.

4.2 SC Conservation - (30.11.2020.)

The proposed revised block plan/layout is noted where there are no principle objections with regards to the amended layout which would result in the development being tucked in further towards the rear of the Acton Arms Inn which should have a lesser impact especially when viewed from the principal frontage/highway.

4.3 As previously commented, an HIA should be submitted in accordance with paragraphs 189-190 of the NPPF, Historic England guidance GPA3 & HEAN12 and policy MD13 of SAMDev especially by Reserved Matters stage in order to inform the proposed layout and design of the proposal. The submitted Geophysical Survey is noted which should also inform the HIA both in terms of potential archaeology and setting.**4.4 SC Conservation - (6.10.2020.)** No objection subject to the submission of an HIA, where it is expected that the site may be subject to further archaeological investigation (subject to further advice from SC Archaeology).**4.5** The proposal follows on from previously approved scheme 15/00304/FUL that was granted, where it is noted that the existing public house has been vacant for two years. It is also noted that the proposed layout broadly accords with that previously approved where there are no principle objections in that regard, albeit the proposed density of the site shall be more than that of the existing locality. SC Conservation previously requested a Heritage Impact Assessment (HIA) in accordance with paragraphs 189-190 of the NPPF, Historic England guidance HEAN12 and policy MD13. The submitted Design and Access Statement references the listed cottage adjacent in terms of possible reference in the use of materials etc but there is no further information that acknowledges the relevant heritage assets and potential impact from a setting perspective and how the existing setting should inform the scheme overall. Also the HIA should mention how the proposal should aid the retention of the existing non-designated heritage asset and its long-term viability and continuing its historic use (where the use as a public house may be considered as a public benefit, along with any proposed affordable housing) and how this balances in terms of other concerns such as greater density as part of addressing the paragraph 196 balance. This must be provided especially at Reserved Matters stage as and when further information is provided in terms of the proposed elevations and use of facing materials etc. It is noted that SC Conservation previously accepted amended drawings on the proposed design, so it is expected

that the forthcoming Reserved Matters application would be consistent with what was previously approved as per the proposed layout.

4.6 **SC Archaeology** - Recommend condition.

The results of a geophysical survey (TigerGeo, April 2016, ACT161) of the proposed development site were submitted with a previous planning application for this site and identified a number of anomalies of potential archaeological interest, including a buried surface or debris that might be the remains of a former structure and possible associated ditches. These features have been interpreted as a possible outbuilding with associated drainage. The survey did not identify any anomalies that would indicate substantial wall footings that could be associated with priory buildings.

4.7 In the light of the above, and in relation to Paragraph 199 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. Phase 1 of this programme of archaeological work should comprise a field evaluation in the form of trial trenching of the proposed development site prior to construction commencing, with further archaeological mitigation thereafter if deemed necessary.

4.8 **SC Trees** (03.12.2020.)

I note that the number of units proposed in this amended application has been reduced to four, with the result that the site is smaller, allowing the retention of a number of trees in the vicinity of the stream to the east of the site that were previously due to be removed. I support this reduction in number of dwellings from an arboricultural perspective.

4.9 The main arboricultural impact of the amended development will be the loss of a mature ash tree from the centre of the site. However, as described in my previous consultation response (2nd October 2020), this ash tree is infected with a fungus which limits its safe remaining life expectancy. I therefore consider it reasonable to remove this tree to facilitate the development, subject to suitable new planting as part of an approved landscape scheme.

4.10 The conditions recommended in my previous consultation response remain valid for this amended scheme

4.11 **SC Trees** - (22.10.2020.)

Although this is an outline application, I note that access, layout and scale are included and as such this application is essentially the same as a recently expired full permission for a similar development on the site (ref: 15-00304-FUL).

4.12 The proposed development will result in the loss of a number of trees from the centre of the site, the most visually prominent of which are a multi-stemmed horse chestnut (T3), a mature ash (T23) and an early-mature lime (T12), as identified in the updated Tree Protection Method Statement (BJ Unwin Forestry Ltd, 11th October 2020). The horse chestnut is structurally compromised by an abundance of tight unions with

included bark on key primary and secondary stems. As the tree grows in size and weight, these unions will inevitably fail and I consider that this tree, although healthy and vigorous, has a limited remaining safe life expectancy. Removal of this tree will increase views further into the site, particularly of mature silver birch trees (T5 and 6), early mature lime (T10) and early-mature copper beech (T16) on the eastern boundary, all of which are due to be retained.

- 4.13 Ash tree T23 is a mature tree in a central position, but unfortunately it has a large cavity with Inonotus decay at the break of crown on the main stem. At the time of my site visit this tree was exhibiting signs of dieback across all those parts of the canopy arising from the affected primary branch. Inonotus is an aggressive pathogen which causes progressive canopy dieback and branch or stem failure. As with horse chestnut T3, I consider this ash tree to have a limited safe remaining life expectancy.
- 4.14 I consider other trees to be removed to have lesser arboricultural or amenity value and I would not object to their removal, irrespective of any development. Therefore, I have no objection on arboricultural grounds to the current application, subject to suitable precautions being taken to prevent damage to retained trees and hedges during any approved development and a high quality landscaping scheme, including tree planting as appropriate to compensate for the loss of existing trees and to enhance the development for the future.
- 4.15 Should permission for this outline application be granted, I would recommend attaching the following conditions, to be dealt with as reserved matters:
- The plans and particulars submitted in support of a reserved matters application shall include to the written satisfaction of the LPA an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction Recommendations. Thereafter the development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.
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.
 - The plans and particulars submitted in support of a reserved matters application shall include to the written satisfaction of the LPA a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:
 - a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
 - b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The development shall subsequently be undertaken in accordance with the approved tree planting scheme.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance

of the development and its integration into the surrounding area.

4.16 SC Drainage - (02.12.2020)

1. The revised layout shows that the development is no longer in Flood Zones 2 or 3.

2. The Flood Risk Assessment is acceptable. The future drainage design must take into consideration our comments and informatives dated 8th October 2020.

4.17 SC Drainage - (08.10.2020)

1. As the development site is in Flood Zone 3, a Flood Risk Assessment (FRA) should be produced where the developer should:

Complete a FRA using Shropshire Councils Strategic Flood Risk Assessment (SFRA) documents for guidance. The SFRAs are available on the Shropshire Council website. The criteria for a FRA are set out in National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework. Reference should also be made to the Environment Agency West Area (Midlands) Flood Risk Assessment Guidance notes.

A FRA should include, as a minimum:

Assessment of the Fluvial flooding (from watercourses)

Surface water flooding (from overland flows originating from both inside and outside the development site)

Groundwater flooding

Flooding from artificial drainage systems (from a public sewerage system, for example)

Flooding due to infrastructure failure (from a blocked culvert, for example)

Flood compensation storage, finished floor levels and evacuation plan should be detailed.

Proposed surface water drainage strategy

2. 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% AEP storm event plus 35% climate change.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

A trial hole should be dug to ensure that there is a minimum distance of 1 m from the base of the soakaway to the seasonally high groundwater table.

Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

If soakaways are not feasible, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 100% AEP rainfall event and the 1% AEP rainfall event must not exceed the peak greenfield runoff rate for the same event.

The runoff volume from the development to any highway drain, sewer or surface water body in the 1% AEP, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

3. 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

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

4. Shropshire Councils Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12 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 within the development site or contribute to surface water flooding of any area outside of the development site.

A flood routing plan should be provided to show the exceedance flow path above the 1% AEP storm event plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

5. If non permeable surfacing is used on the new access, driveway and parking area or the new access/ driveway slope towards the highway, the applicant should submit for approval a surface water drainage system to intercept water prior to flowing on to the public highway.

6. The site is identified as being at risk of groundwater flooding. The applicant should

provide details of how groundwater will be managed. The seasonal high water table level should be determined if the use of infiltration techniques are being proposed.

7. The application states that the foul drainage will be connected to the mains system. Connection agreement with the water company should be submitted for confirmation.

4.18 SC Affordable Housing - (21.10.2020.)

The development would need to contribute to the provision of affordable housing for it to be policy compliant. Viability evidence in respect to the previous planning permission is now considered to be outdated. If viability issues remain with regard to the current proposal; whereby the ability of the scheme to contribute to affordable housing is challenged, then an up to date viability appraisal will be required. Any submitted viability assessment will need to be subject to an independent appraisal on behalf of the Council, at the applicants expense.

4.19 SC Ecology - (04.01.2021.) I have read the above application and the following supporting document - The Preliminary Ecological Appraisal by Abor Vitae (2020). Recommend conditions and informatives.

4.20 SC Ecology - (01.10.2020.)

A planning application on this site must be accompanied by an Ecological Impact Assessment of the land in and surrounding the proposed development and a discussion of any potential impacts resulting from the development.

4.21 An Ecological Impact Assessment should consist of:
An Extended Phase 1 habitat survey, habitat map and target notes on any significant biodiversity or geological features.
A desk study of historical species records and local, regional or national wildlife designated sites.
Supplementary detailed surveys (phase 2 habitat surveys, protected or priority species or geological features as appropriate to the site).
Evaluation of the importance of biodiversity or geological features present at a local, regional, national, international level.
Analysis of the direct and indirect impacts of the development (during construction, working area, additional infrastructure and post construction).
Proposed avoidance, mitigation or compensation measures, including method statements where appropriate.
Legal implications such as the need for European Protected Species Mitigation Licences or other licences (e.g. badgers).
Proposed biodiversity or geodiversity enhancement measures.

4.22 The Ecological Impact Assessment should be carried out by a suitably qualified and experienced ecologist with the relevant protected species licenses. The Ecological Impact Assessment should be submitted to the Local Planning Authority prior to a planning decision being made.

4.23 SC Highways - (06.11.2020.)

No objection, recommend conditions and informatives :-

1) Visibility Splays

Before the development is brought into use, visibility splays of a depth of 2.4 metres and a length of 43 metres from the centre point of the junction of the access road with the public highway shall be provided and thereafter be kept clear of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

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

2) Parking, loading, unloading and turning

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

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

3) Drainage Scheme (Informative)

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

4) Works on, within or abutting the public highway (Informative)

This planning permission does not authorise the applicant to:

- carry out any works within the publicly maintained highway, or
- construct any means of access over the publicly maintained highway (footway or verge) 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.

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.

4.24 - Public Comments

Advertised – 29.09.2020 & 17.11.2020. Site notice displayed 31.10.2020.
Six letters sent 30.09.2020 & eight letters sent 13.11.2020.

One representation received which may be summarised as follows: -

The National Trust notes that this application is an outline version of a detailed proposal approved in 2017 and now expired. The previous proposals were the subject of negotiation involving Historic England and the council's conservation officer because of the sites location within the conservation area and the potential for development to affect the setting of the grade I listed St Gregory's Church.

The church is closely associated with Morville Hall, a grade I listed Elizabethan House remodelled in the 18th century. Morville Hall and 50 hectares of associated land including the land surrounding the church and opposite the Acton Arms was given to the National Trust by Miss A P Bythell in 1965. The National Trust considers that any development on this site needs to be of the highest quality, appropriate to the character and appearance of the conservation area and the setting of the church and Hall.

5.0 THE MAIN ISSUES

Principle of development
Historic Environment
Highways Ecology Drainage
Residential Amenity

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

6.1.2 A key objective of both national and local planning policies is to concentrate new residential development in 'sustainable' locations which are easily accessible and which offer a range of services and community facilities.

6.1.3 Policy CS1 of the Shropshire Council Core Strategy (CS) 2011 sets a target of delivering a minimum of 27,500 dwellings over the plan period of 2006-2026 with 35% of these being within the rural area, provided through a sustainable "rural rebalance" approach. Development in rural areas will be predominantly in Community Hubs and Community Clusters.

6.1.4 Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in

Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.

- 6.1.5 Core Strategy policy CS5 and also SAMDev policy MD7a strictly controls development in the countryside whilst providing a number of exceptions for new dwellings.
- 6.1.6 Under the current adopted SAMDev Plan the settlement of Morville forms part of a Community Cluster with Acton Round, Aston Eyre, Monkhopon, and Upton Cressett as set out in SAMDev Schedule MD1.1: Settlement Policy Framework. The specific policy requirements for development in the Community Cluster are set out in Policy S3.2 (iii). The delivery of housing development in general is set out in Policy MD3.
- 6.1.7 The policy S3.2 (iii) states that the settlements of Acton Round, Aston Eyre, Monkhopon, Morville and Upton Cressett are a Community Cluster in Morville Parish where development by infilling, conversions and small groups of dwellings may be acceptable on suitable sites, with a housing guideline of around 15 additional dwellings over the period to 2026. New housing will be delivered through appropriate small scale infill and windfall development within or immediately adjoining these villages.
- 6.1.8 The housing guideline for the Community Cluster is for around 15 new dwellings (from 2011) up to 2026. As of 31 March 2019 there were 16 completions (since 2011) and 18 dwellings with outstanding planning permission (Five Year Land Supply Statement – Published March 2020). The supporting text refers to the housing numbers as guidelines and having regard, amongst other things, to the aspirations of those communities as well as matters such as past rates of development and site suitability.
- 6.1.9 With respect to these figures it is noted that the previous consent (now expired) for 6 dwellings at this site (15/00304/FUL) was included in the 18 dwellings with outstanding planning permission. Taking this into account there are 12 dwellings with outstanding planning permission. Although it is recognised that the settlement policy guidelines are not maximum figures (encapsulated by the inclusion of ‘around’ in the Policy wording) the proposal would clearly take the level of completed and committed development beyond the guideline figure.

6.1.10

Date	Permission No. /Type	No. dwellings	Location
27.08.2015	14/02894/OUT	14	Haughton Lane, Morville.
15.12.2015	14/02921/OUT	Up to 9	Manor Farm, Monkhopon.

10.04.2017	15/00304/FUL	6	Acton Arms, Morville. - now expired.
25.05.2017	17/00827/REM	14	Haughton Lane, Morville. - development now completed.
18.03.2019	18/05511/REM	9	Manor Farm, Monkhoppton.

The remaining consents included in the figure refer to dwellings created as a consequence of the conversion of existing buildings.

- 6.1.11 Policy MD3(2) is clear that the settlement housing guideline is a significant policy consideration. MD3(2) recognises that where proposals within settlements would take the overall level of development (committed and completed) above the guideline the policy tests set out under Policy MD3(2) i-v are the relevant considerations in conjunction with the principles established in MD3(1). In this case, the site is considered to be within the settlement of Morville (negating the need for consideration of MD3(3)).
- 6.1.12 The policy tests set out under Policy MD3(2) i-v are that regard will be had to the following:
- i. The increase in number of dwellings relative to the guideline; and
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. The benefits arising from the development; and
 - iv. The impacts of the development, including the cumulative impacts of a number of developments in a settlement; and
 - v. The presumption in favour of sustainable development.
- 6.1.13 Given the fact that Morville is, at the time of writing this report identified as part of a Community Cluster, it is accepted that Morville is a sustainable settlement. Although there is no hierarchy of settlements within the Cluster, where proposals trigger an assessment under MD3(2) due to the guideline being exceeded, these wider considerations form part of the assessment of the suitability of the proposal against the policy provisions. It is recognised that Morville is the largest settlement within the Cluster and one which offers opportunity for sustainable development due to its central location on the A458 and the facilities therein (school, village hall and PH, albeit currently closed).
- 6.1.14 The ability of the settlement to accommodate the proposed development is central to consideration of whether the development represents sustainable development. However, it is also considered relevant to look at the wider impacts (both positive and negative) of the proposal as part of the overall planning balance. On this note it

is accepted the site is well confined within the existing curtilage of the Public House and does not encroach into the wider countryside beyond. Furthermore, Officers are unaware of any local infrastructure issues resulting from this modest level of development and consider that the development may facilitate enhancement of some local services and facilities in line with the objectives of Core Strategy policy CS4. Indeed, as noted above the applicant has stated that he intends to use the residential development proposed to finance the refurbishment of the Acton Arms PH with a view to it reopening.

- 6.1.15 It is noted that the previously approved full planning permission for development on this site has now expired, and significantly the development of 14 dwellings in Haughton Lane (which was only approved in outline when the expired permission was approved) has now been delivered. Additionally, the Reserved Matters for the Outline planning permission for a further 9 dwellings in Monkhopton has also been approved and at the time of writing this report remains capable of implementation. This is it considered significantly changes the planning balance in this case.
- 6.1.16 Paragraph 3.21 of the SAMDev supporting Policy MD3 confirms that the guideline figures reflect detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. Moreover, while not a maximum figure, going beyond it by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill towards breaking point. As part of the on-going partial Local Plan Review The Parish Council has requested that the Community Cluster of which Morville forms part, is deleted returning the settlement to countryside for planning policy purposes. This request, has been accepted by the Council and forms part of the amended plan which is currently out to consultation. It is noted however that the NPPF states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. Whilst reference has been made to a Local Plan review it is at an early stage, consequently, it carries little weight in the determination of this application. It does however signal the communities reluctance to accept any additional dwellings and a breaking point of their "goodwill".
- 6.1.17 If approved this development would result in the number of commitments and completions further exceeding the housing guidelines by an additional 3 dwellings which in the light of the existing number of dwellings completed and commitments made (28 dwellings) this exceedance would be significant. The over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities.
- 6.1.18 It is acknowledged that the proposal would contribute to the housing stock in the area and the NPPF seeks to significantly boost the supply of housing. There may also be benefits associated with spending and on job creation during the construction period and from future occupants of the dwellings with regards to the local facilities and services.

6.1.19 Indeed the applicant has stated that he intends to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. Furthermore that he would reduce the rent to enable the tenant an opportunity to grow the business. The applicant has however been unable to put forwards a mechanism which would ensure that linkage and accordingly very limited weight can be attached to that potential benefit in the overall planning balance.

6.1.20 On balance it is considered that the proposal would not be a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

6.2 **Historic Environment**

6.2.1 As with the previously approved detailed scheme, the current outline scheme includes the construction of a new vehicular access off the A458 positioned close to the existing car park access. This access would provide access to the proposed re-planned public house and the new dwellings. The access road would lead to a turning head around which the proposed dwellings would be positioned.

6.2.2 The National Planning Policy Framework (NPPF) Paragraph 189 "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

6.2.3 It is noted that a thorough HIA was submitted at the time of the previous full detailed application where it was established that the development proposal is located close to Morville Hall Garden (HER PRN 07538), the Grade I Listed Morville Hall (National Ref: 254759), the Grade I listed Church of St Gregory (National Ref: 254758) and the Medieval cross in St Gregory's Churchyard which is a scheduled monument (National Ref: 1015292). The site of Morville Priory, a college of secular priests of late Saxon to medieval date (HER PRN 00603) is now thought to lie between Morville Hall and the Acton Arms with the possibility of collegiate buildings being located north of the A458 which itself is possibly located along the line of a former Roman road (HER PRN 04076). Remains from the deserted medieval village of Membrefeld may also be located in this area. Evidence for prehistoric occupation in the immediate area has been collected from various dispersed find spots.

6.2.4 The previously submitted Heritage Assessment identified the potential for priory buildings on the site of the proposed development. If present, any such remains could potentially be of demonstrable equivalent significance to designated heritage

assets (Para 139, NPPF). In view of the above, a geophysical survey of the development site was undertaken and the results submitted to the Local Planning Authority. This identified a number of anomalies of potential archaeological interest, including a buried surface or debris that might be the remains of a former structure and possible associated ditches. These features have been interpreted as a possible outbuilding with associated drainage. The survey however did not identify any anomalies that would indicate substantial wall footings that could be associated with priory buildings. In view of the above, and in accordance with the National Planning Policy Framework (NPPF) Section 141 (which states that local planning authorities should make information about the significance of the historic environment gathered as part of development management publicly accessible), SC Archaeology Team recommends that a programme of archaeological work be made a condition of any planning permission. This would comprise a field evaluation in the form of a targeted trial trenching exercise, followed by further mitigation as appropriate.

- 6.2.5 The applicant for this current application seeks to rely largely on the outcome of the HIA submitted with the previous application which concluded that the application would have a minor effect upon listed buildings which following the implementation of planting mitigation measures would be neutral and that the development would have a minor effect on the Conservation Area. However a proportionate HIA has been submitted during the course of this application.
- 6.2.6 With regards to this it is noted that the SC Conservation Officer is content that the amended layout would result in the development being tucked in further towards the rear of the Acton Arms PH and considers that the scheme should have a lesser impact than that previously approved, especially when viewed from the principal frontage/highway.
- 6.2.7 Furthermore there are a number of trees on the site/close to the site and the retention of trees within the site is considered key to ensuring the development sits well within its context and would help to minimise the impact upon the Conservation Area. With respect to this it is noted that the amended scheme has allowed the retention of a number of trees in the vicinity of the stream to the east of the site that were previously due to be removed. Further consideration is given to the impact of the development on the existing trees is given below.
- 6.2.8 Whilst it is accepted that the appearance of the development would be reserved for future consideration, it is considered that the layout is acceptable and dwellings could be designed as evidenced by the previous approval to ensure that the development would preserve or enhance the character of the conservation area and preserve the setting of listed buildings, namely the Grade II listed 29 & 30 Morville and the wider setting of the Grade I listed Church of St Gregory and scheduled medieval cross. Therefore it is considered that the amended proposals would be acceptable in terms of policies CS6 and CS17 of the Shropshire Core Strategy and to accord with sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.3 Trees

- 6.3.1 Policy MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets.
- 6.3.2 The SC Tree Officer identifies that the main arboricultural impact of the amended development would be the loss of a mature ash tree from the centre of the site. However, this ash tree is infected with a fungus which limits its safe remaining life expectancy and it is therefore considered reasonable to remove this tree to facilitate the development, subject to suitable new planting as part of an approved landscape scheme. Accordingly the SC Tree Officer recommends appropriate conditions to require further details to be submitted at the time of the submission of the Reserved Matters application to safeguard the amenities of the local area and to protect the natural features that contribute towards this and to ensure that satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.
- 6.4 **Highways**
- 6.4.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.
- 6.4.2 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 108 – 109 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.4.3 Vehicular access to the site is proposed to be provided from the redesigned access on the A458. Visibility splays of 2.4 x 43m were shown to be achieved in the previously approved scheme which conforms with the required stopping sight distance for vehicles travelling at 30mph.
- 6.4.4 It is noted that at the time of the previous application SC Highways confirmed that the access onto the A458 is well established with good sightlines in both directions. Furthermore they noted that the inclusion of an informal crossing point from the car park area to the pub would assist patrons and residents alike. The provision of such a crossing point has not been included in this outline application but could be made a condition should outline planning permission be granted.
- 6.4.5 It was established previously that the existing car park which serves the Acton Arms PH can accommodate some 37 cars. The scheme, as previously indicates no loss of pub car parking spaces. It was also established that service vehicles could enter and exit the site in forward gear utilising the vehicular entrance and manoeuvring using

the internal road network. With respect to the service/delivery vehicles for the Public House this situation would be no more onerous than the existing situation which involves the use of the existing public house car park.

- 6.4.6 The SC Highways Team has been consulted on the current proposal where they raise no objection subject to appropriate conditions to ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

6.5 **Drainage**

- 6.5.1 The Mor Brook lies some 220 metres to the south west of the site with one of its tributaries running to the south east of the site. A FRA has informed the revised scheme submitted in connection within this application. The whole of the amended application site now lies within Flood Zone 1 which has a low risk of flooding and outside any identified Critical Drainage Area. It is also noted that there is good opportunity within this site to implement SuDS mitigations measures such as permeable paving, rainwater harvesting and soakaways. As such it is considered that the site can be developed without risk of flooding for the occupants or increasing the risk of flooding elsewhere.

- 6.5.2 The submitted FRA recommends that as the development will increase the site impermeable area and, as such, it may have an adverse impact on surface water run-off rates, appropriate mitigation measures are proposed which could be conditioned, together with an appropriate Sustainable Drainage Scheme.

- 6.5.2 The SC Drainage Team has been consulted on this aspect of the proposals and raises no objection and recommends conditions and informatives.

6.6 **Residential Amenity**

- 6.6.1 Policy CS6 seeks to ensure that residential amenity is protected. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development 'creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. Furthermore the Councils Supplementary Planning Document – Type and Affordability of Housing, makes it clear that in assessing planning applications for residential developments the Council will take account of the internal and external space provided, with a view to ensuring reasonable living space requirements for the occupants, as well as protecting the living conditions of neighbours who might be affected. Developments that provide unacceptably cramped accommodation will be resisted.

- 6.6.2 Whilst the application is in Outline form with details of the appearance of the dwellings reserved, details of the layout and the scale of the development have been submitted for consideration. With respect to this Officers raised concerns about the juxtaposition of the proposed dwelling immediately to the north of the curtilage area retained for the Acton Arms PH. This plot would be significantly closer to the PH and its garden area than the dwelling houses approved previously. Whilst it is noted that

there is an existing dwelling to the west of the PH this property occupies a significantly larger plot than proposed in this scheme.

- 6.6.3 The potential for noise and disturbance emanating from the existing PH is still considered significant with respect to this proposed plot, from the general disturbance from staff undertaking their duties. Additionally the NPPF states at para.182 that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as public houses) and that existing businesses/facilities should not have unreasonable restrictions placed on them as a result of the development permitted after they were established.
- 6.6.4 In response to the officers concerns the applicant has amended the scheme further to delete this plot and has stated that there would be no 'beer' garden to the rear of the PH and that this is a private space and the back entrance to the kitchen. The PH beer garden would be located as currently where the beer garden and old children 's play area is, to the north of the PH car park.
- 6.6.5 The nearest existing dwelling is Priory Cottage the garden of which adjoins the northwest boundary of the site and the Acton Arms PH. In respect of this it is noted that the development would be set towards the northern boundary of the site and to the northeast of Priory Cottage and that the proposed dwellings would be largely side onto the residential curtilage of the Priory Cottage. It is considered however that, whilst the proposed development would be visible from Priory Cottage, given the distance separation and the size of the residential curtilage of Priory Cottage the proposed dwellings could be designed so as not unduly harm the existing amenities enjoyed by the occupiers of this property.
- 6.7 **Affordable Housing/Developer Contributions**
- 6.7.1 The scheme will be liable for CIL. Turning to the issue of Affordable Housing. The site lies in a Designated Protected Area where the affordable housing threshold is applied to developments comprising 5 dwellings or fewer. As the number of dwellings has been reduced to 4 no affordable housing contribution would be required.

7.0 **CONCLUSION**

- 7.1 Although it is recognised that the proposal would contribute to the social objective by adding to the supply of housing in the village, potentially increasing the likelihood of the PH re-opening and there would be some limited economic benefit through the construction process, this development would result in the number of commitments and completions further exceeding the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) the by an additional 3 dwellings which is significant, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and

Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Core Strategy and SAMDev Policies:
CS4 - Community Hubs and Community Clusters
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S3 - Bridgnorth

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

RELEVANT PLANNING HISTORY:

PREAPP/14/00307 Proposed development of 6 new detached dwellings PREAMD 1st July 2014
15/00304/FUL Erection of four detached houses and two semi-detached houses, access, parking and landscaping GRANT 10th April 2017
BR/APP/FUL/07/0967 ERECTION OF EXTERNAL DRINKING SHELTER REFUSE 10th January 2008
BR/APP/FUL/01/0907 Retention of floodlights on the front elevation GRANT 6th February 2002

BR/APP/FUL/07/0398 ERECTION OF A SHELTER TO PROVIDE EXTERNAL DRINKING/DINING AREA AT THE FRONT AND REPLACEMENT ENTRANCE LOBBY AT THE SIDE REFUSE 5th July 2007

BR/97/0117 ERECTION OF SINGLE STOREY REAR EXTENSION GRANT 1st April 1997

BR/96/0558 ERECTION OF A SINGLE STOREY REAR EXTENSION AND CONSTRUCTION OF PITCHED ROOF OVER EXISTING FLAT ROOF EXTENSION GRANT 10th October 1996

BR/85/0090 Retention of former paddock as beer garden, including barbecue, climbing frame, slide, swings and 8 four metre high lighting poles GRANT 2nd July 1985

Appeal

BR/APP/FUL/01/0907 Development Appeal W 22nd November 2002

11. Additional Information

View details online:

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

List of Background Papers:

Design and Access Statement

Heritage Impact Assessment

Geophysical Survey Report

Flood Risk Assessment

Ecology Report

Tree Survey

Tree Protection Method Statement

Affordable Housing & Transport Statement

Cabinet Member (Portfolio Holder)

Councillor Gwilym Butler

Local Member

Cllr Robert Tindall

Informatives

1. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 38, the proposed development is contrary to adopted policies as set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy policies:

CS4 Community Hubs and Community Clusters

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS17 Environmental Networks

CS18 Sustainable Water Management

SAMDev policies:

MD2 Sustainable Design

MD3 Delivery of Housing Development

MD7a Managing Housing Development in the Countryside

MD12 Natural Environment

MD13 Historic Environment

S3.2 (iii) Acton Round, Aston Eyre, Monkhopton, Morville and Upton Cressett Community Cluster

Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.