

Development Management Report

Application Number: 13/01633/OUT	Parish:	Craven Arms
Proposal: Outline application for residential development (14 houses) to include access (revised proposal)		
Site Address: Land off Corvedale Road, Craven Arms, Shropshire, SY7 9BT		
Applicant: Norton Estates		
Case Officer: Grahame French	email: planningdmsw@shropshire.gov.uk	



Recommendation: Grant Permission subject to the conditions and informatives set out in Appendix 1, and subject to a Section 106 legal agreement to secure the payment of an affordable housing financial contribution, in accordance with the Council's affordable housing policy.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is to develop 1.03 hectares of land south of Halford Meadow off Corvedale Road for residential purposes with direct access from the B4368 (reduced from 1.9 ha stated in the application as originally submitted)
- 1.2 The application is in outline, with all matters of detail reserved for subsequent approval. Notwithstanding this, the applicant has provided an indicative layout plan and details of the likely housing types. This indicates 10 larger detached (3-4 bedroom) type houses within fronting an internal access road with 2 smaller semi-detached properties to the immediate west of the proposed access point. All would have good sized gardens, garages and sufficient parking for 2 cars within the curtilage. The new dwellings would be intended for 'open market' sale and occupation. All existing structures within the site would be removed. Foul drainage would go to the existing mains sewer in the road.
- 1.3 The applicant states that the plots are proposed to satisfy an identified need for larger homes in the community and that the housing density would respect surrounding development character and patterns. An indicative cross-section denotes 1½ height housing to prevent any overlooking of existing properties to the north of the public highway which are in a slightly elevated position relative to the site.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site (area 1.2ha) comprises a roughly rectangular area (170m E-W x 61m N-S) forming part of two existing large fields (pasture to the south/west and arable to the east). It is located some 170m east of the existing built edge of Craven Arms, from which it is separated by the River Onny. The northern boundary is defined by the Corvedae Road, from which access would be obtained.
- 2.2 The eastern half of the site is located within the Shropshire Hills AONB. The site is bisected from north to south by 3 public rights of way, which the development would be designed to accommodate. The three nearest properties are located to the immediate north of the Corvedaye Road and form part of the small settlement of Halford Meadow (7 properties).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The request of Craven Arms Town Council for the application to be referred to the committee has been ratified by the Chairman of the Planning Committee and the Development Manager in accordance with the Council's adopted Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

- 4.1.1i Craven Arms Town Council – Objection (17/04/14). Craven Arms Town Council have considered the revised application with the proposed reduction of houses and wish to restate and reinforce its object to development on this site. The area of proposed development is on a Greenfield site viewed by the general public as an important historic/leisure area which should be protected. The proposed development is not seen as an enhancement to the gateway of Craven Arms but as an extension of Halford impacting on the rural nature of that countryside area which should be retained.
- ii. The Town Council has considered the revised application with the proposed reduction of houses and wish to restate and reinforce its object to development on this site. The area of proposed development is on a Greenfield site viewed by the general public as an important historic/leisure area which should be protected. The proposed development is not seen as an enhancement to the gateway of Craven Arms but as an extension of Halford impacting on the rural nature of that countryside area which should be retained.
- 4.1.2 S C Planning Policy: The proposed changes to the proposals have not altered this services general view. As a result I have no objection in principal to this application. However, since our last comment on 8th May 2013 this service has altered its stance in relation to electric vehicle charging points.
(An appropriate informative note has been included in Appendix 1).
- 4.1.3i. SC Rights Of Way: No objection. The footpaths previously mentioned have been accommodated satisfactorily within the site layout. (informative notes have been recommended and are included in Appendix 1).
- ii. Rights of Way (14/05/13). The site is crossed by Footpaths 23 and 24 Craven Arms. Footpath 23 appears to have been retained on the illustrative plan but the route of FP 24 crosses several of the proposed gardens and is affected by the proposal. The developers should consult this office before full planning permission is applied for as a legal order would have to be made to change the route of the path, unless it can be accommodated in further plans.
- 4.1.4i. SC Archaeology (Historic Environment): The proposed development site lies to the east of Craven Arms and the River Onney close to the current crossing point of the river at Clunsford Bridge. Shropshire Council's Historic Environment Record contains entries for heritage assets within or close to the proposed development site, including Trackway circa 75m south of Bishop's House (HER PRN 02018) described as two roughly parallel linear features, running for 300m, about 40m apart. A Ring ditch 180m south of Bishop's House (HER PRN 04187) and Greensforge (Staffs) to Central Wales Roman Road (HER PRN 04076) which is thought to follow the B4368 Corvedale road before veering north-west at Bishop's House. Earthwork remains of ridge and furrow 320m south-east of Church Farm (HER PRN 21763) are located on the northern side of the B4368. The proposed development site is overlooked by the scheduled monument of Norton Camp: a

large multivallate hillfort (National Ref: 1021073) though this is masked by substantial forestry planting. Supporting documentation accompanying this amended application includes a Heritage Impact Assessment (Castlring Archaeology Report No. 421) requested by Shropshire Council's Historic Environment Team as an initial pre-determination recommendation for the proposed development. In respect of the current amended proposal this document and its conclusions remain relevant. The amended proposal boundary has been reduced in size to avoid most of the recorded archaeological surface remains but it encompasses part of a holloway running towards Whettleton deserted settlement and is immediately adjacent to the northern component of a dual linear cropmark and partial earthwork feature. The archaeological report recommends further evaluation of the site, including trial trenching, metric landscape survey and systematic field walking, to better understand the potential for sub-surface remains and to contextualise the application site within the surrounding landscape. I concur with these findings and note that the amended proposal, although avoiding most of the known archaeology, has the potential to impact upon discreet stratigraphic relationships and any unknown sub-surface remains.

- ii. In view of the above and in accordance with NPPF Section 128 I would recommend that targeted evaluation trenching of the site should be undertaken in conjunction with a systematic walkover survey of the arable field to the east prior to determination of the application. This would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. The trial trenching and walkover survey may conclude that further evaluation may be necessary to assess the extent, survival and significance of any archaeological remains. Depending on the nature of any additional mitigation it may be possible to undertake this in conjunction with the metric archaeological survey of the upstanding remains under planning condition before work commences on site. The Historic Environment Team would be able to provide the applicant with further guidance on how to proceed with carrying out the pre-determination archaeological evaluation.
- iii. Following officer discussion it has been confirmed that the additional archaeological work requested is capable of being progressed by means of a pre-commencement condition attached to any outline planning consent. An appropriate condition has been recommended in Appendix 1.

4.1.5 SC Affordable Housing: - No objection. Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.

4.1.4 SC Highways DC: - No objection in principle to development and revised access point. Pedestrian and cycle links between the site and local amenities are restricted and therefore details of proposed layout should include pedestrian access at the

western end of the site, where the Right of Way meets Corverdale Road, but presumably Rights of Way will have an interest in protecting this link anyway.

4.1.4 SC Public Protection: - No objection.

4.1.5 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).

4.1.6i SC Ecology: – Objection: Additional information is required relating to bats. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010). As reported in Star Ecology's Ecological Assessment (April 2013) there are trees on site which have the potential to be used by roosting bats. This includes 6 trees within the east and west boundaries of the building and yard complex and the 2 mature Alder trees at the immediate southwest of the site. No arboricultural assessment that shows that these trees are appropriate or fit for long-term retention next to a domestic development has been provided. From the current site layout plan it is evident that houses will be close to the retained trees and existing hedgerow. This application site meets the trigger point for requiring further bat survey work, since it involves development close to, or felling or lopping of mature trees, or removal of hedgerows. Trees should be assessed in line with The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* by a licensed bat ecologist and if deemed necessary activity surveys should be undertaken. The bat survey should be as follows:

1. Trees to be removed should be assessed for potential bat roost habitat as described in The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2nd Edition 2012).
 2. Transect surveys should be carried out in line with the Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2nd Edition 2012) particularly focussing effort on any hedgerows to be lost.
- ii. All bat surveys should be carried out by an experienced, licensed ecologist and in accordance with The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2nd Edition 2012). Mitigation should be designed in line with the Natural England Bat Mitigation Guidelines. During the bat survey the ecologist should also record any signs of nesting birds and roosting or nesting barn owls. Any deviation from the methods, level or timing of surveys set out in the Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2nd Edition 2012) should be accompanied by a reasoned evidence statement from the licensed ecologist carrying out the survey, clarifying how the sub-optimal survey is ecologically valid.
- iii. Great Crested Newts - There are two inter-linked ponds in the development site. At the time of survey the ponds were linked and assessed as one pond. The Habitat Suitability Index for the site came back as 0.26. The pond has poor potential for supporting breeding Great Crested Newts. The following informatives should be on the decision notice:

- iv. Nesting Birds - The site has the potential for nesting birds. A condition and informative are recommended.
 - v. Streams - This site is bordered by a stream. This valuable ecological and environmental network feature must be protected in the site design and should have an appropriate buffer, of at least 20m, separating the feature from the proposed development.
 - vi. Landscaping Plan - The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved.
- 4.1.7i. SC Trees: - Objection. The Town & Country planning Act places a statutory duty on Local Authorities to treat trees on or adjacent to planning applications as a material consideration, the National Planning Policy Framework and Shropshire Local Development Framework Core Strategy amongst other considerations set out the aspiration that sustainable development should seek to protect, restore, conserve and enhancing the natural environment. It has been clearly stated in the Design Access and Planning statement that the existing natural environment features at the site are prominent and would be essential to the sustainable integration of this scheme into the local landscape (See sections 4.21, 4.37, 5.6, 5.7, 5.8, 5.9, 5.13, 6.1, 6.2, & 8.3). It is therefore imperative that if this outline application is approved the reserved matters establish that the applicant / developer produce a final site design and landscape proposal that is meaningful and ensures that existing natural features' are not compromised and that the sustainable retention of landscape and amenity assets is ensured.
- ii. Arboriculture: The outline application plans and particulars state that the existing group of trees opposite the Halford junction will be retained (See Design statement 4.37, 6.2 & 8.3) and that the boundaries of the site will be enhanced by additional planting, but there is no arboricultural assessment that shows that the trees are appropriate or fit for long-term retention next to a domestic development. Section 8.3 of the design statement and 4.4.3 of the ecological assessment identify the group of trees opposite the Halford junction and the group of alders in the sites south west corner as potential bat roosts. Despite comment on the previous site layout (ref.1509/02) this revised outline application offers no indication that an arboricultural constraints plan has been incorporated into the design process. Whilst it might be possible to comment favourably on the general principle of development on this land, from an arboricultural perspective in the absence of any arboricultural detail it would not be possible to agree or approve the site layout as shown on plan 1509-03-Rev.A. The points set out in section 2.1 to 2.2 add to a contradiction in the plans a particulars in that the repeated statement that the group of trees opposite the Halford junction will be retained and that the sites ecological sustainability will not be compromised clashes with the layout as suggested in plan 1509-03-Rev.A, in that the third house on the right has been positioned within the group of trees and the forth in close proximity to the west of the group. This group of trees contains several very large mature ash trees that have considerable bearing on the sites development and potential to impact negatively on future resident's enjoyment of their properties. Section 5.3 of the Design and access Statement t states that "*The general design principles relating to the site shape and*

positioning of the site in relation to the visual aspect of the development are a material consideration and will be covered in this statement.” The Tree services interpretation of which is that the Proposed Site Layout (Ref.1509-03-Rev.A) is essentially the plan to be granted or refused planning permission.

- iii. Landscape: For a number of reasons hedgerows in the landscape are important but particularly so where they are of historic value and are in the proximity of water courses and known or suspected bat roosts. Hedgerows in the landscape offer benefits both to the visual amenity of the area and more importantly as specific linear habitat within a complex mosaic of habitats whose continuity should not be disturbed without good reason. The applicant has identified the likelihood of bat roots in the linked habitat, and the presence of the hedgerows on historic tithe award maps indicates that they are of historic importance. The proposed access arrangements plan (Ref. CR-AC-100) indicate the need for and position of a visibility splay, this will necessitate the relocation / removal of a large section of historic roadside hedgerow. Plan 1509/03/RevA also identifies a public footpath to be established the development side of the Craven Arms Road (B4368) with a further requirement to remove sections of hedgerow. If the proposal is considered for approval the detail for replacement / translocation of this hedgerow needs to be established as a reserved matter. The landscape proposal so far offered with this outline application offers no detail or specifications for establishment, maintenance and replacement for planting losses and gives no clear indication of the size and species to be incorporated. The Shropshire Core Strategy has indicated in CS6, CS16 & CS17 that development should seek to achieve an inclusive and accessible environment that respects and enhances local distinctiveness and that protects, restores, conserves and enhances the natural environment. In turn this helps to deliver high quality, sustainable tourism, and cultural and local economy benefits for communities and visitors, and is sensitive to Shropshire’s intrinsic natural and built environment qualities. The aspirations set out in 3.5 above are further underpinned by the Government white papers *Making Space for Nature* and *The Natural Choice: Securing the Value of Nature*, and in the revised planning guidance as laid out in the *National Planning Policy Framework* with particular reference to sections S7, S9, S28, S58, S61, S109, S116, S117.
- iv. Conclusion: Whilst the Tree Service has no objection to the principle of development at this site, taking into consideration the points raised in section 2 above; It is clear that the absence of arboricultural detail in relation to the group of trees opposite Halford Lane fails to realistically demonstrate and support the applicants claim that “the Technical reports and plans which accompany the application demonstrate that residential development can be delivered on this site in a sustainable form which has no adverse impact on the environment “. The proposed site layout has been offered as a material consideration and as such is supported with insufficient evidence for the Shropshire Council Tree Service to ascertain that it represents a sustainable development in relation to the Natural Environment. The Tree service is therefore put in the position that it must object to the amended application. For these reasons the Shropshire Council Tree Service objects to this application and recommends that it be refused. If the Tree Service objection is not supported and the application 13/01633/OUT is granted planning

permission we advise that arboricultural conditions should be applied (included in Appendix 1).

4.2 Public Comments

4.2.1 The application has been advertised in accordance with statutory provisions and the nearest residential properties surrounding the site have been individually notified. Twenty eight objections have been received in total with some individuals responding more than once due to re-consultations. The main issues are as follows:

- i. Traffic / highway safety: The traffic management on Corvedale would be a problem although there is a speed limit it is not adhered to causing problems for road users small and large turning onto the road. Motor bikes and cyclists would be particularly vulnerable. Traffic speeds on the road from which access is proposed (the B4368) are known to be often excessive and in breach of speed limits. Indeed, given continuing difficulties with traffic speeds adjacent to the entrance to The Bishop's House, an agreement was reached with the Shropshire Council Highway's Department for the erection of a traffic mirror. The mirror is imperative for those leaving The Bishop's House and wishing to turn west given speeds of approaching traffic from the east. The presumption that there will be 23 traffic movements during peak hours is probably a low estimate. The traffic flow of heavy goods vehicles has increased dramatically since the B4368 was re-designated as a road suitable for lorries/heavy goods traffic. There has been no improvement of the road from Pedlars Rest to Craven Arms since the re-designation. The short flow survey carried out for the outline planning application does not take this into account. It was too short a duration to be a viable representation. The B4368 is part of the National Cycle route and frequently used by cyclists many times in medium to large groups. Yet another junction on to the B4368 is yet another danger point. The assumption that there have been no traffic accidents on this stretch of the road is incorrect. Frequently there are accidents, taps and knocks with cars, agricultural traffic or heavy goods vehicles and more serious ones involving motorbikes. The B4368 is heavily used at weekends and Bank Holidays by motorcyclists travelling in both directions. The Police are concerned enough about safety, or lack of it, that there is a mobile unit in Tuffins car park most weekends. The speed of traffic travelling from the East is frequently excessive and despite the 40mph sign traffic, travelling to the East can reach 50+mph before reaching Halford Lane. Why add another junction to add another danger point. In times of accidents on the A49 the B4368 is the deviation route for traffic off the A49. It is already a 18mile+ detour. What will be the alternative while the B4368 has the necessary major construction work?
- ii. Drainage and flooding: More hard standing would mean more run off into the river, at times like this when the river floods, causing more flooding for other properties downstream. If hedging and trees are going to be removed these act as sumps in times of flooding, holding onto excess water. The field flooded with standing water for several days during 2013. in this present bout of stormy weather the fields are sodden but are helping to slow the run off into the River Onny and reduce the flooding downstream towards Ludlow and beyond. Farmland should not be taken to be covered in bricks and concrete increasing the speed of run-off. The area is a

flood plain and at the time of writing the ground is completely saturated. The hard surfacing will only make the possibility of flooding greater and thus affecting the houses near the river. I would like to bring to your attention and no doubt others already have in that 'the rough' floods not just every winter but also during the summer if bad weather. Last year alone it flooded badly three times and already twice this year. Any development close to the river and any that alters water run off or soak away only exacerbates flooding further down river ie Old Newton. Already we have seen higher water levels over the past few years and will cause damage to these properties. We already have difficulty getting home insurance as we are now classed a flood risk high. Surely better brown field sites in Craven Arms would be of better choice. The plans for surface water drainage ie the pipe attenuation system is unproven and there are many instances of failure during periods of prolonged or heavy rainfall. The rainfall throughout 2012 proved the inadequacy of the attenuation system.

- iii. Leisure / amenity: The 'Rough' is a valuable community resource. It is regularly walked by Community Walking Groups. Dog walkers use it every day. It is valuable agricultural land used for food crops and grazing sheep and cattle. The site is a valuable community resource as well as being good quality agricultural land (both arable and livestock). As a cyclist I use the road into town frequently and would be wary of putting a junction on that stretch of road; it is downhill to the river and emerging motorists could easily fail to appreciate the speed at which a cyclist was approaching. Should planning be granted then it would be important to enlarge the footpath space running from Whettleton (this is most likely the course taken by the old stagecoach route heading to the ford the existed beyond Halford to Newington) in order to recognise its history. I noted that it was intended to plant shrubs and trees on either side of the paths. So what we end up with is an overgrown mud track that never sees the light of day, it's going to be like numerous muddy bridleways I can think of, that never get any sun to dry them out. Open field footpaths never get muddy as this present area shows. These footpaths have existed for many, many years in its present form, It's part of our heritage and should be left in their natural state. Craven Arms "Gateway to the Marches" has, in the last number of years been advertised / promoted and hailed as a Shropshire beauty spot and centre for visitors and walkers alike. Both tourists and locals enjoy the surrounding countryside this small town has to offer as it is both beautiful and easily accessed from many parts of the town. In particular the field known to locals as "The Rough" which is the area for the planning application/development to be situated. It is well used by many locals from both ends of the town and is a safe haven for the family to enjoy a couple of peaceful hours. Before too long there will be nothing for these locals, visitors/walkers to come here for and will go elsewhere to find unspoilt natural areas such as this we can offer. "The Rough" has been enjoyed for country walks by locals for many many years and explored by many generations of children growing up here. I myself have fond memories of playing and exploring the unspoilt countryside here whilst growing up, as do my family and friends. I hope it will still be here for my own children to explore and introduce their friends to the beauty of it all for many years to come. At the moment the town has a steady trade from tourists and daily visitors to the area, and not everybody wants to go walking around the confines of the discovery centre where paths are marked out and where other visitors round every corner, You can find that at many local parks

and forestry areas. Some come here to enjoy the nature and solice of a big, wide open space where you can wander and feel you are in a safe environment , mostly untouched by man for many generations, just the odd sheep and cattle herds! If this field is built on it will in my opinion spoil some of the appeal that Craven Arms has to both local and future residents not to mention the vistors and tourists that the town is relying on more and more. The public footpaths around the perimeter of "the rough" are used extensively by locals and walkers visiting the town alike. It is a pleasant walk at any time of the year in amongst the sheep and cattle and surrounding outstanding natural beauty. These public footpaths would conflict with the proposed planning as shown on the plans details. They should not be interfered with by having housing development built over them. These footpaths are part of our heritage. The footpath proposals within the development are excellent but fail at the eastern end of the bridge where the pathway narrows to accommodate only one person. It is unacceptable to expect a mother with small children to have to walk along it in single file, or to have to walk in the gutter or to cross the road twice in order to walk side-by-side on the opposite pavement. The current pathway is also too narrow for a wheelchair. More street lighting would be necessary for safety at night if the development proceeds. A new housing estate adjacent to an attractive footpath waymarked from the Discovery Centre does not fit well with the Council's endeavours to encourage tourists to the area. Tourism needs support in order to remain an essential part of the local economy.

- iv. Precedent for further development: Building on this land would mean there was then the potential to 'infill' between 'it' and Newton. Craven Arms is large enough already. I am not against building but feel there is more need for smaller housing stock in Craven Arms on Brown Field sites which there in town. The number of homes applied for has been reduced but experience has shown that this will open the door for further development.
- v. Better alternative sites: As the abbatoir is planned to be moved it would make sense for this to be redeveloped as a (brownfield) site to enhance the approach into the town; leaving the river as the natural boundary setting off a (hopefully) well designed mixed development of housing suited to both locals and incomers.
- vi. Trees: The proposed houses located by the existed mature plantation of trees should be removed; it is likely that they would disturb the trees roots and that any prospective owners would not be happy to have such mature ashes so close to their homes. Further there would be much disturbance to the mature hedgerows with only vague comment about how they will be replaced. On the West riverside boundary of this proposed site stand three mature Oak trees standing approx 30ft tall, these have been omitted from all site plans. While the trunks themselves do not encroach onto the proposed development, the rooting system certainly will. Quoted from tree experts, and relevant to this site; Physical injury to the trunk and crown can be caused by construction equipment in the above ground portion of a tree, by breaking branches, tearing the bark or wounding the trunk. These injuries are permanent and if extensive, can be fatal to the tree. The digging and trenching that are necessary to construct a house and install underground utilities will likely sever a portion of the roots of trees in that proximity. The roots are mostly found in the upper 6 -12 inches of soil and with mature trees 1 - 3 times the height of the tree

severing 1 major root can cause the loss of 5/20% of the root system. Another result from root loss caused by digging and trenching is a potential for the tree to fall or blow over. As these Ash trees mature further, they become a liability to property in close proximity. Ash having a brittle nature may cause home owners to request their removal. Solution Build on a more suitable site.

- vii. Sewer capacity: The existing sewers lie the other side of the river and from my local experience are most likely of insufficient capacity to deal with such a development. Research should be done to ascertain flow rates plus to confirm whether the road would need to be closed and for how long (it is a long detour should it be closed). This site is not served by a public foul sewer, you will find the nearest foul sewer over the river 100 yds down the road near the abattoir. The plan for foul drainage is brief and suggests that mains drainage will be provided by extending the town sewage network. This is a major undertaking involving major traffic disruption to the B4368,
- viii. Questioning need: A lot of the recent developments around the town have been of this larger style of house (see Heritage Gate and Halford Meadows). For the existing (growing) population more small sized development is required; there has been an influx of younger workers who need good quality housing suited to their needs. The development is of no value to the people who live in Craven Arms and is merely a money making project. Why build here when there are brownfield areas in CA itself like the temperance house. This has been in dire need of developmet for years and obviously shows there is no demand at the moment for more houses elsewhere. There is no highly paid employment in Craven Arms or within walking/cycling distance. In fact there is little employment available at all. The new residents are most likely to be commuters adding to traffic on the A49 and B4368 in both directions. It is proven that commuters add very little to the local economy or social life. The other likely group of purchasers are the newly retired from outside the area. South Shropshire already has a national disproportionate high percentage of OAP'S and services are over stretched. If it does go ahead I see that all the houses are for members of the public of a certain class there is no houses for people who need housing. This therefore is just about making money.
- ix. Ecology: It is an area rich in wild life, including otters, kingfishers and bats, which would be affected by this building work; once disturbed it is unlikely that it will return. The proposed site is very close to the sensitive River Onny, it provides a corridor for numerous wildlife. Many shy species such as Kingfisher, Dippers, Heron and Otters with Red Kites and Buzzards also frequenting the surrounding area. From Ludlow through to the Source of the Onny near Linley is approximately 14 miles is clear of development in close proximity. New homes bring new pets and in this area are otters kingfishers etc all protected and therefore at great risk of predation.
- x. Archaeology: The archaeological report shows that there a high likelihood of there being important evidence in the area. Archaeological Survey: This survey highlighted the field markings across the East sector of "The Rough" to Halford. This was a preliminary field survey with a recommended further level of field work. This has been taken advantage of, by locating the amended proposed site just

inside any field markings shown. It is suggested by the developers that a Grampian style condition excavation is used on the proposed development site. This is an invasive archaeology, (generally used in towns and city areas where access to original level is impossible, e.g. concrete, rubble etc...)As this site is void of any obstacles, Question- why not let the archaeologists complete their fieldwork survey?.Answer- cost=loss of profit! On the eastern boundary a mediaeval cart track runs from Halford to Wettelton and then on to Stokesay. The bank to the south side of the stream that passes through "The Rough" called "Cats Hill" (old field name) One can clearly see the ridge and furrow markings from centuries ago. On the Eastern side of the field there are a number of anomalies and also by Halford bridge against the road hedge, is what looks like an old road way.It requires a professional archaeologist to evaluate and if necessary record them.

- xi. Loss of agricultural land: A large percentage of the farmland designated for development is arable land. I have lived at Mill House for 27years and the arable land has been sown every year, usually 2 crops a year. At no time has it been fallow. The field known as "the Rough" is pastureland/grazing for sheep & lambs, cows & calves. Farming is to be encouraged. This area is a valuable resource, vital to the UK economy. To take 1.9 or 2 hectares of productive land is irresponsible and no way to "kick start the UK economy?"
- xii. Policy: I would like to draw your attention to the LDF Implementation plan and local investment Craven Arms and surrounding area place plans 2.3 community led plans in Craven Arms. Conserve the important features which give Craven Arms and its surrounding rural area its identity. Protect the countryside and the character and appearance of villages. Protect the natural cultured and historic heritage of a local area. By allowing this planning application to be passed, will surely go against all that is to be achieved in these statements. The land is not included in the Craven Arms plan for house building, The proposed development site stands to the east of the River Onny and therefore, strictly speaking, in the Hamlet of Halford and not Craven Arms. The River has traditionally formed the boundary between the two. In the submission to the SAMDev consultation the Town Council had not identified this area for preferred development. The Town Council Resolved that an objection be made to the application as the Council did not want to see development in this rural area which was on arable/leisure/historic land and is not seen as being relating to Craven Arms. This planning application is well outside proposed development boundary in the SAMDev. The fact is that a considerable amount of time and thought has gone into the structuring and organising of a future growth plan for the town and deviating from this makes a nonsense of it. If the abattoir were to move away, then the need "to soften the current unsympathetic visual character of development at the eastern gateway of Craven Arms" (to quote your plan) could be met by redevelopment of the abattoir site rather than by taking good productive farmland out of use.
- xiii. Other: Old Army Huts: Just to make it clear that these huts were erected during WW2, and were used for storing ammunition. A lot of live rounds have been found in close proximity to this compound over the years, and I am a first-hand witness to that. So one can only surmise, what could be lying in the ground inside the fenced area of this site?. The outlook from the southern aspect of my client's property will

be totally destroyed. The current view over unspoilt Shropshire fields and valleys to be replaced by, it is proposed, a rather uninspiring development of brick, tile and chimney. There is no bus service along the Corvedale Road. The regular service is once fortnightly to Telford and back leaving around 10am and returning early afternoon. It is more of a coach trip than a bus service. I have known and used this field for over 55 years. This field was used by Stokesay County School since it was built in 1896, as a sports field until the current playing field was adopted in about 1964. This field boasted a fine well maintained cricket pitch and pavillion situated in the large quarry, used by the local school and cricket team. Football and rounders were also played on the field. The field has remained completely unspoilt and would look just as it did 100 years ago, with the exception of the electricity poles. To provide a kerbside collection, we will need confirmation that the roadway on this development used by refuse vehicles will be of adequate size and construction to allow access, turning and exit of vehicles up to 32 tonne GVW rigid body refuse collection vehicle including overhang for tailgate and bin lift and minimum single axle loading of 10 tonnes. The width of the turning area will need to be sufficient to take account of the manoeuvring refuse collection vehicle and parked vehicles.

5.0 THE MAIN ISSUES

- Policy context and principle of the proposed development;
- Design of the proposed development
- Environmental impacts of the proposals – traffic, drainage, sewerage, ecology, visual impact;
- Social impact – residential amenity, public safety, footpath;
- Economic impact;
- Overall level of sustainability of the proposals.

6.0 OFFICER APPRAISAL

6.1 Policy Context and principle of the development:

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act establishes a presumption in favour of development which is in accordance with the Development Plan. The National Planning Policy Framework establishes a further presumption in favour of sustainable development and advises that local planning authorities should positively seek opportunities to meet the development needs of their area (para. 14). The current application is however partly located within the AONB where the NPPF advises that where great weight should be given to conserving the landscape (para.115) and special tests apply (para.116). Accordingly, this additional policy test is also considered below.

6.1.2 The site falls within the Craven Arms area of the emerging SAMDev. Craven Arms is identified in the Shropshire Core Strategy as a Key Centre in Policy CS3. The scale of development proposed in Craven Arms reflects both the role of the town as the local growth point in the A49 corridor and the potential of the town to deliver housing, employment and services to enhance its function as a primary service centre in the AONB at the gateway to both the Corvedale and Clun/Kemp valleys. The western half of the site and a larger area to the south was originally identified by policy officers as a potential allocation in the draft SAMDev issues and options document with the eastern half within the AONB being excluded. However,

following community representations this proposed draft allocation has not been carried forward into the current pre-submission draft plan.

6.1.3 Accordingly, the proposals to develop 12 open market properties would not comply with this emerging policy as the site falls outside the area of any current draft allocation. However, housing land supply in Shropshire has recently fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing saved policies on housing supply are now out of date and this has implications for future planning decisions. The NPPF states (para 14) that 'where the development plan is absent, silent or relevant policies are out-of-date, (permission should be granted) unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted'.

6.1.4 As existing housing supply policy is now out of date, permission must be granted for new housing proposals which are 'sustainable' (NPPF 197). This is the case, even where, a proposal would represent a departure from existing saved policy or emerging SAMDev policy. Relevant housing supply information indicates that the level of housing undersupply is continuing to increase so this situation is likely to remain until the SAMDev is adopted. Legal caselaw has established that whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward with developments which might not otherwise succeed when the SAMDev is adopted.

6.1.5 The key policy test to apply therefore at this stage is not whether the proposal complies with emerging policy and the parish / community action plan but whether or not it would be so fundamentally flawed that it should not be regarded as sustainable. If a proposal does not comply fully with some individual sections of the NPPF it may still be regarded as sustainable overall. The NPPF advises that there are three dimensions to sustainable development – environmental, social and economic (NPPF 7). In order to assess the sustainability of a proposal it is necessary therefore to evaluate these three dimensions before deciding whether the development can be regarded as sustainable overall. This is having regard to relevant policies and guidance and also to any benefits offered by the proposals.

6.1.6 The main issue to address is whether the proposals would result in any additional impacts on surrounding properties, amenities, the environment, infrastructure, economy and local community relative to the existing situation and, if so, are these impacts capable of being mitigated such that the proposals would be sustainable. If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS5 and CS6.

6.2 Environmental Sustainability

- 6.2.1 Traffic: Objectors have expressed concerns that the proposed access would join a dangerous stretch of the public highway and would exacerbate existing traffic capacity issues. However, the proposals involve the provision of a new and revised access onto the Corvedale Road at a point where adequate visibility can be achieved. Highway officers have not objected and it is not considered that the level of traffic likely to be generated would be sufficient to justify a planning refusal. Highway officers have noted that any detailed application should incorporate provision for pedestrian access at the western end of the site where the Right of Way meets Corvedale Road. The potential would exist in principle to install a footpath within the site boundary to the south of the roadside hedge. A condition covering this matter has been recommended in Appendix 1. Exact details of the junction and internal access roads would be provided at the reserved matters stage. However, it is considered that the proposals can be accepted in highway terms at this outline stage. (Structure Plan Policy CS7).
- 6.2.2 Arboriculture: The Council's trees section has objected to the proposals on the grounds of potential impact on mature deciduous trees which occur locally along the roadside and in a small coppice area at the centre of the site (defining the margins of a former army hut). The objection is however qualified by the inclusion of recommended conditions in the event that the committee is minded to recommend approval of the current outline application.
- 6.2.3 An overlay of the proposed indicative layout on a recent satellite image confirms that of the 12 properties, only one (a semi-detached in the middle of the site) would be within 8m of the any existing tree. This is a smaller hedgerow tree and the property is likely to be well outside the respective root protection zone. The nearest of the mature ashes on the northern boundary of the site would be at least 13.5m from the nearest indicative property – again well outside the likely root protection zone. The two middle semi-detached properties would have partially shaded back gardens due to the presence of the trees. However, these indicative properties would have good sized, unshaded south-facing front gardens. Other properties shown on the layout plan would be between 14 and 60m from the nearest mature tree. The applicant has agreed to accept an arboricultural method statement condition on any permission. This would ensure that the development does not impact adversely on any mature trees within or adjacent to the site. It is concluded that tree protection issues are capable of being satisfactorily addressed by condition at the reserved matters stage and that refusal at the current outline stage cannot be justified. The proposals therefore comply with the relevant section of Core Strategy Policy CS17.
- 6.2.4 Ecology: The application is accompanied by an Ecological Assessment which concludes that the site is of low ecological value and does not contain any protected species. The Natural Environment team has objected on the basis that the group of trees opposite the Halford junction may be used by bats for roosting purposes. However, the applicant has confirmed that these trees will be retained as part of the scheme and has agreed to accept conditions covering the following matters with relevance to ecology:

- a method statement for protecting the trees;
- a lighting scheme condition to prevent disturbance to bats;
- a drainage condition to prevent effects on tree root hydrology;
- a requirement to undertake a supplementary bat survey prior to the commencement of any development.

Appropriate informative notes referring to other ecological interests have been recommended in appendix 1. Landscaping is also proposed and would add to overall levels of biodiversity within the site, including by the formation of a wildlife corridor around the site. The above measures would prevent any adverse impacts from occurring to the trees and would inform any detailed development proposals at the reserved matters stage.

6.2.5 The spatial relationships between the indicative site layout and existing mature trees are described in the preceding section. The site is a large plot in relation to the number of properties and there is plenty of scope in principle to position the built areas within the site so as to maximise separation distances from trees and ensure that ecological interests are adequately safeguarded. This has been a key objective of the indicative layout. Detailed mitigation provisions could be imposed if necessary at the reserved matters stage if any bats are found following detailed survey work. Hence, even assuming a 'worst case' scenario, it is considered that any potential impacts would in principle be capable of being fully mitigated at the reserved matters stage within the context of the proposed development. Officers have explained this approach with the Council's Ecologist and appropriate ecological conditions and informative notes have been recommended in appendix 1. It is considered on this basis that refusal on the grounds of ecology cannot be substantiated at this outline stage and that the proposals are capable of complying on balance with Core Strategy Policy CS17.

6.2.6 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems with the Onny Brook worse due to replacing agricultural field with less permeable surfaces. The land slopes generally to the south and west and there is potential for water to be discharged more rapidly off the site. However, the Council's drainage team has not objected, provided appropriate drainage conditions and advisory notes and placed on any decision notice. These are included in Appendix 1. Surface water from roofs would be taken to suitably sized soakaways, the design of which would be dealt with at building regulation stage, and would comply fully with BRE 365. The use of permeable paving and gravelled parking areas would ensure that no unnecessary surface water run-off is created. Water butts could also be incorporated into the scheme to ensure that a natural resource is not wasted. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. These are capable of being secured at the reserved matters stage. The proposals are therefore capable of complying in principle with Core Strategy Policy CS18 relating to drainage.

- 6.2.7 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs near to the site. Local residents have expressed concerns that the proposals could increase the level of strain on local sewerage capacity and may also contribute to flooding. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water will be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. The option of installing a package treatment plant at the site would however exist, subject to a separate planning permission, if a main sewer connection was not achievable. It is considered that this would be a potentially sustainable fall-back position given the size and location of the site. (Core Strategy Policy CS8, CS18)
- 6.2.8 Amenities: The indicative layout plan shows properties which are of a 1½ height design adjacent to the highway frontage. A schematic cross section across the site from an existing property at Halford Meadow indicates that there would be no privacy issues and any existing longer-distance views of the countryside beyond the proposed site from upstairs windows are likely to be maintained. A condition requiring submission of a Construction Management Plan has been recommended and would control matters such as hours of working and management of construction traffic. It is recognised that the site also benefits from a degree of natural screening from vegetation and that the number of publicly accessible viewpoints towards the site from the wider area is limited.
- 6.2.9 Rights of way: The site is traversed from north to south by two existing public footpaths which are protected by Core Strategy Policy CS16. These form part of a wider network of public footpaths radiating from the Secret Hills Discovery Centre into the Onny Valley and the hills east of Craven Arms. A further footpath passes along the western edge of the site but would be unaffected. This leisure asset is well used by locals and visitors alike, although the footpaths traversing the site do not form part of a strategic through route, providing a return link instead for circular walks to the east of the Discovery Centre.
- 6.2.10 The indicative layout plan for the site confirms that these footpaths would be maintained as 'green lanes' through the site, giving a 'permeable' effect to the development. The opportunity would exist to improve the surface of these footpaths for the benefit both of existing users and the occupants of the proposed new properties alike. Privacy is capable of being maintained through sensitive margin treatments and appropriate stand-offs. An appropriate condition has been recommended.
- 6.2.11 One of the footpaths allows passage to the western corner of the site and the beginning of the public footpath link to Craven Arms. It would be necessary to ensure that access was retained along the footpaths during any construction works. In principle however, if temporary closure of one footpath was necessary then an alternative route would exist via one of the other nearby footpaths. A Construction Management Plan condition is included in Appendix 1 and refers to this footpath requirement. It is concluded that subject to the recommended conditions the

proposals are capable of being accepted in relation to rights of way considerations. (Core Strategy Policy CS16)

6.2.12 Agricultural land: The site currently comprises agricultural land, some of which is likely to be of best and most versatile quality and, as such, protected by the NPPF. However, the area of affected arable land is not great and the site occupies a marginal area of two existing fields which would not otherwise be impacted upon. It is not considered that an objection on the grounds of effects to agricultural land could therefore be sustained. (Core Strategy Policy CS17)

6.2.13 Archaeology: The application as originally submitted included a larger area of 1.9ha but this was reduced to the current size following the identification of potential archaeological features of interest to the south of the current site. The council's archaeologist has requested that a further archaeological evaluation is undertaken, targeted as specific potential linear areas within the current site. Following discussion with officers it has however been confirmed that this requirement can be progressed at the reserved matters stage. An appropriate condition has been recommended in Appendix 1. It is concluded on this basis that archaeological matters are capable of being accepted at this outline stage. (Core Strategy Policy CS17)

6.2.14 Interim conclusion on environmental effects: The proposals would result in some disturbance to local amenities during the construction phase and there would a change to some local views. There would also be an additional pressure on the public highway and on local sewerage services and a need for further ecological, archaeological and arboricultural evaluation at the reserved matters stage. However, it is not considered that there would be any unacceptably adverse environmental effects which would justify refusal at this outline stage when available mitigation measures and recommended conditions are taken into account. The proposals would therefore meet the environmental sustainability test set out in the NPPF, provided there would be no unacceptably adverse impacts on the AONB.

6.3 **AONB**

6.3.1 The eastern half of the proposed site is located within the AONB where 'great weight' should be given to protecting the environment (NPPF 116). Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Less than half of the site is located within the AONB and the proposed development would represent a relatively limited incursion into the margin of the AONB (6 properties and 0.36 hectares).

- 6.3.2 AONB - Effect on the environment: The indicative layout and sections support the conclusion that the site is capable of being incorporated without any unacceptably adverse impact on the surrounding area. Existing vegetation would be retained and additional vegetation would be provided as part of the proposed landscaping scheme. It is not considered that there would be any unacceptably adverse impacts on other features of acknowledged importance (e.g. archaeology, drainage, traffic, ecology) which are not capable of being satisfactorily addressed by imposing appropriate planning conditions. There is an existing grouping of houses at Halford Meadow to the immediate north and it is considered that the proposed development would potentially integrate with rather than detract from these existing properties, provided the design was of a sufficiently high quality. Detailed design would form a reserved matter of any planning approval.
- 6.3.3 The applicant has stated that the proposed development has been conceived as a 'gateway feature' on the eastern approach of Craven Arms. A further amendment to the indicative layout plan has been provided following discussion with officers. The objective is to provide a 'permeable' development edge with houses set back from the highway and amongst vegetation rather than an abrupt transition from rural to urban. There is also a concern not to impact adversely on the amenity and privacy of properties to the north of the road. It is considered that the latest indicative layout achieves this objective, including through the specification of 1½ height housing, careful alignment of gable features, a commitment to high quality design, retention of existing vegetation and proposed landscaping measures.
- 6.3.4 AONB - Cost and scope of developing elsewhere: The SAMDev does identify alternative development sites within the existing settlement curtilage. However, it is considered that the context of the existing allocated sites does not lend itself ideally to provision of housing of the type proposed in the current development. The applicant has stated that the town is not well provided for with this larger type of housing which has the potential to attract executives to the town who may consolidate existing employment opportunities. Whilst this may not provide an overriding justification for developing the current site the limited extent of the incursion into the AONB, the limited impact of the scheme on the local environment and the presumption in favour of sustainable development should also be noted.
- 6.3.5 AONB - Need for the development and consequences of refusal for the local economy: It is considered that there is a need for this type of housing in Craven Arms to redress an imbalance in the local housing mix. As with all housing proposals the current scheme would deliver economic benefits from construction employment and investment of occupants in the local economy which are recognised by the NPPF. The potential for occupants to support local employment creation has been noted above, as has the limited extent of the incursion into the AONB.

6.3.6 In conclusion it is considered that that any adverse impacts on the AONB would not be unacceptably adverse. There are a number of arguments in support of the proposed development on this margin of the AONB and development must be considered in the context of the presumption in favour of sustainable development set out in the NPPF. It is concluded that any minor impacts on the AONB are not sufficient to justify planning refusal in this case. The proposals therefore comply on balance with relevant policy including NPPF 116. (CS5, CS6, CS16, CS17)

6.4 Economic sustainability:

6.4.1 As previously noted, all housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values. In this particular case however it is not considered that there would be any obvious adverse economic impacts. The existing footpaths traversing the site would be retained and upgraded, so would not be adversely affected. Part of the site is just within the AONB. However, it is not considered that there would be any material adverse impact on the enjoyment of the AONB. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)

6.5 Social sustainability:

6.5.1 The need to achieve an appropriate housing mix is a key principle of sustainable housing provision. The applicant's indicative layout plan indicates that the development would deliver eight larger 3-4 bedroom properties and four 2-3 bed roomed homes. It is stated that this housing mix would meet a local demand. The exact details would be agreed at the reserved matters stage. It is however considered that the proposed site would be capable of delivering a type of housing (larger 3-4 bedroom homes) which is not well provided for in the existing housing mix of the town. The proposals would bring new people into the community who may potentially contribute to the social vitality of the community. The internal link to the existing footpath network would ensure that occupants of the proposed properties do not have to rely on cars to access services within Craven Arms.

6.5.2 The proposed site is located close to key community facilities and would be linked to them by an existing internal footpath which would be upgraded. The indicative layout plan also shows the proposed properties as all possessing generous garden space and a communal green area. There would also be good levels of natural light given the unshaded south facing aspect of the plot. It is considered that these factors increase the overall the level of social sustainability of the proposals. It is considered that a properly designed scheme would not result in any unacceptably

adverse impacts on the amenity of existing residents or footpath users. The proposals therefore meet relevant NPPF tests regarding social sustainability.

7.0 CONCLUSION

7.1 The proposal would involve the development of 12 dwellings for open-market occupation a short distance to the east of the existing settlement edge at Craven Arms. The site does not comprise an allocation in the current pre-submission draft SAMDev policy document. However, in the current sub-5 year housing supply situation decisions on housing applications must be taken on the basis of whether a development would be sustainable in the terms meant by the NPPF, rather than with reference to extant or emerging housing policies.

7.2 The site is in a sustainable location in relation to Craven Arms and that the proposals would not result in any unacceptably adverse impacts on interests of acknowledged importance, including the AONB. The application site is of a suitable size to accommodate the development and would not have an unacceptable impact on the amenities of the nearby existing properties, provided the properties accord with the general scale and layout shown in the indicative site plan. The proposed housing mix would help to meet a shortfall in this type of housing within the settlement of Craven Arms. It is considered on balance that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6. Outline permission is therefore recommended, subject to appropriate conditions and a legal agreement to deliver an affordable housing contribution.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

8.1 Risk Management:

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

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry. If the decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will intervene where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than three months after the grounds for making 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 1970.

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.

10.0 BACKGROUND

Relevant Planning History

None of relevance to this proposal

Relevant Planning Policies

Central Government Guidance:

10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;

- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring 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 to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local

standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them*. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains*. Development proposals must accord with Policy CS5.

v. CS17: Environmental Networks

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic

resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

- CS4 - Community hubs and community clusters
- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.
- CS11 - Type and affordability of housing;

Supplementary Planning Guidance: Type and affordability of housing (March 2011)

Emerging Planning Guidance

SAMDev

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

1. Overall, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2;
2. Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4;
3. Additional Community Hubs and Community Cluster settlements, with associated settlement policies, may be proposed by Parish Councils following formal preparation or review of a Community-led Plan or a Neighbourhood Plan and agreed by resolution by Shropshire Council.

ii. MD2 – Sustainable Design

Further to Policy CS6, for a development proposal to be considered acceptable it is required to:

1. Achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.
2. Contribute to and respect locally distinctive or valued character and existing amenity value by:
 - i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
 - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
 - iii. Respecting, enhancing or restoring the historic context, such as the significance and character of any heritage assets, in accordance with MD13; and
 - iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.
3. Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style;
4. Incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the requirements of the SuDS handbook as set out in the Water Management SPD
5. Consider design of landscaping and open space holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set, in accordance with Policy CS17 and MD12 and MD13, including;
 - i. Natural and semi-natural features, such as, trees, hedges, woodlands, ponds, wetlands, and watercourses, as well as existing landscape character, geological and heritage assets and;
 - ii. providing adequate open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play and recreation uses;
 - iii. ensuring that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.
6. Ensure development demonstrates there is sufficient existing infrastructure capacity, in accordance with MD8, and should wherever possible actively seek opportunities to help alleviate infrastructure constraints, as identified with the Place Plans, through appropriate design;
7. Demonstrate how good standards of sustainable design and construction have been employed as required by Core Strategy Policy CS6 and the Sustainable Design SPD.

iii. MD3 - Managing Housing Development

Delivering housing:

1. Residential proposals should be sustainable development that:
 - i. meets the design requirements of relevant Local Plan policies; and

- ii. for allocated sites, reflects any development guidelines set out in the relevant settlement policy; and
- iii. on sites of five or more dwellings, includes a mix and type of housing that has regard to local evidence and community consultation.

Renewing permission:

2. When the proposals are for a renewal of planning consent, evidence will be required of the intention that the development will be delivered within three years.

Matching the settlement housing guideline:

3. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. Evidence of community support; and
 - iv. The benefits arising from the development; and
 - v. The presumption in favour of sustainable development.
4. Where a settlement housing guideline appears unlikely to be met by the end of the plan period, additional sites beyond the development boundary that accord with the settlement policy may be acceptable subject to the criteria in paragraph 3 above.

iv. MD7a – Managing Housing Development in the Countryside

1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;
2. Dwellings to house essential rural workers will be permitted if:-
 - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,
 - b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling;or,

- c. in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the business for the majority of the time, a functional need is demonstrated and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.
 3. Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural enterprise may also be subject to occupancy restrictions, where appropriate. For primary and additional rural workers' dwellings permitted prior to the adoption of the Core Strategy in March 2011, where occupancy restrictions are agreed to be removed, an affordable housing contribution will be required in accordance with Policy CS11 at the current prevailing target rate and related to the floorspace of the dwelling.
 4. In addition to the general criteria above, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed;
 5. The use of existing holiday let properties as permanently occupied residential dwellings will only be supported if:
 - a. the buildings are of permanent construction and have acceptable residential amenity standards for full time occupation; and,
 - b. the dwellings are restricted as affordable housing for local people; or,
 - c. the use will preserve heritage assets that meet the criteria in Policy CS5 in relation to conversions and an affordable housing contribution is made in line with the requirements set out in Core Strategy Policy CS11.
- v. MD7b – General Management of Development in the Countryside
Further to the considerations set out by Core Strategy Policy CS5:
 1. Where proposals for the re-use of existing buildings require planning permission, if required in order to safeguard the character of the converted buildings and/or their setting, Permitted Development Rights will be removed from any planning permission;
 2. Proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with Policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development;

3. Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
 - a. Required in connection with a viable agricultural enterprise and is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve;
 - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
 - c. There will be no unacceptable impacts on environmental quality and existing residential amenity.

vi. MD8 –Infrastructure Provision

Existing Infrastructure

1. Development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall which it has created or which is identified in the LDF Implementation Plan or Place Plans. Where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable;
2. Development will be expected to demonstrate that existing operational infrastructure will be safeguarded so that its continued operation and potential expansion would not be undermined by the encroachment of incompatible uses on adjacent land;

New Strategic Infrastructure:

3. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. Particular consideration will be given to the potential for adverse impacts on:
 - i. Residential and other sensitive neighbouring land uses;
 - ii. Visual amenity;
 - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
 - iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
 - v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
 - vi. Noise, air quality, dust, odour and vibration;
 - vii. Water quality and resources;
 - viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
 - ix. Cumulative impacts.

Development proposals should clearly describe the extent and outcomes of community engagement and any community benefit package.....

vii. MD12: The Natural Environment

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
 - i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;
 - iii. priority species;
 - iv. priority habitats
 - v. important woodlands, trees and hedges;
 - vi. ecological networks
 - vii. geological assets;
 - viii. visual amenity;
 - ix. landscape character and local distinctiveness.In these circumstances a hierarchy of mitigation then compensation measures will be sought.
2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

S7 Craven Arms Area - This emerging policy identifies the allocated development sites within Craven Arms. Five separate housing sites are identified with a total number of 350 houses. The current site is not allocated. This is in the middle of the figure of 2-500 properties set out at the issues and options stage of the SAMDev and conforms with historical levels of housing provision within the town over the past 20 years.

Other plans:

The Craven Arms Area Action Plan identifies the following as community needs and priorities:

- Enable Craven Arms to develop in a sustainable way as a growth centre;
- Conserve the important features which give Craven Arms and the surrounding rural area its identity and distinctiveness;
- Preserve and conserve important places;
- Protect the countryside and the character and appearance of villages;
- Reuse derelict sites such as the Temperance Hall, ex labour club, railway sidings and under utilised sites;
- Make buildings fit in with their surroundings;

- Make Craven Arms more attractive;
- Increase and improve community open space and create wildlife habitats;
- More car parking provision, particularly outside schools;
- Provision of jobs that suit a variety of skills that are better paid;
- Encourage business start up within the area and home working;
- Relocate the abattoir;
- Identify new employment land;
- Support Farmers Markets and other food initiatives ;
- Develop community allotments;
- Develop park with riverside walk;
- Create a community garden;
- Ensure any new development contributes to play area provision;
- Improve and extend leisure centre facilities;
- Encourage learning for all;
- Find new burial sites, including green burial site;
- Design out crime in the built environment and reduce fear of crime;
- Create safer places for young people to congregate without intimidating residents;
- Footpaths, cycleways and crossing points in new development;
- Make A49 safer for all road users and pedestrians
- Local Joint Committee
- Craven Arms is located within the Craven Arms and Rural Local Joint
- Committee Area. The following needs and priorities have been raised by the local community as part of Local Joint Committee meetings:
- Craven Arms and Rural Local Joint Committee
- The following needs and priorities have been raised by the local community as part of Craven Arms and Rural Local Joint Committee meetings:
- Rural transport and parking
- Police and community safety
- Flooding
- Highways
- **Health provision**

The relevant Local Joint Committee identifies the following amongst other priorities for Craven Arms:

- Support the Town Centre Enhancement Scheme
- Improved access over the railway
- Improvements to education and skills
- Highway improvements
- Improvements in health facilities
- Improvements to schools
- The Abattoir (Euro Quality Lambs) is a bad neighbour for adjoining residential uses and causes nuisances from smells and highway obstructions. It is also poorly maintained and detracts from the character of Corvedale Road. Euro Quality Lambs wish to relocate and expand into beef slaughter and butcher and process carcasses. It is a long standing objective of both Euro Quality Lambs and also the Town Council for the abattoir to relocate. The preferred location is north-east of Shrewsbury Road (A49)

outside the current built form of the town. This would release the current Abattoir site for redevelopment.

- A highway improvement scheme to widen Watling Street, providing pedestrian, cycling, traffic management and highway junction developments prior to any sites are developed in this area. However, Watling Street is a historic boundary with Sibden Carwood village to the west. The residents on the west side of Watling Street have a greater affiliation with Sibden and want Craven Arms to be physically contained by Watling Street. Widening Watling Street would encroach on a significant local and historical division North of Long Lane Industrial Estate is seen as the logical location for future employment development. Before this land (between the northerly extension of Watling Street and the rail line) is released the Town Council want public investment to access and service the land in order to pump prime investment in the local commercial property market.

12. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 13/01633/OUT and associated location plan and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member: Cllr David Evans, Councillor Lee Chapman (Church Stretton and Craven Arms)
Appendices: Appendix 1 – Conditions

APPENDIX 1

Legal Agreement

1. Affordable housing contribution;

Planning Conditions

STANDARD CONDITIONS:

- 1 The development hereby permitted shall not be commenced until the Local Planning Authority has approved the following details (hereinafter referred to as the 'reserved matters'):
 - i. The siting and ground levels of the dwellings;
 - ii. The design and external appearance of the dwellings;
 - iii. Details of the materials, finishes and colours of the dwellings;
 - iv. Details of the landscaping of the site.

Reason: The application was made as an outline planning application in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and the provisions of Section 92 of the Town and Country Planning Act 1990.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES:

4. Notwithstanding the approved details, no trees or hedgerows shall be removed within the site unless such vegetation has first been assessed for potential bat roost habitats in accordance with the advice set out in the Bat Conservation Trust's Bat Surveys – Good Practice Guidelines (2nd Edition 2012).

Reason: To prevent adverse impact on bats, all species of which are European protected species.

5. A total of 12 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted and maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds

Notes:

- i. *Transect surveys should be carried out in line with the Bat Conservation Trust's Bat Surveys – Good Practice Guidelines (2nd Edition 2012) particularly focussing effort on any hedgerows to be lost.*
- ii. *All bat surveys should be carried out by an experienced, licensed ecologist and in accordance with The Bat Conservation Trust's Bat Surveys – Good Practice Guidelines (2nd Edition 2012). Mitigation should be designed in line with the Natural England Bat Mitigation Guidelines. During the bat survey the ecologist should also record any signs of nesting birds and roosting or nesting barn owls.*
- iii. *Any deviation from the methods, level or timing of surveys set out in the Bat Conservation Trust's Bat Surveys – Good Practice Guidelines (2nd Edition 2012) should be accompanied by a reasoned evidence statement from the licensed ecologist carrying out the survey, clarifying how the sub-optimal survey is ecologically valid.*
- iv. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- v. *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.*
- vi. *On the site to which this permission applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.*
- vii. *The site has the potential for nesting birds. The following condition and informative should be on the decision notice.*

- viii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active birds' nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- ix. *The Council's Ecologist has advised that the stream bordering the site is a valuable ecological and environmental network feature which must be protected in the site design and should have an appropriate buffer, of at least 20m, separating the feature from the proposed development.*
- 6a. Construction of the development hereby permitted shall not be commenced until details and sizing of the proposed soakaways have been submitted to and approved in writing by the Local Planning Authority.
- b. If non permeable surfacing is used on the driveway and parking area or the driveway slopes toward the highway, the applicant shall submit for approval a drainage system to prevent water flowing onto a public highway.
- c. A contour plan of the finished road levels shall be provided to the local planning authority prior to the commencement of the development. The contour plan should be accompanied by a confirmation that the design has fulfilled the requirements of Shropshire Council's Interim Guidance for Developers on Surface Water Management (paragraphs 7.10 to 7.12) to ensure that the development site does not contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site to minimise the risk of surface water flooding (4a) and to ensure that no surface water runoff from the new driveway runs onto the highway (4b) and to ensure that any flows from internal road surfaces are managed acceptably on site (4c).

Notes:

- i. *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 an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*

- ii. *The applicant should consider employing measures such as the following:*
- *Swales*
 - *Infiltration basins*
 - *Attenuation ponds*
 - *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new access road, driveway, parking area/ paved area*
 - *Attenuation*
 - *Greywater recycling system*
 - *Green roofs*
- iii. *Consent is required from the service provider to connect into the foul main sewer.*
7. Prior to the commencement of the development a highway drainage scheme including calculations and a contour plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that exceedance flows will not flood any adjacent property, and:
- i. that proposed highway gullies will be able to transfer the 1 in 100 year + climate change storm event into the surface water system efficiently; or,
 - ii. that there is sufficient capacity for exceedance flows to be stored within the site prior to entering the highway drainage system.

Reason: To ensure that any such flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the proposed tank is not being used.

Notes:

- i. *On the Pluvial Flood Map, the extreme western part of the site is at risk of surface water flooding. The applicant should ensure that surface water runoff will be managed and to ensure that the finished floor level is set above any known flood level.*
- ii. *Consent is required from the Environment Agency to outfall to the River Corve.*
- iii. *Consent is required from the service provider to connect into the foul main sewer.*

- 8a. No ground clearance, demolition or construction work shall be commenced on the application site until a scheme of protection measures for the existing trees and hedges within and adjacent to the site has been submitted to and approved by the Local Planning Authority. The submitted tree protection scheme shall include a tree protection plan that reflects the guidance within BS5837:2012. All measures comprised in the tree and hedge protection scheme shall be implemented and retained throughout all of the clearance and construction works on the site.
- b. Where the approved detailed plans indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees or hedges, an

Arboricultural Method Statement (AMS), detailing how the approved construction works will be carried out, shall be submitted to the Local Planning Authority for approval prior to the commencement of any development works. The AMS shall include details of when and how the construction works will take place and be managed, and how the trees and hedges will be protected during the works.

Reason: To safeguard the existing trees and hedges in and adjacent to the site in the interests of visual amenity (and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy).

9. No development shall commence at the site until a Heritage Assessment has been submitted to and approved in writing by the local planning authority in consultation with the Local Planning Authority's Archaeology service. This shall take the form of a desk based assessment accompanied by the results of walk over and a geophysical surveys of the site. If the results of the heritage survey indicate that further survey work is required before the development commences then such works shall be undertaken in accordance with the recommendations of the heritage survey.

Reason: To allow appropriate opportunities for inspecting any archaeological remains present within the site prior to the commencement of the development.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:

10. The dwellings hereby approved in outline shall consist of no more than two floors of living accommodation and shall be of a '1½ height' design in the area nearest to the public highway.

Reason: In order to be in keeping with the character of the existing nearby dwellings and to protect the amenities of neighbouring residents (and in accordance with Policy CS6 of the Shropshire Core Strategy).

11. No external lighting shall be installed at the development hereby permitted until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved lighting shall be retained thereafter for the lifetime of the development. The submitted lighting scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet 'Bats and Lighting in the UK'.

Reason: To minimise disturbance to bats, which are a European Protected Species (and in accordance with Policy CS17 of the Shropshire Core Strategy).

- 12a. Within the first planting and seeding season following the completion of the dwellings hereby permitted, a scheme of new tree and hedge planting shall be implemented within and bordering the grounds of the dwellings, in accordance with full details to be submitted to and approved by the Local Planning Authority.
- b. Any new trees and hedges planted as part of the required planting scheme which, during a period of five years following implementation of the planting scheme, are

removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure that new planting is undertaken, in order to enhance the appearance and privacy of the site (and in accordance with Policy CS6 of the Shropshire Core Strategy)(10a). To ensure that the approved planting scheme is effective and in accordance with Policy CS6 of the Shropshire Core Strategy (11b).

- 13a. No ground clearance, demolition, or construction work shall commence until a scheme has been approved in writing by the local planning authority to safeguard trees to be retained on / adjacent to the site as part of the development. The submitted scheme shall include the provision of a tree protection plan (TPP) based on an arboricultural implications assessment (AIA) as recommended in BS5837:2012. The integrity of the approved tree protection measures / scheme shall be maintained for the duration of the construction works.
- b. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the Local Planning Authority. The AMS shall include details on when and how the works will take place and be managed; and how the trees,

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

14. A scheme detailing measures to protect, enhance and maintain access to the public footpaths which traverse the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The required scheme shall in particular provide for the following:
- i. Measures to ensure that the rights of way remain open and are not impeded during the construction phase;
 - ii. Measures to improve access to and surfacing of existing footpaths within the site;
 - iii. Measures to ensure that there is a footpath link to the north-west corner of the site which affords appropriate access to the existing pedestrian footpath network along the Corvedale Road, prior to the first occupation of any residential properties hereby approved;

The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the existing rights of way network within the site is maintained, safeguarded and where appropriate, enhanced in accordance with Core Strategy Policy CS16.

- i. The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.*
 - ii. Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.*
 - iii. Building materials, debris, etc must not be stored or deposited on the right of way.*
 - iv. There must be no reduction of the width of the right of way.*
 - v. The alignment of the right of way must not be altered.*
 - vi. The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.*
 - vii. No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.*
15. An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative design, layout and housing need. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.