

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 20/04435/FUL	Parish:	Shifnal
Proposal: Erection of nine affordable houses including associated drives following demolition of derelict pub including disused car park		
Site Address: The Beehive, Curriers Lane Shifnal TF11 8EQ		
Applicant: Mr Sepp Sargeant (Housing Plus Group)		
Case Officer: Emma Bailey	email : planning.southern@shropshire.gov.uk	

Grid Ref: 374928 - 308145



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

REPORT

1.0 THE PROPOSAL

- 1.0.1 This application seeks full planning consent for the demolition of The Beehive public house and construction of nine affordable dwellinghouses and associated works.
- 1.0.2 The dwellings would be managed by Housing Plus Group (Sevenside Housing) with the tenure split between 3x shared ownership homes and 6x affordable rent. Each would be three bedrooms in size and have two off-street parking spaces.

The dwellings would split into three blocks of three, with plots 1-3 facing Broadway with parking to the rear accessed via a private drive. This private drive would also be shared with plots 4-6, which would be loosely parallel to plots 1-3 orientated at a right-angle to Curriers Lane. Plots 7 – 9 furthest east of the site would face Curriers Lane with parallel parking either side of this terrace.

- 1.0.3 During the course of the determination process, minor amendments to the design of these dwellings has been submitted to include the provision of chimney stacks and Beehive detailing to entrance railings from Curriers Lane, and removal of a gablet to plot 3 in accordance with comments made by the Conservation Officer.

2.0 SITE LOCATION/DESCRIPTION

- 2.0.1 The application site lies within the development boundary of Shifnal, around 400m north of Shifnal's core retail area.
- 2.0.2 The site is currently occupied by The Beehive, a large detached public house with associated beer garden and carpark. The Beehive was closed around 2017 and has remained vacant in that time. The site has gradually fallen into disrepair with the condition of the site reported upon in 2019 in the local press.
- 2.0.3 The application site lies on the junction where Broadway (also known as Main Road and High Street) meets Curriers Lane. Access for the carpark is via an existing dropped kerb from Curriers Lane.
- 2.0.4 While not in itself a heritage asset, The Beehive lies less than 100m north of the Shifnal Broadway Conservation Area. It also lies near to two Grade II listed buildings, The White Hart to the north (40m) and The Wheatsheaf to the south (100m), both public houses.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.0.1 There is a Town Council objection contrary to the recommendation of the

case officer. In consultation with the local ward member, and in the view of the Principal Planning Officer in consultation with the Committee Chairman and Vice Chairman, it is considered that the proposal warrants further consideration at the South Planning Committee.

4.0 **COMMUNITY REPRESENTATIONS**

Please note that all comments are available to view in full on the Shropshire Council website.

4.1 **Consultee Comments**

4.1.1 Shifnal Town Council

OBJECTION the layout is contrary to policy HG1 of the Shifnal Neighbourhood Plan. The private drive access and parking off Curriers Lane and position of Block 4-6 gable end onto the road would be visually detrimental to the Curriers Lane frontage and so would not be high quality design in keeping with the layout of the area as required by bullet point 1 of policy HG1. The siting of Block 4-6 close to and to the south of existing adjacent dwellings would have an adverse effect on the amenities of those dwellings contrary to bullet point 7 of policy HG1. The position of the access close to the junction with High Street would be detrimental to highway safety contrary to bullet point 8 of policy HG1. As previously recommended to the applicant, Block 4-6 should be turned to front Curriers Lane on the same line as Block 7-9 with the block extending over an arched opening to a parking area at the rear which would be in keeping with similar existing developments in High Street and Broadway. The Council are concerned that in the Design and Access Statement, the applicants refer to the Town Council having no objection to the principle of affordable housing but fail to mention that the Council objected to the layout as stated above and reported back to the applicants accordingly. This gives a false impression that the Town Council had no objection to the scheme which is not the case as stated above.

4.1.2 Shropshire Council (Trees) – Re-consulted following receipt of additional details

Recommend conditions seeking a final landscape plan to be submitted and approved prior to the commencement of development, tree works and tree protection measures to be fully implemented prior to works on site commencing, and tree protection measures to be maintained throughout the duration of the construction works.

4.1.3 Shropshire Council (Archaeology) – Re-consulted following receipt of additional details

Recommend condition seeking a phased programme of archaeological work in accordance with a Written Scheme of Investigation (WSI)

4.1.4 Shropshire Council (Ecology)

Refer to standing advice if minded to approve.

4.1.5 Shropshire Council (Regulatory Services)

Recommend that consideration is given to noise in relation to units 1-3.

4.1.6 Shropshire Council (Highways)

Recommend conditions relating to the implementation of the access layout and visibility splays, and the provision of parking and turning for vehicles prior to the development being first brought into use/occupied, restriction of heights of hedge/wall boundaries fronting the road, and the submission of a Construction Method Statement prior to commencement.

4.1.7 Shropshire Council (Drainage) – Reconsulted following receipt of additional details

The submitted surface water drainage scheme is acceptable.

4.1.8 Shropshire Council (Conservation) – Reconsulted following receipt of additional details

Withdraw previous objection subject to conditions requiring details of all external facing materials and finishes including joinery details.

4.1.9 Shropshire Council (Affordable Housing)

The proposal comprises 9 x 3 bed houses for affordable rent and shared ownership is fully supported by the Housing Enabling and Development Team. There is evidence of high affordable housing need in Shifnal. The figures released for January 2021 indicate 209 households on the waiting list who are seeking a home in Shifnal and of these there are 27 households requiring a 3 bedroomed property. This proposal if permitted and developed would address this need, in part. Any planning permission should be subject to conditions securing affordability in perpetuity of the rental dwellings and ensuring allocation is in accordance with the Council's Allocation Policy.

4.2 **Public Comments**

A site notice was placed at the application site 09.11.2020 and neighbour letters were sent.

Two letters of representation have been received at the time of writing this Report, making the following comments:

- The fence between the development and neighbouring property should be six feet tall for the entire length and if replaced should be able to withstand wind speeds of up to 65mph
- The gable end of block 1-3 may obstruct the signal of a Sky TV satellite dish. Any fee to reposition this dish should be paid for by the developer
- Can it be confirmed that the responsibility of ongoing maintenance of the development will be Housing Plus Group/Sevenside Housing
- When the town centre shared space is completed more traffic will be using Curriers Lane as a cut-through, causing congestion
- More houses being built will add to traffic levels
- Where will the people that attend Shifnal Senior Club park, on-street parking will add to the congestion

5.0 THE MAIN ISSUES

- Principle of development
- Assessment of the loss of The Beehive as a public house
- Affordable housing need
- Siting, scale and design
- Historic environment
- Highway safety
- Drainage
- Residential amenity
- Biodiversity
- Trees and open space

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The Council benefits from an adopted development plan which has been found to accord with the National Planning Policy Framework (NPPF). The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 The Council's development plan consists at this time of the Core Strategy, Site Allocations and Management of Development (SAMDev) Plan and a range of Supplementary Planning Documents and adopted Neighbourhood Plans. This application lies within the catchment of the Shifnal Neighbourhood Plan, adopted 2016.

6.1.3 Development that affects a local service/facility

6.1.4 The loss of public houses is resisted in principle as they are regarded to be valuable community assets. Paras 83 and 92 of the NPPF promote the retention and development of local services for the benefit of sustaining local communities and encourages decision makers to guard against their unnecessary loss. Core Strategy policies CS08 and CS13 additionally recognise the contribution that public houses make as part of the wider tourism, leisure and food and drink offer within the county, adding to the quality of life for residents and visitors in Shropshire.

6.1.6 Policy CS06 of the same document recognises that there are occasions where closure is regrettable but inevitable. This loss should be counteracted by equivalent or improved provision, or where this facility, amenity, or service is to be lost completely, it should be clearly demonstrated that it is not viable over the long term.

- 6.1.7 Policy EC4 of the Shifnal Neighbourhood Plan similarly seeks to avoid the loss of employment premises. It requires any planning application that would lead to a loss of an employment facility to demonstrate that it has not been in use for a minimum of 12 months, that the enterprise is unviable following results of a viability report, and levels of interest following a marketing campaign lasting for a continuous period of a minimum of 12 months.
- 6.1.8 Residential development within Shifnal
- 6.1.9 A key objective of the NPPF is to significantly boost the supply of homes. This is a significant material consideration for decision-makers, where considerable weight must be attached when weighing a development for housing in the planning balance.
- 6.1.11 Policy CS01 of the Council's Core Strategy and Policy MD01 of the SAMDev Plan make it clear that new housing should be concentrated around sustainable locations within Shropshire, described as Market Towns, Key Centres, and Community Hubs and Clusters (see also policies CS03, CS04, CS05 and CS11 of the Core Strategy). Community Hubs and Clusters became designated sustainable locations for development in the SAMDev Plan when it was adopted in 2015, following consultation with local communities and parishes.
- 6.1.12 The application site falls within the development boundary of Shifnal which is identified within the SAMDev Plan as a Market Town/Key Centre. Policy CS03 of the Core Strategy specifies that development within Shifnal should meet local needs. The Shifnal Neighbourhood Plan broadly agrees with this, particularly the provision of smaller dwellings for first-time buyers and older people.
- 6.1.13 Policy CS10 of the Core Strategy and MD3 of the SAMDev Plan additionally give support to the appropriate re-use and development of brownfield sites.
- 6.1.14 Development that affects the historic environment
- 6.1.15 While not in itself a heritage asset, The Beehive lies a short distance (85m) from the Shifnal conservation area boundary and two Grade II listed buildings in a 100m radius. The development may therefore have some impact on their respective settings.
- 6.1.16 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the

historic environment to the character of a place. Para 127 additionally makes it clear that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

6.1.17 Policy CS06 of the Core Strategy, and MD02 of the SAMDev Plan also require great weight to be given to the conservation of Shropshire's heritage assets as a finite resource. Amongst other things, CS17 of the Core Strategy requires all development to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

6.2 Assessment of the loss of The Beehive as a public house

6.2.1 The planning agent has confirmed that The Beehive has been closed since 2017. However, it could re-open at any time as a public house. It is therefore necessary to assess whether, on planning balance, the total loss of this facility is unavoidable.

6.2.2 The Beehive is situated on one of the key vehicular routes into and out of Shifnal and is surrounded mainly by residential dwellings. It is a short walk from the main core of the centre of Shifnal, which is served by a broad range of services and amenities. The nearest public houses to The Beehive are The White Hart around 40m north, and The Wheatsheaf around 100m south, both designated heritage assets (listed grade II).

6.2.4 No supporting evidence has been submitted at this time to demonstrate what efforts have been made to re-open The Beehive and that its demolition is a last resort. However, internet research into the public house shows that it stopped advertising online in August 2016. This generally corroborates with imagery on Google Streetview, where the building and beer garden appear to be well-kept in June 2016, but by July 2018 the site is clearly overgrown and unkempt. Concerns surrounding its general condition as an empty building were reported upon on the Shropshire Star website in 2019 (<https://www.shropshirestar.com/news/local-hubs/telford/shifnal/2019/06/18/danger-concerns-on-abandoned-buildings-in-shifnal/>).

6.2.5 No evidence of the property being marketed either to let or for sale could be found at the time of writing this Report. Additionally, no financial information has been submitted to demonstrate that the business has been operating as an unviable business for a prolonged period of time. However, from the resources available to view online, including media coverage and satellite imagery, and an officer site visit, on the balance of probability The Beehive has struggled to remain open and profitable over a significant period of time. This subsequently led to its closure in 2017 and a lack of interest from prospective tenants and/or purchasers to run the

premises as a public house. No letters of comment have been received objecting to the loss of The Beehive as a public house.

- 6.2.6 Taking the above into consideration, the re-use the site for residential development is acceptable. When weighing the development in the planning balance, it is not considered that the loss of The Beehive as a public house would cause harm to the vibrancy or vitality of Shifnal, or the economy of Shropshire more generally. Rather, due to the length of the time that the pub has been closed, patrons will have naturally dispersed to others within Shifnal, of which there are two within a 100m radius.
- 6.2.7 The proposal is therefore acceptable in this regard.

6.3 **Affordable housing need**

- 6.3.1 The Council's Affordable Housing team has advised that there is evidence of a high affordable housing need in Shifnal. The figures released for January 2021 indicate that there are 209 households on the waiting list who are seeking a home in Shifnal and of these 27 households require a 3 bedroomed property. This proposal would therefore address this need in part. Any planning permission would be subject to conditions securing affordability in perpetuity of the rental dwellings and ensuring allocation is in accordance with the Council's Allocation Policy. (Conditions can be used in this instance rather than a Section 106 Agreement due to the applicants being a Registered Social Landlord).

6.4 **Siting, scale and design**

- 6.4.1 The NPPF sets out a framework of considerations that should be taken into account by decision-makers in assessing whether a development is acceptable from a design point of view. It ties good design as being a core part of what is 'sustainable development' - creating better places for communities to live, work and visit.
- 6.4.2 Para 127 sets out six key factors that new development should seek to achieve. It advises that developments should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including surrounding built environment and landscape setting; establish and maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places; optimise the potential of the site to accommodate and sustain an appropriate mix of development (including green and other public space); and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for users, ensuring crime and disorder do not detract from the quality of life.
- 6.4.3 Para 130 makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for

improving the character and quality of an area.

6.4.4 The Council's development plan policies MD02 of the SAMDev Plan and CS06 of the Core Strategy encourage development that is thoughtfully designed, for the benefit of both the site to which it would be built and its wider surroundings. They advise that consideration should be given to the impacts of that proposal upon neighbours and/or the local area more generally, including any specific benefits arising from that scheme. Policy CS17 also seeks to protect and where possible enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.4.5 Policy HG1 Design of Residential Development of the Shifnal Neighbourhood Plan additionally gives support to development within Shifnal that:

- * demonstrates high quality design that is in keeping with the scale and character of buildings and layout in the area;
- * complements the existing external materials in the town;
- * provides variety in house design and elevation treatment;
- * provides high quality boundary treatment;
- * provides good pedestrian and cycle connections to the town and countryside;
- * provides adequate storage for bins and recycling;
- * does not result in an unacceptable loss of amenity for neighbouring uses through loss of privacy, loss of light or visual intrusion; and
- * does not adversely affect road and pedestrian safety through traffic generation and parking

Matters relating to residential amenity are discussed later into this report.

6.4.6 It is proposed that The Beehive public house is demolished and replaced with nine affordable dwellings. The dwellings would split into three blocks of three, with plots 1-3 and 4-6 having the same appearance. Plots 1-3 would face out over Broadway at the Curriers Lane junction. Plots 4-6 would lie loosely parallel with Plots 1-3 but set back from this first terrace by gardens and a shared parking court, providing each dwelling with two bay parking spaces.

6.4.7 Both blocks would be linear in shape with a front-rear facing gable to plots 3 and 6 producing a hipped roof nearest to Couriers Lane. Plots 3 and 6 would be finished in white render, with remaining plots 1-2, and 4-5 having a facing brick exterior. All six dwellings would have tiled roof, stone cills and headers, timber porches and white upvc windows. Plots 1 and 4 would additionally benefit from a chimney stack following encouragement from the conservation officer.

6.4.8 Plots 7-9 would similarly have a linear form but would face south over Curriers Lane. They would be identical to one another with exception of the inclusion of a chimney stack either end of this terrace. Similarly to the

other plots on site these dwellings would have facing brick external walls, a tiled roof, stone headers and cills timber porches and white upvc windows. They would also benefit from two parking spaces each but laid out in a parallel fashion. Plot 8, at the centre of this terrace of three, would have rear access to the garden by private walkway across the rear of plot 7.

- 6.4.9 Boundary treatments would comprise of 1.8m close board timber fencing spanning the northern boundary nearest to Pickwick Court and the Shifnal Senior Social Club to the east and would also enclose the rear gardens for each dwelling. All dwellings would be set back a short distance from the roadside with metal railings adjacent to the pavement fronting Curriers Lane and Broadway.
- 6.4.10 The design and layout of the proposed dwellings is considered acceptable, where there is a broad mix of building styles and house types in the immediate area, as well as examples of shared private drives. The predominant material use of buildings is red brick and tile, however there are also examples of painted brick and render locally to the site, including on The Beehive which is white painted render facing the roadside. Examples of two storey terraced housing can be seen to the north of the application site at Pickwick Court and on the opposite side of Broadway at Mercian Court. It is considered appropriate in this case to break up the massing of the terraces into blocks of three, which would additionally provide variety in house design and elevation treatment as required in the Shifnal Neighbourhood Plan. The Council has no set standards in relation to garden sizes, however the proposed scale of gardens is considered to be broadly similar to surrounding dwellings.
- 6.4.11 On balance, it is considered that the proposal is acceptable in respect of siting, scale and design.

6.5 Historic environment

- 6.5.1 Policy CS06 and CS17 of the Core Strategy, and MD02 of the SAMDev Plan recognise the importance of preserving Shropshire's heritage assets as a finite resource. Development should take into consideration the high quality and local character of Shropshire's historic environment, and not adversely affect the historic values and functions of these assets or their immediate surroundings. Policy CH1 Derelict and Empty Buildings gives support to the re-use of sites provided that the works do not affect heritage assets such as the Shifnal conservation area.
- 6.5.2 In respect of the demolition of The Beehive, the Council's Conservation Officer does not regard the building to be of sufficient architectural or historic merit to warrant retention. Its demolition is therefore accepted, where it would not result in the unnecessary loss of historic fabric within Shifnal.
- 6.5.3 The Conservation Officer generally concurs with the findings of a

submitted Heritage Impact Assessment, which concludes that, on balance, the development would have a neutral impact upon designated and non-designated heritage assets, paying particular regard to tenement plots east of Broadway, The White Hart public house and The Wheatsheaf public house.

- 6.5.4 The Conservation Officer additionally agrees that the development would lead to some slight enhancement of the overall appearance of the site itself, especially the redevelopment of the carpark and retaining the corner plot presence within the street scene. Conditions have been recommended requiring details of external materials and joinery, however joinery details are not considered to be justified here, where the submitted plans indicate that fenestration is to be predominantly upvc and it has been concluded that the proposal would have a neutral impact on nearby heritage assets.
- 6.5.5 The Council's Senior Archaeological Advisor has additionally requested that a Written Scheme of Investigation is submitted in support of the application prior to works commencing should planning permission be granted, as the site is known to hold archaeological interest.

6.6 Highway safety

- 6.6.1 Core Strategy policy CS06 and Part 6 of the Shifnal Neighbourhood Plan encourages development in accessible locations, maximising opportunities for walking, cycling and use of public transport and reducing reliance on travelling by car and emphasises the need for safe developments.
- 6.6.2 Para 108 of the NPPF similarly advises that decision-makers should give consideration to the promotion of sustainable modes of transport, taking into account the type of development proposed and its location; that safe and suitable access can be achieved for all users; and that any significant impact upon the transport network, paying particular regard to capacity and congestion, or highway safety, can be cost-effectively mitigated to an acceptable degree.
- 6.6.3 Para 109 of the same document states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.6.4 The site is in an accessible location, close to the main core of Shifnal comprising of a broad range of services and amenities. The Council's Highways team has commented that the demolition of The Beehive would offer some benefit to road visibility at the Curriers Lane junction with Broadway provided that subsequent boundary treatments remain low. It is their professional judgement that the proposed development would not lead to an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe.

6.6.5 A letter of representation has been received seeking clarification on future parking arrangements for members of the adjacent senior social club, however the existing carpark serving The Beehive is not a public carpark. Any disputes relating to rights of access over this carpark would need to be pursued outside of the planning process as they are legal matters.

6.6.6 Conditions relating to the implementation of accesses and on-site parking and turning, boundary height restrictions and a Construction Method and Traffic Management Plan would be attached to any planning permission.

6.7 **Drainage**

6.7.1 Core Strategy policy CS18 relates to sustainable water management. Policy EN3 of the Shifnal Neighbourhood Plan additionally requires development to be designed and constructed to reduce the overall level of flood risk within the parish and to provide appropriate surface water drainage.

6.7.2 Following receipt of additional information the Council's Drainage Consultants are satisfied with the level of detail submitted and have withdrawn a previous request for planning conditions relating to surface water drainage.

6.8 **Residential amenity**

6.8.1 Core Strategy policy CS06 and Shifnal Neighbourhood Plan policy HG1 seek to safeguard residential amenity. In particular, the Shifnal Neighbourhood Plan gives support to development that does not result in an unacceptable loss of amenity for neighbouring uses through loss of privacy, loss of light or visual intrusion.

6.8.2 The layout of Plots 1-3 facing Broadway is considered acceptable, as it would broadly follow the existing line of development facing the road frontage. While not objecting to the scheme, the Council's Regulatory Services team has recommended that consideration is given to the layout of Plots 1-3 to minimise noise nuisance from the roadside, including setting them further back.

6.8.3 The internal floor layout of the dwellings is considered to be acceptable and appropriate, where the kitchen, W/C and first floor bathroom would be positioned nearest to the roadside. It is not considered necessary in this case to require these dwellings to be pushed further back from the roadside when existing dwellings already front this road at a similar distance. By setting the dwellings this would additionally reduce the size of rear gardens and be unlikely to achieve a significant reduction in noise impact given the open position of the site on the Curriers Lane junction.

6.8.4 Plot 1 would be positioned adjacent to the dwelling known as 2 High Street, where a single obscure glazed window exists at first floor level. Plot 1 would have a single window facing this dwelling at ground floor level

only, and so privacy would be preserved.

- 6.8.5 A letter of representation has been received seeking clarification on the height and specification of fencing, and the relocation of a Sky TV satellite dish. The boundary treatment in question is described on the submitted plans as 1.8m timber fencing, which is acceptable and a standard boundary treatment for developments in more built up areas such as this. Matters relating to the exact specification of this fence and the cost of moving a satellite dish would need to be negotiated with the developer outside of the planning process.
- 6.8.6 There is preference by Shifnal Town Council to re-orientate plots 4-6 to face out over Curriers Lane similarly to plots 7-9, with an arched opening to a parking court to the rear. However, the present layout would reduce the impact of the development upon No.4 and No.6 Curriers Lane opposite, which are bungalows. The layout as submitted in combination with the hipped roof at the end of the terrace is considered to reduce the overall mass of this terrace for the benefit of the occupiers of these bungalows. A ground and first floor window on the gable end nearest to Curriers Lane would maintain an active street frontage.
- 6.8.7 While Plot 4 would be positioned near to the rear garden boundaries of Pickwick Court, these dwellings are two stories in height and so the impact of the development would be less severe. The submitted site plan additionally demonstrates that this block, in particular Plot 4, would be offset from the rear elevation of 18 Pickwick Court as the nearest existing dwelling around 13m at its closest point. One window is proposed at ground floor level on this gable end, which would preserve privacy for both sets of occupiers.
- 6.8.8 Plots 7-9 facing Curriers Lane to the east of the site are considered to be acceptable in residential amenity terms, where the back-to-back separation distances to dwellings on Pickwick Court would measure around 18m at its nearest point. While Plot 9 would be adjacent to the Shifnal Senior Social Club, it is unlikely that the site would cause harm in terms of noise or other nuisance with the Council's Regulatory Services team raising no concerns. Plot 9 would be set back from the shared boundary by a driveway and positioned forward of this building.
- 6.8.9 Construction and delivery hours would be restricted to help mitigate the impact of the construction phase to neighbouring occupiers.

6.9 **Biodiversity**

- 6.9.1 Core Strategy policies CS6 and CS17 seek to ensure developments do not have an adverse impact upon protected species and accords with the obligations set out under national legislation. An extended phase one habitat report submitted with the application draws the following conclusions:

6.9.2 *The building on site was inspected internally and externally for any evidence of protected species which could be using the building for habitat. The inspection did not indicate that bats or birds were using the building or the roof space for roosting or for nesting. There was no access into the building or roof space identified internally or externally and therefore no mitigation for the removal of this potential habitat is required. The car park offers no foraging opportunities for bats and therefore the construction of the proposed dwellings on this habitat will not result in any impact to local bat species. No further survey work for bats is required and no mitigation is recommended.*

The planning application will result in a loss of a small area of overgrown shrubs to the north of the existing building. This may offer some limited nesting habitat for birds during the breeding season. All shrub removal should be done outside the bird nesting season (March to the end of August). If this is not possible then a pre commencement survey by a qualified ecologist would be required, to ensure no birds were nesting within the foliage. If they are found to be nesting, then no shrub removal can be done until outside the nesting season.

There was no evidence of badger activity on the site, however the land within 50m of the proposed development boundary could not be surveyed as it is all part of private properties. It is unlikely there is any badger activity on the neighbouring land, as the property is surrounded by dense residential housing. No mitigation or further survey work for the species has been recommended.

There were no areas of open water within 250m of the site boundary, therefore no further survey work for great crested newts has been recommended and no mitigation for the species has been deemed necessary.

There were no statutory designated sites within 6km of the proposed development boundary and therefore no impact is predicted as a result of the proposals.

In order to enhance the site for wildlife, one multipurpose Schwegler bird box should be installed on each of the proposed dwellings. The landscaping of the site should include some tree or shrub planting of native, berry bearing species.

6.9.3 The Council's Ecology Officer is content with the above findings, where the recommendations of the installation of a bird box on each dwelling and landscaping would be conditioned.

6.10 **Trees and open space**

6.10.1 Para 96 of the NPPF makes it clear that access to open space is important

for the health and well-being of communities. Policy MD02 of the SAMDev Plan advises that the amount of public open space to be provided by a residential development should be calculated on the basis of 30sqm per bedroom. Where developments are for 20 dwellings or more this space must comprise of a functional recreational space for play, recreation, formal or informal uses.

- 6.10.2 This application falls under the threshold of 20 dwellings and the site layout would only provide for some amenity planting adjacent to the private drive parking area. However, the agent has made reference to Wheatfield Drive and Curriers Lane play park as the nearest areas of existing public open space around 5 minutes' walk from the application site. These open green spaces are recognised within the Shifnal Neighbourhood Plan.
- 6.10.3 Having assessed the submitted details in respect of tree surveying, the Council's County Arboriculturalist has no objection to the scheme. Minor amendments to the proposed tree species to be planted as part of a robust landscaping scheme are recommended, where smaller, more upright growing species would avoid potential damage to hard surfacing and more long-term general maintenance issues. Conditions relating to pre-commencement tree works and tree protection measures, and the substitution of tree species on a final landscape plan would be attached to any planning permission.

7.0 CONCLUSION

- 7.0.1 Taking into consideration the combination of The Beehive public house having remained closed since 2017, the proximity of two public houses within 100m of the site, and the absence of objection to its loss from the public, it is considered unlikely that The Beehive will re-open as a public house and so its loss as a community facility is accepted.

Further, the building is not considered to be of sufficient architectural or historic merit to warrant retention as part of any future scheme, and so its demolition is accepted.

The site is classed as brownfield land within the development boundary of Shifnal and is surrounded mainly by residential dwellings. Its re-use for housing is therefore accepted.

As a 100% affordable housing scheme, this proposal would make a contribution of 9 affordable units to address in part an evidenced need within Shifnal for 3 bedroomed dwellings by 27 households as of January 2021. As the applicant is a Registered Social Landlord, planning conditions would be attached to any subsequent approval notice to ensure that the dwellings are affordable and that occupants comply with the Council's local connection criteria.

The siting, scale and design of the development would be appropriate, where there is a broad range of housing types and designs in the

immediate locality. External materials would be conditioned for approval.

The development would not cause harm to the respective settings of designated and non-designated heritage assets, paying particular regard to The White Hart and The Wheatsheaf public houses which are Grade II listed and Shifnal conservation area to the south.

The Council's Highways team have confirmed that the development would provide adequate on-site parking with a safe and suitable access, with conditions recommended.

The Council's Drainage team are satisfied with the level of detail submitted in respect of surface water drainage.

The development would safeguard the amenity of surrounding residential occupiers, minimising loss of privacy or overbearance. Conditions would be applied to any approval notice to limit construction/delivery hours during the construction period.

Ecological interests can be safeguarded through planning conditions.

The site lies within reasonable walking distance of two areas of public open space within Shifnal. No objection to the development has been raised by the County Arboriculturalist subject to conditions.

7.0.2 The proposal would satisfy the objectives of sustainable development set out within the NPPF. Conditional approval is therefore recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 **Human Rights**

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

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

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

8.3 **Equalities**

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

9.0 **Financial Implications**

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach

CS3 - The Market Towns and Other Key Centres

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS11 - Type and Affordability of housing

CS13 - Economic Development, Enterprise and Employment

CS15 - Town and Rural Centres

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S15 – Shifnal

Shifnal Neighbourhood Plan

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

14/03157/COU Application under Section 73a of the Town and Country Planning Act 1990 for the change of use of car park to undertake car wash on site GRANT 9th July 2015

BR/76/0220 Continued use of existing building as a football club meeting room at the rear GRANT 7th December 1976

BR/APP/FUL/07/0229 Erection of a rear canopy/awning GRANT 3rd May 2007

BR/77/0869 Continued use of existing building as a football club meeting room GRANT 13th February 1978

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Design and Access Statement

Extended Phase 1 Habitat Report

Heritage Impact Assessment

Tree Survey

Drainage Calculations

Cabinet Member (Portfolio Holder)
Councillor Gwilym Butler

Local Member

Cllr Kevin Turley

Appendices
APPENDIX 1 - Conditions

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

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

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

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

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

3. No above ground works shall commence until details of all external materials have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

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

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

5. No deliveries of construction materials, or construction or demolition work shall be carried out outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank or public holidays.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

Reason: The site is known to hold archaeological interest.

7. All pre-commencement tree works and tree protection measures as detailed in the Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan (Arborist and Ecological Services Ltd, 14.12.20) shall be fully implemented to the written satisfaction of the Local Planning Authority, before any development-related equipment, materials or machinery are brought onto the site.

The development shall be implemented in complete accordance with the Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan (Arborist and Ecological Services Ltd, 14.12.20). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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

8. Prior to the commencement of the development hereby approved, a final landscape plan prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance. The plan should also include the installation of a proprietary root barrier alongside the edge of any path of parking bay close to newly planted trees to prevent future tree root growth disrupting the surface of those features.

The approved tree planting scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following completion of the development. If within a period of three years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or, in the opinion of the Local Planning Authority becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

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

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: - the parking of vehicles of site operatives and visitors - loading and unloading of plant and materials - storage of plant and materials used in constructing the development - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate - wheel washing facilities - measures to control the emission of dust and dirt during construction - a scheme for recycling/disposing of waste resulting from demolition and construction works - a Construction Traffic Management Plan and HGV routing agreement.

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

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

10. Prior to the development hereby permitted being first brought into use/occupied the access layout and visibility splays shall be implemented in accordance with Drawing No.TC12/01/02.

Reason: To ensure a satisfactory means of access to the highway.

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

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

12. Prior to the first occupation/use of the development hereby approved, an appropriately qualified and experienced ecologist shall provide a report to the Local Planning Authority demonstrating implementation of the recommendations made in the Conclusion the submitted Extended Phase One Habitat Report (Arborist & Ecological Services Ltd, 8 September 2020).

Reason: To ensure the protection of and enhancements for wildlife.

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

13. Any hedge/wall or other boundary treatment fronting onto Curriers Lane and Broadway is to be kept at a height of 600mm at all times.

Reason: To ensure the provision of adequate visibility in the interests of pedestrian and highway safety.

14. The dwellings shall not be let or occupied other than either:

a) Lettings shall be made to persons under a form of tenancy permitted by the Homes and Communities Agency and at a rent (inclusive of applicable service charged) equal to or less than 80% of the open market rental value (or the maximum amount of local housing allowance payable for the Dwelling is this is lower); or

b) By way of a Shared Ownership lease or equity share arrangement whereby the occupier cannot progress to or achieve a share greater than 80% of the whole.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy CS11 and to ensure affordability in perpetuity.

15. In addition to the requirements of the Shropshire Affordable Housing Allocation Policy and Scheme, all lettings by Registered Providers shall meet the local connection and/or cascade requirements set out in the Shropshire Type and Affordability of Housing SPD or any policy or guidance that may from time to time replace it.

Reason: To ensure compliance with Shropshire Core Strategy Policy CS11 with regard to local needs and prioritisation for local people.

Informatives

1. PARAGRAPH 38

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

2. RELEVANT PLANNING POLICIES

In determining this application the local planning authority gave consideration to the following policies:

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

Shropshire Council Core Strategy policies:

Contact: Tim Rogers (01743) 258773

CS01 Strategic Approach
CS03 The Market Towns and Other Key Centres
CS06 Sustainable Design and Development Principles
CS08 Facilities, Services and Infrastructure Provision
CS11 Type and Affordability of Housing
CS13 Economic Development, Enterprise and Employment
CS15 Town and Rural Centres
CS17 Environmental Networks
CS18 Sustainable Water Management

Shropshire Council Site Allocations and Management of Development (SAMDev) Plan policies:

MD01 Scale and Distribution of Development
MD02 Sustainable Design
MD12 Natural Environment
MD13 Historic Environment
S15 Shifnal

Type and Affordability of Housing Supplementary Planning Document (SPD)

Shifnal Neighbourhood Plan

3. HIGHWAYS INFORMATIVES

Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

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

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

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

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

No drainage to discharge to highway

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

Waste Collection

Contact: Tim Rogers (01743) 258773

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

4. ECOLOGY INFORMATIVES

Nesting birds informative

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

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

All vegetation clearance, tree removal and scrub removal and/or conversion, renovation and demolition work in buildings [or other suitable nesting habitat] should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

Netting of trees or hedges to prevent birds from nesting should be avoided by appropriate planning of work. See guidance at <https://cieem.net/cieem-and-rspb-advise-against-netting-on-hedges-and-trees/>.

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

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

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

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

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

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

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

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

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

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

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

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

Bats informative

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

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

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

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

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