

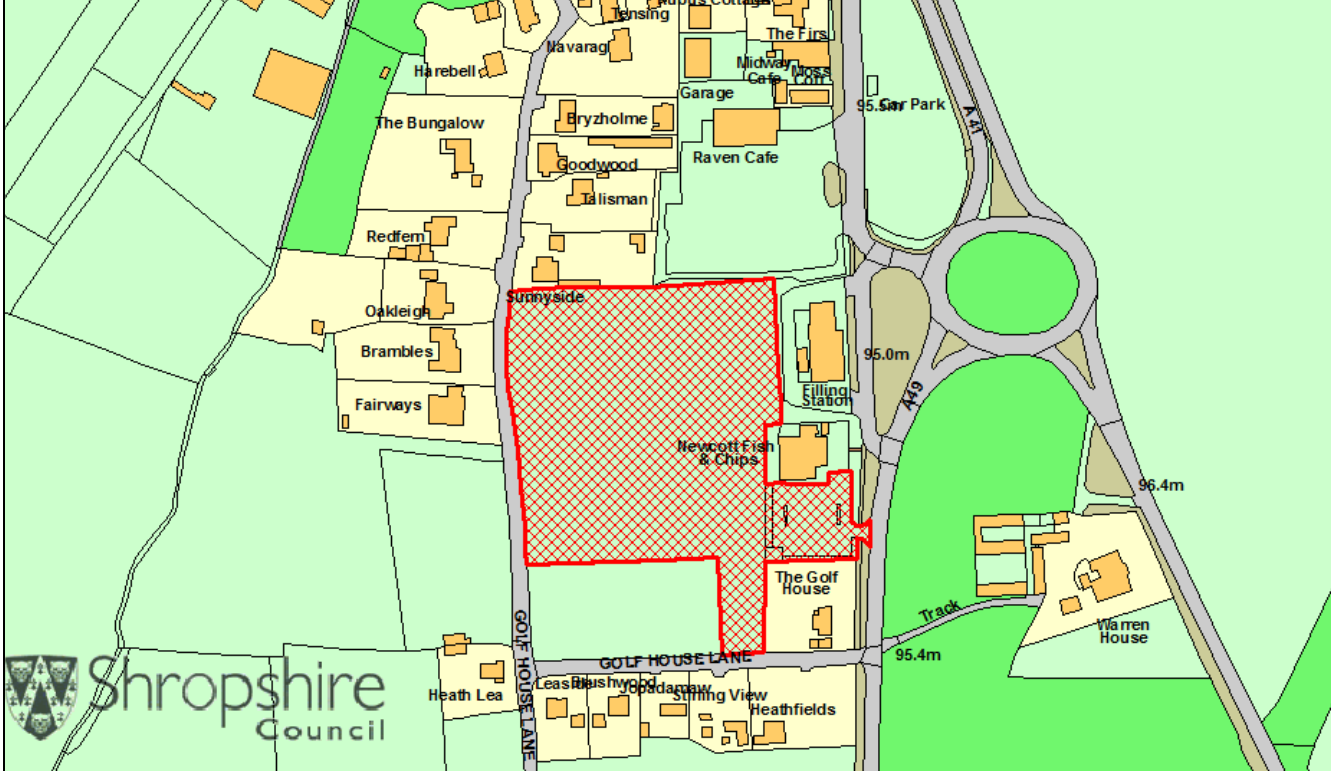
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 20/05125/FUL	<b>Parish:</b>	Whitchurch Rural
<b>Proposal:</b> Erection of 43 dwelling houses (24 open market and 19 affordable) including new vehicular access; public open space and children's play area; landscaping; and associated infrastructure		
<b>Site Address:</b> Land Adjacent to Golf House Lane Prees Heath Shropshire		
<b>Applicant:</b> Gleeson Homes		
<b>Case Officer:</b> Richard Denison	<b>Email :</b> <a href="mailto:planning.northern@shropshire.gov.uk">planning.northern@shropshire.gov.uk</a>	

**Grid Ref:** 355563 - 337919



**Recommendation:- Delegate to the Planning Services Manager for approval subject to the completion of a satisfactory Section 106 obligation with no objection being raised following the consultation with Natural England on the Habitats Regulation Assessment and the conditions as set out in appendix one with any modifications to these conditions as considered necessary by the Planning Services Manager.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This is a revised application following a recent refusal in November 2020 for a residential scheme of 48 dwellings. This application relates to the erection of 43 dwellings providing a mix of 24 open market dwellings (12 x 3-bedroom and 12 x 4-bedroom) and 19 affordable dwellings (5 x 2-bedroom and 14 x 3-bedroom) within an enclosed paddock in the centre of Prees Heath by Gleeson Homes. The development will include the provision of a new vehicular and pedestrian access which will serve the proposed residential development and the existing adjoining restaurant and convenience store. The proposed layout also includes a reconfiguration and extension of the existing car park serving the restaurant to provide 36 parking spaces and a designated service yard. This application now provides a significant increase in the area of communal open space which will include a play area and will serve the residential development and wider community. A foot path link will provide pedestrian access onto Golf House Lane along the western boundary of the site and to the south to enable links within the settlement for access to local services and the local footpath network. Additional tree landscaping and native boundary hedgerows will be provided throughout the site to reflect this rural location and increase biodiversity.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site is located in the settlement of Prees Heath at the junction of the A41 and A49 approximately 2.5km south of Whitchurch. The site covers an area of 1.72 hectares and comprises of an open field and is largely rectangular in shape. A protrusion from the sites southern boundary provides a small frontage onto Golf House Lane, whilst the proposed access will be through the parking area of Newcott Fish & Chip Restaurant. The site is relatively flat and has previously been in use as a paddock but has now been vacant for some time.

2.2 The northern boundary consists of a bungalow facing Golf House Lane and lorry park, whilst the eastern boundary is open to a petrol filling station and the Prees Heath Fish & Chip restaurant and convenience store accessed from the A49 and service road. A residential property is located towards the south eastern corner, whilst Golf House Lane is located to the south and separated by a small paddock not in the application site. Golf House Lane extends along the entire western boundary and has three properties facing towards the site to the north west.

2.3 Prees Heath has a number of services including a Fish and Chip Restaurant; Select and Save convenience store; a petrol filling station with convenience provision;

Raven and Midway Truck stop Cafés; truck parking areas; Raven Public House and Hotel; and the Aston Barclay car auction. The bus route 511 also passes through the village with stops on Tilstock Lane, providing regular links to Tilstock, Whitchurch and Shrewsbury.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council have submitted a view contrary to the officer's recommendation based on material planning reasons which cannot reasonably be overcome by negotiation or the imposition of planning conditions. The Principal Planning Officer in consultation with the Committee Chair and Vice agrees that the Parish Council has raised material planning issues and that the application should be determined by committee.

### **4.0 COMMUNITY REPRESENTATIONS**

#### **4.1 Consultee Comments**

- 4.1.1 **Shropshire Council, Highways** - The residential development proposed, is unlikely to have a significantly detrimental effect on the adjacent principal road network, where a highways and transport objection could be sustained. It is recommended that the proposed alterations to the access and the restaurant car parking should be the first phase of construction, to ensure that the development traffic is not adversely impeded by the restaurant patrons. It is noted that the existing footway facility along the A49 frontage is currently not ideal and would benefit improvement. However, this footway is isolated from any adjoining facilities, and such improvement would serve little local sustainable travel benefit. Therefore, the developer's proposal to retain the facility as existing, is considered acceptable. It should be noted that the applicant has already begun negotiations with the highway authority in respect to the potential future Section 38 Agreement (HA1980) for adoption of the new estate roads proposed. Currently, amendments to several construction details and the specifications previously submitted have been requested to meet adoptable requirements. Therefore, the safeguarding conditions are proposed to ensure this development meets the Council's adoption specification. It is considered that the proposed development will be acceptable, from a highways and transport perspective.

- 4.1.2 **Shropshire Council, Trees & Woodland Amenity Protection Officer** - Overall the impact on existing arboreal features is low although 2 early mature category "B" Oak trees are to be removed to facilitate the development which require mitigation. Two sections of defunct hedgerow central to the site and a number of "C" category trees are also proposed to be removed. The existing hedgerow to the western boundary is to be retained and a new native mixed species hedge on the eastern boundary is proposed. An area of POS is part of the overall landscape scheme and is to provide separation between the existing commercial site and residential. The opportunity should be taken to enhance the tree cover locally through appropriate planting where possible of large, long-lived varieties of trees. These provide greater ecosystem service benefits and generally have higher landscape and wildlife values than

smaller, shorter lived types of tree. The landscape plan shows indicative tree planting and has suggested species including new Oak trees. The landscape plan should be finalised with numbers and species confirmed and a watering schedule provided. No objection subject to safeguarding conditions.

- 4.1.3 **Shropshire Council, Housing Enabling Officer (05/01/21)** - I note the reduction in the numbers of affordable units (but not the open market) and that they are now all to be 3 bed properties. We would prefer to see a mix of affordable homes with the reintroduction of some.
- 4.1.4 **Shropshire Council, Housing Enabling Officer (21/04/21)** - Amendments have been made to provide the provision of five 2-bedroom affordable dwellings which is considered acceptable.
- 4.1.5 **Shropshire Council, Planning Ecologist** - A formal consultation was sent on the 16/12/20 and 28/1/21, although no formal response has been received. However, the following comments were received on the previous application 19/02203/FUL:

This application is in close proximity to Prees Heath Site of Special Scientific Interest and lies within an Impact Risk Zone. The applicant has responded to concerns expressed by Natural England. The application site lies within the Zone of Influence for recreational impacts for Brown Moss SAC and Ramsar site. A Habitats Regulations Assessment has been attached to this response. Please note that the findings of the HRA are only valid if the mitigating measures are legally secured, for the lifetime of the development. If this is not possible, I recommend refusal as there could be an adverse effect on the integrity of Brown Moss. Natural England must be formally consulted on the findings of the HRA by contacting [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk) in the first instance. The comments of Natural England must be taken into account before a planning decision can legally be made. Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

#### Indirect effects on Prees Heath SSSI and Brown Moss SAC

The proposed development lies approximately 67 metres to the north west of Prees Heath SSSI: a 21.68 ha nature reserve designated for its remnant lowland heath which is especially important for its population of the nationally scarce silver-studded blue butterfly. The SSSI forms part of the larger Prees Heath Local Nature Reserve (LNR) which totals 60 ha in area. The SSSI is currently in an unfavourable condition with 84.41% of its area considered to be 'Unfavourable – Recovering' and 15.59% considered to be 'Unfavourable – Declining'. Current issues experienced by the SSSI relate to use of the site for recreation (presumably walkers), and in particular dog fouling. Natural England, in their consultation response dated 19th July 2019, expressed concern over indirect impacts on the SSSI as a result of the development (particularly through dog fouling) and suggested options for mitigating the potential recreational impacts may include improved links to the wider countryside to the west of the development site or contributions to the management of the Prees Common nature reserve.

According to the letter from SLR to NE, of the 53 'households proposed, around 26% of those are likely to own a dog<sup>1</sup> which equates to 14 additional dogs in the neighbourhood. Of these additional 14 animals, a lesser number would be walked across the SSSI/LNR, with some owners choosing not to cross the busy A49 road, instead preferring other routes. Of those dog owners who do chose to access the Reserve, a smaller number still will not pick up after their dog.' Dog faeces can cause an influx of nutrients (nitrogen and phosphorus) to the soils which can locally increase soil fertility levels. If faeces are deposited on or near plants (such as heathers) requiring low soil fertility, it can detrimentally alter the growing conditions for plants and ultimately impact the populations of butterflies and other organisms which rely on them.

SLR go on to say that 'Given the small increase in dog owners accessing the Reserve (estimated to be less than 14), any impact is likely to be very low with any slight increases in nutrient levels likely to be undetectable in the growth rates of plant communities present. The impact on the blue studded butterfly is also therefore likely to be undetectable... There are no other known proposed developments within the vicinity of the Reserve which could have the potential to cumulatively effect its condition.'

#### Mitigation proposed to counter impacts from dog walkers on Prees Heath SSSI

The agent's ecologist has been in contact Mr John Davies, Head of Reserves for the Butterfly Conservation Trust (managers of the SSSI and wider common) to find out how the development can assist them in completing projects set out in their draft management plan. Mr Davies has indicated by email that a contribution of £3,500 would support the draft management plan for the site, addressing indirect impacts through education for visitors and controlling/directing them to less sensitive areas (where the benches will be placed) and enhancement of bird nesting facilities. It is suggested the money would fund:

- Upgrading of two reserve information panels
- Reprinting with minor amendments the reserve leaflet highlighting new access points
- Provision of an additional reserve leaflet box
- Provision of two green oak backless benches on the reserve
- Provision of two raptor bird boxes

The developer has included a dog waste bin on the public open space on site, which has now been increased in size to 2000 m<sup>2</sup>, with the number of homes reduced to 48. This is still below the area of open space required under SAMDev Plan policy MD2. A commuted sum for open space provision of £147,927 has been proposed to cover the shortfall in public open space. A dog waste bin has also been included adjacent to the footpath link heading west from the site, to encourage dog walkers to use the footpaths in this area too (away from the SSSI). In addition, they are prepared to include leaflets educating people about their impacts on the SSSI and

things to do to minimise this in the home owners' packs and that a condition to this effect should be attached to any planning permission.

The following items must be secured by condition or s106 agreement for the lifetime of the development.

- Provision of two dog bins one adjacent to the footpath link in the west of the site and the other in the POS, close to the entrance to the site in the east.
- A means of securing maintenance of the dog bins, or replacement as necessary, for the lifetime of the development.
- A means of securing the emptying of the dog bins at a suitable frequency, for the lifetime of the development.
- Transfer of the payment to the Butterfly Conservation Trust to manage indirect effects.
- Provision of leaflets educating people about their impacts on the SSSI and things to do to minimise this in the home owners' packs.

#### Brown Moss SAC, Ramsar Site and SSSI

Brown Moss is an internationally designated site c. 1.3km to the north as the crow flies. Increased recreational pressure has been identified as a damaging factor in the Local Plan Habitats Regulation Assessment (HRA). Any development which may affect an international site, either alone or in-combination with other plans or projects must be subjected to a project level HRA by the LPA. An HRA has been attached to this consultee response. Under policies MD12 and MD2 of the SAMDev Plan, a possible mitigation measure for removing impacts via dog-walking is to provide more than the required open space on the development site. The open space on the development site is less than 30m<sup>2</sup> per person and it is not clear if the proposed commuted sum for open space provision this will be used within the Zone of Influence of Brown Moss. However, in view of the close proximity of the Prees Heath SSSI and nature reserve, and the mitigation measures detailed above, it is unlikely that significant numbers of visits will be made to Brown Moss as a result of this development (see further details in the HRA).

#### Further consultations

Natural England have been re-consulted on this application following mitigation proposals being put forward. The local authority have not received a response. Natural England should be re-consulted on the council's HRA with a consultation period of 21 days. The LPA has already been informed that if NE do not respond within 21 days they do not have additional comments.

- 4.1.6 **Shropshire Council, Ecology (24/03/21)** - The application site lies within the Zone of Influence for recreational impacts for Brown Moss SAC and Ramsar site. A Habitats Regulations Assessment is attached. Please note that the findings of the HRA are only valid if the mitigating measures are legally secured, for the lifetime of the development. If this is not possible, I recommend refusal as there could be an adverse effect on the integrity of Brown Moss. Natural England must be formally

consulted on the findings of the HRA in the first instance. The comments of Natural England must be taken into account before a planning decision can legally be made. I'm not sure if ecology have been formally consulted on this application with regards to general ecological considerations, however, comments as contained with previous responses to PA ref: 19/02203/FUL will apply to this application too.

- 4.1.7 **Shropshire Council, Drainage** - The proposed surface water drainage strategy in the FRA is acceptable in principle. However, drainage details, calculations and plan as per Informative Notes below should be submitted for approval prior to development commencing.

The proposed surface water 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 35% for climate change. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval. Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Highway Gully Spacing calculations should be submitted for approval. Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102). Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

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

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

within the development site or contribute to surface water flooding of any area outside of the development site.

The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

4.1.8 **Shropshire Council, Access Mapping & Enforcement Team Leader** - A formal response has been received raising no comments on the application.

4.1.9 **Shropshire Council, Historic Environment Team (Conservation)** - The site is currently undeveloped land adjacent to commercial development consisting of fast food retail, petrol filling station, and truck stop to the east and north, to the south and north west residential properties and immediately west agricultural land served off an unmade track. The majority of properties are single storey apart from the Warren House farmstead which is no longer in agricultural use. Warren House is an identified farmstead (Historic Farmsteads Characterisation Project, 2008 to 2010) and was described at that time as: "Regular Courtyard E-Plan. Additional Plan Details: Additional detached elements to main plan. Date Evidence from Farmhouse: 19th Century. Date Evidence from Working Building(s): None. Position of Farmhouse: Farmhouse set away from yard. Farmstead Location: Isolated. Survival: Partial Loss - less than 50% change. Confidence: High. Other Notes: Some Evidence for Conversion." This farmstead is considered a heritage asset as defined in Annex 2 of the NPPF but the impact of the development is considered to be neutral due to the already busy and intensive use of the land and roads around it. The overall site layout is particularly urban in form in this rural location where the open space to serve the development is immediately adjacent to the very busy commercial services area and would appear to be in a secure area of the development, however, this is not something for HE Team to comment on in detail.

4.1.10 **Shropshire Council, Recreation Team** - A formal consultation was sent on the 16/12/20 and 28/1/21, although no formal response has been received.

4.1.11 **Shropshire Council, Regulatory Services (21/01/20)** - Environmental Protection has reviewed the application and have the following comments:

#### Amenity

The noise report provided indicates that it is a noisy environment that will require mitigation measures in order to achieve acceptable noise levels. The mitigation measures proposed largely rely on providing a noise insulation scheme which relies on windows being kept shut to achieve acceptable internal noise levels.

Since the previous application for this site was submitted the Planning Policy Guidance Note on Noise has been revised (in July 2019) and now gives reference to the ProPG guidance on Planning and Noise (May 2017) which should now be taken into account when considering the effect of noise on new developments. This



guidance emphasis the importance of good acoustic design in mitigating the impact of noise and it highlights that relying on unopenable windows for achieving acceptable internal noise levels is considered a detriment to the amenity and is not generally acceptable.

While ProPG does accept that there are some situations where it may be necessary to accept that windows need to be kept closed to achieve acceptable internal noise levels this should be the exception to the rule, for example it may be necessary in cities where all potential housing sites may be affected by noise so that this would be unachievable.

ProPG (para 2.23) recommends that planning applications for new residential development should include evidence that good acoustic design have been properly considered, including planning the site or building layout and consider the orientation of propose buildings.

The noise assessment for the proposal indicates that many of the windows in the development would need to be kept closed at all times to achieve acceptable internal noise levels (although the exact windows has not been identified). Often the layout of the site can be designed so that sensitive facades of the properties are protected from excessive noise and the buildings themselves can form noise barriers but there is no evidence that good acoustic design measures have been applied to this site.

The proposed development is not in accordance with the aims of the NPPF detailed above or with the guidance provided in PPGN or ProPG. Residential development of this site is likely to result in significant adverse impacts on health and quality of life of future occupants, unless the site can be significantly redesigned to incorporate good acoustic design to enable acceptable internal noise levels to be achieved with windows open for ventilation. As this could involve a significant redesign I recommend that this application is not decided until an alternative scheme of mitigation has been agreed.

### Contaminated Land

A report by Wardell Armstrong; Land off Golf House Lane, Prees Heath, Shropshire; Ground Conditions Assessment, February 2018, Report Number 0003 (1.0) which includes a Phase 1 Desk Study Report, prepared by Patrick Parsons, reference M17041, dated August 2017 and Wardell Armstrong; Supplementary Ground Gas Monitoring & Risk Assessment; CS/SL/ST16544/0004, 10th January 2019 has been submitted in support of this planning application.

No contaminants of concern above the relevant screen values have been identified that requires remediation and the results of the ground gas risk assessment has determined that gas protection to buildings is not required.

Environmental Protection does not disagree with the conclusions of these assessments and therefore has no comments to make in respect of contaminated land.

4.1.12 **Shropshire Council, Regulatory Services (17/05/21)** - The additional information has been considered. It is noted that the addition of a 3m high fence to the northern façade of the development to protect proposed dwellings from lorry park noise will have minimal additional impact other than at plot 22 where a 2dB reduction in noise is anticipated. The assessment has shown the impact of mitigation from a 2m high fence on noise internally in bedrooms. It shows noise levels meet BS8233:2014 standards when applying a 15dB attenuation for noise passing through a partly open window. 15dB attenuation is the maximum stated in relevant guidance. A 3m high fence would reduce noise levels by a further 2dB and would provide additional confidence that the night time noise levels would be achieved.

Noise from the fish and chip shop has been assessed. It has shown that the use of a 3m high fence would remove 5dB of noise at the most affected proposed dwelling. This is significant and 4dB more than a 2m high fence. Given that noise from this source may vary over time due to any maintenance regime in place and the potential for this noise source to have a character different to the background expected to be mainly traffic noise, it is recommended that a 3m high fence on the eastern façade where proposed by the noise consultant along the boundary with the fish and chip shop would be beneficial. This is for the protection of future residents and of the existing fish and chip outlet to reduce the potential of noise complaint in future. The proposal of reducing the level of the extract at the fish and chip shop is not considered to be appropriate given the additional potential for odour concerns by reducing dispersion characteristics in the plume.

In summary the provision of a 3m high acoustic fence of suitable construction and density (assumed minimum density of 10kg per square meter) as shown on the maps in noise documentation ref: RK3181/18106 by Spectrum Acoustic Consultants is considered to be of benefit and is recommended. If possible it is recommended that affordable housing is relocated to an area where there is less specific noise source impact this would be considered a betterment.

4.1.13 **Shropshire Council, Waste Management Officer** - It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material). Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. Any access roads, bridges or ramps need to be capable of supporting our larger vehicles which have a gross weight (i.e. vehicle plus load) of 32 tonnes and minimum single axle loading of 11 tonnes.

I would recommend that the developer look at the guidance that waste management have produced, which gives examples of best practice. This can be viewed here:

<https://new.shropshire.gov.uk/media/7126/shropshire-refuse-and-recycling-planning-guidance-july-2017-002.pdf>

We would prefer to see a vehicle tracking of the vehicle manoeuvring the road to ensure that that the vehicle can access and turn on the estate. Details of the vehicle size and turning circles are in the document linked above.

- 4.2.14 **Shropshire Council, Learning and Skills Team** - Reports that both the local primary and secondary schools are forecast, with housing developments, to be oversubscribed by the end of the current plan period. With future housing developments in the area it is forecast there will be additional strain on capacity. It is therefore essential that the developers of this and any new housing in this area contribute towards the consequential cost of any additional places or facilities considered necessary to meet pupil requirements in the area. In the case of this development it is recommended that any contributions required towards education provision are secured via CIL funding.
- 4.2.15 **West Mercia Police** - As Design Out Crime Officer for West Mercia Police I do not wish to formally object to the proposal at this time. However, there are opportunities to design out crime, reduce the fear of crime and to promote community safety. Therefore, should this proposal gain planning approval the below advice should be considered by the developer.

The developer should aim to achieve the Police Crime Prevention initiative award of Secured By Design. Secured By Design is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The opportunity for burglary offences to occur can be reduced by up to 87% if Secured By Design is achieved. There is a clear opportunity within this development to achieve the Secured by Design award. By doing so it can also address the requirements of the new Approved Document Q.

Approved Document Q applies to all new dwellings, including those resulting from a change in use of an existing building, such as commercial premises, warehouse and barns undergoing conversions into dwellings. It also applies to builds within Conservation Areas. Approved Document Q creates security requirements in relation to doors at the entrance to a building, including garage doors where there is a connecting inner door leading directly into the dwelling. Also included are ground floor, basement and other easily accessible windows; and any easily accessible roof-lights. The requirement is that the product must be shown to have been manufactured to a design that has been tested to an acceptable security standard.

In recent times there has been a tendency to install thumb turn locks on front doors. This type of locking device should only be considered when the lock cannot be easily seen from the outside, any glazed panels are fitted with laminate glass to standard PAS24:2016 / STS 201 and a deflector is fitted to the inside of any letter box opening. Thumb turn locks should never be considered for rear doors if they are half glazed and the internal thumb turn can be easily seen from the outside. This will increase the potential for burglary and other offences to occur.

The principles and standards of the Secured By Design initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

During the build the developer has a responsibility for site security. They should aim to keep any compound, machinery and tools as secure as possible whilst on site. Offenders will visit such sites to test security measures that are or are not in place and if they are not up to standard then they will be attacked causing an increase in crime in the locality. Every effort should be made to keep property safe and secure. The Design Out Crime Officer can offer professional advice if requested to do so.

- 4.2.16 **Natural England** - Further information required to determine impacts on designated sites. As submitted, the application could have potential significant effects on Brown Moss Special Area of Conservation, the Midlands Meres and Mosses Phase 1 and Midlands Meres and Mosses Phase 2 Ramsar sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: A Habitat Regulations Assessment.

The proposed development triggers the Impact Risk Zones for a number of internationally designated sites. Despite the proximity of the application to these sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Notwithstanding the above, Natural England notes that the application is a revised version of a similar application at the same site which was subject to a Habitats Regulations Assessment. This assessment concluded that with mitigation measures in place that the proposal would not have an adverse effect on the integrity of international sites to which Natural England concurred. You may wish to consider this proposal in a similar manner.

**Prees Heath Site of Special Scientific Interest | No objection - Subject to mitigation being secured**

We consider that without appropriate mitigation the application would:

- Damage or destroy the interest features for which Prees Heath Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- Upgrading of two reserve information panels
- Reprinting with minor amendments the reserve leaflet highlighting new access points
- Provision of an additional reserve leaflet box
- Provision of two green oak backless benches on the reserve
- Provision of two raptor bird boxes
- Provision of two dog bins one adjacent to the footpath link in the west of the site and the other in the POS, close to the entrance to the site in the east.
- A means of securing maintenance of the dog bins, or replacement as necessary, for the lifetime of the development.
- A means of securing the emptying of the dog bins at a suitable frequency, for the lifetime of the development.
- Transfer of the payment to the Butterfly Conservation Trust to manage indirect effects.
- Provision of leaflets educating people about their impacts on the SSSI and things to do to minimise this in the home owners' packs.

These measures were proposed for the previous application and accepted by Natural England as being sufficient to protect the SSSI. As such Natural England considers the provision of these measures as necessary to prevent damage to the SSSI.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

4.2.17 **Severn Trent Water** - No objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be

diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

- 4.2.18 **Butterfly Conservation** - A formal consultation was sent on the 16/12/20 and 28/1/21, although no formal response has been received. However, the following comments were received on the previous application 19/02203/FUL:

Butterfly Conservation supports the comments made by Natural England in their submission dated 19<sup>th</sup> July 2019 and we share their concerns over potential indirect impacts on the nearby SSSI and associated habitats of our reserve.

Butterfly Conservation owns and manages Prees Heath Common Reserve, which is situated immediately across the A49 road from the proposed development. As well as being in part a Site of Special Scientific Interest, the reserve is Open Access Land under the Countryside and Rights of Way Act 2000. Residents of the proposed housing development seeking to access the reserve would enter by the path at the northern end of the reserve, which is also part of the Shropshire Way. Dog fouling is a major concern throughout the reserve as it has become a popular site for people to walk their dogs. At present there are two dog waste bins at the southern end of the reserve, emptied weekly by Shropshire Council, but they are not used by all dog walkers. There is no such facility at the northern end of the reserve. Our efforts to encourage all dog walkers to act responsibly by clearing up after their dog have had only limited success, and there are still significant amounts of dog faeces to be seen on the reserve on any given day. Not only does this affect by the ecology of the reserve by enriching the soil, it also presents a hazard to everyone who visits the reserve.

Skylarks, a bird in population decline in Britain, breed on the reserve, particularly on the areas we are restoring to heathland following many years of arable cultivation. As they nest on the ground it is essential that dog owners keep their dogs on short leads from 1<sup>st</sup> March to 31<sup>st</sup> July, and there are several notices on the reserve to this effect. Again, not all dog owners comply with these notices, and additional dog

walking can only increase the disturbance pressures on the skylarks trying to breed successfully. Both these problems are well documented in relation to urban-area heathlands elsewhere in the country.

- 4.2.19 **Whitchurch Rural Parish Council** - The Parish Council notes the re-working of 19/02203/FUL (the details of which no longer appear to be available to view on the portal), a previous planning application for the same site albeit for a now slightly reduced number of homes and enlarged amenity space area, however, maintains its previous strong objection to the proposed development on the following material grounds:

Whilst the Parish Council fully supports affordable home schemes there is concern over the choice of site for this application. Prees Heath is an area mainly comprised of service type businesses rather than homes i.e. pub/truck stop/lorry park/service station/fish and chip shop etc. The allocation for homes in SAMDev until 2026, in which Prees Heath is part of a community cluster, is for 10 houses. The Parish Council is of the opinion that this area is not the right location for this size of development. Taking into consideration the reduction in number of houses the Parish Council holds the view that it still constitutes overdevelopment of the plot. A development of 20-25 homes set further back from the main roads would be more appropriate, although perhaps not so economically appealing to the developer.

The proposal does not meet the requirements of CS6 as it is inappropriate in scale, density and pattern in the context of this setting. The proposals are at odds with the scale and type of development in this area which is small scale and mainly single dwellings in a sporadic form. This site will not contribute to the health and well being of residents; being closely situated to 2 main A roads they will inevitably be exposed to noise and traffic fumes. Council members are of the opinion that it is not a good choice of location in which to raise young families, which will be the main target audience for this type of development. A large number of lorries are parked 24 hours per day on the Prees Heath car park site and at the Raven Cafe car park. Engines are left running overnight to maintain refrigeration levels. The noise and pollution levels are not conducive to health and wellbeing. It has been noted that previous surveys were conducted on a Wednesday afternoon. Surveys should be carried out on a range of days, to include Thursdays and Sundays when hundreds of motorbikes converge on this area.

There is very poor access into Tilstock village from Prees Heath. There is no pedestrian footway for children to walk to School or to reach the recreation facilities (Hall, Tennis and Bowling Club, playground, Church, cemetery, pub). It has been noted that a footpath has now been included to Golf House Lane and the A41, which Councillors do not consider to be appropriate for a development which is very likely to house children. The site exits onto a very busy main A road, close to the roundabout where the A41 and A49 converge. The traffic survey, carried out by a firm from Derby with no local knowledge, has noted movements only from Monday to Thursday. The weekend traffic on these routes is extremely busy, particularly on a Friday evening. There is an enormous 'bike' event every Thursday evening and Sunday in Prees Heath where hundreds of motorcyclists meet. Large articulated

lorries use the car parking facilities at the roundabout overnight and many have noisy refrigeration units running all night. Local businesses depend on this type of business (and a vintage tractor event) for their livelihoods. Councillors are concerned, not only for the immediate loss of residential amenity for any new residents should this development be built, but for potential detrimental impact on local businesses should new residents complain about noise and pollution nuisance. The businesses have been in situ for c 50 years and the Parish Council is determined to protect them.

The Parish Council notes that an enlarged amenity space has now been incorporated in place of 5 dwellings. However, the Parish Council queries the long term maintenance of this area. The Councillors are of the view that maintenance for it, if left to a management company, is unmanageable and unenforceable. Who will have ultimate responsibility for this area and what financial provision will be made towards its upkeep? Whilst the Parish Council notes that there is an SSI in this area, to access it residents are required to cross the A49. The Parish Council has recently received (from the Butterfly Trust) and made complaints to the Highways Dept about concerns accessing this area from Golf House Lane and the service areas on the A49 as it is becoming increasingly hazardous for pedestrians, horse riders and cyclists. Council members queried the anticipated vehicle movements in and out of the estate. It must be anticipated that there will be c 2 cars per household. There is no local employment so it will be necessary to drive to work. Parents will need to drive their children to Schools. Shopping will have to be done in Whitchurch. All of these activities require the use of cars.

The Council is concerned that the proposed housing number is overdevelopment of the plot, particularly in relation to amenity space provision and the size of gardens allocated. Cycle and pedestrian access is totally inadequate. Councillors are concerned that a development of this size will irrevocably change the context and character of the area. They have queried the suitability of the location for families to raise children.

Infrastructure in this area is considered poor (CS8) - there is, for example, no street lighting in Golf House Lane which is an unsurfaced road, essentially a bridle path, with no mains gas. It is largely unsuitable for vehicles and has no passing places. This application will not improve the existing facilities, services or amenities or improve the quality of life of the local residents. Building a comparatively large development in this area it will have a detrimental impact on the environment through essential increase in traffic movements, therefore increasing the adverse impact on climate change. Contrary to CS8 and CS7 this proposal will not improve travel behaviour but will exacerbate the problem by increasing the need to travel as the plot is so far from necessary amenities such as shops, schools, recreation facilities etc.

The proposals are contrary to CS5. The Parish Council does not believe that the proposed development would maintain or enhance countryside vitality and character and will not improve the sustainability of the local community as there will be no benefit to the local area. Residents will be forced to go outside of the local area for



all their day to day needs as they cannot be met in the immediate vicinity due to lack of pedestrian access and location.

Finally, the proposals are contrary to CS4 as the proposals are not of a scale or design or pattern of development that is sympathetic to the character of the settlement and its environs and does not satisfy CS6. The Parish Council believes that Prees Heath is an area suited to small scale development and infill, not large scale developments, albeit affordable homes. Quality of life for future residents must be considered when determining this application. To conclude, the Parish Council strongly objects to this application.

## 4.2 **Public Comments**

4.2.1 Four letters of objection have been received raising the following concerns:

- Cramped and overdeveloped.
- Limited public transport and reliance of use of cars.
- Road between Prees Heath and Tilstock is narrow and dangerous.
- Impact on SSSI and blue studded butterfly.
- No mains gas and low water pressure.
- Impact on drainage capacity.
- Golf House Lane is narrow and is a bridleway.
- Proposed access is dangerous.
- A49 road is congested and busy.
- Noise impact from the A49 and A41.
- Pollution from increased cars.
- Development should include charging points.
- Noise from truck stop.
- Prees Heath is a truck stop and area for motor bikers to congregate cause safety concerns.
- Development will become an area for unemployment and socially deprived individuals.
- Reduction in property values.
- Concern lorry park will impact on residential amenity.

## 5.0 **THE MAIN ISSUES**

- Background
- Policy & Principle of Development
- Design, Scale and Character
- Open Space
- Impact on Residential Amenity
- Impact from Noise
- Impact from Ground Gas
- Highways
- Impact on Trees
- Ecology

- Drainage
- Flooding
- Affordable Housing
- Impact on Mineral Extraction
- Community Infrastructure Levy
- Education
- Other Matters

## **6.0 OFFICER APPRAISAL**

### **6.1 Background**

6.1 This is a resubmission application following a similar application for the erection of 48 dwellings (23 open market and 25 affordable) which was refused in November 2020 which is now subject to an appeal (application reference 19/02203/FUL). Members supported the proposed affordable housing being provided, although this did not outweigh the non-compliance with policy MD2 with regards to the provision of onsite open space. It was indicated that there was no existing suitable recreational open space within close proximity to the application site and the proposed financial contribution in lieu of the onsite public open space was not considered acceptable. This revised application now slightly reduces the number of dwellings to provide 43 dwellings (24 open market and 19 affordable) with a larger area of open space in line with the requirements set out in policy MD2.

6.1.2 A Planning Statement has been submitted with the application which indicates that Gleeson Homes focuses solely on building low cost homes for people on low income typically in areas of industrial decline and social and economic deprivation. They build a range of affordable homes for sale to people who would otherwise be unable to afford a new home.

6.1.3 Gleeson's Homes are priced so that they can be afforded by 90% of the local couples in full time employment. To establish sales prices, the Government's ASHE (Annual Survey of Hours and Earnings) figures are used to determine the lowest wages within the Local Authority. A modest multiple is then applied to the bottom twenty percentile to calculate the level of mortgage which can be afforded by 90% of people living in the local area. As a result, Gleeson homes are priced 20% below local market value, and this type of housing is now identified as affordable housing in the revised definition of affordable housing in the National Planning Policy Framework.

6.1.4 Gleeson Homes focuses solely on building low cost homes for people on low incomes. They build a range of affordable new homes for sale to people who would otherwise be unable to afford a new home, thereby helping them onto the property ladder. They do this in a number of ways that are fully set out in the applicants Economic Benefits Report, but include the following:

- Gleeson's Save and Build Scheme, for which Gleeson fix the price of the house for homeowners and put in a saving plan in place for them to save for

the deposit for up to 12 months, during which Gleeson regularly check in with their customers;

- Gleeson's Parents Invest scheme, in which Gleeson pay direct to the Parents 5% interest on the deposit sum they have invested on behalf of their children;
- Gleeson's Aspire to Own scheme, in which Gleeson pay 5% towards the required deposit and contribute the mortgage valuation fee and offer £750 towards purchase fees;
- Gleeson's Advance to Buy scheme, in which Gleeson manage the sale of their customer's existing house and contribute £500 towards the selling fees;
- National Government's Help to Buy scheme;
- Traditional incentives such as decoration, landscaping and fittings etc; and
- Gleeson's Design for Disability in which offer free disabled adaptations to the new homes for disabled occupants.

6.1.5 Gleeson Homes do not sell to landlords and sale contracts with customers include a 'no rental' covenant, in perpetuity, without express approval.

6.1.6 Informal pre-application advice was sought in March 2019 between officers and the Ward Councillor to discuss the Gleeson's housing model which was of interest to both officers and councillors who acknowledged that the Council has an affordable housing shortage and that increasing the affordable housing stock remained a priority. Shropshire Council recognise that there is an affordability issue in respect of housing across the County, largely because of low incomes that are disproportionate to housing costs.

## 6.2 **Policy & Principle of Development**

6.2.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The National Planning Policy Framework constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.2.2 The NPPF in itself constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications. The NPPF sets out the presumption in favour of sustainable development through plan-making and decision-taking. The NPPF reiterates that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. These considerations have to be weighed alongside the provisions of the development plan. Development plan policies of particular relevance to assessing the acceptability of this housing application in principle are discussed below.

6.2.3 For the purposes of the assessment of this application the development plan presently comprises of the adopted Shropshire Core Strategy 2011; the adopted Site

Allocations and Management of Development Plan 2015; and Supplementary Planning Documents.

- 6.2.4 Policies CS1 and CS4 of the Core Strategy set out the strategic approach to housing provision. It is envisaged that Community Hubs and Clusters will enable the rural rebalance to make rural areas more sustainable and accommodate around 35% of Shropshire's residential development. The identification of Hubs and Clusters is done through the SAMDev Plan and therefore policy CS4 is reliant on the SAMDev for the detail of settlement allocation. Policies CS1 and CS4 are consistent with the objectives of the NPPF to focus new development in sustainable locations.
- 6.2.5 Policy S18.2 (ii) of the SAMDev Plan indicates Whitchurch Rural & Ightfield and Calverhall as an allocated Community Cluster. Residential development will be delivered through the development of allocated sites in Tilstock, Ash Parva and Prees Heath, together with development of infilling, groups of houses and conversions on suitable sites within the development boundaries identified on the Policies Map or on well related sites to Prees Heath. It is envisaged that the Community Cluster will provide around a further 100 dwellings up to 2026. The distribution of housing identified in Policy S18.2 (ii) recognises the role each settlement already plays within the Cluster, their existing services and facilities and opportunities to deliver sustainable development.
- 6.2.6 Prees Heath has only one allocated site (PH004 - Former Cherry Tree Hotel and adjoining land) and will provide 5 dwellings. At present no formal application has been approved for development on this site. Prees Heath does not have a formal development boundary, although officers consider that the proposed application site is located within the main built up area of Prees Heath. The site forms a parcel of land which is enclosed by residential properties, commercial development and vehicular access lane and does not have a physical connection to open countryside or agricultural land. The proposed site clearly relates to the existing built form of Prees Heath and will not result in an isolated form of development and would be sympathetic to the character of the settlement and its surrounding environment.
- 6.2.7 An Agricultural Land Classification Assessment has been carried out of the site which indicates it is grade 3a (good quality agricultural land). However, it has previously been used as a paddock and does not easily link in or provide good agricultural machinery access. The site is not prominent as viewed from the main A49 and would provide a relatively natural expansion of the settlement without extending into prime agricultural land.
- 6.2.8 Prees Heath benefits from a good level of service provision given its strategic location at the junction of the A49 and A41 on the main trunk road network. As such the settlement includes the following services Prees Heath Fish and Chip Restaurant; Select and Save convenience store; a petrol filling station with convenience provision; Raven and Midway Truck stop Cafés; truck parking areas; Raven Public House and Hotel; and the Aston Barclay car auction. The bus route 511 also passes through the village with stops on Tilstock Lane, providing regular links to Tilstock, Whitchurch and Shrewsbury.

6.2.9 The Whitchurch and Surrounding Area Place Plan sets out a priority for affordable housing provision and open space and indicates a desire for starter homes which are affordable to first time buyers.

#### Evidence of Demand

6.2.10 A detailed assessment has been undertaken by Newgate Communications on behalf of the developers for 'The Case for new Homes' which has identified that there is a significant and specific problem in the area regarding entry-level housing in Prees Heath. Potential first-time buyers face a distinct lack of homes suitable to buy which has been indicated as follows:

- Whitchurch South is in the most deprived decile nationally, in terms of 'Barriers to Housing and Services', which measures the physical and financial accessibility of housing and key local services.
- According to the 2011 Census, there are 1,811 homes in the entire Whitchurch South Ward. However, 2,263 people searched for property in Prees Heath specifically on Rightmove in July 2020 alone.
- There is a supply gap at the smaller end of the property market in Prees Heath, as detached properties comprise over 40% of the total stock and terraced properties, (which traditionally offer people the much-needed first step on the ladder) comprise of just 14% of the total housing market.
- Local people also facing pressure from house buyers outside of the area, with 19% of properties sold in Shropshire Council area classified as second homes or properties to rent out according to an article in the Shropshire Star dated 6th October 2018.
- Shropshire has an ageing population, which the Council recognise as one of the central challenges facing the Shropshire economy. One way to ensure that people of working age remain in the County is to ensure that suitable and affordable homes are available. 80% of Gleeson customers are under the age of 30 by virtue of the product they offer, the scheme therefore provides a real alternative to help attract and retain young professional workers in the area.
- Shropshire supports a relatively low wage economy, with its residents earning significantly less than both the regional and national averages, driven by a reliance on low-paid sectors. Gleeson have agreed to enter into a S106 agreement with the Council to ensure that 25 of the homes proposed are priced so as to be affordable for local couples on low incomes.
- High house prices are a recognised issue in the Borough with the Council's evidence base for the emerging Local Plan Review applying an affordability ratio of 7.91 in identifying their housing needs over the emerging plan period.
- This is expanded upon further in the Strategic Housing Market Assessment Part 1 that confirms high house prices and low income employment opportunities as two of the main factors contributing to the affordability crisis. The proposed development offers a real opportunity to address this in the immediate term through the provision.

- 6.2.11 The developers have undertaken a community consultation process with a newsletter sent to every household and business within 3.16 miles of the site. All of the responses received were supportive. The Affordable Housing Team have assessed the evidence and agree there is a local demand for affordable housing in the local area.

#### Assessment of Market Review Report

- 6.2.12 The proposed scheme is for low cost affordable housing in which the dwellings would be sold at 20% below local market value. In planning terms if the sale value is less than 20% market value then they would be considered as affordable dwellings under the National Planning Policy Framework. A detailed Residential Market Review report has been submitted by Cushman & Wakefield on the previous application, although the Council Affordable Housing Team raised concerns that it was difficult to compare the average sale value for dwellings in the local area as the dwellings are very different from those built by Gleeson Homes. However, based on new build values and comparing this to what Gleeson Homes are proposing to sell the properties for the values were indicated at coming out at between 89% and 98% of the calculated value and not at 20% less than market value. A further response has been received from Cushman & Wakefield who consider that the analysis of the local housing market demonstrates a price differential of over 20% discount between the proposed Gleeson pricing and local market values and assessment of local affordability shows that most, if not all, of the Gleeson products would be accessible to the local residents in Shropshire and within the wider market. The Affordable Housing Team were not convinced that this development would provide dwellings at 20% less than the market value and the developers agreed to an independent assessment of the market review report on behalf of Shropshire Council by RCA Regeneration Ltd.
- 6.2.13 This assessment indicated that the Gleeson's proposed pricing for the semi-detached units exceeded 80% of market value and that their prices need to be reduced by between £3,000 and £8,000 for them to be classed as affordable. Whilst they considered that the proposed values for the detached units are within the 80% of market value limit and so therefore, they believed that the Gleeson values for the detached units can be classed as affordable.
- 6.2.14 However, the assessment has incorrectly assumed that if the value were 80% of the open market value then they would be affordable. This is not the case as the value also has to relate to local income. The Affordable Housing Team have confirmed that in the affordable housing policy 'local' is defined as the parish and this site sits within Whitchurch rural. The median income for Whitchurch rural is £37,674 which using a x4 multiplier would give an affordable value of £150,969. It has been indicated by RCA Regeneration Ltd that if the properties open market value were reduced to 80% then all but the detached homes would be affordable.
- 6.2.15 However, in relation to the Gleeson's proposed values this would indicate that the two largest 3-bedroom semi-detached dwellings (772 and 788 sqft) and all of the detached dwellings would exceed the median income. However, the developer has

agreed to cap the house value for those properties priced in excess of the RCA's affordable values. This would result in all the semi-detached dwellings falling within the affordable value of £150,969.

- 6.3.16 Detailed discussions have taken place between officers and the developer as it was apparent that the detached dwellings would not be affordable. It was agreed that the detached dwellings would not be affordable, and these would be now classified as open market dwellings which would be liable for CIL payment. These dwellings would still be 20% lower than the average open market value. Prees Heath consists of predominantly larger plots and has experienced a recent increase in large detached properties along Golf House Lane. The open market dwellings would have smaller plots and would be more modest in size and would help to provide a broader range of house types and prices within the settlement.
- 6.3.17 The Affordable Housing Team have confirmed that the proposed 19 affordable homes (if limited in their sales values) can be described as affordable homes based on local incomes. The National Planning Policy Framework published in July 2018 included a revised and expanded definition of Affordable Housing including the following:
- “d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, **other low cost homes for sale (at a price equivalent to at least 20% below local market value)** and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.”*
- 6.3.18 The developer has indicated that in its definition of affordable housing that schemes that do not benefit from public grant funding do not need to be subject to provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision or refunded to Government or the relevant authority specified in the funding agreement. On this basis there is no requirement for the affordable homes proposed to be secured in perpetuity.
- 6.3.19 The Affordable Housing Team has indicated that this low-cost housing scheme is a new model for affordable home ownership in Shropshire that would not be secured in perpetuity. Officers have raised concerns that the second sale of the dwellings may result in the house value increasing and therefore not remaining at 20% below market value and at an affordable value. The Affordable Housing Team have indicated that it will therefore be necessary to monitor the values of the homes over the coming years and monitor all resales of the affordable units to ascertain whether this model would be suitable to be adopted by Shropshire Council. Concerns have also been raised that these dwellings may be purchased with the intention of

providing a rental property, although Gleeson Homes impose a restrictive covenant on all their properties preventing them being rented in perpetuity.

### Conclusion

- 6.3.20 The proposed number of units would exceed those which would be classified as infilling or groups of houses as indicated in policy S18.2 (ii) of the SAMDev Plan. However, this development represents a real opportunity to provide a significant boost to affordable and low-cost home ownership within the Whitchurch rural area. Prees Heath has a number of local key community facilities, with good access to Whitchurch and available public transport making this a sustainable settlement for residential development. The proposed scheme would result in new recreational play facility for the settlement and improvements to the wider public open spaces and will assist the protection of important ecology sites (as indicated in Sections 6.4 and 6.10). Officers consider that the principle for residential can be supported.

## 6.3 Design, Scale and Character

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. This is reiterated in policy MD2 of the SAMDev Plan which indicates the development should contribute and respect the locally distinctive or valued character and existing amenity value. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development.
- 6.3.2 The application site consists of 1.73 hectares of vacant land within a mixed-use area and is predominantly square and flat. There is an existing access off the A49 Whitchurch Road which currently serves the car park of the adjacent restaurant and convenience store. The previous application indicated a layout providing a total of 48 dwellings, although following the recent refusal and member concerns over the level of open space the layout has been altered to reduce the number of units down to 43 and increase the area of land designated as open space. This has resulted in a density level of nearly 25 units per hectare which is comparable to new residential development within rural settlements.
- 6.3.3 The open market dwellings consist of twelve detached 3-bedroom and twelve detached 4-bedroom properties, whilst the affordable dwellings will consist of five 2-bedroom and fourteen 3-bedroom semi-detached dwellings. All the 2-bedroom and 3-bedroom properties fall within the space standards as set out in the Affordable Housing SPD, whilst the detached open market dwellings slightly exceed the minimum threshold.
- 6.3.4 The proposed dwellings will be of a traditional brick and tiled roof construction which will reflect similar housing designs in Prees Heath. They will utilise dormers and gables within the roof pattern to create a varied roofscape and be articulated with good quality detailing. Amended plans have been received to include chimneys to a



number of the units. All of the properties have an enclosed modest sized private rear garden with an approximate minimum length of around 10 metres.

- 6.3.5 A new vehicular access will be created off the A49 towards the south eastern corner of the development site and will assist in providing a new entrance and improved car parking for the adjacent restaurant and shop. Two spine roads are served off the main estate road and results in residential development backing onto the north, south and west boundaries. A large area of open space will be provided along the eastern boundary and will now include a strip of land which runs to the west of The Golf House and links into Golf House Lane.
- 6.3.6 Flogas underground gas tanks will be located under a small section of this additional open space to serve the development with a dropped kerb and grasscrete parking area for delivery vehicles to fill the tanks.
- 6.3.7 A pedestrian footpath and link onto Golf House Lane to the west is proposed and will provide access to the bridleway and public rights of way network for occupiers of the new dwellings and access for existing residents living on Golf House Lane to provided improved pedestrian access to the local services.
- 6.3.8 The proposed development site is relatively well enclosed and within the main built up area of the settlement. The layout will provide a slightly higher level of density than some of the more spacious plots and large properties adjacent to the site. However, this will result in an improved mix of small and more modest sized dwellings in the settlement for first time buyers.

#### 6.4 **Open Space**

- 6.4.1 Policy MD2 of the SAMDev Plan indicates that adequate open space set at a minimum standard of 30sqm per person is provided for residential developments and that for developments of 20 dwellings and more the open space needs to comprise of a functional area for play and recreation. This should be provided as a single recreational area rather than a number of small pockets spread throughout the development site.
- 6.4.2 The previous application, which was refused required 4,140sqm of open space, although only 1,983sqm was being provided with the shortfall being made up by a financial contribution of £147,927 to suitable alternative local provision being provided. However, in relation to this current application and housing mix the proposed development will require the provision of 4,080sqm of open space. The area of public open space will be located along the eastern boundary adjacent to the petrol filling station and restaurant as this will provide a separation from the commercial uses and the residential. This area of the site also has a foul sewer running close to the boundary which requires a 5 metre easement and would prevent development in this area of the site. The proposed open space will be clearly visible from the main entrance road, the adjoining car park of the restaurant and there will be at least 14 dwellings facing directly towards the open space giving adequate surveillance of the open space. The area of open space extends across the estate

road and provides a footpath link onto Golf House Lane to the south and will provide a wildflower meadow of open space.

- 6.4.3 The developer has agreed to the provision of an enclosed equipped play area which has a mixture of formal and informal play equipment suitable for a range of ages. This would include a raised grassed earth mound with a slide, boulders for climbing, fallen log, balance posts and beam, monkey bars and a toddler swing. This area of land would be relatively close to the entrance of the development and would allow access from other residents in the village to utilise the facility as there is no play area in Prees Heath. The nearest facility being at Tilstock approximately 1km away along a country lane. The developer has indicated that proposed play area would be maintained by a management company which the residents of the dwellings would sign up to.
- 6.4.4 The proposed open space will be 3,848sqm, with only a minor shortfall of 232sqm. However, the proposed level of public open space provided on site, together with the play area and wild meadow and extensive tree planting will comply with the requirements for open space under policy MD2 of the SAMDev Plan and no objection has been received from the Recreation Team. Prees Heath does not have any designated formal public open space, although residents do utilise the Prees Heath Common which adjoins the settlement. The proposed-on site public open space and toddler and junior play area would help to benefit the proposed residential development and the wider community.
- 6.4.5 The proposed new vehicular and pedestrian access for the residential development off the A49 is only 67 metres away from Prees Heath Common. This covers an area of 21.68 hectares and is used by the local community for dog walking, running and exercise. This would provide a significant increase in available open space for all ages of residents to enjoy and is only a short walk from the development site. A pavement is available along the A49 to provide pedestrian access. The additional open space to the south of the site will incorporate a footpath linking into to Golf House Lane which emerges directly opposite the public footpath onto Prees Heath Common.
- 6.4.6 To the west of the development site is Golf House Lane which is classified as a bridleway and links up north to the Tilstock Road which is then only 800 metres away from the edge of Tilstock. There are also footpath links from the bridleway over the railway line to the west into Tilstock village. The Shropshire Way also passes the entrance to the development site and provides links to Whitchurch and Wem providing recreational options and access to the wider public rights of way.
- 6.4.7 This revised application now provides a significant increase in public open space and together with the designed play area and improved pedestrian links will be in line with current adopted policy MD2.

## 6.5 **Impact on Residential Amenity**

### 6.5.1

Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

- 6.5.2 There are a number of residential properties close to the site. Sunnyside is a bungalow and the curtilage is located along half of the northern boundary, although the frontage of this property faces west onto Golf House Lane and the rear elevation faces east over its large private rear garden. The proposed layout will have seven dwellings facing this boundary with the rear elevation being between 10 and 12 metres away from the mature landscaped boundary and outbuildings within the curtilage.
- 6.5.3 The Golf House is also a bungalow and located to the south east of the site and faces directly towards the main A49. This dwelling has an enclosed driveway which wraps around the north and west boundary of this property. The proposed layout will position the Flogas tanks adjacent to the boundary, although these will be located underground and there is a mature evergreen hedgerow boundary screening this area.
- 6.5.4 The proposed properties along the southern boundary of the development site will have a rear elevation facing onto a paddock which backs onto Golf House Lane. There are three large properties to the west of the development site on the opposite side of Golf House Lane which are positioned over 21 metres away from the site boundary. The proposed layout will have nine dwellings facing this boundary with the rear elevation being between 10 and 12 metres away from the mature landscaped boundary.
- 6.5.5 Having regard to the layout, design and scale of the proposed dwellings in relationship to the neighbouring properties the development will not result in any significant overlooking or loss of privacy, cause an overbearing impact or result in loss of light.
- 6.5.6 The proposed access is in a similar position to the existing access and is adjacent to the main A49 road. The nearest property to this is The Golf House which is over 30 metres away to the south and is separated by its own enclosed access driveway and a side garden. The existing car park will be moved slightly away from the boundary with this property, whilst the existing evergreen trees along the boundary adjacent to the new access will be maintained. Having regard to the existing background noise levels and use of the road the proposed movement of vehicles from the development is not envisaged to create any significant increase in noise or disturbance.

## 6.6 **Impact from Noise**

- 6.6.1 A detailed Noise Assessment was been carried out on the previous application which indicated that during the daytime noise levels at the site are mainly dominated by road traffic movements from the A49 and A41. During the night time the road traffic movements are reduced, and noise is more associated with mechanical services

plant at the petrol filling station and the Prees Heath Fish & Chip restaurant which are located along the eastern boundary of the site. Noise monitoring was undertaken together with recommending insulation measures to help reduce the noise level within the dwellings. It has been confirmed that the acoustic performances in all of the habitable rooms across the proposed development can be achieved by the provision of standard double-glazed windows within 4mm glass, 12mm cavity and 4mm glass, together with standard hit and miss trickle ventilators. The proposed sound insulation scheme will be designed to meet the BS8233:2014 standard which is 35dB for living rooms and 30dB for bedrooms during the night time (sleeping purposes).

- 6.6.2 The British Standard for noise levels within external spaces that are used for amenity such as gardens and patios indicate a desirable level of 50dB with an upper guideline value of 55dB which would be acceptable in noisier environments. The Noise Assessment has indicated that noises level adjacent to the truck stop to the north of the site is between 54 and 57dB. However, following construction of the development, it is expected noise levels across the site would be attenuated due to the screening provided by the properties. Furthermore, the previous application was proposing to construct a two metre high acoustic fence along the northern boundary where the development site meets the truck stop and the eastern boundary where the development meets the petrol filling station and restaurant. The proposed noise levels in the gardens directly adjacent to the boundary would be lower than the 55dB guideline.
- 6.6.3 However, the mitigation measures proposed largely rely on providing noise insulation scheme which relies on windows being kept shut to achieve acceptable internal noise levels. Since the previous application the Planning Policy Guidance on Noise has been revised and now gives reference to the ProPG guidance on Planning and Noise (May 2017) which should now be taken into account when considering the effect of noise on new developments. This guidance indicates the importance of good acoustic design in mitigating the impact of noise and it highlights that relying on unopenable windows for achieving acceptable internal noise levels is considered a detriment to the amenity and is not generally acceptable. Further information has been submitted from the applicant's acoustic consultant which proposes that the acoustic fence along the northern boundary with the truck stop and to the rear of the convenience store/restaurant is increased to three metres and will prevent acceptable noise levels across the site for all properties.
- 6.6.4 Regulatory Services have assessed the noise report and additional information and have indicated that the site is a noisy environment that will require mitigation measures in order to achieve acceptable noise levels as defined by BS8233:2014. The report recommends mitigation measures that will enable the recommended noise levels to be achieved and a detailed mitigation scheme will have to be designed and implemented to ensure that these standards are met. A safeguarding condition is therefore proposed regarding acoustic specification of glazing, ventilation and boundary treatments across the site.

## 6.7 **Impact from Ground Gas**

- 6.7.1 A detailed Ground Conditions Assessment has been submitted which includes a Phase 1 Desk Study Report. No contaminants of concern above the relevant screen values have been identified that requires remediation. Regulatory Services have indicated that the consultants have undertaken a ground gas risk assessment based on two rounds of gas monitoring which is short of the industry best practice which suggests that gas protection is not required. They advise in the absence of any identified ground gas source or deposits of putrescible material during the site investigation they consider that it is unlikely that ground gas would present a significant constraint to the proposed development. However, the recommendation is that supplementary gas monitoring is undertaken having regard to NHBC and CIRIA Guidance due to the sensitivity of the development to prove this statement.
- 6.7.2 Further monitoring was undertaken between October 2019 and January 2020, on six occasions at all five gas monitoring installations that were constructed at the site in 2018. The further monitoring period encountered similar ground gas conditions to that of 2018. The Gas Screening Value calculated for carbon dioxide, corresponds with an NHBC and CIRIA classification of “Green”. This is indicative of a low gas regime and would not require the implementation of any specific protective measures for new residential developments. Regulatory Services have therefore confirmed that based on the results of the supplementary gas monitoring the development does not require any gas protection measures being implemented.

## 6.8 Highways

- 6.8.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.8.2 The application has been accompanied by a detailed Transport Statement and Stage 1 Road Safety Audit. The proposed development provides a new improved access onto the main A49 Whitchurch Road just south of the main roundabout junction with the A41. This improved access will serve both the existing restaurant and convenience shop and the proposed residential development. The proposed junction will provide a turning radius of 10 metres which will accommodate all vehicles including service vehicles, whilst visibility splays of 2.4 metres by 104 metres in a northern direction up to roundabout and 2.4 metres by 215 metres in a southern direction can be provided. The access and visibility fully satisfy the design standards for priority junctions which access onto 60 mph roads as set out within the Design Manual for Roads and Bridges.
- 6.8.3 The Transport Statement has reviewed the accident incidents which have occurred in the vicinity of the site entrance for the past five years which includes the A49 that operates past the site entrance; the A41 which approaches to the A41/A49 roundabout; and local roads. A total of seven incidents occurred in the vicinity of the

site and all the findings did not appear to provide any underlying trend for accidents which would otherwise indicate the condition and layout of the existing road network is unsafe. No incidents involved vehicle collisions with pedestrians or cyclists, and no collisions occurred during conventional weekday peak periods indicating there are no underlying issues associated with non-motorised users or accidents linked to congestion.

- 6.8.4 The site is located within easy walking distance from and to the village of Prees Heath. Whilst being of rural character, Prees Heath village does contain a range of services and facilities as it situated at the intersection of two major road corridors and benefits from roadside services that can be utilised by residents of the development site. All of these services fall within a 4 minute walk from the proposed development site entrance including the petrol filling station including convenience food (80 metres); two Truck stop cafeterias (200 metres); an Indian restaurant (280 metres); The Raven public house (300 metres); and Tilstock Road bus stops (300 metres). There is pedestrian and cycle infrastructure in the immediate vicinity of the site entrance with footways connecting between the site entrance to the north towards facilities located within Prees Heath.
- 6.8.5 Officers are aware that Tilstock village is the nearest settlement with a different range of services and that it has no pedestrian footpath from Prees Heath for children to walk to school or to reach recreation facilities. However, not all rural settlements provide all the necessary day to day essential services and it is recognised that settlements have to rely on shared facilities and that there may be a necessity for using a vehicle for accessing some services. However, Tilstock is only 1 mile down a country lane and would be easily accessible by cycle.
- 6.8.6 The proposed estate roads will provide adequate width for passing vehicles and turning heads for refuse vehicles, together with 1.8 metre wide pavements for pedestrians and crossing points. All of the dwellings will be provided with driveways for a minimum of two car parking, whilst a number of the properties will also have secure garages.
- 6.8.7 The Council Highways consultants have not raised any objection to the application subject to a number of safeguarding conditions which relate to full engineering details of the design and construction of new roads, footways, accesses, street lighting and disposal of highway surface water be submitted for approval; a phasing plan to agree that the new access and car parking are provided as a first phase to ensure that the development traffic is not affected by the restaurant patrons; and that a Construction Management Plan and Method Statement are submitted in the interest of highway safety.
- 6.9 **Impact on Trees**
- 6.9.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development should protect and enhance the local natural environment. A detailed Arboricultural Impact Assessment and Landscape Strategy Plan has been submitted which indicates three mature 'B' category trees (1 Birch and 2 Oak) are to be lost

and mitigation planting is required. The Council Tree Officer has recommended that one large long-lived tree (such as oak, lime or sweet chestnut for example) should be provided for every 24 bed spaces. Large trees such as these should be planted on communal space rather than enclosed within private gardens. Recommendations have also been made to the smaller scale ornamental trees within the front gardens. A revised Landscape Strategy Plan has been submitted indicating tree species in line with the Tree Officers recommendations and that the large long-lived trees will be accommodated within the open space. Native hedgerows will be planted around the open space adjacent to the petrol filling station and restaurant, together with along the rear gardens on the southern boundary adjacent to the paddock. The exact details of the landscaping will be controlled by a soft and hard landscaping condition.

## 6.10 Ecology

- 6.10.1 Policy CS17 'Environmental Networks' of the Shropshire Core Strategy indicates that development will identify, protect, expand and connect Shropshire's environmental assets to create a multifunctional network and natural and historic resources. This will be achieved by ensuring that all development protects and enhances the diversity, high quality and local character of the natural environment and does not adversely affect the ecological value of the assets, their immediate surroundings or their connecting corridors. This is reiterated in national planning guidance in Section 15 'Conserving and Enhancing the Natural Environment' of the National Planning Policy Framework. This indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible.
- 6.10.2 Natural England have indicated that the proposed development is in close proximity to Prees Heath SSSI which is a remnant of the formerly extensive lowland heaths of North Shropshire. The site is especially important for its population of the nationally scarce Silver-studded blue butterfly and is the last surviving Midlands colony of this butterfly. The site also supports an interesting mix of acid grassland, neutral grassland and scrub habitats. The SSSI forms part of the larger Prees Heath Local Nature Reserve (LNR) which totals 60 ha in area. The SSSI is currently in an unfavourable condition with 84.41% of its area considered to be 'Unfavourable – Recovering' and 15.59% considered to be 'Unfavourable – Declining. Current issues experienced by the SSSI relate to use of the site for recreation (presumably walkers), and in particular dog fouling. Concerns have been raised that the proposed development will provide a number of new residents to the vicinity of the site with a restricted open space provision and will lead to residents using Prees Heath. Natural England have indicated that options for mitigating the potential recreational impacts may include improved links to the wider countryside to the west of the development site or contributions to the management of the Prees Common nature reserve.
- 6.10.3 The developer's ecologist has indicated that up to 26% of the households may own a dog which would equate to 11 additional dogs in the neighbourhood. It has been indicated that with pedestrian access being provided from the development site onto Golf House Lane (a public right of way) it is likely that a lesser number would be

walked across the SSSI as some owners may not wish to cross the A49 road. Although Officers have concerns that specific evidence has not been provided to demonstrate that this would be the case, clearly Prees Heath Common is a large area of open space in which dog owners would welcome the area in which to exercise them off the lead. However, of the dog owner who do chose to access Prees Heath Reserve it is considered likely only a small number will not pick up after their dog. Wet dog faeces contain nitrogen, phosphate and potash which can cause an influx of these nutrients and particularly nitrogen into the soils which can increase soil fertility levels. In relation to heathers which require low soil fertility it can be detrimentally alter the growing conditions for plants and ultimately impact the populations of butterflies and other organisms which rely on them.

- 6.10.4 The developer's ecologist has indicated that any impact is likely to be very low with any slight increases in nutrient levels likely to be undetectable in the growth rates of plants and as such the impact on the Silver-studded blue butterfly is also likely to be undetectable. However, the developer's consultant has been in discussion with the Prees Heath Reserve Officer who has indicated that there is a Draft Management Plan which the developer can contribute towards. Comments have also been received from the Head of Serves for the Butterfly Conservation Trust who has indicated that the reserve is currently under an Environmental Stewardship agreement and that any supplementary funding would be compliant with the scheme obligations. The developers have negotiated a contribution payment of £3,500 for the purposes of enhancing the Prees Common Reserve which will include the following:
- Upgrading of two nature reserve information panels
  - Reprinting with minor amendments of nature reserve leaflet highlighting new access points
  - Provision of an additional nature reserve leaflet box
  - Provision of two green oak backless benches on the nature reserve
  - Provision of two raptor bird boxes.
- 6.10.5 The developer has included a dog waste bin on the public open space on site, which has now been increased in size to 3,848sqm, with the number of homes reduced to 43. A dog waste bin has also been included adjacent to the footpath link heading west from the site, to encourage dog walkers to use the footpaths in this area too (away from the SSSI). In addition, they are prepared to include leaflets educating people about their impacts on the SSSI and things to do to minimise this in the homeowners' packs.
- 6.10.6 Brown Moss is an internationally designated site 1.3 km to the north as the crow flies and the proposed development has the potential to adversely affect the nature conservation. Increased recreational pressure (especially from dog walkers) has been identified as a damaging factor in the Local Plan Habitats Regulation Assessment. Any development which may affect an international site, either alone or in-combination with other plans or projects must be subjected to a project level HRA by the Local Planning Authority. However, in view of the close proximity of the Prees Heath SSSI and nature reserve, and the mitigation measures detailed above,



together with the increase in open space within the development it is unlikely that significant numbers of visits will be made to Brown Moss as a result of this development. A Habitats Regulation Assessment has been undertaken which has concluded that the development will not adversely affect the integrity of the Brown Moss SAC and Midlands Meres and Mosses Ramsar Site Phase 1, either alone or in-combination with other plans or projects, providing the development is carried out accordance to the details submitted, and any legal undertakings are entered into to secure the mitigation measures detailed above.

- 6.10.7 Natural England have been consulted on the Habitats Regulation Assessment and their comments must be taken into account before a planning decision can legally be made. If Natural England raise concerns that the mitigation measures are not satisfactory for the lifetime of the development, then the Ecology Team have confirmed that the application should be refused as there would be an adverse effect on the integrity of Brown Moss. (The HRA is attached as appendix 2 to this report).

## 6.11 **Drainage**

- 6.11.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity. The application indicates that foul water drainage will be directed to the existing foul mains which is the preferred option and allows the foul water to be dealt with in an effective and sustainable manner. The application indicates that surface water will be drained using SuDs that infiltrate using soakaway and the Drainage Engineer has indicated that percolation test and soakaways should be designed in accordance with BRE Digest 365. No concerns have been raised regarding the suitability of the local ground conditions and therefore it is recommended that both the foul and surface water drainage are conditioned accordingly for details to be submitted and approved prior to the commencement of works on site.

## 6.12 **Flooding**

- 6.12.1 Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures for sustainable water management to reduce flood risk and development sites within flood risk areas should be developed in accordance with national planning guidance contained in Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework. A detailed Flood Risk Assessment has been submitted which has indicated that the proposed site is within Flood Zone 1 "Very Low Risk" and therefore the site is not at risk from fluvial flooding, although the development should mitigate the risk of surface water flows with the use of appropriate drainage and SuDS techniques. With the appropriate level of on-site attenuation using a range of SuDS techniques the proposed development will reduce the risk of flooding and will not impact on the surrounding area. It is proposed that surface water flows will be kept on-site, and permeable SuDS used to discharge

the flows into the ground. It has been concluded that the development will be low risk of flooding.

### 6.13 **Impact on Mineral Extraction**

6.13.1 The site is located in in a sand and gravel mineral safeguarding area and policy CS20 'Strategic Planning for Minerals' of the Shropshire Core Strategy and policy MD16 'Mineral Safeguarding' of the SAMDev Plan both seek to ensure that any non-mineral related development will not sterilise the resource. The application site is only 1.72 hectares in area and surrounded by existing development and therefore the amount of mineral available at the site is clearly limited and modest in amount if indeed it is present at the site. Therefore, it is not likely to be viable to extract it. Furthermore, given that the development is surrounded by residential development the ability to extract any minerals would be highly unlikely given the impact doing so would have on the adjacent residential dwellings. A petrol filling station directly abuts the site to the east, extraction of any minerals given this sensitive use is therefore not considered to be feasible.

### 6.14 **Community Infrastructure Levy**

6.14.1 Policy CS9 'Infrastructure Contributions' of the Shropshire Core Strategy indicates that development that provides additional dwellings or residential extensions over 100 square metres should help deliver more sustainable communities by making contributions to the local infrastructure. The arrangements for the use of the levy funds are detailed in the Local Development Frame Implementation Plan. The Community Infrastructure Levy will only relate to the open market dwellings.

### 6.15 **Education**

6.15.1 Shropshire Council Learning and Skills have indicated that both the local and secondary schools are forecast, with housing development, to be oversubscribed by the end of the current plan period. With future housing developments in the area it is forecast that there will be additional strain on capacity and therefore it is essential that the developer of this new housing contributes towards the consequential cost of any additional places or facilities considered necessary to meet pupil requirements in the area. The 23 open market dwellings will be subject to a Community Infrastructure Payment and the educational provision will be secured from this. However, the developer is prepared to pay a financial contribution on the 19 affordable dwellings. The Shropshire Council Learning and Skills have indicated that on 19 dwellings this would produce an expected pupil yield of 4 primary school pupils, 3 secondary school pupils and 1 +16 pupil. Sir John Talbots School in Whitchurch has a sixth form. The total costs of the contribution would be £120,660 and would be secured via a Section 106 obligation (£52,460 primary, £51,150 secondary and £17,050 sixth form).

### 6.16 **Other Matters**

6.16.1

Concerns have been raised that the proposed development will become an area for unemployment and socially deprived individuals. No evidence has been submitted to justify this claim and the proposed dwellings will be private ownership homes which will be occupied by residents who are in employment and will not be rented accommodation.

- 6.16.2 Concerns have been raised that the proposed development will result in a reduction in property values. No evidence has been submitted to justify this claim and unfortunately this is not a material planning consideration which can be taken into account in the consideration of this application.

## **7.0 CONCLUSION**

- 7.1 Although the proposed development will provide an increase over and above the housing allocation for Prees Heath this is balanced against the real opportunity to provide a significant increase in affordable and low-cost home ownership within the Whitchurch rural area. The open market dwellings will be modestly priced and bridge the gap between the much larger and more expensive detached properties which have been built within the settlement and local area over the recent years. The layout, scale and design of the dwellings is similar to other developments approved within rural settlements and will respect the built-up frontage along the main A49 and will not be viewed in a highly prominent location. The dwellings will respect neighbouring properties and will not result in any significant detrimental impact from either overlooking or loss of privacy, causing an overbearing impact or loss of light. Whilst vehicle movements will not result in any significant increase in noise and disturbance.

- 7.2 The revised layout of this application now provides adequate open space which includes the provision of an onsite play area which will not only benefit the residents of the development, but also the wider community. Additional tree and hedgerow landscaping is provided which will enhance this area and provide ecological benefits. The proposed highway network has sufficient capacity to accept the modest increase in traffic from this development, whilst the improved access for vehicles and pedestrians will not result in any highway or pedestrian safety issues. Adequate off-street carparking is provided, together with manoeuvring space for refuse collection. Adequate ecology mitigation is proposed so that the development will not impact upon the Prees Heath SSSI or the larger Prees Heath Local Nature Reserve

- 7.3 This application will be subject to a Section 106 obligation which will include the following provisions:

- The affordable dwellings are sold with a maximum sale price which is no more than 80% of the open market value or being no more than four times the median local income.
- Financial contribution of £3,500 to be transferred to the Prees Heath Common Reserve Butterfly Conservation Group for ecology mitigation in relation to impact on SSSI.

- Provision of two dog bins including the maintenance and emptying for the lifetime of the development.
- Provision of leaflets educating people about their impacts on the SSSI and things to do to minimise this in the homeowners' packs.
- Financial contribution of £120,660 for education.

7.4 In weighing up all the material considerations as discussed in this report, and the provision of affordable housing as indicated, on balance it is recommended that this application is delegated to the Planning Services Manager for approval subject to the completion of a satisfactory Section 106 obligation as indicated above and no objections being raised following the re-consultation with Natural England on the Habitats Regulation Assessment. (see appendix 2).

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

## **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.
- 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 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 a) promptly and b) in any event not later than 6 weeks after the grounds to make the claim first arose 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 give 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**

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

## 10.0 **BACKGROUND**

### 10.1 **Relevant Planning Policies**

Policies material to the determination of the Application. In determining this application the Local Planning Authority gave consideration to the following policies:-

#### **National Planning Policy Framework:**

#### **Shropshire Council Core Strategy (February 2011):**

CS1 : Strategic Approach

CS4 : Community Hubs and Community Clusters

CS6 : Sustainable Design and Development Principles

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

CS20 : Strategic Planning for Minerals

Supplementary Planning Document - Type and Affordability of Housing

#### **Site Allocations and Management Development Plan (December 2016):**

MD1 : Scale and Distribution of Development

MD2 : Sustainable Design

MD3 : Delivery of Housing Development

MD12 : Natural Environment  
MD13 : Historic Environment  
MD16 : Mineral Safeguarding  
S18 : Whitchurch

## 10.2 Relevant Planning History

19/02203/FUL - Erection of 48 dwelling houses (23 open market and 25 affordable) including new vehicular access, public open space and associated infrastructure (amended description). Refused 13<sup>th</sup> November 2020. This application is now subject to an appeal.

NS/87/01004/OUT - Erection of motel and alteration to existing access. Granted 26<sup>th</sup> February 1988.

## 11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 20/05125/FUL

Cabinet Member (Portfolio Holder) - Cllr Ed Potter

Local Member - Cllr Gerald Dakin

Appendices

APPENDIX 1 - Conditions

APPENDIX 2 - Habitat Regulation Assessment

**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. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.  
Reason: To ensure that the external appearance of the development is satisfactory.
4. No above ground works shall be commenced until full details of both hard and soft landscape works (in accordance with Shropshire Council Natural Environment Development Guidance Note 7 'Trees and Development') have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.  
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs
5. Details of the proposed children's equipped play area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The agreed play equipment shall be implemented in full prior to the occupation of the 24th dwelling.  
Reason: To ensure satisfactory provision amenity space for future occupiers of the dwellings.
6. The construction and surfacing of the proposed footpath links onto Golf House Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied  
Reason: To ensure satisfactory provision for pedestrian access to local services.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

7. No development shall take place until full engineering details of the design and construction of any new roads, footways, accesses, street lighting together with details of the disposal of highway surface water have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be constructed to minimum basecourse construction before any dwelling is first occupied.  
Reason: To ensure a satisfactory access to the properties.
8. Before any other operations are commenced, the proposed vehicular access, visibility splays and amended restaurant parking arrangements shall be provided and constructed in accordance with a construction phasing plan to be submitted to and approved in writing by the Local Planning Authority; thereafter, the access to serve the residential land shall be completed in accordance with the approved details and construction phasing plan.  
Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.
9. Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) and Method Statement shall be submitted to and approved in writing by the Local Planning Authority; the CTMP and Method Statement shall be in force for the duration of the construction of the development.  
Reason: In the interests of highway safety.
10. No development shall take place until a scheme of the surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).  
Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

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

11. A scheme detailing the acoustic specification of boundary treatments, glazing and ventilation across the development site shall be submitted to and approved in writing by the Local Planning Authority. The scheme should be based on the findings of the noise assessment by 'Spectrum Acoustic Consultants - Report RK3181/18106 dated 5<sup>th</sup> May 2021. The development shall be carried out in accordance with the approved details and acoustic scheme shall be installed prior to first occupation of the dwellings and retained thereafter.  
Reason: To protect residential amenity.
12. Prior to first occupation the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:



- A minimum of 10 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes).
- A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific) and/or sparrows (32mm hole, terrace design).

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

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

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

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

## APPENDIX 2

### Habitats Regulations Assessment (HRA)

#### 1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This is a record of the Habitats Regulations Assessment (HRA) of the *Land Adjacent To Golf House Lane, Prees Heath, Shropshire (20/05125/FUL)* project, undertaken by Shropshire Council as the Local Planning Authority. This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), before the council, as the 'competent authority' under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

The following consultee responses from SC Ecology should be read in conjunction with this HRA:

GolfHouseLane19.02203 and GolfHouseLane19(2).02203)

These are also available on the planning website:

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

Date of completion for the HRA screening matrix:

**24 March 2021**

HRA completed by:

Suzanne Wykes  
Specialist Practitioner (Ecology)  
Shropshire Council

#### 2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (*People Over Wind v Coillte Teoranta C-323/17*), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

**2.1 Summary Table 1: Details of project**

Name of plan or project	<p><b>20/05125/FUL</b> <i>Land Adjacent To Golf House Lane, Prees Heath, Shropshire</i></p> <p>Erection of 43 dwelling houses (24 open market and 19 affordable) including new vehicular access; public open space and children's play area; landscaping; and associated infrastructure</p>
Name and description of Natura 2000 sites	<p><b>Brown Moss SAC and part of the Midland Meres and Mosses Ramsar site Phase 1.</b></p> <p>Brown Moss (32.02ha) is a series of pools set in heathland and woodland. The site is of special importance for the marsh, swamp and fen communities associated with the pools which occupy hollows in the sand and gravel substrate. It is designated as a SAC on account of the presence of an Annex II species on the Habitats Directive, namely floating water-plantain <i>Luronium natans</i>.</p> <p><b>Ramsar Criteria:</b></p> <p><b>Criterion 1a.</b> A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog.</p> <p><b>Criterion 2a.</b> Supports a number of rare species of plants associated with wetlands.</p> <p><b>Criterion 2a.</b> Contains an assemblage of invertebrates.</p> <p><b>Conservation objectives of Brown Moss SAC</b></p> <p><b>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</b></p> <ul style="list-style-type: none"> <li>• <b>The extent and distribution of the habitats of qualifying species</b></li> <li>• <b>The structure and function of the habitats of qualifying species</b></li> <li>• <b>The supporting processes on which the habitats of qualifying species rely</b></li> <li>• <b>The populations of qualifying species, and,</b></li> <li>• <b>The distribution of qualifying species within the site.</b></li> </ul>
Description of the plan or project	Erection of 43 dwelling houses (24 open market and 19 affordable) including new vehicular access; public open space

	<p>and children's play area; landscaping; and associated infrastructure</p> <p>The following potential effect pathways have been identified:</p> <p><b>Recreational Pressure</b></p> <ul style="list-style-type: none"> <li>• Increased nutrients derived from dog faeces and urine damaging nutrient poor habitats and the dependant <i>Luronium natans</i></li> <li>• Increased physical damage to habitats through walkers and dogs, including swimming in the water.</li> <li>• Increased risk of introducing invasive species, via footwear, equipment and dogs.</li> <li>• The above potential impacts compromising the 'restore' objective.</li> </ul>
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No</p>
<p>Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</p>	<p>The SAMDev Plan and Local Plan Review both identify site allocations which lie within the Zone of Influence of Brown Moss (estimated to be 3.4km from the site derived from onsite visitor surveys). These allocations and any windfall sites would act in combination with the Golf House Lane project.</p>

## 2.2 Description of the project

The proposed development consists of 43 dwellings on a 1.72 hectare site, 1.19km from Brown Moss as the crow flies. The proposed development would also be 67 m to the north west of Prees Heath SSSI: a 21.68 ha nature reserve designated for its remnant lowland heath. The SSSI forms part of the larger Prees Heath Local Nature Reserve (LNR) which totals 60 ha in area.

Further details and associated documents are published on the Shropshire Council public website:

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

## 2.3 Consultations

Natural England has been consulted on this application, which is a revised scheme on the same site as for a previous application (19/02203/FUL). NE's initial response to the previous application was to require additional information on the impacts of recreation on the Prees Heath SSSI, advising mitigation measures may include improved links to the wider countryside to the west of the development site or contributions to the management of the Prees Common nature reserve. NE did not raise concerns over Brown Moss SAC or Ramsar Site.

For this current application, Natural England stated that 'the proposal is not directly connected with or necessary for the management of the European site. Your authority (i.e. SC) should therefore determine whether the proposal is likely to have a significant effect on any European site.' And, also later in the same letter that 'the application is a revised version of a similar application at the same site which was subject to a Habitat Regulations Assessment. This assessment concluded that with mitigation measures in place the proposal would not have an adverse effect on the integrity of international sites to which Natural England concurred.'

## 2.4 Current baseline

Brown Moss consists of a series of pools set in heathland and woodland and is designated as a SAC specifically for its population of Floating Water Plantain *Luronium natans*. The latest record of Floating Water-plantain at this site dates from 2006. Annual surveys take place for the species and it is known to appear after absences if management is favourable. Brown Moss is also part of the Midlands Meres and Mosses Ramsar Phase 1. SSSIs within the Ramsar Site were chosen for their range of natural or near-natural wetland habitats and associated rare plant and invertebrate assemblages. Of these wetland habitats, Brown Moss supports open water, swamp, fen and basin mire.

Recreation impacts are not mentioned as a pressure or threat in the Site Improvement Plan for Brown Moss (Natural England 2014). However, Natural England expressed concern over recreation impacts as part of the consultation with NE over the SAMDev Plan in 2014.

Brown Moss is owned by Shropshire Council, is a Countryside Heritage Site, Common Land and has been declared Open Access Land. Hence there is full public access to the site. There is a network of unsurfaced paths and tracks and boardwalks around pool 6. The Shropshire Council Brown Moss Management Plan 2014 - 18 states that the site is popular for quiet recreation such as walking, bird watching, dog walking and feeding the wildfowl. It is often used by people parking in the car parks and on the roadside in the evening. Occasionally horse riders have been spotted and local youths have been known to ride motorbikes around the site.

*Luronium natans* and other wetland habitats and plants could be sensitive to increased visitor pressure through a number of means:

- Direct disturbance (swimming of dogs, trampling by people),
- Eutrophication of water and surrounding habitats, particularly around pool 6,
- increased risk of non-native and/or invasive plant introductions,
- Visitors creating makeshift bridges in wetter woodland areas with logs, affecting the flow of water to the pools and
- Visitors preventing appropriate management of the site designed to restore the designated features (e.g. grazing).

Face to face visitor questionnaire surveys using a standard methodology were carried out at Brown Moss in August and September 2017. The results suggest that baseline recreational pressure is relatively low, at around 3 people per hour (averaged over the year) and 16,060 people per year. Dog walking was the most commonly cited reason for visiting (75.4%), and the majority of dog walkers said their dog(s) were let off the lead (70.2%). Just over a quarter of dog-owning groups (25.5%) said their dogs strayed off the main paths, but only four (8.5%) said their dogs went into the water. The study proposes an indicative catchment area of 3.4km (75% of visits) from Brown Moss, within which developments involving a net increase in housing may contribute to an increase in recreation pressure at the site. The number of proposed dwellings in the local Plan Revue to 2038 are c. 1200 within this catchment or 'zone of influence'.

The report concluded that although any increase in visitor pressure is likely to be small, the sensitivity of the site means that the possibility of significant adverse effects in combination with other pressures on the site's structure, function and integrity cannot be ruled out. A likely significant effect from the proposals in the DLP cannot be ruled out and impact avoidance measures are required.

## 2.5 Initial screening for likelihood of significant effects on European Sites

Likely significant effect pathways have been identified and EU sites have been screened against these to identify which sites could be adversely affected.

**Table 2 – Initial screening for likelihood of significant effects**

European designated site	Distance from project site	Site vulnerability	Potential Effect Pathways
Brown Moss SAC  Midlands Meres and Mosses Ramsar site Phase 1	1.3km	Colonisation by trees. Presence of invasives including <i>Crassula helmsii</i> and <i>Azolla</i> sp. Hydrological impacts. High phosphorus and nitrogen concentrations in groundwater and surface water feeding the pools. Public access preventing	<ul style="list-style-type: none"> <li>Increased nutrients derived from dog faeces and urine damaging nutrient poor habitats and the dependant <i>Luronium natans</i></li> <li>Increased physical damage to habitats through walkers and dogs, including swimming in the water.</li> <li>Increased risk of introducing invasive species, via footwear, equipment and dogs.</li> <li>The above potential impacts compromising the 'restore' objective.</li> </ul>

		certain forms of restoration management. Ammonia concentration and nitrogen deposition Critical Levels and Loads exceeded.	<b>Not screened out (in the absence of mitigation measures)</b>
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### 2.6 Summary of Stage 1 screening

There are potential pathways for a likely significant effect between the development/project and *Brown Moss SAC and Ramsar site* in combination with other plans and projects.

Shropshire Council has sought more detailed information/mitigation measures from the applicant in order to consider if the development will have significant effects on the SAC and Ramsar sites (International Sites) or have an adverse effect on the integrity of these sites.

## 3.0 HRA Stage 2 Appropriate Assessment

### 3.1 Further assessment of recreation impacts

#### 3.1.1 Predicted Impacts

A consultation response from the applicant's ecologists to Natural England regarding the previous planning permission outlined the predicted impact of additional dog owners and walkers accessing Prees Heath Nature Reserve from the development. (The impact of additional recreational pressures on Prees Heath Reserve have been assessed separately within the Ecological Impact Assessment). Using the same statistical information referenced in the consultation response, it can be assumed that of the 43 households proposed, around 26% of those are likely to own a dog<sup>1</sup> which equates to 11 additional dogs in the neighbourhood.

The nearest area of semi-natural habitat likely to be used by walkers and dog walkers lies 67 metres to the south of the development in the form of Prees Heath SSSI and Nature Reserve. Of these additional 11 animals, a lesser number would be walked across the SSSI/LNR, with some owners choosing not to cross the busy A49 road (at this point not a dual carriageway), instead preferring other routes. A public footpath lies immediately to the west of the development with direct access from the development. The Prees Heath SSSI and nature reserve is advertised on the internet by Shropshire Wildlife Trust

and Butterfly Conservation, including advice on where to park cars during a visit.

Although the development lies 1.19 km from Brown Moss as the crow flies, it would be c. 4.5 km by car journey due to the presence of a dual carriage way and central reservation across the access road to the development. Anyone wanting to access pedestrian routes to Brown Moss would have to cross the A49 where it is dual carriageway with a central reservation, and residents would more likely utilise Prees Heath and the open space provided within the development, preferentially to Brown Moss.

1 Statista Website. <https://www.statista.com/statistics/308218/leading-ten-pets-ranked-by-household-ownership-in-the-united-kingdom-uk/>  
Accessed 8th August 2019.

### **3.1.3 Counteracting (mitigation) measures**

In order to protect the Prees Heath SSSI, which residents are considered will preferentially use over Brown Moss, the applicant's ecologist has been in contact with Mr John Davies, Head of Reserves for the Butterfly Conservation Trust (managers of the SSSI and wider common). A significant programme of mitigation and enhancement measures has been agreed to be incorporated into the scheme. The proposed mitigation and enhancement measures are designed to work in conjunction with the draft Prees Heath Common Reserve Management Plan 2019-2023 authored by the Butterfly Conservation Trust. A contribution of £3,500 from Gleeson Development Ltd will be made to the Butterfly Conservation Trust to support aims and objectives for the Reserve set out in the Management Plan. Having carefully reviewed the Management Plan, the Gleeson contribution will be targeted at specific items including:

- Upgrading two of the Reserves information panels;
- Reprinting (with minor amendments) of the Reserve leaflet highlighting new access points;
- Provision of an additional Reserve leaflet box;
- Provision of two green oak backless benches on the Reserve; and,
- Provision of two raptor bird boxes.

In addition, the applicants have included two dog waste bins: one located adjacent to the footpath link to the west of the site and the second in the public open space, close to the entrance of the site in the east. Provision will also be made for their emptying and maintenance for the lifetime of the development. Leaflets will also be provided to each homeowner as part of a homeowner pack. The leaflet shall explain a resident's potential impact on the Prees Heath SSSI and the measures that may be taken to minimise such impacts. These leaflets to be provided prior to First Occupation of each Dwelling. Finally, a combined Construction Ecological Management Plan (CEMP) and Biodiversity Management Plan (BMP) will be provided to Shropshire Council prior to commencement of construction. The CEMP and BMP will consider relevant



comments made within the Ecology Consultation Response (Ref: GolfHouseLane19 (2).02203). The mitigation measures outlined above will be secured in a Unilateral Undertaking.

### **Assessment of Adverse Effects Alone**

With the detailed mitigation measures as identified in section 3.1.3 above in place, there will be no adverse effect on site integrity alone. Residents are predicted to utilise Prees Heath and the open space provided within the development, preferentially to Brown Moss, leading to very few visits to Brown Moss which are not considered to be at a level to affect the integrity of the site.

### **Assessment of Adverse Effects in-combination**

Given the nature of the potential sources of effect resulting from the proposed scheme considered alone, LSEs from increased recreational pressures are only likely to arise in-combination with other projects located in relatively close proximity to the proposed scheme. A search for other plans or projects within 2km of Brown Moss SAC and submitted within the last two years was made, which may give rise to LSE in-combination with the proposed scheme. This search identified a number of small housing schemes in Whitchurch none of which required a HRA.

A large scheme, 1.7 km north west of Brown Moss SAC and Ramsar Site, was granted outline planning permission in 2014 for approximately 500 homes on land to the west of Tilstock Road, Whitchurch (Planning Application Reference: 13/05077/OUT). A HRA was produced for this scheme which currently has four development phases. Due to the provision of adequate public open space, it was concluded that this would not likely lead to a large increase in recreational pressure on European sites.

The HRA therefore concluded that there were no pathways for a significant effect and that there would be no significant effect on the integrity of the Reserve. Most of the other projects identified either did not require an HRA or it had been agreed with Natural England that there was no potential for LSE.

Residual effects from the development and from other projects identified for in-combination assessment are not considered have an adverse effect on site integrity.

## **3.4 Securing of mitigation measures**

A unilateral undertaking is proposed to secure the mitigation measures as detailed within section 3.1.3 above.

#### 4.0 Summary of HRA Screening Appropriate Assessment including counteracting measures

The appropriate assessment of the project has been carried out, including counteracting (mitigation) measures and conditions and legal agreements have been agreed with the applicant.

**Table 4 – Summary of HRA conclusions**

EU Site	Effect pathway	HRA conclusion
Brown Moss SAC	<ul style="list-style-type: none"> <li>• Increased nutrients derived from dog faeces and urine damaging nutrient poor habitats and the dependant <i>Luronium natans</i></li> <li>• Increased physical damage to habitats through walkers and dogs, including swimming in the water.</li> <li>• Increased risk of introducing invasive species, via footwear, equipment and dogs.</li> <li>• The above potential impacts compromising the 'restore' objective.</li> </ul>	No adverse effect on site integrity alone or in-combination.
Midlands Meres and Mosses Ramsar Site Phase 1	As above.	No adverse effect on site integrity alone or in-combination.

## **5.0 Final conclusions**

Following Stage 1 screening, Shropshire Council concluded that the proposed development is likely to cause significant effects on the Brown Moss SAC and Midlands Meres and Mosses Ramsar Site Phase 1 alone, through the listed pathways detailed in this HRA. Shropshire Council has carried out an Appropriate Assessment of the project, considering further information and counteracting (mitigation) measures.

The Appropriate Assessment concludes that the proposed works under planning application reference 20/05125/FUL Land Adjacent To Golf House Lane, Prees Heath, will not adversely affect the integrity of the Brown Moss SAC and Midlands Meres and Mosses Ramsar Site Phase 1, either alone or in-combination with other plans or projects, providing the development is carried out accordance to the details submitted, and any legal undertakings are entered into to secure the mitigation measures detailed above. A planning decision can be made on this basis.