

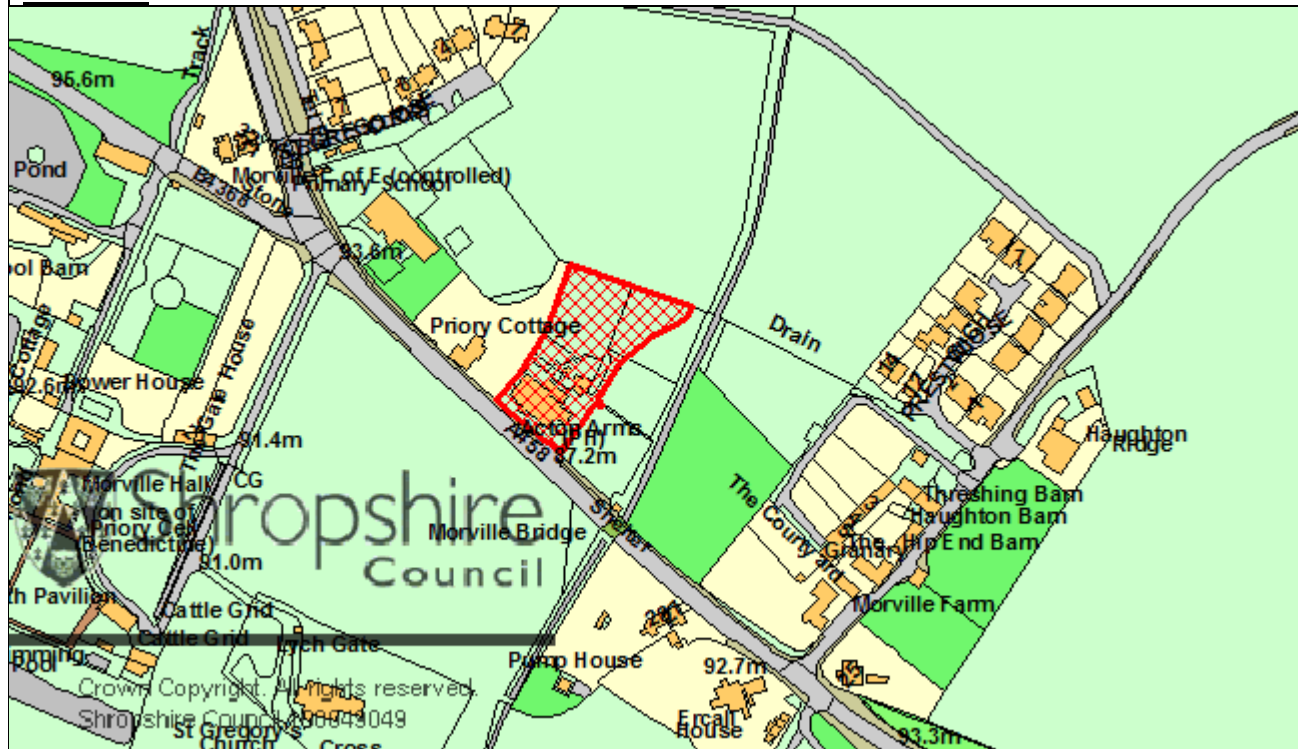
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/02251/OUT	Parish:	Morville
Proposal: Outline application for residential development of 3No. detached dwellings to include means of access and refurbishment work to the public house and grounds		
Site Address: Acton Arms Hotel Morville Bridgnorth Shropshire WV16 4RJ		
Applicant: Mr J Collins		
Case Officer: Sara Jones	email	: sara.jones@shropshire.gov.uk

Grid Ref: 367050 - 294022



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Recommendation:- Refuse

Recommended Reason for refusal

1. Whilst it is recognised that an appropriately worded S106 Agreement could secure the refurbishment of the PH thereby increasing the likelihood of it re-opening which would contribute to the social objective of sustainable development and the development of three additional dwellings would add to the supply of housing in the village, and provide some limited economic benefit through the construction process, these benefits would be outweighed by the fact that the development would result in the number of commitments and completions more than doubling the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) by an additional 3 dwellings which is significant in this case, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is essentially a resubmission of application 20/03647/OUT which was refused at Committee earlier this year (13.04.2021) and is the subject of an Appeal which has yet to be determined.
- 1.2 The outline application proposes the erection of three dwellings and seeks approval for the scale of the development together with the access and layout. Details of the appearance and landscaping are reserved for future consideration. Unlike the previous application the Public House (PH) has been included in the application site and the scheme includes refurbishment works to the PH and its grounds. This includes replacing an existing window on the rear elevation of the single storey extension with doors, to provide easier access to the PH garden.
- 1.3 As previously the applicant points out that the Acton Arms PH has been closed for over 2 years and is the only pub in the village. As part of this proposal it is intended to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. This scheme will involve the creation of 3 letting rooms to enable the tenants of the pub to have an additional source of income which will help ensure long term viability of the business. Additionally money is proposed to be provided to ensure the rent can be set at a suitably reduced level in order to allow the new tenants to develop and grow the trade at the pub and that without the development of the land to the rear of the pub it is difficult to see how the long term future of the pub can be secured.
- 1.4 It is noted that full planning permission was previously granted on 10th April 2017 (application No. 15/00304/FUL) for the erection of 6 dwellings (4 detached houses and two semi-detached houses) on this site, subject to a Legal

Agreement to ensure an affordable housing contribution of £10k subject to an overage clause and open book appraisal on completion. At that time it was considered that whilst the level of development went beyond that envisaged in the SAMDev Plan, in the light of the policy provisions as a whole, and considering the specific circumstances of the application proposal in relation to the criteria in MD3(2) i-v, and considering the balance between full and outline approvals at the time in the cluster the detailed proposal was acceptable in this location and represented sustainable development.

- 1.5 It should also be noted that application site has been amended to take into account new technical information regarding the potential for the site to flood and that has driven the reduction in the number of dwellings proposed as the layout shows that the development is no longer in Flood Zones 2 or 3. The scheme was also subsequently amended to delete a plot proposed immediately to the rear of the Acton Arms PH.

2.0 SITE LOCATION/DESCRIPTION

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

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

4.0 Community Representations

Consultee Comment

- 4.1 **Morville Parish Council** – No objections.
- 4.2 **SC Conservation** – No objection in principle.

As per the previous comments there was no principle objection to the proposed dwellings that are more tucked away at the rear, where the submitted HIA is noted with regards to the view that there would be 'negligible' impact upon the adjacent listed building (29-30 Morville) as well as the existing conservation area, although there is no view with regards to the Acton Arms which is a non-designated heritage asset. The main principle of concern is whether it can be

accepted that the proposed housing would benefit the reopening and long-term viability of the public house, and to cover any relevant costs in order to bring the building back into operating use. The Bruton Knowles report is noted, where there does not seem to pick up any major structural issues with the existing building where it mainly covers some repair items, upgrading of kitchen equipment, redecorating, health and safety and landscaping where upon visual inspection it seems generally sound with some attention to the windows/doors shall be necessary such as minor joinery repairs and repainting etc. Whilst the reopening of the public house is strongly supported, there is some reticence that any weight should be attached with regards to enabling, as the physical state of the existing public house should not have a significant bearing on the overall merits of the proposal as a whole (i.e. not 'reward' neglect of a heritage asset), though this shall need to be balanced in accordance with paragraph 202 of the NPPF.

No objection, subject to the decision maker being satisfied that the paragraph 202 (NPPF) is met. Should approval be given then details of repair items for the public house should be given along with all facing materials and finishes along with joinery details for the new proposed dwellings.

4.3 SC Archaeology – Recommend condition.

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

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

4.4 SC Trees – No objection in principle on arboricultural grounds.

I would, however like to express concern over a point of detail in the indicative layout shown on the Block Plan (U.2-03), regarding the location of the eastern most of the three dwellings and its detached garage. The red line of the application site boundary appears to impinge somewhat on the frontage of the dwelling and the garage could not be accessed without going beyond the red line boundary. Extending beyond the submitted site boundary in this location could result in the loss of, or damage to, established trees on the neighbouring land. Any final layout based on the red line as submitted with this application should take account of this constraint.

Should permission be granted for this outline application, I would recommend attaching the following tree protection and landscape conditions to be dealt with under reserved matters:

No part of the development hereby approved shall commence until a tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction Recommendations, or its current version, have been submitted to and approved in writing by the LPA. Thereafter the development shall be carried out strictly in accordance with the details and specifications of these approved plans and reports.

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

In this condition retained tree means an existing tree, woody shrub or hedge which is to be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any retained tree. This condition shall have effect until a Reserved Matters application is submitted and approved: No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Any approved tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations, or its current version.

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

The plans and particulars submitted in support of a reserved matters application shall include a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above. The development shall subsequently be undertaken in accordance with the approved tree planting scheme.

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

4.5 **SC Drainage** – The Flood Risk Assessment is acceptable. Recommend condition and informative notes.

Condition : No development shall take place until a scheme of 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.

4.6 **SC Affordable Housing** – No comment received.

4.7 **SC Ecology** – Recommend conditions and informatives.

Ecological Clerk of Works condition

Prior to first occupation / use of the building [or each phase of the build], an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Reasonable Avoidance Measures (RAMS) and other ecological mitigation and enhancement measures appropriate to the phase, as set out in the Preliminary Ecological Appraisal (Arbor Vitae, October 2020). This shall include photographs of installed features such as bat, bird, hedgehog and invertebrate boxes and landscape features.

Reason: To demonstrate compliance with the RAMMS to ensure the protection of wildlife.

Landscaping Plan condition

No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan illustrating biodiversity net gain has been submitted to and approved in writing by the Local Planning Authority. The plan shall incorporate recommendations in Section 6 of the Preliminary Ecological Appraisal (Arbor Vitae, October 2020) and include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements e.g. bat and bird boxes/features, hedgehog-friendly gravel boards, amphibian-friendly gully pots, hedgehog and bug boxes;
- b) Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.
- c) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- d) Access layout and visibility splay in line with Highways requirements in order to demonstrate their compatibility with the retention of existing trees and hedges, or measures to replant or translocate hedges behind the visibility splay if required;
- e) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- f) Native species used are to be of local provenance (Shropshire or surrounding counties);
- g) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- h) Implementation timetables.

The plan shall be carried out as approved. Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees of the same size and species.

Reason: To ensure the provision of amenity and biodiversity afforded by

appropriate landscape design.

Wildlife enhancement condition

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

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial Hedgehog box is to be provided, suitable for breeding and/or hibernating hedgehogs (Hedgehog Dome, Hogitat Hedgehog Home).
- A minimum of 2 artificial invertebrate boxes, suitable for nesting invertebrates.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

The boxes shall be sited in suitable locations and where they will be unaffected by artificial lighting. The bat, bird and invertebrate boxes should be at suitable heights from the ground, with a clear flight path. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of opportunities for local wildlife in accordance with MD12, CS17 and section 180 of the NPPF.

Lighting Plan condition

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, trees, and hedgerows. 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.

Informatives regarding: Bats, nesting birds, hedgehogs, great crested newts and landscaping.

4.8 SC Highways – No objections. Recommend conditions and informative notes.

Visibility Splays

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

Reason: To ensure the provision of adequate vehicular facilities, to avoid

congestion on adjoining roads and to protect the amenities of the area.

Parking, loading, unloading and Turning No development shall take place until details for the parking, loading, unloading and turning of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

Informatives regarding: Works on, within or abutting the public highway, drainage, waste collection.

4.9 **SC Regulatory Services** – No comment received.

4.10 **Public Comments**

Advertised – 01.06.2021. Site notice displayed 27.05.2021.

8 letters sent 25.05.2021. 14 representations received supporting the application on grounds which may be summarised as follows:

Support the re-opening of the Acton Arms PH and consider that this is probably the best and only viable option.

Consider that the addition of 3 properties will make little difference to the community of Morville while the Acton could once again become a thriving community hub as well as reaping benefits for the high volumes of passing trade on the A458 - a main route from The Midlands to Wales.

Save The Acton Arms Group" [STAAG] committee and support the Acton Arms planning application Ref. No: 21/02251/OUT with the following two conditions:

1. that the proposed beer garden is located as set out in the previous application (Ref. No: 20/03647/OUT) i.e. to the north east of the car park.
2. that the remaining land leading to the brook and the car park remain for the use of the pub for as long as the pub is open and operational.

The current run-down state of the premises is a detraction rather than asset to the village.

Support the refurbishment and re-opening of the Acton Arms and consider that this needs to be done to a high standard. Query whether a condition can be attached to ensure that the PH is re-opened.

Recommend conditions to ensure the car park and beer garden area (as proposed in the previous planning application) are tied to the Acton Arms for as long as it remains classified as a pub.

Need the developer to work with local residents to provide the type of community

pub/shop that would be of real benefit to the village and all those who pass through Morville on the A458.

A representation has also been received from the National Trust which comments on the sites location in the Conservation Area and the potential to affect the setting of the grade 1 listed St Gregory's Church and Morville Hall, and considers that any development on this site needs to be of the highest quality, appropriate to the character and appearance of the conservation area and the setting of the church and Hall.

5.0 THE MAIN ISSUES

Principle of development
Historic Environment
Highways
Ecology
Drainage
Residential Amenity
Affordable Housing/Developer Contributions
Benefits of the Development /Planning Obligation

6.0 OFFICER APPRAISAL

6.1 Principle of development

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

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

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

6.1.4 Policy CS4 of the CS sets out how new housing will be delivered in the rural areas by focusing it in Community Hubs and Community Clusters, which are identified in Policy MD1 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) 2015. Policy MD1 of the SAMDev

identifies those settlements that fall within a Community Hub or Community Cluster. Policy CS11 of the CS seeks to ensure that development creates mixed, balanced and inclusive communities.

- 6.1.5 Core Strategy policy CS5 and also SAMDev policy MD7a strictly controls development in the countryside whilst providing a number of exceptions for new dwellings.
- 6.1.6 Under the current adopted SAMDev Plan the settlement of Morville forms part of a Community Cluster with Acton Round, Aston Eyre, Monkhopton, and Upton Cressett as set out in SAMDev Schedule MD1.1: Settlement Policy Framework. The specific policy requirements for development in the Community Cluster are set out in Policy S3.2 (iii). The delivery of housing development in general is set out in Policy MD3.
- 6.1.7 The Policy S3.2 (iii) states that the settlements of Acton Round, Aston Eyre, Monkhopton, Morville and Upton Cressett are a Community Cluster in Morville Parish where development by infilling, conversions and small groups of dwellings may be acceptable on suitable sites, with a housing guideline of around 15 additional dwellings over the period to 2026. New housing will be delivered through appropriate small-scale infill and windfall development within or immediately adjoining these villages.
- 6.1.8 The housing guideline for the Community Cluster is for around 15 new dwellings (from 2011) up to 2026. As of 31 March 2020 there were 16 completions (since 2011) and 18 dwellings with outstanding planning permission (Five Year Land Supply Statement – Published March 2021). The supporting text refers to the housing numbers as guidelines and having regard, amongst other things, to the aspirations of those communities as well as matters such as past rates of development and site suitability.
- 6.1.9 With respect to these figures it is noted that the previous consent (now expired) for 6 dwellings at this site (15/00304/FUL) was included in the 18 dwellings with outstanding planning permission. Taking this into account there are 12 dwellings with outstanding planning permission. Although it is recognised that the settlement policy guidelines are not maximum figures (encapsulated by the inclusion of ‘around’ in the Policy wording) the proposal would clearly take the level of completed and committed development beyond the guideline figure.

6.1.10

Date	Permission No. /Type	No. dwellings	Location
27.08.2015	14/02894/OUT	14	Haughton Lane, Morville.
15.12.2015	14/02921/OUT	Up to 9	Manor Farm, Monkhopton.
10.04.2017	15/00304/FUL	6	Acton Arms, Morville. - now expired.
25.05.2017	17/00827/REM	14	Haughton Lane, Morville. - development now completed.
18.03.2019	18/05511/REM	9	Manor Farm, Monkhopton.

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

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

- 6.1.14 The ability of the settlement to accommodate the proposed development is central to consideration of whether the development represents sustainable development. However, it is also considered relevant to look at the wider impacts (both positive and negative) of the proposal as part of the overall planning balance. On this point the site is well located within the existing curtilage of the Public House and does not encroach into the wider countryside beyond. Furthermore, Officers are unaware of any local infrastructure issues resulting from this modest level of development and consider that the development may facilitate some enhancement of local services and facilities in line with the objectives of Core Strategy Policy CS4. Indeed, as noted above the applicant states that he intends to use the residential development proposed to finance the refurbishment of the Acton Arms PH with a view to it reopening, this discussed further below.
- 6.1.15 It is noted that the previously approved full planning permission for development on this site has now expired, and significantly the development of 14 dwellings in Haughton Lane (which was only approved in outline when the expired permission was approved) has now been delivered. Additionally, the Reserved Matters for the Outline planning permission for a further 9 dwellings in Monkhopton has also been approved and a commencement has been made. This is it considered significantly changes the planning balance in this case.
- 6.1.16 Paragraph 3.21 of the SAMDev supporting Policy MD3 confirms that the guideline figures reflect detailed consideration by the local planning authority and the community on what level of development is sustainable and appropriate during the plan period. Moreover, while not a maximum figure, going beyond it by too great a degree could result in unsustainable development that stretches infrastructure and community goodwill to breaking point. As part of the on-going partial Local Plan Review the Parish Council has requested that the Community Cluster of which Morville forms part, is deleted returning the settlement to countryside for planning policy purposes. This request has been accepted by the Council and forms part of the emerging Pre-Submission Draft of the Shropshire Local Plan and Schedule of Minor Modifications which has now been submitted to the Planning Inspectorate for examination. It is noted however that the NPPF states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. Whilst reference has been made to a Local Plan review it is at an early stage, consequently, it carries little weight in the determination of this application. It does however signal the communities reluctance to accept any additional dwellings and a breaking point of their "goodwill".
- 6.1.17 If approved this development would result in the number of commitments and completions further exceeding the housing guidelines by an additional 3 dwellings which in the light of the existing number of dwellings completed and commitments made (28 dwellings) this exceedance would be significant. The over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities.

- 6.1.18 It is acknowledged that the proposal would contribute to the housing stock in the area and the NPPF seeks to significantly boost the supply of housing. There may also be benefits associated with spending and on job creation during the construction period and from future occupants of the dwellings with regards to the local facilities and services.
- 6.1.19 As previously the applicant has stated that he intends to use funds from the sale of the land to the rear of the pub to finance the repairs and work necessary to re-open to Acton Arms. Furthermore, that he would reduce the rent to enable the tenant an opportunity to grow the business. The applicant has submitted a legal obligation which he considers would secure the required linkage between the development and the sustainability of the Acton Arms Public House. The weight which can be attached to that potential benefit in the overall planning balance is discussed below.
- 6.1.20 On balance it is considered that the proposal would not be a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.
- 6.2 Historic Environment
- 6.2.1 As with the previously approved detailed scheme, the current outline scheme includes the construction of a new vehicular access off the A458 positioned close to the existing car park access. This access would provide access to the proposed re-planned public house and the new dwellings. The access road would lead to a turning head around which the proposed dwellings would be positioned.
- 6.2.2 The National Planning Policy Framework (NPPF) Paragraph 194 "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."
- 6.2.3 It is noted that a thorough HIA was submitted at the time of the previous full detailed application where it was established that the development proposal is located close to Morville Hall Garden (HER PRN 07538), the Grade I Listed Morville Hall (National Ref: 254759), the Grade I listed Church of St Gregory (National Ref: 254758) and the Medieval cross in St Gregory's Churchyard which is a scheduled monument (National Ref: 1015292). The site of Morville Priory, a college of secular priests of late Saxon to medieval date (HER PRN 00603) is now thought to lie between Morville Hall and the Acton Arms with the possibility of collegiate buildings being located north of the A458 which itself is possibly located along the line of a former Roman road (HER PRN 04076). Remains from the deserted medieval village of Membrefeld may also be located in this area.

Evidence for prehistoric occupation in the immediate area has been collected from various dispersed find spots.

- 6.2.4 The previously submitted Heritage Assessment identified the potential for priory buildings on the site of the proposed development. If present, any such remains could potentially be of demonstrable equivalent significance to designated heritage assets. In view of the above, a geophysical survey of the development site was undertaken, and the results submitted to the Local Planning Authority. This identified a number of anomalies of potential archaeological interest, including a buried surface or debris that might be the remains of a former structure and possible associated ditches. These features have been interpreted as a possible outbuilding with associated drainage. The survey however did not identify any anomalies that would indicate substantial wall footings that could be associated with priory buildings. In view of the above, and in accordance with the NPPF paragraph 205 (which states that local planning authorities should make information about the significance of the historic environment gathered as part of development management publicly accessible) , SC Archaeology Team recommends that a programme of archaeological work be made a condition of any planning permission. This would comprise a field evaluation in the form of a targeted trial trenching exercise, followed by further mitigation as appropriate.
- 6.2.5 The applicant for this current application seeks to rely largely on the outcome of the HIA submitted with the previous application which concluded that the application would have a minor effect upon listed buildings which following the implementation of planting mitigation measures would be neutral and that the development would have a minor effect on the Conservation Area. However a proportionate HIA has been submitted during the course of this application.
- 6.2.6 With regards to this it is noted that the SC Conservation Officer is content that the amended layout would result in the development being tucked in further towards the rear of the Acton Arms PH and considers that the scheme should have a lesser impact than that previously approved, especially when viewed from the principal frontage/highway.
- 6.2.7 Furthermore, there are a number of trees on the site/close to the site and the retention of trees within the site is considered key to ensuring the development sits well within its context and would help to minimise the impact upon the Conservation Area. With respect to this it is noted that the amended scheme has allowed the retention of a number of trees in the vicinity of the stream to the east of the site that were previously due to be removed. Further consideration is given to the impact of the development on the existing trees is given below.
- 6.2.8 Whilst it is accepted that the appearance of the development would be reserved for future consideration, it is considered that the layout is acceptable and dwellings could be designed as evidenced by the previous approval to ensure that the development would preserve or enhance the character of the conservation area and preserve the setting of listed buildings, namely the Grade II listed 29 & 30 Morville and the wider setting of the Grade I listed Church of St Gregory and scheduled medieval cross. Therefore, it is considered that the scale and layout of the proposed residential development would be acceptable in terms

of policies CS6 and CS17 of the Shropshire Core Strategy and to accord with sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

6.2.9 Turning to the proposed works with respect to the refurbishment of the PH. It is noted that the information submitted with the application does not identify any major structural issues with the existing building, the scheme some repair items, upgrading of kitchen equipment, redecorating, health and safety items and landscaping. On visual inspection of the building appears to be generally sound, but requiring joinery repairs and repainting etc. Accordingly, the SC Conservation Officer raises no objections in principle to the refurbishment works. However as noted above, the SC Conservation Officer cautions about placing any significant weight on facilitating these works, as the physical state of the existing PH should not have a significant bearing on the overall merits of the proposal as a whole (i.e. not 'reward' neglect of a heritage asset). It is recommended that should Members be minded to approve this application, conditions would be required to ensure that details of repair items, together with the proposed new doors for the public house should be given along with all facing materials and finishes along with joinery details for the new proposed dwellings in the first application for Reserved Matters.

6.3 Trees

6.3.1 Policy MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets.

6.3.2 The SC Tree Officer has been consulted on this application and raises no objection in principle but has raised a matter of detail as identified above. Should permission be granted for this outline application, appropriate conditions have been recommended.

6.4 Highways

6.4.1 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car-based travel reduced. It seeks to achieve safe development and where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

6.4.2 The NPPF, at section 9, seeks to promote sustainable transport. At paragraph 110 – 111 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

6.4.3 Vehicular access to the site is proposed to be provided from the redesigned access on the A458. Visibility splays of 2.4 x 43m were shown to be achieved in the previously approved scheme which conforms with the required stopping sight

distance for vehicles travelling at 30mph.

- 6.4.4 It is noted that at the time of the previously approved application SC Highways confirmed that the access onto the A458 is well established with good sightlines in both directions. Furthermore, they noted that the inclusion of an informal crossing point from the car park area to the pub would assist patrons and residents alike. The provision of such a crossing point has not been included in this outline application but could be made a condition should outline planning permission be granted.
- 6.4.5 It was established previously that the existing car park which serves the Acton Arms PH can accommodate some 37 cars. The scheme, as previously indicates no loss of pub car parking spaces. It was also established that service vehicles could enter and exit the site in forward gear utilising the vehicular entrance and manoeuvring using the internal road network. With respect to the service/delivery vehicles for the Public House this situation would be no more onerous than the existing situation which involves the use of the existing public house car park.
- 6.4.6 The SC Highways Team has been consulted on the current proposal where they raise no objection subject to appropriate conditions to ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.
- 6.5 Drainage
- 6.5.1 The Mor Brook lies some 220 metres to the south west of the site with one of its tributaries running to the south east of the site. A FRA has informed the revised scheme submitted in connection within this application. The whole of the amended application site now lies within Flood Zone 1 which has a low risk of flooding and outside any identified Critical Drainage Area. It is also noted that there is good opportunity within this site to implement SuDS mitigations measures such as permeable paving, rainwater harvesting and soakaways. As such it is considered that the site can be developed without risk of flooding for the occupants or increasing the risk of flooding elsewhere.
- 6.5.2 The submitted FRA recommends that as the development will increase the site impermeable area and, as such, it may have an adverse impact on surface water run-off rates, appropriate mitigation measures are proposed which could be conditioned, together with an appropriate Sustainable Drainage Scheme.
- 6.5.3 The SC Drainage Team has been consulted on this aspect of the proposals and raises no objection and recommends conditions and informatives.
- 6.6 Residential Amenity
- 6.6.1 Policy CS6 seeks to ensure that residential amenity is protected. Paragraph 130 of the NPPF states that planning policies and decisions should ensure that development 'creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. Furthermore the Councils Supplementary Planning Document – Type and Affordability of Housing, makes it clear that in assessing planning applications for residential developments the Council will take account of the

internal and external space provided, with a view to ensuring reasonable living space requirements for the occupants, as well as protecting the living conditions of neighbours who might be affected. Developments that provide unacceptably cramped accommodation will be resisted.

- 6.6.2 Whilst the application is in Outline form with details of the appearance of the dwellings reserved, details of the layout and the scale of the development have been submitted for consideration.
- 6.6.3 Given the potential for noise and disturbance emanating from the existing PH and the general disturbance from staff undertaking their duties; and the principle that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established it is recommended that should planning permission be granted, a condition is recommended to ensure that there would be no 'beer' garden to the rear of the PH and that this space is retained as a private space and the back entrance to the kitchen. The position of the PH beer garden should be located as currently where the beer garden and old children 's play area is, to the north of the PH car park.
- 6.6.4 The nearest existing dwelling is Priory Cottage the garden of which adjoins the northwest boundary of the site and the PH. In respect of this it is noted that the development would be set towards the northern boundary of the site and to the northeast of Priory Cottage and that the proposed dwellings would be largely side onto the residential curtilage of the Priory Cottage. It is considered however that, whilst the proposed development would be visible from Priory Cottage, given the distance separation and the size of the residential curtilage of Priory Cottage the proposed dwellings could be designed so as not unduly harm the existing amenities enjoyed by the occupiers of this property.
- 6.7 Affordable Housing/Developer Contributions
- 6.7.1 The scheme would be liable for CIL. Turning to the issue of Affordable Housing. The site lies in a Designated Protected Area where the affordable housing threshold is applied to developments comprising 5 dwellings or fewer. As the number of dwellings has been reduced to 3 (from that previously approved) no affordable housing contribution would be required.
- 6.8 Benefits of the Development /Planning Obligation
- 6.8.1 In support of the application the applicant contends that the proposed residential development would be of benefit to the community by ensuring the refurbishment and re-opening of the Acton Arms Public House. To support this contention the applicant has submitted a viability statement of the PH and the estimated works, undertaken by Bruton Knowles. This Statement concludes that the PH in this position would have an opportunity to attract a reasonable amount of trade and that the business would be profitable and could be sustainable. *However, as with all pubs it is vital to ensure a high-quality tenant is in place and this makes all the difference. Given the rent subsidy and refurbishment offered we see no reason why the premises would not be very attractive to a range of prospective tenants. Having considered all the various factors and submissions, we are of the opinion that The Acton Arms could be financially viable with the proposed investment and would be capable of being re-opened in the future..... It is noted however that the*

trade figures are based on an established business and the rent subsidy allows the time for the business to be established. It is likely that in the first year the business may make a loss, but this should be more than made up in the following 5 years.

6.8.2 In addition, as previously the applicant has submitted a legal obligation which requires the owner to

(1) use the sale proceeds from the sale of the Land to carry out refurbishment and repair works at the Public House as set out in the obligation. These Works include items such as, landscaping the beer garden and play area, beer garden tables and chairs, play equipment, fencing, garage door replacement, scaffolding and repainting exterior PH, repairs windows; interior works such as repair flooring, selective repainting, testing electrics/fire system/cellar equipment, replacement rear door, repair front door, creation of 2 en-suite letting rooms and owners accommodation.

(2) The Owner shall commence the Works within 2 weeks of the completion of the sale of the Land.

(3) Any balance of the sale proceeds remaining after completing the refurbishment and repair works shall be used by the Seller to subsidise the rent payable by the tenant of the Public House.

6.8.3 The applicant has provided information which details the works required for the PH to reopen and the potential funds that could be raised by the sale of the land.

6.8.4 Planning obligations may however only mitigate the impacts of a development and can only constitute a reason for granting permission if they meet three tests: necessary, directly related to the development, and fairly and reasonably related to the scale and kind of development.

6.8.5 For the obligation to meet the required tests the LPA would need to consider that the benefits of refurbishing the pub would make the development acceptable. The planning obligation must be necessary to make the development acceptable in planning terms i.e. to mitigate the impacts of a development proposal.

6.8.6 The development in this case is the erection of 3 dwellings and the application does now include works to the public house. SC Legal Services have confirmed that whilst a S106 (planning obligation) allows for payment of money to the Authority it cannot be used ensure that monies are paid to someone else or that this money is ringfenced to certain activities i.e. to be applied to the refurbishment works. However if the s106 agreement meets the tests it would be possible for the s106 agreement to be reworded to require the refurbishment works to the public house, the implication of this being that based on the information provided by the applicant the works are to be funded by the sale proceeds. Additionally, a S106 agreement cannot be used to ensure that any remaining sale proceeds are used to subsidise rent in the way proposed. However should it be considered that the refurbishment of the PH would increase the likelihood of the PH re-opening and that this was, in planning terms, a community benefit of sufficient weight to

outweigh the harm identified of the proposed residential development to the Council's Housing Strategy and the development plan, then a S106 agreement would be necessary in order to secure the refurbishment works to make the development acceptable i.e. meet the test of necessity. The details of refurbishment works as currently submitted are considered to be insufficiently precise to allow drafting of a S106 agreement. To make it acceptable a detailed schedule of works would need to be submitted together with details of the stage of the development at which these works would need to be completed.

- 6.8.7 Notwithstanding the issues raised above the details put forwards seek to demonstrate that, once costs are deducted the available moneys would potentially be around £191,000 and the refurbishment costs would be approximately £130,000. The applicant has suggested that in order to ensure the pub has time to establish itself and to ensure that the proposed benefits lead to the long-term prospering of the pub in addition to the refurbishment there is a rent subsidy. The figure put forward would leave approximately £61,000 for this purpose and the applicant suggests a mechanism which would involve a decreasing percentage of this money being used over a five-year period to be included in the obligation. However, there would be no guarantee that funds would be available as it would rely on what the developer advises as remaining after the sales costs and completion of the refurbishment works which would be dependent on the sale proceeds and the cost of the refurbishment works to the PH. It would constitute merely a financial transaction and the public house is a private business. The legal obligation submitted does not specify the sums involved and neither does it ensure that these would be provided. It is possible that they could be reduced to an inconsequential level rendering the obligation of no value and undermining the justification for approval of the scheme only on the basis that there would be a financial contribution to the PH of a level that stands a reasonable chance of making it viable. However as stated above a S106 Agreement cannot be used to ensure that any remaining sale proceeds are used to subsidise rent in the way proposed so no weight can be attached to this.
- 6.8.8 It is considered that, whilst a S106 Agreement could secure the refurbishment of the PH and this may increase the likelihood of it re-opening which would represent a community benefit it would not necessarily ensure that it re-opened /traded, or indeed continued to trade into the future. As such it is considered limited weight can be given to an appropriately drafted S106 Agreement which would secure the refurbishment of PH in the planning balance and this benefit would be insufficient to outweigh the harm identified of the proposed residential development to the Council's Housing Strategy and the development plan.
- 6.8.9 It has also been drawn to Officers attention that the PH has been successfully been designated as an Asset of Community Value (ACV) following its nomination by the Friends of The Acton, community action group. The current owner (the applicant) has notified the Council of his intentions to dispose of the asset through a sale of the freehold, as such this opens up a process for the community (valid community groups such as the Parish Council, incorporated community group which meets these definitions:
- It has a local connection, meaning that its activities partly or wholly occur in the local area

- It is a charity, a company limited by guarantee, a Community Interest Company or an Industrial and Provident Society or Community Benefit Society;) to take over the asset. It is understood that a valid community group has in fact made a request to be treated as a potential bidder.

6.8.10 The effect of this is that the asset owner is not permitted to sell the asset for a period of 6 months (02.12.2021) except to the community group and if it is then not sold, the owner benefits from a protected period of 12 months during which time the owner can sell it on the open market. If it is not sold during the protected period, then the process starts again with a period of 6 weeks during which time a valid community group may request in writing to Shropshire Council, to be treated as a potential bidder to purchase the asset. If no further written request is received prior to the end of the 6 weeks the owner is free to sell the asset on the open market. A designated asset may stay on the register for 5 years if it remains unsold or is rendered no longer capable of use as a community asset, for example by implementing a valid planning consent.

7.0 CONCLUSION

7.1 Although it is recognised that an appropriately worded S106 Agreement could secure the refurbishment of the PH thereby increasing the likelihood of it re-opening which would contribute to the social objective of sustainable development and the development of three additional dwellings would add to the supply of housing in the village, and provide some limited economic benefit through the construction process, these benefits would be outweighed by the fact that the development would result in the number of commitments and completions more than doubling the housing guideline (15 dwellings) set out in SAMDev policy S3.2 (iii) by an additional 3 dwellings which is significant in this case, in the light of the existing number of dwellings completed and commitments made (28 dwellings). This over-provision, that the scheme would add to, would undermine other elements of the development strategy for the area such as to direct development to areas with greatest access to facilities and as such, would not represent a suitable site for housing, with regard to the Council's housing strategy and would fail to accord with Policy CS4 of the CS and Policies MD1, MD3 and Policy S3.2 (iii) of the SAMDev regarding the scale and distribution of housing development in the area.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the

principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Core Strategy and SAMDev Policies:

CS4 - Community Hubs and Community Clusters

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD3 - Managing Housing Development

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the
Countryside

MD12 - Natural Environment

MD13 - Historic Environment

Settlement: S3 - Bridgnorth

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

RELEVANT PLANNING HISTORY:

PREAPP/14/00307 Proposed development of 6 new detached dwellings PREAMD 1st July
2014

15/00304/FUL Erection of four detached houses and two semi-detached houses, access,
parking and landscaping GRANT 10th April 2017

20/03647/OUT Outline application for residential development of 3 no. detached dwellings to
include access, layout and scale (Amended description 25.01.2021.) REFUSE 15th April 2021

BR/APP/FUL/07/0967 ERECTION OF EXTERNAL DRINKING SHELTER REFUSE 10th
January 2008

BR/APP/FUL/01/0907 Retention of floodlights on the front elevation GRANT 6th February 2002

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

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

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

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

Appeal

21/02923/REF Outline application for residential development of 3 no. detached dwellings to
include access, layout and scale (Amended description 25.01.2021.) INPROG

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

11. Additional Information

View details online:

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

List of Background Papers

Design and Access Statement
Heritage Impact Assessment
Geophysical Survey Report
Flood Risk Assessment
Ecology Report
Tree Survey
Tree Protection Method Statement
Affordable Housing & Transport Statement
Draft S106 Agreement
S106 Plan

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Robert Tindall

Informatives

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

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

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

Shropshire Core Strategy policies:
CS4 Community Hubs and Community Clusters
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev policies:
MD2 Sustainable Design

Contact: Tracy Darke (01743) 254915

MD3 Delivery of Housing Development

MD7a Managing Housing Development in the Countryside

MD12 Natural Environment

MD13 Historic Environment

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

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