

**CENTRAL PLANNING COMMITTEE
SCHEDULE OF ADDITIONAL LETTERS**

Date: 16th October 2014

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application No.	Originator:
6.	14/00246/OUT – Development of Land at Churncote/Bicton/Bicton Heath off Welshpool Road, Shrewsbury	Officer

Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and the completion of a S106 Agreement to secure affordable housing, infrastructure contributions and land as set out in the report and to ensure that funding is provided for mitigation works to be provided to Churncote Island in the event that these are not delivered through planned junction improvement works within the next 10 years (as per Highways Agency requirement) .

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These comments are to be read in conjunction with previous comments provided following an assessment of this application.

A number of concerns were raised in the previous assessment. These points have been considered and a response provided by the applicant in the document titled 'Rebuttal of Tree Officer Comments Application 14/00246/OUT'. I have evaluated the response and would make the following comments.

Point 1. Addressed

Point 2. The response notes that the RPA provided for T21, fall short of that recommended for veteran trees, but proposed that some mitigation work could be undertaken to improve the root environment for this tree and that this would compensate for the lower than ideal RPA. Having undertaken an inspection of the site and tree I am satisfied that this approach would be sufficient to safeguard T21 in this case. I would however raise two points, firstly the applicant notes that the wording in the veteran tree guidance states that the RPA **should – not must** be based on..., this is because the information is provided as guidance **not** an instruction, however it still represents good practice. Secondly the applicant suggests that the alternative to accepting a reduce RPA would be to move the tree, this appears to ignore the fact that the site layout could be redesigned to accommodate the additional RPA, which would be the sustainable method of approaching this issue.

Point 3. The amendments to the site layout are considered to be sufficient to prevent significant damage to the trees identified.

Point 4. It should be noted that the proposed development will result in the loss of an additional 3 trees. These are all of low value and it is accepted that their loss can be mitigated through the landscape planting for the site.

Point 5. It is accepted that this information could be supplied as part of the reserved matters application, as the treatment of this area would not prevent the development of the site per se.

Point 6. The applicant considers that the agricultural use of the land in the adjacent field, which would have included ploughing, would have resulted in disturbance to the root systems of the boundary trees and thus the RPAs are an accurate representation of the predicted root spread. Whilst it is recognised that there would have been some disturbance to the upper soil layer within the field, this does not alter the fact that the highly compacted soils that could be

expected beneath the adjacent highway (Shepherd's Lane) would act as a significant constraint to tree root development in that direction. If it is accepted that root development was also constrained into the field, then root development must have exploited land along the hedgerows. If this is the case, then the RPAs as plotted are not accurate. This is a significant point as the proposed layout indicates that there are to be access points to the site provided along Shepherd's Lane, and it is possible that these points may impact on the RPAs of the significant trees.

Further Comments

The amended layout now indicates the visibility splays that will be required for the access points on to Shepherds Lane. A species rich hedgerow, which forms a significant feature and is a key element in the character of Shepherds Lane runs down the entire length of the site boundary. In their letter ref: JBB 7634/C2904, the applicant states that '*Only short sections of the hedgerow are proposed to be removed to form the actual access points, alongside some pruning works in the northern section to provide the necessary visibility splay*'. And refers to plan ref: JNY7836-25. An examination of this plan indicates that 4 visibility splay of 2m x 43m will be required. Approximately 172m of hedge and several significant trees, shown as retained, fall within these visibility splays. Can it be clarified exactly how much hedge removal will be required to implement the access points and associated visibility splays and also what tree pruning and removal would be required?

Tree loss on the site is mitigated through a landscape planting scheme. It is expected that the final scheme will be prepared in accordance with the recommendation of BS8545, and would demonstrate that where street tree planting is proposed that adequate soil resources are provided to ensure that the trees can develop to maturity.

The Reserved Matters Application must be supported with an Arboricultural Impact Assessment, updated to reflect any alterations in the final layout and include a Tree Protection Scheme and Arboricultural Method Statement detailing protection measures for existing retained trees and hedgerows and for land allocated for planting.

Item No.	Application No.	Originator:
6.	14/00246/OUT – Development of Land at Churncote/Bicton/Bicton Heath off Welshpool Road, Shrewsbury	Agent

Please find a plan attached which illustrates the impact of the driveway points/visibility splays on the hedge along Shepherds Lane. As you will see the majority of changes to the hedge will just be through cutting back, whilst the northern areas shown for removal are to achieve the emergency access/ turning head and resulting link road roundabout as well as being located within a visibility splay. I think this northern hedge removal has been planned by the highway Authority through their proposals for the link road anyway.

This plan shows of the 1,044sqm of hedgeline along Shepherds lane 63% will be retained, 13% trimmed back and only 24% necessitating removal (which includes the northern section that is also associated with the link road delivery and future closure of the Lane). I think what is clear from this plan is that apart from the actual access points to the driveway, the provision of accesses on Shepherds Lane only required the hedgerow to be cut back. The northern section of hedge that is identified for removal is to be lost as a result of the closure of Shepherds Lane/delivery of the link road, Nevermind the dwellings proposed.

It is the applicant's intention to retain as much of the hedgerow as possible as a feature to the development as well as retaining the character of the Lane. This has been clearly stated in the application documents to date and further discussions with the Council's relevant Officers prior to works will be acceptable.

Item No.	Application No.	Originator:
7.	14/00335/FUL Land east of Station Road, Condover.	SC Archaeologist in response to Condover Parish Council.
<p><u>SC Archaeology</u></p> <p>Taking the information currently recorded on the Shropshire Historic Environment Record (HER) and the geophysical survey report that has now been provided by the applicant together, there are two areas of high but localised archaeological potential on the proposed development site. These relate to two probable pit alignments, which on the basis of comparative examples which have been excavated elsewhere are likely to represent a type of land boundary feature of broadly later Bronze Age to Iron Age date. Whilst significant from the perspective of increasing our knowledge of these periods in Shropshire, the two pit alignments are unlikely to be of such importance as to prevent development taking place. The applicant has also adjusted the layout of the scheme to minimise and direct impacts on these features and has indicated that they would accept a condition to remove Permitted Development rights from the properties on the western side of the site, where one of the alignments would be preserved <i>in situ</i> within the gardens. Elsewhere on the site, the geophysical survey identified a number of anomalies which are likely to represent agricultural features of medieval to modern date which would, at most, be of local level significance.</p> <p>Taking account of all of these factors, I consider that in this case an appropriate phased programme of archaeological work, to comprise initial trial trenching and further measures as necessary (including as a minimum an archaeological watching brief) would provide an appropriate level of archaeological mitigation, and that this would be both a reasonable and proportionate response in relation to the scale of the impacts on the archaeological interest of the site. This would be secured as a planning condition alongside those relating to the layout and the removal of PD rights.</p> <p><u>Condover PC</u></p> <p>On 17/5/14, SC Archaeology (Historic Environmental) in their response to the above application requested both "a geophysical survey of the proposed site, together with targeted trenching of anomalies thus identified". Even though the applicant's recent survey deems this site to have "high archaeological potential" the requested targeted trenching of anomalies has still not taken place.</p>		
Item No.	Application No.	Originator:
8.	14/02406/OUT – Holcroft Way Crosshouses	Agent
<p>The applicant (Fletcher Homes) is genuine in his offer to gift the land, and would not want legal concerns to get in the way. Members can be reassured that the gift of land will be made under a Unilateral Undertaking. This secures the community benefits sought by Members and residents without any legal issues arising.</p> <p>The Unilateral Undertaking will transfer land that is under the control of the applicant and that would be required for the roundabout as shown on drawing HW-RT-300 submitted September 2014 into the ownership of the highway authority.</p> <p>The gift of land does not limit future options as to how a roundabout would be funded. It could either be funded by development served off the roundabout, or it could be funded through alternative funding streams, of which CIL is one possibility. Please note that the gift of land does not limit the future use of CIL funds – the principle is the same as gifting land for a playpark, and then using CIL to fund the swings.</p>		
Item No.	Application No.	Originator:
8.	14/02406/OUT – Holcroft Way Crosshouses	Parish Council
<p>Still object to this proposal on their original grounds but if Shropshire Council are minded to grant this application the Parish Council request that the new large roundabout put forward by</p>		

Berrys should be incorporated in the development.

Item No.	Application No.	Originator:
8.	14/02406/OUT – Holcroft Way Crosshouses	Officer

Officers offer Members the following advice with regards to the determination of this application:

1. The application is recommended for approval with only the original highway improvements put forward and is acceptable without the provision of a roundabout.
2. The provision of a roundabout or the gift of land to enable a roundabout to be provided at a later date is neither necessary nor relevant to the determination of this application.
3. If an application was made for a larger site area with a greater number of houses then a roundabout would be required at that point to make that proposal acceptable.
4. The developer would have to bear the cost of providing the roundabout (including the provision of the land) as part of any future application and there is therefore no need for the land to be gifted now.
5. Officers recommend that this application is approved without the provision of land for a future roundabout being included in the S106 but acknowledge that there is nothing to prevent the land owner gifting the land to the Parish or the Council outside of the planning application.
6. It is for the PC to decide whether they wish to identify a new roundabout within their Place Plan to be funded by CIL, but a roundabout would and should be provided at the expense of the developer in addition to CIL at the time of any future application as it would be necessary to make it acceptable.

The statement made by the agent that '*the principle is the same as gifting land for a play park, and then using CIL to fund the swings*' is misleading. Larger sites have to provide open space calculated in accordance with the IPG and within the IPG it outlines that CIL funds are used to pay for the play equipment on the play area within the open space. However highway improvements that are required to make a proposal acceptable should be funded by the developer and not by CIL.

Item No.	Application No.	Originator:
9	14/03059/FUL – The Old School, Hook-a-gate	Public Comment – Allen (Objection)

Contents available in full on planning file but key points summarised as follows: -

Would like to make the following observations in response to Highways Comments/Advice: -

Highways:

1. Traffic survey conducted 14th – 17th April. We do not consider a four-day survey can in any way accurately represent the true picture.
2. A resident of Bayston Hill, whose home is near the existing Hillside Nursery owned by Mr and Mrs Phillips, is most unhappy with the density of traffic-flow entering and leaving the existing nursery. Such an increase in traffic-flow in Hook-a-Gate would render this area extremely hazardous, to traffic and pedestrians alike, especially when in conjunction with traffic entering Longden Road from one of the six driveways immediately surrounding The Old School and House site.
3. We refute the statement in The Highway Document that traffic density will be spread throughout the day.

4. Numbers of siblings at nursery - relies upon a constantly fluctuating basis, it cannot, with any authority, give a true picture of traffic-flow density. Multi-sibling attendance will be by way of larger family cars, adding to the congestion on what we consider to be an over-density of use of the small site.
5. We are also unhappy that the vehicle exit route will circle the yew tree, involving many vehicles passing directly along 2 sides of our property boundary. As well as the noise and air pollution nuisance, the traffic-flow scheme presented will completely inhibit our privacy and therefore the quiet enjoyment of our property that existed prior to works commencing on The Old School site. Parents in the vehicles will be able to look directly into our bedroom window and garden, and most of our property.
6. We feel there is a very real possibility that road-side parking will occur.
7. The site is simply too small to accommodate the plans currently under consideration. Indeed, Mr and Mrs Phillips have found it necessary to purchase additional agricultural land in order that the scheme may successfully go ahead.
8. The enlargement of the entrance of The Old School site originally necessitated removal of the village community area, which has upset and angered many residents. We note an amended scheme has been submitted by Mr Phillips to include only a part of the community area. We have forwarded various items to Highways which seem to indicate that the whole of the community area immediately abutting the frontage of The Old School site is not within the title of The Old School, but forms a part of the highway structure. We and other residents feel the telephone facility should be replaced. Therefore, it is not possible to enlarge the entrance onto any part of the community land area.
9. We consider there is insufficient space to extend the proposed entrance onto any part of the community area. This would mean that those using the community area would be within "arms-length" of the traffic exit. We feel the amended scheme is simply too hazardous and poses real risks of air pollution and traffic accidents. Additionally, the area provides a safe place for the school bus to collect young children attending local schools. The public bus service also has a stop at this point. We feel it is inappropriate to allow traffic-flow in a pedestrian area, especially where those pedestrians are largely children under ten years of age.
10. We feel that the community area forms a part of the highway structure, as road signage and a litter bin are located on it. These items would not have been installed on private land by Shropshire Council.
11. In view of the above, we feel that the community land area is within the highway structure, and has been for many years. As such, we are putting Highways on notice that they should rightfully determine and reply to the claim to title as to ownership of the community land as per the application made, placed before them (Mr Buzzacott) on 30th September 2014 and exercise their proper powers with regard to the planning application currently under review.

Item No.	Application No.	Originator:
9	14/03059/FUL – The Old School, Hook-a-gate	Public Comment – Jones (Support)

Contents available in full on planning file but key points summarised as follows: -

- This application should be recommended for approval as it meets with both national and local planning policies.

Traffic Issues:

- In terms of traffic issues a comprehensive study has been undertaken at the applicants existing nursery in Bayston Hill. This has been supported by Richard Harman (Highways Officer) who has raised no objection to this application.
- My children have attended the applicants nursery for over three years, with a drop off time of around 8.15 am and pick up at 4.45pm. This has been shown in the traffic study to be a 'peak time.' Access to this nursery is off a narrow road without any footpaths, with a restricted access point. At no time has there been an issue with cars parking on the road or

waiting to access the car park.

- The proposed car parking layout at Hook-a-Gate is significantly better. The access point is wider, more car parking spaces are proposed and the 6m wide access road (to the turning circle) provides the opportunity for vehicles to easily access the site from the road. Having looked at the site layout and with a true working knowledge of a comparable nursery (58 spaces) I strongly disagree with the objections raised regarding car parking.

Impact upon Neighbour:

- The proposed extension will be approximately 27m from the nearest habitable room. This is in excess of the generally accepted minimum of 21m for residential development.
- It must be noted that the nursery use will only be in working hours, this will further minimise any issues as it will not be in use in the evenings and weekends.
- Whilst vehicular access to the rear of the site is possible at present it is acknowledged that 4 car parking spaces and the turning head are located closer to No1 School Cottages. This potential conflict is minimised by existing tree and vegetation screening within the garden of No 1 and any further issues could easily be addressed through the inclusion of a planning condition regarding the boundary treatment and the inclusion of screening/fencing as required.

National Planning Policy:

- The NPPF is strongly supportive of a use such as this in a rural location. This is a sustainable proposal and therefore there is a presumption in its support.
- Achieving sustainable development: -
Economic Role - supporting local tradesmen and builders but also the long term role in providing high quality, permanent, job opportunities in a rural environment. Job opportunities for people in the village of Hook-a-Gate and the surrounding parish.
Social Role - this nursery will provide a service and greater choice to the parents of Hook-a-Gate and the surrounding area. The nursery workers will be provided with educational training to further their experience, qualifications and future employment opportunities. Furthermore the applicant is offering for the nursery to act as a community meeting centre. A facility which is lacking in the village.
The conversion of the existing building will minimise construction and ensure that the historic use is retained. Whilst car journeys to the site will increase it is considered that the childrens spaces will be used by families in the locality who currently drive to Bayston Hill, therefore reducing journey times (over 40 children at the Bayston Hill reside in the Hook-a-Gate area).

Local Planning Policy:

- This application will bring much needed employment opportunities and community benefits. The site has historically been used as a school and education purposes and with therefore will maintain this purpose. The proposed extension will further improve upon this in creating additional high quality nursery accommodation. The site is appropriate in that it is within a village and does not increase the village footprint.
- The proposal to refurbish the original rundown and derelict school house is to be applauded. The proposed extension is of a high quality design which retains the character of the original school.
- Set back from the public highway the visual impact of the extension will be further obscured from the street through the retention of the existing yew tree. Employees or users of the nursery within Hook-a-Gate can easily and safely walk to the site along the pavements serving the village. A bus service is also provided serving Longden and Shrewsbury. It is acknowledged that most children will arrive by vehicle, however, the expected 'catchment' for children is within the locality of Hook-a-Gate and the parish of Longden. Providing a nursery closer to the homes of children will minimise the length of car journeys.
- Other relevant policies include MD2, MD7b, S16 and Longden Parish Plan (2010)

Conclusion:

In conclusion this application complies with all relevant planning policies – from national down to the parish plan. It is a sustainable proposal which will provide much needed employment and a community facility for the village of Hook-a-Gate and the surrounding parish. Concerns regarding traffic issues are not justified as this is a well designed and carefully considered design which will be a significant benefit to Hook-a-Gate.

Item No.	Application No.	Originator:
9	14/03059/FUL – The Old School, Hook-a-gate	Public Comment – Allen (Objection)

A printed list of e-mails between Mr & Mrs Allen (neighbours at 1 School Cottages), Richard Harman (Highways Area Manager) and Steven Drury (Technical Specialist Planning Officer) available in full on the planning file.