

Committee and date

South Planning Committee

1 December 2015

Development Management Report

Summary of Application

Summary of Application

<u>Application Number:</u> 15/01919/FUL	<u>Parish:</u>	Cleobury Mortimer
<u>Proposal:</u> Erection of residential development 12No dwellings, garages and roads design		
<u>Site Address:</u> Land To The Rear Of 41 Furlongs Road Cleobury Mortimer Shropshire DY14 8AR		
<u>Applicant:</u> Percy Cox Properties Ltd		
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmsw@shropshire.gov.uk	

Recommendation: If following reassessment of the application Members are still minded to refuse permission as per the decision at the 3rd November Planning Committee then permission is REFUSED for the following reasons:

1. The proposal will be detrimental to the residential amenities of neighbouring residents by virtue of vehicle movements to and from the development through the existing narrow approach routes to the site and will result in an unacceptable incremental impact on the local road infrastructure. The applicant has not demonstrated that these impacts are capable of being adequately mitigated. The proposals therefore fail to comply with Core Strategy Policy CS3, CS6, CS7, CS8 and emerging Policies MD1, MD2 (particularly point 6), MD3, MD8 (particularly point 1) and S6 (particularly point 4) of the SAMDev Plan which has been found to be sound following a Public Inquiry.
2. No specific local community need for this type of dwelling has been demonstrated by the applicant or identified in the emerging Cleobury Mortimer Place Plan. The proposals therefore fail to comply with Core Strategy Policy CS3, CS6, CS7 and emerging Policies MD2 (particularly point 1), MD3 (particularly point 1.i and 1.iii) of the SAMDev Plan which has been found to be sound following a Public Inquiry.

REPORT

1.0 BACKGROUND TO THE REPORT

- 1.1 This application was reported to the committee on 3rd November 2015. The original officer report recommending approval is attached as Annexe 1. Members resolved to

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defer the application after hearing from speakers against the proposals. The wording of the resolution was as follows:

Consideration DEFERRED to the next meeting, with MEMBERS MINDED TO REFUSE the application on the basis that the proposal:

- Will be detrimental to the residential amenities of neighbouring residents;
- No such need for this type of dwelling has been identified; and
- The proposal will result in an unacceptable incremental impact on the local road infrastructure.

The proposals would therefore fail to comply with Core Strategy Policies CS3, CS6, CS7 and CS8 and Cleobury Mortimer Parish Plan. Given the position and weight that can now be afforded to the emerging SAMDev Plan, the development of the site will also be contrary to emerging Policies MD1, MD2 and MD3 of the SAMDev Plan.

- 1.2 This report assesses the recommended reasons for refusal against relevant policies and recommends some changes to the refusal reasons if Members are still minded to refuse the application.

2. CONSIDERATION OF THE RECOMMENDED REFUSAL REASONS

- 2.1 Two separate reasons were listed by the committee, namely:

- i. Highways: Concerns about the limitations of the approach routes to the site and the adverse impact of traffic travelling to and from the development on the amenity of existing residential properties fronting these routes;
- ii. Residential amenity: Concerns that the proposals would have an adverse impact on the amenity of local residents surrounding the site.
- iii. Housing type: Concerns that the generally large 3-4 bedroom houses proposed by the development are not aligned with the communities housing needs as stated in the Cleobury Mortimer Parish Plan.

These reasons are assessed below:

3. Highways

- 3.1 Highway refusal reasons can be broken down into 1) concerns about the physical ability of the local highway to accommodate the level of additional traffic proposed by a development (transport) and 2) concerns about the effects of new traffic from a proposed development on the amenities of nearby residents (highway amenity).
- 3.2 Transport: The NPPF advises that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (para 32). Whilst the limitations of the approach routes to the site are noted, the Highways officer advises that the residual cumulative impacts of the development

would not be sufficiently severe as to meet the stringent refusal criteria set out in the NPPF.

- 3.3 The proposed 12 house development is located within the development boundary of Cleobury Mortimer where existing and emerging planning policy accepts the principle of additional housing development. There is easy pedestrian access to the town centre and its range of key services. The Highways (Development Control) officer had not objected, but has recommended appropriate conditions and a legal agreement to provide off-site pedestrian / cycling improvements.
- 3.4 Details of what could be achieved through the recommended financial contribution have not been clarified and would need to be subject to community consultation. Planning legal agreements for highway / pedestrian funding often specify a contribution level without stipulating the exact nature of the works. This provides flexibility and offers scope for the Highway Authority to consult with the local community. The level of funding specified by the highways officer is considered to be proportionate to the scale and nature of the application.
- 3.5 The highways officer advises that the pre-existing transport issues at Cleobury Mortimer would not be made significantly worse, and that the recommended conditions and legal agreement would provide appropriate mitigation. The proposals would generate CIL revenues which could in principle be used for highway improvements. Bids can also be made by local communities of Town Councils for funding from Shropshire Council's highways budget to address issues of concern. It is not considered that a transport based refusal reason would be justified in these circumstances.
- 3.6 Highway and amenity: Whilst the Highway Officer does not support refusal on transport grounds the Development Plan also requires development to meet high standards of sustainability and to deliver environmental improvements where appropriate. This includes with respect to highway and amenity considerations. Where a proposal would potentially exacerbate rather than mitigate pre-existing environmental or amenity problems then refusal on grounds of lack of sustainability may be appropriate, including where a highway capacity refusal reason could not be justified.
- 3.7 Members viewed the narrow nature of the local streets at the site visit. At the committee they heard of local community concerns about highway and pedestrian safety, including problems with on street parking and refuse lorry manoeuvring. The Committee concluded that the current proposals had the potential to exacerbate these existing problems. They did not consider that the measures recommended by the Highways officer and / or put forward by the applicant provided sufficient reassurance regarding the ability to mitigate such issues. They questioned whether there could be any meaningful mitigation in practice given the limitations of the local highway system. Accordingly the committee considered that the proposals were unsustainable in terms of their amenity impact on local residents.
- 3.8 It should however be noted that Inspectors have dismissed other recent appeals where similar refusal reasons have been cited. For example, the Council won a recent appeal at Hints, Coreley near Clee Hill (APP/L3245/A/14/2220418 – officer

delegated refusal). However, there was a partial award of costs against the Council linked to the use of a highway refusal reason which the Inspector did not support. With respect to 2 recent appeals in Bishop's Castle (APP/L3245/W/14/3001829: Land west of Lavender Bank and APP/L3245/W/14/3001799: Land south of Woodbatch Road) the Inspector considered the locations for these appeal sites to be sustainable and did not support the council's highways amenity refusal reasons. These sites were beyond the development boundary and over 800m from the town centre. In contrast, the current site is within the development boundary and adjacent to the town centre. The Planning Inspectorate has so far not responded to the Council's request to review these decisions (based on 5 year housing supply as opposed to highway issues).

- 3.9 An appeal decision dated 16th November 2015 relating to a proposal for 2 one bedroom flats at 7 Steeple Close, Cleobury Mortimer (APP/L3245/A/14/2227555) also has relevance. The Inspector made the following conclusion in response to concerns about parking provision. 'The Increased competition may lead to a degree of inconvenience in situations where residents cannot park directly outside their own home but I am satisfied that it would not lead to harm in terms of highway safety. Thus, whilst the lack of parking is not a positive factor in favour of the proposal it would not justify the refusal of planning permission, of itself'.
- 3.10 In conclusion, the highway amenity refusal reason included in the recommendation could be employed if Members still wish to refuse the application. However, similar reasons have not been supported at some recent appeals and officers have very strong reservations as to whether the highway reason could be sustained at appeal. Whilst it is now possible to cite relevant SAMDev policies in support of highway amenity refusal reasons, these essentially duplicate the requirements of equivalent Core Strategy Policies (i.e. CS3, CS6) rather than strengthening the justification for such a refusal reason.
4. Residential amenity:
- 4.1 Those elements of residential amenity associated with traffic movements are covered by the first refusal reason. With respect to other aspects of residential amenity, the scheme has been amended to swap the positions of the garage and house in the most north-westerly plot (plot 12) providing improved separation to the nearest existing property. The spacing between properties was referred to in detail in the original officer report and is considered acceptable in amenity and privacy terms. Members did not express any specific concerns in relation to plot separation or privacy at the previous committee meeting.
- 4.2 The applicant has put forward some further minor amendments to the scheme under the 'Wheatcroft Principle' and these are referred to below.
- 4.3 The officer would strongly advise against the use of any refusal reason referring specifically to residential amenity issues such as overlooking or loss of privacy in the detailed circumstances of the site.

5. Housing type:

- 5.1 The development plan requires that proposals for new housing should have regard to the wishes of local communities. Relevant Core Strategy Policies covering new development and community needs are discussed below:
- 5.2 Core Strategy Policy CS3 (Market Towns) advises that the market towns will maintain and enhance their roles in providing facilities and services, including by promoting balanced housing and employment development within the towns' development boundaries, of an appropriate scale and design and which is supported by improvements in infrastructure. Policy CS6: (Sustainable Design and Development) promotes high quality sustainable design which amongst other matters reduces the need for private car transport and ensures that there is capacity and availability of infrastructure to serve any new development. Policy CS7: (Communications and Transport) promotes a range of opportunities for communication and transport which meet social, economic and environmental objectives including by reducing the impacts of transport.
- 5.3 Policy CS8 (Facilities, services and infrastructure provision) promotes sustainable places with safe and healthy communities where residents enjoy a high quality of life. This includes by facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs. Policy CS11 (Type and affordability of housing) seeks to create mixed, balanced and inclusive communities by adopting an integrated and balanced approach with regard to existing and new housing, including type, size, tenure and affordability. The associated supplementary planning guidance document details the provisions requiring affordable housing contributions to be made on all new open market housing. This ensures that all types of housing development make an appropriate contribution towards increased levels of affordable housing in the county, including schemes involving some larger homes such as the proposed development.
- 5.4 Core Strategy Policies do not specifically require development proposals to conform to community aspirations with respect to housing types. Significant weight can however now also be placed on the SAMDev which has been found to be sound following a Public Inquiry. Policy MD2 (Sustainable Design) requires proposals amongst other matters to 'respond positively to local design aspirations wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans...' In addition, SAMDev policy MD3 (Managing Housing Development) requires that residential proposals on sites of five or more dwellings should include '*a mix and type of housing that has regard to local evidence and community consultation*'. Therefore, policies MD2 and MD3 of the SAMDev require housing development proposals to take appropriate account of local community consultations. This does not however indicate that all new housing development should comply exactly with community wishes, although appropriate account should be taken of this in the design process.
- 5.5 Key mechanisms for identifying local community wishes are Parish Plans and Place Plans. Cleobury Mortimer does not have a Parish Plan but one is under preparation. Public exhibition comments in connection with the 'Cleobury Mortimer Community

Led Plan' have referred to the need for bungalows / smaller houses, affordable homes and the fact that there are many empty properties. Discussions linked to the Local Joint Committee refer to housing needs as one of the priorities.

- 5.6 The draft Cleobury Mortimer Place Plan includes strategic objectives 'to improve the quality of life for the community' and 'to protect and enhance the environment and the heritage of the area', including by undertaking a traffic management plan. Identified infrastructure and investment priorities in the draft Place Plan include affordable housing, housing for vulnerable people, public open space, improving the cycling and pedestrian network, local highway improvements, traffic management, parking provision and speed and safety enhancements. The draft Place Plan advises that the town supports higher than average numbers of managers, senior officials and those in professional occupations and has a comparatively low job seekers allowance claimant rate. Almost twice as many Cleobury Mortimer residents travel out of the town to go to work, than travel into the town for employment.
- 5.7 Therefore the emerging Parish Plan and Place Plan for Cleobury Mortimer place a high emphasis on affordable housing, protecting the quality of life of residents and improving pedestrian, cycling, parking and highway provision. However, these plans are not adopted and there is no specific reference to the need for bungalows or smaller properties in these emerging plans. It cannot therefore be said that the current proposals are in clear contravention of an adopted Place Plan or Parish Plan with respect to the housing type. Conversely however it cannot be said that the proposals have taken a detailed account of community consultations in the design of the scheme. A clear preference has been expressed for smaller properties and bungalows by residents responding to planning consultations on the current application.
- 5.8 Accordingly, it could be argued that the applicant has not demonstrated that the proposals conform with SAMDev policies MD2 and MD3 in terms of the proposed housing types. However, in the absence of an adopted Place Plan or Parish Plan for Cleobury Mortimer it is not possible to give significant weight to this consideration. It is therefore necessary to assess whether the proposals are compliant with the Development Plan as a whole.
- 5.9 The officer maintains that in all other respects the proposals are sustainable insofar as they are located in a sustainable location within the development boundary, they respect the Conservation Area setting, they incorporate highway mitigation measures and do not give rise to other environmental impacts as advised by technical planning consultees. The NPPF advises that all housing delivers intrinsic social benefits. The officer considers that whilst the development does not deliver the specific types of housing which the local community is expressing a preference for in the emerging Cleobury Mortimer Place Plan it is nonetheless sustainable and compliant with the Development Plan overall. It should be noted that the scheme will also generate an affordable housing contribution and CIL revenues which add to the overall sustainability of the proposals.
- 5.10 It is accepted that this conclusion is dependent upon the relative weight to be given to emerging SAMDev policies MD2 and MD3 regarding local community aspirations for housing types and these policies are as of yet untested by appeal. However, the

officers would advise that any refusal reason based on housing types not complying with community aspirations may be open to challenge in the absence of an adopted Parish Plan, Place Plan or Neighbourhood Plan which specifically expresses a preference for particular housing types.

6. DISCUSSIONS WITH APPLICANT

6.1 Following the November 2015 committee meeting the officer has met with the agent to discuss the proposals. Arising from this meeting the agent has requested that some minor amendments and further clarifications are made to the scheme seeking to address the concerns raised by the Committee. The changes and clarifications are as follows:

- Plot 3, formerly a single detached 4 bedroom plot at the south west corner of the site (house type C) will be substituted with two semi-detached 3 bed houses (house type F) in order to provide a more balanced housing mix with 4 'intermediate' type 3 bedroom semi-detached homes. This would increase the total number of houses from 12 to 13.
- Three full 2 storey houses at the northern end of the site (Housing types H and G on plots 9, 10 and 12) are substituted for 1½ half height houses (housing type B) with a shallower roof pitch of 35 degrees. This would provide a 1m height reduction and less prominent north-facing upstairs windows relative to the original scheme. This would further reduce the potential for any residual overlooking or shading issues for the properties in elevated locations on the south side of Furlongs Road, though it is emphasised that the spatial separation distances are considered to be acceptable without this amendment.
- The applicant intends to allocate a triangle of land between the public footpath and the proposed entrance into the site as community open space with a low maintenance surfacing and some tree planting. This area was previously intended for inclusion into the garden of plot 1.
- The applicant has provided details of reports by two property surveyors which support the conclusion that bungalows would not be feasible in this location.
- The applicant has provided information in support of the conclusion that the proposed site would be located too far from the main centre of service delivery for the site to be optimal for a retirement home / old people's development.
- The applicant has provided further information of the intention for the site to comply with the industry 'gold standard' for design sustainability.

A letter from the applicant confirming this has been received and is reproduced below as Annex 2.

6.2 The officer has reviewed these changes and considers that they are not fundamental to the nature of the application. The building footprints would remain the same and the additional semi-detached property should not add materially to the level of vehicle movements relative to the single larger property it replaces. The officer is satisfied that the amendment can therefore be accommodated as part of the application under the 'Wheatcroft Principle'. An updated layout plan has been uploaded to the Council's online planning register.

7. CONCLUSION

- 7.1 At the November meeting the Committee was minded to refuse the application based on concerns about highway issues, residential amenity and housing type. Officers have reviewed this resolution in the context of relevant policies and would maintain that the proposals are compliant with the Development Plan as a whole.
- 7.2 Officers would therefore advise that there are significant risks with a refusal on the grounds identified, given in particular:
- The absence of objection from the Council's Highways Development Management section and the location of the site within the development boundary;
 - The absence of an adopted Parish Plan and/or Place Plan for Cleobury Mortimer giving clear expression to community preferences on housing types and thereby adding further weight to the emerging SAMDev policies MD2 and MD3.
- 7.3 Nevertheless, if members are still minded to refuse the application, in order to optimise the defence at appeal, the reasons should be worded as recommended at the beginning of this report.

8. ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NNMTA3TDK5800>

List of Background Papers: Planning application reference 15/01919/FUL and associated location plan and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member: Cllr Gwilym Butler (Cleobury Mortimer)
Appendices: Annex 1 – Report to South Planning Committee on 3 November 2015

ANNEX 1

REPORT TO SOUTH PLANNING COMMITTEE ON 3 NOVEMBER 2015

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

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<u>Application Number:</u> 15/01919/FUL	<u>Parish:</u>	Cleobury Mortimer
<u>Proposal:</u> Erection of residential development 12No dwellings, garages and roads design		
<u>Site Address:</u> Land To The Rear Of 41 Furlongs Road Cleobury Mortimer Shropshire DY14 8AR		
<u>Applicant:</u> Percy Cox Properties Ltd		
<u>Case Officer:</u> Graham French	<u>email:</u> planningdmsw@shropshire.gov.uk	



Recommendation: Grant Permission subject to the conditions and informatives set out in Appendix 1, and subject to a Section 106 legal agreement to secure the following matters:

1. Payment of an affordable housing financial contribution, in accordance with the Council's affordable housing policy.
2. Payment of a highway contribution of £20,000 to improve pedestrian and cycle links within the vicinity of the development in order to further promote sustainable travel and undertake localised highway improvements to formalise parking arrangements within the vicinity of the site. The Highway Contribution should be deposited prior to commencement of the development and returned to the developer within 5 years if remained unspent.

REPORT

1.0 THE PROPOSAL

- 1.1 Full permission is sought for the erection of 12 detached and semi-detached houses including garages and roads on land at Furlongs Road, Cleobury Mortimer for 'open market' sale. The plots are proposed to be family sized homes of generally modest accommodation.
- 1.2 It is proposed to extend Furlongs Road into the site as a shared surface. The development is an extension of the cul-de-sac arm of Furlongs Road, which is a conventional street consisting of 4.8m wide carriageway with 1.8m footpaths each side, which connects to the main town high street via New Road to the east.
- 1.3 The site has a fall of 6m from west to east. Houses would step down the contours in order to follow the existing ground levels. Granite paving would mark the edge of the adoptable highway and clearly demarcate private and public space. Walls would screen rear gardens from the street, providing private rear garden areas.



- 1.4 All public areas would be overlooked, providing natural surveillance throughout the scheme. Special corner designs ensure there are no negative, blank gables with houses providing attractive elevations to all streets. The use of dwarf walls to the front of plots 2, 4 and 11 reinforce the conservation setting, providing a design enclosure within the heart of the development.
- 1.5 The use of large single (6m x 3m) or double garages for 7 of the houses (as recommended in Manual for Streets) provide for both car and cycle storage. Properties without a garage will be provided with a lockable garden shed for use as a cycle store. Refuse bins will be stored on plot in rear gardens on a paved area with a level path from the storage area to the roadside collection point. All properties will have a dedicated refuse bin storage area, away from the street, and convenient to each property.

2.1 The site comprises an area of vacant land with brambles and some trees and a fall from west to east which is located in the Cleobury Mortimer conservation area to the north of the High Street (A4117). To the south are the rear gardens of period houses fronting the A4117 and the Grade 2 listed Old Lion Public House. To the north is more recent housing whilst to the west is a single dwelling known as the Old Bakery.

3.1 The application has been referred to the committee by the local member and this decision has been ratified by the Development Manager in accordance with the Council's adopted Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1ai. Cleobury Mortimer Town Council (9/07/15) – Objection for the following reasons:

- Consistency with the development plan for the area
- Traffic and Highway issues
- Overlooking, loss of privacy
- Design, appearance, layout.
- Noise, disturbance
- Local knowledge of drainage and sewage.
- Impact on surroundings.

- ii. Inadequate plot: Cleobury Mortimer is a dispersed settlement where development proposals should be considered very carefully. Firstly we consider this plot to be a tandem development and as such are inadequate in the context of the surrounding development. It would be discordant with the character of the surrounding properties and the prevailing densities in the area. As such the proposal is considered to fail to have due regard to the local character and to safeguard residential amenity and as such it is contrary and conflicts with, the aims and objectives contained in the National Planning Policy Framework of sustainable development, core planning principles, as well as the Council's adopted Core Strategy and in particular conflict with policy CS6 and CS3. This is also supported in the SAMDev report and our Community led Parish Plan 2014. On page 57 of the Core Strategy item 4.52, it also states that in 2001 Census 77% of houses were owner occupied, 14.4% private rented and 8.6% social rented and to date we still need a balance, which we feel is not being looked at. Also that paragraph raises the concerns of Wastewater and gives clear instructions, which needs to be looked at as another major concern of the council.
- iii. Community needs: As stated in our Parish Plan 2014, p11, planning permission for developments must see the wider picture of community needs and the current infrastructure capacity is inadequate for the growing population, rising 25% from 2001 to over 3,000. The Cleobury Mortimer neighbourhood Plan developed in consultation with the community and Shropshire Council and Policy SD7 states that beyond market housing provision made in the districts site allocations development plan document only proposals for affordable housing for local people are supported. Looking at eS4 this application goes against the development plan for Cleobury Mortimer.
- iv. Public house: When looking at the proposed rear entrance for the Public house which backs onto the development, it is a great concern that it may promote criminal activity and anti social behaviour from patrons leaving the establishment at the rear, which cannot be guaranteed will not happen eS6 Item 4.79. It will also be access for deliveries causing more Lorries and large vehicles to use the already congested New Road and the Furlongs.
- v. Commuter pressure: Pressure for development in the village is considerable, mainly for housing city commuters and seems to be a growing theme which needs to be resisted.
- vi. Access: The reasons for rejecting such schemes include the inadequacy of access, increased traffic, adding to increased congestion to already problem areas which

would suffer to cope with even small increases in traffic. The creation of the access by the demolition of the one property raises concerns of the entrance, causing issues for emergency, refuse vehicles and also Highway safety.

- vii. Natural environment: This development would add to an already substantial concern that the overall proposal is uncharacteristic of the area and conflicts with Policy eS6, with regard to its requirements to protect the natural environment, respect local context and safeguard residential amenity and living conditions of surrounding residents.
 - viii. Parking: Parking of visitors to residents by the proposed entrance would also add to the congestion. If allowed this would generate significant levels of traffic in an already congested area via New Road and Ronhill and we consider that the development is not appropriate for its surroundings as there is not enough room for vehicular access especially of waste and emergency vehicles. Developments should try and minimise the impact of traffic in communities and for 41 car parking spaces indicates the level of traffic, goes against eS7 item 4.89 of the Core Strategy 2011. It also refers to safer roads and public footpaths, which if the development goes ahead, will make it worse for residents and especially children's safety.
 - vii. Setting: When considering, note should be taken of Paragraph 4.81 in policy CS6 of the Shropshire Core Strategy 2011 states that: "The quality and local distinctiveness of Shropshire's townscapes and landscapes are important assets. The Council will ensure new development complements and relates to its surroundings, not only in terms of how it looks, but the way it functions, to maintain and enhance the quality of Shropshire's environment as an attractive, safe, accessible and sustainable place in which to live and work. This is also echoed in paragraph 56 of the NPPF. The proposed siting of the two storey development is particularly ill-considered: as building such a development would both diminish the view and will be prominent from outward angles of the village. The design is out of keeping with the village's strong historic character and Policy eS3 and eS6.
 - viii. Housing type: As stated in eS4 we have identified in our local plan and SAMDev a need for more retirement homes as there are too many developments with high class homes and there needs to be a balance as referred to in eS1 and more especially Affordable housing as stated in eS11 which seems to be diminishing for local people. Previous plans were noted as favourable but changed from bungalows to houses for financial reasons, and this is a not a Brownfield site, which also needs to be noted. Furthermore there is no need for more of this kind of open market housing in the village. In the opinion of the Parish Council, Cleobury Mortimer has more than the five years supply of housing land to meet the requirements of the emerging SAMDev policy to take it to 2026. CS4 confirms that Shropshire Council will work with communities with a "Bottom up approach" so we urge the Council to take our views into consideration when looking at this application.
- 4.1ai. Cleobury Mortimer Town Council (8/10/15 – following re-consultation on further information) – Objection. All of the objections in the previous letter dated 9th July 2015 still stand as the points addressed as amendments have not addressed the Points of Principal and are therefore not fundamental changes.

1. The legal obligation to only allow access to the rear of the Old Lion by the owners only, is not a Fundamental change as it would be down to individuals to police. Like having double yellow lines does not prevent anyone parking if they wish to ignore the rules.
2. Pedestrian linkage issue to suggest that better well lit routes are available again is not a fundamental change, just a suggestion.
3. Refuse collection and changing kerbing again does not alter the fact that access to the site will be an issue, as large vehicles still go over kerbs when they need to.
4. Internal parking issue has still the same houses with spaces and will also have a visitor which in turn, increases the traffic and parking.

It is a fact that new road is already a daily issue with access for small vehicles let alone emergency vehicles, would compound an already bad situation for the area. Site vehicles would cause very stressful situations for local residents and again access to the site is a major issue. The Parish Council wish that its objections stated previously and now are once again strongly noted that there have been no fundamental changes and the points of principal have not been addressed.

4.2 SC Public Protection - Specialist – No comments received.

4.3 SC Affordable Homes: - No objection. The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

4.4i. SC Archaeology (Historic Environment): - No objection. The proposed development site lies within the historic medieval core of the town of Cleobury Mortimer (PRN 05478) as defined by the Central Marches Historic Towns Survey, within a group of tenement plots, north of Lower Street (PRN 05475), close to a Medieval burghage plot, Lower Street (PRN 05467) and is circumscribed on all sides by parts of the medieval street system (PRN 05477). A tentatively defined Saxon minster enclosure (PRN 05468) lies immediately to the south west. Evaluation excavations undertaken in 1993 at Lacon Childe School 150m to the south west, revealed archaeological remains dating from late Neolithic/Early Bronze Age through Roman occupation to the Medieval period.

ii. An archaeological desk based assessment has been submitted in support of the application. This assessment concludes that there is a low possibility of prehistoric or Roman remains being present on the proposed development site and a moderate potential for significant archaeological deposits of medieval to post-medieval date being present. The assessment recommends that further field evaluation in the form of trial excavation be carried out in order to assess the survival, nature, and significance of these remains, and to formulate any mitigation strategy. We concur with these findings.

iii. In view of the archaeological potential of the proposed development site, and in line with Paragraph 141 of the NPPF, we recommend that a programme of archaeological work be made a condition of any planning permission. This should comprise an initial field evaluation comprising trial trenching followed by further mitigation as appropriate

- 4.5i. SC Historic Environment (Conservation): - No objection. The application proposes the erection of 12 residential dwellings on this site to the rear of 41 Furlongs Road. The site lies within the Cleobury Mortimer Conservation Area and nearby to a number of listed buildings. Pre application advice was provided on a previous scheme for bungalows at the site and was generally supportive at that time. This scheme is for two storey dwellings on the site. A previous scheme for 19 dwellings on the site was dismissed at appeal for reasons including the impact upon the conservation area. The appeal inspector considered that the development would not incorporate variations in roof heights, plots widths, positioning of window openings or use of materials and felt that it would therefore not reflect the varied character of the conservation area. It was acknowledged that the site itself does not in its current form particularly contribute to the character of the conservation area and that development on the site is not precluded by the conservation area status. The proposed development seeks permission for 12 residential units at two storey in height. The scheme uses the change in levels on the site to step down the roof heights of the dwellings and there is some variation in roof form to break up the street scene. The proposed scheme has sought to reflect the character and design elements of the historic core of the town and provided details of how this will be achieved within the Design and Access Statement i.e. design cues, informal layout etc.
- ii. An Archaeological Assessment has been provided in support of the application which has assessed the impact of the proposed development upon the setting of heritage assets and concludes the proposed development would have a low adverse impact on the setting of some of the Grade II Listed Buildings on Lower Street and The Hurst. This assessment has suggested that the significance of the effect of this impact would be minor to negligible. Mitigation in the form of design and screening would further reduce the effect of any impact here. It is considered that these findings are accurate. This assessment hasn't gone into detail about the potential impacts of the development upon the conservation area, however there is a clear analysis of the site and area in the Design and Access Statement which takes the conservation area into account. As noted above, reference is made within the supporting information to local design references, choice of materials, the informal layout and varied roof pitches and these aspects of the proposed development are considered appropriate and supported. The half dormer windows shown on plots 4 and 11 seem unnecessary and would be preferred to be removed or should be more substantial as shown on plot 2. Details of tree planting and landscaping will be important to ensure effective screening and softening of the development and should be conditioned.
- iii. Overall if the above advice is taken into account it is considered that the proposed development will preserve the character of the conservation area and setting of listed buildings in line with policies, guidance and legislation as outlined above. Suggested Conditions: Joinery (the window detail proposed is not appropriate for the conservation area), materials, landscaping.
- 4.6 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).
- 4.7 SC Highways DC: – Verbal comments - No objection subject to conditions and legal agreement covering highway improvements. The following comments are made:

- i. Principle of Development: Shropshire Council as Highway Authority has no objection in principle to a residential development at the proposed location; it is considered that the site is located within a sustainable location, in close proximity to Cleobury Mortimer Town Centre and within the existing development boundary. However, the Highway Authority would raise concerns with regard to the proposed scale of the development and access to the site, in terms of restricted carriageway width along Furlongs Road and the proposed access to the Old Lion Public House.
- ii. Policy Considerations: CS6: Sustainable Design and Development Principles: Requires proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:
“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”
- iii. Access: Access to the proposed development is via Furlongs Road, which has a carriageway width of approximately 4.25metres wide. Previous submitted applications have been refused on highway safety grounds relating to the restricted access to site, and previous inspector decisions have recommended that a maximum total of 25 dwellings should be accessed off Furlongs Road. However, the application under consideration also proposes that a vehicular access is provided to the Old Lion Public House. Whilst it has been demonstrated that there is sufficient swept path refuse vehicles to manoeuvre into the site, and hence also dray lorry deliveries, it is considered that Furlongs Road does have restricted carriageway width and is a residential area. Therefore whilst there would be a benefit to removing parking of delivery vehicles along the A4117 it is unclear from the information submitted the number of proposed deliveries to the public house and how access to Old Lion Public House should be restricted.
- iv. Impact on Highway: The proposed development site is located within an accessible location and in accordance with Policy CS6 there are opportunities for the need for car based travel to be reduced. Whilst it is acknowledged that there will be an increase in vehicle movements associated with the proposed development, in view of the location of the development it is unlikely that it could be demonstrated that the impact of the development will be severe and in accordance with revised policy guidance a highways objection could be sustained in an appeal situation.
- v. Recommendation: Despite the above, it is recommended that the proposal to provide vehicular access to the Old Lion Public House is removed or restricted to ensure the likely impact is minimised. It is also recommended that a Travel Plan is submitted prior to commencement of the development and Implemented within one month of the first occupation of the residential development, In order to minimise the use of the private car and promote the use of sustainable modes of transport. In addition to the above, it is recommended that a highway contribution of £20,000 is secured through a Section 106 Agreement to improve pedestrian and cycle links within the

vicinity of the development in order to further promote sustainable travel and undertake localised highway improvements to formalise parking arrangements within the vicinity of the site. The Highway Contribution should be deposited prior to commencement of the development and returned to the developer within 5 years if remained unspent. Conditions covering these matters have been recommended and are included in Appendix 1.

- 4.8 SC Ecology: – No objection. Conditions and informatives advised.
- 4.9 SC Trees: No objection - The proposed plans have very little arboricultural impact, but the long-term sustainable integration of this development into the landscape and conservation area would benefit from the creation of space to include a number of feature trees. On a site like this the use of well positioned fastigiated cultivars would not cause conflict between residents and the trees as they matured but would add to the character and amenity of the area.
- 4.10 SC Rights of Way: - No objection. Public Footpath 65, Cleobury Mortimer runs off Furlongs Road adjacent to the proposed new access to the proposed development and then turns westerly towards The Hurst as correctly acknowledged within the design and access statement. It is noted that No 41 furlongs Road will be demolished to allow construction of the new access to the proposed development and access to the footpath must remain open and available at all times during the demolition of the property and construction of the access route. If the footpath cannot be safely open during any stage of the development, the applicants will need to apply to the Mapping and Enforcement Team for a temporary closure of the route. Informative advised:

Public Comments

- 4.11 The application has been advertised in accordance with statutory provisions and the nearest residential properties have been individually notified. Objections have been received from 11 individuals. The main issues are as follows:
- i. Pub delivery disruption: Concern about access to the Old Lion pub and the likely disruption this will bring with heavy goods deliveries to the rear, and the likelihood of the road becoming an unofficial pub car park if public access is obtained. It is understood that the above application is for domestic dwellings and not for business or commercial purposes. Therefore why does the proposal include for gated access to the rear of "the lion public house" will this be for delivery purposes? If so egress and access through a "solely" residential area is unacceptable and should not be permitted. The noise levels alone of dray lorry deliveries over traffic calming measures will be a constant nuisance.
 - ii. Pedestrian disturbance / safety: Concern about the proposed narrowing of the pavement on the existing cul-de-sac, which will disadvantage pedestrians and those who currently use the pavement on mobility scooters. The proposed access from the development to the Old Lion Public House in Lower Street could provide a location for anti-social elements to gather along with the attendant problems; discarded food containers, noise, dog fouling etc. Amending carriageway aspect to suit new access is unsafe as pedestrians will lose the use of pavement currently used by school children and disabled/local residents, to "The Hurst".

- iii. Questioning housing type: We are surprised that the applicant has changed the plans from the pre-application for 12 bungalows to 12 full-sized houses. Full-size two-story houses will block the beautiful views over to Mawley Hall from the top of the cul-de-sac and from the public footpath heading east down from The Hurst. The applicant's argument that bungalows are not cost effective is clearly nonsense and is designed to maximise company profits at the expense of the quality of life of those currently living in the area. A development containing more bungalows would mitigate 'some' of the concerns outlined by current residents. The views of existing residents would be blocked. This would not be so bad if bungalows were built. The size of the proposed dwellings (within the application-4 bedroom detached) is not in keeping with character or size of dwellings in the surrounding and adjacent areas (predominantly 3 bedroom semi-detached).
- iv. Concerns specific to 43 Furlongs Rd: Plot 1 which is unacceptably close to the garden of 43 Furlongs Rd. The proposed house at plot 1 will considerably block the light, and directly overlooks our garden. At the very least we want the position of the garage and house on this position swapped so that we are not overlooked and do not lose considerable light resources. There is a large area of undefined white space opposite our house, to the east of the current footpath. We seek information on the planned use of this space as our house directly looks out onto this area at the front. We bought number 43 as the final property in a quiet, small cul-de-sac. We currently have zero traffic outside our house and I can play football with my daughter safely in the street. Under the new proposals we will be sited in the middle of a longer road, with a far greater degree of traffic. The application for planning suggests that parking spaces for a 41 cars will be built on the new estate. The slim entrance at the head of the Furlongs cul-de-sac will not bear this amount of traffic, and our quality of life will be degraded by the change. We also have concerns about safety and driver sightlines at the tight turn at the top of the cul-de-sac into the new development.
- v. Objecting to principle of housing development. We are pleased that the dilapidated building at number 41 has been knocked down. Ideally we would like this plot to be rebuilt as a family house, with the land behind being re-purchased by the council for public use as allotments / a park / a nature reserve rather than used to build 12 further houses. There has already been planning permission given for a large number of houses on the current 'box-factory' site just to the north-east. This part of Cleobury doesn't need any further construction. If the re-purchase of the land is unfeasible, we suggest that planning permission be given for 8 bungalows maximum to minimise impact on current residents. This small parcel of land is the last remaining green space in the whole of Cleobury Mortimer , we need it for wild life and children to play, it should have been developed as a town park for everyone to enjoy. It has been left in this mess to make people think its a tip but it could easily be put back with the help of the councils and local business.
- vi. Loss of privacy / light: The drawings do not show Lower Street in its entirety. The area of concern is the junction of New Road and Lower Street. This is because the bedrooms to our cottage have Velux roof lights and we believe that any nearby dwellings will intrude on our privacy as the proposed development is at a higher level. The dwelling (plot no.12 is too large and will affect "right to light" to the rear aspect of

my property, to obscurity of the rear aspect consideration should be given to a "bungalow" type dwellings.

- vii. Construction disturbance: The access to the site via New Road to Furlongs Road during construction and subsequently could cause congestion problems with regard to commercial delivery vehicles, refuse collection vehicles and emergency vehicles. The pinch point being New Road. Where will the "contractors compound" be located? What are anticipated hours for deliveries of building materials etc.? Who will clean and maintain "furlongs road" during the construction phase. No construction traffic should be allowed to park on "Furlongs Road "at any time during the construction phase.
- viii. Sewerage capacity: We understand the foul and storm water discharge from the site will enter the town's system at the junction of New Road and Lower Street. This junction has proved problematical in the past and more development will only add to a system which is at best barely adequate.
- ix. Traffic / access: The width of the road/carrigeway 4.25m .not wide enough to sustain volume of projected traffic flow. Egress and access via "new road" is currently an issue as there is no "off road parking" this will be made even more acute when the houses on "the box factory" site are built and if the proposed development goes ahead. - the existing surface water drainage system does not have the additional capacity for the proposed development. The use of soakaways to resolve this issue will be inadequate. The "flood risk" to the lower areas of the site and adjoining areas will be greatly increased. The condition of the road / tarmacadam / surface water drainage system etc. In "Furlongs Road" will decline as it was not designed originally for heavy duty traffic flows. I object to the building of this development on the grounds that the roads surrounding are already too busy. This development would bring in up to an extra 25 or so cars. The roads on the estate are already full of parked cars on pavements and the road up to the cul de sac where 41 Furlongs Road is being demolished is narrower as it is a cul de sac not a through road. The road leading up to 41 Furlongs Road will be blocked if heavy vehicles are accessing the building site, it would be difficult for a fire engine to get up the road at times because of parking on the pavement/road. I also worry about more traffic using this route when complete by parking at the rear of the Lion. New Road which is the access from the Furlongs to the main road is already over congested.
- x. Wildlife: Existing wildlife will loose their habitat. When the land was purchased , the new owners cut down ancient fruit trees and ripped up the grassland so as to destroy the rich natural habitat. I asked natural England to step in and save it but was ignored. The Bat roost was in the old pear tree and it was cut down and burnt. It is home to a whole wildlife eco system even now ,which we would only miss once the damage was done ,birds would disappear from your bird tables once their nesting sites have vanished under block paving.

5.0 THE MAIN ISSUES

- Policy context and principle of the proposed development;
- Design and layout of the development;
- Environmental impacts of the proposals – traffic, drainage, sewerage, ecology, visual impact;

- Social impact – residential amenity, public safety, footpath;
- Economic impact;
- Overall level of sustainability of the proposals.

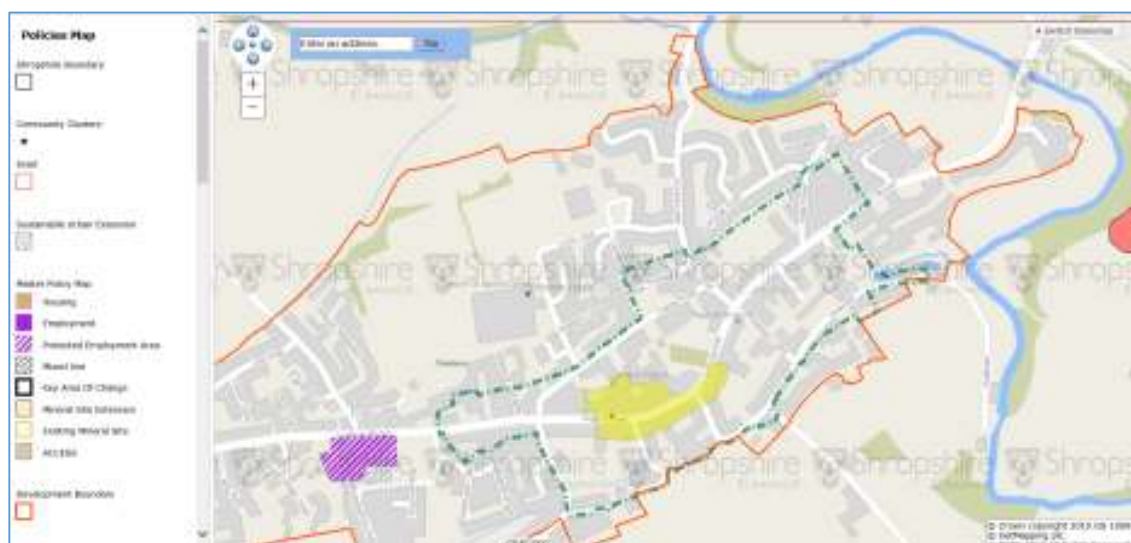
6.0 OFFICER APPRAISAL

6.1 Policy Context and principle of the development:

6.1.1 The Council's Core Strategy identifies Cleobury Mortimer as a main market town suitable for further residential development that balances environmental constraints with meeting local needs. Policy CS3 – "Market Towns and Other Key Centres" requires market towns such as Cleobury Mortimer to accommodate balanced housing and employment development within their development boundaries and on sites allocated for development. Development must be of a scale and design that respects the town's distinctive character and must be supported by improvements in infrastructure.

6.1.2 Policy s6 of the emerging SAMDev advsies that 'as a key centre, Cleobury Mortimer will continue to provide facilities and services for its rural hinterland. To support this role, around 350 additional dwellings and a minimum of 0.7 hectares of employment land will be delivered over the Plan period 2006-2026. New housing development will be delivered on two allocated housing sites off Tenbury Road set out in schedule S6.1a, and identified on the Policies Map, alongside additional infill and windfall development within the town's development boundary. Key planning issues include the need to retain Cleobury's character as a small market town, to provide more affordable housing and a mix of open market housing types, and to retain a balance between housing and employment. Policy SDS3 and policy S1 of the South Shropshire Local Plan relating to settlement strategy are "saved" and as such are also applicable. These also identify Cleobury Mortimer as a key centre.

6.1.3 Whilst the site is not specifically allocated for housing development in current saved and / or emerging policy it is located within the development boundary of Cleobury Mortimer where the principle of housing development is accepted. This is supported by the NPPF and the Council's adopted Core Strategy.



Plan 2 – SAMDev plan. Cleobury Mortimer

6.1.4 The main issue to address is whether the particular development proposed would result in any unacceptable impacts on surrounding properties, amenities, the environment, infrastructure, economy or the local community. This includes potential effects on the Conservation Area and the amenity of the nearest residential properties. If so, then are these impacts capable of being mitigated such that the proposals would be sustainable? If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS5, CS6 and CS17.

6.2 Design and layout of the development

6.2.1 Whilst the policy principle of residential development at the site can be accepted the proposals must also comply with relevant design policies and criteria. This is particularly important in view of the location of the site within a Conservation Area, on sloping land and adjacent to existing residential property. The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It advises at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness.

6.2.2 The key development plan policy relevant to design and layout is Core Strategy Policy CS6. This aims to create sustainable places by ensuring development is designed to a high quality using sustainable design principles, 'to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change'. The policy requires that development 'protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character'. Development should also contribute 'to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities'. It should be 'designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision.' Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2.3 The Town Council considers that the development would be discordant with the character of the surrounding properties. However, the site has a plot density which is average for the surrounding area (see succeeding section) and is in a transitional area between the residential area to the north and the high street with associated listed buildings to the south. The development needs therefore to comply with particular design criteria in order to respect the privacy of the residential properties to the north, respect the setting of the listed buildings at the core of the Conservation Area to the south and also to achieve an economically feasible scheme for the developer.

- 6.2.4 It is considered that the design of the properties would be appropriate for this location. The predominant use of brick and tile would reflect features found in this local area. The inclusion of short projecting bay windows and dormers to some dwellings, and chimneys on plots at focal points within the development would add variety and interest to the street scene. Lean-to roofs to ground floor projections and changes in ridge heights would also add to the variation within the development. In addition, there would be variations in the positioning of dwellings, including a significant set back from the properties adjoining the A4117. The shared surface road areas with curving road sections, granite setts and different treatment of public and private surfaces would also enhance the street scene. The 2 storey properties would be seen in the context of single storey brick and tile detached garages which would add variety to the roofscape. The density of the plot allows for sufficient privacy within the site and in relation to neighbouring properties whilst respecting the integrity of the heritage area to the south. It should be noted that the Council's Conservation section has not objected to the scheme. It is considered that a denser development would not respect the setting of the conservation area and a denser scheme for 19 properties was refused for this reason in 2001.
- 6.2.5 Spatial separation: Shropshire does not have formally adopted design criteria. Therefore, the spatial acceptability of each proposal must be judged on its own merits. It is however generally accepted good practice that there should be a minimum stand-off distance of 20m between the principal windows of existing and proposed properties. Account needs also to be taken of the slope of the ground and the type and orientation of existing and proposed properties. When this criterion is applied the site is seen to have a satisfactory relationship with existing housing on the southern boundary with separation distances of 30-45m between principal windows. The proposed houses would be approximately 1m higher than existing properties to the south. On the west boundary there is only one property, Honeysuckle House. This would have a separation distance of 25.5m from the nearest plot (plot 2) and principal windows would be at right angles. This relationship is considered acceptable.



- 6.2.6 On the eastern side of the northern boundary the separation distance between plot 9 and properties to the north (26m) is considered acceptable. On the western side of the northern boundary the separation distance between plot 12 (a 2-storey property 8.2m to the ridge) and the nearest properties to the north (37 and 39 Furlong Road) was originally 14-15m. These existing properties currently have a south facing open aspect. However, following discussions with Officers the agent has agreed to relocate the property 2.5m further to the south (by substituting its position with the proposed garage) and to set the building line back 2m further to the east. This increases the separation distance between the properties to 18m, preserves a more open southerly aspect and lowers the slab level relative to the existing situation. It is considered that this amendment now achieves an acceptable spatial relationship between the properties.
- 6.2.7 The eastern edge of the proposed development achieves separation distances of 15.3 and 14.5m between existing and proposed properties. However, principal windows are at right angles and the new properties are not located to the south of the nearest existing properties. Hence, there should be no loss of natural light. On balance therefore, it is considered that the proposals with the amended layout to Plot 12 can be accepted in relation to spatial amenity considerations.
- 6.2.8 Housing density: The town council considers that the proposals to be discordant with the character of the surrounding properties and the prevailing densities in the area. This is not accepted. The application involves the provision of 12 detached and semi-detached houses on a plot of just under 0.5 hectares. This equates to a plot density of just over 24 houses per hectare. An assessment of plot density in adjoining residential areas yields an average plot density of 24 houses per hectare to the south, 20 houses per hectare to the west, 27 houses per hectare to the east and 30 houses per hectare to the north. The site is therefore surrounded by areas of varying plot

density but is similar to or slightly below the average for the general area. It is considered that this density is acceptable and allows a layout which respects the setting of the site and the Conservation Area, allowing appropriate space for structural landscaping and site drainage and respects the privacy of existing residential properties. A higher density scheme for 19 houses was refused in 2001 and a lower density scheme for 9 houses was refused in 2002.

- 6.2.9 Privacy: Some local residents adjoining the site have objected on the grounds of loss of privacy as a consequence of the proximity of new housing. It is perhaps understandable that some existing residents who currently overlook an open plot would express this concern. It is considered however that the amended scheme succeeds in preserving the privacy of existing and proposed properties.

6.3 Environmental Considerations

- 6.3.1 Traffic: An appeal on refusal of a 21 house scheme was rejected in 2003 on the basis of access concerns. The current proposals relate to a reduced scheme of 12 houses. The Town Council has expressed concerns that the development and the proposed access would exacerbate existing traffic capacity issues. Local residents have expressed concerns that the proposals would allow pub vehicles to deliver via the proposed access, leading to additional disruption.

- 6.3.2 Highway officers have not objected to the proposals but have recommended the following measures in order to address these concerns and minimise the highway impact of the development. Conditions covering relevant matters have been included in Appendix 1:

- Removal or restriction of the proposal to provide vehicular access to the Old Lion Public House to ensure the likely impact is minimised.
- Submission of a travel plan prior to commencement of the development, In order to minimise the use of the private car and promote the use of sustainable modes of transport.
- Recommended that a highway contribution of £20,000 is secured through a Section 106 Agreement to improve pedestrian and cycle links within the vicinity of the development in order to further promote sustainable travel and undertake localised highway improvements to formalise parking arrangements within the vicinity of the site.

- 6.3.3 The Council's waste management team has advised on the need to ensure that the proposed development is suitable for refuse vehicles to access and turn around in. Local residents refer to problems caused for refuse vehicles by on street parking in Furlongs Road. In response to officer discussions the applicant has provided a swept path plan which confirms the ability of refuse vehicles to turn acceptably within the site. One kerbed area has been realigned in order to enhance accessibility. The proposals provide a better solution for turning than the existing cul-de-sac at the end of Furlongs Road as there is a greater depth for reversing and improved off-site parking relative to the existing situation.

- 6.3.4 The site is within a sustainable settlement where the principle of residential development is accepted by planning policies. The applicant has provided access

and layout plans which indicate that a safe access compliant with relevant highway visibility standards is capable of being achieved. The proposals would yield CIL money for investment on local infrastructure. If the density of the development was greater, as advocated by the Town Council, then the level of traffic generated by the development would be greater. It is considered that the proposals can be accepted in highway and access terms subject to the recommended conditions and legal agreement. (Structure Plan Policy CS7).

- 6.3.5 Parking: The Town Council expresses concerns about the adequacy of parking provision. The applicant has however provided plans which confirm that each property would have 2 full parking spaces and this complies with the Council's adopted parking standards. Additional parking would be provided for 7 properties in private garages. The site is within easy pedestrian reach of the range of services available at the centre of Cleobury Mortimer and this should reduce the requirement for private car movements. If the development was denser, as advocated by the Town Council then there would be greater potential pressure on local parking provision.
- 6.3.6 Pedestrian access: There is a narrow gated access at the side of 33 Lower Street which currently is reported as being a public access to the site. Concern has also been expressed that this pedestrian access could be used as a short cut to the Old Lion Public House, leading to potential anti-social behaviour. The applicant has however confirmed that this would not be a public access. It has however been agreed that a private gated access would be being provided to the rear gardens of 31, 32 and 33 Lower Street.
- 6.3.7 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems worse. References to local drainage problems have been made by some objectors. A sustainable drainage system (SuDs) would be adopted. Surface water from roofs would be taken to suitably sized soakaways and would comply fully with BRE 365. This would ensure that drainage from the site is attenuated to greenfield rates. The council's land drainage section has not objected subject to imposition of appropriate drainage conditions which are included in Appendix 1. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. It is considered that the proposals are capable of complying in principle with Core Strategy Policy CS18 relating to drainage.
- 6.3.8 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs nearby to the site. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water would be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. (Core Strategy Policy CS8, CS18)
- 6.3.9 Visual amenity: The proposed site is located on rising ground within and on the northern margin of the Cleobury Mortimer Conservation Area. It is enclosed by existing housing and views towards the site from publicly accessible areas in the surrounding area are limited. The main views afforded towards the site are from

existing residential properties surrounding the site. There would be some local loss of views to the nearest residents but planning caselaw establishes that there is no right to a view. It is not considered that there would be any unacceptable visual impacts. Following amendment to the layout of plot 12 the spatial relationships between existing and proposed properties are considered acceptable in terms of maintaining privacy and natural light.

- 6.3.10 Heritage: The principal heritage interest in the Conservation Area rests with the frontage of the A4117 Lower Street to the south and The Hurst to the west and associated listed buildings. The Conservation Area boundary has been drawn widely in order to protect the setting of these listed buildings. It is considered that the proposals respect the setting of the listed buildings by preserving an appropriate stand-off. The design of the proposed buildings is also considered generally acceptable. Conservation officers have not objected subject to the imposition of a condition requiring approval of detailed specifications for materials and surface treatments including the design of the windows. An archaeological investigation condition has been recommended and is include in appendix 1. Subject to this it is considered that the proposals can be accepted in relation to relevant heritage policies and guidance.
- 6.3.11 Construction: A condition requiring submission of a Construction Management Plan has been recommended. This would control matters such as hours of working and management of construction traffic including ensuring that construction workers vehicles are parked on site at all times.
- 6.3.12 Ecology: An ecological survey confirms that the site has limited habitat interest. The council's ecologist has not objected. Appropriate ecological conditions and informative noted have been recommended in Appendix 1. It is considered that the proposals comply with Core Strategy Policy CS17.
- 6.3.13 Conclusion on environmental effects: The proposals would result in some disturbance to local amenities during the construction phase and there would a change to some local views. There would also be an additional pressure on the public highway and on local sewerage services and a need for archaeological evaluation. However, it is not considered that there is any evidence that there would be any unacceptably adverse environmental effects which would justify refusal when available mitigation measures and recommended conditions are taken into account. The proposals are considered therefore to meet the environmental sustainability test set out in the NPPF.
- 6.4 Economic sustainability:
- 6.4.1 All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values.

6.4.2 In this particular case however it is not considered that there would be any obvious adverse economic impacts. There are no leisure or tourism facilities in the immediate vicinity which would be adversely affected. No public footpaths would be affected. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)

6.5 Social sustainability:

6.5.1 The Town Council has objected that the type of property proposed does not meet identified social needs and that smaller more affordable homes should be provided instead. These concerns are noted. However, the provision of smaller homes would potentially result in a denser layout which may be less sympathetic to the setting of this site within the Conservation Area. There would also be added pressure on parking and traffic in this end of cul-de sac plot. It is considered that the allocated sites at Cleobury Mortimer and other windfall development within the town have the potential to deliver a range of housing to supply market needs. Members considered one such scheme for a change of use of a former store at the September committee.

6.5.2 Some residents have also advocated the provision of bungalows instead of 2 storey homes. The applicant has advised that unfortunately this does not prove cost effective to develop, and as a result the proposals have changed to two storey housing.

6.5.3 The Town Council also considers that the town has sufficient housing to meet policy / SAMDev requirements. However, the site falls within the development boundary of Cleobury Mortimer which is identified in relevant saved and emerging policies as a location suitable for residential development. There are no indications that there is an oversupply of housing within the town and the applicant advises that there is a strong demand for properties of the type proposed. (Core Strategy Policy CS6, CS11).

6.5.4 The proposed site is located close to key community facilities and would be linked to them by a pedestrian footpath. The indicative layout plan also shows the proposed properties as all possessing generous garden space and a communal green area. There would also be good levels of natural light given the unshaded aspect of the plot. It is considered that these factors increase the overall the level of social sustainability of the proposals. It is concluded that the social sustainability test set out by the NPPF is also met on balance.

6.6 Affordable Housing

6.6.1 LDF Policy CS11 seeks to meet the diverse housing needs of Shropshire residents now and in the future and to create, mixed, balanced and inclusive communities by securing a financial contribution from residential unit proposals to provide for affordable housing within the Shropshire Council jurisdiction. Accordingly an affordable housing contribution will be required.

- 6.6.2 The Government has withdrawn a Ministerial Statement and associated PPG following a successful High Court challenge (as of the 31st July 2015). The Council therefore maintains its position that an appropriate affordable housing contribution will continue to be sought in all cases in accordance with adopted Policy CS11 and the Housing SPD.

7.0 CONCLUSION

- 7.1 The proposed site is situated in a sustainable location within the development boundary of Cleobury Mortimer where the principle of housing development can be accepted. Earlier schemes for denser and less dense housing were rejected in 2002 and 2003. The current proposals have attracted objections from the Town Council and some local residents but there have not been objections from technical consultees.

- 7.2 The scheme has been amended and further clarification has been provided in order to address issues identified during the planning consultation process. It is considered that the proposals would not have an unacceptable impact on the amenities of the nearby existing properties of the character of the Conservation Area. The proposals are considered to represent an acceptable balance in terms of the type, design and density of proposed housing.

- 7.3 It is considered on balance that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6. Permission is therefore recommended, subject to appropriate conditions and a legal agreement to deliver an affordable housing contribution.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

- 8.1 Risk Management: There are two principal risks associated with this recommendation as follows:

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

8.2 Human Rights: Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities: The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in planning committee members' minds under Section 70(2) of the Town and Country Planning Act 1970.

9.0 FINANCIAL IMPLICATIONS

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

10.0 BACKGROUND

Relevant Planning History:

RELEVANT PLANNING HISTORY:

- PREAPP/12/00261 Erection of 12 detached and semi-detached bungalows including all necessary road and sewer works. Demolition of 41 Furlongs Road in order to provide vehicular access. PREAPP 24th August 2012
- 15/01919/FUL Erection of residential development 12No dwellings, garages and roads design PDE
- SS/1983/308/P/ Conversion of redundant telephone exchange to a dwelling. REFUSE 28th July 1983
- SS/1/02/13701/CA Erection of 9 no. dwellings, construction of estate roads and formation of vehicular and pedestrian access. Works to include demolition of (existing) dwelling and buildings. REFUSE 19th September 2002
- SS/1/02/13700/F Erection of 9 no. dwellings, construction of estate roads and formation of vehicular and pedestrian access. Works to include demolition of (existing) dwelling and buildings. REFUSE 19th September 2002
- SS/1/01/12755/CA Erection of 19 no. dwellings, formation of estate roads and vehicular and pedestrian access, to include demolition of (existing) dwellings and buildings. (re-advertised - amended scheme) REFUSE 11th January 2002
- SS/1/01/12754/F Erection of 19 no. dwellings, formation of estate roads and vehicular and pedestrian access, to include demolition of (existing) dwellings and buildings. (re-advertised - amended scheme) REFUSE 11th January 2002

Relevant Planning Policies:

Central Government Guidance:

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

10.1.1 The National Planning Policy Framework (NPPF) The NPPF emphasizes sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

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

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

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

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

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

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that resource and energy efficiency and renewable energy generation are adequately addressed and improved where possible. The checklist will be developed as part of a Sustainable Design SPD;

Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.

v. CS17: Environmental Networks

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

vii. Other relevant policies:

- CS4 - Community hubs and community clusters
- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;

- Policy CS8: Facilities, services and infrastructure provision.
- CS11 - Type and affordability of housing;

10.2.3 Saved Policies – South Shropshire Local Plan

Policy E4 Development in Conservation Areas

Development in conservation areas will be required to be complementary to the scale, design and materials of adjacent buildings and preserve or enhance the character and appearance of the area. Conservation area consent for the demolition of buildings in conservation areas will only be granted in conjunction with proposals for replacement buildings or remedial works. In determining applications for proposals to which this policy applies, the Council will have regard to:

- any conservation area statement, village design statement or other supplementary planning guidance for the area;
- the quality of the design and the appropriateness of the proposed use;
- the appropriateness of materials and building techniques.

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

10.3 Emerging Planning Guidance

10.3.1 SAMDev:

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

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

ii. MD2 – Sustainable Design

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

1. Achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.
2. Contribute to and respect locally distinctive or valued character and existing amenity value by:
 - i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and

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

iii. MD3 - Managing Housing Development

Delivering housing:

- 1. Residential proposals should be sustainable development that:
 - i. meets the design requirements of relevant Local Plan policies; and
 - ii. for allocated sites, reflects any development guidelines set out in the relevant settlement policy; and
 - iii. on sites of five or more dwellings, includes a mix and type of housing that has regard to local evidence and community consultation.

Renewing permission:

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

Matching the settlement housing guideline:

- 3. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:

- ii. The likelihood of delivery of the outstanding permissions; and
 - iii. Evidence of community support; and
 - iv. The benefits arising from the development; and
 - v. The presumption in favour of sustainable development.
4. Where a settlement housing guideline appears unlikely to be met by the end of the plan period, additional sites beyond the development boundary that accord with the settlement policy may be acceptable subject to the criteria in paragraph 3 above.

iv. MD7a – Managing Housing Development in the Countryside

1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;
2. Dwellings to house essential rural workers will be permitted if:-
 - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,
 - b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; or,
 - c. in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the business for the majority of the time, a functional need is demonstrated and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.
3. Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural enterprise may also be subject to occupancy restrictions, where appropriate. For primary and additional rural workers' dwellings permitted prior to the adoption of the Core Strategy in March 2011, where occupancy restrictions are agreed to be removed, an affordable housing

contribution will be required in accordance with Policy CS11 at the current prevailing target rate and related to the floorspace of the dwelling.

4. In addition to the general criteria above, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed;
5. The use of existing holiday let properties as permanently occupied residential dwellings will only be supported if:
 - a. the buildings are of permanent construction and have acceptable residential amenity standards for full time occupation; and,
 - b. the dwellings are restricted as affordable housing for local people; or,
 - c. the use will preserve heritage assets that meet the criteria in Policy CS5 in relation to conversions and an affordable housing contribution is made in line with the requirements set out in Core Strategy Policy CS11.

vi. MD8 –Infrastructure Provision

Existing Infrastructure

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

vii. MD12: The Natural Environment

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

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
 - i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;
 - iii. priority species;
 - iv. priority habitats
 - v. important woodlands, trees and hedges;
 - vi. ecological networks
 - vii. geological assets;
 - viii. visual amenity;

ix. landscape character and local distinctiveness.

In these circumstances a hierarchy of mitigation then compensation measures will be sought.

2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

viii. S6: Cleobury Mortimer Area

S6.1: Cleobury Mortimer strategy

1. As a key centre, Cleobury Mortimer will continue to provide facilities and services for its rural hinterland. To support this role, around 350 additional dwellings and a minimum of 0.7 hectares of employment land will be delivered over the Plan period 2006-2026.
2. New housing development will be delivered on two allocated housing sites off Tenbury Road set out in schedule S6.1a, and identified on the Policies Map, alongside additional infill and windfall development within the town's development boundary.
3. To foster economic development and to help deliver a balance between new housing and local employment opportunities, a specific site allocation for new employment land at New House Farm, adjacent to the existing industrial estate on Tenbury Road, is set out in Schedule S6.1b and identified on the Policies Map. Other appropriate brownfield opportunities for employment use within the town will also be supported. Existing employment areas are safeguarded for employment use in accordance with Policy MD9.
4. New development will take account of known infrastructure constraints and requirements identified in the LDF Implementation Plan, Place Plan and any additional infrastructure capacity assessments recognising the impacts of incremental growth, and will support the delivery of local infrastructure improvements in line with Core Strategy policies CS8 and CS9, including through appropriate financial contributions.
5. To support Cleobury Mortimer's role as a District Centre new main town centre uses will be focussed within the defined town centre area identified on the Policies Map, and will be subject to Policies CS15 and MD10.

There are 2 housing allocations: Tenbury Road (CMO002) and Land at New House Farm (CMO005)

11. ADDITIONAL INFORMATION

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=NNMTA3TDK5800>

List of Background Papers: Planning application reference 15/01919/FUL and associated location plan and documents

Cabinet Member (Portfolio Holder) Cllr M. Price

Local Member(s):
Cllr Gwilym Butler
Cllr Madge Shineton

Appendices: Appendix 1 – Conditions

APPENDIX 1

Legal Agreement

1. Affordable housing contribution;

Planning Conditions

STANDARD CONDITIONS:

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 numbers NO56.1.1.03 Rev A and NO56.1.1.04 Rev B.

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

3. The new dwelling(s) hereby permitted shall be constructed to a minimum of an equivalent to the Code for Sustainable Homes level 3, for energy and water efficiency.

Reason: To ensure the dwelling is constructed with a view to reducing its carbon footprint.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES:

Drainage

4. No development shall take place until plans for the disposal of foul sewage have been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and before the development is first occupied.

Reason: To ensure satisfactory measures for the disposal of foul sewage from the site.

- 5a. The development hereby approved shall not commence unless details of the proposed surface water soakaways have been submitted to and approved in writing by the County Planning Authority. Percolation tests and the sizing of the soakaways shall comply with BRE Digest 365 and shall cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. The details shall include calculations and dimensions for the soakaways and confirmation of the location for the percolation tests.

- b. Surface water shall pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

- 6a. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant shall submit for approval a drainage system to intercept water prior to flowing on to the public highway.

- b. If it is proposed to employ highway gullies for the disposal of the surface water runoff from the proposed highway within the site, the developer shall submit a highway water runoff disposal scheme for the approval of the Local Planning Authority prior to the commencement of the development. This shall confirm that the proposed gullies will be able to convey the 100 year plus 30% storm to the soakaway system. Alternatively, a contoured plan of the finished road levels should be provided together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12. This requires that exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. The exceedance flow path should be detailed to ensure that any such flows are capable of being satisfactorily managed on site.

Reason: To comply with the Flood and Water Management Act 2010 and ensure that no surface water runoff from the new access runs onto the highway.

Archaeology

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

Reason: The development site is known to have archaeological interest

Construction

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ensuring that construction workers vehicles are parked on site at all times;
- ensuring that smaller vehicles are used whenever possible.

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

9. Hours of working for the construction phase shall be restricted to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturdays. There shall be no construction work on Sundays, Public or Bank Holidays.

Reason: To protect the amenities of the nearest residential properties during the construction phase.

10. Prior to the commencement of development full engineering details of the new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway markings/signs shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details with the estate roads, footways, vehicle manoeuvring and turning areas completed to at least base course macadam level and made available for use before the dwellings they serve are first occupied.

Reason: To ensure a satisfactory access to the site and dwellings, in the interests of highway safety.

11. Prior to the commencement of development a travel plan shall be submitted. The submitted travel plan shall be implemented within one month of the first occupation of the residential development. The travel plan measures shall relate to the entirety of the residential development, and reflect the phasing of occupation as appropriate.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with guidance in Planning Policy Guidance Note 13.

Materials and surfacing

12. Notwithstanding the details submitted in support of the application no above ground development shall commence until exact details of all external materials, including hard surfacing and fenestration, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

13. Notwithstanding the details submitted in support of the application a scheme to prevent or appropriately restrict vehicular access from the development site to the car park of the Old Lion Public House shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of residential amenity and highway safety.

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

Parking provision

14. The dwellings hereby approved shall not be first occupied until the car parking areas shown on approved plan have been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking spaces thereafter shall be kept clear and maintained at all times for that purpose.

Reason: To provide for the parking of vehicles, associated with the development, off the highway in the interests of highway safety.

Landscaping

- 15a. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
- i. Means of enclosure
 - ii. Hard surfacing materials
 - iii. Planting plans
 - iv. Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - v. Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
 - vi. Implementation timetables
- b. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. 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 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.

Lighting

16. 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 development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

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

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:

Ecology

- 17a. A total of 4 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first occupation of the buildings hereby permitted.
- b. A total of 2 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the building hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of nesting opportunities for wild birds and roosting opportunities for bats which are European Protected Species

Informatives:

Ecology:

- i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.*
- ii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*

- iii. *If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.*
- iv. *Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*

Drainage

- v. *The surface water drainage strategy of the proposed site should be designed to treat and control of runoff as near to the source as possible. It should seek to protect downstream habitats, further enhancing the amenity value of the site and aiming to incrementally reduce pollution, flow rates and volumes of storm water discharging from the site. SuDS should link with the individuals plot structure, planting, public open space requirements and amenity areas, gaining multiple benefits from a limited area of land. Opportunities for permeable paving, swales, filter strips and rain garden for the highway within the development site should be explored to make the drainage system more sustainable.*
- vi. *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:*

Residential Dwellings per hectare Change allowance % of impermeable area:

- *Less than 25 - 10*
 - *30 - 8*
 - *35 - 6*
 - *45 - 4*
 - *More than 50 - 2*
 - *Flats & apartments - 0*
- vii. *The applicant should consider employing measures such as the following:*
 - *Attenuation*
 - *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new access road, driveway, parking area/ paved area*
 - *Greywater recycling system*
 - *Green roofs*
 - viii. *Consent is required from the service provider to connect into the foul main sewer.*

Other matters:

- ix. *An independent 32 amp radial circuit isolation switch should be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building. Paragraph 35 of the NPPF states in this respect that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."*
- x. *Public Footpath 65, Cleobury Mortimer runs off Furlongs Road adjacent to the proposed new access to the proposed development and then turns westerly towards The Hurst. The Council's Rights of Way service has advised as follows:*
- *The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.*
 - *Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.*
 - *Building materials, debris, etc must not be stored or deposited on the right of way.*
 - *There must be no reduction of the width of the right of way.*
 - *The alignment of the right of way must not be altered.*
 - *The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.*
 - *No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.*

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

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

ANNEX 2

LETTER FROM AGENT TO PLANNING OFFICER DATED 20th DECEMBER 2015 RESPONDING TO PREVIOUS COMMITTEE RESOLUTION

Dear Mr French

**Re: Furlongs Road, Cleobury Mortimer.
Application number 15/01919/FUL**

Following the Planning Committee decision on the 3rd Nov 2015 to defer the above application with a mindful to refuse and following our meeting on the 18th Nov 2015, I am writing to express our concern at the suggested reasons for refusal, which were fully discussed and explored at our meeting.

Whilst we fully recognise that the final decision rest with the Planning Committee, we consider that in this instance the reasons proposed for refusal are all fully satisfied within the application as follows:

Core Strategy Plan

CS3 – The Market Towns & other key centres

- 1-0 The proposal is of an appropriate scale and design that respects the existing distinctive character of Cleobury Mortimer, respecting the conservation area and the existing surrounding 2 storey properties.
- 2-0 The site is within the Cleobury Mortimer development boundary.
- 3-0 The site has been identified on the Shropshire Strategic housing land availability assessment plan for Cleobury Mortimer since 2008-9 as ACCEPTED for 12 houses.
- 4-0 Cleobury Mortimer is identified for housing developments of 200-5000 homes between 2006 and 2026.
- 5-0 Development in market towns and key centres provides a robust basis for meeting the future needs of Shropshire.

CS6 – Sustainable design and Development Principles

- 6-0 The design makes use of the Government Building for life questionnaire and achieves the highest design standard allowing the development to apply for the **GOLD** design award.
- 7-0 Houses designed to complement the conservation area and local vernacular.
- 8-0 The design makes the most effective use of the land within a residential area of the town.

CS7 – Communication and Transportation

- 9-0 The site abuts an existing public footpath with easy access to the town centre, avoiding the reliance on the car.
- 10-0 Existing footpaths provide easy access to public transport.
- 11-0 Development makes a financial contribution to highway improvements.

Continued.....

– 2 –

CS8 – Facilities, Services and Infrastructure Provision

- 12-0 Improvements to Furlongs Road turning head will provide a continuous footpath connection between Furlongs Road and the Hurst, improving safety.
- 13-0 The access road (Furlongs Road) meets current Government design requirements and was considered appropriate, by a previous planning inspector at appeal, to accommodate 12 additional houses.
- 14-0 Rural road networks must be retained as part of the character of Cleobury Mortimer which is fully recognised the Governments Design Manual for Street 2, item 2.8 Rural Areas.
- 15-0 The plans have been fully examined by the Council Highways department who have raised no objection to this scheme.

In addition to the above the Parish Council have suggested there may be a need for retirement homes/old people's development within Cleobury Mortimer. This may be desirable; however we do not consider this site appropriate for this type of development, which should be located much closer to the existing facilities within the town.

A bungalow feasibility scheme was prepared on this site a few years ago and submitted to two local selling agents, who both concluded that this site was inappropriate for bungalows and would be best suited for family houses. Therefore for commercial reasons and based on the advice of two local selling agents the bungalow scheme was not pursued.

Following our meeting and discussion I have as requested looked again at the development and although I do not consider it necessary I have agreed to make the following minor revisions:

- 16-0 Plot 3 a previously single detached 4 bedroom house is substituted with a pair of semi detached 3 bedroom F type houses. This provides a more balanced site mix of 6 number 3 bedroom houses and 7 number 4 bedroom houses.
- 17-0 House type G on plots 10 & 11 (previously plots 9 & 10) are substituted for House type B with a reduced ridge height of approx 1 metre.
- 18-0 The roof pitch of plot 13 (previously plot 12) amended reducing the ridge height by approx 1 metre.
- 19-0 Subject to discussion with Highways a triangle of land at the entrance will be hard landscaped and planted with a tree or trees.

I trust that these minor revisions will be presented to the committee under the 'Wheatcroft Principle' and that the committee will reconsider their decision.

In conclusion we therefore consider that the proposed scheme meets the Council objective of meeting housing requirements in rural towns, meets current Government Highway standards and is designed to meet the GOLD standards as identified in the Building for Life 12 with regard to:

- Integrating into the neighbourhood
- Creating a place
- Streets and Homes.

Regards

Gerard Abbiss M.A. S.A.I.
Design Consultant.