

Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND

Date: Tuesday, 29 June 2021

**Committee: Northern Planning Committee**

**Date: Wednesday, 7 July 2021**

**Time: 2.00 pm**

**Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND**

Members of the public will be able to access the live stream of the meeting by clicking on this link: <http://shropshire.gov.uk/NorthernPlanning7July2021>

There will be some access to the meeting room for members of the press and public but this will be very limited in order to comply with Covid-19 regulations. If you wish to attend the meeting please e-mail [democracy@shropshire.gov.uk](mailto:democracy@shropshire.gov.uk) to check that a seat will be available for you.

The Council's procedure for holding Socially Distanced Planning Committees including the arrangements for public speaking can be found by clicking on this link: <https://shropshire.gov.uk/planning/applications/planning-committees/>

You are requested to attend the above meeting.  
The Agenda is attached

Tim Collard  
Interim Assistant Director – Legal and Democratic Services

**Members of the Committee**

Joyce Barrow  
Garry Burchett  
Geoff Elner  
Ted Clarke  
Vince Hunt  
Mark Jones (Vice Chairman)  
Mike Isherwood  
Edward Towers  
David Vasmer  
Alex Wagner  
Paul Wynn (Chairman)

**Substitute Members of the Committee**

Gerald Dakin  
Julian Dean  
Nat Green  
Nigel Hartin  
Pamela Moseley

Your Committee Officer is:

**Emily Marshall / Shelley Davies** Committee Officer

Tel: 01743 257717 / 01743 257718

Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk) / [shelley.davies@shropshire.gov.uk](mailto:shelley.davies@shropshire.gov.uk)

# AGENDA

## 1 Apologies for Absence

To receive apologies for absence.

## 2 Minutes (Pages 1 - 8)

To confirm the Minutes of the meeting of the North Planning Committee held on 8<sup>th</sup> June 2021, attached, marked 2.

Contact: Emily Marshall on 01743 257717; or  
Shelley Davies on 01743 257718.

## 3 Public Question Time

To receive any public questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 2pm on Monday 5<sup>th</sup> July 2021.

## 4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

## 5 Land South Of Bridgewater Street, Ellesmere, Shropshire - 20/04019/FUL (Pages 9 - 56)

Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works.

## 6 Wharf Caravan Park Caravan Site, Goldstone, Cheswardine, Shropshire - 20/04123/FUL (Pages 57 - 88)

Change of use of land for the siting of 38No. static caravans.

## 7 Bear Steps, Shrewsbury, Shropshire - 21/02234/LBC (Pages 89 - 98)

Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies.

**8 Land Off Mile End Roundabout, Oswestry, Shropshire - 21/01334/EIA (Pages 99 - 136)**

Hybrid Planning Application for:

Full planning permission - formation of a 360m spine road; two 3.5m wide foot and cycleways; one 2m wide footpath; one electricity substation; supporting utilities infrastructure; drainage system; landscaping and ancillary works;

Outline planning permission - 10 plots to be delivered in four phases, providing:

- a hotel (use class C1) up to 30,000sq. ft;
- three units providing up to 6,000sq. ft of hospitality and up to 3000sq. ft of services;
- five mixed use units providing general industry with ancillary office (B2 & E) providing up to 180,000sq. ft;
- one office unit (use class E) providing up to 15,000sq. ft;
- one light industrial unit (use class E) providing up to 63,000sq. ft;
- two mixed use units providing storage/distribution with ancillary office (B8 & E) providing up to 200,000sq. ft;
- the provision of green infrastructure and all ancillary works.

**9 Appeals and Appeal Decisions (Pages 137 - 142)**

**10 Date of Next Meeting**

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 3<sup>rd</sup> August 2021, venue to be confirmed.

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## Committee and Date

Northern Planning Committee

7 July 2021

## **NORTHERN PLANNING COMMITTEE**

### **Minutes of the meeting held on 8 June 2021**

**In the The Auditorium - Theatre Severn, Frankwell Quay, Frankwell, Shrewsbury.  
SY3 8FT**

**1.00 - 4.40 pm**

**Responsible Officer:** Tim Ward

Email: emily.marshall@shropshire.gov.uk / shelley.davies@shropshire.gov.uk      Tel:  
01743 257717 / 01743 2577183

### **Present**

Councillors Paul Wynn (Chairman), Joyce Barrow, Garry Burchett, Geoff Elner, Ted Clarke, Mark Jones (Vice Chairman), Mike Isherwood, Edward Towers, David Vasmer, Alex Wagner and Gerald Dakin (Substitute) (substitute for Vince Hunt)

### **4 Apologies for Absence**

Apologies for absence were received from Councillor Vince Hunt.

Councillor Gerald Dakin substituted.

### **5 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the Northern Planning Committee held on 6<sup>th</sup> April 2021 and 20<sup>th</sup> May 2021 be approved as a correct record and signed by the Chairman.

### **6 Public Question Time**

There were no public questions received.

### **7 Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

In respect of agenda item 11, application number 18/03940/FUL Councillor Paul Wynn declared a pecuniary interest as he was the applicant, and stated that he would withdraw from the meeting and take no part in the debate and would not vote on the item.

In respect of agenda item 11, application number 18/03940/FUL Councillor Joyce Barrow declared an interest on the grounds of perceived bias due to her friendship

with the applicant, and stated that she would withdraw from the meeting and take no part in the debate and would not vote on the item.

In respect of agenda item 11, application number 18/03940/FUL Councillor Gerald Dakin declared an interest on the grounds of perceived bias due to his friendship with the applicant, and stated that he would withdraw from the meeting and take no part in the debate and would not vote on the item.

## 8 Land Adjacent to Golf House Lane, Prees Heath - 20/05125/FUL

The Principal Planner introduced the application for the erection of 43 dwelling houses (24 open market and 19 affordable) including new vehicular access; public open space and children's play area; landscaping; and associated infrastructure and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members' attention was drawn to the information contained within the Schedule of Additional letters.

Mr Steven Power made a statement on behalf of on behalf of Whitchurch Rural Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Gerald Dakin, local Ward Councillor, made a statement and withdrew from the table and took no part in the debate and did not vote on this item.

Hayley Knight, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate Councillors made the following points:

Members generally agreed that the new application had met the concerns raised regarding open space when the proposal was last before the committee.

A Member expressed concern regarding the effect on the amenity of residents of the new housing, of the surrounding businesses and lorry park.

Having considered the submitted plans and listened to the comments made by all of the speakers, it was **RESOLVED:**

That in accordance with the Officers recommendation authority be delegated to the Planning Services Manager for approval subject to the completion of a satisfactory Section 106 obligation with no objection being raised following the consultation with Natural England on the Habitats Regulation Assessment and the conditions as set out in appendix one with any modifications to these conditions as considered necessary by the Planning Services Manager

9 **Proposed Local Needs Dwelling NW Of New Street Lane Farm, New Street Lane, Market Drayton - 20/04347/FUL**

The Vice Chair Councillor Mark Jones took the chair.

The Principal Planner introduced the application for the erection of a single storey local needs dwelling including new access and detached garage and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members' attention was drawn to the information contained within the Schedule of Additional letters.

The Solicitor read out a statement on behalf of Moreton Say Parish Council in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Paul Wynn, local Ward Councillor, made a statement and left the table and took no part in the debate and did not vote on this item

Peter Richards, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate Councillors made the following points:

Members felt that consideration of the application should be deferred in order for clarification to be sought regarding whether the application was for a local needs dwelling or a farm workers dwelling and to allow consultation on the recently submitted heritage assessment

It was **RESOLVED:**

That consideration of the application be deferred to allow consultation on the recently submitted Heritage Assessment and to allow discussion with the applicant as to whether the application is for a local needs dwelling or an agricultural workers dwelling

Councillor Paul Wynn returned to the Chair  
Councillor Alex Wagner joined the meeting

10 **Development Land At Churncote Off Welshpool Road, Bicton Heath, Shrewsbury - 20/01957/FUL**

The Principal Planner introduced the application for a mixed residential development of 340 mixed (including 51 affordable units) with associated garages; creation of vehicular access(es); installation of infrastructure, footpath links, public open space

and biodiversity enhancement areas, and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members' attention was drawn to the information contained within the Schedule of Additional letters.

Mr Stephen Mulloy, local resident, made a statement against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Mandie Lee made a statement on behalf of on behalf of Bicton Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Alex Wagner, local Ward Councillor, made a statement and left the table and took no part in the debate and did not vote on this item

Richard Anderson, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate Councillors made the following points:

A Member expressed concerns regarding access to green space which would be situated to the north of the proposed North West Relief Road (NWRR). The Principal Planner informed the meeting that this would be addressed as part of the planning application for the NWRR and that a foot/cycle bridge was included in that application.

Other concerns expressed included lack of green connectivity, concerns regarding water treatment and runoff and protection trees during the construction works.

Having considered the submitted plans and listened to the comments made by all of the speakers, it was **RESOLVED:**

That in accordance with the Officers recommendation planning permission be granted subject to the conditions as outlined in appendix one and any modification to these conditions as considered necessary by the Planning Services Manager and the signing of a Section 106 agreement in accordance with the Town and Country Planning Act 1990 in reference to the points as outlined in paragraph 6.8.3 of the report.

#### 11 **Morton Ley Farm, Morton, Oswestry - 21/00692/EIA**

The Chair advised the meeting that the application had been withdrawn by the applicant and would not be considered at the meeting.



**12 Land To The North Of Weston Road, Morda, Oswestry - 21/00442/FUL**

The Principal Planner introduced the application for the erection of 20 (affordable) dwellings with associated roads and formation of vehicular access., and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Members' attention was drawn to the information contained within the Schedule of Additional letters.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Joyce Barrow, local Ward Councillor, made a statement and left the table and took no part in the debate and did not vote on this item

During the ensuing debate Councillors made the following points:

Members recognised the need for affordable homes in the area and welcomed the inclusion of bungalows in the proposals.

Having considered the submitted plans and listened to the comments made by all of the speakers, it was **RESOLVED:**

That in accordance with the Officer's recommendation planning permission be granted subject to the applicant entering into a S106 to secure the development as affordable housing and the conditions set out in Appendix 1 subject to the amendment of condition 6 to read:

Prior to first occupation of any dwelling hereby approved an acoustic fence with a minimum density of 15 kg/ m<sup>2</sup> and minimum height of 2m, as detailed in the submitted noise survey shall be erected in the position identified on the approved plan. Details of the external appearance of the fence shall be submitted to and approved in writing by the Local Planning Authority. The fence shall thereafter be maintained for the lifetime of the development

**13 Land Opposite 6 Sandy Lane, Pell Wall, Market Drayton - 21/01708/OUT**

The Principal Planner introduced the Outline application for the erection of 1No local needs dwelling including provision of access. and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Mr Graham Bould (Clerk) made a statement on behalf of on behalf of Sutton Parish Council in favour of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Rob Gittins, local Ward Councillor, made a statement in favour of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Peter Richards, Agent on behalf of the applicant spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

During the ensuing debate Councillors made the following points:

A Member commented that it was important to support local people.

A Member commented that it was difficult to assess the impact of the dwelling on the surrounding area as it was an outline application.

Having considered the submitted plans and listened to the comments made by all of the speakers, it was **RESOLVED**:

That in accordance with the Officer's recommendation planning permission be refused for the following reasons: -

- Whilst the applicant has demonstrated that he complies with the local housing need criteria due to working for the family business, the siting of the dwelling is considered contrary to planning policies and deemed unacceptable. The land to which this application relates is detached from any defined settlement. The proposed site does not have any built development adjoining the site boundaries and will be clearly prominent within the rural setting. The proposed development would be exposed and visible from the passing highway, impacting on the sites long standing rural character. Due to the open nature of the site, the dwelling will have a clear prominent position within the rural setting and is not considered acceptable.
- Additionally; the site is close to several stated noise sources including a dog training facility, tractor repair and private hire area. As such a full noise assessment report is required in order to fully consider the background noise levels from the adjoining land uses. Due to insufficient information being provided in support of this application, it has not been demonstrated that the development would not result in any harm to any future occupiers.
- For the above reasons the principle of development is not supported and further still insufficient information accompanies an outline application on which basis to adequately consider a formal application for a local needs dwelling in accordance with the Council's Supplementary Planning Document on the type and affordability of housing. Therefore this application is considered contrary to planning policies CS5, CS6, CS17, MD02, MD07a and MD13 of the Shropshire Core Strategy and the SAMDev Plan, along with the aims of the National Planning Policy Framework (NPPF) published February 2019, and The Type and Affordability of housing SPD 2012.

14 **Caravan And Camping Site Hadley Farm, Wrexham Road, Whitchurch - 18/03940/FUL**

In accordance with their declaration at minute 7, Councillors Joyce Barrow, Gerald Dakin and Paul Wynn left the room and took no part in the debate or voting on the item.

The Vice Chair Councillor Mark Jones took the chair

The Principal Planner introduced the application for the Siting of Shepherds huts and Glamping Pods as part of existing tourism development. and with reference to the drawings displayed, he drew Members’ attention to the location and layout.

Members’ attention was drawn to the information contained within the Schedule of Additional letters.

In response to a question the Principal Planner confirmed that if the applicant had not been a Councillor the application would have been dealt with under delegated powers as there were no other matters which would have triggered bringing it to committee.

**RESOLVED:**

That in accordance with the Officers recommendation planning permission be approved subject to the conditions as set in appendix one.

Councillor Paul Wynn returned to the chair

**15 Appeals and Appeal Decisions**

**RESOLVED:**

That the appeals and appeal decisions for the northern area be noted.

**16 Date of the Next Meeting**

It was noted that the next meeting of the Northern Planning Committee would be held on Tuesday 6 July 2021.

Signed ..... (Chairman)

Date: .....

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Committee and Date  
 Northern Planning Committee  
 7<sup>th</sup> July 2021

Item  
**5**  
 Public

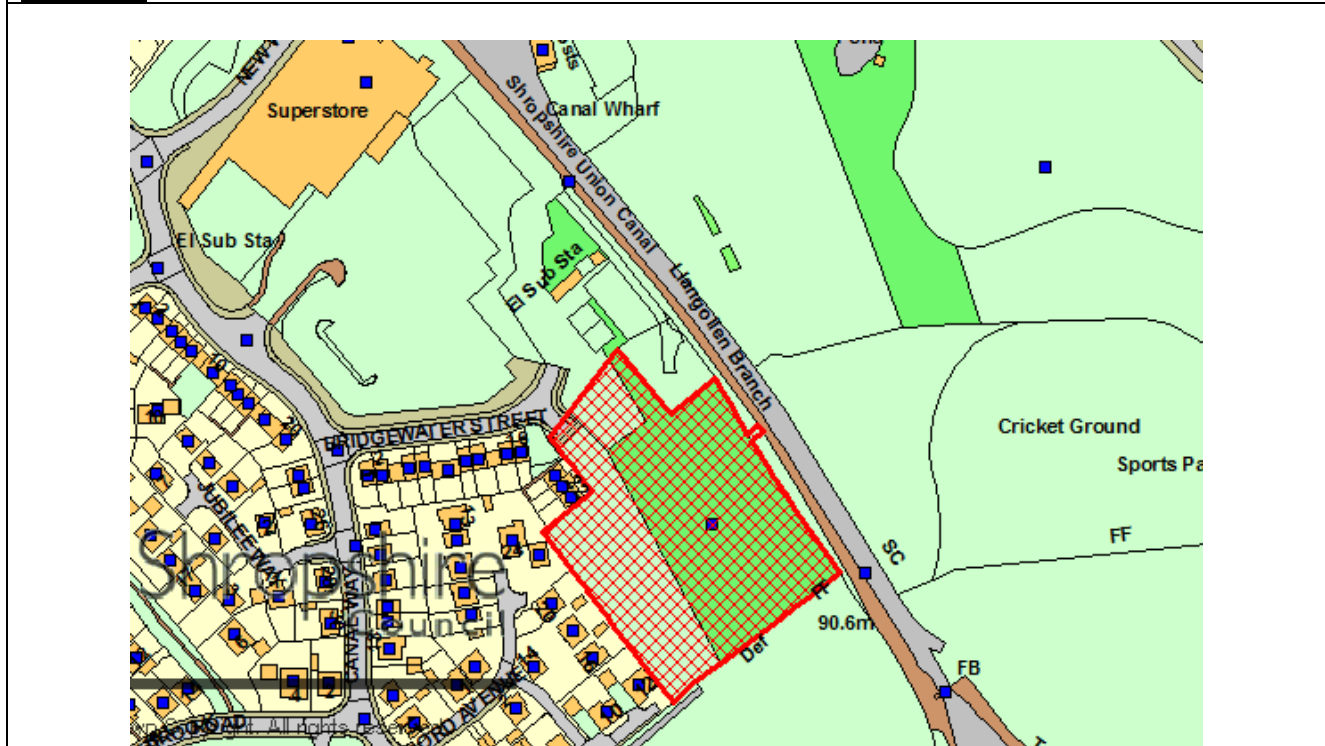
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 20/04019/FUL	<b>Parish:</b>	Ellesmere Urban
<b>Proposal:</b> Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works		
<b>Site Address:</b> Land South Of Bridgewater Street Ellesmere Shropshire		
<b>Applicant:</b> Cornovii Developments Ltd.		
<b>Case Officer:</b> Philip Mullineux	<b>email :</b> planning.northern@shropshire.gov.uk	

**Grid Ref:** 339968 - 334395



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### **Addendum Report.**

Since this application was presented to the North Planning Committee on February 9<sup>th</sup> 2021, at which members resolved that planning permission be granted, in accordance with the Officer's recommendation subject to:

- The conditions as set out in Appendix 1 and any modifications to these conditions as considered necessary by the Planning Services Manager; and
- The signing of a Section 106 agreement in relation to affordable housing and open space provision as set out in the report.

The report in paragraph 6.8.1 stated that the applicants agreed to the provision of affordable housing provision in excess of the required policy provision for this site, (6 dwellings). This to be delivered through a Section 106 planning obligation. which will also make provision for the landscape contribution and management

During the completion of the S106, it has become apparent that the funding requirements set out by Homes England for affordable housing within new development has changed. This has necessitated a change to the number of affordable dwellings that can be delivered at Ellesmere as part of the application. The change, therefore, requires the application to be reconsidered by Planning Committee.

The application, including the affordable housing provision was prepared with the consideration of Affordable Homes Programme 2016 to 2021.

A new programme (2021 to 2026) has amended the funding provided for affordable housing and took effect in March 2021, the month after the committee resolution. The changes do not allow additional affordable housing which is granted from Homes England funding to be either conditioned or captured through a S106 agreement.

The application was considered at Planning Committee with a provision of 35% (8 units) affordable housing. This represented an over provision of affordable housing against the policy requirement of 10% (2.3 dwellings), as set out in the Type and affordability of housing Supplementary Planning Document (SPD).

This over provision of affordable housing weighed in favour of the proposed planning application. The changes to the Affordable Homes Programme necessitates a reduction of affordable housing to 2.3 dwellings (10% of 23 proposed dwellings). This still represents a policy compliant provision of affordable housing. The applicants have confirmed they are committed to delivering all 8 affordable dwellings and if it is unable to deliver the 6 additional affordable units along with the 2 policy compliant units, the applicants have confirmed they are willing to pay the £19k commuted sum for the 0.3 unit.

The key issue to be considered is whether the change to the number of proposed affordable dwelling would impact the decision that Members had made in granting planning permission subject to conditions and the completion of the S106.

The Committee Report did not indicate the precise weight that was attached to the over provision of affordable housing. The report notes in paragraph 6.1.12 that:

*"The social benefits likely to flow from the development carry a degree of weight, mainly in relation to the increased level of affordable housing which is in accordance with the minimum requirement set out in the development plan and the contributions towards local educational*

*establishments.”*

Hence the over provision formed part of a wider consideration of the benefits of the proposal, which all together, added weight in favour of approving the application. These social benefits to flow from the proposed development remain as the proposal meets the minimum level of affordable housing provision required by adopted policy in the Types and Affordability of Housing SPD.

It is considered that the reduction in affordable provision to the policy minimum does not materially impact the decision with the reduction of affordable dwellings remaining policy compliant when assessed against Policy CS11 and the Type and affordability of housing Supplementary Planning Document (SPD).

## **Conclusion**

The proposals remain policy compliant, notwithstanding the reduction in number of affordable dwelling originally proposed. The change to the number of affordable dwellings still complies with the requirements of Policy CS11 and the Type and affordability of housing Supplementary Planning Document (SPD) and on this basis, with no other changes to the proposal, **it is recommended that the application be approved subject to the conditions attached as appendix one to the original Committee report annexed below and any modifications to these conditions as considered necessary by the Planning Services Manager and the signing of a Section 106 agreement in relation to affordable housing as set out in the addendum above and open space provision as set out in the report copied in below.**

## **Original report to Committee,**

**Recommendation:- Approval subject to the conditions attached as appendix one and any modifications to these conditions as considered necessary by the Planning Services Manager and the signing of a Section 106 agreement in relation to affordable housing and open space provision as set out in the report.**

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 Application is made in 'full' and proposes erection of mixed residential development of 23 number dwellings, formation of vehicular and pedestrian access, amenity space and associated works on land south of Bridgewater Street, Ellesmere, Shropshire.
- 1.2 The application is accompanied by a site location plan, block plan, elevation and floor plans, proposed street scenes, landscape plan, drainage strategy, site layout plan, boundaries plan, transport statement, ecology assessment, tree survey, arboriculture impact assessment, noise assessment, flood risk assessment, heritage assessment, planning statement and design and access statement. Amended plans and further information on drainage matters were received during the application processing.

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site forms part of the former 'Dairy Crest site' which was granted planning permission on the 27th June 2007 (planning reference N/06/1161/EU/906), for redevelopment and thus represents a 'brown field site' allocated in the local plan for residential development. The site is located in Ellesmere and lies 350 metres to the south of its centre. The site is fairly rectangular in shape and has an area of 0.78ha (1.90 acres], and part of the site falls into flood zone 2 in accordance with the Environment Agency flood risk data maps. The site is vacant following the demolition of the previous buildings which stood on the site over a decade ago. Areas of hard standing can be seen on the site with some trees and shrubs.
- 2.2 To the north of the site is the Tesco store and its associated car park. To the east of the site is the Shropshire Union Canal. The canal falls within the Ellesmere Conservation Area within which is a two storey Grade II Listed dwelling. The Tetchill brook, which runs in a culvert adjacent to the southern boundary of the site. Further to the south is open countryside and beyond, the Ellesmere Yard of the Canal and River Trust which contains Grade II Listed buildings. To the west is existing residential dwellings which are generally two storey in height and comprise both wide and narrow fronted house types.
- 2.3 Boundary treatments are a mix of vegetation and brick walls. Part of the site is secured with construction hoardings. Beyond the site boundary to the north between the site and the Tesco store is an electricity substation.
- 2.4 Pedestrian and vehicle access to the site is currently taken from a constructed access road, Bridgewater Street, off Canal Way. The site is sustainably located in relation to essential services as offered by the town of Ellesmere
- 2.5 The application proposes to construct 23 dwellings comprising two storey houses and bungalows. The proposal includes a 35% contribution towards affordable housing. The dwellings will be a mixture of house tenures, types and sizes in order to contribute to an existing housing need in Ellesmere. The dwellings will be sited along a spine road and two private drives, occupying a back of footpath position. There is an existing drainage culvert to the south of the site which requires a 10m easement. Dwellings are therefore set back behind the easement with only the private drive, parking and amenity areas within it. A new footpath link from the development on to the canal tow path will also be provided. The proposed dwellings have been designed to complement the existing area in terms of appearance. The dwelling types comprise mainly semi detached dwellings and will be constructed using brick with pitched roofs. Of the 23 proposed dwellings, eight will be bungalows, four of which will have 2 bedrooms, with the remaining having 1 bedroom. Of the fifteen remaining dwellings, three will have 2 bedrooms, eight are 3 bedrooms and four are proposed to have 4 bedrooms.
- 2.6 The proposal is not considered to fall into the remit of Environmental Impact Assessment Regulations and therefore no Environmental Statement is required in support of the application.



### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is a Council lead application and therefore in accordance with the Council's constitution this application has to be considered at Committee.

### 4.0 Community Representations

4.1 **Ellesmere Town Council** have responded indicating support for the application.

4.2 **Ellesmere Rural Parish Council** have responded indicating:

Councillors are pleased with the allocated amenity space alongside the canal, keeping development away from the canal itself, and approve of the layout design.  
The Parish Council supports this application

### 4.3 Consultee Comments

4.4 **The Environment Agency** have commented as follows:

I refer to additional information received in support of the above application and, specifically, in reference to our outstanding objection to the proposed development. Having reviewed the submitted information we are in a position to remove our objection and would recommend the following comments and conditions be applied to any permission granted.

**Flood Risk:** As previously stated the site is located to the south west of Ellesmere on the Tetchill Brook and upstream the confluence with the Newnes Brook. This site is partially located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. In accordance with Table 1: Flood Zones (Reference ID: 7-065-201-20140306) within the National Planning Practice Guidance (NPPG) Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding.

**Sequential Test:** The NPPF details the requirement for a risk-based ST in determining planning applications. See paragraphs 157-158 of the NPPF and the advice within the Flood Risk and Coastal Change Section of the government's NPPG. The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that *'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'*. Further detail is provided in the NPPG; 'Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 taking into account the flood risk vulnerability of land uses and applying the Exception Test (ET) if required.

**Flood Risk Assessment (FRA):** In our previous response we requested greater detail in relation to use of the BWB model and, specifically, the 1 in 100 year plus climate change projected flood level. It was unclear how this level could potentially impact on 2 properties in the south west corner of the development.

The applicant has provided further clarification in an updated FRA. This FRA has confirmed that the assessment has utilised the node from the BWB hydraulic model from a recent local application and taken this node to suggest a 1 in 100 year plus climate change projected level of **87.21m AOD (the design flood level)**. We accept the modelling undertaken by BWB as the best available data for this location and so would concur that this is the most accurate estimation of projected flood levels and outlines for this development.

The FRA has also repeated the intention to set finished floor levels at no lower than 88.35m AOD which is acceptable as it is no lower than 600mm above the design flood level. We would reiterate that there should be no raising of ground levels in order to achieve these floor levels on ground lower than 87.21m AOD as this would reduce the capacity of the flood plain and have potential impacts on 3rd party properties. As stated previously were the applicant to raise ground levels on ground below 87.21m AOD suitable flood storage compensation must be found elsewhere, and this must be approved by the prior full planning permission.

The updated FRA has demonstrated with figure 3.1.1 that the built development itself is above the design flood level.

**Condition:** Finished floor levels shall be set no lower than 88.35m AOD unless otherwise agreed in writing by the LPA.

**Reason:** To protect the proposed dwellings from flood risk for the lifetime of the development.

**Condition:** There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 87.21m AOD, within the 1% plus climate change floodplain, or within 8metres of the top of bank of any Main River inside or along the boundary of the site, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** To prevent any impact on flood flows and flood risk elsewhere.

**Foul Drainage:** We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

**Export & Import of wastes at site:** Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

An earlier response indicated:

The previous hydraulic report has demonstrated that the south east section of the site is in the projected 1 in 100 year plus climate change (35%) extent.

However the FRA has not demonstrated whether they have fully exploited the hydraulic model to establish a flood level with which to set finished floor levels that are not at risk of flooding in a 1 in 100 year plus climate change event and that there are no impacts to third

parties through a loss of flood storage. We would therefore request an updated FRA, which establishes this flood level, and assess the development in relation to it.

4.5 **The Parks and Countryside Manager** has responded indicating:

Based on 30sqm per bed space the plan attached shows a total of: 23 properties 50 bed spaces x 30sqm is 1500sqm POS required 1107sqm is being provided which leaves a loss of 393sqm of POS. Offsite contribution for this loss has been discussed with the developer.

4.6 **West Mercia Police** have responded indicating:

I comment on this proposal as Design Out Crime Officer for West Mercia Police. I do not wish to formally object to the proposal at this time. However there are opportunities to design out crime, reduce the fear of crime and to promote community safety.

Therefore should this proposal gain planning approval the below advice should be considered by the developer.

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

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

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

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

During the build the developer has a responsibility for site security. They should aim to

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

- 4.7 **SC Affordable Housing** have responded indicating  
The current proposals show an over provision of affordable dwellings on site. The provision of affordable bungalows is welcomed and we do have a need for larger adapted bungalows in this area. Would it be possible to merge the 2 x 2 bed bungalows into a single dwelling.
- 4.8 **SC Drainage** have responded indicating:  
The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

Condition:

No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Comments and Informatives

The drainage strategy and FRA are acceptable however the follows comments need addressing:

1. Simulation calculations for the 3.33% AEP and 1% AEP plus 40% CC should be submitted for approval in a colour format.
2. The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. A plan should be provided showing the drained areas plus the added urban creep allowance. 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

3. Although rainwater harvesting is to be encouraged, it cannot be taken into account when sizing an attenuation system as the storage facility may be full when a storm event occurs. Details of an overflow from the rainwater harvesting system to the

soakaway/attenuation should be submitted for approval if that option is used.

4. Construction details of the permeable driveway attenuation and explanation of how the defuser will operate must be submitted for approval.

5. Ownership of the culvert at the point of connection should be confirmed and details submitted.

6. Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

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

Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site.

A flood routing plan should be provided to show the exceedance flow path above the 1% AEP storm event 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.

4.9 **SC Archaeology** have responded indicating:  
We have no comments to make on this application with respect to archaeological matters.

4.10 **The Canal and Rivers Trust** have responded indicating:  
The impact on the character, appearance and heritage of the waterway corridor.

The site is located to the south-west of the Llangollen canal which is within the designated Ellesmere Conservation Area. The development is located to the north west of a group of Grade II\* listed buildings at Ellesmere Yard, including Beech House. The site is also adjacent to the canal basin that contains a Grade II listed canal Wharf Building to the north.

The comments of the submitted Heritage Statement are acknowledged regarding the important historic significance of the canal in this stretch. The statement outlines that the proposal would not be harmful due to the site being glimpsed through the retained landscaping, not being prominent due to proposed material palette and elevated nature of the canal and as it represents a transitional area between the canal wharf and town.

Whilst the development is sited on brownfield land between the canal and existing housing development, it is considered that the heritage assessment has not been robustly assessed its impact on the setting of the cluster of listed buildings (grade II\*) at the canal junction (Beech House and Ellesmere Yard) or from the towpath and from White Bridge (overlooking the development site). There is a concern that the views of the proposed development to and from the canal junction have not been fully considered and we would ask the LPA to satisfy itself that a satisfactory heritage assessment has been carried out in connection with this matter.

### **Design and Layout**

In light of the historical significant context and unique character of the adjacent canal corridor, as outlined above, it is important to ensure that the design of the proposed development sympathetically preserves the setting of the canal.

It is strongly welcomed that the existing mature tree cover along the east boundary is to be retained in its entirety. The landscaping scheme annotates that existing trees and habitat are to be retained and we would request that the existing field hedge along the east boundary is retained as well. The retention of the established planting would provide screening and result in the glimpsed views of the residential development from the canal, which will help to protect the wharf setting. In addition, the provision of the landscaped amenity area and setting the development away from the canal helps to soften the visual impact upon the canal corridor.

We request that careful consideration is given to the treatment of the north and south boundaries of the site to soften the visual impact from these viewpoints. The southern boundary development lacks a landscape buffer which would result in the development being in clear view from adjacent raised bridges and viewpoint of listed Beech House. We would request additional landscaping to soften the visual impact and safeguard the historic canal corridor and rural setting of the meadow. The landscaping plan indicates the planting of a native species hedge to south boundary, which would be welcomed.

The siting of parking in between dwellings is welcomed to reduce its visual impact. There is a concern however that the concentrated parking areas in the centre and adjacent to the south boundary would be visible to the surrounding area and would request appropriate screening to prevent views through to hard standing.

We request that the proposed landscaping scheme is secured via **condition** and retained thereafter. We also request that the LPA satisfies itself that retained trees will be safeguarded appropriately throughout the construction process and for tree protection measures to be submitted and agreed via **condition**. We would also request that no solid boundary treatments are erected in proximity to the canal, as indicated on the boundary treatment plan to safeguard the setting of the canal.

The Design and Access Statement refers to importance of the Canalside location and it is understood from the planning submission that the development has taken design cues from the nearby listed buildings. It is welcomed that the proposed dwellings address the canal positively and that additional interest has been added to elevations that face the canal, such as additional windows and architectural detail. The proposed design and materials are reflective of the local vernacular and we would ask for the LPA to secure the submission of material details in the event of planning permission being granted.

Details of the bin stores and their locations have not been submitted. Bin stores should be screened with natural materials and/or vegetation and not be sited in proximity to the canal, to preserve setting of the canal.

#### Proposed connection to canal towpath

The principle of the provision of an access to the towpath is welcomed. It would promote the use of the canal towpath as a sustainable walking and cycling route to future occupants and the associated health and wellbeing benefits of this.

Consideration should be given to the design of the towpath access to ensure that users of this access do not present a risk to themselves or to those already on the towpath with regard to the canal, e.g. colliding with those already on the towpath due to poor visibility or through joining the towpath at speed.

We request the submission of the proposed design and material finish of the access arrangement to ensure it would preserve the canal setting and to understand how the access would interact with the retained landscaped buffer. The submission of details would ensure any impact on public safety and related canal character and infrastructure would be considered.

We request that the provision of design details for the access is secured via condition and include the following details.

- Across section of the access, including details of the step arrangement, in relation to the canal towpath
- Material finish
- Canalside elevations to demonstrate the relationship with retained landscape buffer
- Outline any stability works required in connection with the access and set out the future maintenance provisions for the access.

The access appears to be sited on land owned by the Trust and would require the agreement of the Trust, as outlined below.

#### Waterway protection during construction

The towpath side of the LLangollen Canal runs along the east boundary of the application site. Development in close proximity to the canal has the potential to result in adverse impacts on its infrastructure with regard to structural integrity and contamination. It is essential that structural integrity is not put at risk as part of any development proposal which could, in the worst case scenario, result in the failure of the canal.

The proposed dwellings would be set far enough away from the canal so as to not impact upon its structural integrity. However there is a risk that the canal could be exposed to wind-blown waste, dust or other contaminants from construction activities on site, and during the construction of a pedestrian access to the canal towpath.

Our records show previous abstraction and discharge at the former dairy site, and pipework in connection with this process may be present, which provides potential pathways for transfer of pollutants from the site to the canal during construction. In the event that these pipes are disturbed during construction works there could be a flood risk to the site and care would need to be taken to ensure no pollution of the canal occurs during the construction process. We advise this respective pipework is the responsibility of the landowner including pipework under the towpath. The Canal and River Trust is not responsible for flooding caused by Third Party supply pipes which have not been decommissioned properly.

The drainage strategy outlines that surface water would discharge to a culverted watercourse to the south of the site, which is connected to a Trust owned culvert to the east that runs under the canal. There is the potential that silting and blocking of this watercourse could result in the blockage or backing up of the culvert to the east, which could cause flooding and affect the stability of the canal infrastructure. As such, care needs to be taken to protect the watercourse from pollution and siltation during construction/connection of the new surface water drainage system to safeguard the Trust's culvert to the east.

We therefore request that the potential for contamination of the waterway during construction or potential impact to the canal infrastructure is addressed as part of a Construction Environment Management Plan (CEMP) for the site, that includes the following details:

- Details of canal protection measures (both physical measures and working practice) including protective fencing along the waterway during construction.
- Details of steps to be taken to prevent potential contamination of the waterway from wind blow, dust or accidental spillage into the waterway during construction of the housing development and pedestrian access to protect the canal corridor and its users from contamination.
- Details of existing drains/abstraction pipework being identified and protection during construction
- Details of measures to safeguard against the siltation or blockage of the culvert to the south during construction and connection of the new surface water drainage system

These details would be required to be agreed prior to works commencing on site to ensure that appropriate measures can be put in place to safeguard the waterway. The Trust would be happy to assist the Council with the discharging of this condition.

Works affecting Trust land and in the proximity to the canal may need to comply with the 'Trust's Code of Practice' for works affecting the Canal and River Trust. The applicant should contact the Trust's Infrastructure Services team to discuss matters relating to the



Code of Practice and to obtain any necessary consents.

We ask that the informative at the end of this letter is appended to the decision notice to address this matter.

#### Land Drainage

The application submission indicates that foul sewage would discharge to the mains sewer and that surface water is intended to discharge to a culvert that runs along the south boundary of the site at a restricted rate, via a SUDs system. In the event of planning permission being granted, we request that the foul and surface water drainage details are submitted for approval via condition.

#### Ecological Matters

The ecological value of the canal is recognised by The Shropshire Environmental Network (SEN) which identifies it as an Ecological Corridor. It is of special importance to Bats and Otters for foraging and commuting. The new lighting associated with the development has the potential to negatively impact foraging and commuting bats and other light sensitive protected species. In order to avoid impacting upon protected species and retain its special value as an Ecological Corridor, all artificial lighting should be directed away from the site boundary with the canal including the retained habitat between the canal and the new houses as shown on the landscape plan.

In line with the above, the Trust acknowledge the findings of the submitted Ecological Survey and Constraints Report and in accordance with sections 4.4.2-4.4.4, we request the following recommendations to be implemented and secured via condition:

- A sensitive lighting scheme should be employed to prevent unnecessary light spill onto the canal corridor.
- Recommendations regarding all future external lighting
- Avoid lighting of retained habitats

In line with the above recommendations, we would ask for an appropriate lighting strategy to be followed to ensure that all light spill is to be minimised wherever possible and directed away from the Llangollen Canal/ southern site boundary.

#### Comments as landowner

Part of the application site as shown on the submitted location plan, for the proposed access to the towpath on the eastern boundary, would appear to be sited on land owned by the Trust. The red line of the site should be amended or the requisite notice should be served upon the Trust.

The applicant should be made aware that the creation of an access onto a canal towpath or any future use of land in the Trust's ownership will require the prior consent of the Canal & River Trust, which is likely to be in the form of a commercial agreement. This agreement will identify and agree future maintenance arrangements for the access. The applicant/developer is advised to contact the Trust's Estate Management Team on 0303 040 4040 or [Jeff.Peake@canalrivertrust.org.uk](mailto:Jeff.Peake@canalrivertrust.org.uk) in order to ensure that any necessary

consents are obtained.

We ask that the informative at the end of this letter is appended to the decision notice in connection with this matter.

#### Informatives

Should planning permission be granted we request that the following informatives are appended to the decision notice:

(1) The applicant/developer is advised to contact Canal & River Trust Infrastructure Services Team on 01782 779909 or Susan Higton -Works Engineer at [Susan.Higton@canalrivertrust.org.uk](mailto:Susan.Higton@canalrivertrust.org.uk)

or on 07484 901 304) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust”.

(2) The applicant has signed and completed certificate B, however notice has not been served on the Trust. Based on the submitted details and the Trust’s land ownership records, there may be a slight encroachment onto land within Trust ownership. Any use of land in within Trust ownership will require the prior consent of the Canal & River Trust. The applicant is advised to contact the Trust’s Estate Management Team on 0303 040 4040 or email [Jeff.Peake@canalrivertrust.org.uk](mailto:Jeff.Peake@canalrivertrust.org.uk) directly to discuss this matter and to ensure that any necessary consents are obtained..

(3) The proposed development includes the creation of a new pedestrian access point onto the canal towpath. The applicant developer is advised to contact Trust’s Estate Management Team on 0303 040 4040 or email [Jeff.Peake@canalrivertrust.org.uk](mailto:Jeff.Peake@canalrivertrust.org.uk) directly to discuss this matter and to ensure that any necessary consents are obtained.

#### 4.11 **SC Ecology advice indicates:**

##### **Recommendation:**

Include the recommended conditions and informatives below on the decision notice.

I have completed a Habitat Regulation Assessment screening matrix which should be included on the site report.

##### Habitats

The site comprises broadleaved woodland, scattered and dense scrub, hard-standing and poor semi-improved grassland according to Crestwood Environmental. Subsequent to the first site visit the woodland and areas of the scrub habitat had been removed from the site. The site is considered to be of low to moderate ecological value and parts of the Shropshire Environmental Network run to the east of the site. The proposed development provides a landscaped buffer to the canal corridor which runs to the east of the site.

##### Bats

There are no potential bat roost features on the site and the bat activity surveys showed low levels of bat activity from common species. Crestwood recommend that lighting on the

site is designed to protect the dark boundaries of the site and that bat roosting opportunities should be provided on the site. I have provided recommended conditions below.

#### Great Crested Newts

There are 6 ponds within 500m of the proposed development. 5 ponds are separated by significant barriers to dispersal. The closest pond, Birch Rd Pond, was surveyed for great crested newts and found to be negative in 2018. This pond is separated from the site by the canal and where the canal ends the site is separated by significant areas of built development. Crestwood Environmental state that the site has limited potential terrestrial value due to its separation from the pond and its small size and I am broadly satisfied with that approach though I would like to see some basic precautionary methods of working followed during the site clearance work and I have included a condition requiring submission of this below.

#### Reptiles

The site has limited potential to support reptiles according to Crestwood Environmental. Crestwood recommend basic precautionary methods of working to control any remaining risk and I would like to see that combined with the condition relating to great crested newts above.

#### Badger

The site has potential to support badger setts and some areas of the site were difficult to inspect. A pre-commencement inspection for badgers and basic reasonable avoidance measures will be necessary and this is covered by the reasonable avoidance measures method statement condition above.

#### Nesting Wild Birds

The site has potential to support nesting wild birds. Vegetation removal should occur outside of the bird nesting season, and a scheme of artificial nest boxes should be provided. The detailed landscaping scheme for the site should include a range of berry producing species and cover providing species.

#### Habitat Regulation Assessment

There are three European Designated Sites within 3km of the proposed development:  
-Whitemere – Midland Meres and Mosses Ramsar phase 1 (and SSSI)  
-Cole Mere – Midland Meres and Mosses Ramsar phase 2 (and SSSI)  
-Clarepool Moss - Midland Meres and Mosses Ramsar phase 1 and West Midland Mosses SAC (and SSSI)

The application site is separated from all European Sites by at least 1km and the Shropshire Union Canal. Waste water on the site will be dealt with via mains sewage connection and there are no other potential effect pathways by which the proposed development is likely to impact upon the European Designated Sites.

I have completed a Habitat Regulation Assessment Screening Matrix and this matrix needs to be included in the officer's site report and on the case file.

#### **Conditions and Informatives**

I recommend that the following conditions and informatives should be on the decision

notice:

#### 1. Ecological Mitigation Strategy and Method Statement

Prior to the commencement of development a Reasonable Avoidance Measures Method Statement with respect to reptiles, great crested newts and badgers shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of reptiles, great crested newts and badgers

#### 2. Bat box condition

Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

A minimum of 8 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to first use of the development. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

#### 3. Bird box condition

Prior to first occupation / use of the building[s], the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for

swifts (swift bricks or boxes), sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), house martins (house martin nesting cups), swallows (swallow nesting cups) and small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development.

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

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

#### 4. Landscaping Plan condition

No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements [e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots];
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Access layout and visibility splay in line with Highways requirements in order to

demonstrate their compatibility with the retention of existing trees and hedges, or measures to replant or translocate hedges behind the visibility splay if required;

d) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;

e) Native species used are to be of local provenance (Shropshire or surrounding counties);

f) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;

g) Implementation timetables.

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

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

#### 5. Lighting Plan condition

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

#### Great crested newts informative

Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

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

#### Nesting birds informative

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

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

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

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.

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

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

#### Badgers informative

Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site.

There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.

#### 4.12 **SC Regulatory Services** have responded indicating:

Regulatory Services has no objection to this development and therefore the following must be included as conditions if planning permission is granted:

##### Contaminated land

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance – Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection

Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

#### **An earlier response indicated:**

A report by Thomas Consulting (for Shropshire Council); T18864/18/01, Phase 2, Site Investigation and Assessment; Land at Ellesmere Wharf, Ellesmere; Version 4, 28th February 2019 has been submitted in support of this application for 23 residential dwellings. Regulatory Services has identified the proposed development site as potentially contaminated land due to historic uses both on-site and off-site.

Thomas Consulting were appointed by Shropshire Council to carry out a second phase of site investigation for a parcel of land located at Ellesmere Wharf, Ellesmere (hereafter to referred to as 'the site') to provide indicative information on the ground conditions with respect to potential risks associated with contamination and ground gas. The site has been subject to previous assessment by Thomas Consulting, details of which are presented in the following reports:

□ Phase 1 Preliminary Risk Assessment – Land at Ellesmere Wharf, Ellesmere (Document Ref:P3552/10, dated May 2010). Site Investigation Report – Land at Ellesmere Wharf (Document Reference: T18864/18/01, dated September 2018).

Regulatory Services requests that copies of these two reports are made available, as they need to be read in conjunction with the 2019 report.

Notwithstanding the above, Regulatory Services has the following initial comments:

Underlying made ground and natural deposits may represent a potential source of ground gas generation and no monitoring or assessment of ground gas appears to have been undertaken despite the requirement.

Section 9 (Risk Assessment: Buildings) mentions a risk to buildings include explosion of explosive gas but only the risks to concrete, services and flora from soil contamination are discussed. Risks from other gases such as VOC's and carbon dioxide also potentially

exist.

Accordingly, Regulatory Services considers that monitoring for ground gas need to be undertaken having regard to CIRIA C665 - Assessing risks posed by hazardous ground gases to buildings.

It is reported that seven trial pits and two trenches (4.2.1) were excavated and their location illustrated in Appendix D. Only the locations of window sampling (WS1 to WS3) and trial pits (1 to 4) are shown on the plan in Appendix D.

Regulatory Services is assuming that as these additional trial pits were excavated following site clearance works and they have provided coverage of the area near to the boundary with the former gasworks, as a significant source of potential contamination is associated with this former use and it is noted from the development layout, that residential gardens (Plots 1 to 4, and 7) immediately back on to the former gasworks site.

Wales & West Utility undertook a voluntary scheme of investigation and remediation of their site adjoining this development site in 2012/13. Grossly contaminated spoils were identified (black staining, tar residues and complex ferrocyanides (also known as 'spent oxide') were removed from

some areas and a geotextile marker membrane placed with a 200mm layer of 6F2 as a capping layer. The spent oxide floor and gasholder 2 were just off the northern boundary of this development site. The Wales & West Utilities site was remediated to a standard for commercial open storage only. PCB contamination has been identified (potentially associated with a buried electrical cable) which is

particularly significant in respect of risks to groundwater and further assessment is required (8.1.9). On receipt of additional information, Regulatory Services needs to be consulted again, as other 'Amenity' factors will also need to be considered, however from a land contamination perspective, we are likely to recommend that the following are included as Conditions if planning permission is granted:

Contaminated land

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance – Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.



e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

4.13 **SC Conservation Manager** has responded indicating:

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS6 Sustainable Design and Development and CS17 Environmental Networks, MD2 sustainable Design, MD13 Historic Environment; and with national policies and guidance, National Planning Policy Framework (NPPF) published February 2019; the National Planning Practice Guidance (NPPG); the National Design Guide published October 2019; and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

**RECOMMENDATION:**

We do not have an objection to the principle of the development of this land, however, we are concerned with the character and appearance of the proposed dwellings will be compromised by certain elements of the design.

We still maintain our concerns regarding the aesthetic detailing to the eaves and verges (particularly the eaves and window head relationship and lack of roof overhang) and lack of context applied to this. These details are being compromised by the thermal performance criteria which is being applied to this project. Several meetings have been held to discuss this matter and options have been discussed at length and suggested compromises proposed, although agreement has yet to be reached with the Applicant. At present, it is considered that good design is falling secondary to thermal performance, and as head, eaves and verge detailing of the project has yet to be satisfactorily resolved in this respect, it is therefore advised that a pre-commencement condition should be included to ensure that satisfactory outcome can be achieved.

Concerns with regard to window hierarchy and other design comments made previously have mostly been addressed.

We do not consider that this development will cause harm to the designated heritage assets (listed buildings identified) and we have considered the desirability of preserving the buildings and their setting. However, we would suggest that less than substantial harm will be caused to the character and appearance of the Ellesmere Conservation Area. This harm is stated as being at the lower end of less than substantial harm and relates to the development design detailing. As currently proposed, it is considered that the detailing to be inappropriate and visually incongruous with the character and appearance of the Conservation Area, where many buildings are noted within the Conservation Area

Appraisal to be characterised by “... wide projecting roofs verges and eaves, sometimes with decorated barge boards. Early C19 buildings exhibiting delicacy and refinement in their detailing.” (Ellesmere CA Appraisal, 2006). The advised condition will ensure that the identified harm to the Conservation Area can be mitigated, such that a is removed altogether.

We would remind decision takers that in making the planning balance required by paragraphs 196 of the NPPF, where public benefits are weighed against harm caused, great weight should be given to the assets conservation (paragraph 193 and 194) on the application of Section 72 (1) of the P(LB&CA) Act 1990 for the desirability of preserving or enhancing of the character or appearance of the conservation area.

**Suggested conditions:**

CC1 (samples required), Landscaping and boundary treatments, JJ7, JJ9, JJ20.

An earlier response indicated:

**Background:**

The site is adjacent to the Ellesmere Conservation Area on its immediate eastern side. On this particular stretch of the canal there are a cluster of Canal related designated heritage assets of Grade II and Grade II\* (the majority being Grade II\*) listed status. The Canal itself is considered to be a non-designated heritage asset, as defined in Annex 2 of the NPPF, due to its age, cultural and social history, architectural and historic interest. No preapplication advice has been given by the HE Team regarding this proposal.

**Background to Recommendation:**

In considering the proposal due regard to the following local policies and guidance has been taken, when applicable: CS6 Sustainable Design and Development and CS17 Environmental Networks, MD2 sustainable Design, MD13 Historic Environment and with national policies and guidance, National Planning Policy Framework (NPPF) published February 2019 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the National Planning Policy Framework refers to Conserving and Enhancing the Historic Environment and in determining applications, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses, consistent with their conservation, and the desirability of new development making a positive contribution to local character and distinctiveness together with providing enhancement to the heritage assets. We would refer to Paragraphs 192, 193 -197 and 200 of the NPPF. Paragraph 196 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that affect (directly or indirectly) non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. This is similarly noted in MD13 of the local plan

Paragraph 189 of the NPPF requires applicants to describe the significance of the heritage assets themselves and the contribution made by their setting. A Heritage Impact Assessment has been submitted with this application but is quite light on its assessment of significance of the designated and non-designated heritage assets and their collective significance and their contribution to the significance of the designated conservation area, especially this part. The report suggests that the “...inclusion of a traditional palette of

colours and materials in the new housing will avoid undue prominence and avoid visually competitive elements in this overall scene...” Whilst we would not disagree with this statement we would comment to say that there is nothing traditional about the proposed materials indicated on the submitted drawings. We would also suggest that the use of more simple traditional design detailing would also be a benefit to the submitted dwelling types. It should be noted that there is some detailing supplied to certain elements of the dwellings, it confuses details where it would be more appropriate to keep them simple and traditional. We would also suggest that the assessment of the Grade II\* designated heritage assets on the Birch Road site plus the other Grade II designated heritage assets and non-designated heritage assets has not been sufficiently undertaken, in our opinion, and is not proportionate to the Grade II\* status buildings to fulfil the requirement of paragraph 189 in this regard, especially.

It is noted from the DAS that during an initial consultation with the planning department that “...*the layout the advice was to loosen the arrangement close to the site entrance where too many car spaces dominate the street scene. The placement of the dwellings was considered to be broadly acceptable and it was suggested that the canal frontage would require careful consideration. The use of bungalows, with reduced separation distances between rear elevations, was considered acceptable and it was welcomed that they faced the canal to provide some activity along that side of the site.*” However, there is only one dwelling which faces the canal – Plot 7 which is a tall two storey four bedroom dwelling. Would also wish to note that Plots 1-2, 7 and 16-17 are tall and we consider they should be reduced in height so that the corbel course provided the header to the first floor windows and there is less depth above the windows in the clad sections.

Moving to the design of the proposed dwellings. As alluded to above there is some concern regarding the proposed detailing as it is slightly confused, using both brick corbelling and an eaves board – a more traditional detail would have been to use brick corbelling with an extended eaves roof detail and a very small eaves board, purely there to affix rwgs to. This is seen in the designs for this site and should be amended. Overall the designs are quite monolithic in form throughout.

It is appreciated that the window locations tie into the floor layout of the dwellings, however, there are some elevations which face either the access road (frontage) or canal (frontage) which we consider should have a more considered elevation pattern, however, this mostly relates to plots 1-2, 7 and 16. We would also note that on some dwellings there is a particularly odd looking window design which has what only can be described as a fanlight over, this is not considered to be an appropriate design feature for this development.

Plots 10-15 – there is concern regarding the gable and how this impacts on the windows below it ie they do not have any headers and should not have both. We would suggest that the gable is removed and if the elevation requires some breaking up (which is likely) we would suggest that a slightly larger gabled porch could replace the full gable which would allow the corbel to run through to the porch, thus providing a head to the windows (if drawn as per the windows on the rear elevations ie no gap above).

Boundary to Plot 16 should match those of the adjacent plot to the existing development ie a stock proof fence and hedge planting which should continue the length of the southern boundary.

**RECOMMENDATION:**

We do not have an objection to the principle of the development of this land, however, more information and amendment is required prior to any decision being issued.

As noted above we do not consider that there has been sufficient assessment of the designated heritage assets to come to the conclusion that there will be no harm to their significance. Therefore, we would suggest that further more proportionate assessment work is carried out in line with the requirements of the NPPF paragraphs 189, 193, 194, 196, 197, 200 and MD13 to enable an informed decision to be made.

Whilst some reference is made to how the design has been influenced it is not clear where this has come from and how it has been applied to fall in line with paragraph 192 and 200 of the NPPF. We would expect this to be clearly articulated as part of the clear and convincing justification required in para 192, including the materials proposed (notably the cladding).

We would remind decision takers that in making the planning balance required by paragraphs 196 of the NPPF, where public benefits are weighed against harm caused, great weight should be given to the assets conservation (paragraph 193 and 194) on the application of Section 66 (1) of the P(LB&CA) Act 1990 and also the application of Section 72 (1) of the P(LB&CA) Act 1990 for the desirability of preserving or enhancing of the character or appearance of the conservation area.

4.14 **Highways Manager** has responded to the application indicating:

There are no fundamental highway issues with the above mentioned planning application. I recommend the following Conditions be imposed.

Prior to any dwelling being first occupied the development estate road and footways shall be laid out in accordance with the approved drawings and constructed and drained in accordance with engineering details to be first submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure adequate means of vehicular and pedestrian access to the dwellings.

Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority; the CMP shall be implemented fully in accordance with the approved details for the duration of the construction period.

**Reason:** In the interests of highway/pedestrian safety and local amenity.

4.15 **SC Trees** have responded indicating:

No objection to the proposed development, conditions are recommended.

There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur. The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate. The AIA has identified 30 trees and 4 sections of hedgerow on the site, sited on a soft landscape area between the site and the towpath of the Ellesmere branch of the Shropshire Union canal. No trees are proposed for removal to facilitate this development and the AIA has demonstrated that the retained trees can be protected to the required standard. A link path between the proposed development and the towpath is to

be formed through the area of trees and will encroach into the RPAs of some trees. To prevent damage to the tree the AIA proposes that the path will be formed using a 'no dig' CCS construction method. This is an acceptable method and is suitable in this application. Two trees are in proximity to dwellings on the south east corner of the site. The AIA has assessed the long term implications of the proximity of these trees on the future residential amenity of the property and has concluded that because of their size, position and orientation to the property, they are unlikely to significantly impact on the reasonable enjoyment of the properties in the long term. No objection are raised to the application providing all measures in the AIA and associated Arboricultural Method Statement and Tree Protection Plan are implemented. The following condition is recommended:

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and arboricultural method statement forming part of the planning application have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

#### 4.16 **Public Comments**

4.17 No record of any responses to this application from members of the public.

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and landscape impact.
- Biodiversity
- Drainage
- Highways and transportation
- Historic environment
- Land contamination and residential amenity
- Section 106/Community Infrastructure Levy.

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.1.2 The National Planning Policy Framework, (NPPF), has at its heart a 'presumption in favour of sustainable development.

6.1.3 In respect of the three objectives to sustainable development in the NPPF, the delivery of housing is a contributor to economic growth. The proposals will fulfil a social role by delivering a mix of affordable and open market housing to meet current and future needs with a range of tenures. There are environmental issues that are affected by the proposals, however, which weigh against the sustainability credentials of the scheme, although some mitigation is proposed that will redress the balance.

### 6.1.4 The Economic Role

The proposed development would be likely to deliver some economic benefits. These include:

- new homes bonus
- council tax receipts
- local expenditure by new residents
- construction jobs and supplies
- maintenance jobs for the public open space (POS).

While these are not especially significant in themselves and are to be expected with any major development, they have to be taken into account when considering whether the development represents sustainable development as defined in the NPPF.

### 6.1.5 The Social Role

Paragraph 8b of the NPPF states that the planning system should support communities in relation to health, social and well-being.

The development will deliver the following social benefits:

- residential development

- social housing
  - recreational areas and equipped play areas that provide opportunities for new residents to interact with one another
  - a network of footpaths and cycle ways that link the development to the surrounding area and town
  - contributions towards upgrading local schools
  - adequate highway access.
- 6.1.6 The development proposal under consideration will provide 23 residential units which will form part of a larger residential development on a former brown field site adjacent to the sustainable settlement of Ellesmere. Provision for affordable housing in excess of the recognised local plan guidance is provided for.
- 6.1.7 The provision of public open space is required by policy. Detail in support of the application indicates open space provision to which the Council's Parks and Countryside Management raises no objections to the proposed open space provision as indicated. In relation to the 23 properties 50 bed spaces x 30sqm is 1500sqm public open space is required. 1107sqm is being provided which leaves a loss of 393sqm and in accordance with the response from the Council's Parks and Countryside Manager this is considered acceptable along with a financial contribution towards upgrade of existing public open space with the vicinity. Considering the location for the proposed development this is considered acceptable.
- 6.1.8 The inclusion of public open space is critical to the continuing health and wellbeing of the local residents. Public open space meets all the requirements of Public Health to provide space and facilities for adults and children to be both active physically and mentally and to enable residents to meet as part of the community.
- 6.1.9 In consideration of detail as set out on the landscape plan submitted in support of the application and the location for the proposed development, landscaping detail with conditions attached to any approval notice subsequently issued with regards to landscape detail and boundary treatments is considered acceptable.
- 6.1.10 The open space will be managed and maintained and the exact details of management and financial contributions will be subject to a Section 106 obligation.
- 6.1.11 Development of this scale potentially could have an impact upon the availability of local schools to absorb the potential number of school-age children resident on the development. This impact will be captured through the Community Infrastructure Levy (CIL).
- 6.1.12 The social benefits likely to flow from the development carry a degree of weight, mainly in relation to the increased level of affordable housing which is in accordance with the minimum requirement set out in the development plan and the contributions towards local educational establishments. The public open space is more limited in value by virtue of how it is to be provided and its layout.
- 6.1.13 **The Environmental Role**  
The proposed development concerns a brown field site allocated for housing and as such its redevelopment for Housing is a strong material consideration. Having regard to the

environmental role of sustainable development, consideration is given here to the development's: (i) design, layout and scale and (ii) impact on landscape. The report covers ecological and habitat issues in more detail later on.

- 6.1.14 Development refers to construction of 23 dwellings, detail in support of the application indicates that eight will be bungalows, four of which will have 2 bedrooms, with the remaining four having \_ 1 bedroom each. The fifteen remaining dwellings, which are to be two-storey will include three with 2 bedrooms, eight with 3 bedrooms and four with 4 bedrooms. Six of the dwellings will be classed as affordable dwellings, this is beyond what is required in accordance with Council policy on affordable housing provision. In consideration of amended plans received, (Initial concerns raised with regards to some design detail by SC Conservation, scale, design and layout is considered acceptable.
- 6.1.15 The site does not form part of any landscape designation, however the site is adjacent to the Ellesmere Conservation Area on it's immediate eastern side and impacts on this in principle are acceptable.
- 6.1.16 As such the principle of development on site is recognised and accepted and detail and material considerations in relationship to the application is discussed in more detail below.

## 6.2 **Siting, scale, design and landscape impact.**

- 6.2.1 Section 12: Achieving well-designed places of the NPPF advocates optimising the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The NPPF seeks to improve and enhance places where people live. This national policy is reinforced and expressed locally in Core Strategy Policy CS6 and SAMDev Policy MD2.
- 6.2.2 The application is made in 'full' and it is considered siting scale and design in relation to the proposal which is mainly for semi-detached dwellings, this is acceptable as discussed above. Public highway connection to the site is considered acceptable and it is noted the SC Highways Manager raises no objections to the proposal subject to a condition attached to any approval notice subsequently issued that estate roads and footpaths are installed in accordance with the approved plans.
- 6.2.3 **Landscape**  
The application site is an allocated site for residential development in the Local Plan and the site is classed as a .brown field site, and therefore a strong material consideration on which basis to support the principle of development on site.
- 6.2.4 Policy CS6 sets out sustainable design and development criteria intended to influence the form of new development so that it respects and enhances local distinctiveness. Bullet point 4 of CS6 requires new development to protect, restore, conserve and enhance the natural, built and historic environment. It should also be 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.
- 6.2.5 Policy MD2 requires all development to provide adequate open space, set at a minimum standard of 30sqm per person (equivalent to 3ha per 1,000 population). For residential



developments, the number of future occupiers will be based on a standard of one person per bedroom. For developments of 20 dwellings and more, the open space needs to comprise a functional area for play and recreation. This should be provided as a single recreational area, rather than a number of small pockets spread throughout the development site, in order to improve the overall quality and usability of the provision.

6.2.6 The application proposes open space alongside the eastern boundary of the site, the other side of which is located the Ellesmere Canal. There are a number of mature trees in this area and its provision as open space in relation to the development is considered acceptable. It is noted that the SC Parks and Countryside Manager raises no objections indicating that based on 30sqm per bed space the plan shows a total of: 23 properties 50 bed spaces x 30sqm is 1500sqm POS required 1107sqm is being provided which leaves a loss of 393sqm of POS. Off site contribution for this loss has been discussed with the developer. With consideration to the location and nearby open space and recreational facilities this is on balance considered acceptable and if Members are mindful to approve the application it is recommended that a Section 106 agreement refers to the open space provision and a financial contribution in lieu of the under provision.

6.2.7 As such in relation to scale, design and landscape and visual impact, development on site in principle is considered acceptable and in accordance with key Policies CS1, CS3, CS5, CS6, CS9, CS11 and CS17 of the Shropshire Core Strategy, Policies MD1, MD2, M3, MD7a, M12, MD13 and S8 of the SAMDev and the overall aims and objectives of the NPPF.

### 6.3 Biodiversity

6.3.1 The NPPF places high importance on protection of biodiversity interests and new development should minimise impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages 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. Development should minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.

6.3.2 The site all be it in a previous industrial use in accordance with agricultural land classification is consists of grade 3 land and has become overgrown with broadleaved woodland, scattered and dense scrub and poor semi-improved grassland present. The immediate surrounds of the site comprise residential development with agricultural land present predominantly to the south of the site.

6.3.3 SC Planning Ecology raises no objections to the proposed development recommending conditions with regards to ecological mitigation, bat and bird boxes, landscaping plan and lighting plan are attached to any approval notice subsequently issued. This is considered acceptable. A habitat regulations assessment is attached as appendix 2 to this report.

6.3.4 It is noted that the Council's Tree Manager also raises no objections to the proposal

indicating that there are a number of trees on this site. An arboricultural impact assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur. The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. It is considered that the categories allocated to the trees is appropriate. and the Tree Manager recommends a condition to be attached to any approval notice in order to protect these trees during construction on site.

6.3.5 On biodiversity issues the proposed development with landscape mitigation as discussed above is considered acceptable and in accordance with key policies CS5 and CS17 of the Shropshire Core Strategy, MD12 of the SAMDev and the overall aims and objectives of the NPPF in relation to biodiversity and ecological issues.

#### 6.4 **Drainage**

6.4.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. A flood risk and drainage assessment has been submitted with the application. This identifies that the proposed development falls within recognised flood zone area in accordance with the Environment Agency, (EA), flood risk data maps. (Mainly Zones 2 and 3 - higher risks) and thus a sequential test is required. The objective of the sequential test in the NPPF and the associated Technical Guidance is to direct new development to the least flood-prone areas: This scheme meets this objective and passes the sequential test.

6.4.2 The Environment Agency have responded to the application indicating no objections and that they acknowledge the applicants in accordance with an updated flood risk assessment in support of the application have undertaken modelling using the best available data for this location and therefore concur that this is the most accurate estimation of projected flood levels and outlines for this development.

6.4.3 The FRA has also repeated the intention to set finished floor levels at no lower than 88.35mAOD which is acceptable as it is no lower than 600mm above the design flood level. The EA have reiterated that there should be no raising of ground levels in order to achieve these floor levels on ground lower than 87.21mAOD as this would reduce the capacity of the flood plain and have potential impacts on 3rd party properties. Where the applicant to raise ground levels on ground below 87.21mAOD suitable flood storage compensation must be found elsewhere, and this would need to be approved by the prior full planning permission. The EA in their final response recommend conditions be attached to any approval notice issued with regards to finished floor levels and no development on land below 87.21m AOD, within the 1% plus climate change floodplain, or within 8metres of the top of bank of the main waterway. It is recommended that these conditions are attached to any approval notice subsequently issued.

6.4.4 The Council's Drainage Manager raises no objections subject to a condition in respect of surface and foul water drainage being attached to any approval notice issued. It is

recommended that such a condition is attached to any approval notice in order to ensure a sustainable drainage system is installed in relation to the development and this concurs with advice received from the EA.

6.4.5 With consideration to the above-mentioned, flood and drainage matters are considered satisfactory and in accordance with policies CS6 and CS18 of the Shropshire Core Strategy and the NPPF.

## 6.5 Highway access and transportation.

6.5.1 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.”

6.5.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.

6.5.3 The applicants have submitted in support of their application a transport statement and this indicates access in to the site will be obtained from Bridgewater Street and that the development site is in a sustainable location, would not have a detrimental impact upon either the operation or safety of the local highway network, provides an appropriate quantum of car parking, and can be safely serviced.

6.5.4 SC Highways Manager has responded to the application with no objections recommending conditions with regards to a construction management plan and construction of the estate roads and footpaths are attached to any approval notice subsequently issued.

6.5.5 On transportation and highway matters the application is considered acceptable. As such the development on transportation issues considered to be in accordance with local plan policies CS1, CS3, CS6, CS8, MD2, MD3 and S8 and the overall aims and objectives of the NPPF in relation to sustainable transportation.

## 6.6 Historic environment.

6.6.1 A heritage impact assessment has been submitted in support of the application and this concludes stating it is considered that this proposal will incur some change within the setting of Ellesmere Conservation Area but it does not constitute harm which would render it unacceptable in terms of the National Planning Policy Framework. It has been designed in a form and location which is discreet in the landscape yet is a worthy addition to Shropshire’s stock of new housing. It is a sustainable proposal which ensures continued investment in the town supporting its historic buildings as they evolve in the 21st century.

6.6.2 In considering the proposal due regard to the following local policies need to be considered. Policy CS6 Sustainable Design and Development and CS17 Environmental Networks, MD2 sustainable Design, MD13 Historic Environment and with national policies

and guidance, National Planning Policy Framework (NPPF) published February 2019 and Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 6.6.3 The site is adjacent to the Ellesmere Conservation Area on its immediate eastern side. On this particular stretch of the canal there are a cluster of Canal related designated heritage assets of Grade II and Grade II\* (the majority being Grade II\*) listed status. The Canal itself is considered to be a non-designated heritage asset, as defined in Annex 2 of the NPPF, due to its age, cultural and social history, architectural and historic interest.
- 6.6.4 The Council's Conservation Manager in response to amended plans received has indicated that they do not have an objection to the principle of the development, but do have concerns in respect of the character and appearance of the proposed dwellings which will be compromised by certain elements of the proposed design. Concerns in particular relate to the eaves and verges (particularly the eaves and window head relationship and lack of roof overhang) and lack of context applied to this. It appears these details are being compromised by the thermal performance criteria which is being applied to this project. The response indicates that the development will not cause harm to the designated heritage assets (listed buildings identified) and that the desirability of preserving the buildings and their setting is satisfactory. However, the SC Conservation Manager considers that less than substantial harm will be caused to the character and appearance of the Ellesmere Conservation Area. This harm is stated as being at the lower end of less than substantial harm and relates to the development design detailing. As proposed, SC Conservation consider that the detailing is inappropriate and visually incongruous with the character and appearance of the Conservation Area, where many buildings are noted within the Conservation Area Appraisal to be characterised by *"... wide projecting roofs verges and eaves, sometimes with decorated barge boards. Early C19 buildings exhibiting delicacy and refinement in their detailing."* (Ellesmere CA Appraisal, 2006).
- 6.6.5 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. This advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance' (para 193).
- 6.6.6 Paragraph 190 indicates that, 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.
- 6.6.7 Paragraph 196 of the NPPF indicates that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.
- 6.6.8 Paragraph 194 indicates any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should

require clear and convincing justification.

- 6.6.9 Clearly the SC Conservation Manager raises concerns in respect of the application in that less than substantial harm will be caused to the character and appearance of the Ellesmere Conservation Area. This harm is stated as being at the lower end of less than substantial harm and relates to the development design detailing. The application site is classed as a brownfield site and its re-development will be at a considerable cost to the developer, to which the applicants have submitted detail in relation to abnormal and costs for the site of £355,400 Further detail indicates that Shropshire Council have spent £237,300 on re-mediating the site. The total cost of re-mediating the Brownfield site therefore is £592,700.
- 6.6.10 The applicants consider that the aesthetic changes presented by the Conservation Team will result in either:
- Increase build costs which could lead to the development becoming financially unviable, or
  - Delivery of less thermally efficient homes which do not achieve the minimum 20% improvement on thermal efficiency over current part L regulations that Cornovii Developments must achieve on all projects
- 6.6.11 On balance it is considered that the concerns as raised by the SC Conservation Manager are less than significant being rated in the lower end. Clearly the site is not located within the Conservation Area, but alongside it and the response from SC Conservation indicates no detrimental impacts on the setting of listed buildings. Concerns raised refer to detailing in relation to the proposed development, (the eaves and verges and window head relationship and lack of roof overhang and lack of context applied). It is considered that this matter can be adequately controlled by the attachment of appropriately worded conditions to any approval notice subsequently issued, as harm it is considered will be less than substantial and the costs to the applicants with regards to brownfield site remediation are considered a material consideration in relation to any potential slight detrimental impacts in relation to the setting of the Conservation Area to which previous development on site it is considered would of had more serious harm to the setting of the Conservation Area.
- 6.6.12 Overall whilst the concerns as raised by the SC Conservation Manager in relation to setting are noted, it is considered that in this instance there are material considerations as discussed that outweigh any potential harm that may be caused and that overall with appropriate conditions attached to any approval notice issued, on this matter, that overall the proposed development in relation to impacts on the historic environment are considered acceptable and broadly in accordance with the NPPF and the local policy framework as a whole, and therefore acceptable in relation to Section 72 (1) of the P(LB&CA) Act 1990 and the desirability of preserving and enhancing the character and appearance of the Conservation Area.
- 6.7 **Land contamination and residential amenity.**
- 6.7.1 The application is accompanied by a land contamination assessment, (site is classed as a brown field site), and its conclusions and recommendations are considered acceptable.

- 6.7.2 The Council's Regulatory Services Manager in response to the application has indicated no objections subject to a condition in relation to site investigation and land contamination and risk management is attached to any approval notice subsequently issued.
- 6.7.3 In relation to residential amenity and privacy on balance the proposal is considered acceptable. The costs in relation to land remediation as referred to in the preceding section of this report are noted.
- 6.7.4 In relation to land contamination and remedies along with residential amenity and privacy matters the application is considered acceptable and in accordance with Policies CS6, MD2 and MD3 and the NPPF in relation to these matters.
- 6.8 **Section 106/Community Infrastructure Levy.**
- 6.8.1 Policy CS9 and CS11 of the Core Strategy seeks to secure provision of affordable housing either on the development site or, where appropriate, as an off-site financial contribution. The applicant has agreed to the provision of affordable housing provision in excess of the required policy provision for this site, (6 dwellings), and as such the affordable housing provision is considered acceptable. This will be delivered through a Section 106 planning obligation. which will also make provision for the landscape contribution and management.
- 6.8.2 Appropriate delivery and funding of infrastructure associated with this development will be via CIL contributions and will be supplemented by on site delivery directly by the developer(s). It is considered that the contributions considered appropriate and necessary in relation to local infrastructure such as educational requirements are in line with the provisions of policies CS9 and CS11
- 7.0 **CONCLUSIONS**
- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 The relevant local plan policies are set out below and the proposed scheme has been assessed against them. Other material planning considerations have also been considered in the assessment of the merits of the case. The proposed development forms part of the recognised development boundary for residential development within Ellesmere.
- 7.3 It is considered that development as proposed offers an acceptable range of dwellings and public open space along with a financial contribution towards improvements to existing open space/recreational facilities that is considered acceptable with consideration to the location and existing nearby open space provision.
- 7.4 Issues in relation to flooding drainage with the attachment of conditions to any approval notice issued are considered satisfactory, as are matters in relation to ecology and residential amenity and land contamination. A habitat regulations assessment is attached as appendix 2 to this report.

- 7.5 Residential design and scale along with landscape and visual impact is considered to be adequately addressed, with mitigation as proposed and this matter also subject to condition in order to ensure satisfactory consideration to landscape mitigation and integration into the surrounding environment. Historic matters have also been considered as part of the application processing and on balance with consideration to the material considerations as discussed in this report overall there are no concerns raised of significance on this latter issue.
- 7.6 Public highway access and impacts also considered acceptable.
- 7.7 It is noted that neither Ellesmere Town Council or Ellesmere Rural Council have raised no objections to the proposed development. Matters raised by the Canal and Rivers Trust have been taken into consideration with regards to the recommendation to the application.
- 7.8 It is considered that overall the proposal accords with the overall aims and provisions of the NPPF and as a whole the relevant Shropshire LDF policies CS1, CS3, CS6, CS8, CS9, CS11, CS17, CS18, MD1, MD2, MD3, MD8, MD12, MD13 and S8. As such the recommendation is one of approval subject to a S106 legal agreement in relation to affordable housing provision and open space provision and management and the conditions as set out in Appendix 1 and any amendments to these conditions as considered necessary by the Planning Services Manager.

## 8.0 **Risk Assessment and Opportunities Appraisal**

### 8.1 **Risk Management**

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

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

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

### 8.2 **Human Rights**

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

of the Community.

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

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

### 8.3 **Equalities**

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

### 9.0 **Financial Implications**

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach  
CS3 - The Market Towns and Other Key Centres  
CS6 - Sustainable Design and Development Principles  
CS9 - Infrastructure Contributions  
CS11 - Type and Affordability of housing  
CS14 - Managed Release of Employment Land  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD1 - Scale and Distribution of Development  
MD2 - Sustainable Design  
MD3 - Managing Housing Development  
MD8 - Infrastructure Provision  
MD12 - Natural Environment  
MD13 - Historic Environment



Settlement: S8 - Ellesmere  
 National Planning Policy Framework  
 SPD Type and Affordability of Housing  
 SPD Developer Contributions  
 SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

20/04019/FUL Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works PDE  
 NS/07/01569/FUL Proposed erection of 3no sculptures along canal side CONAPP 3rd October 2007  
 18/01224/ADV Erect and display a freestanding notice board GRANT 23rd May 2018  
 20/04019/FUL Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works PDE  
 NS/03/00640/ADV Erection of advertisement/information board to serve canal users CONAPP 6th August 2003  
 NS/93/00217/FULC CANAL HOUSE WHARF ROAD ELLESMERE  
 ERECTION OF SINGLE STOREY EXTENSION TO  
 DWELLINGHOUSE AND ERECTION OF PRIVATE TRIPLE  
 GARAGE WITH ROOM OVER CONAPP 18th May 1993

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member  Cllr Geoff Elner
Appendices APPENDIX 1 - Conditions

## **APPENDIX 1**

### **Conditions**

#### **STANDARD CONDITION(S)**

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

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

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

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

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

3. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

5. Prior to the commencement of development a Reasonable Avoidance Measures Method Statement with respect to reptiles, great crested newts and badgers shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of reptiles, great crested newts and badgers

6. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance - Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committeeservices/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

7. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority; the CMP shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway/pedestrian safety and local amenity

8. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local

Planning Authority. The plan shall include:

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

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

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.

9. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

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

10. Details of the materials and form of the heads and sills to new openings in the external wall(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority before any works commence. The development shall be carried out in accordance with the approved details.

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

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

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

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

12. Prior to first occupation / use of the building[s], the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

A minimum of 8 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site prior to first use of the development. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

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

13. Prior to first occupation / use of the building[s], the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes), sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), house martins (house martin nesting cups), swallows (swallow nesting cups) and small birds (32mm hole, standard design) shall be erected on the site prior to first use of the development.

The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

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

14. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

15. Prior to any dwelling being first occupied the development estate road and footways shall be laid out in accordance with the approved drawings and constructed and drained in accordance with engineering details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate means of vehicular and pedestrian access to the dwellings.

16. Notwithstanding the approved plans prior to the occupation of any dwelling on site, details will be submitted to the Local Planning Authority and approved in writing with regards to boundary treatments. Dwellings rear boundaries will be of hedgerow construction.

Reason: In order to ensure landscape and biodiversity mitigation in consideration of the surrounding area.

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

17. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree

Protection Plan and arboricultural method statement forming part of the planning application have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable.

All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning

Authority prior to any work commencing.

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

18. Finished floor levels shall be set no lower than 88.35mAOD.

Reason: To protect the proposed dwellings from flood risk for the lifetime of the development.

19. There shall be no new structures (including gates, walls and fences) or raising of ground levels on land below 87.21m AOD, within the 1% plus climate change floodplain, or within 8metres of the top of bank of any Main River inside or along the boundary of the site.

Reason: To prevent any impact on flood flows and flood risk elsewhere.

### **Informatives**

1. (1) The applicant/developer is advised to contact Canal & River Trust Infrastructure Services Team on 01782 779909 or Susan Higton -Works Engineer at Susan.Higton@canalrivertrust.org.uk or on 07484 901 304) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

(2) The applicant has signed and completed certificate B, however notice has not been served on the Trust. Based on the submitted details and the Trust's land ownership records, there may be a slight encroachment onto land within Trust ownership. Any use of land in within Trust ownership will require the prior consent of the Canal & River Trust. The applicant is advised to contact the Trust's Estate Management Team on 0303 040 4040 or email Jeff.Peake@canalrivertrust.org.uk directly to discuss this matter and to ensure that any necessary consents are obtained..

(3) The proposed development includes the creation of a new pedestrian access point onto the canal towpath. The applicant developer is advised to contact Trust's Estate Management Team on 0303 040 4040 or email Jeff.Peake@canalrivertrust.org.uk directly to discuss this matter and to ensure that any necessary consents are obtained.

2. Badgers, their setts and the access to the setts are expressly protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure, take, possess or control a badger; to damage, destroy or obstruct access to a sett; and to disturb a badger whilst it is occupying a sett.

No development works or ground disturbance should occur within 30m of a badger sett without having sought advice from an appropriately qualified and experienced ecologist and, where

necessary, without a Badger Disturbance Licence from Natural England. All known badger setts must be subject to an inspection by an ecologist immediately prior to the commencement of works on the site.

There is an unlimited fine and/or up to six months imprisonment for such offences. Items used to commit the offence can also be seized and destroyed.

3. Great crested newts are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a great crested newt; and to damage, destroy or obstruct access to its breeding and resting places (both ponds and terrestrial habitats). There is an unlimited fine and/or up to six months imprisonment for such offences.

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

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

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

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

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.

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

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



**Appendix 2 – Habitat Regulations Assessment.**

Habitat Regulation Assessment

HRA Screening Matrix completed by: Fran Lancaster

**Table 1: Details of project or plan**

Name of plan or project	20/04019/FUL Land south of Bridgewater Street, Ellesmere Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works
Name and description of Natura 2000 site	<p>There are three European Designated Sites within 3km of the proposed development:</p> <p>Whitemere – Midland Meres and Mosses Ramsar phase 1 Cole Mere – Midland Meres and Mosses Ramsar phase 2 Clarepool Moss - Midland Meres and Mosses Ramsar phase 1 and West Midland Mosses SAC</p> <p>The Midland Meres and Mosses Ramsar is described as a ‘Diverse series of lowland open water and peatland sites supporting habitats such as meres with associated fringing habitats, reed swamp, fen, carr and damp pasture. Peat accumulation has resulted in nutrient poor peat bogs (mosses) forming in some sites on the fringes of the meres or completely infilling basins. These habitats support a wide range of nationally important flora and fauna.’</p> <p>White Mere is included in the designation for its open water and carr habitats with the species <i>Carex elongata</i> and <i>Eleocharis acicularis</i>.</p> <p>Cole Mere is included in the designation for its open water, wet pasture and carr habitats with the species <i>Carex elongate</i>.</p> <p>Clarepool Moss is included in the Ramsar Designation for its open water and basin mire habitats with the invertebrate species dotted footman.</p> <p>Clarepool Moss is also part of the West Midlands Mosses SAC which is described as being ‘(184.18ha) is a collection of sites which between them represent nationally important dystrophic water bodies, transition mires and quaking bogs. West Midlands Mosses contains three notable pools, one at Clarepool Moss and two at Abbots Moss, that are examples of dystrophic lakes and ponds in the lowlands of England and Wales, where this Regulation 18 Pre-Submission Draft Shropshire Local Plan 2016-2038 : HRA August 2020 151 habitat type is rare. The pool at</p>

	Clarepool Moss is unusual as a dystrophic type on account of its relatively base-rich character, which is reflected in the presence of a diverse fauna and flora. The West Midland Mosses SAC sites also display excellent examples of spatial transitions from very acidic communities to base-rich vegetation and from open water to terrestrial habitats, as well as temporal transitions from base-rich vegetation to rain-fed bog vegetation.'
Description of the plan or project	20/04019/FUL Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No  Foul sewage on the site is being disposed of to mains sewer. The proposal is for a small number of caravans over 1km from the nearest European Site and separated from those sites by significant areas of farmed land and natural/semi-natural habitats and also by the Shropshire Union canal. There is no likely impact from significantly increased recreation on these sites as a result of such a small scale proposal. Significant areas of natural habitat and green space are proposed to be provided on the site.  No potential effect pathway has been identified by which the proposed development might impact upon the European Designated Site.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	Not applicable – where no potential effect pathway has been identified an in-combination effects test is not required.

## HRA Screening Statement:

Foul sewage on the site is being disposed of to mains sewer. The proposal is for a small number of caravans over 1km from the nearest European Site and separated from those sites by significant areas of farmed land and natural/semi-natural habitats and also by the Shropshire Union canal. There is no likely impact from significantly increased recreation on these sites as a result of such a small scale proposal. Significant areas of natural habitat and green space are proposed to be provided on the site.

No potential effect pathways are identified by which the proposed development has the potential to impact upon the European Designated Sites.

**Test 1: The Significance test**

There is no likely significant effect upon any European Designated Site resulting from the proposed development reference 20/04019/FUL at Land south of Bridgewater Street, Ellesmere Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works.

**Appropriate Assessment Statement (If required):**

Not required

**Test 2: The Integrity test**

There is no likely effect upon the integrity of any European Designated Site resulting from the proposed development reference 20/04019/FUL at Land south of Bridgewater Street, Ellesmere Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works.

**Conclusions**

There is no likely significant effect and no likely significant effect upon any European Designated Site resulting from the proposed development reference 20/04019/FUL at Land south of Bridgewater Street, Ellesmere Erection of mixed residential development of 23No dwellings, formation of vehicular and pedestrian access, amenity space and associated works.

**Guidance on completing the HRA Screening Matrix****The Habitat Regulation Assessment process**

Any plan or project with the potential to impact upon a European Designated Site (SAC, SPA or Ramsar) must legally be assessed under the Habitat Regulation Assessment (HRA) process. The HRA screening process essentially considers two tests:

**Test 1 The significance test**

Is the proposed plan or project either likely to have a significant effect on a European Designated Site either alone or in-combination?

If the answer to test 1 'significance' is 'yes' or 'unknown' then an Appropriate Assessment must be undertaken by the Local Planning Authority (known as the Competent Authority).

**Test 2 The integrity test**

In light of the conclusions of the Appropriate Assessment the Competent Authority may agree to the plan or project only having ascertained that it will not adversely effect the integrity of the European Site.

### **Appropriate Assessment**

If during consideration of the 'Significance' test a likely significant effect is identified or a potential effect pathway between the proposal and the European Site is identified then further consideration is required. This further consideration is known as an Appropriate Assessment.

The scale and scope of an Appropriate Assessment varies significantly depending upon the type of plan or project being assessed. The Competent Authority may need to seek additional information from planning applicants to allow an Appropriate Assessment of planning applications to be undertaken.

When undertaking an Appropriate Assessment the Local Planning Authority must formally consult Natural England and must have regard to the representations of Natural England in making its decision. (In the presence of a Natural England objection on HRA grounds a planning permission cannot legally be granted until NE's objection has been addressed and formally withdrawn).

### **Habitat Regulation Assessment Conclusions**

**A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.**

**If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.**

### **Duty of the Local Planning Authority**

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority is a whole to:

1. Fully engage with the Habitats Regulation Assessment process;
2. To have regard to the response of Natural England;
3. To determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision;
4. To record the HRA decision in the planning officer's site report and to discuss the application and record the discussion and its outcome in the minutes of any committee meeting at which the planning application is discussed.



Committee and Date  
 Northern Planning Committee  
 7<sup>th</sup> July 2021

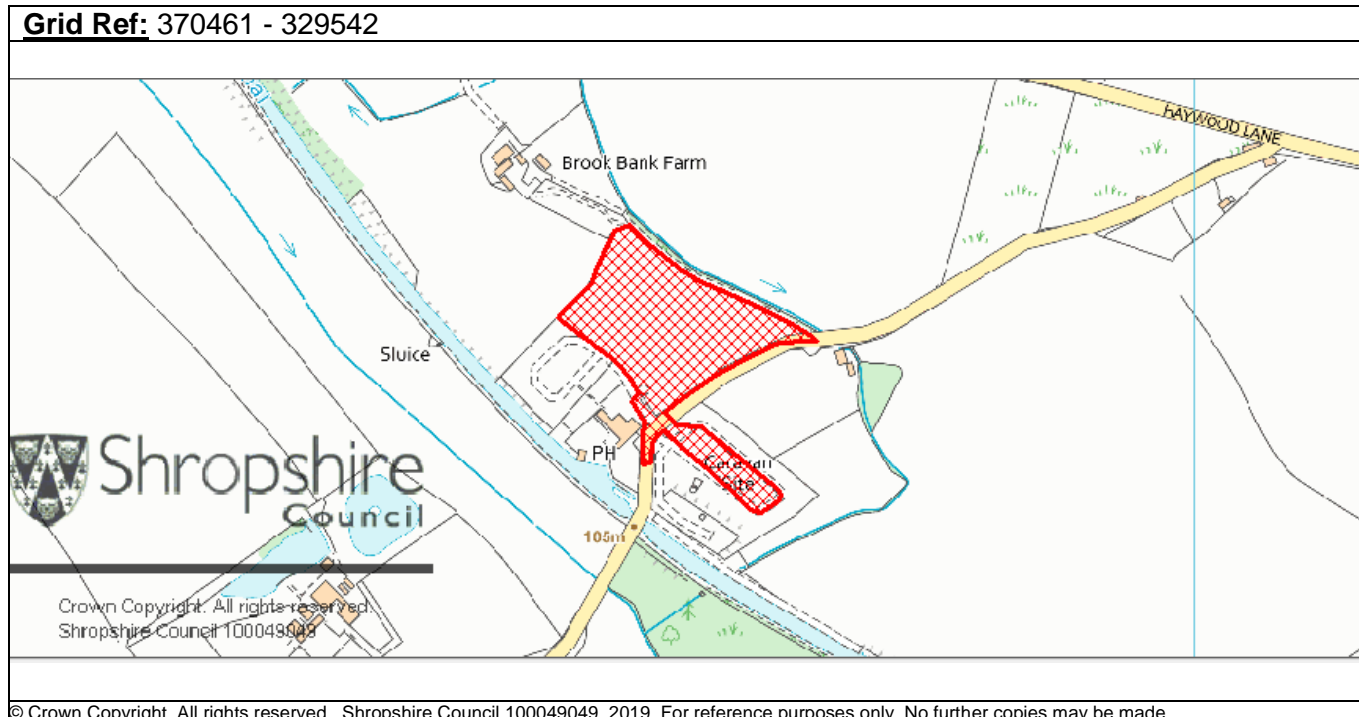
Item  
**6**  
 Public

## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 20/04123/FUL	<b>Parish:</b>	Cheswardine
<b>Proposal:</b> Change of use of land for the siting of 38No. static caravans		
<b>Site Address:</b> Wharf Caravan Park Caravan Site Goldstone Cheswardine Shropshire		
<b>Applicant:</b> Inpart Leisure Limited		
<b>Case Officer:</b> Jane Preece	<b>email</b> : jane.preece@shropshire.gov.uk	



**Recommendation:- Grant planning permission subject to the conditions set out in Appendix 1, and to any modification to these conditions as considered necessary by the Planning Services Manager.**

**REPORT****1.0 THE PROPOSAL**

- 1.1 The application seeks planning permission for the '*Change of use of land for the siting of 38No. static caravans*' on land north of the Wharf Tavern at Goldstone, Cheswardine.
- 1.2 An existing caravan park, referred to as Wharf Tavern Caravan Park, is already run on land adjoining the Wharf Tavern; located to the north west and opposite to the south east of the Tavern. The existing caravan park accommodates up to 50 touring caravan units and the site has been run by the same family for over 40 years.
- 1.3 This current application is made in the name of Inpart Leisure Limited and proposes to extend the existing caravan park, by seeking consent to enable the siting of 38 static caravans on further land located to the north/north east of the Tavern.
- 1.4 The application is accompanied by:
- 1 Location Plan
  - 2 Existing and Proposed Site Plans
  - 3 Flood Risk Assessment – by Berrys
  - 4 Preliminary Ecological Assessment – by Turnstone Ecology
  - 5 Appraisal Highways Technical Note – by Berrys
  - 6 Supporting Statement – by Berrys
  - 7 Landscape and Visual Appraisal (revised), plus appendices – by Lingard Farrow Styles
  - 8 Landscape Mitigation Planting Plan - by Lingard Farrow Styles (ref: 3068-001)
- 1.5 In association with and to service the change of use the submitted details show the provision of an internal 'circular' access road and the creation of a central landscaped garden and pond. The proposed site layout shows the caravans uniformly spaced around the internal access road (averaging approximately 6 m apart) and each provided with a path and car parking space alongside.
- 1.5 Foul drainage is proposed to be disposed of to a package treatment plant. Surface water is to be disposed of to a sustainable drainage system and soakaways. The location of the sewage treatment plant is shown as 'indicative' only on the proposed site plan; within the southern tip of the site, adjacent the site entrance. The red line boundary of the application site also extends south-eastwards, across the road to include part the existing caravan site where the submitted LVIA indicates that drainage infrastructure is proposed. Full details of the proposed drainage arrangements/provision are not actually included within the submission.
- 1.6 Access to the site from the highway will be via the existing access serving the Tavern. Alterations to improve the access are proposed. To achieve the

improvements, in the form 2.4 x 43 m visibility splays and the provision of a 6 m radius junction connection to the road, 16 m of roadside hedge will be removed.

## 2.0 **SITE LOCATION/DESCRIPTION**

2.1 The Wharf Tavern is a long established pub that sits alongside the Shropshire Union Canal in a rural area known as Goldstone, within the parish of Chewardine. The village of Cheswardine lies approximately 1.5 km to the east.

2.2 On land adjoining and opposite the Tavern (to the north west and south east respectively) there is existing caravan park that can accommodate up to 50 touring caravan units. The existing caravan park is known as Wharf Caravan Park. The use of the land for commercial touring caravans for up to 50 units was deemed lawful and a lawful development certificate was issued in April 2008 (under ref: NS/07/02012/LDC).

2.3 The application site sits to the immediate north/north east of the Wharf Tavern, and (as specified on the application form) 1.75 hectares of agricultural land. It is bounded to the south west by land already in use as a caravan park, to the north west/north east by agricultural land and to the south east by the highway. Along the north eastern boundary of the site there runs a lane and that lane services three rural properties located to the north west of the site. There is a further rural property opposite the lane entrance, on the other side of the road.

2.4 The land is described as relatively flat, with a natural fall to towards the Tavern. Existing mature hedgerows and trees also surround the site.

2.5 The site lies in an area designated as countryside for development plan purposes.

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

3.1 The officer recommendation is contrary to the views of the Parish Council and the planning committee Chair/Vice Chairman in consultation with the Principal Planning Officer consider that the Parish Council has raised material planning considerations that warrant the referral of the application to the Northern Planning Committee for consideration.

## 4.0 **Community Representations**

### 4.1 **Consultee Comments**

4.1.1 **SUDS** - The drainage proposals in the FRA are acceptable in principle.

#### **Condition:**

- Pre-commencement condition for scheme of surface and foul water to be submitted and approved.

#### **Informative Notes:**

1. Soakaways
2. Non permeable surfacing use
3. Method of foul water sewage disposal

4.1.2 **SC Ecology – Re-consultation comments – Recommendation:** Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Since Ecology comments made 29.12.2020 a Landscape Mitigation and Planting Plan (Lingard Farrow Styles Ltd, DWG No 3068-001) has been submitted. Landscape Mitigation and Planting Plan is satisfactory as regards habitat mitigation and planting plans. However, plan should also incorporate ecological enhancement features, such bird/bat boxes, hibernacula and pond details and fencing. In absence of amendment to the Landscape Mitigation and Planting Plan, is recommended plan is conditioned, **and** following condition included on decision notice.

All recommended conditions 1, 3, 4 and informatives mentioned within Ecology comments dated 29.12.2021 still stand.

**Landscaping Plan condition – biodiversity enhancement**

Pre-commencement condition - No development to take place until a biodiversity enhancement plan has been submitted illustrating recommendations in *Section 4.2* of the Preliminary Ecological Appraisal (Turnstone Ecology, August 2020).

Reason: To ensure provision of biodiversity enhancements afforded by appropriate landscape design and in accordance with MD12, CS17 and section 175 of the NPPF.

Original comments – Have read application and supporting Preliminary Ecological Appraisal by Turnstone Ecology (19<sup>th</sup> August 2020)

**Recommendation:** Please include conditions and informatives below on planning decision notice.

**Habitat**

Proposal includes thirty-eight holiday cabins, associated access and landscaping, within short sward improved grassland field of low ecological value. In order to create access to site, approx 16m of boundary hedgerow will be removed for visibility splay. To mitigate for loss of hedgerow, gaps within NE and SW boundary hedgerows will be planted with mix of native broadleaved tree species.

Proposals include creation of pond at centre of site. Pond should be designed for wildlife, including amphibians, as such fish species should not be introduced. As per Turnstone Ecology's recommendations wet meadow wildflower seeding around pond should be undertaken during pond construction and single hibernaculum should be constructed at NW edge. Pond will be fenced off using post and rail fencing with panel of stock netting to



prevent dogs from entering area.

Recommend additional measures are put in place to protect/enhance boundary features. However due to nature of development, providing recommendations within Turnstone Ecology report are followed, would not request additional information to support this application.

### **Drainage**

Shropshire Union Canal is located 100m south of proposed. Should ensure drainage consultee are received/taken into account prior to making planning decision.

### **Bats**

Turnstone Ecology recorded mature Oak tree southern corner of site that supports features suitable for roosting bats. Oak tree is to be retained during and post development. To enhance site for roosting bats, minimum of two bat boxes should be erected on retained Oak trees along SE boundary. Lighting plan should also be provided to ensure bats are not negatively impacted.

### **Nesting birds**

Turnstone Ecology recorded boundary trees, hedgerow and tall ruderals as being suitable habitats for nesting birds. To enhance site for nesting birds, is recommended 20 bird boxes erected on site, 10 located on retained boundary trees and 10 located on holiday lodges located around edges of site.

### **Great Crested Newts and Reptiles**

Are ponds over 170m from proposed suitable to support great crested newts. Due to nature of proposed, and lack of suitable terrestrial habitat on site, Turnstone Ecology not recommended further survey work, but provided method statement approach to working. These measures should include habitat modification to discourage reptiles from occurring and hedgerow should be removed in reptile active season (April – October) under ecological watching brief. During construction, any storage of piles of materials and excavated earth on site should be kept to minimum and away from boundaries to deter reptiles from using them for temporary cover.

An ecological clerk of work will be present during hedgerow removal and in unlikely event that great crested newt is found they will ensure works are stopped until licence from Natural England is in place.

Following conditions and informatives should be on planning decision notice:

### **Conditions**

1. Working in accordance with the ecological report
2. Landscaping plan (pre-commencement)
3. Habitat management plan
4. Lighting plan

### **Informatives:**

- Landscaping informative

- Bats and trees informative
- Great crested newts informative

4.1.3 **SC Highways** – Have viewed application and supporting information, which includes a Highway Technical Note (HTN). Based upon 38 comprising 7 double and 31 static caravan units, HTN makes number of assumptions to provide traffic generation figure of number of vehicle movements on highway network. HTN concludes development would not give rise to any substantive highway capacity or safety issues.

Site is established existing camping site attached to Wharf Tavern, which provides an on-site facility to support existing site. Should permission be granted for current application would be likely to further support site extension.

Application is seeking 38 static caravan pitches. Therefore in terms of traffic generation this relates to cars and not towed caravans. On face of it 38 static caravan pitches appears relatively high, but in reality traffic movements over course of typical day are likely to be low and spread out throughout day and outside of morning and afternoon peak periods. As stated previously, HTN has made some traffic generation assumptions and whilst would somewhat question veracity of those assumptions, do not fundamentally disagree with overall conclusions.

In conclusion therefore, do not consider a highway objection is warranted but require that access improvements are implemented in accordance with approved plans before any caravan is first occupied. Assume also that restrictions on number of months in year a caravan can be occupied. Lastly, period in which static caravans would be brought to site is important to reduce any adverse impact upon local highway network. This would therefore require Construction Method Statement (CMS) to be submitted and approved prior to commencement of development and for CMS to be implemented in accordance with approved details for duration of construction period.

4.1.4 **SC Conservation - Re-consultation comments**: Having reviewed LVIA and noted CRT comments, which concur with, would recommend all of native hedging to all boundaries are maintained and are reinforced with submission of landscaping scheme condition, which reflects this. Should be submitted for approval prior to development commencing. In addition, colour and finish of caravans and lighting provision should also be conditioned.

**SC Conservation - Original comments**: In considering proposal due regard to following local and national policies, guidance and legislation has been taken; CS5, CS6, CS17, MD2, MD13, the National Planning Policy Framework, Planning Practice Guidance and Sections 66 and 72 of Planning (Listed Building and Conservation Areas) Act 1990.

Application relates to change of use of land for siting of 38 no static caravans at Wharf Caravan Park, Goldstone, Cheswardine. Site lies close to Grade II listed Goldstone Bridge over Shropshire Union Canal. Canal and River Trust have made detailed comments and would generally concur with their

conclusions. More detailed assessment of landscape impacts would be useful to fully assess wider landscape impacts of scheme and detail landscaping mitigation measures where appropriate.

4.1.5 **SC Affordable Homes** - If limited in occupation, Holiday Lets are noted as an exemption in SPD Type and Affordability of Housing from need to contribute to provision of affordable housing as per Policy CS11. Therefore no contribution will be required in this instance.

4.1.6 **SC Regulatory Services** – Additional comments: Have had another look at this one. Whilst it will create small increase in traffic, would not expect it to have significant impact on amenity of nearby properties unless you had particularly badly behaved holiday makers.

Original comments: No comments.

4.1.7 **Canal & Rivers Trust** - Re-consultation comments (2): Trust has provided comments previously. Would reiterate previous comments concerning canal protection measures, drainage details, construction management to safeguard nearby listed bridge, recommendations in ecology report and conditions requested in connection with those matters.

Have reviewed amended Landscape Visual Impact Assessment and Landscape Mitigation Plan. Have following comments:

Visual and Heritage Impact on Canal Corridor

Proposed native hedge and trees planting, particularly to SW and SE boundaries is welcomed. Will serve to help screen development from canal and its setting. Use of native species and wildflower seeding is welcomed in landscape mitigation plan.

Reiterate our request that retention and strengthening of existing hedgerows and trees, including additional planting proposed, along these respective boundaries be secured and implemented via a landscaping condition. Also request LPA satisfies itself retained trees and planting will be safeguarded throughout construction process and for tree protection measures to be submitted and agreed via condition.

Canal Protection Measures

Previously highlighted potential during construction that accidental pollution from silty run-off or wheel washing could contaminate waterway. Continue to request pollution prevention measures outlined in Section 4.2.2 of submitted ecology survey are conditioned to safeguard canal during construction. Additionally, given stripping of topsoil and groundworks proposed, request appropriate mitigation measures are put in place to prevent any materials running off into canal during construction/landscaping. Would request these protection measures and mitigation to be addressed in a CEMP to be secured by condition.

Re-consultation comments (1): Trust would reiterate comments raised in

original consultation response concerning canal protection measures, drainage details, construction management to safeguard nearby listed bridge, recommendations in ecology report and conditions requested in connection with those matters.

Have reviewed LVIA. Have following comments to make.

Visual and Heritage Impact on Canal Corridor

Welcome additional planting to strengthen existing screening and mitigate for loss of planting on site. Requested additional native planting to SE and SW boundaries to fill gaps and strengthen screening of site from canal. LVIA recognises Shropshire Union Canal and highlights how proposed planting would mitigate for loss of grassland/planting and the resultant visual impact to surrounding character. Report considers views from canal are filtered by existing tavern and caravan park and would have minimal impact given proposed planting, which would reduce to negligible as planting establishes.

Originally requested, in event of pp being granted, retention and strengthening of existing hedgerows and trees, and additional planting, should be secured along SE and SW boundaries in interests of safeguarding setting of canal and listed bridge. Conclusions of LVIA help highlight importance of retaining and strengthening a planted visual buffer, along southern boundaries, as means of mitigating visual impact. Therefore, reiterate our request for conditions to protect existing planting with tree protection measures and for retention, strengthening and significant improvement of planting to be secured in appropriate landscaping condition.

Informatives:

1) Any surface water discharge from development to Canal will require prior consent of Canal & Rivers Trust etc.

Original comments: Substantive response is that suitable worded conditions are necessary.

Canal Protection Measures - Proposed would be set far enough from Shropshire Union Canal so as not to impact upon its structural integrity. However, accidental pollution from construction traffic/works could contaminate the waterway. Therefore request pollution prevention measures set out in submitted Ecology Survey (Section 4.2.2) are conditioned to safeguard the canal

Land drainage - Drainage of new developments can have significant impact on water quality and biodiversity. Is important to ensure no contaminant enters canal from surface or foul drainage. Request full foul and surface water drainage details.

Foul drainage - Package treatment plant and associated drainage field is proposed. Location of drainage field is not clear. Request further details to be secured via condition.

Surface water drainage - Surface water is to be discharged to soakaways. However, suitability of ground conditions has not yet been assessed. If soakaways are not feasible, then alternative is to provide storage and controlled discharge to surface water connection. Any discharge to canal will require prior consent of Canal and Rivers Trust. Informative need to this effect.

Request full drainage strategy (to include surface and foul water) is secured via **pre-commencement condition**.

Structural Integrity of Bridge 55 - Bridge is grade II listed and owned and maintained by Trust. Carriageway narrows to single lane over bridge. Bridge has humped profile. Is risk large construction traffic and static caravans may be grounded over/or cause damage to bridge. Also recommend bridge is not used by vehicles in excess of 18T mgw or any track laying vehicles.

Request measures put in place in form of Construction Management Plan, which routes traffic to alternative north approach to safeguard/protect bridge (heritage asset) from damage. Ask Construction Management Plan is secured by condition.

Visual and heritage impact on canal corridor - Canal is partially screened by mature hedge planting and trees. Additional planting is proposed and welcomed. Request additional native planting along SE and SW boundaries to fill gaps. Request landscaping is secured by condition.

Ecological assessment - Acknowledge findings of Ecological appraisal. Request recommendations of survey be implemented and secured by condition.

Informatives - Request informative regarding surface water discharge be attached to any pp granted.

#### 4.1.8 **SC Landscape - Re-consultation comments (2) - Executive summary**

1.1 Have reviewed landscape and visual appraisal (LVA) prepared in support of application.

1.2 Methodology for LVA is appropriate for nature of proposed development and scale of likely effects. Has been prepared in compliance with GLVIA3 and relevant supporting Technical Guidance. Assessment of effects has been carried out in accordance with methodology. Can be relied on to make a sound planning judgement.

1.3 LVA finds predicted landscape and visual effects range from slight beneficial (1) and slight adverse (2) to negligible (8) at 3-5 years after completion. No effects are predicted to be significant. Mitigation measures proposed are appropriate in context of predicted adverse effects.

1.4 Proposals comply with Local Plan policies relating to landscape and visual matters.

1.5 All recommendations made in our previous reviews of application have been satisfactorily addressed.

Re-consultation comments (1) - Executive summary

1.1 Reviewed landscape and visual appraisal (LVA) prepared in support of application.

1.2 LVA finds predicted landscape and visual effects range from slight beneficial and slight adverse to negligible at 3-5 years after completion. Have some concerns level of some visual effects has been under stated. Are unable to verify predicted levels of effect at 3-5 years in absence of information on proposed mitigation.

1.3 Proposals comply in part with Local Plan policies relating to landscape and visual matters. However, consider full compliance may be achieved with submission of appropriate landscape mitigation.

1.4 Have made 2 recommendations relating to assessment of visual effects and preparation of a landscape strategy.

**Recommendation:** Therefore recommend prior to determination of application:

- 9 magnitude of visual effect and resultant nature of effect and significance be reviewed for viewpoints 4 and 5
- 10 additional information in form of Landscape Strategy be provided in order to validate judgements of levels of effect and significance post-mitigation

Original comments - Application represents sizeable extension of existing operation at Wharf Caravan Park and being for static caravans will have permanence that is not present in touring facility which forms part of current operation. As such, expected to give rise to landscape and visual effects through change of use from pasture to provision of 38 static caravans and associated infrastructure.

Supporting Statement submitted notes '*the proposal does not have an unacceptable adverse visual impact upon the canal environment*'; '*the proposal will not detract from the character and appearance of the area*', and; '*no unacceptable adverse impacts have been identified as arising from the proposed development which could outweigh the benefits of the proposal*'. No reliable assessment of landscape and visual effects has been undertaken to reach these conclusions.

Prior to determination therefore recommend an assessment of landscape and visual effects be undertaken by competent landscape architect. Requirement for assessment of landscape and visual effects for development is set out in Core Strategy policies CS5; CS6; CS17; SamDev policy MD12 and mitigation will need to be prepared in accord with policy MD11.

## 4.2 Public Comments

4.2.1 **Cheswardine Parish Council - Re-consultation comments (2):** The Parish Council is extremely supportive of encouraging tourism and business expansion. However it continues to have reservations about scale, length of occupancy of the units and the use of the Red Barn junction. Council members noted Mark Wootton's response which was made on the assumption that it would not a 12 month occupancy - has Highways been informed that the Agent has confirmed a 12 month occupancy and if so, has this impacted on their response?

The Red Barn junction has been raised as a concern by Cheswardine Parish Council for years. Councillors maintain their concerns about increasing caravan traffic using this junction. The Parish Council objected to #38 units in its original response. It maintains its view that this is overdevelopment of the site.

Could you please confirm if the proposed 12 month occupancy is for a single occupant per unit or by different occupants over the 12 month period? If it is the former are the occupants required to hold a permanent address elsewhere?

The Parish Council objects to this application on the same material grounds ie overdevelopment - It would like to see a reduction in the number of units applied for; The Parish Council would like a shorter occupancy in line with other caravan sites ie 10 months of the year; Concerns over the use increase of traffic using the Red Barn junction which it considers to be dangerous.

Re-consultation comments (1): The Parish Council reconfirmed its overall support of the Wharf Tavern and its endeavours to increase its contribution to the local economy through expansion, however with regard to the proposals outlined in this application, and the subsequent re-consultation, the Members have maintained their original objections to the scheme.

Councillors believe that the visual impact of the proposal is very significant, being in theory visible from a wide local area (shown in green p7 "Appendices").

Whilst supportive of some development, for this additional reason it is felt that a reduction in the size and scale of the development would be (overall) advantageous to the area.

The negative visual impact of the roofs of the 38 static caravans as shown in the impact study, significantly alters the view across this rural valley and as such permanently changes it's nature, adversely affecting the visual character of the area. This application contravenes CS6, failing to protect or enhance the natural environment, permanently changing the local character features and is inappropriate in scale, design and pattern. Whilst the Council appreciates the application will enhance tourism, the size of the proposed development is overdevelopment of the plot

Original comments: Object. The Parish Council is very supportive of the Wharf Tavern and would like to encourage its new business ventures/expansion as it recognises its much valued contribution to the local economy and tourism. However, the Parish Council does not feel that it can

support this application in its current format. The Members raised concerns over the size and scale of the proposal taking into consideration numbers of pitches already available; Access to the site via the Red Barns junction is a major concern - Councillors view this junction as hazardous and could present issues for those unfamiliar with the turning; Lastly, the Councillors queried the occupancy time for the statics - 12 months residency might suggest they could become permanent dwellings rather than for short term holiday lets. The Councillors would like confirmation as to whether the statics would be owned and let by the Wharf or whether they would be privately owned. Shorter occupancy times were considered to be more appropriate ie 10/11 months occupancy only.

4.2.2 **Public representations** – Representations of objection have been received from six members of the public. The main points of objection raised relate to:

- Visual effect on quiet rural area
- Not in keeping with local area
- Unsightly and eyesore
- Why can greenfield sites be developed for such an eyesore
- Would be horrendous blot on landscape
- Will spoil area and setting of pub and atmosphere/charm
- What is the style of caravans – will look like seaside resort. Wooden chalets or log cabins would be more in keeping
- Planting trees and flowers and putting in a pond will not make any difference and will not disguise caravans
- Will mean influx of 100+ people per week
- 38 caravans will mean more than 38 cars
- No public transport available
- Significant traffic increase
- Extra traffic on busy, narrow country lanes
- Local roads unable to cope with all extra traffic and unsuitable for large vehicles
- Access. Really concerned about access. Road is narrow, single track with limited passing places, no footpath and blind spots
- Consideration should be given to road safety, ie road improvement, footpaths and passing places for sizeable traffic increase.
- Canal bridge to south is blind and narrow.
- Junction onto Hayward lane to north is dangerous.
- Noise pollution and disturbance – from dogs, cars and people. Also from traffic.
- Pollution from traffic
- Will upset quite and peaceful countryside
- Disturbance to wildlife and environment
- Pub is already busy without having caravans there
- In addition to all existing development there already bringing in people how much more do they want? Is the existing business not big enough?
- What benefits would this give to anyone other than applicants
- Increase in litter
- Issue of large volume of sewerage, dirty water and smell
- Proposal is excessive in terms of size. Will overwhelm hamlet



- Development too large, 38 additional caravans is a small hamlet. Should be downsized significantly
- Current caravan site and pub is attractive. Will lose its appeal if development on this scale is allowed
- Holiday home occupancy. No permanent living accommodation should be allowed if application is considered - holiday let restrictions of occupancy only being allowed for 3 consecutive weeks with no return within 3 weeks or similar.

## 5.0 THE MAIN ISSUES

- Policy and principle of development
- Siting, scale and design
- Visual, landscape, natural and historic environment impacts
- Drainage
- Highways
- Impact on residential amenity

## 6.0 OFFICER APPRAISAL

### 6.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

6.1.1 The application has been screened by the Local Planning Authority having regard to the above Regulations. The proposed development does not fall within any of the categories in Schedule 1 of the Regulations, for which EIA would be mandatory. However, the proposals exceed the relevant area threshold for the appropriate category in Schedule 2 of the Regulations (Section 12(e)) – in that the proposal is for a permanent caravan that exceeds 1 hectare in area. The need for an Environment Impact Assessment (EIA) has therefore been considered. A Screening Opinion has been carried out and issued to the effect the proposed development does not require an EIA.

### 6.2 Policy and principle of development

6.2.1 The National Planning Policy Framework (NPPF) requires planning policies to take a positive approach to sustainable development in rural areas, including support for the provision and expansion of tourist facilities in appropriate locations.

6.2.2 Under the current adopted development plan for the area, there are a number of planning policies in place that support the economic diversification of existing rural businesses and sustainable rural tourism development in principle (policies CS5, CS13, CS16 and MD11 all refer), subject to satisfying general development management criteria and environmental expectations.

6.2.3 Policy CS5 seeks to control development in rural areas requiring economic development to maintain and enhance the countryside's character and vitality and improve the sustainability of rural areas by bringing local economic and community benefits. It further allows for the appropriate expansion of an existing established business and for sustainable tourism, leisure and

recreation proposals, which require a countryside location.

- 6.2.4 Policy CS13 seeks to support enterprise and to deliver sustainable economic growth and prosperous communities. In doing so, particular emphasis is placed on *'Supporting the development and growth of Shropshire's key business sectors'* which includes tourism. Whilst policy CS13 is supportive of economic development generally, for rural areas the policy clarifies that development proposals in the countryside must accord with Policy CS5.
- 6.2.5 Policy CS16 supports a positive approach to tourism and leisure development, which benefits the local economy, resident communities and visitors alike; enhances the existing on offer and is sensitive to the intrinsic qualities of the natural and built environment. Emphasis is further placed on promoting connections between visitors and Shropshire's natural, cultural and historic environment and that *'promotes opportunities for accessing, understanding and engaging with Shropshire's landscape, cultural and historic assets including the ... canals'*. In relation to visitor accommodation, the policy also states that, in rural areas, proposals must be of an appropriate scale and character for their surroundings, and close to, or within, settlements, or an established and viable tourism business.
- 6.2.6 Policy MD11 expands on policy CS16, stating that:  
*'1. Tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements of other relevant development plan policies.'*  
*'2. All proposals should to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.'*
- 6.2.7 With particular reference to visitor accommodation in rural areas policy MD11 goes on to state:  
*'6. Further to the requirements in Policy CS16, proposals for new and extended touring caravan and camping sites should have regard to the cumulative impact of visitor accommodation on the natural and historic assets of the area, road network, or over intensification of the site.'*  
*7. Static caravans, chalets and log cabins are recognised as having a greater impact on the countryside and in addition (to 6), schemes should be landscaped and designed to a high quality.'*
- 6.2.8 Policy MD11 also clarifies at point 8 that accommodation which would not conform to the legal definition of a caravan will be resisted, in order to reduce the potential for new-build market housing in the countryside and at point 11 that to retain the benefit to the visitor economy *'...conditions will be applied to new planning permissions for visitor accommodation to ensure the accommodation is not used for residential occupation.'*
- 6.2.9 As described earlier, the site is located within the countryside but is proposed in connection with an existing tourism business - that of an existing touring caravan and camping site (for up to 50 units) located adjacent the Shropshire

Union Canal; a long established public house (the Wharf Tavern); a self-catering holiday let and linear boat mooring.

- 6.2.10 The current proposal is for 38 static caravans for holiday accommodation located on land adjacent to the existing business, required to further diversify the existing on offer run by the applicants, '*increasing its viability and resilience*'. The application is accompanied by a detailed supporting statement and supporting evidence, as listed in section 1.4 above, all of which sets out how the proposals will enhance and extend the existing business at the site in compliance with adopted planning policy requirements.
- 6.2.11 In terms of policy direction, the proposal involves expanding the existing visitor accommodation at the site in association with an established tourism business. In this regard the proposal is in conformity with the general aims of development plan policy to support the economic growth of local tourism business within the county. Whilst there is some local concern about the type of accommodation proposed, ie static caravans, this type of accommodation is supported by policy. It is acknowledged that an additional 38 static caravans will increase the number of holiday units in this location substantially. However, the location is considered appropriate given that it directly adjoins the existing business and is further adjacent to the Shropshire Union Canal, which is recognised as a complimentary cultural and historic asset. The site is also relatively close the services and facilities provided in the nearby settlement of Cheswardine and 5 miles from the nearest market town of Market Drayton. Further, taking into consideration the site context and setting, together with appropriate screening (as discussed later in this report) it is not considered the proposed development would cumulatively impact upon the canal or the local or wider area adversely. As reported in section 4.1 above there is no objection from consultees in this regard. The principle of development is considered acceptable, subject to all other planning requirements being satisfied.
- 6.3 **Siting, scale and design**
- 6.3.1 The national guidance contained in the NPPF and the requirements set out in Shropshire Core Strategy Policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 all seek to ensure that all development protects and enhances the built environment and is appropriate in siting, layout, scale and design, taking into account the local context and character.
- 6.3.2 The land is currently agricultural land and is sited directly adjacent to the existing business. Within the site there is to be an internal access road and central pond area. The proposed caravans are to be positioned around the internal road and central pond. The caravans are shown to be uniformly spaced, with each having their own parking areas. The siting of the land and the layout within the site is generally considered acceptable. The site benefits from some screening from existing hedges and trees and additional landscape mitigation planting is proposed.
- 6.3.3 In relation to scale and design, the application is for the change of use of the land, so the specific details of the caravans do not form part of the application.

However, under policy MD11, as referred to previously above, there is a requirement for holiday visitor accommodation units in rural areas to conform to the legal definition of a caravan. A condition can be imposed to ensure this is the case. This also influences design. Caravans by their very nature do have an impact on visual amenity. Hence the additional policy recognition and requirement under policy MD11 for developments ‘...to be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate’ To reiterate the site benefits from some existing screening and landscape mitigation planting is proposed. Furthermore, as recommended by the Council’s Conservation Officer, a planning condition can be imposed to secure the prior approval of the exterior colour and finish of the caravans.

6.3.4 Taking into consideration the type of development proposed and the comments and policy requirements discussed above, it is considered the siting and layout of the proposal is acceptable and that otherwise the development, as supported by landscape mitigation planting proposals, can be successfully mitigated into the surrounding landscape and built environment to an acceptable manner. As such the proposal considered to comply with Policies CS5, CS6, CS17, MD2, MD11, MD12, MD13 and other relevant local plan policies and national guidance as regards siting, scale and design.

#### 6.4 **Visual, landscape, natural and historic environment impacts**

6.4.1 A key issue surrounding the use of the land as a static caravan site is the potential impact of the proposal on that of the surrounding landscape and the natural and built environment. The NPPF, Core Strategy Policies CS6 and CS17, together with SAMDev policies MD12 and MD12 state that all development should protect the natural and historic environment whilst enhancing environmental assets.

6.4.2 Wharf Caravan Park is located in the countryside and to the north east of the Shropshire Union Canal and listed canal bridge. The application proposal involves the expansion of the existing caravan park, utilising land that is currently an area of open grassland surrounded by mature hedges and trees.

6.4.3 As such the proposal raises visual, landscape and natural environment issues and is supported by the following reports and documents in this regard:

- A Preliminary Ecological – by Turnstone
- An amended Landscape and Visual Appraisal, plus appendices
- A Landscape Mitigation Planting Plan

6.4.4 Historic environment issues are considered to be limited in relation to the canal and listed canal bridge.

6.4.5 The above referenced reports and documents have been consulted upon and considered by the Councils Landscape Consultant, the Council’s Planning Ecologist, the Council’s Conservation Officer and the Canal & Rivers Trust and their relevant consultation comments are summarised in section 4.1 above.

**6.5 Ecology and biodiversity**

- 6.5.1 The submitted Preliminary Ecological Assessment (PEA) described the site as a short sward improved grassland field of low ecological value bordered by post and wire fence lines, hedgerows and scattered trees. Outside the site it identified the line of mature broadleaved trees located to the NE, the minor road located to the SE; the Wharf Tavern and existing caravan park bordering the site to the SE and SW; the agricultural fields located to the NW and the woodland strip beyond to the NE; the Shropshire Union Canal located approximately 100m to the south and an area of broadleaved woodland located beyond the canal approximately 175m south of site and that the wider landscape is dominated by agricultural fields, dwellings and scattered woodlands. Five ponds within 250 m of the site were also identified.
- 6.5.2 Having regard to the above, the site was assessed under the PEA in relation to badgers, bats, dormouse, nesting birds, great crested newts and reptiles etc. No evidence was found of protected species being present, either within or immediately adjacent the site. Nonetheless, it was found that some surrounding habitat, in the form of mature trees and the boundary hedgerows, was suitable to potentially support species such as badger, bats, nesting birds, great crested newts, European hedgehogs and reptiles.
- 6.5.3 An approximate 16m section of the south-eastern boundary hedgerow will be removed to create the visibility splay in association with the proposed access improvements. Therefore, in recognition that this could directly or indirectly affect species such as bats, birds and great crested newts, the PEA states that, *'appropriate project design and mitigation will need to be adhered to ensure there will be no negative impacts on them as a result of the proposals.'* The PEA goes on to state that *'... in order to mitigate for the loss of 16m section of hedgerow gaps within the north-eastern and southwestern boundary hedgerows will be planted up with an mix of native broadleaved tree species ... Gaps within the unaffected section of the south-eastern field boundary should also be infilled to create a dense and continuous hedgerow. ... Any additional tree planting around the site should comprise native species ... and a minimum of three scattered English Oak trees along the boundary hedgerows will be allowed to grow up to form mature trees. ... All new and planted-up hedgerows and trees will be monitored for a minimum 5 years to check establishment and if die-back or failure to establish occurs then re-planting will be required. ... The proposed areas of groundworks will need to be confined to areas that will not impact on the root systems of the existing and retained hedgerow and boundary trees. An appropriate buffer (as detailed in BS5837:2012) will need to be established. ...'*
- 6.5.4 Otherwise, given the low ecological value of the grassland the subject of the application the PEA summarises that there is *'no specific habitat mitigation is required to negate this loss. However, it is recommended that where possible undeveloped areas around the margins of site are seeded during the autumn with a wildflower seed mix.'* Furthermore, it is acknowledged that the proposed pond to be created centrally with site will provide a significant increase in biodiversity and the PEA sets out what the creation of the pond should involve to achieve this. In addition, ecological enhancements, such as bat box, bird

box and bug hotel provision, are also recommended to ensure the proposals result in a positive ecological gain which is in accordance with the NPPF and policies CS17 and MD12.

- 6.5.5 The PEA also includes a section on measures that are to be put in place to ensure there are no significant negative impacts on the Shropshire Union Canal as a waterbody from the development. This is discussed in more detail in the section entitled The Canal and Historic Environment below.
- 6.5.6 The Council's Ecologist has considered the findings and recommendations made within the PEA, together with the habitat mitigation and planting proposals now shown on the submitted Landscape Mitigation and Plan. Having considered these particular documents, the Council's Ecology is content that, subject to the imposition of recommended conditions of approval to secure i) that works accord with the ecological report; ii) the implementation of the landscape mitigation plan; iii) ecological enhancement features, such as bird/bat boxes, hibernacula and pond details and fencing; iv) a habitat management plan and v) a lighting plan then the proposal is considered capable of compliance with the NPPF adopted development plan policies CS17 and MD12 in relation to wildlife protection and ecological enhancements.
- 6.6 **Visual, landscape and landscaping**
- 6.6.1 In response to concerns raised about landscape impact, additional landscape information has been submitted in the form of a revised Landscape and Visual Appraisal (LVIA, Revision A) and an associated proposed Landscape Mitigation Planting Plan.
- 6.6.2 The Landscape Mitigation Planting Plan is confirmed to have been prepared in response to comments made by the Council's Landscape Consultant and informed the Preliminary Ecological Appraisal (PEA) by Turnstone Ecology: *'The PEA makes reference to the loss of 16m of the south-eastern boundary hedgerow to allow the creation of a visibility splay. The Landscape Mitigation Planting Plan includes the planting of 160m of native hedgerow of 5 different species and the planting of 79 native trees of 7 different species. The proposals also include areas of wildflower seeding.'*
- 6.6.3 In conclusion the revised LVIA tables some negligible and slight adverse landscape or visual effects and one moderate adverse visual receptor effect (users of land adjacent to site). However, the slight adverse effects are stated to reduce to negligible after 3-5 years as the planting establishes and the moderate adverse effect likewise to reduce to slight adverse. None of effects are categorised as significant.
- 6.6.4 Overall, the LVIA (as supported by the landscape mitigation planting plan) concludes that no significant landscape or visual effects and that no notable cumulative effects have been identified. The proposed development is therefore considered acceptable in terms of its likely landscape and visual effects.
- 6.6.5 The revised LVIA and accompanying Landscape Mitigation Planting Plan has

been subjected to re-consultation. As a result, the updated landscape information is now to the satisfaction of those consultees particularly concerned with the potential landscape impacts in this case, ie the Council's Landscape Consultant, the Council's Conservation Officer and the Canal and Rivers Trust – all subject to recommended planning conditions of approval to ensure that the landscape matters are managed and delivered. The updated information is also to the satisfaction of the Council's Ecologist in so far as ecology is concerned – again subject to recommended planning conditions of approval. The list of recommended planning conditions is included in the appendix below.

- 6.6.6 Having regard to the revised LVIA, the provision of landscape mitigation planting proposals and the control/management in the form of recommended planning conditions of approval, officers are satisfied that the proposal is capable of compliance with adopted planning policies concerned with protecting the natural environment and ensuring the local landscape is not significantly adversely affected. Accordingly, with appropriate conditions of approval in place the development is judged to accord with adopted development plan policies MD2, MD11, MD12, MD13, CS6 and CS17 or SAMDev Policy MD12.
- 6.7 **The Canal and the Historic Environment**
- 6.7.1 Particularly concerning the canal and the historic environment the Council's Conservation Officer and the Canal and Rivers Trust (CRT) have been consulted.
- 6.7.2 The Conservation refers to the detailed comments made by the CRT and concurs with those comments. The Conservation Officer therefore raises no objections in relation to the historic environment and recommends the landscaping measures are secured by condition in addition to recommending a further condition to secure the prior approval of the colour of the caravans.
- 6.7.3 As noted by the Conservation Officer, the CRT have made detailed comments. Again, the CRT raises no objections to the application but is concerned to ensure that certain planning conditions of approval are put in place in order to safeguard the canal and its environs.
- 6.7.4 In relation to safeguarding the listed canal bridge, a pre-commencement condition requiring a construction method/management plan with routing details is requested to be agreed to ensure that traffic is managed and to avoid damage to the bridge.
- 6.7.5 To safeguard and manage the visual, landscape and ecology impacts of the development in relation to the canal it is requested that all the measures set out in both the PEA and the landscape mitigation planting plan are secured and actioned through the imposition of appropriate planning conditions of approval and that tree protection measures are submitted and agreed via condition.
- 6.7.6 With particular regard to the canal as a waterbody, as part of the PEA

mitigation details, pollution control measures and safe working methods are stated as to be put in place to ensure that there is no significant negative impact on the canal or the species that the waterbody may support from the development. The CRT is broadly happy that these pollution control measures will avoid accidental pollution of the waterway and therefore continues to request that the pollution prevention measures (as outlined in section 4.2.2 of submitted PEA) are conditioned to safeguard the canal during construction. Additionally, given the stripping of topsoil and groundworks proposed, the CRT request appropriate mitigation measures are put in place to prevent any materials running off into canal during construction/landscaping. The CRT request these measures are addressed in a CEMP to be secured by condition.

6.7.8 Further, given that no fully detailed drainage strategy has been provided at this stage, the CRT request that the approval of a foul and surface water drainage scheme is the subject of a pre-commencement condition.

6.7.9 In summary, no objection is raised from a historic environment perspective or in relation to canal safeguarding, albeit that to fully safeguard the canal, the listed canal bridge and the canal's environs various conditions of approval are recommended, including some pre-commencement conditions as discussed above. Nonetheless, with the recommended planning conditions in place, it is considered that the proposed development could proceed in a satisfactory manner and that the relevant safeguarding measures, mitigation and enhancements required are secured in compliance with relevant planning policy.

## 6.8 **Drainage**

6.8.1 The NPPF and Core Strategy Policy CS18 states that development should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality. Given the proximity of the proposed site to the Shropshire Union Canal, there is a further requirement to ensure that any drainage associated with the development proposal does not unacceptably impact upon the canal.

6.8.2 A flood risk assessment accompanies the application and confirms that the site is at low risk from on-site and off-site flooding. The document states that foul drainage is proposed to be disposed of via a private sewage treatment plant and drainage field. Surface water is to be disposed of via a sustainable drainage (SUDS) hierarchy. Notwithstanding this, full details of the proposed foul and surface water arrangements are not provided with the submission.

6.8.3 Consultation has been undertaken with the Council's Flood Risk and Water Management Team and the Canal & Rivers Trust upon the application.

6.8.4 The comments of the CRT as are as discussed in the preceding section, whereby, given that no fully detailed drainage scheme accompanies this submission, a pre-commencement drainage condition is requested by CRT.

6.8.5 Similarly, the Council's Drainage team have considered the application and supporting documents and, whilst raising no objection in principle, recommend



that a pre-commencement drainage condition is imposed in order to secure satisfactory drainage arrangements prior to any development commencing. The agent has agreed to the imposition of such a condition.

6.8.6 With the recommended pre-commencement drainage condition in place to reserve approval of the foul and surface water drainage arrangements the proposal is considered to satisfy planning policy in relation to drainage matters.

## 6.9 Highways

6.9.1 Core Strategy policy CS6 indicates that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.

6.9.2 As an established use attracting customers to the pub, caravan park and canal, the site is already in use as a tourist/visitor destination. The approach to the site is via a network of rural roads. Access to the site from the adjoining road will be from the existing access serving the Tavern and existing caravan site.

6.9.3 To service the proposed development, the existing access will be modified to improve visibility and this is shown on the submitted block plan as proposed. The application is further supported by Highways Technical Note (HTN) that concludes the proposed development would not give rise to any substantive highway capacity or safety issues.

6.9.4 Despite the above, the application has raised highway concerns as a particular point of contention locally. Objections have been raised by local residents and the Parish Council on highway grounds. There is concern in relation to the nature of the rural roads, including the 'red barn' junction onto Hayward Lane to the north and the narrow, humped canal bridge to the south, to safely accommodate the type and increase in traffic associated with the proposed development.

6.9.5 Consultation has been undertaken upon the application with the Council's Highway advisor on the application, including referring Highways to the local objections received. Notwithstanding these objections, Highways state that, as the application is seeking 38 static caravan pitches then '*... in terms of traffic generation this relates to cars and not towed caravans.*' Furthermore, that whilst '*...38 static caravan pitches appears relatively high ... in reality traffic movements over course of typical day are likely to be low and spread out throughout day and outside of morning and afternoon peak periods.*' Fundamentally, therefore Highways do not disagree with the overall conclusions of the HTN (that the proposed development would not give rise to any substantive highway capacity or safety issues).

6.9.6 In conclusion therefore, Highways do not consider a highway objection is warranted but two conditions are considered required. One to require that the access improvements are implemented in accordance with approved plans before any caravan is first occupied. The second, to control the period which

static caravans are brought to site to reduce any adverse impact upon the local highway network. This requirement would be covered in the form of pre-commencement Construction Method Statement (CMS) to be submitted and approved prior to commencement of development and for CMS to be implemented in accordance with approved details for duration of construction period. The agent has confirmed acceptance of the proposed highway pre-commencement condition. The requirement for a CMS would also tie in with the recommendation of the CRT in relation to this matter.

6.9.7 With the Highways comments, an assumption is also made that restrictions will be placed on number of months in year a caravan can be occupied. The Parish Council have interpreted this assumption to not to mean a 12 month occupancy, when the agent has since confirmed a 12 month occupancy.

6.9.8 To clarify, in relation to occupancy the agent confirmed that: *'... the applicants sell the caravans on the site and the subsequent caravan owners then rent their pitches from the applicants (a standard form of operation for such a site). The park is open 12 months of the year, ensuring that the economic benefits associated with the development (such as the provision of jobs and increased custom of existing services and facilities) are not just seasonal but experienced throughout the year. With regard to the concerns expressed about the permanent residential use of the caravans, I assume that this issue can be addressed by a suitably worded condition on any subsequent consent.'*

6.9.9 In response to the Highways comment that assumes that there will be "restrictions on the number of months in the year a caravan can be occupied" the agent has reiterated that: *'... the park is open 12 months of the year, ensuring that the economic benefits of the development are not just seasonal but extended throughout the year. It is therefore assumed that a condition similar to the one stated below (and placed on similar developments in Shropshire) will therefore ensure that the caravans are not occupied permanently:*

- a) The static caravans shall be occupied for holiday purposes only;*
- b) The static caravans shall not be occupied as a person's sole, or main place of residence;*
- c) The operators of the site shall maintain a register of the names of all the owners and occupiers of the static caravans hereby approved and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.*

*Reason: To ensure that the approved holiday accommodation is not used for permanent residential accommodation as it would be contrary to Local Plan Housing Policy.'*

6.9.10 Officers have discussed the Highways comments and this arising occupancy issue directly with Mark Wootton. As Highway Manager he has confirmed that he would be satisfied with a planning condition restricting occupancy to holiday occupation only; his key concern from the highway perspective relates to the ability to occupy the caravans for full time residential which an occupancy restriction similar to the above would prevent.

6.9.11 Subject to the imposition of recommended conditions of approval discussed above, then no objection is raised by the Highways on highway grounds. Whilst the type of use would mean additional traffic within the area, it is not considered that the cumulative impacts on the highway network would give rise to any substantive highway capacity or safety issues to warrant refusal under chapter 9 of the NPPF and local development plan policy. Within chapter 9 at paragraph 109, the NPPF makes it clear that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

## 6.10 **Impact on residential amenity**

6.10.1 Adopted local planning policies refer to the need to safeguard residential and local amenity and recognise the importance of ensuring that developments do not have any unacceptable consequences for neighbours and/or residential amenity.

6.10.2 Whilst objections from local residents have been received on amenity grounds, particular in relation to noise, consultation has been undertaken with the Council's Public Protection Officer (PPO). It is the professional view of the PPO that the proposed development will not give rise to any unacceptable adverse impact upon the residential amenity of local residents and such as to warrant refusal.

6.10.3 Further to the above, the agent has commented that: *'It is in the applicant's interests to ensure that the operation of the site does not result in any unacceptable amenity issues as this would detrimentally impact the reputation of the site, its attractiveness for future holidaymakers and therefore its viability. In this regard the site has booking conditions (available on its web-site) which detail how noise is kept at a level which does not disturb others. As a result, the existing caravan park, moorings and public house at the site (which, prior to the pandemic, was a successful and thriving operation) has not received any noise complaints. Given the above, it seems clear that the development proposed in this application will not give rise to any unacceptable noise impact.'*

## 6.11 **Planning Balance**

6.11.1 Wharf Caravan Park is long established as a site for touring caravan pitches. To extend the site is something that is broadly supported by planning policy in principle, subject to satisfying certain environmental expectations. The scale of the proposed extension and the number of static units proposed is considered and acknowledged as being somewhat substantial in relation to what currently exists. In response to objections regarding the number of units and comments of over development, a reduction in the scale of the development has been invited. However, no reduction has been forthcoming. Nonetheless, through the submission of supporting documents and assessments, alongside with mitigation proposals and measures that can be secured through the use of planning conditions, it is considered that the case has been demonstrated that the proposal can be adequately accommodated without significant harm to the

local environment. The potential impact of the proposal on the landscape, ecology, biodiversity, Shropshire Union Canal, drainage, highway and the amenity of local residents have all been duly considered and the conclusion arrived at, having regard to the professional views of the consultees received in the related disciplines and weighed against the local objections received, that the proposal can proceed to approval, subject to the imposition of appropriate planning conditions as recommended. With such planning conditions in place it is further considered the proposal accords with the development plan. Aside from the environmental matters, the development will provide some economic and social benefit to the local area, both during the construction phase and in the operation and maintaining of the site thereafter which also weigh in favour of the proposal in relation to sustainability objectives in overall planning balance.

## 7.0 **CONCLUSION**

7.1 The scheme seeks to expand an established business and caravan park with static caravan provision. The scale of the proposed extension is acknowledged as somewhat large but it is considered that it has been demonstrated the scheme is capable of being developed without significant detriment to the local environment, all subject to compliance with recommended planning conditions of approval. Further, it is acknowledged that the development will enhance an existing business, which is something local policy generally seeks support, and that in so doing it will deliver some social and economic benefits to the local area. As such this contributes to rural sustainability objectives. Whilst there remains some concern at a local level, particularly regarding overdevelopment and the ability of the local highway network to safely accommodate the development, these objections are not sustained by consultee responses. Overall and on balance therefore, officers consider that the proposal, as supported by additional information and plans, can be supported and with recommended planning conditions of approval in place will accord with the main objectives of relevant development plan policies and the NPPF. Therefore, it is recommended that planning permission is granted, subject to the conditions listed in the appendix below.

7.2 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS1, CS5, CS6, CS8, CS9, CS11, CS13, CS16, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD1, MD2, MD7A, MD7B, MD11, MD12, MD13 and S11; the Council's SPD on the Type and Affordability of Housing; the National Planning Policy Framework; Planning Practice Guidance and Sections 66 and 72 of Planning (Listed Building and Conservation Areas) Act 1990.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

As with any planning decision the applicant has a right of appeal if they

disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS13 - Economic Development, Enterprise and Employment  
 Economic Development, Enterprise and Employment  
 CS16 - Tourism, Culture and Leisure  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD2 - Sustainable Design  
 MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the  
 Countryside  
 MD7B - General Management of Development in the Countryside  
 MD11 - Tourism Facilities and Visitor Accommodation  
 MD12 - Natural Environment  
 MD13 - Historic Environment  
 Settlement: S11 - Market Drayton  
 National Planning Policy Framework  
 CS1 - Strategic Approach  
 CS8 - Facilities, Services and Infrastructure Provision  
 CS9 - Infrastructure Contributions  
 MD1 - Scale and Distribution of Development  
 SPD Type and Affordability of Housing

### RELEVANT PLANNING HISTORY:

NS/03/00879/OUT Detached dwelling and private access drive in conjunction with existing  
 licensed premises REFUSE 23rd October 2003  
 NS/04/00980/OUT Erection of one detached dwelling and private access drive in conjunction  
 with licensed business REFUSE 10th November 2004  
 NS/05/02425/OUT Erection of detached bungalow in connection with existing business  
 REFUSE 11th May 2006  
 NS/07/00568/LDC Application of lawful development certificate for a commercial touring  
 caravan site for up to 50 units REFUSE 10th May 2007  
 NS/07/01619/FUL Proposed erection of replacement dwelling CONAPP 5th October 2007  
 NS/08/00110/FUL Proposed erection of replacement dwelling (amendments to previously  
 approved scheme, 07/01619/FUL) CONAPP 25th February 2008  
 10/03144/FUL Renewal of extant Planning Permission Ref. 07/01619 for the erection of  
 replacement dwelling GRANT 24th September 2010  
 NS/80/00933/FUL Erection of an extension to form additional staff accommodation GRANT  
 16th December 1980  
 13/03511/FUL Renewal of extant Planning Permission Ref. 10/03144/FUL for the erection of  
 replacement dwelling GRANT 21st February 2014  
 16/03140/FUL Erection of single storey extension to kitchen GRANT 30th August 2016  
 16/04643/FUL Erection of a single storey extension GRANT 24th November 2016

NS/95/00240/FUL ERECTION OF AN EXTENSION TO SIDE ELEVATION OF  
EXISTING PUBLIC HOUSE CONAPP 5th April 1995  
NS/07/02012/LDC Application of Lawful Development Certificate for use of land for commercial  
touring caravan site for up to 50 units APPRVD 1st April 2008

Appeal

NS/06/00016/REF Erection of detached bungalow in connection with existing business  
DISWOC 23rd October 2006

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member  Cllr Rob Gittins
Appendices APPENDIX 1 - Conditions

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

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

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

2. The development shall be carried out strictly in accordance with the approved plans and drawings, to include the site layout.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details and so safeguard the countryside setting and visual amenity of the locality.

3. All site clearance, development, landscaping and biodiversity enhancements shall occur strictly in accordance with the Preliminary Ecological Appraisal prepared by Turnstone Ecology (19th August 2020).

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

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

4. No development shall take place until a detailed scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site. to avoid flooding. to avoid potential pollution and to ensure that foul and surface water is disposed of in a safe and appropriate manner to safeguard the canal.

5. No development shall take place (including demolition, ground works and vegetation clearance) until a biodiversity enhancement plan has been submitted illustrating recommendations in Section 4.2 of the Preliminary Ecological Appraisal (Turnstone Ecology, August 2020) and include:



- a) Pond design (to include shelving margins), schedules of plants, noting species (including scientific names) and location of fencing associated with the proposed pond.
- b) The makes, models and locations of ecological enhancements including the hibernacula, 2 bat and 20 bird boxes
- c) Native species used are to be of local provenance (Shropshire or surrounding counties);

The plan shall be carried out as approved. All ecological features shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of biodiversity enhancements afforded by appropriate landscape design and in accordance with MD12, CS17 and section 175 of the NPPF.

6. Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to avoid congestion in the surrounding area and to protect the amenities of the area, including the listed canal bridge.

7. No ground clearance, demolition, or construction work shall commence until a scheme has been submitted to and approved in writing by the local planning authority to safeguard trees to be retained on site as part of the development. The approved scheme shall be implemented in full prior to the commencement of any demolition, construction or ground clearance and thereafter retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area, the information is required before development commences to ensure the protection of trees is in place before ground clearance, demolition or construction.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority in relation to the stripping of topsoil and groundworks proposed.

The plan shall be carried out as approved.

Reason: To ensure appropriate measures are put in place to prevent any materials running off into the canal during construction/landscaping phase.

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

9. The pollution prevention measures set out in Section 4.2.2 of the submitted 'Preliminary Ecological Survey' shall be undertaken as specified therein during the construction phase and post construction thereafter.

Reason: To safeguard the canal from potential pollution during the construction phase and thereafter.

10. All landscape mitigation and planting works shall be carried out in accordance with the approved drawing number 3068-001. The works shall be carried out prior to the occupation / use of any part of the development hereby approved. 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.

11. A habitat management plan shall be submitted for the approval of the Local Planning Authority within the first year following the commencement of use of the site. The plan shall include:

- a) Description and evaluation of the features to be managed (pond, hibernacula, boundary features etc.);
- b) Ecological trends and constraints on site that may influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
- g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;
- i) Possible remedial/contingency measures triggered by monitoring;
- j) The financial and legal means through which the plan will be implemented.

The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

12. The proposed access improvements shown on the approved drawing SA36994\_PL\_05 Rev A shall be fully implemented before any static caravan is first occupied/brought into use, which ever is the sooner, and retained and maintained thereafter in perpetuity.

Reasons: In the interests of highway safety.

13. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority.

The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK.

The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species and to safeguard the visual amenities of the rural locality.

14. Prior to the siting of any of the static caravans on the site, details of their exterior colour and finish shall be submitted to and agreed in writing with the LPA. The colour and finish shall be carried out and maintained in accord with the approved details and not changed without the prior written agreement of the Local Planning Authority.

Reason: To ensure the external appearance is satisfactory and in the interests of visual amenity.

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

15. The static caravans hereby permitted shall only be used to provide holiday accommodation and shall not be occupied as a person's sole, or main place of residence, and the site owner/operator shall maintain an up-to-date register of the names of all owners/occupiers of the holiday lodges on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved accommodation is not used for unauthorised permanent residential occupation (C3 use) which would be contrary to National and Local Plan Policy.

16. Any static caravans constructed and brought onto the site shall accord with the legal definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960 and amended by the Caravan Sites Act 1968.

Reason: To define the consent and avoid the establishment of permanent new residential units in the open countryside in accordance with adopted development plan policy.

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Committee and Date  
 Northern Planning Committee  
 7<sup>th</sup> July 2021

Item  
**7**  
 Public

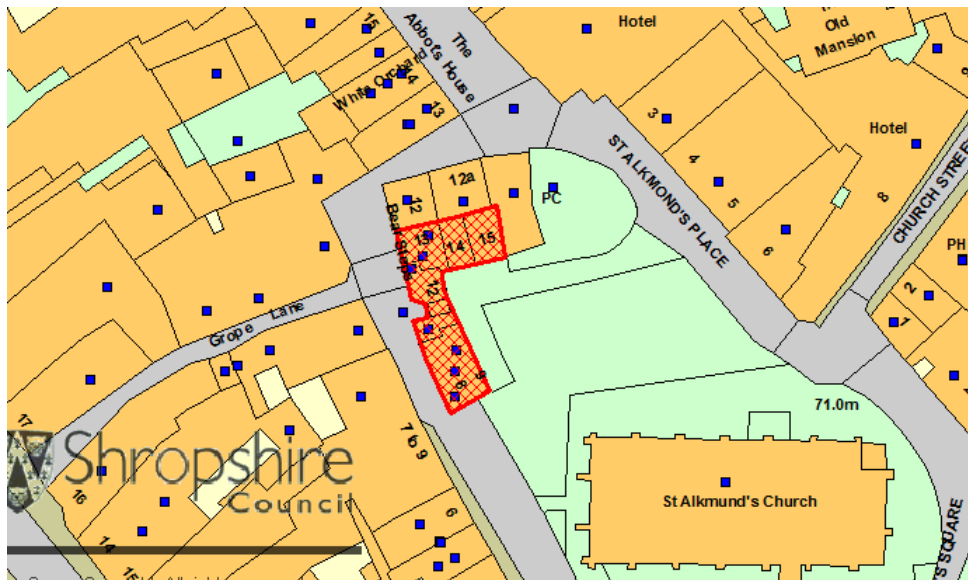
## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 21/02234/LBC	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies		
<b>Site Address:</b> Bear Steps Shrewsbury Shropshire		
<b>Applicant:</b> Shropshire Council		
<b>Case Officer:</b> Karen Rolfe	<b>email :</b> historic.environment@shropshire.gov.uk	

**Grid Ref:** 349231 - 312506



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

## Recommended Reason for Approval

The repair scheme including some alteration and limited replacement works are acceptable on heritage grounds in order to facilitate repairs to the Grade II\* listed building where these will not have an adverse impact on the special architectural and historic character or the setting of the listed building and are considered to be in accordance with local and national policies with respect to the historic environment including Core Strategy Policies CS6 and CS17, MD2 and MD13: The Historic Environment (SAMDev Adopted Plan), Planning Practice Guidance and the National Planning Policy Framework (NPPF), as well as in accordance with the requirements of Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This listed building consent application has been submitted to progress repairs with some replacement of fabric at the Grade II\* listed Bear Steps building complex with ranges on Fish Street and off Butcher Row adjacent to St Alkmund's Square in the Shrewsbury Town Centre. This is an important historic range of buildings featuring decorative timber framing and jetty with the earliest phase incorporating a crown-post roof, with later but still early phases resulting in the interesting but complex group of buildings found today ranging in date from circa 1400 to the 16th Century and beyond. The Bear Steps is owned by Shropshire Council and is rented out to several long-term users including the Shrewsbury Civic Society and a cafe.
- 1.2 This application more specifically considers repairs and some alteration of the jetty to the 'Orell' elevation along Fish Street where as noted in the extensive Design and Access Statement prepared by the specialist heritage architects there are considered to be inherent defects in the historic design of the jetty. The jetty was repaired around 1970 as part of major restoration works to the building. More recently this elevation suffered a vehicular collision which exacerbated historic issues where the bressumer has dropped and rotated outwards away from the building. It is now necessary to repair and strengthen the jetty where this will involve stabilizing the position of the bressumer in situ to reduce stress on the overall framing, joints and infill panels to the building.
- 1.3 As noted in the specialist architect's report, the existing bressumer will be removed, repaired and then reinstated with a new laminated oak beam attached with the intention that its structural integrity will be increased and thus provide greater strength in support and stability to the building's façade. The damaged joist tenons will be trimmed back and the new bressumer arrangement will be attached to the joist ends using metal brackets.
- 1.4 It was agreed with our Historic England specialist architect and building inspector that new oak brackets would be introduced on the line of the truss positions in order to provide further support where the design proposed reflects a typical late 16th

Century detail found on many timber framed buildings in Shrewsbury; the new brackets also afford the opportunity to introduce contemporary carvings to them which highlights that these are modern interventions. As this will result in a visual change to this section of the building along Fish Street it was agreed that rather than simply agree these works as a repair, technically a formal listed building consent should be submitted to cover these new works.

- 1.5 Other works include replacement of the infill panels immediately above the bressumer where these date to the 1970s and where a more traditional lime hemp infill panel is considered an improvement to the existing panels which are prone to leaks. Additionally existing upvc rainwater goods on this elevation will be replaced with more appropriate cast metal suitable for this historic building and which are more durable. Additionally the opportunity will be taken to address improved water run-off with a new grating system and a new rainwater down pipe to improve rainwater collection off the roofs.
- 1.6 These works to this important Council-owned historic building are beneficial in that they address inherent historic building defects and more modern interventions and will allow the building to be put back into fuller use and prolong the life of this designated heritage asset which contributes so positively to the Shrewsbury town centre.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 This complex of buildings commonly known as The Bear Steps comprises a range of timber frame building phases built around an early hall dating to the 1400s with 16th Century additional phases. The building is described under list entry 1270615 and is Grade II\* listed where the building is in a sensitive and prominent town centre location along Fish Street, Butcher Row and St Alkmond's Place. The site is also within the Shrewsbury Conservation Area and more particularly the 'Town Centre Special Character Area'.
- 2.2 The works proposed are more particularly described above and within the supporting documents submitted with this application prepared by the specialist heritage architect including the detailed existing and proposed elevational and section drawings.

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

- 3.1 The application is presented to Committee as it does not comply with the Council's scheme of delegation as the development as proposed is not in consideration of a statutory function.

## **4.0 Community Representations**

### **Consultee Comment**

Historic England -

Historic England in their formal comments note as follows: We have been involved in pre-application discussions with Council officers regarding their concerns over the stability of this important Grade II\* listed building at the heart of the Shrewsbury Conservation Area. As part of those discussions we highlighted the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and section 16 of the NPPF. In particular we drew attention to the need to thoroughly understand the existing building, especially in light of previous repairs that have taken place and any inherent defects. The current application is in line with the previous discussions between your officers, our conservation architect and myself, and we consider this a sensible way forward. We therefore have no additional comments to make, other than to commend your authority for taking a timely and proactive approach to resolving the current issues, especially in light of the difficulties of the last 12 months.

Shrewsbury Town Council - The Town Council raise no objection to this application.

SC Archaeology - We have no comments to make on this application with respect to archaeological matters.

**Public Comments** - None received

## **5.0 THE MAIN ISSUES**

Principle of development  
Repair scheme proposed  
Visual impact and landscaping

## **6.0 OFFICER APPRAISAL**

6.1 Principle of development

6.1.1 The Bear Steps is a highly important historic building and designated heritage asset owned by Shropshire Council that contributes greatly to the historic character and appearance of the Shrewsbury town centre and particularly the Fish Street/St Alkmund's Place neighbourhood. The building is in much need of repair to address historic defects and modern interventions which were exacerbated by a recent vehicular strike. The repair scheme is supported fully by Historic England where they are confident the existing building issues have been thoroughly examined by a heritage specialist structural engineer and a repair solution designed by a heritage specialist architect.

6.2 Repair scheme proposed

6.2.1 This scheme of repair retains extant fabric in terms of the bressumer in its current position but allows for much needed stabilization and strengthening of it and the jetty along Fish Street where a new oak beam, metal brackets and decorative oak brackets are introduced to provide further support. The replacement of several infill panels above along with replacement rainwater goods both with more traditional materials suitable for this historic building and improvements to water run-off issues round out the repairs scheme which overall will prolong the life of this important



heritage asset and return it to its full use.

### 6.3 Visual impact

- 6.3.1 There will be a minor visual alteration to the building with the introduction of the new brackets but the alterations are relatively minor where these address historic defects to the jetty arrangement along Fish Street.

## 7.0 CONCLUSION

These repairs with some alteration to the current and historic jetty arrangement to The Bear Steps are much needed and well considered in terms of addressing current and historic defects where the building will be better supported and strengthened with little visual change required. Additional repairs such as replacement of defective infill panels, removal of upvc rainwater goods and improved surface drainage arrangements are all considered to be beneficial to the integrity of the building as a Grade II\* listed heritage asset. The extent of works are indicated clearly on the drawings submitted and the works supported by Historic England specialists. It is considered that the application meets the requirements of the National Planning Policy Framework (NPPF) as well as the legislative requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies CS6 and CS17 of the Core Strategy as well as Policies MD2 and MD13 of the SAMDev.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### **8.3 Equalities**

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

### **9.0 Financial Implications**

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

## **10. Background**

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS17 - Environmental Networks

MD13 - Historic Environment

### RELEVANT PLANNING HISTORY:

21/02234/LBC Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies PDE

21/02234/LBC Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies PDE

SA/86/0230 Erect and display a non-illuminated hanging sign and one number poster

showcase. PERCON 3rd July 1986  
SA/91/0496 Erect and display 2 no. hanging signs and 1 no. external showcase. For Shrewsbury Civic Society Trust Ltd. PERCON 28th August 1991  
SA/93/0838 Listed building consent for the erection and display of two signs. NOOBJC 17th January 1994  
10/04605/LBC Erection of netting to enclose timber framed balcony affecting a Grade II star listed building GRLBC 3rd December 2010  
21/02234/LBC Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies PDE  
SA/91/0496 Erect and display 2 no. hanging signs and 1 no. external showcase. For Shrewsbury Civic Society Trust Ltd. PERCON 28th August 1991  
SA/93/0838 Listed building consent for the erection and display of two signs. NOOBJC 17th January 1994  
21/02234/LBC Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies PDE  
HEPRE/21/00099 Internal changes to porch, shop and first floor office LBCNRQ 10th June 2021  
SA/86/0230 Erect and display a non-illuminated hanging sign and one number poster showcase. PERCON 3rd July 1986  
SA/85/0662 Change the use from residential into office accommodation on 2nd and 3rd floors. PERCON 5th September 1985  
SA/93/0838 Listed building consent for the erection and display of two signs. NOOBJC 17th January 1994  
21/02234/LBC Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies PDE  
SA/86/0230 Erect and display a non-illuminated hanging sign and one number poster showcase. PERCON 3rd July 1986  
SA/91/0496 Erect and display 2 no. hanging signs and 1 no. external showcase. For Shrewsbury Civic Society Trust Ltd. PERCON 28th August 1991  
SA/93/0838 Listed building consent for the erection and display of two signs. NOOBJC 17th January 1994  
HEPRE/20/00139 Dangerous structure following vehicle impact PCO  
21/02234/LBC Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies PDE  
SA/00/0911 Internal alterations to entrance lobby. PERCON 9th October 1900  
21/02234/LBC Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies PDE  
SA/86/0230 Erect and display a non-illuminated hanging sign and one number poster showcase. PERCON 3rd July 1986  
SA/85/0662 Change the use from residential into office accommodation on 2nd and 3rd floors. PERCON 5th September 1985  
SA/93/0838 Listed building consent for the erection and display of two signs. NOOBJC 17th January 1994  
10/00774/LBC Alterations in association with erection of security screens affecting a Grade II\* Listed Building GRLBC 15th July 2010  
PREAPP/10/00620 Erection of security screens REC  
21/02234/LBC Listed Building Consent to carry out repairs to timber frame and infill panels, replace sections of RWG, repair rain water gullies PDE  
SA/00/0911 Internal alterations to entrance lobby. PERCON 9th October 1900  
SA/07/1481/F Installation of solar panels to south roof elevation PERCON 26th November 2007

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Councillor Ed Potter
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Local Member
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Cllr Nat Green
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Appendices APPENDIX 1 - Conditions
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**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

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

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended)

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

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

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

3. All works shall be carried out in complete accordance with the terms of the application and approved plans.

Reason: To ensure the satisfactory preservation of the Heritage Asset.

4. If hitherto unknown architectural evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record, together with recommendations for dealing with it in the context of the scheme, shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure architectural features are recorded during development.

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

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Committee and Date  
 Northern Planning Committee  
 7<sup>th</sup> July 2021

Item  
**8**  
 Public

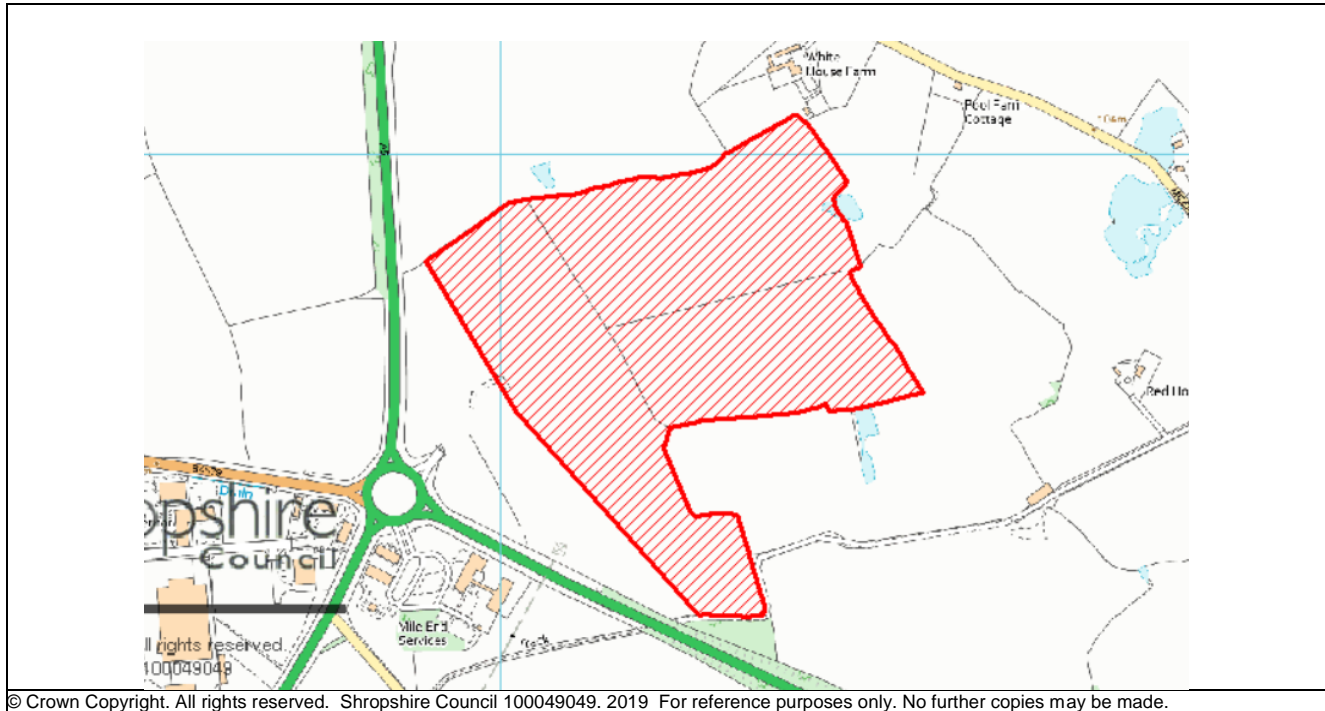
## Development Management Report

Responsible Officer: Tim Rogers

Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 21/01334/EIA	<b>Parish:</b>	Oswestry Rural
<p><b>Proposal:</b> Hybrid Planning Application for:                  Full planning permission - formation of a 360m spine road; two 3.5m wide foot and cycleways; one 2m wide footpath; one electricity substation; supporting utilities infrastructure; drainage system; landscaping and ancillary works;                  Outline planning permission - 10 plots to be delivered in four phases, providing:</p> <ul style="list-style-type: none"> <li>- a hotel (use class C1) up to 30,000sq. ft;</li> <li>- three units providing up to 6,000sq. ft of hospitality and up to 3000sq. ft of services;</li> <li>- five mixed use units providing general industry with ancillary office (B2 &amp; E) providing up to 180,000sq. ft;</li> <li>- one office unit (use class E) providing up to 15,000sq. ft;</li> <li>- one light industrial unit (use class E) providing up to 63,000sq. ft;</li> <li>- two mixed use units providing storage/distribution with ancillary office (B8 &amp; E) providing up to 200,000sq. ft;</li> <li>- the provision of green infrastructure and all ancillary works.</li> </ul>		
<b>Site Address:</b> Land Off Mile End Roundabout Oswestry Shropshire		
<b>Applicant:</b> Shropshire Council (Economic Growth)		
<b>Case Officer:</b> Philip Mullineux	<b>email :</b> philip.mullineux@shropshire.gov.uk	
<b>Grid Ref:</b> 330960 - 328640		



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

## REPORT

**Recommendation: Approval subject to the conditions as set out in appendix 1 attached to this report and any modification to these conditions as considered necessary by the Head of Service.**

### 1.0 THE PROPOSAL

1.1 The application is a 'Hybrid Planning Application' for:

- **Full planning permission** - formation of a 360m spine road; two 3.5m wide foot and cycleways; one 2m wide footpath; one electricity substation; supporting utilities infrastructure; drainage system; landscaping and ancillary works;
- **Outline planning permission** - 10 plots to be delivered in four phases, providing:
  - a hotel (use class C1) up to 30,000sq. ft;
  - three units providing up to 6,000sq. ft of hospitality and up to 3000sq. ft of services;
  - five mixed use units providing general industry with ancillary office (B2 & E) providing up to 180,000sq. ft;
  - one office unit (use class E) providing up to 15,000sq. ft;
  - one light industrial unit (use class E) providing up to 63,000sq. ft;
  - two mixed use units providing storage/distribution with ancillary office (B8 & E) providing up to 200,000sq. ft;
  - the provision of green infrastructure and all ancillary works.

on land at Land off Mile End Roundabout, Oswestry.

1.2 The application is accompanied by a site master plan, phasing plan, (outline), site plan, (full), location plan, substation elevations and floor plan, landscape master plan, planning



statement, design and access statement, and forming the 'Environmental Statement is detail in relation to soils/land reports, noise reports, archaeology report, biodiversity reports, cultural reports, historic environment report, construction assessment, cumulative impact assessment, waste management strategy, tree report, landscape and visual impact assessments, surface water and flood risk assessment, economic benefits report, transport assessment, travel plan and a statement of community involvement.

- 1.3 A scoping opinion dated 8th January 2021 (reference 20/04574/SCO) carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, established that the development as proposed falls under the remit of Schedule 2:10a Infrastructure projects – Industrial Estate Development projects, in accordance with EIA Regulations, and in accordance with the scale of the development it was considered an Environmental Statement was necessary to accompany any formal planning application for development on site. (Area Thresholds in accordance with 10a EIA developments is 0.5 hectares. The development proposal, (depending on end users), could also be considered to fall under the remit of EIA Schedule 2:10b Urban Development projects to which the EIA threshold is 5 hectares. – Site covers some 13 hectares.
- 1.4 Pre-application advice was requested and given in relation to the proposal by Planning Services, (reference PREAPP/20/00419 dated 22nd December 2020) and this concluded that the principle of the development was considered acceptable subject to consideration to issues as discussed in the formal response.

## 2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The site is located on relatively flat agricultural land, and covers an area of approx. 18.22 hectares, (application form), to the south east of the town of Oswestry. The A5 public highway runs parallel to the west of the site and the A483 and Mile End roundabout. The surrounding land use is predominantly agricultural to the east and north east, residential to the north west and commercial to the west due to Maesbury Road Industrial Estate. In addition to agricultural land, the south consists of some commercial use at Mile End Service Area and some recreational use provided by Mile End Golf Club. The closest residential area to the site includes 'White House Farm, located approximately 50 metres north, Pool Farm Cottage approximately 170 metres north east and an outbuilding associated with Red House approximately 180 metres south.



Site area and location outlined in red.

- 2.2 The main access to the Proposed Development would be gained from the Mile End roundabout on the A5, which is located adjacent to the Site. There is one Public Right of Way (PRoW) 0307/68/1 footpath which travels east to west through the north eastern section of the Site.
- 2.3 The Mile End Junction Improvement Scheme (20/00283/FUL) (currently under construction), and the pedestrian and cyclist bridge (20/04145/FUL) both having planning consent, were both designed to provide the highway, pedestrian and cycle infrastructure required to enable the development subject to the application under consideration to come forward.
- 2.4 The Planning Statement in support of the application indicates that 'full planning permission' is sought for the construction of the main access road (Road 1) within the Site which would extend from the new Mile End junction currently being developed east of the A5 highway (20/00283/FUL) and running east west through the Site. A shared foot and cycle way would be provided along the northern carriageway of Road 1 with a 2 metre wide footpath provided on the southern carriageway with a 68 metre of which would be a shared foot and cycleway which would be 3.5 metre in width. A 33kv High Voltage substation would also be provided within the east of the Site to accommodate the downing of 33kv cables within the north eastern extent of the Site. The full planning elements cover an area of approximately 1.5 hectares.

The proposed 33kv high voltage substation to serve the proposed development will be approximately 4.0 metres in height, 7.0 metres wide by 11 metres long, the facing brick and final materials are to be agreed as per the LPA recommendations. An external transformer will be located to the northern elevation of the main building which will be housed behind a security palisade fence 2.4 metres high by approximately 5.7 wide and 6.7 metres long. The main building will have two access, a single panic door on the western elevation and a double door for plant and personnel access on the front / southern elevation Access to the transformer will be via the plant room to the north and there will be an external pedestrian gate access to within palisade fencing to the east.

'Outline planning permission' is sought for 10 plots comprising a mix of office use, light

industry, large storage/industrial units, mixed-use and services including a hotel. The proposed development is anticipated to provide up to 497,000 square feet of employment development. All matters including landscaping, sustainable drainage and other supporting utilities infrastructure and ancillary works are reserved for future consideration. The outline elements cover an area of approximately 16.5 hectares

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

3.1 The application is necessary for Committee consideration as it does not comply with the scheme of delegation as it is an application made by the Council which will not provide a statutory function.

#### **4.0 Community Representations**

4.1 **Oswestry Rural Parish Council** has responded indicating:

The Parish Council objects for the following reasons:

- 1) Any jobs created will be low paid.
- 2) A new hotel will take away trade from established hotels in Oswestry.
- 3) The proposed development will take away trade from the town of Oswestry.
- 4) The site is located in open countryside

4.2 **Oswestry Town Council** have responded to the application indicating:

To welcome the application and that it would be an asset for the town. It was noted that the Innovation Park could be developed with a clear theme and hopefully this could be linked to the RJ and AH Orthopaedic Hospital.

#### **4.3 Consultee Comment**

4.4 **Natural England** have responded to the application indicating:

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a

downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

**Highways England** have responded to the application indicating:

4.5

HIGHWAYS ENGLAND (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. This response represents our formal recommendations with regards to planning application 21/01334/EIA and has been prepared by Neil Hansen.

As you are aware, Highways England has been involved in pre-application discussions with the applicant’s consultant for the proposed Innovation Park since October 2020.

Based on these discussions, we noted that the anticipated trips from the proposed Innovation Park were considered within the VISSIM model used for the consented A5 Mile End roundabout improvement scheme. Further to this, we recommended that a comparison was made between the forecast trip generation for the proposed development site considered within the Transport Assessment prepared in support of the A5 Mile End Improvement scheme against what is being forecast as part of the current development. It is noted that the forecast trip generation and distribution figures were in line with the assessments used for the consented Mile End Improvement scheme. As such, no further assessments were required and this was confirmed via our email sent to the consultant in December 2020.

We note that the applicant has now increased the floorspace of the ‘B2 and E’ land use from 13,935 sq.m to 16,724 sq.m, thus raising the total floorspace of the development to 46,172 sq.m. While this would result in an additional number of trips when compared against the one used within the A5 Mile End Improvement scheme, we do not consider this to result in a significant change. Therefore, we have no concerns in regard to the likely traffic impacts from the proposed development and do not require the applicant to undertake any further assessments.

However, we have noted that the floorspace entered in Section 17 of the application form is in ‘square feet’ units as opposed to the ‘square metres’ included in the header line of the table. We consider this to have been entered incorrectly and as such, we would be grateful if you can confirm this.

In respect of the highway details, it is noted that these works extend from a new access provided off the 4th arm of a proposed roundabout with the A5. This roundabout forms part of the Mile End Improvement scheme which was granted planning permission and is currently in the process of being delivered under a Section 6 agreement between Shropshire Council and Highways England. Similarly the pedestrian/cycling footbridge was granted planning permission in February 2021.

The onsite highway works and the footbridge form part of the local highway network and therefore require no further comment from Highways England.

In respect of boundary concerns it is noted these are submitted in outline form with a number of plots shown to have a common boundary with the re-routed A5 which will form part of the SRN at this location.

It is assumed that full application(s) will be submitted in the future and will include specific details with regard to environmental impact and the physical impact of development on the

SRN on plots where there is a common boundary with the SRN.

It is however noted that the surface water drainage strategy shown on drawing 70069520 P01 indicates that surface water run off outfalls at a discharge point which forms part of the Shropshire Council's existing highway drainage network.

Based on the above, Highways England recommends that the following conditions should be attached to any planning permission that may be granted:

**Condition 1:** Prior to the commencement of the construction works for the development, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England. The approved plan shall be adhered to throughout the construction period.

**Condition 2:** No part of the development shall be opened until the proposed improvement works at the A5 Mile End roundabout as part of the A5 Mile End Improvement scheme (planning approval reference 20/00283/FUL) are implemented in full and open to general traffic.

**Condition 3:** No part of the development shall be opened until the proposed pedestrian/cyclist bridge over the central carriageway of the newly created A5 north at Mile End roundabout (planning approval reference 20/04145/FUL) is implemented in full and open to public.

**Reason for Condition 1, 2 and 3:** To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

**The Environment Agency** has responded indicating:

4.6

Thank you for referring the above application which was received on the 30 March 2021. We have no objection to the proposed development and would offer the following comments for your consideration at this time.

**Flood Risk:** Based on our 'indicative' Flood Map for Planning (Rivers and Sea) the site is located within Flood Zone 1: 'low probability' of fluvial flooding and comprises of land which has a less than 1 in 1000 annual probability of river flooding (<0.1%). The River Severn (designated Main River) lies to the immediate east of the site whilst a small ordinary watercourse borders the southern portion.

On the basis that the built development is solely within Flood Zone 1, we would offer no detailed comment upon flood risk matters but would refer you to your Flood and Water Management team for their views on the proposed surface water management.

However we note, and welcome, comprehensive consideration of surface water management to ensure that the proposed development will not increase flood risk to third parties whilst offering benefits. We also note that the submitted FRA has considered the latest climate change guidance in considering the management of surface water.

**Foul Drainage:** We note the proposed connection to the mains foul sewer. You should ensure that sufficient evidence is provided as part of the planning application to demonstrate that there is available foul water infrastructure capacity, to meet the demand from this proposed development without causing deterioration to water quality.

**Contaminated Land:** Based on the previous use of the site, we have no comments to make with regard to contaminated land on this application. You are advised to seek the comments of your Environmental Health Officer

#### 4.7 **SC Drainage** have responded indicating:

The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority. All correspondence/feedback must be directed through to Shropshire Council's Development Management Team.

1. The Proposed Drainage Strategy Report and the FRA are acceptable in principle subject to further percolation tests in accordance with BRE Digest 365 to confirm the feasibility of infiltration techniques. Final proposed drainage details, plan and calculations shall be submitted for approval

2 Final details of the Flood Compensation Storage should be submitted for approval.

3. Highway Gully Spacing calculations should be submitted for approval.

Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies

(formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

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

Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site. Exceedance flow path should be provided.

#### 4.8 **SC Regulatory Services** have responded indicating

A report by WSP for Shropshire Council; Oswestry Innovation Park, Environmental Statement Volume 2, Appendix 11.1: Contaminated Land Preliminary Risk Assessment Report; 70069520/11685, March 2021 has been submitted in support of this planning application.

Several potentially complete contaminant linkages have been identified and these have

been generally assessed as having a moderate risk although risks to controlled waters are considered very low / low, and risks from asbestos impacted soils are considered to be high.

It is recommended that the identified potential contaminant linkages (including the potential for asbestos to be present within the Site soils) are targeted through intrusive ground investigation. Works should include soil and groundwater sampling and chemical testing to fully assess the potential contaminated land risks, liabilities and constraints.

Accordingly, if planning permission is granted the following must be included as conditions:

#### Contaminated land

- a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance – Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

A noise assessment has been provided with the application. It has considered noise from

traffic sources and concluded that there is no significant impact at relevant receptors. This conclusion is accepted. The assessment goes on to consider the impact of operational noise. It highlights the unknown end users of the site and therefore no specific noise sources being available for modelling purposes at this time., It does however consider the presence of chilled goods vehicles on site (electric in nature) and assesses this noise source with and without some proposed mitigation. Mitigation measures have been proposed as follows:

Noise barrier 4m high, 45m long, wrapping around north east corner of Plot 2 service yard;  
Noise barrier 9m high, 27m long, along the north west edge of Plot 9 service yard; and  
Noise barrier 8m high, 122m long, wrapping around the north and east of Plot 10 service yard. This mitigation is considered significant. 9m high fencing structures may be difficult to install in practice. The mitigation has been designed to reduce rating levels at residential properties close to the site. Modelled rating levels at night were found to be significantly above background noise levels without mitigation. With the mitigation in place daytime noise levels are concluded to have a low noise impact and this is accepted. The rating level at night is predicted to be 2.9dB above background at the most sensitive receptor with at a rating level of 42.9dB. With an open window considered to remove 10dB the noise level from the specific items modelled would be anticipated to result in the creation of rating levels above good standards stipulated in BS8233 (30dB inside a bedroom at night). The background level used in the assessment is that considered reasonable for use on a weekday 40dB. It is noted that weekend background noise levels drop significantly (approx. 5dB reduction having considered the background noise levels provided in the report) and this has been expressed in the noise assessment (Appendix 7.2). In this scenario with mitigation the noise levels at receptors would be predicted to be 7.9dB above background with noise levels inside a bedroom with a window open for ventilation of 32.9dB. This would raise average noise levels above standards expressed in BS8233 which Regulatory Services considers are appropriate standards to look to maintain. In addition the noise source at weekends would stand out more than on week nights due to the lower background levels. It is considered reasonable to expect sites will want to operate 24/7 for industrial type operations and particularly if there are chilled storage options on site as modelled. Given this it is suggested that additional mitigation measures would be necessary to ensure the ability not to have impacts that can be considered as significant on existing residential receptors. For clarity it is suggested that the contours on Figure 7.8 have represented the specific noise levels rather than the rating level which is the appropriate data to represent. This comment is based on figures in Table 7.5.8 in document Appendix 7.5 noting levels above 40dB at the receptor and the contours showing receptor noise levels in the 35-40 dB bracket rather than the 40-45dB bracket. It is advised that the applicant provide comment on this aspect. Given the information above it is suggested that at site development stage additional noise mitigation would be necessary to show that noise levels are not likely to have moderate to significantly adverse impacts. Although it may be appropriate to consider noise at individual operators sites down the line, providing mitigation at a site master planning stage may make it easier for prospective future users of the site to comply with and specific standards imposed when specifics are provided by end users for plots in future. A suggested condition of fixed plant and equipment achieving 37dB (L<sub>Ar</sub>, 1hr) in the day and 30 dB (L<sub>Ar</sub>, 15min) at night has been specified in the noise assessment. It would be suggested that a condition is applied which states this and requires this to be as a combined noise level from on site fixed plant and equipment and transient noisy equipment e.g. chilled vehicles. In this way no significant impacts on residential properties in respect of noise would be found to be likely in future. This will be made easier if the site



is designed initially to mitigate noise spread beyond the site perimeter.

In respect of air quality an assessment has been provided. It has considered all pollutants of concern, NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, and concluded a negligible to low impact in all circumstances. The conclusion is considered acceptable based on an audit of the report including modelling inputs, validation methods and modelled outputs. No further work is deemed necessary in respect of air quality and no conditions required.

4.9 **SC Conservation Manager, (Archaeology)**, has responded indicating:

The proposed development site falls within the area of a Second World War Prisoner of War Camp (HER PRN 29128). Below ground remains associated with the camp were demonstrated to exist by an archaeological field evaluation, comprising a geophysical survey and trial trenching, of land north-east of the Mile End roundabout in 2017. A potential ring ditch (HER PRN 34342) that was identified by the 2017 geophysical survey was shown by the subsequent trial trenching and further archaeological investigation in advance of Mile End Junction improvement scheme in 2020 to be non-archaeological.

There are a range of listed buildings within the wider vicinity of the site, the nearest of which are the Grade II listed Pool Farmhouse (NHLE ref. 1177306) and associated and individually Grade II listed barn (NHLE ref. 1054273), c.420m to the east; and the Grade II listed Middleton Farmhouse (NHLE ref. 1367358).

#### **RECOMMENDATION:**

The following advice is provided as a joint consultation response on behalf the Historic Environment Team.

When assessing this application due consideration has been given to Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policies CS6, CS17, MD2 and MD13 of the Local Plan; the policies contained in Chapter 16 of the NPPF; and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets).

In relation to the requirements set out in Policy MD13 of the Local Plan and Paragraph 189 of the NPPF, the Environmental Statement contains a Chapter on Cultural Heritage (Chapter 8) which is also supported by a Historic Environment Desk-Based Assessment by WSP (ES Appendix 8.1). In 2017 the site was also subject to an archaeological geophysical survey by Tigergeo and an archaeological trial trenching exercise by Archaeology Wales. Together it is considered that this information provides a satisfactory assessment of the likely impacts the proposed development will have upon the historic environment.

The Historic Environment Desk-Based Assessment considered all listed buildings within a 2km buffer around the site and, of these, found that only the three buildings mentioned above had the potential to be affected by the proposed development. The Assessment finds that the significance of Pool Farmhouse and the associated listed barn would not be harmed by the proposed development. However, it considers that there would be an affect upon the setting, and thereby the significance, of Middleton Farmhouse because the proposed development sites forms part of the agricultural landscape in which the farmhouse is experienced and appreciated and historically was farmed by the occupant. However, because the proposed development site is located at the edge of the farmhouses setting, and because the rest would remain in agricultural use, the Assessment concludes (at para

7.3.6) that the proposed development would result in "...would result in less than substantial harm, at the lower extent of the scale..."

We concur with the Assessment's findings in relation the impact the proposed development would have upon the built historic environment. Given this, it is advised that, if the Decision Taker is minded to approve the application, they apply the tests contained within Local Plan policy MD13 and Paragraphs 193, 194 and 196 of the Framework in relation to the harm that would arise to the significance of the Grade II listed Middleton Farmhouse.

With regards to the archaeological implications of the proposed development, the Assessment finds that the proposed development would cause substantial harm to the below ground remains of the Second World War Prisoner of War Camp. In view of this, and in relation to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise a strip, map and record exercise within those areas of the former POW Camp where the character of activity is likely to be significantly different from those areas that have been excavated in advance of the Mile End Junction Improvements scheme, including the site of ancillary activity located beyond the boundary of the Camp at the north eastern edge of the proposed development site. An appropriate condition of any such consent would be: -

**Suggested Condition:**

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 site is known to hold archaeological interest.

4.10 **SC Highways Manager** has responded indicating:

It is considered that the proposed development could be acceptable, from a highways and transport perspective, subject to the following conditions/informatives being imposed and subsequently met.

**Observations/comments**

It is noted that Highways England have been supportive, of this development proposal. With respect to the proposed traffic movements directly interacting with the adjacent strategic trunk road network. With, specifically the improvements being undertaken at the A5/A483 Mile End Roundabout junction.

The LHA also supports the HE's conditions for the delivery of the proposed footbridge, prior to the occupation of any future buildings on this site. In order to ensure that suitable pedestrian and cycle access is provided.

In terms of the internal industrial estate road layout of the development site, which are proposed to become highways maintainable at public expense (adopted), by Shropshire Council (LHA). The layout is considered generally acceptable, subject to the construction meeting the required specification.

**Conditions:**

**Road Design**

No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water

have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

### **On-site Construction**

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- a construction traffic management (& HGV routing plan) and community communication protocol.

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

### **Informatives:**

#### **Works on, within or abutting the public highway**

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or
- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

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

### **Prospective adoption of highways**

If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths, levels of the proposed roadworks, surface water drainage and

street lighting, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into

4.11 **SC Public Rights of Way** have responded indicating:

FP 68 does run through the application area and this has been acknowledged by the applicant, the location of this footpath through the development will need to be addressed through ongoing discussions at the appropriate points of the current and future planning applications.

4.12 **SC Ecology** - to follow as an update.

4.13 **SC Trees** have responded indicating:

No objection to the proposed development, conditions are recommended.

There are a number of trees on this site. An Arboricultural Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has been prepared in accordance with BS 5837 (2012) and includes an assessment and categorisation of the tree based on their current and potential public amenity value. This categorisation forms the basis for how much weight should be put on the loss of a particular tree and helps to inform the site layout and design process. I have reviewed the categories allocated to the trees and would agree that these are appropriate. The AIA has identified 34 trees, 7 groups of trees and 9 sections of hedgerow on the site. Of these 18 trees are category A (high value) 10 trees and 1 group of trees category B (moderate value) 5 trees, 6 groups of trees and 9 hedgerows category C (low value) and 1 tree category U (unsuitable for retention). 3 trees have been identified as veteran trees, T4 Field Maple, T5 Oak & T34 Oak, these are amongst the most valuable and natural assets and are often considered to be irreplaceable. Guidance on managing these trees, particularly in relation to development has been prepared by the Woodland Trust in the publication 'Planners' Manual for Ancient Woodland and Veteran Trees'.

This is a hybrid application part full and part outline and the AIA assess the impacts for each part.

The AIA notes that the full application would require the loss of one category A tree (T2 Oak) and one section of category C hedgerow and will also impact on one category A tree as a result of root loss from construction. The full application relates to the spine road and although the loss of high value trees should be avoided wherever possible, it is recognised that there are limitations on where the link road can be sited. It is there advised that, should it not be possible to alter the line of the link road to avoid this tree, then compensatory planting must be provided to compensate for the loss of amenity and natural capital. The Landscaping Masterplan indicate that 35 medium to large avenue trees are to be planted along the spine road and this will off-set the loss of T2 and the impact to T3. No objection is raised subject to all tree protection measures identified in the AIA being implemented and maintained throughout the construction phase of the operation and all proposed landscape planting being maintained.

The AIA notes that the outline application would, under the current masterplan layout, require the loss of 5 category A trees, 1 category C group of trees and 3 sections of category C hedgerow. There would also be impact to 3 category A trees, including 1

veteran tree through encroachment into the RPA and subsequent loss of roots. The encroachment into the RPA of T9 is negligible and can be disregarded providing the remaining RPA is protected, in the case of T14 around 12% is affected and this may impact the vitality of the tree in the longer term, but it is likely to survive and recover. Of particular concern is the impact to T5 the veteran oak. Veteran trees are extremely vulnerable to any form of root disturbance and, although it is noted that the AIA has correctly applied the extended RPA designated for trees of this type, a loss of almost 18% of this area is very likely to have a detrimental impact.

Overall the outline application would result in the loss of 5 high value trees out of a total of 18 high value trees on the site along with 3 hedgerows and a group of lower value trees. Although this level of loss is likely to have some impact on the amenity and natural capital of the area, this has to be seen in the context of a complete change of land use and a substantial amount of compensatory planting and may be justifiable given the value of the proposed development and would not be objected to providing the remaining trees were protected in accordance with the minimum requirements of BS 5837: 2012 and substantial compensatory planting, as indicated in the landscape master plan, were implemented. However the risk to the veteran tree is unacceptable. Veteran trees are irreplaceable, and a precautionary approach must be taken were these are concerned. It is recommended that the final site layout be designed to accommodate the entire RPA of all the veteran trees and that these are suitably protected during any construction work.

No objection is raised, subject to the above, at this stage to the outline application. The final layout must take account of the tree constraints identified in the AIA and make provision to accommodate all retained trees within the site design. The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA, assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012

No objection is raised to the full application providing all measures in the AIA and associated Arboricultural Method Statement and Tree Protection Plan are implemented. The following condition is recommended:

In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and arboricultural method statement forming part of the planning application have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed

in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

#### 4.14 **Public Comments**

4.15 One letter of objection has been received from members of the public. Key issues raised can be summarised as follows:

- Concerns that pedestrian and cycling access into the site is not of adequate standard in relation to national recognised standards.

4.16 Comments submitted on behalf of **Oswestry Group of the Ramblers**

Whilst we welcome the attention given to sustainable transport, walking and cycling access to the site from Oswestry, we cannot at this time support this application for the following reasons:

- We note that discussions are ongoing with the Rights of Way department regarding the diversion of PROW 0307/68/1. However, there are no details at present to allow us to judge how viable and useful any diversion would be; we would need to see the full consultation before making a judgement. The diversion would need a formal DMMO before development commenced. Any diversion should link in with the pedestrian/cycling bridge over the A5 and then back to 0307/68/4 across the 600 house development site to the West (Planning Application 16/02594) and deal with the long standing obstruction at the old leisure centre. It should maintain the linkage with PROW's 0307/67/1, 0307/68/2 and 0307/69/1 at the Eastern edge of the site.
- The PROW's on the Eastern edge of the site mentioned above are all well maintained and are mostly fitted with modern kissing gates at field boundaries (having been modernised in the last 5 years). As such they would provide a valuable resource to enable site employees to undertake short lunchtime walks in open countryside. We therefore ask that easy access to these paths is enabled from the Innovation Park. We believe that this would contribute to Council Policy CS17 (Environmental Networks)
- As we stated above, we welcome the approach to providing walking and cycling access from Oswestry. However, we feel that little attention has been given to those who may want to access the site by cycle or on foot from the East. Coming in from Middleton Road and intersecting the southern boundary of the site is a track; this is in fact a Shropshire Maintained Footway (F1025/ 10). It is clear and has a reasonable surface from Middleton Road to the farm building approximately half-way along; after that it is currently obstructed by vegetation. We believe that by clearing the route and making appropriate surface improvements, this has the potential to provide a cycling (and walking) route into the Innovation Park allowing people to cycle in from surrounding communities to the East. Indeed, they could then proceed if they wished through the Innovation Park, over the

bridge to access both the Maesbury Industrial Estate, Super Markets and Leisure Centre. We believe that creating this cycling and walking link is very much in line with Council Policy CS7 (Communications and Transport) and CS6 (Sustainable Design and Development Principles). We understand that to permit this the legal status of F1025/ 10 would need to change and would support any such move.

## 5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design
- Visual impact and landscaping
- Ecological issues
- Drainage
- Public highway and transportation issues.
- Economic benefits
- Amenity issues.

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.1.2 Policy S14.1b: Allocated employment sites in the Council's SAMDev indicates that the site subject to this application as being allocated as an employment site.
- 6.1.3 Detail in the Planning Statement in support of the application indicates that the proposed development aligns with aspirations for the delivery of specific targets outlined within The Shropshire Local Development Framework: Adopted Core Strategy (2011) policy CS1 (Strategic Approach). It will bring forward approximately 18ha of employment land allocated in the Shropshire Site Allocations and Management of Development Plan (2015) helping Shropshire reach its economic vision and the objectives by providing new jobs in a well-connected site .

Detail in the applicants statement indicate that the overall aims and objectives of the proposed development are:

- To bring forward new employment land to meet the economic needs of the County
  - To generate employment in Oswestry;
  - Provide a well-connected site, accessible by varied means including non-motorised users.
- 6.1.4 A Master plan accompanies the application and this indicates that the proposal has been developed to accommodate a flexible mix of commercial activities with the aim of being able to respond to changing needs. It aims to create an attractive and engaging setting for commercial activities and the future users of the proposed development. The strategic design approach for the proposed development aims for the scale of development to increase from the smallest developments that create the public frontage to the largest developments towards the rear of the site and further away from the A5 highway. This approach ensures that the smaller scale developments, and those with wider public interest, are within the primary areas of view; considered in keeping with the existing scale of development at Mile End.
- 6.1.5 The Environmental Statement in support of the application considers cumulative impacts

with surrounding development and land uses and this is considered acceptable with adequate consideration to landscape mitigation as discussed in detail in support of the application.

- 6.1.6 A phasing plan indicating how development on site will evolve accompanies the application and this is considered acceptable in principle.
- 6.1.7 The application proposes a range of different planning class uses on site and these include B2 & E (General Industry & Commercial business and service), B1 (Business), B8 (Storage and distribution), C1 (Hotel), E (Commercial business and service), and Sui generis. (Class 'E' includes shops, restaurants, financial and professional services). It will be necessary to attach a suitably worded condition to any approval notice issued in order to prevent units being sole Class E (other than as proposed), in order to protect the viability of Oswestry town centre.
- 6.1.8 In principle development of this allocated employment site in accordance with the local plan is considered acceptable and in accordance with relevant local plan policies subject to satisfactory consideration to points as discussed in this report below.
- 6.2 **Siting, scale and design**
- 6.2.1 Section 12: Achieving well-designed places of the NPPF advocates optimising the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The NPPF seeks to improve and enhance places where people live. This national policy is reinforced and expressed locally in Core Strategy Policy CS6 and SAMDev Policy MD2
- 6.2.2 The application forms two parts:
- Full planning permission for a 360 metre spine road, two 3.5 metre wide foot and cycleways, one 2 metre wide footpath, 33kv primary High Voltage substation, supporting utilities infrastructure, sustainable urban drainage system, landscaping and ancillary works;
  - Outline planning permission for up to 10 plots to be delivered in four phases, providing: a hotel (use class C1) up to 30,000sq.ft; three units providing up to 6,000sq.ft of hospitality and up to 3000sq. ft of services; five mixed use units providing General industry with ancillary office (B2 & E) providing up to 180,000sq. ft; an office unit (use class E) providing up to 15,000sq. ft; one (use class E) light Industry providing up to 63,000sq. ft; two mixed use units providing storage / Distribution with ancillary office (B8 & E) providing up to 200,000sq. ft; the provision of green infrastructure and ancillary works.
- 6.2.3 Whilst a hybrid application, this application is primary in relation to on site infrastructure in order to mostly consider scale and design at a later 'Reserve Matters' stage. The full part of the application proposes a sub-station and this is considered acceptable in scale and design. Otherwise as this application is primary in consideration of the principle of the development and on site infrastructure, there is very little to consider in relation to scale and design. The master plan forming part of the application is considered acceptable in relation to layout
- 6.2.4 In relation to scale and design the proposed development is considered acceptable and in accordance with Policies CS6 and MD2 of the local plan and the aspirations of the National Planning Policy Framework.
- 6.3 **Visual impact and landscaping**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core



Strategy encourages development that improves the sustainability of communities whilst requiring development to protect and conserve the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, and the achievement of local standards for the provision and quality of open space and ensure sustainable design and construction principles are incorporated within the new development.

- 6.3.2 In addition SAMDev Policy MD2 Sustainable Design builds on Policy CS6 providing additional detail on how sustainable design will be achieved. To respond effectively to local character and distinctiveness, development should not have a detrimental impact on existing amenity value but respond appropriately to the context in which it is set.
- 6.3.3 Policy CS17 'Environmental Networks' states that development will identify, protect, enhance, expand and connect Shropshire's environmental assets and does not adversely affect the visual, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. In addition, SAMDev Policy MD12: The Natural Environment builds on Policy CS17 providing development which appropriately conserves, enhances, connects, restores or recreates natural assets.
- 6.3.4 Also, SAMDev Policy MD13: The Historic Environment states that in accordance with Policies CS6 and CS17 and through applying the guidance in the Historic Environment SPD, Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored. In relation to historic issues this application is considered acceptable.
- 6.3.5 Detail in support of the application in relation to landscape and visual impacts acknowledges that once the development on site is operational, there will be a noticeable change in the landscape compared to the open field it presently is. The Landscape Strategy has been developed to provide green infrastructure as part of the development, through the creation of new habitats throughout the site. The primary aim of the strategy is to retain typical landscape features that are characteristic of the locality (such as field boundaries, ponds and the distinctive veteran trees) and provide additional habitats which include locally common native species to further replication the local pattern of vegetation. These measures would help to integrate the development into the landscape and soften the impact as the planting becomes more prominent. There will be a noticeable change to views for some local residents, users of public footpaths adjacent to the site and users of Middleton Lane. Moderate adverse effects are anticipated for local residents and users of the public footpaths that are within or close to the north and eastern boundary of the site with minor adverse effects anticipated for users of Middleton Lane. Some views from other residents and local roads are anticipated during construction but these are considered to be negligible due to the distance and/or intervening vegetation and buildings that would filter views towards the site. Once operational, moderate adverse effects on changes in views would remain for some local residents and users of public rights of way. This is because the development would permanently change the site from farmland to commercial use with new built form and other infrastructure that would be visible to nearby properties and pedestrians. Green infrastructure developed as part of the landscape strategy will help to mitigate the effects on views by introducing landscape features and habitats that integrate with the existing landscape and help to screen views towards the development as the planting matures. Earth mounds (known as graded landforms) are also proposed within the east of the site to further help screen the larger buildings from views.
- 6.3.6 The applicants have submitted a cultural and historic assessment in support of the application and its conclusions are considered acceptable. It is noted the Council's Conservation Manager has responded to the application raising no objections and that

due consideration has been given to Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policies CS6, CS17, MD2 and MD13 of the Local Plan; the policies contained in Chapter 16 of the NPPF; and the guidance contained in the NPPG and Historic England's Historic Environment Good Practice in Planning Advice Notes 2 (Managing Significance in Decision-Taking in the Historic Environment) and 3 (The Settings of Heritage Assets). However the application site it is considered does contain below ground remains of the Second World War Prisoner of War Camp. In view of this, and in relation to Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development as advised by the Conservation Manager in his response to the application as set out in paragraph 4.9 above.

- 6.3.7 There are a number of trees on this site and an Arboricultural Impact Assessment, (AIA), has been submitted as part of the application to demonstrate the impact of the development on existing trees, hedges and shrubs, and to justify and mitigate any losses that may occur. The Council's Tree Officer considers that whilst there will be some loss of important vegetation on site, with consideration to mitigation as proposed, the findings on this matter are acceptable as set out in paragraph 4.13 above in response to the application. The response recommends a condition be attached to any approval notice issued with regards to protection of trees ear marked to be retained on site and compensatory mitigating plantings to be carried out on site. This is considered acceptable and it must also be acknowledged that further applications for planning permission on site will be required as part of 'Reserved Matters', and these will need to be supported with an updated version of the AIA, assessing any impacts that arise and demonstrating that any retained trees will be protected to the minimum standards as recommended in the recognised industry BS5837: 201 standard.
- 6.3.8 Whilst it is acknowledged that development on site will have an impact, in principle landscape and visual impact issues, as well as cultural and historic are all considered acceptable and it is considered that these matters can be mitigated and can be further considered at 'Reserve Matters stage' in relation to the individual plot developments within the site with adequate consideration to the 'full' aspect of the application under consideration in relation to on site infrastructure and the setting of the wider site. On this matter the application is also on balance considered acceptable with consideration to an appropriately worded condition with regards to boundary treatments and on site general open space and landscape mitigation along with a condition with regards to archaeology interests as discussed above.

#### 6.4 **Ecology issues**

- 6.4.1 The NPPF places high importance on protection of biodiversity interests and new development should minimise impacts on biodiversity. Planning permission should be refused where significant harm from a development cannot be avoided. It also places great weight on conserving and enhancing the natural environment. Core Strategy Policies CS6 and CS17 require development proposals to respect the natural environment of Shropshire and its biodiversity interests. Policy MD12 of the SAMDev, amongst other matters, encourages 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. Development should minimise impacts upon biodiversity and provide net gains in biodiversity wherever possible.
- 6.4.2 The applicants have submitted in support of the application as part of the Environmental Statement detail in relation to ecological issues and this includes surveys in relation to

protected species, (Great crested newts and bats). Consideration has also been given to ecological mitigation and enhancement and long term management strategies.

- 6.4.3 SC Planning Ecology have responded to the application referring to fourteen waterbodies that are present within 500 metres of the Site, one pond (Pond 1) is present within the Site, and two ponds (Ponds 2 and 5) are within the survey area. Updated HSI surveys were undertaken on Ponds 1 and 2 in 2020. The results of the HSI surveys recorded Ponds 1 and Ponds 2 as 'Good' and Pond 5 as 'Average'. An eDNA survey of Ponds 1 and 5 were undertaken in 2019 (in relation to the nearby Mile End Junction Improvements scheme), where the results returned Positive for great crested newt presence. An eDNA survey was undertaken on Pond 2 in 2020 which returned a negative result. Pond 5 was dry at the time of the 2020 eDNA survey. Clearly a population of great crested newts is present within the farmland on site. A update on this matter will follow, and as great crested newts are a European Protected Species, a European Protected Species 3 tests matrix report will also follow as an update to this report.
- 6.4.4 The SC Planning Ecologist also confirms that trees across the site have been assessed for their potential to support bat roosts, and additional surveys of trees to be removed as part of the full application have been undertaken where necessary, to investigate the presence/likely absence of roosting bats and that the surveys are considered adequate. In terms of the outline application, trees have also been assessed for their likelihood to support roosting bats, however, as proposals are outline, with detailed matters to be reserved, update bat surveys will be required on trees which are identified for removal or are affected by works. A condition to ensure these surveys are submitted as part of a reserved matters application is therefore recommended.
- 6.4.5 The application is accompanied by a Biodiversity Impact Assessment calculation and report and its findings are considered acceptable to the SC Planning Ecologist, who considered as a whole that the scheme compared with other development in connection to Public Highway improvements adjoining the site will overall deliver a net biodiversity gain.
- 6.4.6 The landscaping for the outline application is indicative only, and opportunities to include increased planting and habitats for biodiversity are available when each reserved matter application for each phase is submitted. A condition is therefore recommended that requires details of landscaping to be submitted for each phase of development.
- 6.4.7 Subject to a satisfactory further update from the SC Planning Ecologist detail in relation to ecological issues is considered acceptable with conditions as recommended by the SC Planning Ecologist (as attached in appendix one to this report and any further conditions in relation to Newts if considered necessary). As such the application considered to be in accordance with Policies CS6, CS17 and MD12 and the NPPF on ecological issues.
- 6.5 **Drainage**
- 6.5.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an increase in runoff. The site is identified by the Environment Agency
- 6.5.2 A flood risk assessment accompanies the application and this acknowledges that the proposed development would be constructed in phases, being the subject of a hybrid planning application which consists of a full planning application covering the main spine road (Road 1) and a sub-station, and an outline planning application which covers the remainder of the proposed development which will be subject to Reserved Matters for each

of the respectful plots. The Environment Agency's Flood Map for Planning indicate that the site area is located entirely in the low risk Flood Zone 1.

- 6.5.3 The Council's Drainage Team have responded to the application indicating that the proposed Drainage Strategy Report and the FRA are acceptable in principle subject to further percolation tests in accordance with BRE Digest 365 to confirm the feasibility of infiltration techniques. Final proposed drainage details, plan and calculations shall be submitted for approval. In principle then this is considered acceptable with a condition attached to any approval notice issued with regards to detail in relation to foul and water drainage prior to any development on site.
- 6.5.4 The Environment Agency were consulted on the application and it is noted in their response, (Outlined in paragraph 4.6 above), that they raise no objections to the proposal on drainage issues based on the information submitted in support of the application that they indicate is considered acceptable.
- 6.5.5 On flood risk and drainage issues with a condition attached with regards to surface and foul water drainage detail, the application is considered acceptable and in accordance with Policy CS18 and relevant policies of the local plan and the NPPF on drainage and flood issues.
- 6.6 Public highway and transportation issues**
- 6.6.1 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.”
- 6.6.2 Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced.
- 6.6.3 The 'Full' element of this application includes provision for a 360 metre spine road, two 3.5 metre wide foot and cycleways and one 2 metre wide footpath. The 'Outline' element is for the individual 10 plots to be delivered in four phases, providing: a hotel (use class C1) up to 30,000sq. ft; three units providing up to 6,000sq.ft of hospitality and up to 3000sq. ft of services; five mixed use units providing General industry with ancillary office (B2 & E) providing up to 180,000sq.ft; an office unit (use class E) providing up to 15,000sq. ft; one (use class E) light Industry providing up to 63,000sq. ft; two mixed use units providing storage / Distribution with ancillary office (B8 & E) providing up to 200,000sq. ft. In consideration of the scale of the development on site this approach is considered acceptable from a highways and transportation perspective.
- 6.6.4 The applicants have submitted in support of their application, as part of the Environmental Statement a travel plan, and a transport assessment and this concludes that appropriate opportunities to promote sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all users; and there are no significant impacts from the development on the transport network. It also considers that none of the cumulative residual impacts of the proposed development are considered severe in the context of NPPF, and it is therefore considered acceptable in highways terms. The application gives consideration to a number of transport modes and this includes pedestrian and cycleways which will connect up with the surrounding area.
- 6.6.5 Highways England were consulted on the application and they have responded indicating that they have no concerns in regard to the likely traffic impacts from the proposed

development and do not require the applicant to undertake any further assessments. Their response recommends conditions be attached to any approval notice issued with regards to a construction environmental management plan, none of the development being in operation until the Mile End Roundabout and pedestrian/cycle bridge are in operation for use by the public.

- 6.6.6 SC Highways Manager also raises no objections indicating they note that Highways England have been supportive of the application with regards to the proposed traffic movements directly interacting with the adjacent strategic trunk road network. With, specifically the improvements being undertaken at the A5/A483 Mile End Roundabout junction. The SC Highways Manager supports the HE's recommended conditions for the delivery of the proposed footbridge, prior to the occupation of any future buildings on this site. In order to ensure that suitable pedestrian and cycle access is provided. In terms of the internal industrial estate road layout of the development site, which are proposed to become highways maintainable at public expense (adopted), by Shropshire Council (Local Highways Authority). The layout is considered generally acceptable, subject to the construction meeting the required specification. The response recommends conditions be attached to any approval notice issued with regards to road design and a construction method statement.
- 6.6.7 Whilst it is acknowledged that a right of way passes through the site, this matter is satisfactorily being addressed as part of the proposed development as acknowledged by the Council's Rights of Way Manager in response to the application.
- 6.6.8 On highway and transportation matters the application is considered acceptable and in accordance with Policies CS6 and MD2 of the local plan and the NPPF with the conditions attached to any approval notice issued as recommended by both Highways England and SC Highways Manager's response.
- 6.7 **Economic benefits**
- 6.7.1 Paragraph 80 of the NPPF indicates that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It also requires that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.7.2 Policy CS13 of the Shropshire Core Strategy indicates support for Shropshire's Market Towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands in accordance with Policy CS3. which indicates balanced housing and employment development of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure. Policy CS14: Managed release of employment land indicates that a strategic supply of employment land and premises will be identified and managed which will be distributed in accordance with the strategic approach in Policy CS1.
- 6.7.3 The Oswestry Town Plan outlines two key objectives to support "*a strong and enterprising economy*", with the aim of increasing the supply of the employment floorspace:
- *Ensure sufficient good quality new employment land is allocated and brought forward in the 'right location' to support local business development and attract new investment. and*
  - *Ensure there is an adequate supply of premises available, providing work spaces to support enterprise - business start up, development and expansion.*

- 6.7.4 The application represents a significant economic boost to the surrounding area in which the site is located within. The applicants have submitted in support of their application an economic and social benefits appraisal and this indicates that the Economic Growth Strategy for Shropshire identifies the need to bring forward new employment land to meet the County's economic needs. The Proposed Development provides a variety of employment generating floorspace including office space, light industrial units, distribution premises, and a hotel and restaurant. The site is allocated for employment use in the local plan and the development will provide floorspace types which are appropriate and suited to the local context of the area.
- 6.7.5 The key socio-economic benefits of the development include:
- The development of a strategically important employment site within Shropshire, signalling confidence in the market and the local area as a location of economic growth;
  - The creation of an estimated 81 net jobs during the construction phase, and 1,297 net jobs during the operational phase. This represents a total net GVA of £41,726,271 per annum during the construction phase and £322,109,787 during the operational phase;
  - Potential during the construction phase to support local people to access opportunities for training, apprenticeships and other education and skills opportunities;
  - Provision of new lower skilled jobs within the hotel facilities on site, which typically draw employees from the local area, providing an important benefit for residents within Shropshire;
  - Provision of new flexible office and manufacturing premises which would attract innovative firms and support incubator and accelerator businesses and potentially small start-ups. These types of companies would likely attract and employ skilled employees and offer employment opportunities for those people with higher level qualifications within Shropshire;
  - Landscaped corridors accommodating pedestrian footpaths through and around the Site, creating linkages with existing public footpaths to provide a green network throughout the site connecting to the wider local footpath network; and
  - New cycle path infrastructure.
- 6.7.6 In relation to social and economic developments the development is considered significant for the local and regional area, providing the potential for substantial economic growth in a wide range of employment industries and thus this is a significant material planning consideration in favour of the application. The proposal is considered to be in accordance with Policies CS1, CS3, CS13, CS14, MD1, MD2 and MD4 of the local plan and the NPPF on this matter.
- 6.8 **Amenity issues**
- 6.8.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. The applicants have submitted a land contamination assessment, noise and impact assessment, as well as an air quality assessment in relation to the proposal and these have been considered as part of the considerations in relation to the application
- 6.8.2 The applicants have submitted various noise assessments such as in consideration of background noises to the site, noise impacts as a result of construction on site and noise impacts as a result of different land uses on site and inter-relational effects. Also with consideration to the location detail has been submitted in relation to air quality assessments and land contamination.
- 6.8.3 It is noted the Council's Regulatory Services Manager raises no objections to the principle

of development on site, indicating in relation to noise, acknowledging that although it may be appropriate to consider noise at individual operators sites in respect of the individual plot application stage, that providing mitigation at a site master planning stage may make it easier for prospective future users of the site to comply with and specific standards imposed when specifics are provided by end users for plots in future. On this matter the Regulatory Services Manager recommends a condition with regards to fixed plant and equipment achieving 37dB (LA<sub>r</sub>, 1hr) in the day and 30 dB (LA<sub>r</sub>, 15min) at night and a combined noise level from on site fixed plant and equipment and transient noisy equipment e.g. chilled vehicles is attached to any approval notice subsequently issued. The Regulatory Services Manager is satisfied with the applicants assessment on air quality and does not consider any further action is required in relation to this aspect. In consideration of land contamination he advises that as several potentially complete contaminant linkages have been identified, (such as asbestos), and these have been generally assessed as having a moderate risk although risks to controlled waters are considered very low / low, and risks from asbestos impacted soils are considered to be high, that these aspects are targeted through intrusive ground investigation such as soil and groundwater sampling and chemical testing to fully assess the potential contaminated land risks, liabilities and constraints, that a condition in respect of contaminated land site investigation and any if necessary land remediation, is carried out by a competent person in accordance with current Environment Agency guidance and Land Contamination - Risk Management is attached to any approval notice subsequently issued. It is noted the Environment Agency in response to the application raises no objections.

6.8.4 On amenity issues, in consideration of the site and users of the site during construction and the end users as well as surrounding residential and landscape amenity issues, with consideration to the above-mentioned discussion and advice as set out by the Council's Regulatory Services Manager, the application is considered acceptable in relation to all amenity issues and in accordance with Policy CS5 and other relevant local plan policies and the NPPF on planning matters in relation to all amenity matters.

## 7.0 **CONCLUSION**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The starting point must be the Development Plan and then other material considerations must be considered and weighed up against the requirements.
- 7.2 It is acknowledged that this application is large and significant in scale and will have an impact on the surrounding landscape, however it is considered that with adequate mitigation as discussed in the application submission that any detrimental impacts can be adequately addressed and integrated into the surrounding landscape on this edge of built-up environment of Oswestry Town with the countryside. The site is allocated for industrial/employment use in accordance with the local plan and it is also considered that the development will have significant economic and social benefits for the locality and wider area in which the site is located within.
- 7.3 The application is for a range of different planning class uses. In order to protect the viability of Oswestry town centre it is considered necessary to attach to any approval notice issued a suitability worded condition in order to control the class uses on site.
- 7.4 Issues in relation to public highway and transportation issues with suitably worded conditions are considered acceptable.
- 7.5 Also issues in relation to amenity, (including ground contamination, noise, air and dust), are considered acceptable as are issues in relation to biodiversity and drainage as

discussed in the report.

- 7.6 The application is a 'hybrid application' and the full section of the application refers to infrastructure which is considered acceptable. Otherwise scale and design of individual units on site is reserved for future consideration. (In outline).
- 7.7 The comments as made by both Oswestry Town Council and Oswestry Rural Parish Council are noted and these matters are covered in this report. The comments made by a member of the public and Oswestry Ramblers are noted and it is considered that the Council's Rights of Way will ensure adequate consideration is carried out in consideration of necessary footpath diversions and maintenance of existing rights of way.
- 7.8 The findings and conclusions as indicated in the information submitted in support of the application and the Environmental Statement are on balance considered acceptable.
- 7.9 On balance this application is considered acceptable and should help contribute to the economic growth of the town and surrounding area and overall it is considered to be in accordance with Local Plan Policies CS1, CS3, CS6, CS7, CS8, CS13, CS14, CS17 and CS18 of the Shropshire Core Strategy, Policies MD1, MD2, MD4, MD8, MD12, MD13 and S14 of the SAMDev and the overall aims and objectives of the NPPF.
- 7.10 The recommendation is one of approval subject to the conditions as set out in appendix 1 attached to this report and any modification to these conditions as considered necessary by the Head of Service.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

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

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

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

### **8.2 Human Rights**

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



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

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

### **8.3 Equalities**

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

### **9.0 Financial Implications**

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

## **10. Background**

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

MD8 - Infrastructure Provision  
MD4 - Managing Employment Development  
MD12 - Natural Environment  
MD13 - Historic Environment  
Settlement: S14 - Oswestry  
SPD Sustainable Design Part 1  
National Planning Policy Framework  
CS1 - Strategic Approach  
CS3 - The Market Towns and Other Key Centres  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS8 - Facilities, Services and Infrastructure Provision  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD1 - Scale and Distribution of Development

## MD2 - Sustainable Design

RELEVANT PLANNING HISTORY:

OS/00/11259/FUL Installation of ATM GRANT 7th November 2000

OS/06/14193/FUL (i) Refurbishment of automatic car wash including new roof and doors; (ii) replacement jet wash with enclosure (open at ends) GRANT 6th March 2006

OS/06/14194/ADV Provision of car wash fascias and forecourt instruction/direction signs GRANT 6th March 2006

OS/07/14859/ADV X1 DOUBLE SIDED POLE DISPLAY UNIT. INVALID 22nd March 2007

OS/08/15658/FUL Demolish existing buildings and forecourt. Erect new sales building, canopy, car wash and plant room, jet wash, garage box(store), fencing to form waste and condenser areas, new forecourt pavings, dispensing equipment, external plant, atm, signage, and 2 pole mounted satellite dishes GRANT 22nd August 2008

OS/08/15659/ADV Provision of replacement signage GRANT 22nd August 2008

OS/08/15832/DISCON Discharge of conditions 3, 13 and 15 of planning permission

OS/08/15658/FUL PERMIT 19th March 2009

OS/76/7441/FUL Use of land for a temporary gypsy caravan site for a period of three years for 8 caravans with portable toilets, provision of a water supply and sewage disposal facility GRANT 25th February 1977

OS/85/4021/FUL Erection of buildings for use as tourist information centre, restaurant, filling station, shops, hotel and caravan park with associated parking and picnic area GRANT 1st July 1985

OS/86/4809/FUL Formation of a temporary vehicular access off the A4083 to serve the proposed Mile End Service Area GRANT 9th January 1987

OS/87/4903/FUL Erection of a portacabin for provide a temporary Tourist Information Centre GRANT 14th March 1987

OS/87/4935/ADV Display of one shop sign (Esso), 8 Pump lighting boxes (Esso), one logo sign (Little chef), 2 price box signs, all internally illuminated GRANT 10th April 1987

OS/92/7716/ADV Provision of 3 no. illuminated fascia signs to proposed automatic car wash. GRANT 21st April 1992

OS/87/5023/ADV Display of a double sided, pole mounted, internally illuminated logo and price box sign GRANT 28th May 1987

OS/87/5024/ADV Display of 4 internally illuminated canopy fascia signs GRANT 28th May 1987

OS/87/5025/ADV Display of 1 pole sign, 3 fascia signs, 1 free standing sign, 2 directional signs (all illuminated), 3 directional signs GRANT 29th June 1987

OS/87/5154/ADV Display of a free standing, tri-lateral advertisement sign GRANT 18th September 1987

OS/87/5327/ADV Display of an internally illuminated fascia sign GRANT 20th January 1988

OS/88/5655/ADV Display of a trilateral internally illuminated sign GRANT 14th July 1988

OS/91/7487/FUL Erection of automatic car wash and car vac facilities GRANT 9th October 1991

OS/91/7509/FUL Installation of new VG tank GRANT 9th October 1991

OS/95/9007/FUL Rebuilding of existing sales building GRANT 16th May 1995

OS/96/9420/ADV Provision of illuminated fascia sign and 4 no. poster holders GRANT 21st June 1996

15/00314/FUL Installation of 1 electric vehicle quick charging point in main car park GRANT 17th April 2015

21/01334/EIA Hybrid Planning Application for:

Full planning permission - formation of a 360m spine road; two 3.5m wide foot and cycleways;

one 2m wide footpath; one electricity substation; supporting utilities infrastructure; drainage system; landscaping and ancillary works;

Outline planning permission - 10 plots to be delivered in four phases, providing:

- a hotel (use class C1) up to 30,000sq. ft;
- three units providing up to 6,000sq. ft of hospitality and up to 3000sq. ft of services;
- five mixed use units providing general industry with ancillary office (B2 & E) providing up to 180,000sq. ft;
- one office unit (use class E) providing up to 15,000sq. ft;
- one light industrial unit (use class E) providing up to 63,000sq. ft;
- two mixed use units providing storage/distribution with ancillary office (B8 & E) providing up to 200,000sq. ft;
- the provision of green infrastructure and all ancillary works. PCO

15/02893/SCR A formal screening opinion is sought to determine whether an Environmental Impact Assessment will be required to support an Outline Application for proposed site for a mix of employment uses for B1, B2 and B8. EAN 6th August 2015

OS/92/8074/FUL Proposed supermarket, petrol filling station with associated car parking and facilities REFUSE 18th November 1993

19/02989/SCR EIA screening request - Oswestry Housing Infrastructure Fund EAN 20th August 2019

20/00283/FUL Proposed highway improvements to include creation of a second 4-arm roundabout with link road; road re-alignment; ecological and landscaping works; drainage scheme GRANT 24th June 2020

20/03029/DIS Discharge of Conditions 3 (WSI 0 Archaeological), 9 (Habitat Mitigation Scheme) and 11 (Soil Resource Plan) of planning permission 20/00283/FUL DISAPP 21st August 2020

20/03049/DIS Discharge of Condition 9 (Habitat Management Plan) of planning permission 20/00283/FUL NPW 30th July 2020

PREAPP/20/00371 Proposed pedestrian bridge over the A5 PREAIP 17th October 2020

20/03738/DIS Discharge of Conditions 4 (European Protected Species (EPS) Mitigation Licence), 6 - (Bat survey), 7 (Badger Survey), 8 (CEMP - Sustainability Plan & Annexes 1 - 17) and 10 (Landscape Management Plan) of planning permission 20/00283/FUL DISAPP 16th October 2020

PREAPP/20/00419 Proposed hybrid planning permission for an innovation park, full planning permission is sought for Phase1 which includes - services, hotel and B2 industrial units, including the highway infrastructure and two spine roads.

Outline permission is sought for the entire site which is circa 18 hectares comprising 10 plots ranging from 0.51 hectare to 2.10 hectare in area of mixed use capable of accommodating units up to 100,00sq ft. Including Phases 2 to 4 which include B1 light industrial/office units and B8 large distribution units, as well as further highway infrastructure.

INSFEE

20/03871/SCR Proposed Innovation Park on land to the East of Oswestry SCO 8th January 2021

20/04138/DIS Discharge of Condition 13 (Traffic Management Plan) of planning permission 20/00283/FUL PCO

20/04145/FUL Construction of prefabricated steel pedestrian/cyclist bridge over the central carriageway of the newly created A5 north, with a span of approximately 59m, by 3.5m wide with ramped access on either side; landscaping scheme and all ancillary works GRANT 19th February 2021

20/04574/SCO Scoping Opinion for the proposed development at Oswestry Innovation Park SCO 8th January 2021

21/01334/EIA Hybrid Planning Application for:

Full planning permission - formation of a 360m spine road; two 3.5m wide foot and cycleways; one 2m wide footpath; one electricity substation; supporting utilities infrastructure; drainage system; landscaping and ancillary works;

Outline planning permission - 10 plots to be delivered in four phases, providing:

- a hotel (use class C1) up to 30,000sq. ft;
- three units providing up to 6,000sq. ft of hospitality and up to 3000sq. ft of services;
- five mixed use units providing general industry with ancillary office (B2 & E) providing up to 180,000sq. ft;
- one office unit (use class E) providing up to 15,000sq. ft;
- one light industrial unit (use class E) providing up to 63,000sq. ft;
- two mixed use units providing storage/distribution with ancillary office (B8 & E) providing up to 200,000sq. ft;
- the provision of green infrastructure and all ancillary works. PCO

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member  Cllr Joyce Barrow
Appendices APPENDIX 1 - Conditions

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

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

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

2. Approval of the details of the appearance of the development, access arrangements, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

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

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

6. Landscaping of the site will be carried out in accordance with the Landscape masterplan drawing number Figure 10.7 and Section 4.2 of the Full Biodiversity net Gan Assessment (WSP Ltd, May 2021) submitted in support of the application. Notwithstanding this, detail will be submitted as part of any Reserve matters applications for each of the separate plots on site with regards to boundary treatments of the respectful plot, as well as on site landscaping of the respectful plot and planting plans for creation of wildlife habitats to optimise gains for biodiversity within the development. The planting varieties will be native species and of local

provenance (Shropshire or surrounding counties). Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment) and schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate will be provided.

Detail will be carried out as approved within the first planting season following approval. Any species that fail within the first five years of planting will be replaced with similar type and size species plant.

Reason: In order to ensure an adequate form of landscaping of the site takes place in consideration of the location, on the fringe of open countryside.

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

7. Prior to the commencement of the construction works for the development, a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Highways England. The approved plan shall be adhered to throughout the construction period.

Reason: To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety

8. No part of the development shall be opened until the proposed improvement works at the A5 Mile End roundabout as part of the A5 Mile End Improvement scheme (planning approval reference 20/00283/FUL) are implemented in full and open to general traffic.

Reason: To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety.

9. No part of the development shall be opened until the proposed pedestrian/cyclist bridge over the central carriageway of the newly created A5 north at Mile End roundabout (planning approval reference 20/04145/FUL) is implemented in full and open to the public.

Reason: To ensure that the A5 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety

10. a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance - Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.
- b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
- d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.
- e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

Information on how to comply with conditions and what is expected of developers can be found in the Shropshire Council's Contaminated Land Strategy 2013 in Appendix 5. The following link takes you to this document:

<http://shropshire.gov.uk/committee-services/Data/Council/20130926/Agenda/18%20Contaminated%20Land%20Strategy%20-%20Appendix.pdf>

11. Prior to any development on site detail will be submitted to the Local Planning Authority and approved in writing with regards to fixed plant and equipment achieving 37dB (LAr, 1hr) in the day and 30 dB (Lar, 15min) at night. This will be a combined noise level which will include on site fixed plant and equipment and all transient noisy equipment e.g. chilled vehicles.

Reason: In consideration of the amenity of the surrounding area.

12. 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 site is known to hold archaeological interest.

13. No development shall take place until details of the design and construction of any new roads, footways, accesses together with details of the disposal of highway surface water have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced or the building(s) occupied.

Reason: To ensure a satisfactory access to the site.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

the parking of vehicles of site operatives and visitors;

loading and unloading of plant and materials,

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

wheel washing facilities;

measures to control the emission of dust and dirt during construction;

a scheme for recycling/disposing of waste resulting from demolition and construction works;

a construction traffic management (& HGV routing plan) and community communication protocol.

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

15. In this condition 'retained tree' means an existing tree, large shrub or hedge which is to be retained in accordance with the approved plans and particulars; or any tree, shrub or hedge plant planted as a replacement for any 'retained tree'. Paragraph a) shall have effect until expiration of 5 years from the date of occupation of the last building for its permitted use.

a) No existing tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree surgery works shall be carried out in accordance with British Standard BS 3998: 2010 - Tree Work, or its current equivalent.

b) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until all tree protection measures specified in the submitted Tree Protection Plan and arboricultural method statement forming part of the planning application have been fully implemented on site and the Local Planning Authority have been notified of this and given written confirmation that they are acceptable. All approved tree protection measures must be maintained throughout the



development until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor any excavation be made, without the prior written consent of the Local Planning Authority. A responsible person will be appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The Local Planning Authority will be informed of the identity of said person.

c) All services will be routed outside the Root Protection Areas indication on the TPP or, where this is not possible, a detail method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

16. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

17. Each reserved matters application shall be accompanied by an update bat survey of all trees to be removed or impacted by proposals in that phase, in line with recognised national good practice guidance and include details of any necessary mitigation measures to be approved in writing by the Local Planning Authority prior to the commencement of development (or commencement of the next phase). Works will then be carried forward strictly in accordance with the proposed new approved mitigation measures.

Reason: To ensure that development is informed by up to date ecological information and that ecological mitigation is appropriate to the state of the site at the time development/phases of development commence.

18. Reserved matters for each phase of development shall include a habitat management plan. The plan shall include details of the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;
- f) Preparation of a works schedule (including an annual work plan and the means by which the plan will be rolled forward annually);
  - g) Personnel responsible for implementation of the plan;
- h) Detailed monitoring scheme with defined indicators to be used to demonstrate achievement of the appropriate habitat quality;

- i) Possible remedial/contingency measures triggered by monitoring;
  - j) The financial and legal means through which the plan will be implemented.
- The plan shall be carried out as approved.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 175 of the NPPF.

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

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

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

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

20. The application proposes a range of different planning class uses on site and these include B2 & E (General Industry & Commercial business and service), B1 (Business), B8 (Storage and distribution), C1 (Hotel), E (Commercial business and service), and Sui generis. (Class 'E' includes shops, restaurants, financial and professional services). No development on site will be in accordance with class E (or any subsequent revision to this use class), other than as indicated on the plans submitted in support of the application. No unit with class E as 'ancillary' as indicated in detail in support of the application will exceed this.

Reason: So as not to undermine the growth, management and adaption of Oswestry Town Centre and maintain its role in providing facilities and services (this is wording in the NPPF and CS3)

### **Informatives**

1. If it is the developer's intention to request Shropshire Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout, alignment, widths, levels of the proposed roadworks, surface water drainage and street lighting, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into

2. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway/verge) or
- carry out any works within the publicly maintained highway (street), or
- authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
- otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)

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

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

3. 1. The Proposed Drainage Strategy Report and the FRA are acceptable in principle subject to further percolation tests in accordance with BRE Digest 365 to confirm the feasibility of infiltration techniques. Final proposed drainage details, plan and calculations shall be submitted for approval

2 Final details of the Flood Compensation Storage should be submitted for approval.

3. Highway Gully Spacing calculations should be submitted for approval.

Where a highway is to be adopted and gullies will be the only means of removing surface water from the highway, footpaths and paved areas falling towards the carriageway, spacing calculations will be based on a storm intensity of 50mm/hr with flow width of 0.75m, and be in accordance with DMRB CD526 Spacing of Road Gullies (formerly HA102)

Gully spacing calculations must also be checked in vulnerable areas of the development for 1% AEP plus climate change 15 minute storm events. Storm water flows must be managed or attenuated on site, ensuring that terminal gullies remain 95% efficient with an increased flow width. The provision of a finished road level contoured plan showing the proposed management of any exceedance flows should be provided.

Vulnerable areas of the development are classed by Shropshire Council as areas where

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

Shropshire Council's "Surface Water Management: Interim Guidance for Developers, paragraphs 7.10 to 7.12" (Local Standard D of the SUDS Handbook) requires that exceedance flows for events up to and including the 1% AEP plus CC should not result in the surface water flooding of more vulnerable areas (as defined above) within the development site or contribute to surface water flooding of any area outside of the development site. Exceedance flow path should be provided.

4. The active nests of all wild birds are protected under the 1981 Wildlife and Countryside Act (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences. All vegetation clearance, tree removal and scrub removal and/or demolition work in buildings or other suitable nesting habitat should be carried out outside of the bird nesting season which runs from March to August inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence / No clearance works can take place with 5m of an active nest.] If during construction birds gain access to [any of] the building[s] or vegetation and begin nesting, work must cease until the young birds have fledged.

-



<u>Committee and Date</u>
Northern Planning Committee
7 <sup>th</sup> July 2021

<u>Item</u>
9
Public

## Development Management Report

Responsible Officer: Tim Rogers  
 Email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### SCHEDULE OF APPEALS AS AT COMMITTEE 6 July 2021

#### Appeals Lodged

<b>LPA reference</b>	20/03064/CPL
<b>Appeal against</b>	Refusal to grant certificate
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Mark Johnson
<b>Proposal</b>	Application for a Lawful Development Certificate for an existing use of repair, maintenance and storage of heavy goods vehicles
<b>Location</b>	Brookside Lower Heath Prees Whitchurch
<b>Date of appeal</b>	19.03.2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	20/03330/FUL
<b>Appeal against</b>	REFUSAL
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	D And D Gulligan
<b>Proposal</b>	Change of use of land to form holiday caravan park to include the siting of 10 static caravans with layout, modified road access, amenity land, play area and office building
<b>Location</b>	Land Adjacent Links Green, Church to Ellerton Junction, Church Street, Hinstock, TF9 2NH
<b>Date of appeal</b>	22.12.2019
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	20/04552/FUL
<b>Appeal against</b>	REFUSAL
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs D & S Brettell
<b>Proposal</b>	Change of use of agricultural land to mixed use (agriculture and camping); siting of three shepherd huts; creation of a parking area (Re-submission)
<b>Location</b>	Well House Farm, White House Junction A442 To Hill Cottage Junction, Marchamley, SY4 5LE
<b>Date of appeal</b>	19.04.2021
<b>Appeal method</b>	Written Reps
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

### Appeals Determined

<b>LPA reference</b>	21/00259/FUL
<b>Appeal against</b>	REFUSAL
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr And Mrs T Edwards
<b>Proposal</b>	Erection of a detached garage (resubmission)
<b>Location</b>	Laburnum Barn, Mill Road, Wollerton, Market Drayton TF9 3NE
<b>Date of appeal</b>	16.04.2021
<b>Appeal method</b>	Fast Track
<b>Date site visit</b>	
<b>Date of appeal decision</b>	028.06.2021
<b>Costs awarded</b>	
<b>Appeal decision</b>	ALLOWED



## Appeal Decision

Site Visit made on 8 June 2021

**by Samuel Watson BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> June 2021**

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**Appeal Ref: APP/L3245/D/21/3273241**

**Laburnum Barn, Mill Road, Wollerton, Market Drayton TF9 3NE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tom Edwards against the decision of Shropshire Council.
  - The application Ref 21/00259/FUL, dated 18 January 2021, was refused by notice dated 11 March 2021.
  - The development proposed is for the erection of a detached garage.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage at Laburnum Barn, Mill Road, Wollerton, Market Drayton TF9 3NE in accordance with the terms of the application, Ref 21/00259/FUL, dated 18 January 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) the development hereby permitted shall be carried out in accordance with the approved plan numbered 2037D01C.
  - 3) Prior to the commencement of any works above ground level, samples and/or details of the roofing materials and the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the approved details.

### Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal site is within a rural setting which is primarily characterised by agricultural fields interspersed with small groups and rows of buildings. The appeal site itself is a large plot which contains a detached dwelling that has been converted from a barn or stable building. It is set back from the Mill Road behind a neighbouring dwelling, also within a large spacious plot. To the side of the site is a further property which has a large detached garage. The proposed garage would be between the appeal dwelling and this neighbouring garage.
4. I note from the submissions before me that Laburnum Villa, the dwelling in front of the site, and Laburnum Barn are non-designated heritage assets (NDHA) recorded on the Council's Historic Environment Record as part of a

Historic Farmsteads Characterisation Project. I find their significance to stem from the extent to which their appearance, relationship and rural setting are still intact. I note that the appellant questions whether the villa and barn were part of a farmstead, suggesting instead that the barn had once served as a stable for the villa. However, the submitted evidence is not sufficient for me to make an assessment on this.

5. By way of its location set back from the road, and the tall brick wall along the front of the site, the proposed garage would largely be screened in views from the road. However, given the openness of the rear of the site, more distant views would be afforded from across the fields to the rear. Moreover, the road rises up to a bridge a short distance away and from the bridge views of the proposed garage would also be possible. Nevertheless, in all of these instances the garage would be read against, or in relation to, the surrounding dwellings and garage. Within this context the garage would appear as an outbuilding, which are not uncommon within the area.
6. However, while close to other buildings it would not result in an unacceptably dense form of development given the overall size of the site and spacious gaps between each building. This spaciousness would also ensure that the garage would not, cumulatively with the existing buildings, result in a terracing effect.
7. Whilst the ridge line of the proposed garage would not be significantly lower than that of the host dwelling, it would still be noticeably lower than it. Likewise, the proposed ridgeline would also be below that of the neighbouring garage which is of a similar height to the host dwelling. Moreover, the roof drops down to significantly lower eaves which, given the above, would result in the building appearing much shorter than the neighbouring buildings. This coupled with the footprint of the garage, which is smaller than the footprint of the host dwelling, would ensure that the garage is subservient to the host dwelling.
8. Given the appearance of the proposed garage, it would not be read as contemporary with either Laburnum Villa or Barn. In this way it would maintain the legibility of the setting and relationship between both buildings. However, while clearly a modern building it is sympathetic to the character and appearance of the two NDHAs and therefore would not harm the appreciation of their appearance. As such the proposed garage would not harm the significance of the two assets as a development within their setting.
9. I note also the Council's concerns regarding the air source heat pumps which, by way of their siting at the back of the garage, would face the front of the appeal site. However, they would be screened from any public views by the surrounding boundary treatments. Moreover, from within the appeal site it is unlikely that they would be readily visible given their closeness to the boundary wall and their positioning behind the log store. I therefore find that they would also not harm the significance of Laburnum Villa or Laburnum Barn.
10. Overall, by way of the proposal's siting, scale and appearance it would not harm the character and appearance of the area or the significance of the two NDHAs and their setting. As such the proposal would comply with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy, and Policies MD2 and MD13 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) which, amongst other things, require development to be of a high-quality which respects local distinctiveness



and protects the historic environment and its significance. The proposal would also comply with the overarching aims of the National Planning Policy Framework with regard to the protection of the historic environment.

11. Although the Council have also referred to SAMDev Policy MD7a, this relates to the replacement or conversion of existing buildings for residential use within the countryside. I therefore find that it is not directly relevant to the proposal before me. Moreover, whilst the Council also referred to the Historic England Advice Note 12 (Statements of Heritage Significance) in their reason for refusal, I have not been directed to any specific conflict with this document. It has therefore not materially affected my determination of the appeal.

### **Other Matters**

12. I note the Council's concerns over the lack of any information as to the location of the hardstanding or driveway. However, both a driveway and hardstanding are existing and are not part of the proposal before me.

### **Conditions**

13. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the National Planning Policy Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording.
14. For certainty I have set out the timescale for the commencement of works. A condition is also necessary, for certainty, requiring that the development is carried out in accordance with the approved plans.
15. The proposal is close to two NDHAs which could be adversely affected by the use of inappropriate external materials on the proposed garage. Therefore, in the interests of protecting these assets, as well as the character and appearance of the area, a condition requiring further details of external materials is necessary. While the council have also suggested a condition requiring external materials to match those of the existing building, this condition would conflict with the purposes of the above condition for further details. As such I have not imposed this condition.

### **Conclusion**

16. For the reasons given above I conclude that the appeal should be allowed.

*Samuel Watson*

INSPECTOR

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