

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

Date: Monday, 18 October 2021

**Committee:**  
**Northern Planning Committee**

**Date:** Tuesday, 26 October 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:*  
<https://shropshire.gov.uk/NorthernPlanningCommittee26October2021>

*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 Elnor

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

Steve Davenport

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 - 6)

To confirm the Minutes of the meeting of the North Planning Committee held on 28<sup>th</sup> September 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 2.00 p.m. on Friday 22 October 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 Harlescott Junior School , Featherbed Lane, Harlescott, Shrewsbury, SY1 4QN (21/03223/VAR) (Pages 7 - 24)

Variation of Condition 2 (approved plans) attached to planning permission 20/04289/FUL to allow amendments to site design and layout

## 6 Land West, Lowe Hill Road, Wem, Shropshire (21/02768/OUT) (Pages 25 - 60)

Outline planning application for Residential development (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved.  
(Revised scheme) (amended description)

## 7 Proposed Dwelling Adjacent 36 Alexandra Avenue, Shrewsbury, Shropshire (21/04014/FUL) (Pages 61 - 76)

Erection of 1No dwelling and formation of vehicular access

## 8 Everglades, Brynhafod Lane, Oswestry, Shropshire, SY11 1SH (21/02444/FUL) (Pages 77 - 94)

Change of use of existing residential dwelling/bed and breakfast (C3/B1 Use) to C2 Residential Care home with associated external works to extend parking provision

## 9 Riverside Medical Practice, Roushill, Shrewsbury, SY1 1PQ (21/03951/FUL) (Pages 95 - 104)

General site clearance, removal of asbestos containing materials and demolition works to slab level at the Riverside Development Area

## 10 Appeals and Appeal Decisions (Pages 105 - 128)

## **11 Date of the Next Meeting**

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 23<sup>rd</sup> November 2021, in the Shrewsbury Room, Shirehall, Shrewsbury.

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## Committee and Date

Northern Planning Committee

26<sup>th</sup> October 2021

## **NORTHERN PLANNING COMMITTEE**

**Minutes of the meeting held on 28 September 2021**

**In the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND**

**2.00 - 5.25 pm**

**Responsible Officer:** Shelley Davies

Email: shelley.davies@shropshire.gov.uk      Tel: 01743 257718

### **Present**

Councillor Paul Wynn (Chairman)

Councillors Joyce Barrow, Garry Burchett, Geoff Elner, Ted Clarke, Vince Hunt, Mark Jones (Vice Chairman), Edward Towers, Alex Wagner, Julian Dean (substitute for Mike Isherwood) and Nigel Hartin (substitute for David Vasmer)

### **45 Apologies for Absence**

Apologies for absence were received from Councillor Mike Isherwood (substitute: Councillor Julian Dean) and Councillor David Vasmer (substitute: Councillor Nigel Hartin).

### **46 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the North Planning Committee held on 31<sup>st</sup> August 2021 be approved as a correct record and signed by the Chairman.

### **47 Public Question Time**

There were no public questions received.

### **48 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.

49 **Harlescott Junior School, Featherbed Lane, Harlescott, Shrewsbury, SY1 4QN (21/03223/VAR)**

The Principal Planning Officer introduced the application for the variation of Condition 2 (approved plans) attached to planning permission 20/04289/FUL to allow amendments to site design and layout and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

The Principal Planning Officer advised Members that if they were minded to approve the application an additional condition in relation to the colour of the water tank should be added to any permission granted.

Ms Tracey Brown (local resident) spoke 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 15.1) Councillor Kevin Pardy, as local ward councillor, made a statement in objection to the proposal.

Mr Jimmy Lennon (Architect) spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

The Principal Planning Officer responded to the concerns raised by the speakers and noted that the location of the water tank had been approved.

During the ensuing debate Members raised concern in relation to the impact of the water tank on local residents and the surrounding area and questioned if it was possible to sink the tank into the ground.

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

That consideration of the application be deferred to investigate if it would be feasible to sink the water tank into the ground.

50 **Site Of Former Sports And Social Club And Bowling Green, Albert Road, Shrewsbury, Shropshire, SY1 4JB (20/05217/FUL)**

The Technical Specialist Planning Officer introduced the application for the erection of 12No. affordable dwellings (C3 Class) and 14No. supported living flats with Community Hub (C2 Class) and associated external works including ball strike fencing, road access, landscaping and car parking (amended description) and with reference to the drawings and photographs displayed, she drew Members' attention to the location, layout and elevations.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Dean Carroll, as local ward councillor, made a statement in objection to the proposal.

Mr Stuart Thomas, 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 Members expressed differing views. Some Members indicated their support for the proposal and considered the benefits of the scheme outweighed the concerns raised. Other Members expressed the view that the development would have a detrimental impact on highway safety, result in a loss of on-street parking and stated the affordable supported living units did not meet national space standards.

The Technical Specialist Planning Officer responded to the concerns raised noting that the shortfall in the size of the affordable supported living units was very small and added that the national space standards were for guidance only. The Developing Highways Manager advised that the application met the expected parking standards for this type of development and stated that on-street parking was a privilege and not a right for residents.

Having considered the submitted plans and listened to the comments made by all of the speakers, the majority of Members expressed their support for the application in accordance with the Officer's recommendation.

**RESOLVED:**

That planning permission be granted, in accordance with the Officer's recommendation subject to the conditions as set out in Appendix 1 of the report and authority delegated to the Head of Service to make any amendments to these conditions as considered necessary as well as to review and finalise the developer contributions (heads of terms as set out in the report) to be secured by S106 following further consultation and discussion between Shropshire Council Leisure Services, Sports England and the applicant, agent and landowner.

*At 15:55 the meeting was adjourned for a short break and reconvened at 16:07.*

**51 8 The Hawthorns, 21/03488/FUL**

The Principal Planning Officer introduced the application for an extension and creation of semi-detached dwellings and garage and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Kate Halliday as local ward councillor, made a statement in objection to the proposal.

In accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees, the Solicitor read out a statement in support of the proposal from Mr Corey Waters, the Agent.

Having considered the submitted plans and listened to the comments made by all of the speakers, Members unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

That planning permission be granted, in accordance with the Officer's recommendation subject to the conditions as set in Appendix 1.

**52 15 Corsten Drive, Shrewsbury, SY2 5TJ (21/03197/FUL)**

The Principal Planning Officer introduced the application for the erection of two storey rear extension and proposed patio area and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Having considered the submitted plans Members unanimously expressed their support for the Officer's recommendation.

**RESOLVED:**

That planning permission be granted, in accordance with the Officer's recommendation subject to the conditions as set in Appendix 1.

**53 Land West Lowe Hill Road, Wem, Shropshire (21/02768/OUT)**

The Principal Planning Officer introduced the outline application for the for Residential development (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved. (Revised scheme) (amended description) and with reference to the drawings displayed, he drew Members' attention to the location and layout.

The Principal Planning Officer drew Members attention to the Schedule of Additional Letters which referred to a further letter of objection received from a member of the public and advised that if Members were minded to approve the application an additional Condition was should be added to any permission granted to limit the number of dwellings on site to 100.

Mr Tony Moss, local resident spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Geoff Soul, on behalf of Wem Town Council spoke 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 15.1) Councillor Edward Towers, as local ward councillor, made a statement and then left the table, took no part in the debate and did not vote on this item.

Michael Davies, 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.

The Developing Highways Manager displayed a plan showing the access to the site and stated that he was satisfied with the proposed conditions which would address any concerns in relation to highway safety.

During the ensuing debate the majority of Members noted their objection to the application expressing concerns in relation to the impact on highway safety, the adverse visual impact on the landscape and that part of the proposed development was outside the development boundary and therefore contrary to policy.

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

That Members were minded to refuse this application on the basis that the proposed development would have an adverse visual impact on the landscape and part of the proposed development was outside the development boundary and therefore contrary to policy CS5 of the adopted Core Strategy; and policies MD2 and MD7a of the adopted SAMDev Plan. In accordance with paragraph 17.4 of the Local Protocol for Councillors and Officers dealing with Regulatory Matters, the application stands deferred to a future meeting.

**54 Appeals and Appeal Decisions**

**RESOLVED:**

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

**55 Date of the Next Meeting**

It was noted that the next meeting of the North Planning Committee would be held at 2.00 p.m. on Tuesday, 26<sup>th</sup> October 2021.

Signed ..... (Chairman)

Date: .....

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<u>Committee and Date</u>
Northern Planning Committee
26 <sup>th</sup> October 2021

<u>Item</u>
Public

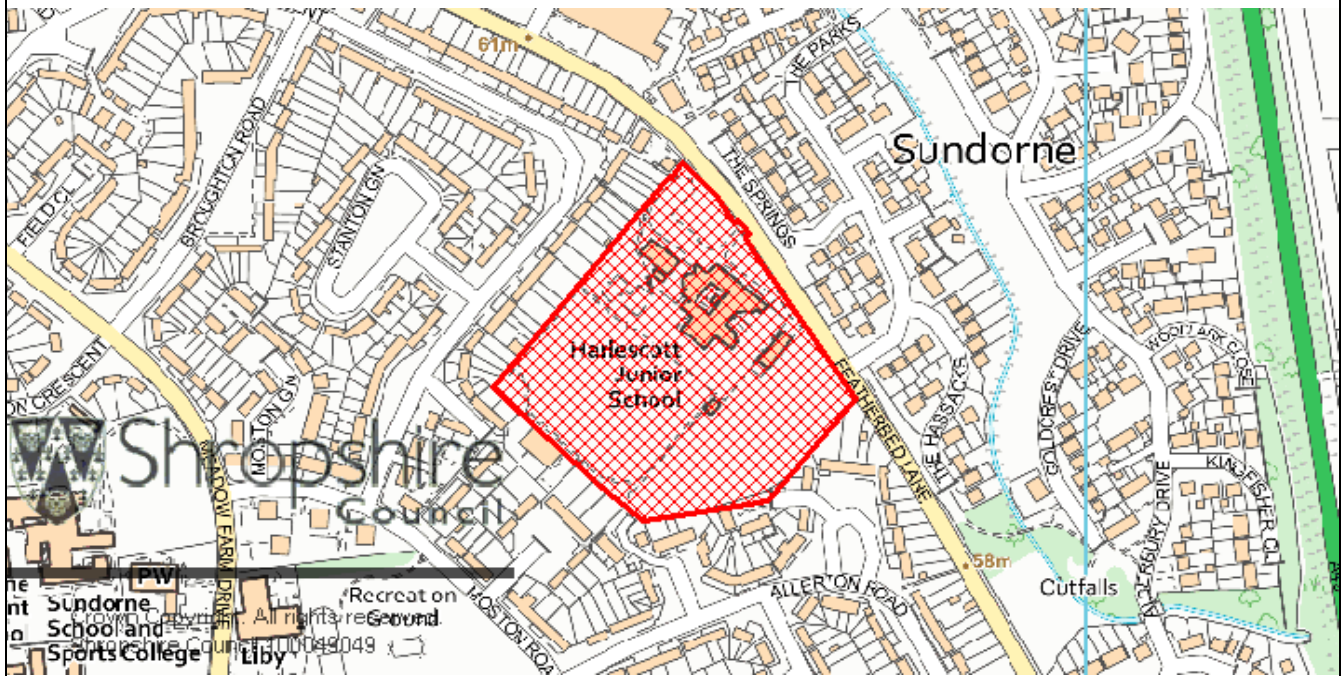
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 21/03223/VAR	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> Variation of Condition 2 (approved plans) attached to planning permission 20/04289/FUL to allow amendments to site design and layout		
<b>Site Address:</b> Harlescott Junior School Featherbed Lane Harlescott Shrewsbury SY1 4QN		
<b>Applicant:</b> Property Services Group (PSG)		
<b>Case Officer:</b> Kelvin Hall	<b>email</b>	: kelvin.hall@shropshire.gov.uk

**Grid Ref:** 351747 - 315282



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**Updated Recommendation:** Grant planning permission for a variation of conditions of permission ref. 20/04289/FUL subject to the conditions set out in Appendix 1, with an additional condition that the tank is painted dark green, and to any modifications to these as

considered necessary by the Assistant Director.

### **1.0 PURPOSE OF REPORT**

1.1 This application was reported to the North Planning Committee at its meeting on 28<sup>th</sup> September 2021. The Committee Report is appended below. The officer recommendation was that planning permission should be granted for a variation of conditions of permission ref. 20/04289/FUL subject to the conditions set out in Appendix 1 of the Committee Report and to any modifications to these as considered necessary by the Assistant Director. At that meeting Members resolved as follows:  
*That consideration of the application be deferred to investigate if it would be feasible to sink the water tank into the ground.*

1.2 The applicant has submitted a report relating to this matter and this is discussed below.

### **2.0 BACKGROUND TO PROPOSAL**

2.1 Planning permission for classroom extensions and other building works at Harlescott School was granted in January 2021 (ref. 20/04289/FUL), and construction works are underway. The location of the plant compound, at a site towards the south-eastern side of the school grounds, was approved under this planning permission. The current application includes a proposal to modify the siting of the plant enclosure to increase its distance from the site boundary, and also provides detailed designs of the compound, including elevations, fencing and landscaping.

2.2 Proposed plant dimensions and compound layout: As explained in the 28<sup>th</sup> September Committee Report, the proposed sprinkler tank would be approximately 10 metres wide and 2.5 metres high, with a ladder structure exiting from the top by a further 1.2 metres. It would be surrounded by a 2.5 metres high security fence. The proposed air source heat pumps would be approximately 2.1 metres high and would be positioned adjacent to the tank and surrounded by a 3.2 metres high timber acoustic fence. A hedgerow would be planted around the perimeter of the plant compound. The plant compound is also proposed to be relocated further from the nearest houses to the south, from 16.5 metres away to 22 metres away.

### **3.0 APPLICANT'S TECHNICAL JUSTIFICATION**

3.1 Design justification: In response to the resolution of Members, the applicant has provided technical justification for the proposed design of the sprinkler tank. They have advised that there is no sprinkler tank which has been approved by the Loss Prevention Council, who are the legislation body for sprinkler tanks, that can be buried. It is therefore not feasible to bury the tank as it would not be covered under insurance regulations. The applicant has pointed out that even if these regulations were changed to allow the tank to be submerged then this would require maintenance inspections to be carried out from inside the tank, and any external corrosion would not be visible. The applicants advise that these inspections would also require specially trained operatives, and a procedure for working in a confined space. They state that this is dangerous and challenging, and its inclusion within the scheme design would not be in accordance with the CDM Regulations 2015, which require health and safety risks to be eliminated or reduced where reasonably possible. Burying the tank would also necessitate emptying of the tank, and pumping the water into the wastewater system.

The applicants have advised that burying a water tank is not the same as burying a

3.2 fuel tank, and notes that the hazards associated with installing a fuel tank above ground, particularly in public areas, outweighs the hazards associated with burying it. They consider that burying a fuel tank is one means of reducing risks, whereas the same risks are not relevant when considering water tanks.

3.3 Alternative options considered for plant compound: Members should note that the location of the plant compound has already been approved under the permission granted earlier this year for the school extensions. However the applicant has provided background on the alternative sites that were considered for the compound. The constraints on alternative sites include the following:

- The need to avoid loss of playing field in order to comply with Sport England policies
- The need to avoid impacting on hardstanding play area provision
- The need to avoid additional structures in close proximity of classrooms to maximise daylight
- The desirability of retaining the Forest School area of trees which has been developed as an important teaching resource and biodiversity habitat.

3.4 The applicant has advised that locating the plant compound on this part of the site has a number of benefits for the scheme as a whole, including ensuring that an acceptable vehicular access to the area can be gained which would be via the proposed car park, and ensuring that the site levels tie in to the approved drainage scheme which allows for gravity drainage and avoids the need for pumping.

#### **4.0 OFFICER APPRAISAL**

4.1 Members have requested that the feasibility of sinking the water tank into the ground is investigated. The information submitted by the applicant demonstrates that this would not be possible as it would not meet technical and insurance requirements.

4.2 As explained in the 28<sup>th</sup> September Committee Report, a silver-coloured sprinkler tank with a height of 5.5 metres high was originally installed at the plant compound. Following concerns raised by adjacent residents and the Local Member officers investigated and found that this did not have planning permission. Given the concerns raised over the height of the tank, the developers agreed to remove it. The current application proposes an alternative design, which has a much lower height, as a more acceptable alternative. At the Committee meeting Officers recommended that if permission is granted this should be subject to an additional condition that the tank is painted dark green to improve its appearance.

4.3 The 28<sup>th</sup> September Committee Report acknowledges that the plant compound would be visible from residential properties to the south. Officers acknowledge that the plant compound is situated on an area of land which has been raised up above pre-existing ground levels, by approximately 1.1 metres. However it should be noted that the compound would be approximately 22 metres away from the nearest properties, and it is considered that this constitutes an acceptable separation distance in view of the limited scale of the development. Therefore the previous conclusion of officers, as set out in 6.2.5 of the previous Committee Report, remains the same, as follows:

4.4 “It is considered that the design and siting of the plant compound as currently proposed represents an acceptable compromise between the need to ensure a safe school site and the need to ensure a satisfactory appearance, particularly in relation to the

proximity of the houses to the south. The plant site would be visible from properties to the south. However the scale of the plant, particularly the largest element which would be the sprinkler tank, has been minimised and it is considered that this and the landscaping proposed, as it establishes, would ensure that this element of the development would be acceptable in the context of the site and would not dominate the visual outlook from nearby properties.”

4.5 It is considered that the proposed design of the sprinkler tank and compound is acceptable and that this would not result in an unacceptable impact on the amenity of adjacent residential properties due to harm to living conditions.

## 5.0 CONCLUSION

5.1 It is considered that the applicant has provided a satisfactory explanation as to why it would not be feasible to sink the proposed sprinkler tank into the ground in order to reduce its visibility in the wider area. The conclusion and recommendation of officers remains as set out in para. 7.1 of the 28<sup>th</sup> September Committee Report. As such it is considered that the proposed modifications to the approved plans are acceptable and in line with Development Plan policy, and that as such planning permission can be granted subject to the conditions set out in Appendix 1 of the 28<sup>th</sup> September report with an additional condition that the tank is painted dark green.

### Original report to North Planning Committee meeting of 28<sup>th</sup> September 2021



Committee and date

Item

Public

## Development Management Report

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

### Summary of Application

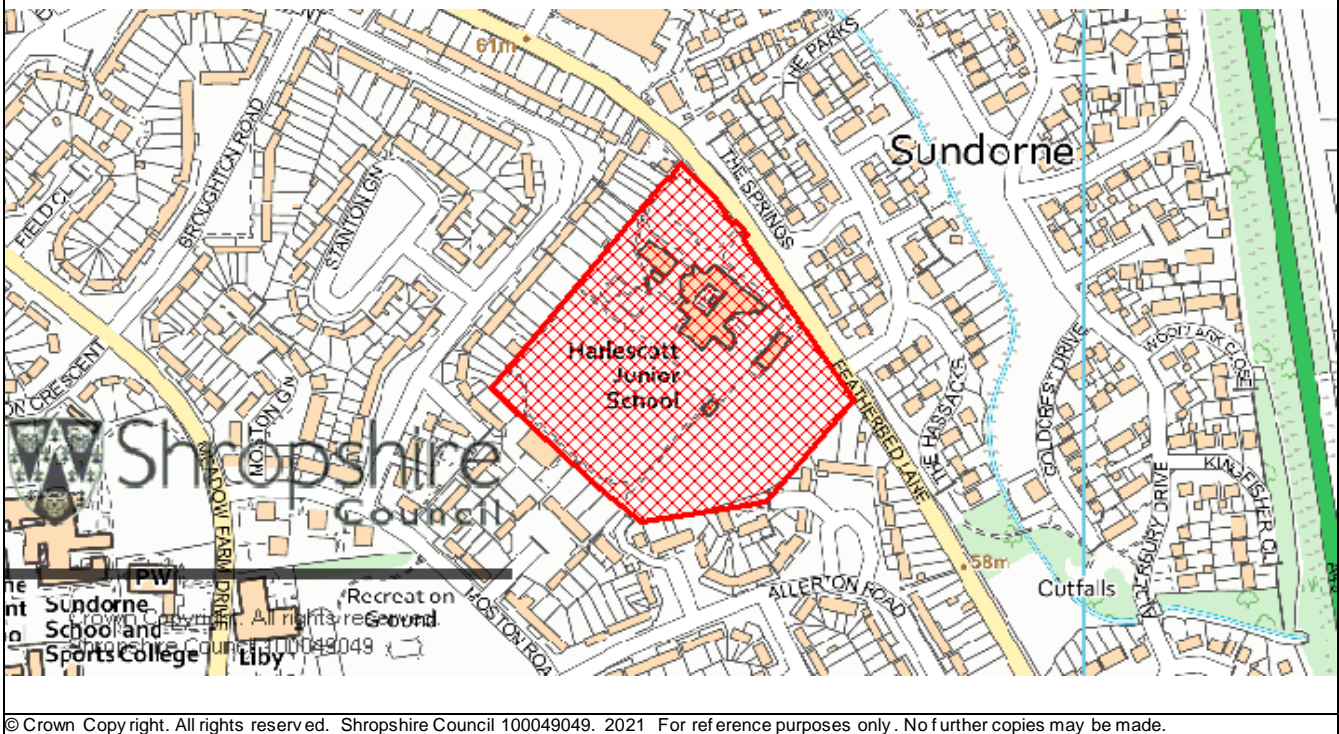
<b><u>Application Number:</u></b> 21/03223/VAR	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Variation of Condition 2 (approved plans) attached to planning permission 20/04289/FUL to allow amendments to site design and layout		
<b><u>Site Address:</u></b> Harlescott Junior School Featherbed Lane Harlescott Shrewsbury SY1 4QN		

**Applicant:** Property Services Group (PSG)

**Case Officer:** Kelvin Hall

**email** : kelvin.hall@shropshire.gov.uk

**Grid Ref:** 351747 - 315282



**Recommendation:** Grant planning permission for a variation of conditions of permission ref. 20/04289/FUL subject to the conditions set out in Appendix 1 and to any modifications to these as considered necessary by the Assistant Director.

## 1.0 THE PROPOSAL

1.1 Planning permission for extensions to and new building at Harlescott School was granted in January 2021, and construction works are underway. The current application seeks to amend various elements of the permitted scheme, and also provides details of the proposed plant which would support the expansion of the school.

The application includes the following:

- 1.2
- Separation of the pedestrian entrance from the proposed new vehicle entrance off Featherbed Lane to ensure the retention of an oak tree;
  - Modifications to the layout of the north car park to include the addition of pedestrian walkways and crossing points, in order to improve safety;
  - Modifications to hardstanding areas and play area layouts;
  - Modifications to security fencing at the site;
  - Detailed designs of the plant compound, including the sprinkler tank and air source heat pumps; modification of the siting of the plant enclosure to increase distance from site boundary.

## 2.0 SITE LOCATION/DESCRIPTION

2.1 Harlescott Junior School is located to the south-west of Featherbed Lane, Shrewsbury.

It covers an area of approximately 3.7 hectares and includes a main teaching block which is part single- and part two-storey, and a smaller single-storey classroom block to the north-west. Vehicle access is direct from Featherbed Lane and there are also individual pedestrian accesses to the school. Boundary treatment includes a line of tree and hedgerow along the Featherbed Lane side of the site, and mesh fencing elsewhere. Surrounding land is in residential use. Construction works are underway to provide extensions to the school and a new building, with associated works, under a planning permission granted earlier this year. This permission also provides for a new vehicle access and separate egress from/to Featherbed Lane; reconfiguration and expansion of the car park and external play areas; provision of a drop-off facility; and cycle storage.

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

3.1 The Local Member has requested that the application is referred to Planning Committee and it has been agreed by the Planning Services Manager in consultation with the Committee Chairman that this is based on material planning reasons.

### 4.0 **Community Representations**

4.1 -Consultee Comments

4.1.1 **Shrewsbury Town Council** Whilst the Town Council does not object to this application per se, Members would like more clarification with regards to the size of the water tanks and a clear visualisation of them to enable the Committee to make a decision on this application.

4.1.2 **Sport England** No objection.

[Further to the initial consultation response below, following clarification from officers Sport England has acknowledged that they did not request that any conditions were imposed on the previous planning permission 20/04289/FUL.]

Sport England –Statutory Role and Policy: It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

*‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of: all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’*

Sport England’s Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)



Background: Planning consent has previously been granted for the construction of a substantively similar development under application 20/04289/FUL. The approved application relates to proposed extensions to the school and associated works including access works, car parking etc. Initially Sport England raised objection due to the loss of playing field without mitigation to meet our Playing Fields Policy. Subsequently, agreement was reached to secure an off-site contribution of £34,000 towards playing field investment in line with the Shropshire Playing Pitch Strategy. Sport England's response also makes it clear that in order to meet Exception E4, two planning conditions be included to secure a community use agreement for the existing sports facilities and to secure implementation of the playing pitch on the existing playing field. Regrettably, these conditions were not imposed which is extremely disappointing.

The Proposal and Impact on Playing Field and Assessment in line with Playing field Policy/NPPF: This application seeks approval for certain minor amendments to the approved development, relating in the main to access arrangements and the proposed sprinkler tank facility. The amendments proposed would have a negligible impact on the playing field, and so Sport England does not wish to raise objection to this application.

Notwithstanding this, Sport England wishes to clarify with the Council the mechanism for securing the agreed £34,000 off-site contribution to address the loss of playing field. Can this be clarified please for the avoidance of doubt please? Sport England would wish to avoid a situation where this is not appropriately secured and the development takes place without such mitigation being provided.

Secondly, notwithstanding the previous decision, Sport England is strongly of the view that the following conditions should be imposed: the preparation of a community use agreement for approval; construction of playing pitch in line with Sport England's standards and methodologies.

Conclusions and Recommendation: Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to broadly meet exception 4 of the above policy. The absence of an objection is subject to the above condition(s) being attached to the decision notice should the local planning authority be minded to approve the application:

Should the conditions above not be imposed on any planning consent, or the mitigation funds not be set aside Sport England would consider the proposal to not meet exception 4 of our playing fields policy, and we would therefore object to this application.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

- 4.1.3 **SC Drainage** No objection. The Agent confirmed that there is no increase in impermeable area in the amended Proposed Site Plan and therefore the approved Drainage Layout in the discharge of the drainage condition 21/00562/DIS remained

the same.

#### 4.1.4 **SC Highways** Recommends conditions.

The revised access details are satisfactory and therefore would form part of the updated approved plans to accord with Condition 2 and 8, which were imposed upon 20/04289/FUL and are set out below. The actual highway crossing and engineering detail is already covered under a Section 184 Agreement. I would suggest therefore that Condition 2 remains as written on the basis that the approved plan numbers/revisions are updated. Condition 8 however could be redrafted as set out below.

8. The development hereby permitted shall not be first brought into use until the access and parking areas have been fully implemented in accordance with the approved plans. Reason: In the interests of highway and pedestrian safety.

#### 4.1.5 **SC Trees** Supports the application subject to the imposition of conditions to require that tree protection measures are put in place and that supervision and monitoring of the tree protection fencing is undertaken by an arboriculturalist.

#### 4.1.6 **SC Regulatory Services** No objection, subject to a condition. On review of the noise assessment in relation to plant, the assessment has been accepted as identifying the noise sensitive receptors, existing noise levels and proposed plant noise in accordance with BS4142:2019 and in identifying mitigation to reduce noise impact. The proposed mitigation suggest that attenuation of noise levels from plant will be achieved. The reports identifies an aim of -5dB below background, at NSR3 cannot be met, but resulting noise levels are anticipated to be the same as existing and not therefore subjectively above the background levels. As the ASHP model has not been identified as of date of report (Spring 2021), I would think it is sensible to have post completion noise survey to determine compliance with the reports aims, which if issues arise, may indicate need for further mitigation.

## 4.2. **-Public Comments**

### 4.2.1 The application has been advertised by site notice and in the local press. In addition 69 residential properties in the local area have been individually notified. Two public representations have been received.

- No calculations provided for the acoustic fence; low frequency noise from plant rooms is a common problem which can affect properties not just bordering the premises but a considerable distance away; application should be refused until such time as a noise survey is carried out covering all residential premises which may be affected, including those on Field Crescent, and detailed acoustical calculations are supplied to prove the efficiency of the proposed acoustic fence
- Concern over school planned size and a car park just by our fence; pollution from cars that will use new car part will impact on health as an asthmatic; life will be at risk; house was chosen as it is away from main and local roads; disappointing that plans have changed significantly since first plan was communicated with us

### 4.2.2 **Cllr Pardy – Local Member - Sundorne** Objects.

Relating to the water tank:

- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity
- Effect of the development on the character of the neighbourhood
- Visual impact of the development

Bullet point one – The height of the surrounding acoustic fence is measured at 3.2 metres high (10.5ft), this is far higher than a domestic panel fence. The tank, including the ladder, is higher than the acoustic fence but measurements have not been given. Although there will be some plantation surrounding the fencing, it will take many years to reach the height required. The tank is sited a few metres from resident's homes and the visual impact of the development is not acceptable. I do not believe any person would find having a tank of this size is acceptable at the end of their garden, other systems could be used.

Bullet point two – the neighbourhood consists of a cul-de-sac which branches off housing that surround a green. The cul-de-sac consists of six bungalows which are inhabited by elderly and vulnerable people. The front of the bungalows overlooks the school field, other house's rear gardens face the school field. The sheer size and position of the tower effects the neighbourhood as well its industrial appearance. The tower is constructed of a reflective material and reflects sun rays into most of the homes. One resident who suffers seizures, claims to have had an episode due to sun rays being reflected into her home.

Bullet point three – I believe I have explained the effect of the visual impact in the previous two bullet points. One resident has told me that the view has caused her a great deal of stress and worry.

In addition:

There has been a discussion relating to an access gate being sited in Craig Close. If this is the case, there isn't any indication on the application documents, I also object to this development.

- The development would adversely affect highway safety or the convenience of road users.

Roads leading to Craig Close are narrow and congested with parked cars. Craig Close only has a parking area, which is accessed by a road which is about three car lengths in length. The parking area is used by residents of the Close and neighbouring residents. Using Craig Close for access to the school will cause chaos. Drivers will park in the Close causing difficulties for residents who wish to drive out or in, drivers will also cause problems around the Allerton Road green for reasons described earlier. The green is very likely to be damaged by people using it to park on and in addition refuse collection coincides with school opening time.

The dangers that will arise should this plan go ahead, will be many. The ingredients for this recipe of disaster include, very young children, the elderly, the vulnerable, poor and dangerous parking, refuse collection and a lack of space.

I request that this application goes to committee.

## **5.0 THE MAIN ISSUES**

- ### 5.1
- Principle of development

- Siting, design, scale and character
- Residential and local amenity considerations
- Highways and access considerations
- Ecology issues
- Drainage and flood risk considerations
- Other matters

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Planning permission for extensions and other building works at Harlescott School was granted in January 2021 (ref. 20/04289/FUL), and construction works are underway. The current application seeks permission for alterations to the design and layout of elements of the permitted scheme. Whilst the approved plans showed the location of sprinklers and air source heat pumps detailed designs and elevations were not included in the application and therefore the current application seeks permission for these items of plant.

6.1.2 The permitted scheme would enable an increase in school places and was considered by officers to be in line with Development Plan policies which give support to the protection and enhancement of existing facilities and services, including policies CS2 (Shrewsbury – Development Strategy) and CS8 (Facilities, Services and Infrastructure Provision). The current proposal relates to changes to specific elements of the permitted school expansion and is acceptable in principle.

### **6.2 Siting, design, scale and character**

6.2.1 Core Strategy policies CS6 and CS17 and SAMDev Plan policies MD2 and MD12 require that development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design, and that harm or loss is avoided. Policy CS6 also requires that local standards for sport and recreational facilities are achieved.

6.2.2 The current application does not propose any modifications to the design or scale of the school extensions. The proposed changes to ancillary elements of the permitted scheme are discussed below.

6.2.3 Plant enclosure: The approved plans showed the location of a plant enclosure at the southern side of the site, to include sprinklers and air source heat pumps, but detailed plans were not provided as part of the original application. The current application rectifies this. During construction works a sprinkler tank, approximately 5.5 metres high, was installed in the plant enclosure site. Concerns regarding the visual impact of this were received from both residents and the Local Member, Cllr Pardy. Following investigations by officers it was concluded that this structure did not have planning permission. The tank forms part of a sprinkler system and the Council's Property Services Group has confirmed that the provision of this system follows industry and government best practice guidance, and was selected in order to satisfy the Council's insurers. In order to address public and officer concerns over the scale of the tank the applicant has put forward an alternative design.

6.2.4 As currently proposed the sprinkler tank would be approximately 10 metres wide and 2.5 metres high, i.e. significantly shorter than the one that was installed, with the ladder structure exiting from the top by a further 1.2 metres. It would be surrounded by a 2.5

metres high security fence. The air source heat pumps would be approximately 2.1 metres high and would be positioned adjacent to the tank and surrounded by a 3.2 metres high timber acoustic fence. A hedgerow would be provided around the perimeter of the plant compound. The plant compound is also proposed to be relocated further from the nearest houses to the south, from 16.5 metres away to 22 metres away.

- 6.2.5 It is considered that the design and siting of the plant compound as currently proposed represents an acceptable compromise between the need to ensure a safe school site and the need to ensure a satisfactory appearance, particularly in relation to the proximity of the houses to the south. The plant site would be visible from properties to the south. However the scale of the plant, particularly the largest element which would be the sprinkler tank, has been minimised and it is considered that this and the landscaping proposed, as it establishes, would ensure that this element of the development would be acceptable in the context of the site and would not dominate the visual outlook from nearby properties.
- 6.2.6 It is acknowledged that the Town Council has requested clarification regarding the size of the tanks. However the application drawings show the siting of the compound, and the size of the plant in both plan and elevation form, and there is also a drawing which shows a visual representation of how the plant site would look from two different angles. It is therefore considered that sufficient information has been submitted.
- 6.2.7 Fencing: The application proposes modifications to the security fencing at the school. This includes increases in the height of some fencing to address comments made by the Secured by Design Crime Prevention Officer. This would include an increase in the height of one of the internal fences, from 2 metres to 2.4 metres high; and an increase in the height of the plant enclosure fence and acoustic fence, as referred to above. It is considered that there is sufficient justification for these and that their design is acceptable for this school site.
- 6.2.8 Impact on playing field provision: Issues relating to the impact on the amount of playing field at the school which were raised as part of the permitted extensions to the school have been addressed through a financial contribution to be used for off-site capital improvement works for local projects. The current application for layout changes does not raise significant issues in respect of playing field provision at the school, and Sport England has confirmed that they have no objection to the proposals. Following clarification with officers they have also confirmed that they did not recommend that any specific conditions should be imposed on the previous planning permission. It is considered that issues in respect of playing field provision have already been satisfactorily addressed.
- 6.2.9 Trees: The proposed revised access layout would ensure that an oak tree which is situated along the school frontage would be retained. An Arboricultural Impact Assessment has been submitted and this proposes that a construction exclusion zone would be maintained around the tree and that the adjacent roadways would be provided using a 'no-dig' construction method. The tree report also proposes a construction exclusion zone around another oak tree further to the north. These protection measures constitute a significant benefit, and the Council's tree officer supports the application subject to conditions, and these can be imposed on the planning permission.

### 6.3 **Residential and local amenity considerations**

6.3.1 Core Strategy policy CS6 states that development should safeguard residential and local amenity.

6.3.2 The application includes a noise report which assesses the noise impact of plant proposed at the site in relation to noise-sensitive receptors. This includes noise from the air source heat pumps which would be positioned to the side of the sprinkler tank. The assessment is based upon the plant enclosure being surrounded by a 3.2 metres high acoustic solid timber fence. The Council's Regulatory Services officer notes that the resulting noise levels are predicted to be the same as existing. Given that the noise report acknowledges that the specific model of the air source heat pump proposed was not known at the time of the assessment it is considered that it would be appropriate for a post-completion noise survey to be undertaken to confirm that the plant does conform to the noise objectives. A suitable condition can be imposed for this purpose. Subject to this it is considered that the potential for noise impacts from plant can be satisfactorily addressed.

### 6.4 **Highways and access considerations**

6.4.1 Core Strategy policy CS6 requires that all development is designed to be safe and accessible. SAMDev Plan policy MD8 states that development should only take place where there is sufficient existing infrastructure capacity.

6.4.2 The current application proposes that the recently-approved pedestrian entrance from Featherbed Lane, which was to be constructed alongside the new vehicle entrance, is instead constructed a few metres to the south. This revised arrangement would allow for the retention of an oak tree which is situated along Featherbed Lane. A minor alteration to the position of the vehicle entrance is also proposed, to move it away from the tree. The Council's highways officer has confirmed that the revised access position is satisfactory, and conditions can be imposed to require that the access is completed prior to the school extensions being used.

### 6.5 **Ecology issues**

6.5.1 Core Strategy policy CS17 (Environmental Networks) seeks to protect and enhance the diversity, high quality and local character of the natural environment, and to avoid significant adverse impact on environmental assets. SAMDev Plan policy MD2 requires that development enhances, incorporates or restores natural assets.

6.5.2 The proposal would ensure that an existing veteran tree along the site frontage would be retained and this would have ecological benefit. There are no other significant ecological issues raised by the proposal. Conditions on the existing planning permission relating to ecology matters can be transferred to the new planning permission.

### 6.6 **Drainage and flood risk considerations**

6.6.1 Core Strategy policies CS18 and CS6 seek to reduce flood risk and protect groundwater resources. A drainage scheme has already been approved as part of the permitted layout. The proposed amendments would not result in an increase in the impermeable area of the site and the existing drainage design has been updated to reflect the proposed revised layout. The Council's drainage consultant has raised no issues on this matter.

## 6.7 **Other matters**

- 6.7.1 In his objection, the Local Member, Cllr Pardy has referred to a proposal to erect a pedestrian access gate within the existing school boundary fence which would provide access from Craig Close at the south-eastern side of the school. This does not form part of the current application and, depending on its height, the provision of such a gate is unlikely to require planning permission in any event.
- 6.7.2 One of the public objections refers to concern over the school planned size and the location of the car park. Those elements of the scheme have already been permitted, and the current application does not seek to change them. The size of the school would remain the same and the car park would not be altered.
- 6.7.3 The officer report relating to the application for the school extensions acknowledged that the location of the additional car park at the south-east side of the site may result in some noticeable disturbance to residents living adjacent. However officers considered that this would be restricted to limited times and would not have an unacceptable impact on the amenity of these residents.

## 7.0 **CONCLUSION**

- 7.1 Construction work is underway to extend Harlescott School in line with a planning permission which was granted earlier this year. The proposed modifications to the approved design and layout would ensure the retention of an oak tree at the site frontage, whilst maintaining an acceptable vehicle and pedestrian access. The design of the plant compound, for which full details were not included as part of the original planning application, has taken into consideration the outlook from nearby properties and, with the screening proposed, and would not have an unacceptable visual impact. Additionally concerns over the noise from the plant have been addressed through noise assessment and a planning condition can secure post-development monitoring. Conditions which were imposed on the existing planning permission can be added to the new consent in order to ensure a satisfactory development. Overall it is considered that the proposed modifications to the approved plans are acceptable and in line with Development Plan policy, and that as such planning permission can be granted subject to the conditions set out in Appendix 1.

## 8. Risk Assessment and Opportunities Appraisal

### Risk Management

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

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

challenge by way of Judicial Review must be a) promptly and b) in any event not later than 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.

### 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.

### 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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:

CS2 - Shrewsbury Development Strategy  
CS6 - Sustainable Design and Development Principles  
CS8 - Facilities, Services and Infrastructure Provision  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management  
MD2 - Sustainable Design  
MD8 - Infrastructure Provision



## MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

12/03129/VAR Variation of condition No.2 attached to planning permission CC2002/0024 dated 11th July 2002 to allow for the retention of the demountable building for a further temporary period of ten years GRANT 30th August 2012

15/02068/FUL Extension to existing car park provisions to the front of the school, to provide an additional 23 car parking spaces GRANT 6th July 2015

20/02736/FUL Creation of 2No bell mouth vehicular access junctions GRANT 12th October 2020

20/04289/FUL Erection of two extensions and one additional building to provide teaching, nursery, assembly and ancillary accommodation; provision of additional parking spaces and re-configuration of existing parking; formation of additional vehicular access; re-configuration of external sports field/pitches; landscaping scheme to include removal of trees GRANT 22nd January 2021

SC/CC1998/0021 Construction of extension to existing parking area PERMIT 27th July 1998

SC/CC1994/0016 Erection of an extension to provide three classrooms and other facilities to rear of PERMIT 17th June 1994

SC/CC2002/0024 Installation of a demountable classroom unit to extend an existing building, and construction of an extension to the adjacent parking area PERMIT 17th July 2002

## 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 Kevin Pardy
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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 22nd January 2024.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended), and to relate to the commencement date specified in permission ref. 20/04289/FUL.

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. Prior to the development hereby permitted being first brought into use, the Travel Plan shall be implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The Travel Plan include details of a mechanism for regular review of its provisions so it can act as a working document, and shall remain in force for the lifetime of the use of the school.

Reason: To promote sustainable travel and health benefits and in the interests of protecting the local amenity.

4. Within two months of the date of this planning permission a landscaping scheme shall have been submitted to the Local Planning Authority. The landscaping shall be carried out in full compliance with the approved scheme and, unless otherwise specified within the approved scheme, within the first available planting season following approval of the scheme. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. a) Within one month of the bringing into use of the chiller units and rooftop condenser units as shown in Figure A5 of the BREEAM 2018 Pol 05 Assessment report rev. NC2 a noise report shall be submitted to for the approval of the local planning authority. The report shall be based upon a post-completion noise survey and shall detail any sound attenuation measures that are necessary in order to ensure that the development meets the objectives of the above BREEAM report.

b) The mitigation measures included in the report shall be implemented in full within one month of approval of the submitted report and shall thereafter be maintained.

Reason: To enable that the development does not adversely affect residential amenity as a result of noise emissions from the plant.

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

6. The drainage scheme as shown on drawing 4652-CAU-XX-XX-DR-C-1602 rev C05 shall be fully implemented before the development is brought into use.

Reason: To ensure satisfactory drainage of the site and avoid flooding.

7. Construction works shall be undertaken in accordance with the Construction Method Statement dated 11/3/21 and the Construction Environmental and Traffic Management Plan (Issue 2) dated 11/3/21 which were both approved under discharge of planning condition application ref. 21/00562/DIS.

Reason: To the interests of highway safety and local amenity.

8. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Arbserve Tree Protection Plan and Arboricultural Method Statement (dated 12/04/21) and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection". The protective fence and ground protection shall be in place prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

9. Prior to the use of the school extensions the consulting arboriculturist shall be appointed to undertake supervision and monitoring of the tree protection fencing at pre-commencement stage and throughout the construction period as outlined in the submitted Arbserve Arboricultural Method Statement (dated 12/04/21) and submit to the local planning authority a satisfactory completion statement to demonstrate compliance with the approved tree protection measures.

Reason: To safeguard the amenities of the local area by protecting trees.

10. External materials for the school extensions shall conform to the details shown on the following plans and schedule which were approved under discharge of conditions application 21/03222/DIS.

1PW01-MHA-ZZ-ZZ-DR-A-21001-A5-C02

1PW01-MHA-ZZ-ZZ-DR-A-27001-A5-C01

1PW01-MHA-ZZ-ZZ-DR-A-27002-A5-C02

1PW01-MHA-ZZ-ZZ-DR-A-27003-A5-C01

1PW01-MHA-ZZ-ZZ-DR-A-27020-A5-C02

1PW01-MHA-ZZ-ZZ-DR-A-31101-A5-C03

1PW01-MHA-FS-XX-RP-A-SC001-S2-P1 - External Materials Schedule

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

11. The development hereby permitted shall not be first brought into use until the access and parking areas have been fully implemented in accordance with the approved plans.

Reason: In the interests of highway and pedestrian safety.

12. External lighting at the site shall conform to the details as shown on drawing 0104036-HLEA-XX-00-SP-E-708007 rev P1 which was approved under discharge of planning conditions application ref. 21/03222/DIS.

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





<u>Committee and Date</u>
Northern Planning Committee
26 <sup>th</sup> October 2021

<u>Item</u>
Public

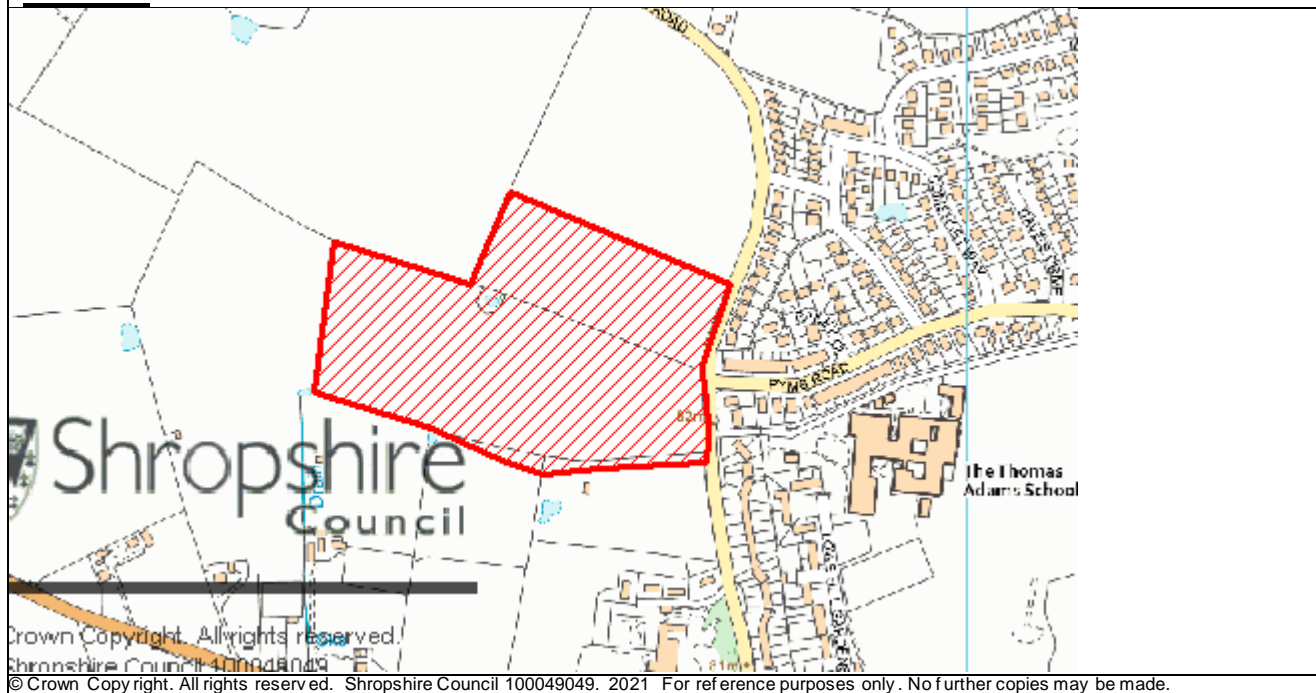
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 21/02768/OUT	<b>Parish:</b> Wem Urban
<b>Proposal:</b> Outline planning application for Residential development (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved. (Revised scheme) (amended description)	
<b>Site Address:</b> Land West Lowe Hill Road Wem Shropshire	
<b>Applicant:</b> Mr John Tootell	
<b>Case Officer:</b> Philip Mullineux	<b>email :</b> philip.mullineux@shropshire.gov.uk

**Grid Ref:** 350593 - 329339



## REPORT

### 1.0 Update report.

1.1 This application was deferred from the previous meeting on 28th September 2021 in accordance with paragraph 17.4 of the Local Protocol for Councillors and Officers dealing with Regulatory Matters. Members were minded to refuse this application, on the basis that the proposed development would have an adverse visual impact on the landscape and part of the proposed development was located outside the development boundary and therefore contrary to policy CS5 of the adopted Core Strategy; and policies MD2 and MD7a of the adopted SAMDev Plan

1.2 Since the Committee meeting, the following consultees have further commented on the application:

1.3 **SC Landscape Consultant** has further commented indicating:

*In March 2020 the Council requested ESP Ltd to review an LVIA submitted with application 20/01054/OUT for up to 100 houses. We made a number of recommendations and undertook a further review on an amended LVIA in June 2020.*

*Following the refusal of this application, the proposals were resubmitted under application 21/02768/OUT, for which we undertook reviews in July and August 2021.*

*Our June 2020 review of the LVIA submitted with application 20/01054/OUT concluded that there were sufficient omissions and departures from both national guidance (GLVIA3) and the LVIA's own methodology for the findings of the LVIA to be considered unreliable and not sufficient to support the making of an informed planning decision.*

*Our August 2021 review of the LVIA submitted with application 21/02768/OUT concluded that the LVIA had been carried out in national guidance and the LVIA's own methodology and that its findings could be relied upon to make a planning judgement. All recommendations made in previous reviews had been adequately addressed and we made no further recommendations in that review.*

*The concerns that remained in our June 2020 review and which had been addressed by the applicant at the time of the August 2021 review were as follows:*

1. *Guidance in GLVIA3 (which was included in the LVIA methodology) is to combine assessments of landscape and visual sensitivity and magnitude to form an overall judgement of level of effect, which might be adverse, beneficial or neutral. The LVIA stopped short of making this judgement, and therefore did not set out the predicted levels of landscape and visual effects of the proposed development.*

2. *We considered that the assessments of magnitude of change for some landscape and visual effects were understated, potentially leading to predicted lower assessments of effect than in reality.*

*Whereas we now consider the LVIA to be reliable in its judgements, all predicted effects are adverse with the exception of one no change (Settled Farmlands LCT). No beneficial effects are predicted.*

- 1.4** **SC Planning Policy Manager** has responded to the application indicating:  
*The majority of the application site falls within the adopted Wem Development Boundary and indeed on an adopted allocated site for residential development, as set out in Policy S17.1. of the adopted SAMDev Plan and on the accompanying adopted Policies Map – adopted in 2015 following an Examination in Public in 2014/15. The SAMDev Plan envisages the site will deliver around 100 dwellings to support the delivery of the agreed Wem Development Strategy to 2026.*
- 1.5** *The delivery of this site is crucial to the delivery of housing supply in Wem in the period to 2026, and has been factored into the considerations of the level of additional supply needed in Wem in the current Local Plan Review to 2038, currently subject to Examination in Public following Council approval to submit in July 2021. It is therefore firmly considered the principle of development for 100 dwellings on the allocated site is established in the adopted development plan.*
- 1.6** *It is recognised that there may be on site issues which will need to be considered as part of this application process, and these policy comments will not cover these. However, it should be recognised that in the process of allocating the site for development in the current SAMdev Plan, a range of strategic considerations were considered in relation to this site as part of a comprehensive site assessment process, which included consideration of landscape/visual sensitivity and highway access. It should also be recognised that the allocation of this site in the SAMDev Plan partly reflected the local aspiration to avoid seeing significant additional development to the east of the town, east of the level crossing. The emerging Local Plan also recognises this locally important issue, in proposing a moderate but steady pace of growth for Wem to 2038, reflecting the important role and function of the town as a Key Centre within the north-east of the County.*
- 1.7** *The application site is included in the Council's Five Year Housing Land Supply for delivery in the next five year period. This reflects the fact the site is allocated for development, as outlined above, and that there is significant interest in bringing this site forward in the next few years; a point reflected in the current applications process and that the applicant is seeking to appeal against the earlier refusal of the site in 2020. Should the Council resolve to refuse this application the site would have to be removed from the five year housing land supply, which will inevitably reduce the level of supply in the system.*
- 1.8** *It is recognised that part of the application site, to the west, falls outside of the current allocation and is therefore situated in an area of open Countryside where policy CS5 of Core Strategy and policy MD10a of the SAMDev apply. However, this potential was specially recognised in policy S17.1 of the SAMDev Plan, where the development guidelines for this site states...*  
*"Development subject to an appropriate contribution to traffic management measures, appropriate drainage design and appropriate biodiversity and archaeology surveys. The design of the site may include additional land for community facilities." (highlighted for emphasis). It is understood the additional land proposed in the current application would support the delivery of a policy compliant open space scheme, and has been designed in light of some additional on-site constraints which have come to light as part of the site investigation process. Whilst it is considered the inclusion of the additional land should be treated as a partial departure from the adopted development plan, it is maintained that the broad principles, scale and location of the application site accord with the current development plan.*

**1.9** In response to concerns discussed by members at the Planning Committee meeting on 28th September 2021 the applicants via their agent have submitted further information in respect of the requirement for the area of land outside the recognised development boundary for residential development and this states:

**1.10** *This note sets out the rationale for the location, use and size of the open space proposed as part of the indicative layout for application 21/02768/OUT.*

**1.11**



Figure 1 – Indicative Proving Layout

**1.12** *The indicative proving layout above has informed the outline scheme's masterplan. The total site area is 62,614 sqm (6.24ha) and the residential development is shown shaded blue. The proposed open space outside of the gas pipeline easement (shown shaded green on the proving layout plan) is 10,020 sqm (1ha). This includes the following elements which cannot be located on the gas pipeline easement.*

- *The LEAP area and formal open space eg. areas with benches and picnic tables. Based on HSE advice, the easement can be used for informal open space but not for formal provision such as playing pitches, children's play areas, picnic sites etc.;*
- *The Buffer to front of site to provide landscaping and noise mitigation;*
- *Land for recreational routes and landscaping along the northern boundary;*
- *Areas around the SUDS features required within for the scheme's drainage strategy;*
- *Areas around the mature trees to be retained; and*
- *A community space.*

*The gas easement land (shown shaded brown) is 8,088sqm (approx). This is proposed for informal open space and to create a visual and biodiverse area within the site. The planting within the easement will be a diverse mix of shrubs, grassland, meadow, potentially with low trees with mown paths cut through to allow controlled public access. Large parts of the space will remain private to encourage habitats whilst balancing with some controlled access. A strategy for this would be agreed at the reserved matters stage.*



## 1.13

Ref	Type	No.	Size	Total	Bed Space	Total Bed Space	Policy Require	Opens Space required
A	2 Bed Semi/Mews	6	731	4386	2	12	30	360
B	3 Bed Semi/Mews	9	910	8190	3	27	30	810
C	3 Detached	25	1138	28450	3	75	30	2250
D	3 Bed Corner turn	10	1191	11910	3	30	30	900
H	3 Bed Semi 2.5 Storey	10	1166	11660	3	30	30	900
E	4 Bed Detached	15	1183	17745	4	60	30	1800
F	4 Bed Detached	15	1288	19320	4	60	30	1800
G	4 bed Detached	10	1445	14450	4	40	30	1200
<b>Total</b>		<b>100</b>		<b>116111</b>		<b>334</b>		<b>10020</b>
<b>Open Space</b>								<b>10020</b>

Figure 2 - Indicative Accommodation Schedule

## 1.14

Based on an indicative accommodation schedule which is derived from the proving layout, a minimum requirement of open space (30sqm per future residents) would be 10,020sqm. With part of the easement available for informal open space it is expected that more than 30sqm per person would be provided. The consultation responses from Shropshire's ecology officers have referred to the open space on site note the following, in relation to nearby SACs and Cole Mere:

- 'Mitigation would normally be in the form of more than the minimum 30m<sup>2</sup> per person of open space to be provided on or adjacent to the site.' The comments advise that the landscaping should consist of largely semi-natural habitat. (Comments made to 20/01054/OUT on 08/06/20).

- 'A financial contribution to the management of Cole Mere will therefore be required, to mitigate for impacts to this designated site, to support the aims and objectives for the reserve set out in the Cole Mere Management Plan 2020-2025 (Shropshire Council) and is commensurate with contributions secured for other housing schemes within the catchment of Cole Mere. The contribution sought is, however, at a lower level than would normally be required, taking into account the provision of open space at an elevated level above the usual 30m<sup>2</sup> per person and a 1km circular walk within the development.' (Comments made to 21/02768/OUT on 16/07/21)

As clarified by these officer responses, there is a requirement for more than 30sqm per person of open space on site. As set out in Policy MD2: Sustainable Design, 'open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features'.

Furthermore, MD2 states that 'where an adverse effect on the integrity of an internationally designated wildlife site due to recreational impacts has been identified, particular consideration will be given to the need for semi-natural open space, using 30sqm per person as a starting point' [Savills underlining].

## 1.15 Officer's appraisal

## 1.16

Whilst it is acknowledged part of the site is located outside of the recognised development boundary for residential development and therefore Policy CS5: Countryside and green belt of the Shropshire Core Strategy does apply. Policy MD2: Sustainable design is considered a 'detail' policy more applicable to the Reserve Matters stage. MD7a: Managing housing development in the countryside of the SAMDev strictly controls new market housing outside of recognised housing development areas. (Does not support unencumbered residential development in the open countryside, but does support affordable housing provision). It must be also recognised that **Policy S17-1a of the SAMDev. (Land off Pym's Road, WEM003) indicates that development on this site is acceptable subject to an appropriate contribution towards traffic management, appropriate drainage design and appropriate biodiversity and archaeology surveys. The design of the site may include additional land for community facilities.**

- 1.17** The northern limb of the application site is clearly the land that is not allocated for residential development, however it must be noted that Policy S17-1a as referred to above allows additional land for use in relation to community facilities.
- 1.18** The applicants have put forward a rationale for inclusion of this additional land as part of the application site, owing to what they consider land constraints as a consequence of the gas mains pipe that passes through the site, (that covers approx. 1 hectare of the site area), and thus restraints on development of the whole of the site in for residential development. However, it must also be noted the application is made in outline with all matters other than highway access reserved for future consideration. Therefore the applicant's indicative site plan and landscape plans submitted in support of the application are indeed for illustration and indicative purposes only and carry very little weight in the determination of this application and will not form part of the approved plans for the site should this application be granted approval.
- 1.19** It is clear the majority of the site is allocated for residential development in accordance with the local plan and that there is provision for additional land for community use as part of the development on site.
- 1.20** The SC Landscape Consultant has clearly recognised that development on site will have an adverse impact on the landscape. It is considered most development has an adverse impact on the landscape. Members will be aware of the site, as a consequence of the site visit and its openness and strong connection to the surrounding open countryside. Officers consider that any development on site needs to be at the lower end of density levels in order to mitigate the development into the surrounding countryside at this edge of town location. Nevertheless the site as indicated by the SC Landscape Consultant is mostly allocated for residential development in the local plan and thus the principle of development on site has to be accepted in accordance with advice as set out above from the Council's Planning Policy Manager.
- 1.21** This application is made in outline with all matters other than access reserved for future consideration. The layout plans submitted in support of the application by the applicants, (including the plan as attached above), are for indicative purposes only and do not carry any significant planning weight in consideration of this outline application. Matters in relation to scale and layout are reserved for future consideration and it is at reserve matters stage that Members should weigh up in the planning balance, the suitability of any proposed use of the site outside the allocated housing site, whether it be for residential use as a consequence of limitations of the area allocated for residential development and the policy requirement for 100 dwellings on this site, or any proposed recreational/community use of the site area outside the recognised housing development area, and its use in accordance with Policy S17:1a as referred to above.

## **2.0 Conclusion**

- 2.1** Member concerns about this application when giving consideration to indicative plans submitted in support of the application by the applicants are recognised. Nevertheless consideration must be given to Policy S17-1a of the SAMDev and the support for additional land outside the recognised housing development boundary for recreational use in connection to housing development. Also of material consideration are comments made by the SC Planning Policy Manager as outlined above and the fact that the delivery of this site

is crucial to the delivery of housing supply in Wem in the period to 2026 and implications in relation to the five-year land supply. (This site is the major housing development site for Wem in accordance with the local plan).

- 2.2** The SC Landscape Consultant comments are also of material consideration and the adverse impacts development on site will have as a result of development and the fact that the majority of the site is allocated for housing development. With concerns about development and impacts, density will need to be low, with significant landscape mitigation, to integrate the development into the surrounding landscape in a satisfactory manner. Also a material consideration, is the SAMDev policy requirement for 100 dwellings and the constraints of the site as outlined by the applicants in their further information as outlined above.
- 2.3** As such, if members have significant concerns with regard to use of the site area that is outside the allocated housing development area of the application site as a whole, then this is a material consideration that can be given weight at the reserved matters stage, rather than the current outline stage, where all matters other than access are reserved for future consideration. With all the above in mind the recommendation remains as :
- 2.4** **Recommendation: Approval subject to the conditions as outlined in appendix 1 attached to this report and any modifications to these conditions as considered necessary by the Assistant Director and the signing of a Section 106 agreement in order to ensure provision of affordable housing on site, open space provision and maintenance and a financial contribution towards visitor management mitigation measures at Cole Mere Ramsar site**

**Original report to Committee.**

**1.0 THE PROPOSAL**

- 1.1** Application is made in outline, with all matters other than access reserved for future consideration, for the erection of up to 100 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works on land west of Lowe Hill Road, Wem.
- 1.2** The application is accompanied by a site location plan, statement of community involvement, landscape plan, an 'indicative' master plan on how the site could look in layout, access plan, transport assessment, interim travel plan, landscape and visual impact assessment, heritage statements, flood risk assessment, topographical survey, noise assessment, extended phase one ecological survey and ecological detail, arboricultural impact assessment, planning statement and a design and access statement. During the application processing further information was received in relation to ecology.
- 1.3** A previous application, (reference 20/01054/OUT), for residential development on site was refused permission in accordance with the Council's scheme of delegation on June 12<sup>th</sup> 2020 for the following reasons:
- *Whilst it is acknowledged most of the site is allocated for housing in accordance with the Shropshire local development plan, it is considered that based on the information in support of the proposal, that any benefits are not outweighed by the significant visual and biodiversity harm as a result of the proposed development. The site is located sensitively in relation to the surrounding landscape and built environment and insufficient information accompanies the application on which basis to approve the application on landscape and*

*visual impact and biodiversity issues. As such the application is considered contrary to Policies CS3, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD7a, MD12, and S17 of the SAMDev, the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) on these matters.*

- *Part of the site is not allocated for housing being located outside of the recognised development boundary. Insufficient justification and information has been provided in order to allow residential development on land in policy terms classed as open countryside. As such the application is contrary to Policies CS5 of the Shropshire Core Strategy and Policies MD2 and MD7a of the SAMDev.*

## 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site, is located to the west of Lowe Hill Road in Wem and comprises two fields totalling approximately 6.26 hectares (15.5 acres). The eastern site boundary is formed by Lowe Hill Road and the built up area of the market town of Wem. Further agricultural land lies to the north, south, and west, with the site being split from these fields by typical agricultural field boundaries, including hedgerows and trees. The site is generally flat, with a slight rise in the north western corner and is currently in agricultural use. The majority of the site is allocated for future residential development in the adopted Site Allocations and Management of Development (SAMDev) Plan. (Site Allocation Reference ‘WEM003’). No Public rights of way run across the Site. However, a footpath (ref. 0231/10/1) is located close to the site, to the north-east, beginning on Lowe Hill Road. Approximately 30% of the total application site area (the northern limb), is located outside of the recognised development boundary for residential development in accordance with the SAMDev policy.
- 2.2 A screening opinion carried out in accordance with the Environmental Impact Assessment Regulations 2017 and dated 31<sup>st</sup> January 2020 concluded that the area of the development would exceed one of the indicative criteria’s as set out in the regulations (Schedule 2 – 10(b) for determining significance and whether or not there is a need for EIA, with reference to Schedule 3 criteria of EIA Regulations and to the guidance set out in the NPPG and noting the considerations set out in the assessment, it is concluded in relation to cumulative impacts and sensitivity, that an Environmental Statement is not required in order to ensure adequate and thorough consideration in respect of landscape, visual and historic character impacts, historic environment, archaeology, surface and foul water drainage, highway impacts, amenity and any ecological impacts arising from the proposal. With adequate information, the Council considered that these aspects could be covered and considered satisfactorily in submissions as part of any formal application for development on site. It was considered that all points as outlined in Schedule 3 of the EIA Regulations 2017 and reproduced in the Screening Opinion could be adequately addressed without the need for an Environmental Statement in support of the application.
- 2.3 The Council gave pre-application advice in relation to residential development on site dated 14<sup>th</sup> August 2018. This concluded:

*‘Whilst it is considered that detail in support of your request for pre-application advice is limited, it is understood this request refers to the principle of development in relation to up to 100 dwelling units. This complies with the policy in relation to the site which is allocated for housing in accordance with local plan policy, and as such the principle of the proposal is considered acceptable.*

*You have indicated you wish to add additional land that is not included in the policy as allocated for housing in consideration on site constraints. This will necessitate any formal*

*application including the additional land as indicated, as being advertised as a departure to the local plan. I strongly advice adequate justification demonstrating why this is necessary if you chose to include this additional land as part of any formal application.*

*You are strongly advised to take note of the advice as outlined above and any formal application will need to demonstrate consideration to cumulative impacts with surrounding development and must demonstrate adequate integration with adjacent residential development in layout, scale and character.*

*This advice is given in the context of your request and the information provided in support and has regard to the Council's planning policy. Should you wish to submit a planning application I would recommend that this advice is taken into account. However this advice is offered without prejudice to any future decision the Council may make following the formal consideration of a planning application*

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

**3.1** Wem Town Council have raised material considerations on which basis it is considered appropriate for this application to be presented to Committee for consideration.

### **4.0 Community Representations**

**4.1** **Wem Town Council** have responded **objecting** to the application. The response states:

*The western section of the land in the proposed development site is outside of the site allocation Wem003 and falls outside of the town's development boundary. Therefore the land in this section of the proposed application should not be permitted as it is contrary to the local plan.*

*The Town Council objected to the development of this site in its 2013 response to the Local Plan the Town Council due to Concerns around the impact that the development would have on the town's infrastructure especially the road network*

*The suitability of the site for a development of this size as this area is prone to flooding. Since this correspondence in 2013 the Town Council's position on the suitability of this site for development has not changed.*

*Currently there is no development on the western side of Lowehill Road. Lowehill Road provides a natural, environmental boundary to the town. The proposed development will lead to urban sprawl and have a negative impact on the setting of the town from the west contrary to policies CS6 and CS17 of Shropshire's adopted Core Strategy. The site is already prone to severe flooding - as photographs will attest. The site therefore fails the sequential test set out in PPS25 and is therefore unsuitable for development in accordance with CS18 of the Core Strategy. Other sites in Wem which have flooding issues which have had swales etc. constructed which residents are having to pay for through high service charges, in addition to*

*Council Tax they must pay. This is an unfair tax and development should not be allowed on such sites in the first place. The flooding issues on the Lowehill site will have to be dealt with but why should residents be penalised with service charges?*

*The Town's infrastructure is already under severe strain as a result of development since the 1980s making it unsustainable in accordance with the provisions of the NPPF. It would also be contrary to policy CS8 of the Core Strategy. The Town Council has taken a consistent line that no further development should take place until the infrastructure of previous development has been addressed in the town - we cannot continue to build our way out of the problems.*

*With specific reference to the proposed access from the development the Town Council considers that the simple priority T junction shown on the plan in 2 locations is completely inadequate for the safe effective operation of all the traffic movements in this area at peak times regardless of where*

*it is located along Lowe Hill Road for the following reasons;*

*1. Lowe Hill Road is an important local artery between rural farming community of Whixall and Wem and indeed the county road network generally. Apart from serving the agricultural activities it is a route used by local small industrial enterprises Browns Buildings and P G Skips.*

*2. Thomas Adams School buses in pupils from a wide area who arrive and leave on 14 different buses. The school is currently at capacity, but the potential is there for expansion so this number may increase. The proposed junction for this estate is badly sited, being between Pym's Road exit (which is dangerous) and the school entrance and shows no awareness of the potential conflicts of full size coaches with commuter traffic and agricultural vehicles and parked parents cars at school*

*opening and closing times. Also there is no recognition apparent of the pedestrian pupil movements in this facility. The raised platform added is no more than a gesture.*

*3. The junction of Lowe Hill Road with Ellesmere Road has long been a site of concern regarding the limited visibility to the right when exiting Lowe Hill Road due to the brick boundary wall and curve of Ellesmere Road to the north. An increase in traffic flow will put greater pressure on this poor junction particularly at peak traffic times.*

*4. Access to the town and all routes south, except to Ellesmere will be via Maunds Corner and the town centre: these are narrow roads that are already overloaded and unsuitable for goods vehicles. A vital consideration is that there is no prospect of a relief road being built to remove through traffic as all roads into Wem are B roads. This lack of a relief road is a huge constraint on the ability of Wem to expand as it simply cannot take any more vehicles.*

*Taking all points raised in mind it should be evident that a far more imaginative approach to the access arrangement is required before this application is progressed and prior to making any decision on this application further consultations must take place at the very least with Wem Town*

*Council, Wem Rural Parish Council, Wem Economic Forum, Arriva re 511 service, Thomas Adams School and businesses who use the road for access.*

*Other matters of concern It is mentioned in 4.3 of the Transport Assessment that the site was within walking distance of the town. This does not take into account the age or infirmity of many residents. It also fails to mention*

*that the route involves walking round Maunds Corner (mentioned later) described by one pedestrian as 'the most dangerous footpath in Europe'. The map (4.1) fails to show the actual route that would have to be taken from this site to the town supermarket. The actual distance by pavement is 1000 metres (200 over the stated desirable maximum) The rail accessibility figures in the report are untrue. On weekdays off-peak, there is one train every 2 hours, not every 1 hour as stated. The trains are operated by Transport for Wales, not Arriva Trains Wales.*

*This is a sensitive and controversial development for the town and given this, despite being an allocated site, the application should be considered by the Planning Committee and not under the scheme of delegation.*

**4.2 Consultee Comment**

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

There are no Public Rights of Way within the development area therefore we have no comments to make.

**4.4 SC Highways** have responded indicating:

As you are aware, I have revisited this application following the previous highway advice given in respect of application reference 20/01054/OUT. I have considered again the local context of the junction of Pym's Road and the School Entrance. Having done so I do not

wish to fundamentally change the highway stance as was set out previously and attached below for ease of reference. You will see however that I have reworded the access and raised table planning Condition. In essence I am satisfied that the raised table scheme can provide a satisfactory means of access to the development and deal with some localised traffic conditions, particularly during the school peak periods. I am satisfied also that these works can be accommodated within the highway limits and the frontage controlled by the applicant.

**Previous highway advice:-**

At the outset it is acknowledged that the development proposal forms part of the SAMDev allocation within Wem (WEM003), although I understand that part of the application site area sits outside of the allocation. From a highway perspective however, the principle of the development of the site has been established and therefore it is the design and detail of the development that is essentially under consideration. At this outline stage only access is being considered, with layout and scale etc to be considered as part of a reserved matters application if outline permission were granted. Access is proposed off Lowe Hill Road and an indicative Masterplan has been submitted as part of the application.

The proposed access location is considered acceptable as is shown on the plan entitled PROPOSED ACCESS OPTION 1 drawing no. 68591 CUR 00 XX DR TP 75001 P04, which includes a raised table extending to the north of the Pyms Road junction and to the south of the access to the school. In essential therefore the raised table provides a school safety scheme as part of the site access proposals, with the view of introducing a 20mph speed limit. The raised table also has the benefit of improving the Pyms Road junction having regard to the restricted measure of visibility at its junction onto Lowe Hill Road in a northerly direction. The access and raised table proposals would be the subject of detailed design and Road Safety Audit prior to the works being implemented together with Traffic Regulation Orders (TRO) in respect of School Keep Clear and Zig Zag markings and other associated TRO requirements.

Highway capacity and safety concerns have been raised by the Town Council, Economic Forum and local residents. A Transport Assessment (TA) has been submitted by the applicant to consider the impact of the development on the local highway network. The TA is accepted as demonstrating that the development will not have a 'severe' impact from a highways and transport perspective, such that would otherwise warrant a highway refusal. The highway authority accept that the TA demonstrates that in the future year with development the junctions scoped in assessment will operate within practical capacity (bar one link that is shown to still operate within theoretical capacity). The highway authority recognise the highway constraints within Wem's highway network and indeed this is a matter currently being considered as part of a wider assessment of traffic movement in Wem. However, as part of this application the highway authority have some concerns regarding increased traffic movements, as a result of the proposed development, at the junction of Lowe Hill Road with the Ellesmere Road to the south of the site, due to the restricted measure of visibility at the junction in a westerly direction. There is the potential to introduce a mini-roundabout within the junction layout to improve the current substandard junction, to be funded by the development. Whilst it is considered that this could be dealt with by planning condition, alternatively the requirement could be incorporated into a Section 106 obligation.

A condition for a Construction Traffic Management Plan is requested. Particularly prevalent is the need for construction vehicles to route appropriately through Wem especially in relation to minimising the potential impact on the High Street and Maund's Corner.

In conclusion the highway authority raise no objection to the granting of outline consent subject to the following Conditions:-

**Conditions:**

**Approve Access Design**

\* Notwithstanding the access details as shown on Drawing No.68591-CUR-00-XX-DR-TP-75001-P04 and prior to the commencement of development full engineering details of the access layout, visibility splays and raised table shall be submitted to and approved in writing by the Local Planning Authority; the access scheme and raised table shall be implemented in accordance with the approved details and a phasing programme to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety and to ensure the comprehensive development of the highway infrastructure to serve the occupation of dwellings within the site.

**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 and phasing programme have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the comprehensive development of the highway infrastructure to serve the occupation of dwellings within the site.

**Additional Highway Infrastructure**

\* Prior to the commencement of development a scheme for the provision of a mini-roundabout at the junction of Lowe Hill Road and B5063 shall be submitted to approved in writing by the Local Planning Authority: the mini-roundabout scheme shall be fully implemented in accordance with the approved scheme following the occupation of the 50th dwelling within the site.

Reason: In the interests of highway safety.

**Parking and Turning**

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

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

**Construction Traffic Management Plan**

\* No development shall take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority, to include a community communication protocol. The CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety and to avoid congestion in the surrounding area and to protect the amenities of the area.

**Travel Plan**



\* The interim travel plan shall be implemented in accordance with the Action Plan set out in the approved details.

Reason: In order to promote sustainable travel and associated health benefits and to minimise the use of the private car in the interest of reducing carbon emissions.

4.5 **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. Shropshire Council's Flood and Water Management Team should be consulted if Ordinary Watercourse Consent is required for the diversion of the land drains.

2. Condition:

Drainage Comment:

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

3. Informative Notes:

3.1. The proposed drainage strategy in the FRA is acceptable in principle. However, the final drainage details, plan and calculations should be submitted for approval.

Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided to ensure that the drainage system remains in good working order throughout its lifetime.

3.2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

### 3.3. 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.

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

#### 4.6 **SC Trees** have responded to the application indicating:

I have read the updated Cameron S Crook and Associates Arboricultural Impact Assessment (AIA) and find that overall proposal can be implemented without the loss of important trees.

Of the 5 trees given an "A" category, 4 mature Oaks have been retained in Public Open Space (POS) with sufficient space to allow for their long-term retention - T9 T10 T11 and T12.

However, I note that T8 described as "A large prominent mature tree in good overall condition" is shown on the indicative layout to be situated in a small back garden South of the proposed properties. This is not sustainable and will lead to shading, proximity and nuisance issues and will detract from such a tree's amenity value – it should be given the same consideration as the other stand out Oaks on site.

A further application should take account of this tree's position in relation to the proposed development and the site will also require a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) in line with BS 5837: 2012

An earlier response indicated:

The submitted Cameron S Crook associates Arboricultural Impact Assessment is dated January 2020 and at section 1.4 states it is valid for 18 months only - therefore this report needs updating for this current application. A further application also requires an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to ensure the mature trees on site are incorporated into the scheme without damage, and have a long term future

4.7 **SC Affordable Housing** have responded indicating:

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing in this area is 10%. A development of 100 homes would need to provide 10 affordable homes on site. The assumed tenure of the affordable homes would be 7 for affordable rent and 3 for Shared Ownership and all would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. The size, type and tenure of the affordable home will need to be agreed with the Housing Enabling Team before any further application is submitted.

4.8 **SC Archaeology Manager** has responded indicating:

A Heritage Assessment and a Supplementary Heritage Assessment, both by BWB Consulting, and an archaeological geophysical survey by Phase Site Investigations have been submitted with the application. It is advised that these provide a satisfactory level of information about the archaeological interest of the proposed development site in relation to the requirements of Policy MD13 of the Local Plan and Paragraph 189 of the NPPF.

In view of the above, and in line with Policy MD13 of the Local Plan and Paragraph 199 of the NPPF, it is advised that a phased programme of archaeological work is made a condition of any planning permission for the proposed development. This should comprise an initial evaluation, consisting of a measured earthwork survey of the ridge and furrow and other features on the southern part of the site and a targeted trial trenching exercise, followed by further mitigation as appropriate. The archaeological earthwork survey should consist of a Level 2 measured survey as defined within Historic England's guidance 'Understanding the Archaeology of Landscapes' (2017). The trial trenches should be targeted at anomalies identified within the geophysical survey, together with a sample of 'blank' areas, up to a total of 2-3% of the overall site area. Any further mitigation will be informed by the results of the evaluation. An appropriate condition of any such consent would be: -

Suggested Conditions:

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

Reason: The development site is known to have archaeological interest.

4.9 **SC Landscape Consultant** has responded to the application in conclusion indicating: The methodology for the assessment of these factors would appear to be appropriate, given the scale of the proposal and likely landscape and visual effects, and accords with the best practice set out in GLVIA3. Assessment of magnitude of landscape and visual effects has been undertaken in accordance with the LVIA methodology and GLVIA3.

All effects are predicted to be adverse, although it is noted that the principle of development on the site is established through its allocation in the Local Plan.

4.10 **SC Ecology** have responded indicating:

Conditions have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have provided a European Protected Species 3 tests matrix at the end of this response. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered.

A financial contribution, secured through a S106 agreement for visitor management mitigation measures at Cole Mere Ramsar site in order to demonstrate that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 (as amended) has been agreed by the applicant. A separate Appropriate Assessment has been undertaken and provided already in this regard.

#### Comments

##### Great Crested Newt

Mitigation for GCN is further detailed in the letter from Ecology Solutions Limited (dated August 2021) and accompanying plan ECO1 'Indicative GCN mitigation strategy'. I am satisfied that impacts to GCN can be adequately mitigated as part of development proposals. A GCN mitigation licence from Natural England will be required for this development.

I have provided a European Protected Species 3 tests matrix at the end of this response. The planning officer needs to complete sections 1 and 2, 'over riding public interest' and 'no satisfactory alternative.' The EPS 3 tests matrix must be included in the planning officer's report for the planning application and discussed/minuted at any committee at which the application is considered. The form provides guidance on completing Sections 1 and 2 but please get in touch if additional assistance is required.

##### Biodiversity enhancement

Opportunities exist to incorporate areas of wildlife habitat within the development proposals, which are illustrated on the indicative landscape masterplan, and ECO1. A condition is recommended to ensure details of landscaping to enhance biodiversity are submitted as part of reserved matters.

#### Recommended conditions

##### European Protected Species Mitigation Licence condition

No development shall take place until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority;

Reason: To ensure the protection of great crested newt. a European protected species.

#### Landscaping Plan condition

The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:

- 1) Planting plans showing creation of wildlife habitats including species-rich grassland, permanent aquatic habitats and hedgerow / tree planting,
- 2) Written specifications (including cultivation and other operations associated with wildlife habitat establishment);
- 3) Schedules of plants, noting species (including scientific names, seed mix compositions, planting sizes and proposed numbers/densities where appropriate;
- 4) Native species used are to be of local provenance (Shropshire or surrounding counties);
- 5) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- 6) 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 provide ecological enhancements under NPPF, MD12 and CS17

#### 4.11 **SC Parks and Recreational Open Space** have responded indicating:

The Design and Access plan for this development acknowledges the need for open space as set out under SAMDev Policy MD2 and Officers are initially satisfied with the location of the POS within the design layout.

Officers will need to know how many bed spaces this development provides and what the exact amount of public open space provided is so that the open space calculation can be made to ensure the policy requirement is met.

Officers also require information about who will be taking on the future maintenance of the *Public open Space*.

#### 4.12 **Public Comments**

4.13 Twenty letters of objections have been received from members of the public in relation to this application. Key planning related issues raised can be summarised as follows:

- Concerns about impacts on the existing public highway infrastructure
- Concerns that local school and doctors surgery are oversubscribed.
- Issues in relation to drainage on site.
- Concern about potential loss of trees and hedges and in particular mature Oak.
- Insufficient local employment to warrant development.
- Detrimental impact on rural landscape on fringe of the town of Wem.
- Ecology concerns and surveys considered out of date.
- Historic and cultural heritage survey considered out of date.
- Concerns about impacts on adjacent land use and nearby built development
- Surrounding public highways will be unable to absorb the additional traffic the development will create.

## 5.0 **THE MAIN ISSUES**

- Principle of development
- Visual impact and landscaping

- Ecology
- Scale and design and consideration to the land forming part of the application site outside the allocated site.
- Drainage
- Highways and transportation
- The historic environment.
- Noise and amenity
- Section 106

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The development plan in Shropshire consists of the Core Strategy (adopted in February 2011), and the Site Allocations and Management of Development (SAMDev) Plan (adopted in December 2015). While planning applications are considered against the policies of the development plan as a whole, specifically relevant policies to this application are set out further below.
- 6.1.2 Core Strategy Policy CS6: Sustainable design and development principles states that to create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which mitigates and adapts to climate change. It further states that all development will protect, restore, conserve and enhance the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance.
- 6.1.3 Policy MD2 of the SAMDev on Sustainable Design indicates for development proposals to be considered acceptable development must respond positively to local design aspirations and contribute to and respect local distinctive or valued character.
- 6.1.4 The application site covers an area which is mostly allocated for residential development in accordance with Policy S17-1a of the SAMDev. (Land off Pym's Road, WEM003). This indicates that development on this site is acceptable subject to an appropriate contribution towards traffic management, appropriate drainage design and appropriate biodiversity and archaeology surveys. The design of the site may include additional land for community facilities.
- 6.1.5 Part of the application site is outside of the recognised development boundary for Wem on land classed as open countryside. (The northern limb of the site). The indicative plan submitted in support of the application indicates residential development on this section of the site.
- 6.1.6 Given the above the principle of development on site is largely acceptable subject to satisfactory consideration to matters as discussed below. Adequate justification with regards to the inclusion of the area of the allocated site and outside of the recognised development boundary is required. It is considered that development on site in principle does comply with the prevalence for sustainable development in accordance with the National Planning Policy Framework. (July 2021).
- ### **6.2 Visual impact and landscaping**
- 6.2.1 The application site is mostly an allocated site for residential development in the countryside on the edge of Wem, whilst the development proposal will result in the loss of agricultural land, this matter is considered acceptable and was subject to consideration

when the site was allocated for development in accordance with the procedures in relation to formal adoption of the local plan.

- 6.2.2 The site which consists of grade 3 and 4 agricultural land is relatively flat, bordered by hedges and has been subject to agricultural production. Alongside the site's eastern boundary is the adjacent public highway from which access into the site will be obtained. On opposite side of this highway is the built up form of Wem. Otherwise the site is surrounded by agricultural land. As such integration of development into the surrounding landscape is an important material consideration in relation to this application.
- 6.2.3 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.
- 6.2.4 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.
- 6.2.5 Policy MD12 of the SAMDev indicates that there should be support for 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 and that support should be given to development that contributes positively to the special characteristics and local distinctiveness of an area.
- 6.2.6 The Council's Tree Officer has been consulted on the application and raises no objections in principle indicating whilst there are concerns with regards potential shading from one Oak tree, it is considered this matter can easily be resolved at the Reserve Matters stage. On balance the application in relation to trees is considered to be potentially acceptable in relation to the principals of policies MD2 & MD12 of the SAMDev local plan
- 6.2.7 The applicants have submitted a Landscape and Visual Impact Assessment in support of the application and this concludes that the Proposed Development is located on the western edge of Wem, on land partly allocated for residential development in the current local plan. The proposals incorporate a low density housing mix, set within a strong axis of landscape buffers which include the retention of valuable (in arboricultural and amenity terms) trees, improvements to the existing boundary hedgerows, flood and drainage attenuation, the provision of community space and an equipped area of play. The new access will be taken off Lowe Hill Road. The landscape character of the area will remain largely intact. The field itself changes inevitable from grazing/arable use to built form, however the field pattern, the key features (such as the trees) and the overall rural nature of the area between Lowe Hill, Wem and the outlying farms remains. The separation to Lowe Hill and farms off Ellesmere Road and as a whole the development will not appear as dense, solid development but in line with the understanding of built form generally though this area outside the settlement edge – broken up by vegetation, small groups of buildings in a strong landscape context. Generally, the impact on the landscape character within the study area is considered to be low equating to a Minor significance of effect. Visually, as expected the proposal are most noticeable from the residential, road and PRow users in closest proximity to the site. These receptors will experience clear adverse impacts as the

direct rural view is changed. However, the number receptors and the time frame for experiencing the change is limited. Those users of the PRowS within the study area are aware of the change but due to the local topography and intervening vegetation their experience is mostly limited and the proposals are not the focus of their view

- 6.2.8 The Council's Landscape Consultant has responded to the application submission by concluding that the methodology for the assessment would appear to be appropriate, given the scale of the proposal and likely landscape and visual effects, and accords with the best practice set out in GLVIA3. Assessment of magnitude of landscape and visual effects has been undertaken in accordance with the LVIA methodology and GLVIA3. All effects are predicted to be adverse, although it is noted that the principle of development on the site is established through its allocation in the Local Plan.
- 6.2.9 The application has been made in outline with landscaping reserved for future consideration, as such the applicants' submitted master plan is for indicative purposes only. It is noted the applicants' propose a landscape buffer alongside the southern side, (site of an existing gas main), however the plan offers very little in further landscape mitigation, whilst indicating its location to that of the existing built-up form of Wem town and thus highlighting how necessary it is for landscape mitigation in order to mitigate the development into town and countryside in this rural location. The applicants' landscape character assessment plan also highlights how the development will sit in a primary landscape of 'settled pastoral farmlands'. (Shropshire Council's landscape character assessment). As such landscaping in order to mitigate the development into this rural location is essential and this includes consideration to the boundary treatments. Clearly the site is allocated for housing, (mostly), in the local plan and it is also acknowledged that the local plan review includes provision for additional land to the rear of the site to also be included for residential development. (However, the revisions to the upcoming local plan at this stage can be given very little weight owing to the plan's status in the planning adoption process).
- 6.2.10 In relation to impacts on the historic environment the applicants have submitted an historic impact assessment and this concludes that there are no Scheduled Monuments or Listed Buildings within the site but that a brick field was present in the later 19th century and evidence for medieval or later ploughing may survive within the site boundary. (This issue it is recommended can be addressed via an attachment of an archaeology condition as recommended by the Council's Archaeology Manager in response to the application) The Impact on the setting of nearby assets is likely to be mitigated by intervening buildings and/or mature trees. In consideration of the fact that the majority of the site is allocated for residential development in accordance with the local plan, consideration to landscape impacts as discussed in this section of the report and the relatively low presence of historic interest in the immediate surrounding environment, it is considered with a suitably worded landscape condition that impacts on the surrounding historic environment from a landscape perspective will be acceptable, detail in relation to scale layout and design will be considered at Reserve Matters stage.
- 6.2.11 In consideration of the site's residential principle in accordance with the local plan, it is considered that with an appropriate landscaping condition attached to any approval notice issued to ensure adequate landscaping consideration at 'Reserve Matters' stage, that the principle of the development is acceptable and in accordance with Policies CS6, CS17, S17.1a, MD2, MD7a, MD12 and MD13 of the local plan and the NPPF on this matter.

### 6.3 Ecology

- 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 applicants have submitted an ecological impact assessment in support of the application, this concludes that overall, with the exception of bats and great crested newts, there was no conclusive evidence of any specifically protected species occurring on site or closely adjacent to the site that are likely to be adversely affected by proposals. Similarly, no important habitats were identified that will be adversely affected. Several breeding birds that are protected in general terms during the breeding season, including several Priority Species, do occur on site and there will be an initial loss of breeding habitat. However, with adequate mitigation and the implementation of a number of relatively minor precautions as outlined in the report, it is considered that the proposed development will result in negligible overall ecological impact. With respect to bats, whilst there were no conclusive signs of roosting, several trees suitable for roosting occur on site and bats use the western parts of the site for foraging and commuting to a moderate extent. Retention of this important habitat and improvements to the wildlife will ensure there is no residual impact upon bats and a favourable conservation status will be maintained. There are no extant ponds on site but a pond some 40m to the south and another pond some 160m to the west do support small populations of great crested newts. To ensure that no amphibians will be harmed, all suitable marginal habitat will be retained and enhanced where appropriate, being linked into the wider wildlife corridor, and prior to commencement of any works on site, all habitat suitable for use by amphibians located within 250m of the ponds concerned, shall be initially enclosed by appropriate protective fencing and by means of a trapping scheme, shall be removed from site and relocated in a designated receptor site. This work shall be undertaken as part of a Natural England EPS licence. Whilst there is a modest diversity of invertebrates on site, none of the species recorded are of any significant importance and most of the optimal habitat such as mature trees, hedgerows and wetland, will be retained and managed appropriately. Overall, providing mitigation and habitat compensation proposals are implemented as recommended, there should be no negative ecological impact resulting from proposals to develop the site in question. In addition, to compensate for any loss of habitat and increase biodiversity of the wider area, a significant area of land situated to the south and northwest will be set aside with new ponds created and subsequently managed for great crested newts and other important species. This is likely to result in a net positive impact in respect of the local great crested newt population which appears to be currently in decline.
- 6.3.3 SC Planning Ecologist has responded to the application indicating no objections subject to conditions being attached to any approval notice issued to ensure adequate consideration to landscaping and the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17. The response also refers to a European Protected Species 3 tests matrix which is attached as appendix 2 to this report. The Ecology response requests consideration to a financial contribution, secured through a S106 agreement for visitor management mitigation measures at Cole Mere Ramsar site in order to demonstrate that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 (as amended), this has been agreed by the applicant. A separate appropriate assessment has been undertaken and provided already in this regard.
- 6.3.4 In relation to ecological/biodiversity issues, whilst it is acknowledged the previous application on site subsequently refused permission owing to issues primarily in relation to ecological/biodiversity and landscape issues, it is considered the applicants have as part of

the application currently under consideration addressed these matters to a satisfactory conclusion with conditions attached as recommended in this report. Therefore on biodiversity/ecological issues the application is considered to be in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy, Policies MD2 and MD12 of the SAMDev, the NPPF and the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended).

**6.4 Scale and design and consideration to land outside the allocated site**

- 6.4.1 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.
- 6.4.2 The application is made in 'outline' with all matters other than access reserved for future consideration, as such scale and design are to be considered at a future 'Reserve Matters' stage. Accompanying the application is an 'indicative site layout plan' which indicates a proposed site layout including provision for public open space. This matter it is considered will be assessed in more detail at the Reserve matters stage should permission be granted.
- 6.4.3 As previously indicated part of the site is located outside of the recognised development boundary for Wem, on land classed as open countryside in accordance with the local plan. It is recognised that a 'gas main' pipe runs through a section of the southern part of the site and that this does create a land constraint. It is noted the masterplan for the application site indicates residential development on the land in the northern section outside of the development boundary. Whilst the gas main is a planning constraint, it is noted the site allocation in accordance with Policy S17.1a of the SAMDev indicates that the design of the site may include additional land for 'community facilities', it does not indicate or make reference to further housing. The Council's pre-application advice acknowledged that any formal application could include additional land as part of the application site, but this would need to be justified by the applicants. In consideration of the land constraint, (gas pipe), and the requirement for a clearance zone within its close proximity and justification as submitted by the applicants in support of the application as well as amount of open space indicated on balance use of the land as suggested on the 'indicative site layout plan' is acceptable in principle. (Application has been advertised as a departure to the local plan). The proposal considered by utilising the adjacent land will allow for a character of development which has a lower, and more appropriate density in consideration of the adjacent built environment. (SAMDev policy indicates up to 100 dwellings on this allocated housing site). The indicative layout demonstrates that appropriate areas of open space can be provided, allowing residents access to multi-functional accessible spaces, a community use area and sustainable drainage schemes set within a potentially high quality landscaping. Overall, this considered significant material reasons which on balance to support the application.
- 6.4.4 The Planning Statement in support of the application refers to the local plan review and the fact that further land adjoining the site is being considered for inclusion into the local plan. Whilst this is correct in that land as indicated to the north of the existing allocated site has been suggested for inclusion into the local plan, this at present carries little planning weight, as the review of the Local Plan is only in its very early stages. The objection to the application is noted from Wem Town Council and thus at this stage in the plan review, it would be premature and prejudicial to pre-judge the progress of the local plan review.
- 6.4.5 Policy S17:1a of the SAMDev indicates extra land may be considered acceptable in relation to the overall design of the site for the provision of community facilities.

6.4.6 Whilst scale, layout and design are important material considerations, these are reserved for future consideration. The indicative site plan in support of the application along with the material considerations and justification as suggested by the applicants, tip the balance in support of the application in relation to this matter and the inclusion of land (approx. 25% of the application site), outside of the recognised housing allocated site and therefore considered by Officers to be acceptable and overall in accordance with the local plan policies as a whole.

## 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

6.5.2 The Council's Drainage Manager in response to the application has indicated that the proposed drainage strategy in the FRA is acceptable in principle. However, the final drainage details, plan and calculations should be submitted for approval. The response recommends a condition to be attached to any approval notice subsequently issued with regards to a scheme of surface and foul water drainage.

6.5.3 Whilst the concerns as raised by Wem Town Council and objectors to the application on drainage and flooding issues are noted, it has to be acknowledged that the Council's Drainage consultee raises no objections on this matter. Therefore on balance the application considered to be in accordance with Policies CS6 and CS18 of the Shropshire Core Strategy and the National Planning Policy Framework on flood and drainage matters.

## 6.6 **Highways and transportation**

6.6.1 The NPPF, at section 9, seeks to promote sustainable transport. At paragraphs 110 and 111, 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 A transport assessment accompanies the application and this concludes that the site is accessible by sustainable modes of transport and that the surrounding area exhibits levels of pedestrian and cycling infrastructure, and there are several public transport opportunities within acceptable walking distance. Following a review of road collision statistics, it is not considered that there is an existing safety issue that is likely to be exacerbated by the proposals. Based on the quantum of development, a single highway access would be sufficient for the Site. This would be taken off the existing access, with minor realignment of the road within the Site such that it would be perpendicular to Lowe Hill Road. Due to the proximity of the Thomas Adams School, and the associated reduction in speed limit on Lowe Hill Road to 20mph which commences in the north, a raised table has been proposed. This is in line with the Shropshire Council document 'Specification for Residential/Industrial Estate Roads' and as stated within Manual for Streets, that raised tables at junctions reduce speeds and facilitate pedestrian movement. A highway impact assessment has been undertaken which demonstrates that traffic generated by proposed development will not have a material impact on the surrounding highway network in the years 2021 and 2026. A review of relevant local and national transport planning guidance has been undertaken. It is

considered that the proposed development is in general accordance with such policies and guidance. From a traffic and transportation perspective, the transport assessment states there are no reasons why the development proposals should not be granted planning

approval

- 6.6.4 The application has generated a number of letters of objections from members of the public, on public highway and transportation issues and this includes reference to Wem Town Council. As a consequence, the SC Highways Manager has visited the site and has responded to the application indicating he has considered again the local context of the junction of Pyms Road and the School entrance. Having done so he does not wish to fundamentally change the highway stance as was set out previously and attached in relation to the previous application refused permission on site. He has however reworded the access and raised table planning condition. In essence the Council's Highways Manager is satisfied that the raised table scheme can provide a satisfactory means of access to the development and deal with some localised traffic conditions, particularly during the school peak periods. He is satisfied also that these works can be accommodated within the highway limits and the frontage controlled by the applicant. (SC Highways Manager's response is copied out in full in paragraph 4.4 above).
- 6.6.5 The SC Highways Manager does not object to the proposal on highway and transportation grounds recommending conditions with regards to access design, road design, highway infrastructure, parking and turning, a construction management plan and a travel plan.
- 6.6.6 Whilst Officers acknowledge there are a number of concerns raised on public highway grounds by members of the public and Wem Town Council, it must be acknowledged that the majority of the site is allocated for housing in accordance with the local plan and further land to the rear is proposed for future housing growth. As such public highway matters in principle would of been considered at land allocation stage into the local plan. The SC Highways Manager appears to have looked at the application in considerable detail, comparing the latest proposals subject to this application to that of his comments in relation to the previous application that was subsequently refused last year, in accordance with the Council's scheme of delegation. It is considered based on the SC Highways Manager's response as indicated in paragraph 4.4 above, that with conditions attached as recommended by the Highways Manager, to any approval notice subsequently issued, that in highway and transportation matters this application on balance is acceptable and in accordance with Policies CS6, MD2 and S17 of the Local Plan and the National Planning Policy Framework
- 6.7 **The Historic Environment.**
- 6.7.1 Section 16: Conserving and enhancing the historic environment in the National Planning Policy Framework, (NPPF), indicates:

*'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 199).

*'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect 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 heritage asset.'* (para 203)

*'Local planning authorities should not permit the loss or harm of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'*(para 204)

*‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies’ In this instance heritage assets, are dispersed in the surrounding area and the application does include land classed as open countryside and not designated for unencumbered housing development.*

Paragraph 194 of the NPPF indicates: *‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.*

Paragraph 195 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’.*

- 6.7.2 The applicants have submitted in support of their application a heritage assessment and supplementary historic landscape statement and these conclude that there are no Scheduled Monuments or Listed Buildings within the site, but that a brick field was present in the later 19th century and evidence for medieval or later ploughing may survive within the site boundary. The Impact on the setting of nearby assets is likely to be mitigated by intervening buildings and/or mature trees. The reports also conclude that field patterns and the town itself have changed over time. Given the relatively undeveloped nature of the proposed development site, particularly the field to the south, a geophysical survey is recommended to determine the potential for archaeology to survive within the site. (This matter has been considered earlier in this report with the recommendation for a condition to be attached to any approval notice issued with regards to an archaeology condition). Though it is recognised that the proposed development will have some minor impact through the loss of a parcel of land, the overall level of encroachment in the landscape character areas is negligible when taken into context with the wider historic landscape as a whole, and reflects the gradual but consistent development of both Wem and the historic landscape over time.
- 6.7.3 In consideration of the revised heritage impact assessment the Council’s Conservation Officer to the previous application for development on site concluded that the applicants appear to use the phrase ‘substantively’ rather than ‘harm’. The Conservation Manager considered that potentially with sensitive landscaping mitigation to the wider boundary of the site that on historic matters that Section 66(1) is engaged in terms of adding great weight when balancing harm against public benefits. The reason for this statement is that whilst the application site and the heritage assets assessed do share reciprocal views this does not necessarily mean that the site will cause harm to their significance, especially as the land in question does not have any formal connection to any of the heritage assets such as designed parkland, for example. As a consequence the Council’s Conservation Officer did not object on heritage grounds but still had reservations as to how the site might

be developed and mitigations measures put in place which do not cause harm, especially as the site it extended beyond the allocated site.

- 6.7.4 The comments as made by the Council's Conservation Officer are noted and in consideration of the fact that on this matter in relation to the previous application subsequently refused and material considerations, (Biodiversity and landscape impacts), of concern and the fact that whilst the Council's Landscape Consultant whilst maintaining that development on site will have an adverse impact on the landscape, does not object with suitable mitigation in place and the reality that the site is mainly allocated for residential development, in accordance with the local plan, with no objections to the current proposal on either landscape or ecology grounds, the balance tips in favour of support from an historic environment perspective as layout, scale and design are reserved for future consideration.
- 6.7.5 On balance with consideration to all the material considerations, with adequate consideration to landscape mitigation as a consequence of development on site, it is considered that development on site in relation to the historic environment is broadly in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD2, MD12 and MD13 of the SAMDev, and the National Planning Policy Framework
- 6.8 **Noise and amenity.**
- 6.8.1 The applicants have submitted a noise assessment in support of the application and the Council's Regulatory Services Manager responded to the previous application indicating that  
*'the acoustic report submitted with the application indicates that some parts of the development will not achieve recommended noise standards without mitigation. Good acoustic design solutions should be used to provide mitigation where required and acoustic glazing which requires windows to be kept shut should only be considered where it is not possible to resolve the issues by other design measures (such as increasing the distance between the road and the properties, changing the internal or external layout and/or construction of noise barriers). As the measures required to protect the amenity of the properties is likely to require changes to the proposed layout and design of the site I recommend that these measures are agreed at outline stage.'*
- 6.8.2 In response to this the applicants responded indicating that their noise consultants calculations indicate that the proposed stand-off, as shown in the indicative layout plan, introduced between Lowe Hill Road and the nearest dwellings is sufficient to achieve the internal noise guideline levels during the daytime, with open windows for ventilation. However, with open windows used for ventilation, the night-time noise levels may be exceeded. In order to achieve the night-time internal noise levels with open windows used to provide ventilation, bedrooms, where possible, could be located on the screened facades of dwellings closest to the road. We would however stress that there are no technical requirements for all rooms of new dwellings to have ventilation provided by open windows, and standard thermal glazing together with alternative ventilation methods are commonly used noise mitigation methods on sites such as Lowe Hill Road. Dwellings further into the proposed development site will achieve the internal noise levels on all facades with open windows used for ventilation, but all dwellings would have openable windows to allow for purge ventilation as required by occupant. Overall, it is stressed that as part of the detailed design process at reserved matters stage, the design, alignment and location of units closest to Lowe Hill Road will be reviewed in terms of noise impacts.
- 6.8.3 The Council's Regulatory Services Manager indicated that whilst there is no technical requirement for all habitable rooms to be ventilated by openable windows, ProPG does make it clear that, good acoustic design principles should be used to ensure optimum acoustic standards are achieved without adversely affecting the quality of life of the occupants, ProPG also provides advise on good acoustic design, in particular it

recommends:

*“Using fixed unopenable glazing for sound insulation purposes is generally unsatisfactory and should be avoided; occupants generally prefer the ability to have control over the internal environment using openable windows, even if the acoustic conditions would be considered unsatisfactory when open. Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents.*

- 6.8.4 Planning applications for new residential development should include evidence that the following aspects of good acoustic design have been properly considered
- Check the feasibility of relocating or reducing noise levels from relevant sources.
  - Consider options for planning the site or building layout.
  - Consider the orientation of proposed building(s).
  - Select construction types and methods for meeting building performance requirements.
  - Examine the effects of noise control measures on ventilation, fire regulation, health and safety, cost, CDM (construction, design and management) etc.
  - Assess the viability of alternative solutions.
  - Assess external amenity area noise”.
- 6.8.5 It should be possible to design this site so that it achieves the recommended noise standards whilst maintaining the quality of life of future occupants, as such the Council’s Regulatory Services recommend that the possibility of acoustic design solutions, as detailed in ProPG, is explored further. As this could involve a significant redesign of the site they recommend that this application is not decided until a scheme of mitigation has been agreed.
- 6.8.6 The present application is made in outline with all matters other than highway access reserved for future consideration and this includes site layout. Clearly the site is in a semi-rural location and it is considered on balance that this matter can be satisfactorily resolved at the Reserve Matters stage should the application be subsequently approved.
- 6.9 **Section 106**
- 6.9.1 The applicants have submitted detail in support of a draft section 106 agreement to accompany any approval notice issued. This is currently under preparation. The key points to be included in any Section 106 agreement as Heads of Terms are as follows:
- Affordable housing provision to include 10 affordable homes on site. (10%). The tenure of the affordable homes would be 7 for affordable rent and 3 for Shared Ownership and all would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council’s prevailing Allocation Policy and Scheme.
  - Open space provision onsite in accordance with criteria as set out in Policy MD2 and detail in relation to its subsequent management and maintenance.
  - A financial contribution, for visitor management mitigation measures at Cole Mere Ramsar site. (To demonstrate that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017 (as amended)).

## 7.1 **CONCLUSION**

- 7.2 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.
- 7.3 The development as proposed has been assessed in relation to the relevant local plan policies. Material planning considerations have also been considered in the assessment of the merits of the case. The proposed development mainly forms part of an allocated site for housing in accordance with the local plan. (SAMDev).
- 7.4 It is considered that the proposal is finely balanced, as development on site will it is considered have an adverse impact on the surrounding landscape, however it is considered this impact can be mitigated with additional landscaping, and it is also acknowledged the majority of the application site is allocated for residential development in accordance with the local plan and the local plan review, (although at this stage can only be given very little weight), does include provision for further residential development within the site's immediate area. The relevant local plan policy, (SAMDev Policy S17.1a), indicates the site, (Site allocation reference WEM003), as suitable for additional land outside of its allocation for community uses. The housing site itself does have a significant constraint in that a service pipe crosses it and therefore a restraint to development over its land and buffer area, with this in mind, as well as the landscape and visual impact, it is considered that development on site will require significant landscaping and will need to be at the lower end of density patterns and will need open space provision on site in accordance with the criteria of SAMDev policy MD2 criteria as a minimum
- 7.5 The previous application subsequently refused on site, (presently subject to an appeal), was refused mainly owing to biodiversity issues, (landscape and ecology), however it is considered that the ecological issues have been satisfactorily addressed as part of the current application under consideration. (Landscape and Conservation issues containing further information). Impacts on the surrounding historic environment with carefully consideration to density and layout at Reserve Matters stage with appropriate landscaping, it is considered can be addressed satisfactorily.
- 7.6 It is noted there are significant concerns to the application on highway and transportation matters from both members of the public and Wem Town Council, however with appropriate conditions attached to any approval notice issued, it is considered this matter is addressed satisfactorily, as confirmed by the SC Highways Manager and discussed in this report.
- 7.7 With a condition attached to any approval notice issued, in order to ensure a sustainable means of surface and foul water drainage, it is considered detail included in the applicants flood risk assessment and supporting information in support of the application on drainage issues is acceptable. (This matter it is also acknowledged was a reason for a number of objections from members of the public and Wem Town Council).
- 7.8 The concerns with regards to potential noise issues are noted, however the layout plan in support of the application is 'indicative only' and matters in relation to scale, design and layout are reserved for future consideration. With consideration to the site's mainly rural setting and with consideration to the proximity to the site and type of surrounding public highways, as well as adjoining land uses, it is considered this matter can be addressed adequately at the Reserve Matters stage.
- It is noted there are objections to the application owing to what some perceive as lack of infrastructure and essential service provision within Wem. This matter it is considered will be addressed via the Community Infrastructure Levy, (CIL) where considered necessary. The Local Parish Council's comments in relation to this application, as well as Wem Civic Society and those of members of the public who have commented on the current application have been taken into consideration in relation to the processing of this application.
- 7.9 On balance and with careful consideration to all the material considerations, acknowledging the site is mainly allocated for housing in accordance with the local plan,



(application was advertised as a departure to the local plan, owing to the additional land included in the application site that is not allocated for housing in the current local plan), this application is recommended for approval, as it is considered overall to comply with Policies CS3, CS5, CS6 and CS17 of the Shropshire Core Strategy, Policies MD1, MD2, MD3, MD7a, MD12, MD13 and S17 of the SAMDev, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended) and that of the revised local plan under review, whilst acknowledging this plan at this stage in its adoption process carries very little planning weight.

7.10 The recommendation is therefore one of approval subject to the conditions as outlined in appendix 1 attached to this report and any modifications to these conditions as considered necessary by the Assistant Director and the signing of a Section 106 agreement in order to ensure provision of affordable housing on site, open space provision and maintenance and a financial contribution towards visitor management mitigation measures at Cole Mere Ramsar site.

## **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  
 CS5 - Countryside and Greenbelt  
 CS6 - Sustainable Design and Development Principles  
 CS11 - Type and Affordability of housing  
 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: S17 - Wem  
 SPD Sustainable Design Part 1  
 SPD Developer Contributions  
 National Planning Policy Framework

RELEVANT PLANNING HISTORY:

20/01054/OUT Outline planning application (to include access) for the erection of up to 100 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works REFUSE 12th June 2020

21/02768/OUT Outline planning application for Residential development (Use Class C3) and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works. All matters except for access reserved.

(Revised scheme) (amended description)

PDE

#### Appeal

21/02909/REF Outline planning application (to include access) for the erection of up to 100 dwellings and associated access, public open space, drainage, infrastructure, earthworks and ancillary enabling works INPROG

#### 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 Peter Broomhall Cllr Edward Towers
Appendices APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. 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.

2. 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.

3. 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.

4. 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

5. Notwithstanding the access details as shown on Drawing No.68591-CUR-00-XX-DR-TP-75001-P04 and prior to the commencement of development full engineering details of the access layout, visibility splays and raised table shall be submitted to and approved in writing by the Local Planning Authority; the access scheme and raised table shall be implemented in accordance with the approved details and a phasing programme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the comprehensive development of the highway infrastructure to serve the occupation of dwellings within the site.

6. 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 and phasing programme have been submitted to, and approved by the Local Planning Authority. The agreed details shall be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety and to ensure the comprehensive development of the highway infrastructure to serve the occupation of dwellings within the site.

7. Prior to the commencement of development a scheme for the provision of a mini-roundabout at the junction of Lowe Hill Road and B5063 shall be submitted to approved in writing by the Local Planning Authority: the mini-roundabout scheme shall be fully implemented in accordance with the approved scheme following the occupation of the 50th dwelling within the site.

Reason: In the interests of highway safety.

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

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

9. No development shall take place, including any works of demolition, until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority, to include a community communication protocol. The CTMP shall be fully implemented in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety and to avoid congestion in the surrounding area and to protect the amenities of the area.

10. 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

11. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation (WSI). This written

scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The development site is known to have archaeological interest.

12. No development shall take place until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted to the Local Planning Authority;

Reason: To ensure the protection of great crested newt. a European protected species.

13. The first submission of reserved matters shall include a landscaping plan. The submitted plan shall include:

- 1) Planting plans showing creation of wildlife habitats including species-rich grassland, permanent aquatic habitats and hedgerow / tree planting,
  - 2) Written specifications (including cultivation and other operations associated with wildlife habitat establishment);
  - 3) Schedules of plants, noting species (including scientific names, seed mix compositions, planting sizes and proposed numbers/densities where appropriate;
  - 4) Native species used are to be of local provenance (Shropshire or surrounding counties);
  - 5) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
  - 6) Detail of boundary treatment which will include provision for hedges.
  - 7) Implementation timetables.
  - 8) Recreational space and landscaping/plantings in relation to this.
- 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 provide ecological enhancements under NPPF, MD12 and CS17

14. Any subsequent planning application/reserve matters for development on site will include reference to a scheme for protecting the occupants of the proposed development from the traffic noise on Lowe Hill Road, to be submitted to, and approved in writing by the Local Planning Authority. The scheme shall ensure that all properties have been designed so that the following good noise standards can be achieved: 35dBA LAeq in habitable rooms in the day, 30dB LAeq in bedrooms at night, 45dB L<sub>Amax</sub> in bedrooms at night and 50dB LAeq in external amenity areas. Acoustic glazing which requires windows to be kept shut should only be used where it is not possible to resolve the issues by other design measures and where there is a clear planning need for the proposed design. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained

Reason: In order to ensure adequate consideration to residential amenity.

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

## THE OCCUPATION OF THE DEVELOPMENT

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

15. The interim travel plan shall be implemented in accordance with the Action Plan set out in the approved details.

Reason: In order to promote sustainable travel and associated health benefits and to minimise the use of the private car in the interest of reducing carbon emissions.

16. No more than 100 dwelling units will be built on site.

Reason: In consideration of the amenity of the surrounding area and landscape and visual impacts

### **Informatives**

1. The proposed drainage strategy in the FRA is acceptable in principle. However, the final drainage details, plan and calculations should be submitted for approval.

Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be provided to ensure that the drainage system remains in good working order throughout its lifetime.

Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

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.

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

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<u>Committee and Date</u>
Northern Planning Committee
26 <sup>th</sup> October 2021

<u>Item</u>
Public

## Development Management Report

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

### Summary of Application

<b><u>Application Number:</u></b> 21/04014/FUL	<b><u>Parish:</u></b>	Shrewsbury Town Council
<b><u>Proposal:</u></b> Erection of 1No dwelling and formation of vehicular access		
<b><u>Site Address:</u></b> Proposed Dwelling Adjacent 36 Alexandra Avenue Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Mr And Mrs S And T Peck		
<b><u>Case Officer:</u></b> Didi Kizito	<b><u>email</u></b>	: didi.kizito@shropshire.gov.uk

**Grid Ref:** 348267 - 310533

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

### REPORT

#### 1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single dwelling and formation of vehicular access.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is located within a corner plot intersecting at a junction along Victoria Road and Alexandra Avenue, Meole Brace. The site abuts the conservation area to the north eastern section along Victoria Road and western section toward Washford Road.

### **2.2 Site History**

SA/90/0962 - Construction of a detached two storey dwelling and construction of new vehicular access. REFUSED

SA/91/0651 - Erection of a 2 storey 2 bedroom detached dwelling house and construction of new vehicular and pedestrian accesses. REFUSED and Appeal DISMISSED

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

- 3.1 The Town Council have provided views contrary to the Officers recommendation. The application was discussed with the Chair/Vice Chair of Planning Committee, in consultation with Principal Planning Officers, who concluded that a committee determination should be pursued.

## **4.0 Community Representations**

### **Consultee Comment**

#### **4.1 Shrewsbury Town Council Objects.**

The Town Council considers this an overdevelopment of the site attempting to fit a pint into a half pint pot, rendering both the existing and proposed dwellings cramped with little valuable private amenity space. The positioning of the property expands the terracing effect along the existing properties and impacts on the building line along the semi-detached properties around the bend. The Council is sympathetic to the existing comments on the portal from residents in terms of loss of light and the difference in vernacular and appearance to existing properties.

#### **4.2 SC Affordable Houses**

No objection. The proposed development falls below the threshold by which the Local Planning Authority are able to require a contribution towards affordable housing.

#### **4.3 SUDS**

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.

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.

Informative Notes are recommended for inclusion on the decision notice giving advice on details which will need to be included in the surface and foul water drainage scheme.

#### 4.4 **SC Highways**

The development site lies at the junction of Alexandra Avenue and Victoria Road. Both roads are governed by a 20mph speed limit. The site has been the subject of two previous planning applications for similar development. It is considered that the addition of a single dwelling would be unlikely to significantly impact on the surrounding highway network and a highway objection to the proposal could not be sustained.

Due to the constraints of the site, nature of the surrounding highway network and proximity to local schools, a Construction Method Statement and Construction Traffic Management Plan would be required for this development. Any deliveries to the site should be made outside of peak traffic times and school drop off and pick up times.

A lighting column is located adjacent to the corner of the area of land to be developed and may be affected by the development. The applicant should also contact Shropshire Councils Street Lighting Team prior to commencement of any development.

#### 4.5 **SC Conservation**

No 36 Alexandra Avenue forms the east half of a two storey semi-detached pair of brick and render houses where it is the last pair of several similar pairs of houses on the north side of Alexandra Avenue. The property is sited at the junction with Victoria Road which runs to the north-east, where Victoria Road is characterised by short brick two storey terraces and further north by brick semi-detached pairs of houses.

The Meole Brace Conservation Area boundary runs along the property line between No 36 Alexandra Avenue and No 50 Victoria Road as well as following the rear property line of No 36 where the dwellings along both Washford and Victoria Roads are included inside the Conservation Area boundary. The original 1972 Conservation Area was extended to include the dwellings along Washford and Victoria Roads in 2006.

Referring to sequential historic OS mapping, the semi-detached pairs of houses along the north side of Alexandra Avenue including the subject property and the short terrace rows along Victoria and Washford Avenues were constructed by 1927 (as they are indicated on the 1927 OS map), with the semi-detached pairs further north along these

streets being constructed earlier and in place by 1901 (as indicated on the OS map from that time).

The Meole Brace Conservation Area Appraisal document highlights this type of residential development as follows: 'The large number of terraced and semi-detached houses within and adjacent to much of the Conservation Area are excellent examples of domestic design from the turn of the 20<sup>th</sup> Century. These buildings contribute positively to the setting of the Conservation Area as well as providing valuable historic contrast to the older core of Meole Brace' and further states that 'it was deemed appropriate to extend the Conservation Area boundary in 2006 to include these well preserved residential areas'.

This application proposes the construction of a single detached dwelling between No 36 which is the end unit of the semi-detached pair noted above and No 50 which forms the end unit of the short brick terrace also noted above, where it would site parallel to the terrace group along Victoria Road and face the junction.

The Planning Statement notes that an application for a dwelling in this position was applied for and refused on two occasions in 1990 and 1991, with an appeal of the latter refusal subsequently dismissed. Those applications would pre-date the extension of the Conservation Area boundary to include the Victoria and Washford Road properties (bringing the boundary closer to the subject property), which as noted above was extended in 2006.

In considering this proposal due regard to the following local and national policies and guidance is applicable including policies CS6 Sustainable Design and Development Principles and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of SAMDev as well as the relevant policies of the National Planning Policy Framework (NPPF) as recently revised. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) is relevant in considering the impact on the character and appearance of the immediately adjacent Conservation Area, and the guidance included in the above noted Meole Brace Conservation Area Appraisal document is also highlighted.

We would specifically draw attention to the requirements of CS6 and MD2 which require taking account of local character and context, responding appropriately to the form and layout of existing development including streetscape, scale and proportion. They also state that proposals should protect, conserve and enhance the historic context and character of heritage assets, their significance and setting, in accordance with MD13 which seeks to avoid harm to designated and non-designated heritage assets.

The small space between the buildings here comprises a natural gap between two sets of similarly aged early 20<sup>th</sup> Century built forms at a highway junction where within these streets there is a strong and established pattern and grain of development which the current proposal would likely diminish, with a new building being seemingly shoe-horned unnaturally into an irregularly-shaped site. The gap here fits naturally with the layout of the built forms sited along these streets, but additionally it allows for views between the buildings from the highway to dwellings along Washford Avenue which are all within the Conservation Area boundary.

It is noted that the Conservation Area Appraisal refers not only to the importance of the late 19<sup>th</sup> and early 20<sup>th</sup> Century dwellings in these streets but also to the spaces between buildings and how these gaps contribute to the character of the Conservation Area.

It is not considered that this application responds well to local character and context and a detached dwelling here would likely appear as an incongruous addition at this junction, where it would additionally not be considered to preserve the character and appearance of the adjacent Conservation Area, referring to the relevant policies and legislative requirements noted above, and referencing earlier reasons for refusal decisions affecting this property.

### **Public Comments**

- 4.6 7 representations have been received objecting to the scheme. The following concerns have been raised:
- out of keeping
  - parking
  - over development
  - loss of light
  - drainage
  - highways

### **5.0 THE MAIN ISSUES**

- Principle of development
- Siting, scale and design of structure
- Visual impact
- Other matters

### **6.0 OFFICER APPRAISAL**

#### 6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

6.1.2 The site is within the development boundary for Shrewsbury on the proposals map of the adopted SAMDev DPD. Development of this site would therefore be acceptable in principle as it would accord with Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development.

6.1.3 Shropshire Core Strategy policy CS6 requires all development to protect, restore, conserve and enhance the natural, built and historic environment and to be

appropriate in scale, density, pattern and design taking into account the local context and character, and those features that contribute to local character. Policy CS17 which deals with environmental networks and is concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment.

- 6.1.4 Policy MD2: Sustainable design of the adopted Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible. Additionally the site lies adjacent to the Meole Brace Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.2 Siting, scale and design of structure; impact on Conservation Area
- 6.2.1 The scheme proposes the introduction of a detached dwelling at a junction between the dwellings 36 Alexandra Avenue and 50 Victoria Road. The proposed would sit more alongside a block of terraced properties along Victoria Road. The dwelling would be two storey to the frontage and a single storey flat roof is proposed to the rear. The proposed introduces a boundary wall that is set back approximately 5m from the highway and forward of this, there is provision of vehicle parking spaces that would serve the property.
- 6.2.2 Whilst it is acknowledged some time ago that a previous appeal decision was dismissed where the Inspector's main concerns were in relation to residential impact where at paragraphs 6 the Inspector sites that "the rear gardens of the dwellings on the street are of a particular valuable amenity for the quiet enjoyment of their residents" Also adding at paragraph 7 that the proposed would the potential loss of privacy and the proximity of the dwelling to number 50.
- 6.2.3 It is essential to highlight that there are significant material difference between the proposal that was subject to the appeal and that subject to this current planning application. Also, it worth pointed out that at paragraph 5 of the decision letter, the Inspector acknowledged that the design of the dwelling would not be alien to the general character and continued to state that "I do not believe the infilling of this narrow gap in the residential frontage would be as harmful to the general appearance of the area ..."
- 6.2.4 While the Inspector's decision is acknowledged, it is observed that the issues raised by the appeal proposal are considered by Officers not directly comparable with this planning application where the house design and scale are different.
- 6.2.5 The proposed dwelling is reflective of the prevailing character and appearance of dwellings along the intersecting streets Alexandra Avenue and Victoria Road. The scheme incorporates design features such as bay windows and brick materials common within the locality. It is not considered the principle elevation of the proposed dwelling is disproportions to those within the street scene. While the proposal would result to a detached dwelling on this section of the street, it is noted

that on the opposite side of Alexandra Avenue there is a combination of detached and semi-detached two storey dwellings and the occasional bungalow.

- 6.2.6 It is noted whilst the site isn't within the conservation area, it immediately abuts to it. Currently there is a single storey outbuilding and hedging fronting the highway and a gap of approximately 15m separating the dwellings 36 Alexandra Avenue and 50 Victoria Road. The Conservation team note that the gap clearly provides a distinction between the streets meeting at the highway junction. The proposal would leave a gap of approximately 7.5m wide thereby respecting the character of this area and the adjacent Conservation Area. The house would be constructed of materials sympathetic to neighbouring houses. The proposed scale and design of the proposed would be in keeping with the general character and appearance of dwellings in this locality and would ensure an acceptable streetscene, integrating within this locality. It is considered that the proposal would respect and preserve the character and appearance of the adjacent Conservation Area. Furthermore it is considered that any harm to it would be less than substantial. Para. 202 of the NPPF requires that in such circumstances this harm should be weighed against the public benefits of the proposal. In this particular case, it is considered that the less than substantial harm would be outweighed by the economic and social benefits of the proposal in terms of the provision of an additional dwelling in a sustainable location to the housing stock. The proposal is therefore considered to comply with planning policies CS6, CS7 and MD2 and the requirement of Section 72 of the above Act have been met.
- 6.2.7
- 6.3 Residential amenity
- 6.3.1 Core Strategy Policy CS6 seeks (amongst other criteria) to ensure that residential amenity is safeguarded for present and future occupiers. Representations have been received objecting to the proposal over loss of light, overshadowing, over development, overlooking, scale, impact on conservation area. Whilst the comments have been acknowledged, it is not considered that the scheme will give rise to a substantial neighbour amenity harm sufficient to warrant refusal
- 6.3.2 There are no windows proposed on the north eastern side elevation and those proposed to the first floor south western and western elevation would serve bathrooms and the hallway. The windows serving the bathroom would ordinarily be of obscure glazing and the one serving the hallways is purely as source of light. In terms of the main footprint of the two storey element of the scheme, this corresponds in unison with that of the neighbouring properties where it is noted there are no side elevation windows to no 50 that would be impacted on and dwelling would be angled away from no 36 thus, it is not anticipated the two storey build would have an impact on the loss of light or overbearing of loss of privacy. Additionally, by virtue of its single storey flat roof nature, it is not considered that this element of the scheme would have an impact on residents of neighbouring properties. Furthermore, there is a distance of approximately 25m away from the proposed to properties along Washford Road to the rear. To ensure no future residential impact arises, a condition is to be attached removing permitted developments rights.
- 6.4 Other matters

- 6.4.1 Objections have been received over concerns about the impact on the highway. The highway technicians have been consulted and raises no objection subject to conditions. In addition there is a road sign for 'Victoria Road' and lighting column terminating on the pedestrian access outside the boundary of the site. The applicant would be responsible for contacting the service provider to seek advice from Shropshire Council Highways Team on the process during construction that safely allows vehicles and pedestrians using the highway to drive over the services without interference of what is underneath the service covers.
- 6.4.2 Furthermore, concerns over drainage have also been raised and noted. The drainage technicians have also been consulted and raise no objection subject to conditions to require that a surface and foul water drainage scheme is submitted for approval.

## **7.0 CONCLUSION**

- 7.1 The site is within the development boundary for Shrewsbury on the proposals map of the adopted SAMDev DPD. Development of this site is therefore acceptable as it would accord with Core Strategy Policy CS2 that identifies Shrewsbury as the main focus for all new residential development.
- 7.2 On balance, the proposed plans have demonstrated that the scheme would not have an unacceptable visual impact on the highway and the adjacent Conservation Area. The application site is considered acceptable with the proposed dwelling being of a proportionate scale and design within the street scene. It is also not considered that the scheme would have an adverse impact to residents of neighbouring properties or on highway and transportation issues. The scheme accords with policies CS6 and CS17 of the Shropshire Core Strategy, MD2, MD13 of the SAMDev as well as the National Planning Policy Framework (NPPF). It is therefore recommended planning permission is granted.

## **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:

**RELEVANT PLANNING HISTORY:**

21/04014/FUL Erection of 1No dwelling and formation of vehicular access 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)
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Cabinet Member (Portfolio Holder) Councillor Ed Potter
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Local Member
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Cllr Bernie Bentick
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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 91(1) of the Town and Country Planning Act, 1990 (As amended).

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

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

3. Demolition, construction works and associated deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

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

4. 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.

5. 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

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

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

6. The development hereby permitted shall not be brought into use until the car parking shown on the approved plans has been provided, properly laid out, hard surfaced and drained, and the space shall be maintained thereafter free of any impediment to its designated use.  
Reason: To ensure the provision of adequate car parking, to avoid congestion on adjoining roads, and to protect the amenities of the area.

7. The access apron shall be constructed in accordance with the Council's specification currently in force and shall be fully implemented prior to the development being brought into use.  
Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

8. 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 and preserve the character and appearance of the dwelling within the adjacent Conservation Area

9. Before the relevant part of works commence details of the proposed decorative finishes and colour scheme shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.  
Reason: To safeguard and preserve the character and appearance of the dwelling within the adjacent Conservation Area.

10. 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 and preserve the character and appearance of the dwelling within the adjacent Conservation Area.

11. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details. Reason: To safeguard and preserve the character and appearance of the dwelling within the adjacent Conservation Area.

12. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details. Reason: To safeguard and preserve the character and appearance of the dwelling within the adjacent Conservation Area.

13. Prior to the commencement of work, details of the brick bond and type, shall be submitted to and agreed in writing by the Local Planning Authority. Following this approval, a freestanding sample panel of brickwork of approximately 1m square shall be provided on site and the mortar mix, colour, texture and joint finish shall be inspected and approved in writing by the Local Planning Authority before the relevant works commence. Reason: To safeguard and preserve the character and appearance of the dwelling within the adjacent Conservation Area.

14. 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 and boundary wall 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.

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

15. The first floor windows serving the bathrooms shall be of obscure glass and shall thereafter be retained as such. No further windows or other openings shall be formed on the first floor elevations.

Reason: To preserve the amenity and privacy of adjoining properties.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A, AA, B, C, D, E; shall be erected, constructed or carried out.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and visual amenities.

**Informatives**

1. The applicant will require a licence, issued by the Highway Authority, to carry out the necessary works to lower the footway and kerbing before they commence works to form the access. Details of how to obtain this licence, the charges made and the specification for the works are available by following the link attached to the informative note 'Works on within or abutting the public highway' below.

2. 1. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance	% of impermeable area
Less than 25	10	
30	8	
35	6	
45	4	
More than 50	2	
Flats & apartments	0	

3. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

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

### 3. 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 or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details <https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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. No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway

#### Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycleways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

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Committee and Date  
 Northern Planning Committee  
 26<sup>th</sup> October 2021

Item  
  
 Public

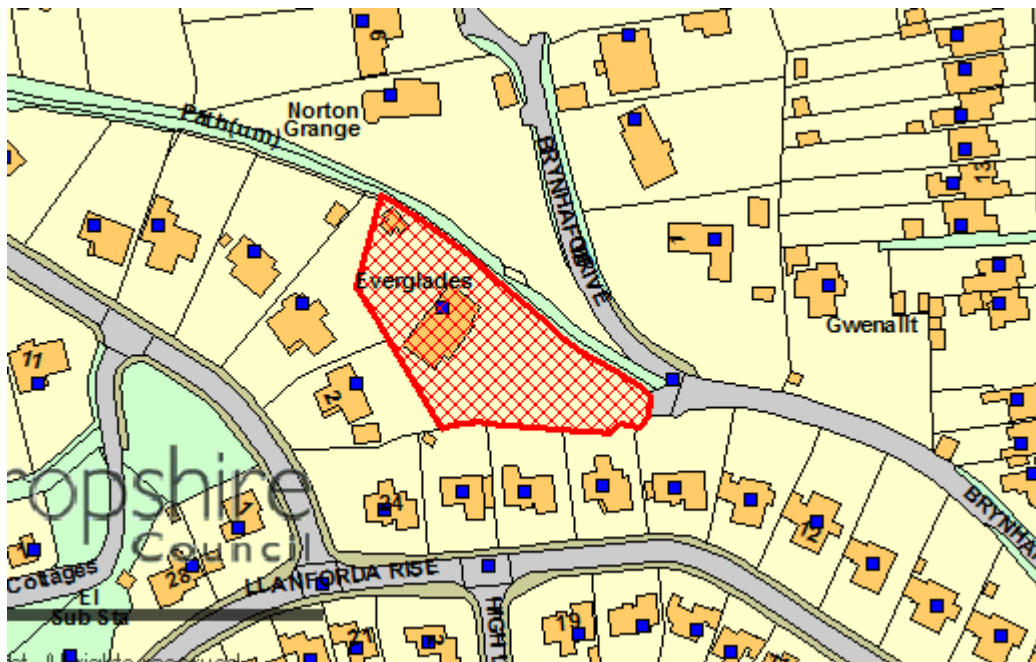
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 21/02444/FUL	<b>Parish:</b>	Oswestry Town
<b>Proposal:</b> Change of use of existing residential dwelling/bed and breakfast (C3/B1 Use) to C2 Residential Care home with associated external works to extend parking provision		
<b>Site Address:</b> Everglades Brynhafod Lane Oswestry Shropshire SY11 1SH		
<b>Applicant:</b> Achieve Together		
<b>Case Officer:</b> Mark Perry	<b>email</b>	: mark.perry@shropshire.gov.uk

**Grid Ref:** 328294 - 329685



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1** This application is seeking full planning permission for the change of use of an existing dwelling, which is currently part operated as Bed and Breakfast accommodation, to a residential care home which falls within the C2 use class. No external works are proposed to the dwelling and the only works proposed are to the inside of the dwelling to reconfigure its layout and externally are to improve the parking provision to provide four additional spaces.
- 1.2** The dwelling will be internally adapted to achieve self-contained accommodation for 8no adults whose primary diagnosis is autism, Learning Disability and associated co-morbidities. There will be a maximum of 8no support/management staff supporting the residents, on a 24hr basis. There will be staff office/sleeper accommodation. The proposals enable supported independent living prior for residents prior to them moving elsewhere in the community once they have gained the necessary skills. The applicant advises in their submission that Shropshire Council and Achieve Together will work in partnership to ensure residents with learning disabilities who live in Oswestry have the opportunity to remain in their hometown instead of relocating to out of borough placements. And that one of the sources of referrals will be from Derwen College and other local community services.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1** Everglades is a moderately large two storey, detached dormer-style dwelling located just outside of Oswestry Town Centre, along Brynhafod Drive and set within a heavily residential area. The dwelling sits slightly set back within a large plot of around 0.6 acres that is well secluded from neighbouring properties through extensive boundary treatments consisting of a mature and well-established treeline and hedging. The properties along Brynhafod Drive are uncharacteristically large for such a central location, with their western boundary occupied with a denser spread of housing that are orientated with the rear elevations facing the Everglades' western side elevation

### **3.0 REASON FOR COMMITTEE**

- 3.1** Within 21 days of notification the local member (Councillor Duncan Kerr) requested that this application be considered by the committee; raising material planning reasons.

### **4.0 Community Representations**

#### **4.1 - Consultee Comments**

- 4.1.1** Oswestry Town Council-  
The Council objects to the proposed change of use and to request that, if planning officers are minded to approve the application under delegated power that it is considered and determined by the elected members on the Planning

Committee. The Council objects for the following material planning reasons:

- Highway Safety for pedestrians accessing the bridleway via Brynhafod Lane. This is a popular and important route, the road is narrow, dark all year round and does not benefit from pavements. Not only will the increased traffic increase the safety risks but will also deter people from using the most sustainable form of transport - walking. The safety concerns are also relevant to the residents and employees at the Everglades and include disabled access.
- As the proposed development seeks additional car parking spaces this will clearly lead to an increase in traffic movement and traffic at irregular hours. Aside from the safety concerns, this will cause noise and environmental pollution which will have a detrimental impact on the residents in immediate area. There are concerns as to whether the number of spaces proposed is adequate, given the nature of the business and where this unmet traffic demand will go, will it mean traffic parking on the lane? or onto Hampton Road.
- The area is residential one and the proposal would bring a commercial use which will not only have a direct impact on the area but would also set a precedent for further growth and future commercialisation. The proposal is clearly out of keeping and character with the immediate area and would lead to an over intensification of use and overdevelopment of the site

4.1.2 **Highways-** As you are aware, I carried out a site inspection recently and have considered the attached Access Statement (AS), which has been commissioned on behalf of the local residents. A Technical Transport Note (TTN) has been produced by the applicant's agent.

The TTN describes the existing property as comprising a dwelling with a reception hall, 3 x reception rooms, kitchen, utility, cloakroom, shower room, sauna, gym, galleried landing, main bedroom with en-suite, 4 x further bedrooms, luxury bathroom. The property also has 2 x letting suites, 2 x bedroom cabins, a double garage and parking for 7 cars. On the face of it therefore, this is a large domestic property with potential B&B and/or Air B&B occupation. It is clear therefore that there is potential for greater car trips than would be expected from a more typical detached dwelling.

The current proposal seeks COU to provide a supported living care home facility for young adults for up to 8 persons. There will be supporting staff on a 24 hour basis with an estimated 8 staff on duty during the day and 3 staff present during the evening and through to the morning shift. 11 car parking spaces are to be provided on site. Such developments are difficult to predict the likely car/vehicle trip generation but I consider it is highly likely that the current proposal will increase traffic movements and this is challenged within the AS.

The access road to the site via Brynhafod Lane is narrow in places and within the AS (objectors) the specific carriageway widths have been identified and how this relates to the advice set out in Manual for Streets. I would not dispute these figures but in practical terms the majority of traffic movements will be cars and not larger vehicles and there are widths along the route where vehicles can pass one another. It is acknowledged that there would be occasions where vehicles have to give way and particularly in respect of larger vehicles, as is no doubt the

situation now. The fundamental test however in objecting on highway grounds is that the cumulative impacts of the development would be severe. That is a high threshold to breach based upon the likely traffic generation increase on the lane and in this regard and on balance I consider that a highway objection would be difficult to defend.

Comment is made in the AS regarding parking spaces 1 and 2 and I would agree the access road should be widened as the reality is that vehicles would have to manoeuvre over the grassed area, but the manoeuvre itself could be undertaken although not desirable.

In the event that the planning authority is minded to granted consent I consider that a Condition should be imposed requiring details of the car parking layout to provide 11 spaces being submitted to and approved in writing by the Local Planning Authority; the car parking shall be laid out fully in accordance with the approved details. Reason: To provide an adequate level of on site car parking to serve the development.

4.1.3 **Adult Social Care (Service Manager)-** this is a supported living scheme so I am in full support of this.

4.1.4 **Affordable Housing-** As the proposal is for C2 use no affordable housing contribution will be payable.

4.1.5 **Tree Officer-** there are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application.

The AIA has identified 23 individual trees and 3 groups of trees which have been assessed in accordance with BS 5837 (2012) and includes a categorisation of the trees 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 consider that they are unduly conservative, particularly when the trees are considered as a whole, these are prominent specimens that have a visual and historic importance and help to define the landscape of the area. I also note that the executive summary states that the site is within the Rainsford Conservation Area, it does not, although a number of the trees are protected by a Tree Preservation Order, which the report acknowledges.

As noted above, the trees form an important group and are an attractive element of the local landscape and character of the area, and their retention is highly desirable.

I have examined the Arboricultural Impact Assessment and the site layout plans provide and agree that the proposals can be implemented with minimum impact to the trees and without any tree loss. There is some level of encroachment into the Root Protection Zones of 3 trees, T3, T19 & T22 to provide car parking spaces and the AIA has specified that a 'no dig' CCS construction should be used and it is acknowledged that these systems can be an acceptable means of forming hard surfaces over tree roots although they are not always appropriate.

In this case the extend of the hard surface in the RPAs is minimal and there are no arboricultural reasons why the system shouldn't be used, notwithstanding that there is already hard surface within the RPA of T19 & T22 and a circular RPA may not be an accurate representation of root distribution, I take the view that both trees are well established and in good overall physiological condition and would withstand the proposed no dig hard standing, however confirmation that this system is acceptable from an engineering perspective is required along with a site specific design and installation method statement.

The site is well provided with trees and we would not be seeking any additional planting in association with this development.

No objection is raised to the proposal subject to an adequate and acceptable no dig design for the carparking spaces and a full tree protection plan being provided.

The following condition is recommended:

a) 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 a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. 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.

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 full design details and a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

c) 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 a responsible person has been 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.

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.

#### 4.1.6 **Drainage-** Informative Notes:

1. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: <https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

2. If non permeable surfacing is used on the new access, driveway and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water runoff from the new access run onto the highway.

3. On the Surface Water Flood Map, the site is at risk of surface water flooding. The applicant should ensure that the finished floor level is set above any known flood level or at least 300mm above the ground level.

## 4.2 - Public Comments

4.2.1 50 representations of objection and 60 in support of the application have been received. Commenting on the following issues:

### **Objection**

Breach on existing property/ breach of conditions

Proposed use will not fit in

Proposal will change scene of neighbourhood.

Increased traffic generation

No footpaths nearby

Blind spots on road

No passing places

Impact on those using bridleway

Brynhafod Lane is inappropriate

Increased traffic from delivery lorries, worker and visitors

Inadequate visibility on road because of inadequate lighting and tall trees

Family dwellings nearby

Over development

Intensification of the site

Risk of anti-social behaviour

Disturbance from shift workers

Icy road during winter

Road well used by walkers  
 Other more suitable dwelling available locally  
 Inappropriate used  
 Could lead to further C2 falling in use class C2A (secure residential institutions)  
 Development will look institutional  
 Already regular near misses between traffic  
 Danger to pedestrians  
 Inappropriate position and facilities  
 Increased noise and disturbance  
 Property is in a residential area  
 Proposal is for a commercial use  
 Possibility of further changes to the use.  
 Impact on existing residents  
 Further intensification of the site  
 Insufficient parking proposed  
 Impact on quietness of area  
 Poorly lit road, no pavement  
 Fire engine access  
 Drainage of the site  
 Risk of injury to public  
 School children walk on the road  
 Impacts on predominantly elderly residents.  
 Purpose built facility in an open space would be far more appropriate  
 Loss of garden to car park  
 Increased risk of flooding  
 Overspill parking on roads  
 Traffic congestion  
 Lots of empty property in the town with better lighting and footpaths  
 Increased pollution  
 Loss of green space  
 Increased activity on the site  
 Site is already over developed  
 Light pollution  
 Poor management of institution  
 Impact on trees

### **Support**

Skilled and experienced company  
 Community involvement  
 Will enable residents to stay in their own community  
 No such facility currently in area  
 Need locally  
 Lack of opportunities for people with autism to be included in society  
 Needed in Oswestry  
 Ability for vulnerable people to live in their own town  
 Property, garden and location is ideal  
 Residents have the right to live as part of community  
 Residents would cause no more problems for other members of the public than  
 Would be found in any other community.  
 Support people in the community  
 Close to town centre

## 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Highway safety  
Impact on residential and local amenities  
Drainage  
Trees

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the adopted development plan 'unless material considerations indicate otherwise'. The local development framework of the county of Shropshire principally consists at this time of the Core Strategy (2011) and Site Allocations and Management of Development (SAMDev) Plan (2015), and a range of supplementary planning documents. The National Planning Policy Framework (NPPF) has been published by national government and represents guidance for local planning authorities. It is a material consideration to be given weight in the determination of planning applications.
- 6.1.2 Section 5 of the National Planning Policy Framework 'Delivering sufficient supply of homes' highlights the Government's objective of significantly boosting the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.2.3 Policy CS6 of the Shropshire Core Strategy: 'Sustainable Design and Development Principles' requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard both residential and local amenity, ensuring that sustainable design and construction principles have been incorporated.
- 6.2.4 Policy CS11 aims to meet the diverse housing needs of Shropshire residents, both now and into the future and to create mixed balanced and inclusive communities. The policy goes on to reiterate its support for the provision of housing for vulnerable people and specialist housing provision, including nursing homes, residential and extra care facilities. Importantly these must be in appropriate locations and where there is an identified need.
- 6.2.5 Further to Policy CS6, SAMDev MD2: 'Sustainable Design' includes a requirement to contribute to and respect locally distinctive or valued character and existing amenity value whilst responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses. Policy MD3 emphasises the need for different types of housing to be identified and provided which meets the needs of different groups within the community, including people with disabilities and older people.



- 6.2.6 The Councils' adopted Supplementary Planning Document, 'Type and Affordability of Housing' sets how the Council will address specialist and supported housing needs. The SPD sets out how provision has to be made for the increasing number of elderly people in Shropshire and for other vulnerable groups who need either specialist accommodation or a setting where appropriate support can be provided. It goes on to state that this may be through the provision of new market housing (eg. for older people), adaptation to existing housing or through some form of specialist provision.
- 6.2.7 Everglades is a modestly scaled dwelling that sits within a large plot, particularly large when in comparison to the neighbouring residential dwellings and for such a heavily residential area – within the development boundary of Oswestry as shown at S14 Inset 1 of the SAMDev Settlement Policies.
- 6.3 History of the Site
- 6.3.1 The existing dwelling has been operating as bed and breakfast accommodation for a number of years. There have been no historic enforcement issues on site querying its operation as a bed and breakfast or whether a material change of use has occurred. The use of the site as a bed and breakfast was recognised in a planning application submitted in 2014 (14/04112/FUL) where an application was submitted for the use of an existing summer house to provide additional bed and breakfast accommodation.
- 6.3.2 There have been other applications to increase the size of the dwelling under references 10/02382/FUL and 17/00975/FUL which has resulting in the dwelling that is on site today. Despite the increase in size the primary use remains as a single dwelling.
- 6.3.3 Under planning legislation homeowners are able to operate a B&B without requiring planning permission if there is no material change of use occurring based on the scale of commercial activity taking place.
- 6.3.4 Since this current planning application has been submitted a number of enforcement complaints have been received by the Council with allegations that previous development on the site has not been carried out in accordance with the approved plans and that there has been a material change in use from a dwelling to a predominately bed and breakfast use.
- 6.3.5 The alleged use of the building and any potential breaches of planning control have not been investigated whilst this current application is under consideration. Any alleged material change in use of the existing building is not relevant to this current application as an entirely different use is now being proposed.
- 6.3.6 Objectors feel that previous extensions to the dwelling has made it more attractive to the prospective purchaser of the site, and applicant of this current planning application. Whilst this is noted, this application must be considered on its individual merits including consideration of any unlawful built development that may have taken place. Any approval granted would then regularise any previous planning breaches in terms of the built development that has been shown on the approved plans.

#### 6.4 Scale and Design

- 6.4.1 The existing dwelling currently contains 6 bedrooms on the first floor, a main bathroom and two of the bedrooms benefit from en-suite bathrooms. On the ground floor there is a further bedroom with en-suite, lounge, kitchen office and a sauna and gym area.
- 6.4.2 In order to create the care home proposed the dwelling would be reconfigured internally so that 4 self-contained, one bedroom units would be created on the first floor. On the ground floor a further 4 units would be created. Each would have an en-suite bathroom and small kitchenette area. In addition, there would be a lounge area for residents and a staff room on the first floor. Externally there would be no changes made to the existing building.
- 6.4.3 It is acknowledged by Officers that an external staircase has previously been added to the dwelling without the benefit of planning permission. This staircase will remain as part of the proposed use and therefore it forms part of the considerations in this application. It is considered that the staircase does not detrimentally impact upon the appearance of the dwelling or would its use impact upon the privacy of neighbours, therefore Officers raise no objection to its retention in terms of its scale and design.
- 6.4.4 The existing dwelling sits in an uncharacteristically large plot, measuring some 0.6 acres with the dwelling occupying a modest footprint in comparison. The site is well enclosed by existing vegetation. The substantial plot is part of its appeal, the peace and lack of activity is likely to be a valuable attribute for providing accommodation for vulnerable people.
- 6.4.5 Officers do not agree with the Town Council that the proposal would result in the overdevelopment of the site. As noted above, other than the additional 4 parking spaces no extensions to the building are being proposed. The dwelling will continue to be surrounded by its extensive garden and vegetation. The application site is already developed to a significantly lower density than other built development in the immediate area.
- 6.4.6 It is recognised that the dwelling has had a number of extensions previously. The planning applications for these were considered on their individual merits at that time. It is normal for the personal circumstances to change, families grow etc and extending dwellings is a way to accommodate this. Such extensions should be approved if the proposals comply with the planning policies' in place at such time. Undoubtedly the size of the dwelling as it is now has made it more attractive to the applicant who is proposing its change to a small care home. The fact that there have been previous extensions to provide additional accommodation, does not prejudice the current application for the change of use which must be considered on its individual merits, against current policy and on the basis of the site and its surroundings as they currently are.

#### 6.5 Highway Safety

- 6.5.1 The proposed use will utilise the existing driveway and highway which is used to access the existing dwelling/ B&B. The site is located to the west of the town centre, an area that is dominated by large amounts of residential development

arranged around typical estate roads and residential cul-de-sacs. Brynhafod Lane/ Hampton Road is a wide estate road facilitating access to a large number of properties. Leading from Brynhafod Road is Brynhafod Lane which provides access to 8 dwellings; include the dwelling the subject of this application (Everglades). Brynhafod Lane is a narrow lane, without the benefit of pavements and it is enclosed by a stone wall on one side and vegetation on the other. It does however benefit from streetlighting up to the driveway of Everglades. To access the entrance to Everglades vehicles, pedestrians and cyclists would have to walk for around 130 metres along Brynhafod Lane.

- 6.5.2 As noted in the Highway Officers comments above, both the applicant and objectors have provided assessments of the site and the impact the proposed development would have in terms of highway safety and traffic movements. Both reports have been fully considered by Officers.
- 6.5.3 It is recognised by Officers that the proposed use will increase the movement of vehicles to and from the site. It must be recognised that the existing dwelling has been operating as a Bed and Breakfast for a number of years which in itself generates a number of vehicle movements, likely by car, as guests arrive and leave during the day and evening.
- 6.5.4 The proposed use would require 8 members of staff on site during the day shift with 3 members present during the nights. Staff shifts would be between 0730 and 1930 hours and 1930 and 0730 hours. In the submitted Technical Transport Note it advises that the weekday vehicle trips of the existing premises is 18 two-way movements. The proposed use would increase this to 22 two-way movements. This is based on the worst-case scenario as some members of staff may use non-car modes of travel.
- 6.4.4 It is recognised that Brynhafod Lane is narrow and for much of its length it does not allow two vehicles to pass one another, ultimately meaning that vehicles may, on occasions, have to wait for the opposing vehicle to pass. This is a situation that already exists for current users of the lane. However, taking into account the limited number of dwellings that the lane serves the frequency of vehicles meeting is likely to be low. As such any vehicles having to wait or on occasions reverse to a wider section of road would be infrequent and in Officers opinion, not to the extent where it would detrimentally impact upon the free flow of traffic.
- 6.4.5 It is considered that the small likely increase of vehicle movements per would not be likely to have an impact on the local highway network.
- 6.4.6 The existing dwelling has parking provision for 7 dwellings to the front/ side of the existing dwelling. The application does propose to increase the amount of parking to provide 11 parking spaces. It is considered that taking into account the scale of the proposed use and the number of staff and any visitors, that the proposed parking provision is considered to be acceptable.
- 6.4.7 The NPPF requires 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. This is a high threshold to breach. Based upon the likely traffic generation on the lane, due

to the use proposed, the Councils Highways Officer considers that a highway objection would be difficult to defend.

### **6.3 Impact on residential and local amenities**

- 6.3.1 CS6 of the Shropshire Core Strategy, Section 7 of the National Planning Policy Framework and Policy MD2 of the SAMDev indicate that the development will not adversely impact on the amenity rightfully expected to be enjoyed by occupiers of neighbouring properties.
- 6.3.2 Objections have been raised by both the Town Council and neighbouring residents that the proposal will have significantly adverse impacts upon both local and residential amenities. Impacts arising from loss of residential amenities because of the proposed change of use to a commercial one with concerns about its future growth. They also raise concerns about the proposal being out of keeping and character with the immediate area and would lead to an over intensification of use and overdevelopment of the site.
- 6.3.3 As noted from the representations received there are clearly concerns about the impact that the proposed use will impact upon the amenities of neighbours. Concerns are raised about the increase in vehicles entering and leaving the site and also disturbance from those that will be living on the site.
- 6.3.4 In the case of noise, disturbance or behaviour of those that would reside in the property, it is expected to regard these issues as a matter for the managers of the care home. It generally follows a well managed facility, should not cause significant noise and disturbance and consequent detriment to the amenities of nearby residents. The way in which this type of care home is managed would be a matter for The Care Quality Commission, the regulating body. Accordingly, it is considered that these matters cannot be given sufficient weight to justify the refusal of planning permission.
- 6.3.5 The proposal is only for up to 8 residents to live on the site with their 24 hours carers working on a shift pattern. The submitted Transport Assessment advises that there would be 8 members of staff on site during the day and 3 during the night and that this would generate 22 two-way movements as a worse case scenario not taking into account staff that may use alternative non-car way to get to the site of car-share. During the week there would be trips associated with deliveries and trips for the residents.
- 6.3.6 It must be recognised that the continued use of the site as bed and breakfast accommodation would already generate a number of vehicle movements as guests arrive and leave the site. At present the current owners make 4 of the rooms available for paying guests. The submitted Traffic Assessment indicates that the existing use could be expected to generate 18 two-way vehicle trips each day Deliveries etc to the site would likely be experienced for both the existing and proposed use of the site.
- 6.3.7 It is considered that the small increase of around 4 two-way trips during a 24 hour period which would also include vehicles manoeuvring within the site to park, doors being shut etc would not create such a level or noise of nuisance when it would impact upon the amenities of neighbours especially when taking into

consideration that the distance of separation between the rear elevations of the nearest dwelling and the edge of the driveway is around 17m and separated by trees that are the subject to Tree Preservations Orders. The proposed parking area would be a minimum of 22 metres away from neighbours dwellings.

#### **6.4 Impact on Trees**

6.4.1 There are a number of trees on this site and an Arboricultural Impact Assessment has been submitted with the application. The AIA has identified 23 individual trees and 3 groups of trees which have been assessed in accordance with BS 5837 (2012). The Council's Tree Officer has considered the assessment and reviewed the categories allocated to the trees. It is considered that the categorisation has been conservative, particularly when the trees are considered as a whole. They are prominent specimens that have a visual and historic importance and help to define the landscape of the area and a number of the trees are protected by a Tree Preservation Order.

6.4.2 The Arboricultural Impact Assessment set out how the additional parking can be implemented. It is considered by the Tree Officer that this can be achieved with minimum impact to the trees and without any tree loss subject to the use of no-dig techniques. These details would be secured by a planning condition.

#### **6.5 Impact on Public Right of Way**

6.5.1 A public bridleway runs along the northern edge of the application site, separating the site from the neighbours to the north. The bridleway heads in a westerly direction, though the surrounding housing estate and out into the countryside.

6.5.2 The proposed use of the site would not have any impact upon the bridleway and the members of the public will continue to be able use it without obstruction.

#### **6.6 Drainage**

6.6.1 The site will continue to be drained in the same way that it is currently, with surface water to soakaway and foul water to the existing sewer. The Council's Drainage officer has reviewed the application and has raised no objection to the scheme.

#### **7.0 CONCLUSION**

7.1 The proposed change of use of an existing dwelling, which currently operated as Bed and Breakfast accommodation is considered to be suitable for use as a C2 care home. The proposal would help meet National and local planning policies by supporting the delivery of specialist supported housing. Taking into account the scale of the building the subject of the application, the size of its curtilage and its context it is considered to be an appropriate site for the purpose proposed. The small scale of the enterprise would not give rise to a level of activity or vehicle movements whereby there would be a detrimental impact upon the amenities of surrounding occupiers

7.2 The proposal is compliant with all relevant policies contained within the Shropshire Core Strategy, the SAMDev Plan and the National Planning Policy Framework; as such it is recommended that permission be GRANTED subject to conditions.

## **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:

CS3 - The Market Towns and Other Key Centres  
 CS6 - Sustainable Design and Development Principles  
 CS11 - Type and Affordability of housing  
 MD2 - Sustainable Design  
 MD3 - Managing Housing Development

### RELEVANT PLANNING HISTORY:

OS/08/15487/OUT Demolition of existing dormer bungalow and erection of 5 new dwellings with private access road. WDN 14th May 2008  
 PREAPP/09/01031 Possible demolition of house and replace with a purpose built sustainable efficient house REC  
 10/02382/FUL Erection of extension to front elevation to include insertion of dormer windows; elevational alterations; erection of detached double garage with first floor storage GRANT 3rd August 2010  
 11/01680/TPO Various works to trees protected by the Borough of Oswestry (High Lea, Oswestry) TPO 1968 GRANT 11th May 2011  
 14/04112/FUL Change of use and extension to existing residential summerhouse to provide additional bed and breakfast accommodation GRANT 27th November 2014  
 15/03972/TPO Works to trees protected by Shropshire Council Tree Preservation Order (Land at and around Brynhafod Lane, Brynhafod Drive, Oswestry) TPO 2012 (see Tree Report) GRANT 5th November 2015  
 17/00975/FUL Erection of a two-storey extension to form ancillary accommodation GRANT 19th May 2017  
 21/02444/FUL Change of use of existing residential dwelling/bed and breakfast (C3/B1 Use) to C2 Residential Care home with associated external works to extend parking provision 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)
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Cabinet Member (Portfolio Holder) Councillor Ed Potter
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Local Member
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Cllr Duncan Kerr
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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 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. a) 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 a Tree Protection Plan and Arboricultural Method Statement prepared in accordance with and meeting the minimum tree protection requirements recommended in BS5837: 2012 or its current equivalent have been submitted and approved in writing by the Local Planning Authority. All tree protection measures detailed in the approved Tree Protection Plan and Arboricultural Method Statement must be fully implemented as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development. 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.

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 full design details and a method statement providing details of tree protection measures to be implemented during the installation of the no dig drive has been submitted and approved by the Local Planning Authority. This method statement must make provision for supervision of these works by the applicant's arboriculturist or other competent person, as agreed in writing by the Local Planning Authority.

c) 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 a responsible person has been 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.

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.

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

4. Details of a car parking layout to provide 11 spaces with permeable surfacing shall be submitted to and approved in writing by the Local Planning Authority; the car parking shall be laid out fully in accordance with the approved details and completed prior to the use hereby approved commencing.

Reason: To provide an adequate level of on site car parking to serve the development.

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

5. The C2 use hereby approved shall be for no more than 8 residents/ patients.

Reason: To ensure an acceptable scale of the use.

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Committee and Date  
 Northern Planning Committee  
 26<sup>th</sup> October 2021

Item  
  
 Public

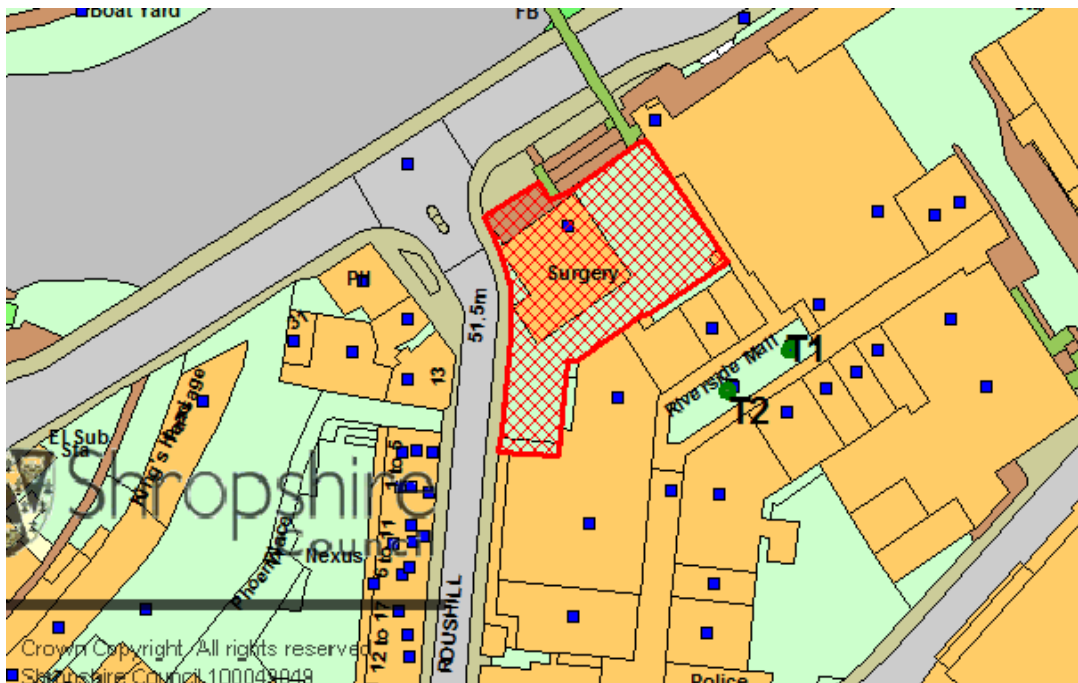
## Development Management Report

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

### Summary of Application

<b>Application Number:</b> 21/03951/FUL	<b>Parish:</b>	Shrewsbury Town Council
<b>Proposal:</b> General site clearance, removal of asbestos containing materials and demolition works to slab level at the Riverside Development Area		
<b>Site Address:</b> Riverside Medical Practice Roushill Shrewsbury SY1 1PQ		
<b>Applicant:</b> Mr Tim Pritchard		
<b>Case Officer:</b> Mike Davies	<b>email</b>	: mike.daves.planning@shropshire.gov.uk

**Grid Ref:** 349102 - 312765



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 Planning permission is sought for the demolition of the existing Riverside Medical Centre building situated at the junction of Smithfield Road and Rousehill in Shrewsbury Town Centre.
- 1.2 The proposal is accompanied by a demolition management statement explaining how the demolition will be managed to minimise impacts on its surroundings and how the site will be treated after the works are complete.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The building is an existing modern low rise building which is situated within Flood Zone 3 and was impacted by the floods last year. It is situated on the corner of Smithfield Road and Roushill adjacent the footbridge which spans the River Severn.

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

- 3.1 The applicant is the Shropshire Council and the application is not being made in connection with the provision of a statutory service. Therefore under terms of the scheme of delegation the decision needs to be made by Planning Committee.
- 3.2 No views contrary to the recommendation have been received from either the ward member or Town Council.

### **4.0 Community Representations**

#### **4.1 Consultee Comment**

4.1.1 **Shrewsbury Town Council** - No Objections

4.1.2 **Regulatory Services** - The Proposed standard construction/demolition times along with the narrower pneumatic/breakage times are sensible.

Due to the proximity to residential units and public, the contractor should have the facilities of necessary water suppression on any equipment or accumulations which gives rise to dust and have direct access to install a ground vibration monitor, such as a vib-roc unit, to monitor vibration to ensure compliance to standards within BS 5288-2:1997.

Please note that asbestos removal is not Local Authority enforced or regulated. The asbestos removal contractor must be licensed by the Health and Safety Executive.

4.1.3 **Local Lead Flood Authority** - We have no comment from the drainage and flood risk perspective, regarding the demolition of Riverside Medical Practice.

- 4.1.4 **Highway Authority** - No Objection subject to the development being constructed in accordance with the submitted details, accompanying this planning application.

The general ethos of the proposed Traffic Management Plan is considered acceptable. However, once a contractor has been appointed, they are advised to work closely with the Streetworks Team (see details below), during the works. As additional and specific safety requirements may be needed to ensure that the movement of plant and vehicles in/out of the site does not cause undue impedance to passing pedestrians and vehicles on the adjacent public highway.

- 4.1.5 **County Archaeologist** - It is understood that the former Riverside Medical Practice building was constructed in c.1987. At the time remains of Shrewsbury's 17th century Civil War defences (HER PRN 62423), comprising c.1.65m thick, coursed red sandstone ashlar, were recorded in plan during a salvage exercise at the time. It is probable that remain of these defences survive below the floor slab and foundations of the former medical centre. For these reasons the site is considered to have high archaeological potential.

Notwithstanding the above, it is understood that the proposed development comprises the demolition of the building to slab level, such that the floor slab and foundations will be left in situ pending their removal at a later date. Consequently, the proposed demolition works will have no direct impact on any underlying archaeological remains, and we therefore have no further comments to make on the application in this respect.

It is, however, noted that when the floor slab and foundations are removed, as part of any subsequent works and/ or redevelopment of the site, that a programme of archaeological works will be necessary as a condition of any planning permission. The exact requirements will be dependent upon the exact nature of the works but as a minimum would comprise an archaeological watching brief during the removal of the floor slab, foundations, and any underlying sub-base.

- 4.1.6 **Historic Environment** - We would repeat the comments we made under the earlier withdrawn application 21/01189/DEM that we have no comments on the proposed demolition of this building in terms of built heritage matters as it is a relatively modern building of no particular heritage interest in the Shrewsbury Conservation Area. We would add that the Archaeology half of our Team may have specific comments on archaeological matters relevant to the works proposed on this site.
- 4.1.7 **Shrewsbury Civic Society** - The applicant states that the cleared area will be needed for contractors vehicles for the proposed Riverside development. With this new application SCS still considers this to have no point unless redevelopment of the Riverside Centre etc is about to happen and, as yet, there are no signs of this happening anytime soon. We have our concerns as to what will happen to this land in the meantime.

The building itself is of a sound construction, built above flood levels and we understand is already being used by another organisation which seems to be a sensible use.

Assuming that the demolition is approved then care must be taken to avoid damage

to the important underlying archaeological remains of the important 1640's Roushill Civil War town wall which lie immediately below the surgery buildings. The town wall, last seen in the 1980's prior to the construction of the surgery, is known to survive to parapet level and may run under the existing Riverside Centre. In the future, consideration should be given to display of such remains within new developments on the site and elsewhere along Smithfield Road.

## **4.2 Public Comments**

- 4.2.1 1 objection has been received from a member of the public who states this application is premature in the absence of any specific plans of what may replace this building, other than the notional plans of the Big Town Plan Consultants. At the same time, we now know that any unnecessary demolition is in conflict with the efforts to defend against the emergency of climate change. Existing buildings include large amounts of embedded carbon, which should not be released back to the atmosphere. Therefore, existing buildings are the greenest and should preferably be re-used, or refurbished as a positive response to the climate emergency. This emergency which is affecting the whole planet has been unanimously acknowledged by this Council. For this reason, I feel obliged to object to this application, until detailed plans and corresponding funding for the Riverside Development are presented.

## **5.0 THE MAIN ISSUES**

Principle of development  
Mitigation Measures  
Future Use

## **6.0 OFFICER APPRAISAL**

- 6.1 Principle of development
- 6.1.1 The building is a modern, functional structure and does not have any particular architectural merit or historic value. Therefore in terms of its demolition the principle of its removal is considered acceptable subject to appropriate mitigation measures being put in place.
- 6.1.2 The site is within flood zone 3 and was impacted by the floods last year and given the vulnerable nature of use the building is no longer considered fit for purpose for its current use.
- 6.2 Mitigation Measures
- 6.2.1 A demolition management plan has been submitted to support the application and the mitigation contained within this document is deemed acceptable in terms of seeking to minimise the impact of the demolition process on the surrounding environment.
- 6.3 Future Use
- 6.3.1 Following the demolition and clearance of the site, it will be used as a contractors compound in the short term for the redevelopment of the Riverside Centre. At present the redevelopment plans for the Riverside Centre are still being developed, however this should not delay the proposal to demolish this building and clear the site.

## **7.0 CONCLUSION**

The proposals are considered acceptable and the recommendation is that planning approval be granted, subject to appropriate conditions to minimise disruption during the demolition process and to ensure that the site is made tidy after this has taken place.

## **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  
 CS2 - Shrewsbury Development Strategy  
 CS6 - Sustainable Design and Development Principles  
 CS8 - Facilities, Services and Infrastructure Provision  
 CS18 - Sustainable Water Management  
 MD1 - Scale and Distribution of Development  
 MD2 - Sustainable Design  
 Settlement: S16 - Shrewsbury  
 SPD Sustainable Design Part 1

### RELEVANT PLANNING HISTORY:

21/01189/DEM Application for prior notification under Schedule 2 Part 11 of the Town & Country Planning (General Permitted Development) Order 2015 for the demolition of Riverside Medical Practice WDN 6th April 2021

SA/87/0977 Installation of a new shopfront. PERCON 29th October 1987

SA/92/0381 Refurbishment and upgrading of existing centre including extension and alteration to Pride Hill link, new first floor pedestrian link to Frankwell footbridge, conversion of existing north mall to two storey unit and replacement of existing roof and canopy covering. For Royal Insurance Asset Management on behalf of Royal Life Insurance Ltd. PERCON 27th May 1992

SA/92/0547 Provision of temporary male toilet prefabricated unit (to be located in existing vacant shop unit) to replace existing first floor male toilets during proposed refurbishment works to Riverside Centre. For Royal Insurance Asset. PERCON 8th July 1992

SA/92/0744 Provision of glazed canopy and refurbishment to existing link bridge to provide covered access between Riverside Centre, the multi-storey car park and the Charles Darwin Centre. For Royal Insurance Asset Management. PERCON 16th September 1992

SA/81/0567 Erect and display one set of internally illuminated individual letters mounted on a



non illuminated background panel, letters to replace existing stating 'MIDLAND BANK'.  
 PERCON 7th July 1981  
 SA/86/1044 Erect and display illuminated letters on existing fascia to canopy stating 'Mercentile Credit'. PERCON 18th December 1986  
 SA/88/1366 Erection of an externally illuminated name board over doorway stating "General Guarantee". PERCON 12th January 1989  
 SA/76/0729 Construction of a footbridge across the River Severn from Frankwell Car Park to Riverside Shopping Centre. NOOBJC 20th October 1976  
 SA/90/0728 Erect and display fascia signs. PERCON 1st August 1990  
 SA/90/0729 Erection of ballustrade. PERCON 1st August 1990  
 SA/84/0490 Alterations to existing entrance way to include the provision of new steps, canopy and doorway. PERCON 14th June 1984  
 SA/84/0415 Erect and display an internally illuminated projecting box sign and an internally illuminated fascia sign stating "PARK LANE". PERCON 24th May 1984  
 SA/75/0095 To erect and display two 1.5 tier trilateral non-illuminated advertisement stands incorporating litter bins in lower tier. REFUSE 25th March 1975  
 SA/79/0260 Erect and display three internally illuminated fascia signs each stating .. "PACEMAKER SPORTS". PERCON 1st May 1979  
 SA/81/0969 Erect and display internally illuminated signs 2 no. shop fascias and 1 no. projecting box sign (600mm x 600mm) stating 'PETER DOMINIC' with motif. PERCON 24th November 1981  
 SA/84/0755 Use existing vacant shop as dry cleaners and shoe repair shop. PERCON 31st August 1984  
 SA/86/1213 Erect and display an internally illuminated projecting sign stating 'Rayner Opticians' (approximately 800mm x 546mm). PERCON 12th February 1987  
 SA/91/0271 Use as a childrens leisure centre and creche with integral toy, sweet shop and cafe. PERCON 24th April 1991  
 SA/80/0543 Use of land for commercial purposes to include offices and/or retail use. PERCON 15th July 1980  
 SA/82/1010 Erection of a 3 storey building to provide 20 no. shopping units with pedestrian access only off the Frankwell/Riverside shopping centre footbridge. PERCON 5th July 1983  
 SA/84/0782 Erect and display various internally illuminated shop sign stating 'FOSTERS'. PERCON 20th September 1984  
 SA/77/0882 Installation of a new shop front. PERCON 11th October 1977  
 SA/77/0832 Use of existing shop as a bakery and shop for the sale of hot bakery products. PERCON 11th October 1977  
 SA/77/1109 Erection of a kiosk to be used for the sale of ice-cream and sweets. PERCON 10th January 1978  
 SA/78/0427 Erection of a kiosk for the sale of Ice Cream and Sweets. PERCON 23rd May 1978  
 SA/79/1171 Erect and display an internally illuminated shop sign (5' x 1'11" x 6.75") stating 'RAYNER OPTICIAN'. PERCON 18th December 1979  
 SA/92/0380 Conversion of existing shop unit no. 29, adjacent corridor and disabled (male) toilet at ground floor and male public toilet at first floor to form ground floor bakery and first floor storage and staff facilities. For Royal Insurance Asset Management on behalf of Royal Life Insurance Ltd. PERCON 6th May 1992  
 SA/80/1122 Erect and display an internally illuminated projecting box sign (2'6" x 1'6" x 6") stating 'CARPETS WARING & GILLOW'. PERCON 22nd December 1980  
 SA/80/0811 Erect and display 4 internally illuminated fascia signs stating "ALLIED CARPETS"  
 a) 3.658m x 672mm b) 2.940m x 560m c) 5.486m x 560mm d) 5.486m x 584mm all approximate sizes. PERCON 23rd September 1980  
 SA/88/1161 Installation of satin anodised aluminium shutters. PERCON 28th October 1988

SA/88/1160 Erect and display a fascia sign to be illuminated by floodlighting. PERCON 2nd November 1988

SA/78/0507 Erect and display individually illuminated lettering stating "TRIDENT SUPERSTORE" and non-illuminated lettering stating "TRIDENT". PERCON 20th June 1978

SA/85/0990 Erection of a building to be used as doctors surgery with the formation of new pedestrian access. REFUSE 13th February 1986

SA/86/0215 Erection of a building to be used as doctors' surgery with the formation of new pedestrian access. PERCON 10th April 1986

SA/92/1175 Formation of a new vehicular access onto Roushill to serve one existing car space. For Riverside Medical Practice. PERCON 30th December 1992

SA/98/0177 Erect and display an internally illuminated sign. PERCON 29th April 1998

SA/97/1052 Erect and display a non illuminated fascia sign. PERCON 3rd December 1997

SA/96/1156 Erect and display one internally illuminated projecting sign. PERCON 29th January 1997

SA/96/0736 Provision of additional retail space at first floor level in conjunction with existing ground floor areas; new fire escape tower and screen gates to service yard. PERCON 27th November 1996

SA/96/0085 Erect and display an internally illuminated fascia sign. PERCON 21st February 1996

SA/96/0084 Installation of a new shopfront. PERCON 13th March 1996

SA/95/0982 Erect and display 2 internally illuminated box signs. (Retrospective) SPLIT 4th January 1996

SA/95/0690 Erect and display an externally illuminated sign and provision of illumination to existing sign. PERCON 23rd August 1995

SA/95/0582 Installation of 4 new windows at first floor level. PERCON 26th July 1995

SA/95/0439 Alterations to existing access from Frankwell footbridge. PERCON 14th June 1995

SA/94/1354 Erect and display an internally illuminated entrance canopy sign. PERCON 11th September 1995

SA/93/0954 Installation of a new shopfront. PERCON 5th November 1993

SA/93/0911 Installation of shopfront to internal mall frontage only. PERCON 5th November 1993

SA/93/0910 Display of non illuminated fascia signs to Smithfield Road and Frankwell link bridge and internally illuminated fascia signs to mall frontage. PERCON 12th November 1993

SA/93/0381 Erect and display various internally illuminated and non illuminated fascia, projecting and freestanding signs. PERCON 9th June 1993

SA/00/0948 Erection of 4 no. freestanding non-illuminated Public Information Pillars (3.4m high x 1.3m wide), one each at Smithfield Road and Raven Meadows, and two at Roushill. SPLIT 23rd November 2000

SA/02/1032/ADV Erect and display 13 non-illuminated banner signs; 2 illuminated fascia signs; 7 non-illuminated fascia signs and 5 information/direction signs (amended description) SPLIT 11th September 2002

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items
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containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Nat Green

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 Construction Method Statement for Demolition Works received on 11/03/2021.

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

3. Due to the proximity to residential units and public, the contractor should have the facilities of necessary water suppression on any equipment or accumulations which gives rise to dust and have direct access to install a ground vibration monitor, such as a vib-roc unit, to monitor vibration to ensure compliance to standards within BS 5288-2:1997.

Reason: To safeguard the amenities of the locality

4. No demolition works shall take place before 8.00 am on weekdays and 8.00 am on Saturdays nor after 6.00 pm on weekdays and 6.00 pm on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

5. The site shall be secured by the provision of a paladin fence or similar which shall remain in situ until such time as the redevelopment of the site commences.

Reason: In the interests of visual amenity.



<u>Committee and Date</u>
Northern Planning Committee
26 <sup>th</sup> October 2021

<u>Item</u>
Public

## Development Management Report

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

### SCHEDULE OF APPEALS AS AT COMMITTEE 26<sup>th</sup> October 2021

#### Appeals Lodged

<b>LPA reference</b>	21/00844/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs G Pritchard
<b>Proposal</b>	Erection of two storey extension following removal of existing conservatory
<b>Location</b>	16 Wem Road Harmer Hill
<b>Date of appeal</b>	20.07.2021
<b>Appeal method</b>	Householder
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	21/00265/PMBPA
<b>Appeal against</b>	Prior approval of Permitted development rights
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Bratton
<b>Proposal</b>	Change of use of existing former agricultural building to Class C3 dwelling including creation of domestic curtilage
<b>Location</b>	NE of Hatton Barns High Hatton
<b>Date of appeal</b>	28.05.2021
<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>	20/03995/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	James Roberts
<b>Proposal</b>	Erection of three bedroomed single plot exception dwelling, with detached double garage
<b>Location</b>	Proposed Dwelling South West Of Westbury Shrewsbury
<b>Date of appeal</b>	01.06.2021
<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>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<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>	20/04415/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr M Nicholas
<b>Proposal</b>	Erection of one detached dwelling and alterations to existing vehicular access
<b>Location</b>	Ivy Cottage Walford Heath
<b>Date of appeal</b>	23.06.2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	24.08.2021
<b>Date of appeal decision</b>	04.10.2021
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>ALLOWED</b>

<b>LPA reference</b>	21/00661/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr E Atkinson
<b>Proposal</b>	Erection of four dwellings and associated infrastructure
<b>Location</b>	Former Four Crosses Public House Hinstock
<b>Date of appeal</b>	11.06.2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	07.09.2021
<b>Date of appeal decision</b>	24.09.2021
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	20/04552/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs D and S Brettell
<b>Proposal</b>	Change of use of agricultural land to mixed use (agricultural and camping) site of three shepherds huts and creation of parking area
<b>Location</b>	Well House Farm Marchamley
<b>Date of appeal</b>	19.04.2021
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	24.08.2021
<b>Date of appeal decision</b>	12.10.2021
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>



<b>LPA reference</b>	20/05316/FUL
<b>Appeal against</b>	Appeal Against Refusal
<b>Committee or Del. Decision</b>	Delegated Decision
<b>Appellant</b>	Emily Pulford
<b>Proposal</b>	Erection of front extension, alterations to dwelling and creation of parking area
<b>Location</b>	26 Belle Vue Gardens Shrewsbury
<b>Date of appeal</b>	24.06.2021
<b>Appeal method</b>	Householder
<b>Date site visit</b>	07.09.2021
<b>Date of appeal decision</b>	27.09.2021
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>DISMISSED</b>

<b>LPA reference</b>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	
<b>Appeal against</b>	
<b>Committee or Del. Decision</b>	

<b>Appellant</b>	
<b>Proposal</b>	
<b>Location</b>	
<b>Date of appeal</b>	
<b>Appeal method</b>	
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	



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## Appeal Decision

Site visit made on 7 September 2021

by **Helen B Hockenhull BA (Hons) B. PI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2021

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**Appeal Ref: APP/L3245/D/21/3277723**

**26 Belle Vue Gardens, Shrewsbury SY3 7JH**

- 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 Emily Pulford against the decision of Shropshire Council.
  - The application Ref 20/05316/FUL, dated 18 December 2020, was refused by notice dated 9 April 2021.
  - The development proposed is a front extension and alterations to dwelling and creation of parking area.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is whether the proposal preserves or enhances the character or appearance of the Belle Vue Conservation Area.

### Reasons

3. The appeal site forms a detached 1960's two storey dwelling constructed in brick. It has a cat slide roof to the front elevation and is set back in the plot. It is located within the Belle Vue Conservation Area (CA).
4. The CA includes the largely residential streets around Belle Vue Road. Its significance lies in the prevalent 19th and early 20th century dwellings that reflect its history as an early Shrewsbury suburb. Belle Vue Gardens includes buildings of this period but also includes some more modern infill development.
5. The appeal property is flanked on either side by more traditional brick-built 19<sup>th</sup> century semi-detached dwellings. Of note is Nos 28-30, which lie to the south east of the appeal site, a three-storey building with louvred towers. Historic OS mapping indicates this was one of the first dwellings built on the south side of Belle Vue Gardens. The Council has identified both neighbouring dwellings as non-designated heritage assets.
6. The appellant queries their designation. Planning Practice Guidance advises that clear and accessible up to date information on non-designated heritage assets should be provided to the public to provide greater clarity and certainty for developers and decision makers. I have not been made aware of a Local List of non-designated heritage assets or any other form of public information on this matter. Nevertheless, the property at No. 28-30, has heritage

significance in terms of its history, form and architectural detailing. Whilst No. 24 has less historic interest, it still has merit due to its period detailing and the positive contribution it makes to the street scene of the CA. On this basis I do not find their designation unreasonable.

7. It is notable that the reason for refusal does not refer to the impact of the proposal on the setting of the adjacent non designated heritage assets themselves, just referring to the impact on the CA. Nevertheless, in line with paragraph 203 of the Framework I am required to make a balanced judgment in assessing the effect of development on the significance of a non-designated heritage asset, which should have regard to the scale of any harm and the asset's significance.
8. A Heritage Statement did not accompany the original planning application. The appellant has brought my attention to planning applications for works to Nos 24 and 28 which did not require the preparation of such a statement. Be that as it may, the appellant has helpfully provided one in support of the appeal.
9. Both parties agree that the appeal dwelling does not contribute positively to the character and appearance of the CA and is of no historic merit. From my own observations, I concur with this view. It is out of character with the immediately adjoining Victorian buildings. However, when viewed from the road, due to its set back, the intervening vegetation in the front garden area and the long slope of the cat slide roof, the building has a neutral impact on the character and appearance of the area.
10. The proposal includes a part single storey and part first floor extension to provide additional living space. It does not form a two-storey front extension and does not project further forward than the existing front elevation as described in the Planning Officers report. The front extension would create a hipped roof two storey gable. This would have a greater prominence in the street scene than the current roof arrangement. The proposed render finish in a pale colour, together with the proposed rendering to the remainder of the existing front elevation of the dwelling, would serve to increase its prominence. This would result in an incongruous proposal having a detrimental impact on the character and appearance of the area. It would visually compete with the neighbouring non designated heritage assets and have a negative impact on their setting.
11. I accept that there are other residential properties on Belle Vue Gardens that have either a full or partial render finish, so that in principle the use of this material would not be out of keeping in the CA. Similarly, there are other dwellings with two storey gable extensions. I noted other infill dwellings in Belle Vue Gardens which exhibit a variety of design on my site visit. I also acknowledge that the proposal tries to draw from the defining architectural characteristics of the area. However, the appeal property is, in my view, in a particularly sensitive location, with the historic and attractive traditionally built non designated heritage assets either side. In this context, the appeal scheme would form an inharmonious development.
12. In terms of other alterations, the scheme includes a single storey front extension to provide a larger entrance hall. This minor addition has little impact on the character of the dwelling or the wider area and is acceptable.

13. The appeal proposal includes the removal of the front garden area and the creation of further tarmacked car parking to serve the extended dwelling. I observed on my visit that there are other properties in the CA that have removed the front gardens and introduced a hard surface treatment. However, in the appeal case, these works would increase the visual prominence of the proposed dwelling in the street scene, causing further harm to the character and appearance of the area.
14. Given the above, I find that the appeal proposal would fail to preserve the character and appearance of the CA. In relation to the CA as a whole, I consider the harm caused would be less than substantial but nevertheless of considerable importance and weight. There would also be harm to the setting of the non-designated heritage assets either side of the site.
15. Paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The scheme would provide additional living space for the appellant, but this would form a private not a public benefit. The appellant suggests that the proposal provides the opportunity to upgrade and improve this poorly designed 1960's dwelling. In principle this could be a public benefit, enhancing the character and appearance of the CA. However, I have found that the proposal would not achieve this objective.
16. Given the above, the proposal would fail to satisfy the requirements of paragraph 197 of the Framework and conflict with Shropshire Core Strategy Policy CS6 and Policies MD2 and MD13 of the SAMDev. These policies seek to provide high quality sustainable design and conserve and enhance the heritage assets of the area.

### **Conclusion**

17. For the reasons given above, and having considered all other matters raised, I dismiss this appeal.

*Helen Hockenhull*

INSPECTOR

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## Appeal Decision

Site visit made on 7 September 2021

**by Helen B Hockenhull BA (Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24 September 2021**

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**Appeal Ref: APP/L3245/W/21/3276897**

**Site of former Four Crosses Public House, A41 Four Crosses to Sweet Apple Crossroads, Shakeford, Hinstock TF9 2SP**

- 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 Ed Atkinson, Commercial Development Projects Ltd against the decision of Shropshire Council.
  - The application Ref 21/00661/FUL, dated 5 February 2021, was refused by notice dated 6 May 2021.
  - The development proposed is the erection of four dwellings and associated infrastructure.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. The address of the appeal site stated above is taken from the original planning application form. This differs slightly from that used by the Council.
3. Since the determination of the planning application, a revised National Planning Policy Framework (the Framework) has been published. The parties have had the opportunity to comment on whether these changes have any implications for their respective cases. I have taken comments received into account.

### Main Issues

4. The main issues in this case are:
  - whether the appeal site is a suitable location for residential development having regard to national and local planning policies;
  - the effect of the proposal on the character and appearance of the area.

### Reasons

*Suitable location for residential development*

5. The appeal site lies at the junction of the A41 and Hatton Road to the north west of the village of Hinstock. It forms a cleared, vacant, overgrown site formerly occupied by the Four Crosses Public House. The site is surrounded by agricultural land some distance from other development.

6. Policy S11 of the Shropshire Council Site Allocations and Management of Development Local Plan (SAMDev) defines the settlement policies in relation to Market Drayton and the surrounding area. This includes Cheswardine as being part of a hub or cluster, however as the appeal site lies outside the defined boundary, it is therefore within open countryside.
7. Policy CS5 of the Shropshire Core Strategy identifies the type of development which would be acceptable in the countryside to ensure the protection of the countryside and the Green Belt from inappropriate development. The policy states that development proposals on appropriate sites which maintain and enhance countryside vitality and character, will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. The policy then outlines a list of development types which would be considered favourably. New dwellings should provide for the essential needs of rural workers or affordable housing to meet a local need.
8. Core Strategy Policy CS4 focusses private and public investment in the rural area into Community Hubs and Community Clusters. This helps rebalance rural communities by providing facilities, economic development or housing for local needs.
9. Policy MD7a of the SAMDev reinforces Core Strategy Policy CS5 and seeks to manage housing development in the countryside. It states that new open market housing will be strictly controlled outside of Shrewsbury, identified market towns, key centres, community hubs or clusters.
10. SAMDev Policy MD3 concerns the delivery of housing development. It permits housing on allocated sites and on other sustainable housing developments subject to the requirements of other relevant policies including CS4, CS5 and MD7.
11. The proposed market housing would not fall within any of the exceptions or circumstances set out in the development plan policies outlined above. This is not disputed by the appellant.
12. Turning to the issue of accessibility, the site is located approximately 1.2 kilometres from Hinstock which provides a village store, post office, public house, primary school (1.6km away) and leisure facilities. There is no bus service to Hinstock and no public transport operating close to the site. Future occupants would need to walk to Hinstock along the A41 which is a busy unlit road with a narrow footway on the north eastern carriageway. It is not an attractive route for walkers. Whilst Hinstock could be reached by cycling, the nature of the road, with significant number of HGV's would be likely to deter potential cyclists.
13. I accept that in the rural area the level of accessibility would be lower than in an urban area, a situation that the Framework recognises in paragraph 105. However, in this case, future residents of the appeal scheme would be very much car dependent. The site's poor accessibility makes it an unsuitable location for residential development.
14. The appellant has brought my attention to the approval of a scheme for 47 dwellings in Hinstock. I note that the lack of public transport to the village did not weigh against the scheme. This was not unreasonable as future residents would be able to access the existing services in the village.



15. The appellant has also referred me to two other appeal decisions for development in the countryside, where residential development located some distance from the nearest settlements has been allowed (Appellant's Appendices 10 and 11). In the Allostock case<sup>1</sup>, the road to the nearest shops in Goostrey was considered to be lightly trafficked forming a reasonable route for walkers and cyclists. There was also public transport available to another settlement. In the Byley case<sup>2</sup>, the Inspector determined that cycling was a suitable alternative to the car. I have found this is not the case here. These schemes do not therefore appear to be totally comparable to the case before me. In any event, each appeal must be considered on its individual merits having regard to its context.
16. The scheme includes a self-build detached home and an affordable bungalow. The appellant has provided data from the Council's Self Build Register that illustrates the demand for this type of accommodation in Shropshire. This appears to be unmet by the current supply. I accept that the development proposed would go towards meeting the demand for self-build homes in the area. However, the site is in the open countryside and as I have already discussed would not form an appropriate location for housing.
17. In terms of affordable housing there is clearly a local need towards which the construction of the proposed bungalow would make a contribution. However, the site is not in an accessible location, with no public transport and poor pedestrian connectivity. It would therefore not comprise a suitable location for this type of housing. Policy CS5 permits affordable housing to meet local need, if sites are appropriate, the scheme maintains and enhances countryside vitality and character and improves the sustainability of rural communities. The appeal scheme would not achieve these objectives.
18. The appellant has suggested that an affordable First Homes scheme would represent a fallback option. I acknowledge that Planning Practice Guidance allows for First Homes exception sites in rural areas including the delivery of market housing where it can be demonstrated that this is necessary to ensure overall viability on a site. However, I have already found that the site would not be suitably located to provide affordable housing, thus a First Homes scheme would, for the same reasons, also be inappropriate. I do not therefore consider this forms a viable fallback option.
19. In summary, I have found that the proposed development, would fail to comply with Core Strategy Policies CS4 and CS5 as well as SAMDev policies MD3 and MD7a, which seek to control development in the countryside. The appeal site would not form a suitable location for residential development.

#### *Character and appearance*

20. The appeal site lies in a prominent position next to the A41. The area is generally flat and there is little other development in the immediate vicinity, though other built form can be seen in the distance to the north, south and east.
21. The scheme proposes the erection of 4 dwellings. The Design and Access

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<sup>1</sup> APP/A0665/W/16/3155442

<sup>2</sup> APP/A0665/W/19/3224970

Statement describes the development as having the appearance of a farmstead with a barn, farmhouse cottage and small workers lodge in keeping with the countryside locality.

22. Plot 1, the four-bed dwelling is typical of any housing development in this part of Shropshire. Plots 3 and 4 form a pair of semi-detached dwellings designed to have the appearance of a barn conversion. The use of brick and timber cladding would be appropriate materials in the area. The Council has raised concern about the proposed rooflights, dormer and garage doors. A dormer would in my view not be an appropriate feature on a barn conversion, however this is not a true conversion rather it is a 'barn style' design. Rooflights are not uncommon in such a scheme and conservation style rooflights could be required through an appropriate planning condition. The garage doors could also be the subject of an appropriate condition to require a more sympathetic design and materials. The proposed bungalow is of a simple design and being single storey would have limited impact in the local landscape.
23. The appellant advises that the proposed scheme results in a footprint 31% greater than that of the former pub. The scale of development proposed would occupy significantly more of the site than the former pub buildings, having an urbanising effect in this countryside location. Plot 1, the 4-bed dwelling, would have a ridge height approximately 0.7 metres above that of the former public house and Plots 3 and 4, the semi-detached units, would be around 0.6 metres higher. This increased height, together with the form and layout of the development on this flat and visually open site, would have a significant adverse effect on the character and appearance of the area.
24. Clusters of other development are evidenced on the A41, notably a caravan sales premises and associated dwellings approximately 200 metres from the appeal site. The appellant suggests that this site with the extent of hardstanding and car parking area has a greater impact on the character of the area than the appeal scheme. This site however is linear in nature, extending along the road, rather than a compact development as in the appeal case. In any event, each site must be considered on its individual merits.
25. I note from the plans that it is proposed to erect a two-metre-high brick wall with a narrow-planted border around the garden of Plot 1 adjacent to the A41 to provide noise mitigation. Whilst this feature may reduce the impact of traffic noise, the high boundary wall would form an alien feature out of character in this rural area.
26. Given the above, I conclude that the appeal scheme would cause harm to the character and appearance of the area. The proposal would therefore be contrary to Policies CS4, CS5 and CS6 of the Shropshire Core Strategy and Policies MD2 and MD7b of the SAMDev. These policies seek to ensure that new development is of a high quality, using sustainable design principles taking account of local context and character.

### **Other matters**

27. Local residents and the Parish Council have raised concern about the junction at this location and matters of highway safety. It is submitted that the A41 is a heavily trafficked route with a number of HGV's and visibility at the junction of the A41 and Hatton Road is poor. I noted on my site visit the operation of the road and the available sight lines at the junction. I consider visibility to be

adequate. The proposal would result in a reduction in vehicle movements compared to the previous use as a public house. I am therefore satisfied that the proposal would be acceptable in terms of highway safety. I note that the Highway Authority have raised no objections.

### **Planning balance**

28. The Government's objective is to significantly boost the supply of housing. I am advised that the Council can demonstrate in excess of 5-year supply of housing land such that the delivery of housing set out in Policy MD3 is being met. However, this is not a minimum requirement in the context of the Government's objective. The appeal scheme would provide 4 new dwellings. As this would be a modest contribution to the supply, I give moderate weight to this benefit.
29. The proposal would provide a mix of homes. The provision of an affordable bungalow, an overprovision on the site, weighs in favour of the scheme. However, this must be tempered by the site's poor accessibility to services and facilities by means other than the car. The appellant argues that the bungalow would provide for the needs of older people in Shropshire, however there is no certainty who would occupy the property. The provision of a self-build unit would contribute to meeting the demand which is currently outstripped by supply and provides a positive benefit of the scheme.
30. The proposal would provide economic benefits during its construction through local employment opportunities and support to the supply chain. However, this would be for a short time only. Furthermore, future residents would spend in the local economy though this would be modest in extent. The scheme would make efficient use of a brownfield site. It would also bring environmental benefits in terms of the amenity space, allotments, and landscaping, which would enhance the biodiversity of the site.
31. Set against these benefits is my finding that the site would not form a suitable location for residential development, undermining the Council's plan led approach to the delivery of housing. It would also due to its scale, cause harm to the character and appearance of the rural area. These matters attract significant weight in the planning balance and outweigh the benefits I have identified.
32. Accordingly, the proposal would fail to comply with the development plan. The other material considerations in this case, do not outweigh this conflict.

### **Conclusion**

33. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Helen Hockenfull*

INSPECTOR

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## Appeal Decision

Site Visit made on 24 August 2021

**by Samuel Watson BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 October 2021**

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**Appeal Ref: APP/L3245/W/21/3273829**

**Ivy Cottage, Walford Heath, Shrewsbury SY4 2HS**

- 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 Mario Nicholas against the decision of Shropshire Council.
  - The application Ref 20/04415/FUL, dated 16 October 2020, was refused by notice dated 19 March 2021.
  - The development proposed is the erection of one detached dwelling and alterations to existing vehicular access.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached dwelling and alterations to existing vehicular access at Ivy Cottage, Walford Heath, Shrewsbury SY4 2HS in accordance with the terms of the application, Ref 20/04415/FUL, dated 16 October 2020, subject to the conditions set out in the schedule at the end of this decision.

### Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.
3. There is an extant permission on the appeal site for a similar, albeit smaller, property to the proposal before me. From the submitted evidence I understand the main differences to be that the new proposal has a deeper footprint, lower eaves, and dormer windows. Given the similarities between the schemes and that the permission is still extant my assessment starts from this position.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the site and its surroundings.

### Reasons

5. The appeal site is within a small group of houses within a predominantly rural area. The site itself is within the side garden of an existing semi-detached dwelling and is adjacent to some recently erected properties. The dwellings in this area are largely varied and do not create clear building lines. The proposed dwelling would sit forward of Ivy Cottage, but behind the recent development.
6. Whilst the side elevations of the proposed dwelling would be deeper than that permitted, the lower eaves would, by bringing the roof down further on the house, somewhat reduce the apparent scale and visual bulk of these

elevations. Moreover, I noted during my observations on site that there are a number of examples of other similarly deep properties on the opposite side of the road. In particular a row of deep dwellings with half-hipped roofs, and a bungalow with a large flat-roofed rear extension. Within this context the greater depth of the proposed property would not be jarring or out of keeping. Moreover, whilst the proposal would be larger than the previous scheme the increase would be limited in relation to the scale of the plot which, given the areas of garden and parking around the building would retain a sense of spaciousness.

7. As the properties within the surrounding area are varied in appearance and include dormer windows, plain side elevations and various external materials, the proposal would not be harmful to the overall character and appearance of the area. Furthermore, as the dwelling would be set back from the road it would not be an overly prominent feature within the street scene and so any visual impact would be more modest. I also noted a number of parking areas at the front of neighbouring properties, including some of a similar size to that proposed. Although the parking area would be large, it would be shared between two properties and so I find it would not be disproportionate or incongruous.
8. Although I note the concerns regarding the number of large dwellings affecting the character and appearance of the village, no substantive evidence has been provided to demonstrate this is the case. From my observations on site, I found the village to have a good mixture of different sized properties, and that the proposal would not unbalance this.
9. Therefore, by way of its design and appearance, the proposal would be in keeping with its surroundings and would not be detrimental to the character and appearance of the area. As such it would comply with Policy CS6 of the Shropshire Local Development Framework: Adopted Core Strategy (adopted 2011) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (adopted 2015). Amongst other matters these policies collectively require that development is of a high quality design which respects and responds positively to local distinctiveness. The development would also comply with the high quality design aims of the Framework.

### **Other Matters**

10. Whilst the appellant, or future occupiers, may desire to extend the proposed dwelling in the future it is not within the remit of my assessment to assume their intentions. As any such future extensions are not part of this scheme, they are not directly relevant to the assessment of this case. The possible price of the permitted or proposed dwellings are also not directly relevant to the case before me. As such, I give these matters limited weight.
11. A number of concerns have been raised regarding a new dwelling on the site, including on highway grounds and sustainability. However, a new dwelling has already been approved at the appeal site and the proposal before me would only replace this scheme, not result in an additional new dwelling. I therefore give these matters very little weight in my assessment.
12. Whilst the proposed front and rear windows are likely to result in some level of overlooking of the neighbouring gardens I find this would be very limited. In

particular, the garden at Ivy Cottage is not exceptionally private given its openness to public views from the road, whilst oblique views from the rear windows towards the new neighbouring property's garden would be no greater than is typical of linear residential development. Given the relationship between the proposed dwelling and the immediate neighbours it is unlikely that it would cause any unacceptable loss of light to the rear gardens. As such I find it would not be detrimental to the living conditions of neighbouring occupiers.

13. The appeal site contains a number of small trees and shrubs, it is likely that some of these would be lost during the development. However, I find that none are of such a size or importance as to cause unacceptable harm to the local environment and wildlife. Moreover, although I note concerns about harm to birds that use the trees no substantive evidence has been submitted to demonstrate that this would occur.

### **Conditions**

14. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording. 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. A condition has also been put forward, in the interests of protecting character and appearance, requiring full details to be submitted of the hard and soft landscaping of the appeal site. Given the scope of the development and the site's visibility in public views I find it would be reasonable to impose such a condition.
16. In the interests of highway safety, and given the intensification of the use of the existing access, I have imposed the suggested conditions defining a maximum height of the existing hedgerow and requiring the access, parking and turning areas to be provided and retained in accordance with the approved plans.
17. The Council have also suggested a condition requiring details of external and roofing materials to be submitted for approval in the interests of character and appearance. However, the submitted drawings include the proposed materials and given materials in the area are somewhat varied it would be unnecessary to require further details to be approved.
18. A pre-commencement condition requiring the submission of drainage details would also be unnecessary given submitted evidence which points towards the site being at low risk of surface water drainage problems and within Flood Zone 1. Moreover, I find that the retained areas of garden and the surrounding green spaces could accommodate any additional runoff from the development.
19. Finally, the Council have suggested a condition requiring that the vehicular access meets the Council's specifications. However, these specifications have not been put before me and I am concerned that they could require the access to be significantly altered following approval. As such, and given the other conditions related to the access, I find this condition would be unreasonable.

## **Conclusion**

20. For the reasons given above I find no cause to determine the appeal other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

*Samuel Watson*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SA36423-BRY-ST-PL-A-20, SA36423-BRY-ST-PL-A-21, SA36423-BRY-ST-PL-A-22, SA36423-BRY-ST-PL-A-23, SA36423-BRY-ST-PL-A-24, Surface Water Management Statement.
- 3) No above ground works shall be commenced until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The landscaping shall thereafter be carried out in full compliance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.
- 4) The development hereby permitted shall not be first occupied until the vehicle parking and turning areas have been provided in accordance with the details to be approved under Condition 3. These areas shall thereafter be maintained free of any impediment to their designated uses.
- 5) The development hereby permitted shall not be first occupied until any boundary treatment which is a part of the appeal site and fronts on to the highway has been reduced to a height of 900mm. The boundary treatments shall thereafter be retained at this height.
- 6) The development hereby permitted shall not be first occupied until the improvements to the existing access have been completed. The space shall be maintained thereafter free of any impediment to its designated use.





## Appeal Decision

Site Visit made on 24 August 2021

**by Samuel Watson BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 October 2021**

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**Appeal Ref: APP/L3245/W/21/3273317**

**Well House Farm, White House Junction A442 To Hill Cottage Junction, Marchamley SY4 5LE**

- 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 & Mrs D & S Brettell against the decision of Shropshire Council.
  - The application Ref 20/04552/FUL, dated 3 November 2020, was refused by notice dated 25 January 2021.
  - The development proposed is described in the Council's decision notice as "change of use of agricultural land to mixed use (agriculture and camping); siting of three shepherd huts; creation of a parking area".
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.

### Main Issues

3. The main issues in this case are:
  - whether the appeal site is within a suitable location, with regard to its relationship to a settlement or existing tourism facilities; and,
  - the effect of the development proposed on the character and appearance of the site and its surroundings.

### Reasons

#### *Suitability of Location*

4. The appeal site is a large field accessed off Rookery Lane, at the time of my visit it contained a small number of horses. From my observations on site it was clear that the field was physically and visually outside of the settlement. I have also been provided with a copy of the settlement boundary which clearly shows that the appeal site is outside the boundary and set away from it by some distance. While it is close to a cluster of properties which are also outside of the settlement boundary, their presence does not justify describing the appeal site as being within the settlement. I note the Appellant considers the Marchamley Conservation Area (MCA) boundary to also denote the settlement

boundary however, it is clear from the evidence before me that this is not the case.

5. Given the lack of facilities or attractions within the site and village, I find that future occupiers would need to travel further afield to meet these needs. During my site visit I noted that there was a pavement along the road from Marchamley to Hodnet. However, from the appeal site and within Marchamley itself there were significant sections of road which did not have any pavement and the whole route was unlit.
6. I find that this and the distance between the two settlements would make walking unattractive and unsafe for visitors, especially given the limited services and facilities, brought to my attention, within Hodnet. This would be exacerbated at night given the lack of street lighting along the route. Whilst the Appellant has raised other tourist attractions and facilities within walking distance it has not been demonstrated that it would be attractive, or safe, for future visitors to walk to these destinations. Given the above I therefore find that visitors would be largely reliant on private motor vehicles to reach such attractions and facilities.
7. Although I am mindful of the appellants' intention to diversify their income through the provision of the shepherd huts, for the reasons above the accommodation would not be sustainable and as such would conflict with the objectives of the Framework to support the diversification of the rural economy by providing sustainable rural tourism. Whilst I note the dispute as to whether the Appellants are farmers or involved with an agricultural business, given my findings it is unnecessary to investigate this further.
8. The appeal site is within open countryside where it has poor access to tourism facilities and other services, and future visitors would be required to use private motor vehicles to access these. As such the development would conflict with Policies CS5, CS6 and CS16 of the Shropshire Local Development Framework: Adopted Core Strategy (ACS). Collectively, and amongst other things, these policies require that development is appropriately sited in a sustainable location with good access to existing assets, services and facilities. The development would also conflict with Paragraph 84(c) of the Framework which is supportive of sustainable rural tourism.

#### *Character and Appearance*

9. The entrance and dingle serving the appeal site are within the MCA. This is characterised by varied and individual properties, including some timber framed examples, set within spacious plots. The area is verdant and clearly a rural setting. I find the significance of this area to predominantly come from the visual and physical connection between the historic architecture and its rural setting and the extent to which the historic buildings are still intact. To the north of the site is a Grade II Listed cottage, Bench-Mark. This is timber framed and its significance stems from its age and the traditional vernacular materials of its construction. It is separated from the site by a mature hedgerow which screens some views. There are other designated heritage assets in the surrounding area such as Hawkstone Park, however those are at a greater distance from the appeal site and the proposal would not appreciably affect their setting.

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national planning policy on heritage assets is set out in the Framework. At paragraph 197, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
11. Being positioned on the slope of a hill, the proposed shepherd huts would be in a fairly prominent position, visible from a distance across the lower sections of vegetation. Therefore, they would be visible in views in to and out of the MCA. However, they would be screened in some closer views such as from Rookery Road and the houses to the north of the site, including Bench-Mark. Nevertheless, the huts would be agricultural in appearance and as such would be sympathetic to the character of the surrounding area. Equally, while some changes to land levels would be required to accommodate them, this would likely be very minor in relation to the field as a whole. Therefore, I find that the shepherd huts and limited reprofiling would not harm the character and appearance of the surrounding area or the significance of the MCA.
12. The car parking area within the dingle would be somewhat screened by the embankments and mature vegetation surrounding it. Whilst the trees and hedgerows may be removed in the future, the embankments would continue to provide sufficient screening to prevent motor vehicles from being intrusive in public views within the MCA. Moreover, a number of the larger trees would likely need permission to be reduced or felled given their position within a conservation area. In view of the small scale of the proposed accommodation I find it unlikely that all six parking spaces would be filled at any one time. As such parked motor vehicles would not unacceptably affect the character and appearance of the surrounding area or conservation area.
13. During my observations on site, I noted an area of bare earth within the field which formed a short track. While I note the Appellant refers to the proposed surfaced footpaths formalising this existing route, I find the proposal would go well beyond this and would include the creation of a new path. Limited details of what surfacing materials would be used for the footpaths or the car parking area have been provided. Likewise, very limited information has been provided regarding the soft landscaping for the land around the huts. The hard surfacing would stretch over a significant area and would be visible within, and in views in to and out of, the MCA.
14. It would appear as an artificial man-made intervention in what is at present a primarily natural site, which, as I have reasoned above, contributes towards the significance of the MCA and the character of the area. The effect of the proposed surfacing would be exacerbated by the topography of the field which would afford distant views, and it has not been shown that the landscaping would mitigate this. Mindful of the statutory duty on me, their scale relative to the development as a whole, and the potential for harm to the MCA, both the surfacing and landscaping are integral to the acceptability of the scheme and are not matters which could be deferred to a later date and dealt with via a condition should the appeal be allowed.

15. As a result of the limited information with regard to the surfacing materials and landscaping scheme I cannot be certain that the proposal would protect or conserve the character and appearance of the area or the significance of the MCA. As such the proposal would conflict with Policies CS5, CS6, CS16 and CS17 of the ACS and Policies MD2, MD11, MD12 and MD13 of the SAMDev. Amongst other matters these policies collectively require that development is of a high quality which complements its surroundings and protects, conserves or enhances any heritage assets. The development would therefore also conflict with the overarching heritage and, character and appearance aims of the Framework.

### **Other Matters**

16. The Council have raised a concern that the description would not limit camping across the site to just the three shepherd huts shown on the submitted drawings. However, I find from the evidence before me that it is clear that the shepherd huts comprise the 'camping' portion of the mixed use. Were the appeal to be allowed a suitably worded condition could be formulated to ensure this.

17. During my observations on site, I did not note any evidence that work had started towards the proposed development. While I am mindful of the concerns over clearance of the dingle and the storage of rubble, I have no evidence to demonstrate that this was connected to the development before me, or in respect of what consents, if any, are necessary in that regard.

### **Conclusion**

18. The proposal would provide some enhancements by way of providing rural tourist accommodation and economic uplift to existing services, facilities and attractions in the local area. The proposal would also provide some limited diversification of the rural economy. Given the scale of the development I find these benefits would be modest and collectively I attribute moderate weight to them. Conversely the proposal would not be sustainably located and would have the potential to harm the character and appearance of the area and the MCA. I find that these matters attract significant weight. Therefore, the benefits do not outweigh the harm arising.

19. Therefore, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. As such, for the reasons given above, I conclude that the appeal should be dismissed.

*Samuel Watson*

INSPECTOR