



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

Date: Monday, 31 January 2022

Committee:
Southern Planning Committee

Date: Tuesday, 8 February 2022
Time: 1.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

PLEASE NOTE EARLIER START TIME

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

There will be some access to the meeting room for members of the press and public, but this will be limited for health and safety reasons. If you wish to attend the meeting please e-mail democracy@shropshire.gov.uk to check that a seat will be available for you.

The meeting can be viewed live via Microsoft Teams using the link below. The recording will be made available on you tube, this will be made accessible from the web page for the meeting shortly afterwards.

<https://shropshire.gov.uk/SouthernPlanningCommittee8February2022>

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/>

Tim Collard
Interim Assistant Director – Legal and Democratic Services

Members of the Committee

David Evans (Chairman)
Robert Tindall (Vice Chairman)
Caroline Bagnall
Andy Boddington
Nick Hignett
Richard Huffer
Hilary Luff
Nigel Lumby
Richard Marshall
Tony Parsons

Substitute Members of the Committee

Julia Buckley
Geoff Elnor
Nigel Hartin
Heather Kidd
Kevin Pardy
Dave Tremellen
Claire Wild

Your Committee Officer is:

Tim Ward / Ashley Kendrick Committee Officer

Tel: 01743 257713 / 01743 250893

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 6)

To confirm the minutes of the Southern Planning Committee meeting held on 30 November 2021

Contact Tim Ward (01743) 257713.

3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is no later than 2.00 pm on Friday 4 February 2022.

4 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

5 The Vinnals Lower Common Longden Shrewsbury Shropshire (18/05747/EIA) (Pages 7 - 44)

Extension to existing poultry unit to include two broiler accommodation buildings, ground source heat pump plant room, feed bins and associated yard area and infrastructure.

6 Silverwoods Netherton Road Highley Bridgnorth Shropshire (21/01129/FUL) (Pages 45 - 68)

Application under Section 73A of the Town and Country Planning Act 1990 for the retrospective siting of six static caravans and six mobile caravans; laying of hardstanding, construction of new access and erection of 3 No. amenity buildings to include the change of use of land

7 The Horseshoes Inn Minsterley Road Pontesbury Shrewsbury Shropshire (21/01844/OUT) (Pages 69 - 90)

Outline planning application to include means of access for the demolition of an existing public house and erection of up to 4No. dwellings

8 Hope C Of E Primary School Hope Shrewsbury Shropshire SY5 0JB (21/01948/FUL) (Pages 91 - 114)

Demolition of existing buildings and the erection of 9 dwellings, with access, the extension of Hope Village Hall car park to provide 12 additional parking spaces, revised entrance to the Village Green and associated works

9 Buildwas Leisure Site Buildwas Telford Shropshire (21/03090/FUL) (Pages 115 -

150)

Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping

10 Wenlock Edge Inn Easthope Much Wenlock Shropshire TF13 6DJ (21/04033/FUL)
(Pages 151 - 170)

Stationing of 3No holiday letting units, supporting infrastructure and installation of package treatment plant and associated works (Amended Description)

11 Doctors Surgery, 24 Shaw Lane Albrighton WV7 3DT (21/04508/FUL) (Pages 171 - 184)

Erection of first floor extension and ground floor refurbishment of GP practice including rearrangement of car park

12 Bridgnorth Rugby Club Rugby Pitch and Pavillion Bandon Lane Bridgnorth Shropshire (21/04696/FUL) (Pages 185 - 220)

Demolition of existing buildings and erection of replacement club house building and function room (revised scheme)

13 Rosedene Horderley Craven Arms Shropshire SY7 8HR (21/05241/FUL) (Pages 221 - 230)

Change of use of land for siting of 3No glamping pods, installation of septic tank, creation of parking area

14 Proposed Affordable Dwelling Middleton Scriven Bridgnorth Shropshire (21/05418/FUL) (Pages 231 - 244)

Erection of an affordable home to include detached garage and private treatment plant.

15 Schedule of Appeals and Appeal Decisions (Pages 245 - 284)

16 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 8 March 2022.



Committee and Date

Southern Planning Committee

11 JANUARY 2022

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 30 November 2021

2.00 - 4.50 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Tim Ward / Ashley Kendrick

Email: tim.ward@shropshire.gov.uk / ashley.kendrick@shropshire.gov.uk

Tel: 01743 257713 / 01743 250893

Present

Councillor David Evans (Chairman)

Councillors Robert Tindall (Vice Chairman), Caroline Bagnall, Andy Boddington, Nick Hignett, Richard Huffer, Hilary Luff, Nigel Lumby, Richard Marshall and Kevin Pardy (Substitute) (substitute for Tony Parsons)

59 Apologies for Absence

Apologies for absence were received from Councillor Tony Parsons (Substitute: Kevin Pardy)

60 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 5 October 2021 be approved as a correct record and signed by the Chairman.

61 Public Question Time

There were no public questions.

62 Disclosable Pecuniary Interests

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

In respect of agenda item 5, application number 17/01033/EIA, Councillor Kevin Pardy declared an interest on the grounds of pre-determination, and stated that he would withdraw from the meeting and take no part in the debate and would not vote on the item.

In respect of agenda item 5, application number 17/01033/EIA, Councillor Robert Tindall declared an interest on the grounds of perceived bias due to the applicant being known to him and stated that he would withdraw from the meeting and take no part in the debate and would not vote on the item.

In respect of agenda items 6 and 7, application numbers 18/02384/FUL and 21/03438/COU respectively, Councillor Richard Huffer declared an interest as the local member, and stated that he would withdraw from the meeting and take no part in the debate and would not vote on the item.

In respect of agenda item 5, application number 17/01033/EIA, Councillor David Evans declared an interest on the grounds of perceived bias due to the applicant being known to him and stated that he would withdraw from the meeting and take no part in the debate and would not vote on the item.

At this point in the meeting due to both the Chairman and Vice Chairman having declared an interest for agenda item 5, nominations for a Chairman for this item were requested.

RESOLVED:

That Councillor Nick Hignett be appointed as Chairman for agenda item 5.

63 Footbridge Farm Tasley Bridgnorth Shropshire WV16 5LZ (17/01033/EIA)

The Principal Planner introduced the application which was for the erection of four poultry buildings incorporating air scrubbing units, with feed bins, one gate house, one boiler house and circular water tank; and associated infrastructure and landscaping scheme (amended description), and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

Members' attention was drawn to the information contained in the schedule of late representations and subsequent representations made after the written deadline.

Members were reminded that the planning application had previously been approved by committee in 2017 but was later overturned at judicial review. The application presented had been modified to address concerns resulting in the removal of manure off site and the addition of air scrubbers to each unit to lower ammonia and odour levels.

Dr John Jenkins, local resident and member of Tasley Action Group, made a statement against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committee.

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

Bridgnorth Town Council made a statement against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committee which was read out by the Committee Solicitor.

Councillor Les Winwood, local Ward Councillor made a statement against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Julia Buckley, local Ward Councillor made a statement against the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

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

Concerns were raised that despite the addition of air scrubbers to the units, the impact of odour and increased ammonia levels would be detrimental to local residents and wildlife, especially when the units were cleaned as this is when levels would be at their highest. It was also felt that there was a conflict with proposals for development within SAMDev and developments proposed within the emerging Local Plan.

RESOLVED:

That contrary to the Officer recommendation planning permission be refused on the following grounds:

- The proximity of existing development, development for which permission is currently being sought and future development which is included in the emerging Local Plan and the impact of odours in particular on those developments.
- The impact of additional ammonia on the Site of Special Scientific Interest at Thatchers Wood and Westwood Covert

64 Proposed Affordable Dwelling North Of Jays Farm Hope Bagot Shropshire (18/02384/FUL)

The Principal Planner introduced the application which was for the erection of an affordable dwelling and installation of septic tank (revised scheme), and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

Members' attention was drawn to the information contained in the schedule of late representations and subsequent representations made after the written deadline.

Richard Curl, local resident, made a statement against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committee which was read out by the Committee Solicitor.

Councillor Richard Huffer, local Ward Councillor made a statement in support of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees. Following his statement, Councillor Huffer left the room and took no further part in the debate and did not vote on the item.

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

Concern was raised that the Section 106 agreement had not been completed by the applicant as required in the original planning application. Members noted that there had been a delay with Land Registry and equity release; however clear evidence had been received to demonstrate that progress was now being made with the Section 106 agreement.

RESOLVED:

That contrary to the Officer recommendation, delegated authority be granted to Officers to determine the application by the end of January 2022, approve or refuse dependent upon whether a S106 agreement has been fully completed.

65 The Aspire Centre Burford Shropshire WR15 8HE (21/03438/COU)

The Interim Planning and Development Services Manager introduced the application which was for a change of use of the Aspire Centre building from Use Class F1 (learning and non-residential institution) to Use Classes E(e), E(g), B2 and B8, and with reference to the drawings and photographs displayed, he drew Members' attention to the location, layout and elevations.

Councillor Richard Huffer, local Ward Councillor made a statement in support of the application in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees. Following his statement, Councillor Huffer left the room and took no further part in the debate and did not vote on the item.

Members noted that the application was subject to a number of identified conditions which would not have an unacceptable impact on neighbouring residential properties. Site notices had been displayed with no objections being receiving from residents.

RESOLVED:

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

66 Quercus Domus, Pond Lane Hanwood, Shrewsbury, SY5 8JR (21/03707/VAR)

The Interim Planning and Development Services Manager introduced the application which was for a variation of condition 2. to allow for amendments to the existing garage, and with reference to the drawings and photographs displayed, he drew Members’ attention to the location, layout and elevations.

Councillor Roger Evans, local Ward Councillor, made a statement against the application on behalf of the Parish Council to which he was in support in accordance with Shropshire Council’s Scheme for Public Speaking at Planning Committees.

Concerns were raised regarding the size and siting of the garage in comparison to that agreed as part of the previous planning permission and questioned future classification as being part of an ‘affordable’ development. Members noted that a variation could only be granted after entering into a varied Section 106 agreement.

RESOLVED:

That contrary to the Officer recommendation, the variation of Condition 2 be refused as the development, which includes accommodation within the garage, an external staircase, and a Juliette balcony, would have an unacceptable impact on the visual character of the area due to its scale, design and siting, contrary to Core Strategy policy CS6.

67 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 30 November 2021 be noted.

68 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday 11 January 2022 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:



<u>Committee and date</u>
Southern Planning Committee
8 February 2022

Development Management Report

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

Summary of Application

<u>Application Number:</u> 18/05747/EIA	<u>Parish:</u>	Longden
<u>Proposal:</u> Extension to existing poultry unit to include two broiler accommodation buildings, ground source heat pump plant room, feed bins and associated yard area and infrastructure		
<u>Site Address:</u> The Vinnals Lower Common Longden Shrewsbury Shropshire		
<u>Applicant:</u> The Vinnals Poultry Ltd		
<u>Case Officer:</u> Kelvin Hall	<u>email</u> : kelvin.hall@shropshire.gov.uk	

Grid Ref: 345574 - 304997

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Recommendation: That delegated authority is granted to the Planning Services Manager to grant planning permission subject to the conditions as set out in Appendix 2, and any amendments considered necessary; and the completion of a deed of variation to the existing Section 106 legal agreement to require the continued adherence to a HGV routing agreement.

REPORT

1.0 THE PROPOSAL

- 1.1 Planning permission was granted in 2017 for a poultry rearing development at The Vinnals, which included two poultry sheds housing a total of 100,000 birds. The operation commenced in September of that year. The current planning application seeks permission for the expansion of this enterprise. It proposes the construction of two additional poultry rearing buildings, increasing the total number of birds at the site to 200,000. The buildings would be of a similar design and size to the existing buildings, each measuring approximately 97 metres x 24 metres with an eaves height of 2.65 metres and ridge height of 4.76 metres. They would be of portal-framed construction with box profile metal cladding in juniper green colour to match the existing buildings. There would be five feed bins. These would be situated adjacent to the proposed poultry buildings, and each would measure 6.6 metres in height with a 2.8 metres diameter.
- 1.2 The buildings would be heated using a ground source heating. The equipment for these pumps would be located in a plant building to be constructed adjacent to the poultry sheds. This would measure 9 metres x 3 metres with a ridge height of 3 metres, and would be coloured juniper green. The landscaping bund to the south-west of the existing buildings would be extended to run alongside the proposed buildings.
- 1.3 Production process: The planning application states that the production cycle is dictated by the poultry company and has therefore been based on a 'worst case scenario'. It states that standard birds would be reared over 37-39 days, usually with thinning taking place at 32 days, followed by a 10 day turn around period. There would therefore be around 7 crops per year. Preparation of the buildings prior to bird delivery would include the adding bedding to the floor, and warming the houses to around 34 degrees. Feed is provided by the processing company with additional grain grown on the farm. At the end of the rearing cycle the buildings would be cleaned out in preparation for the new delivery. Manure generated from the proposed buildings would be exported from the site and taken to an anaerobic digester facility for treatment.
- 1.4 Ventilation would be computer controlled and include six ridge fans, three plate fans, and fourteen gable end fans. These would only operate at maximum design capacity at the end of the production cycle where these fall on the hottest days. Each of the buildings would be fitted with an air scrubber in order to reduce, principally, ammonia emissions.
- 1.5 As detailed below, the proposal is Environmental Impact Assessment development and the application is accompanied by a detailed set of reports which assess the potential impacts on the environment. These include: a Drainage and Flood Risk Assessment; an Ecology Assessment; an Arboricultural Impact Assessment; an Ammonia Assessment; an assessment of landscape and visual impacts; a Highways Statement; and a Noise and an Odour Impact Assessment.

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located to the south of the settlement of Lower Common, approximately 2km to the southeast of the village of Longden. The site covers an area of approximately 1.4 hectares to the south-east of the existing poultry unit, and forms part of an agricultural field. Other land surrounding the site is in agricultural use. To the north-west of the existing poultry sheds are farm buildings, and a farmhouse occupied by one of the directors of the poultry business. A farm track runs along the north-east boundary of the site. A public bridleway runs in a southwest – north-east orientation to the north-west of the existing poultry sheds, approximately 100 metres from the site.

2.2 The closest residential property is The Vinnals, approximately 125 metres to the north. This is occupied by one of the directors of the applicant company. The nearest properties in third-party ownership are Stapleton Grange, approximately 360 metres to the north-east; Little Vinnals Bungalow, approximately 400 metres to the north-east; and Lea Haven, approximately 410 metres to the north. There are a number of dwellings along and in proximity of the farm access track to the north. This is the route used at present by vehicles associated with the poultry unit and also by other agricultural vehicles, and would continue to be used should permission be granted for the additional chicken sheds. This access track also carries a public bridleway, which forms part of the Shropshire Way.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comments

4.1.1 **Longden Parish Council** Does not support the application. The capacity is too big for the area. Concern was expressed about the potential increase in vehicle movements and the size of the vehicles if you double the size of the operation through the narrow country lanes in the parish. Concern was also expressed about access to the site, the increase in the amount of poultry manure and its spreading and the increase in the already existing problem of the alarms going off at all hours of day and night for a considerable length of time despite assurances from the applicants when they put in their last application (comments made 7/9/19).

4.1.2 **Church Pulverbatch Parish Council** Objects. From 4th to 14th April 2020 and over the Easter Bank holiday the Parish Councillors received complaints from the residents of Pulverbatch concerning the overpowering smell of chicken manure spread across, and left lying on, fields adjacent to the village. The strength and duration of the smell was unacceptable.

On investigation we learned the manure came from the chicken unit at the Vinnals which is the subject of a planning application number 18/05747 a part of which allows for the spreading of this manure over fields adjacent to Pulverbatch. We the Parish Council have not previously been consulted on this, despite the inclusion of land for

manure in our parish.

As a direct result of the complaints we have received we write to oppose any extension of the existing unit and oppose the inclusion of the fields adjacent to the village being described as suitable for the spreading of the manure.

We consider that the nuisance endured by so many people over 10 days of fine weather was unacceptable.

4.1.3 **Environment Agency** No objections.

Comments 3/9/19 following submission of Manure Management Plan: Similar to other emissions, as part of the permit determination process, we do not require a MMP up front. However, Environmental Permit (EP) holders are required to subsequently operate under such a Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership such as this. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled “How to comply with your environmental permit for intensive farming.”: <https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

Any Plan would be required to accord with The Farming Rules for Water and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

In relation to subsequent control of the impacts to water from manure management, the Environment Agency is responsible for enforcing these rules which relate to The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, which came into force on 2 April 2018.

It is an offence to break these rules and if they are breached we would take enforcement action in line with our published Enforcement and Sanctions guidance.

The above Regulations are implemented under The Farming Rules for Water. All farmers and land managers are required to follow a set of rules to minimise or prevent water pollution. The new rules cover assessing pollution risks before applying manures, storing manures, preventing erosion of soils, and managing livestock. The full information can be found at: <https://www.gov.uk/guidance/rules-for-farmers-and-land-managers-to-prevent-water-pollution>

Comments 9/1/19: No objection.

Environmental Permitting Regulations: The proposed development will lead to a total number of approximately 220,000 birds, which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, as amended.

The Environmental Permit (EP) controls day to day general management, including operations, maintenance and pollution incidents. The EP will include the following key areas:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
- Operations - including permitted activities and Best Available Techniques (BAT).
- Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.
- Information – records, reporting and notifications.

The Vinnals currently operates under an Environmental Permit for its intensive poultry operations and a Permit Variation has been granted in consideration of the increase in bird numbers (to allow up to 220,000 birds).

Ammonia emissions: Ammonia may be emitted from livestock and from manure, litter and slurry, and may potentially impact on local people or conservation sites i.e. vegetation/habitat (permits may be refused if critical loads to the environment are exceeded).

Ammonia screening: Our ammonia screening assessment is made in line with our current guidance available at: <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit#pre-application-discussion>

With regard to ‘cumulative impact’, we only undertake a screening approach based on the potential impact of intensive poultry farms regulated by the Environment Agency. The same approach applies to cases when detailed ammonia modelling may be required to determine the risk to nature conservation sites.

There may be other poultry or livestock farms not regulated by the Environment Agency in the area which could be considered with respect to any ‘in combination assessment’ and HRA in your competent authority role for the planning application.

EP controls: The EP will control relevant point source and fugitive emissions to water, air and land; including odour, noise, dust, from the intensive poultry farming activities within the permit ‘installation boundary’.

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Odour and Noise: As part of the permit determination, we do not normally require the applicant to carry out odour or noise modelling. We require a ‘risk assessment’ be carried out and if there are sensitive receptors (such as residential properties or

businesses) within 400 metres of the proposed installation boundary then odour and noise management plans are required to reduce emissions from the site.

It should be noted that even where an Odour Management Plan (OMP) and Noise Management Plan (NMP) is in place to help reduce emissions from the site a Management Plan should set out the best available techniques that the operator intends to use to prevent and minimise odour and noise nuisance, illustrating where this is and is not possible. There is more information about these management plans at: <https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

A management plan may not necessarily completely prevent all odours, or noise, or at levels likely to cause annoyance. The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP/NMP requirement is often a reactive measure where substantiated complaints are encountered. This may lead to a new or revised OMP/NMP to be implemented and/or other measures to be in place.

Note - We do not necessarily regulate all sources of odour and noise associated with a site and only to certain levels. For example, we cannot control noise and emissions from feed lorries/vehicles.

For the avoidance of doubt, we do not directly control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However a management plan may address some of the associated activities both outside and inside the installation boundary.

Bio-aerosols and dust: Intensive farming has the potential to generate bio-aerosols (airborne particles that contain living organisms) and dust. It can be a source of nuisance and may affect human health.

Sources of dust particles from poultry may include feed delivery, storage, wastes, ventilation fans and vehicle movements.

As part of the permit determination, we do not usually require the applicant to carry out dust or bio-aerosol emission modelling. We do require a 'risk assessment' be carried out and if there are relevant sensitive receptors within 100 metres of the installation boundary, including the farmhouse or farm worker's houses, then a dust management plans is required.

A dust management plan (DMP) will be required, similar to the odour and noise management plan process. This will secure details of control measures to manage the risks from dust and bio-aerosols. Tables 1 and 2 and checklist 1 and 2 in 'assessing dust control measures on intensive poultry installations' (available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297093/geho0411btra-e-e.pdf) explain the methods the operator should use to help minimise and manage these emissions.

Note - For any associated human health matters you are advised to consult with your Public Protection team and/or Public Health England (PHE).

Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concreted.

Buildings which have roof or side ventilation extraction fans present, may deposit aerial dust on roofs or “clean” yards which is washed off during rainfall, forming lightly contaminated water. The EP will normally require the treatment of such water, via french drains, swales or wetlands, to minimise risk of pollution and enhance water quality. For information we have produced a Rural Sustainable Drainage System Guidance Document, which can be accessed via: <http://publications.environment-agency.gov.uk/PDF/SCHO0612BUWH-E-E.pdf>

Manure Management (storage/spreading): Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, in cases where this is done within the applicants land ownership. It is used to reduce the risk of the manure leaching or washing into groundwater or surface water. The permitted farm would be required to regularly analyse the manure and the field soil to ensure that the amount of manure which will be applied does not exceed the specific crop requirements i.e. as an operational consideration. More information may be found in appendix 6 of the document titled “How to comply with your environmental permit for intensive farming.” <https://www.gov.uk/government/publications/intensive-farming-introduction-and-chapters>

Any Plan submitted would be required to accord with the Code of Good Agricultural Policy (COGAP) and the Nitrate Vulnerable Zones (NVZ) Action Programme where applicable.

The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields. In cases where the applicant proposes to pass the manure to a third party they are required to keep quantity records of where the by-product has been transferred to and have a contingency plan in place for alternative disposal or recycling sites in cases of an emergency.

Separate to the above EP consideration, we also regulate the application of organic manures and fertilisers to fields under the Nitrate Vulnerable Zone (NVZ) Rules where they are applicable, in line with Nitrate Pollution Prevention Regulations. Further NVZ guidance is available at: <https://www.gov.uk/guidance/nutrient-management-nitrate-vulnerable-zones>

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which

include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

4.1.4 **Natural England** No objection. The proposed development will not have significant adverse impacts on designated sites.

International sites – The Stiperstones and the Hollies Special Area of Conservation and Midland Meres and Mosses phase 1 Ramsar site:

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

The Stiperstones and the Hollies, Bomere, Shomere and Betton Pools, and Berrington Pool Sites of Special Scientific Interest (SSSI):

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice: Further general advice on the consideration of protected species and other natural environment issues is provided in NE's response.

4.1.5 **SC Ecology** Recommends conditions.

Table 1: Predicted maximum annual mean ammonia and nitrogen concentrations at the discrete receptors; proposed without and with mitigation.

Site	Process Contribution % of Critical Level WITHOUT MITIGATION	Process Contribution % of Critical Load WITHOUT MITIGATION	Process Contribution % of Critical Level WITH MITIGATION	Process Contribution % of Critical Load WITH MITIGATION
Spring Coppice AW	4.36	1.7	0.52	0.203
Hays Coppice SSSI	1.57	0.614	0.18	0.07
Earls Hill & Habberley Valley SSSI	0.54	0.282	0.061	0.019
Minsterley Meadows	0.36	0.190	0.042	0.022

SSSI				
Stiperstone and Hollies SSSI/SAC	0.09	0.048	0.010	0.005
River Severn at Montford SSSI	--	--	--	--
Bomere, Shomere and Betton Pools SSSI/Ramsar	1.77	0.922	0.204	0.106
Berrington Pool SSSI	0.45	0.466	0.051	0.053
Attingham Park SSSI	0.29	--	0.033	--
Long Mynd SSSI	0.07	0.023	0.007	0.002

Table 1 shows that the process contributions will be <1% of the critical levels and critical loads for all of the sensitive sites within the screening distance, with the imposition of mitigation (an INNO+ (Plus) (Broilers) scrubber on each of the new buildings).

No other plans or projects have been identified for assessment of cumulative/in-combination effects.

It is recommended that conditions are included on the decision notice to cover the following matters:

- No more than 100,000 birds shall be kept in the buildings at any one time
- No commencement until air scrubbing system has been installed; system to be operated at all times
- Implementation of landscaping scheme within first planting season
- Pre-commencement badger inspection to be undertaken
- Erection of bird boxes
- Lighting plan to be agreed prior to any external lighting

Informatives – see Appendix

4.1.6 **Historic England** Has advised it is not necessary to consult them.

4.1.7 **SC Conservation** No objections. It is noted that an updated Heritage Impact Assessment has been prepared by Richard K Morriss taking into account the proposed additional poultry units on this site, which is acknowledged and which is generally considered to address the relevant requirements of the revised NPPF and local policy MD13 on historic environment matters. As the application site is part of a largely rural landscape we would add that this type of development can have a significant impact on the landscape character of an area and while this is not something that our Team can advise on, obtaining the opinion of a qualified landscape professional should be considered in this case.

4.1.8 **SC Archaeology** No comments to make.

4.1.9 **SC Regulatory Services** Recommends conditions.

Comment was made in December 2018 on the noise and odour assessment. Concerning noise and the revised assessment, to take to account the revised noise assessment criteria of 2019 BS4142 and the revised scrubber location, the comments made in Dec 2018 remain the same. Looking at Table 5.1 in the recent assessment and comparing with table 5.2 in the 2018 assessment, the new scrubber location do not indicate perceptible change to noise levels at receptors. Though can it be confirmed that the cumulative noise levels of fans where 3dB is added per doubling of same noise sources have been taken into account in the modelling? The anticipated impact of noise is low, though it appears there will be times during the cycle that fans noise will be louder so to regulate temperature and will be a +4dB increase in background levels for limited periods as explained in the assessment which may be perceptible during quietest (L90) at the facades of receptors. 2018 comment in relation to noise was:

In relation to noise the noise assessment has stated that night time noise has not been considered as a result of the condition in place on a previous planning application for the site which stipulates that no HGV movements will occur to or from the site between the hours of 2300 - 0700. I would recommend this condition is mirrored on this application due to reasoning explained on past planning applications for poultry units on this site. The noise assessment concludes no significant noise impacts from the development. I am satisfied with this conclusion and would not consider there to be significant noise impacts over the distances found. Where noise may be up to 6dB above background this is at a time when background noise level is very low and it is considered more suitable to consider the absolute noise levels which are predicted to remain low. As a result I am satisfied that the proposed development is not likely to present any significant detrimental impact on the locality from noise.

I also note that in since previous comment that the Manure management plan highlight fields where manure will be anticipated to be spread. The information is also for the Env Agency but there is an expectation of the farms handling nutrient rich waste to fertilize fields to follow codes of practices of spreading as detailed in the plan to minimize odours, and that the location of field heaps for storage prior to spreading are away from residential dwellings. The odour assessment from the units has been commented on previously with this current application, as with the initial application with the comment that there will be occasions that odour will be perceptible at receptors as detailed in chapter 6 of the Odour assessment but at levels regarded as negligible under IAQM guidance levels.

Initial comments regarding odour: Having considered the odour assessment I am generally satisfied with the report and have no specific criticism. I agree with the conclusions and as such have no concerns relating to odour.

4.1.10 **SC Trees** No objection in principle to the proposed development, however the Tree Protection Plan will require updating to reference the proposed extension.

- 4.1.11 **SC Highways Development Control** No objection subject to conditions. It is considered that the proposed development is unlikely to have a significant impact, on the adjacent public highway network, over and above that, which is already experienced locally. A condition is recommended to require that the development is not brought into use until the parking, loading, unloading and turning areas have been provided.
- 4.1.12 **SC Drainage** No objection. The proposed surface water drainage in the Drainage Report and the Flood Risk Assessment is acceptable. However, diverting of the 600mm diameter culverted watercourse requires Ordinary Watercourse Consent from Shropshire Council.
- 4.1.13 **Severn Trent Water** No objection. As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.
- 4.1.14 **SC Rights of Way** No comments received.
- 4.1.15 **Fire and Rescue Service** As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications". Further advice has been provided which can be included as informatives on the decision notice.
- 4.1.16 **Cllr Roger Evans** I have now looked at the comments and also object to this application for the reasons stated in the numerous comments made. I therefore ask for this application to be determined by the planning committee if officers recommend for it be approved.
- 4.2 **Public comments**
- 4.2.1 The application has been advertised by site notice and in the local press. In addition 38 properties in the local area have been directly notified. This notification included residents who had made representations in respect of the previous application for the poultry rearing development at this site. Objections have been received from seven residents of six properties, on grounds summarised as follows (full details can be viewed on the planning register):
- Highways Statement contains inaccuracies; replacement is required
 - Passing places required along Long Lane have not been installed
 - Poultry units are visible from Long Lane
 - Not possible to accurately calculate change to traffic situation as no traffic survey undertaken for original application
 - Additional traffic due to additional manure production
 - Lorries not using correct route
 - Access lane to site is narrow and close to dwellings; has been damaged by existing levels of traffic accessing the farm
 - Restrictions should be imposed on construction works
 - Highways Statement underestimates amount of traffic
 - Additional lorry traffic through Longden; likely to double

- Local roads not suitable for this level and size of vehicles
- Passing places should be installed before application is considered; access is inadequate and not suitable for lorries
- Field entries are heavily rutted and unsuitable for cars
- Existing conditions prohibiting HGV movements between 2300 and 0700 hours should be adhered to
- No mention in application of HGVs associated with the applicant's grain business which are not covered by restrictions on poultry traffic; traffic restrictions should apply to all traffic including farm traffic
- Construction traffic estimates are not reliable
- Proposal would increase bird numbers over limit on existing planning permission which is 100,000 so should be refused
- May result in additional future expansion
- Turning circle would not avoid congestion
- Existing property along access lane has books delivered by HGV which blocks the road
- Access lane has already been damaged and will get further damage
- Chickens would require 22,000 litres of water per day; query whether there is sufficient water pressure for villagers
- Impact on wildlife from additional nitrogen
- Ammonia impact on local rural environment, not just designated sites
- Insufficient consideration given to impact on nesting birds in the local area
- Odour and fly impact from additional manure spreading
- Query why proposed buildings are same size as existing ones but are each to house 10,000 more chickens
- Impact on users of bridleway which is also designated as Shropshire Way
- Intensive farming is against animal rights
- Application underestimates amount of manure that would be produced as 220,000 birds would produce 2970 tonnes
- Query over number of birds proposed
- Application should be deferred as further information has been submitted
- Updated traffic assessment is required as two new barns are being proposed at the farm

5.0 THE MAIN ISSUES

- 5.1
 - Environmental Impact Assessment
 - Planning policy context; principle of development
 - Siting, scale and design; impact upon landscape character
 - Historic environment considerations
 - Residential and local amenity considerations
 - Traffic, access and rights of way considerations
 - Ecological considerations
 - Impact on water resources

6.0 OFFICER APPRAISAL

6.1 Environmental Impact Assessment

- 6.1.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 specify that Environmental Impact Assessment (EIA) is

required for proposed development involving the intensive rearing of poultry where the number of birds is 85,000 or more. The proposed development would provide up to 100,000 bird places. It is therefore EIA development and the application is accompanied by an Environmental Statement.

6.2 Planning policy context; principle of development

6.2.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF sets out a presumption in favour of sustainable development. This includes three interdependent objectives: economic; social; and environmental. It states that significant weight should be placed on the need to support economic growth and productivity (para. 80). It states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, and the development and diversification of agricultural and other land-based rural businesses (para. 83).

6.2.2 Core Strategy policy CS5 provides support for appropriate development within the countryside, which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to specified proposals including: agricultural related development. It states that proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts, and this is discussed in sections below. Core Strategy policy CS13 states that, in seeking to develop and diversify the Shropshire economy, emphasis will be placed on matters such as supporting rural enterprise and diversification of the economy, in particular areas of activity which include the agricultural and farm diversification sectors.

6.2.3 The Environmental Statement advises that the expansion of the poultry unit would help to ensure that the farming business remains viable for future generations by improving the profitability of the business and creating further employment. The proposal would involve significant investment in the poultry rearing sector and would be expected to result in economic and social benefits in terms of direct and indirect employment and support for the farming industry. It is considered that there is support for the proposal in principle as set out in the above policies.

6.3 Siting, scale and design; impact on landscape character

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. It states that development will be designed to a high quality using sustainable design principles. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD2 requires that development contributes to and respects locally distinctive or valued character and existing amenity value. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible sited so that it is functionally and physically closely related to existing farm buildings.

- 6.3.2 Siting and alternatives: The acceptability of the use of this area for poultry rearing has already been established through the existing planning permission. The proposed extension would utilise existing infrastructure such as access and vehicle manoeuvring areas. In addition the expanded operation would be managed under the same rearing cycling as the existing one, thereby providing operational efficiencies. It is accepted that there are benefits to extending the existing development as opposed to seeking permission for a new site.
- 6.3.3 Design and sustainability; landscape and visual impacts: The proposed buildings would be heated using a ground source heating system. It is also proposed to install solar panels on the roofs of the buildings. These renewable energy sources would reduce the reliance on other, less sustainable energy options. Farmland at The Vinnals can be used to produce grain for use as poultry feed which can be stored in the existing crop storage buildings on the site before being transferred to the feed silos. The manure produced would be taken off site and used as a feedstock for an anaerobic digester facility. Sustainable drainage techniques would be used to manage surface water. It is considered that the proposed design incorporates appropriate sustainable principles in line with policy CS6.
- 6.3.4 The proposed new buildings would be positioned parallel to the existing ones and would be of an identical design, size and colour. The existing development is on a platform which is set at a lower level than surrounding land, and the proposed sheds would be constructed at a similar level. A screen bund has been constructed along the south-western side of the development, to a height of approximately 4.5 metres above the floor level of the sheds, and this has been planted in accordance with an approved landscaping scheme. This bund would be extended alongside the proposed sheds. The buildings would be largely screened from viewpoints to the north by the existing sheds. Existing woodland blocks in the vicinity would provide additional screening of the development. Given the generally low level of the main buildings, it is considered that the visibility of the proposed development in the wider landscape would be limited. Officers consider that the site is sufficiently distant from private properties to avoid adverse visual effects. The development would be visible from some public viewpoints in the local area, particularly from some sections of the public bridleway. However it is considered that the siting, design and mitigation of the development would ensure that the visual and landscape issues would not be unacceptable.
- 6.4 **Historic environment considerations**
- 6.4.1 Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting.
- 6.4.2 The application is accompanied by a Heritage Impact Assessment (HIA) which updates a previous report carried out in 2016 as part of the planning application for the existing poultry unit. There are no designated heritage assets within or adjacent to the site. The HIA states that virtually nothing survives of the historic farmstead at The

Vinnals, and none of the standing remains could be considered to be non-designated heritage assets under guidance in the NPPF. It concludes that the proposed additional units will have no impact on the character, setting or significance of any designated or non-designated heritage assets. The Council's Historic Environment team have not raised any particular concerns, and it is considered that the proposal does not raise any significant issues in respect of archaeology or heritage matters.

6.5 Residential and local amenity considerations

- 6.5.1 Policy CS6 of the Core Strategy requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.
- 6.5.2 The existing poultry unit is operated under an Environmental Permit issued by the Environment Agency. The Agency has confirmed that a Permit Variation has been issued to allow an increase in the total number of birds to 220,000. The Permit controls the detailed site management aspects of the operation, including emissions relating to odour, noise and dust, where these are produced within the Permit boundary. The Agency can require specific management plans to be submitted where necessary. National planning policy as set out in the NPPF is clear that the focus of planning decisions should be on whether the proposed development is an acceptable use of land rather than the control of processes or emissions where these are subject to separate pollution control regimes (para. 188).
- 6.5.3 Odour: An Odour Impact Assessment has been submitted as part of this application. This identifies that the main sources of odour would be point sources emitted from the building via ventilation outlets, and from handling and management of manure. It also notes that there would be a spike in odour levels when the sheds are being cleared. The Odour assessment has predicted odour levels from the whole unit, i.e. existing and proposed, at the closest residential receptors using a dispersion model. This has taken into account factors such as type and velocity of fans, and wind speed and direction data. It advises that the average odour levels at The Vinnals would be expected to be 'moderate adverse'. The occupants of this property have a financial interest in the scheme and may be expected to tolerate such elevated odours. The highest average predicted impact at all other receptors would be at Stapleton Grange, with a 'negligible' level, i.e. odour would be perceived but, under national guidance, would not be unacceptable. It is noted that the predictions within the Odour Impact Assessment are described as 'worst case' and do not take into account any mitigation that may be implemented as part of the Environmental Permit.
- 6.5.4 It should be noted that it is proposed that manure arising from the proposed new poultry buildings would be taken off site to be used as feedstock in an anaerobic digester facility. Therefore the current application would not result in additional manure being spread on fields in the local area and therefore not increase any odour which may be occasionally associated with that practice.
- 6.5.5 The concerns of Church Pulverbatch Parish Council regarding odour from chicken manure that had been spread on fields during a 10 day period in 2020 are acknowledged. As the current application proposes that manure generated from the

two additional buildings would be taken off-site to an anaerobic digester facility rather than spread on fields the current proposal would not result in additional manure being spread on fields. In this respect the Parish Council's comments are not relevant to the current application.

- 6.5.6 Noise: The planning application for the existing poultry unit proposed that bird collections would typically take place from 0200 hours onwards. Following concerns that this would cause unacceptable disturbance to residents living close to the access track, a condition was imposed on the planning permission to restrict such HGV movements to between 0700 hours and 2300 hours only. The current application proposes adherence to this restriction, and this condition can be imposed on any new permission.
- 6.5.7 A Noise Impact Assessment has been submitted. This predicts cumulative noise from both the existing sheds and the proposed additional ones, based upon three representative local receptors. The assessment takes into account noise from the proposed air scrubbers.
- 6.5.8 The report predicts that, at the majority of the time, the proposed plant would not have an adverse noise impact on any of the three receptors included in the assessment. The exception to this would be on day 35 of the bird rearing cycle when noise from the plant may have an adverse impact at one of the receptors (Lea Haven, a dwelling to the north of the site). During bird thinning and collection the assessment states that noise would not have an adverse noise impact on any of the three receptors included in the report. The Council's Public Protection Officer has advised that the proposed development is not likely to present any significant detrimental impact on the locality due to noise. It is considered that further mitigation is not required.
- 6.5.9 Dust: It is proposed that dust baffles would be provided around the ventilation fans to restrict airborne dust. Given the distance between the site and the nearest residential receptors it is not anticipated that dust from the site would result in adverse amenity.
- 6.5.10 Manure: Manure arising from the existing poultry operation is spread on local farmland as a beneficial fertiliser. This process would continue, under a Manure Management Plan which sets out where the material would be spread. In relation to the current application manure would be taken to an anaerobic digester plant to be used as feedstock for that process. No manure from the proposed two poultry buildings would be stored or spread on farmland.
- 6.5.11 In conclusion in relation to amenity matters it is considered that the planning application and accompanying Environmental Statement includes a satisfactory level of assessment to ensure that potential impacts on local amenity are understood. The proposed development would result in some impacts on the local area; these impacts include those resulting from odour generation. However it is considered that the proposed site is located a sufficient distance from dwellings to ensure that impacts on residential amenity would not be unacceptable. Odour and noise from the development would be noticed by users of the public bridleway however given the transient nature of this use it is not considered that these impacts would be adverse. Having taken account of the submitted assessments and advice from technical

consultees it is not considered that these impacts would be unacceptable. An additional level of control would be provided by the Environment Agency under the Environmental Permitting regime.

6.5.12

Water supply: The existing development uses mains water, and Officers are not aware that there have been any issues with this to date. The applicant has advised that, if permission is granted for the additional sheds, consideration will be given to obtaining a supply from groundwater via a new borehole. This would require consent from the Environment Agency. Severn Trent Water has raised no concerns in relation to water supply matters.

6.6 **Traffic, access and rights of way considerations**

6.6.1 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. Policy CS16 seeks to deliver sustainable tourism, and promotes connections between visitors and Shropshire's natural, cultural and historic environment. Policy CS17 seeks to protect and enhance environmental networks, including public rights of way.

6.6.2 As noted in the public representations above, the Highways Statement that was submitted with the application contained inaccuracies. A revised Statement has now been submitted to address these.

6.6.3 The existing planning permission for the poultry unit was granted subject to requirements to undertake highway improvements. In addition it was subject to a Section 106 legal agreement to control HGV traffic routing to/from the site. The agreed traffic route is for HGV to approach the site from the A49 via the villages of Exfords Green and Longden, then along Long Lane to Lower Common. The same route is required for the return journey. This would continue to be the sole route for HGVs in connection with the current proposal. The highway improvements included the construction of passing places along Long Lane and these have now been completed.

6.6.4

Since the commencement of the poultry rearing operation at The Vinnals Officers have received a number of reports from members of the public that vehicles have contravened either the night-time hours restriction or the agreed HGV route. Officers have investigated each of these reports. It should be noted that the access track to the poultry unit also serves the farm and is used by farm vehicles. There is no restriction on the route that this non-poultry related traffic can take to/from the site, or when this can occur. As part of these investigations Officers have verified that one of these incidents involved a HGV which did not adhere to the correct route from the site. In accordance with the provisions of the legal agreement, the operator was issued with a first and final warning. Any further breaches from that driver/vehicle would result in a 6 month ban from the site under the terms of the agreement. The other reported incidents have been found to have involved non-poultry vehicles.

6.6.5 The Highways Statement advises that the current poultry operation results in 64 HGV movements (i.e. 32 in; 32 out) per crop, with 20 tractor and trailer movements associated with manure removal. The proposed development would result in 124

HGV movements per crop, and 40 tractor and trailer movements. As at present, it is anticipated that during each cycle there would be four days of peak traffic activity. These correspond to the days when the birds are thinned part-way through the cycle; when the birds are collected at the end of the cycle; and when the manure is removed. HGV movements associated with bird collections would take place at a rate of 2 per hour (1 in; 1 out). During the other 44 days out of the 48-day cycle, it is expected that the increase in HGV movements would be less than 1 per day. The Highways Statement suggests that, if permission is granted, the applicant would potentially reduce the number of sheep at the farm, which would result in a reduction of HGV movements from this activity.

6.6.6 The passing places have resulted in improvements to the local highway network, and the currently agreed traffic route would continue to be used by the additional HGVs associated with the expanded broiler operation. The Council's highways consultant considers that the additional traffic can be accommodated on the highway network, and has raised no objections. Officers consider that, subject to the Section 106 being varied to ensure that the routing agreement also applies to the current application, and subject to the existing restrictions on night-time HGV traffic being re-imposed, the proposal is acceptable on highways grounds.

6.6.7 In terms of the construction phase the application suggests that this would take place over a three month period. It is likely that this would result in some disturbance in the local area, and it is considered that a traffic management plan can be required to agree ways to minimise these impacts.

6.6.8 Impact on public right of way: The farm track that forms the access route to the site is a public bridleway which is part of two long distance routes known as The Humphrey Kynaston Way and the Shropshire Way. The track is approximately 420 metres long and is single vehicle width. The first 100 metres or so of this track, from the north, is public highway; the remainder is private. As part of the previous permission for the poultry units, two passing places were constructed along the track, to provide refuges for path users in the event that they meet a vehicle. It is considered that these are also sufficient for the additional traffic that would result from the proposed development, and provide satisfactory protection for the right of way.

6.7 **Ecological consideration**

6.7.1 Core Strategy policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Policy MD12 states that proposals which are likely to have a significant adverse effect, directly, indirectly or cumulatively, on specified ecological assets should only be permitted if it can be clearly demonstrated that:

- a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and;
- b) the social or economic benefits of the proposal outweigh the harm to the asset. It states that in all cases, a hierarchy of mitigation then compensation measures will be sought.

- 6.7.2 Paragraph 180 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. In addition, development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 6.7.3 The principal ecological issues relate to the direct impacts of the development on the ecological value of the area, and the indirect impacts due to the release of ammonia from the resultant poultry manure.
- 6.7.4 Direct impacts:
The application is supported by an ecology report which is based upon a habitat survey. The development would be constructed on grassland, arable land and disturbed land to the south-east of the existing poultry sheds. This land is ecologically poor and it is not considered that its loss would be significant. Existing hedgerow and trees in the vicinity of the site would be retained. There are a number of designated ecological sites in the wider area however, due to the distance involved, it is not considered that the proposed development would be directly affected by the development. The Council's ecologist has recommended that conditions are attached to require a landscaping plan to be submitted for approval; for prior approval to be obtained for any external lighting; and for a pre-commencement badger inspection to be undertaken.
- 6.7.5 Impacts from ammonia:
An ammonia emissions impact assessment has been submitted as part of the Environmental Statement. This has assessed impacts on local ecological sites and is based upon the proposed use of the air scrubbers. The report has predicted ground level concentrations of ammonia and nutrient nitrogen deposition in relation to relevant air quality standards and guidelines for the protection of sensitive habitats. These sensitive habitats include a Ramsar site, a Special Area of Conservation, SSSIs, ancient woodland and local wildlife sites in the area.
- 6.7.6 The assessment identifies that no ecological sites are likely to be affected by the proposed scheme. It states that the impacts on all sites from the new (scrubbed) buildings would be below 1% of the relevant Nitrogen critical level and 1% of the relevant Nitrogen critical load. It concludes that the impacts from the proposed buildings would therefore be insignificant, either alone or in combination with other schemes.
- 6.7.7 The ammonia assessment predicts that the contribution of the proposed poultry buildings (operating using the air scrubbers) to critical levels of ammonia and critical loads of nitrogen would be less than 1% at all sensitive ecological sites which are within the relevant screening distance. The Council's ecologist has confirmed that there are no other plans or projects which need to be included in these calculations as cumulative/in-combination assessments.
- 6.7.8 As the proposed development has the potential to adversely affect designated sites of

international importance for nature conservation, specifically Bomere, Shomere and Betton Pools Midland Meres and Mosses Phase 1 Ramsar site, and Stiperstones and Hollies SAC. As required by the Conservation of Habitats and Species Regulations 2017 (as amended), an 'appropriate assessment' has been carried out by the Council's ecologist and is attached to this report.

6.7.9 Mitigation being proposed is the use of air scrubbers and the implementation of a planting scheme. The planting would take place in four discrete areas around the site, and total 0.88 hectares. With this mitigation the Council's ecologist has advised that the background level at The Stiperstones and the Hollies SAC is between 32.6m and 55.1 kgN/ha/yr and that due to the high background level the small increment of 0.005 Kg N/ha/yr is unlikely to have a significant impact on the sites integrity. In addition the ecologist notes that the background level at Bomere, Shomere and Betton Pools Midland Meres and Mosses Phase 1 Ramsar is between 23.5 to 40.4 kgN/ha/yr and considers that due to the high background level the small increment of 0.106 Kg N/ha/yr is unlikely to have a significant impact on the sites integrity.

6.7.10 The assessment concludes that the proposed development would not adversely affect the integrity of the Stiperstones and Hollies SAC or Midland Meres and Mosses Phase 1 Ramsar, either alone or in-combination with other plans or projects, providing the development is carried out accordance to the details submitted. Natural England has been consulted on this HRA and no comments have been received. It is considered that the relevant tests under the above Regulations have been met and that there is no legal barrier to planning permission being granted.

6.7.11 In relation to all sensitive ecological sites it is considered that the process contribution based upon mitigation would not be significant and that the proposed development would not have a significant impact upon the integrity of the sites. Overall, in relation to ecological matters it is concluded that the proposal, taking into consideration the mitigation and enhancement measures put forward, aligns with Development Plan and national planning policy.

6.8 **Impact on water resources**

6.8.1 Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.

6.8.2 Surface water drainage: The site is located within Flood Zone 1, i.e. an area where there is a low risk of surface water flooding. The proposed surface water drainage system would incorporate sustainable drainage systems, including stone filled trenches along the sides of the buildings, to reduce runoff to greenfield rates. The Council's drainage consultant has confirmed that the proposed design, as set out in the Drainage Report and Flood Risk Assessment, is acceptable.

6.8.3 Contaminated water drainage: During the cleaning out of the sheds at the end of the rearing cycle, dirty water would be collected in a tank. This system would incorporate a valve to prevent dirty water coming into contact with the main system. Further control over dirty water management would be provided under the Environmental Permit.

7.0 CONCLUSION

- 7.1 Planning permission for a poultry rearing unit at The Vinnals, including two chicken sheds, was granted in 2017. The current application seeks to enlarge the enterprise through the construction of two further sheds and other ancillary development, increasing the number of birds on site from 100,000 to 200,000. The application is EIA development and as such is accompanied by a detailed set of assessments to identify the potential impacts of the development on the environment.
- 7.2 The proposal involves significant investment in the poultry rearing sector and would provide social and economic benefits in terms of direct and indirect employment, and support for the farming industry. It incorporates sustainable design principles. These include the use of ground source heating system, a sustainable drainage system, and solar panels. The development would be large in scale nevertheless the alignment and positioning of the proposed buildings adjacent to the existing ones, and matching appearance, would provide an development of an acceptable design. Landscape impacts would be satisfactorily mitigated including through the extension of the landscaped earth bund. It is considered that the proposal does not raise any significant issues in respect of archaeology or heritage matters.
- 7.3 Based upon odour modelling undertaken, odour levels at the nearest third party dwellings would be no greater than 'negligible'. The noise assessment predicts that noise from on-site activities would be likely to have an adverse impact at one receptor on one night during each rearing cycle, i.e. seven times per year, and that at all other dwellings noise would not have an adverse impact. It is not considered that this limited impact on residential amenity requires further mitigation. The existing condition which restricts night-time HGV traffic can be imposed on any new permission, to reduce disturbance to residents along the farm track. The export of the manure arising to be used as feedstock for an anaerobic digester raised no significant issues. The Environmental Permit for the operation, which has recently been varied by the Environment Agency to allow an increase in the number of birds allowed on the site to 220,000, would control the detailed site management aspects of the development, including the control of emissions to the environment.
- 7.4 The passing places along Long Lane which were required under the previous permission have been installed. It is considered that the additional traffic that would be generated by the expansion of the operation can be satisfactorily accommodated on the local highway network, subject to continued adherence to the existing HGV routing agreement.
- 7.5 The use of air scrubbers on the proposed buildings would significantly reduce the level of ammonia emitted from the process. An appropriate level of assessment has been undertaken in relation to potential ammonia impacts. Based upon this it can be concluded that impacts on all sensitive ecological sites would not be significant. In relation to designated sites of international importance, the required 'appropriate assessment' (included in Appendix 1 below) which has been carried out by the Council's ecologist concludes that the proposal would not adversely affect their integrity; this being based upon the most precautionary values. An appropriate level of ecological enhancement has been incorporated within the designs. Proposals for

dealing with surface water and contaminated water are appropriate and would ensure satisfactory protection of the water environment. It is not anticipated that the proposals raise any particular issues with respect to water supply.

7.6 Satisfactory mitigation of environmental impacts can be provided and officers conclude that the proposal complies with Development Plan policy and national policy. On this basis, it is recommended that delegated authority is granted to the Planning Services Manager to grant planning permission subject to the conditions as set out in Appendix 2, and any amendments considered necessary; and the completion of a deed of variation to the existing Section 106 legal agreement to require the continued adherence to a HGV routing agreement.

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if 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 planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:

- CS5 - Countryside and Greenbelt
- CS6 - Sustainable Design and Development Principles
- CS13 - Economic Development, Enterprise and Employment
- CS16 - Tourism, Culture and Leisure
- CS17 - Environmental Networks
- CS18 - Sustainable Water Management
- MD2 - Sustainable Design
- MD7B - General Management of Development in the Countryside
- MD8 - Infrastructure Provision
- MD12 - Natural Environment
- MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

- 11/05747/AGR Erection of a grain store PNAGR 18th January 2012
- 12/00370/FUL Erection of extension to existing farm building to provide grain storage GRANT 19th April 2012
- SA/03/003/HRM Removal hedge on land at The Vinnals, Longden NOOBJC 29th August 2003
- 16/02752/EIA Construction of two poultry sheds and feed bins, ancillary works, access improvements, erection of biomass building and associated landscaping GRANT 13th April 2017
- 20/01095/AGR Agricultural grain and machinery storage building PNR 30th March 2020
- 20/01099/AGR Proposed agricultural building for storage NPW 13th March 2020
- 21/01456/FUL Erection of a building for storing, filling and maintaining crop sprayer GRANT 9th June 2021

11. Additional Information

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

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 Roger Evans

Appendices
APPENDIX 1 - Habitat Regulations Assessment
APPENDIX 2 - Conditions

Appendix 1 - Habitat Regulations Assessment (HRA) Screening Matrix

1.0 Introduction

The proposal described below has the potential to adversely affect a designated site of international importance for nature conservation. The likelihood and significance of these potential effects must be investigated.

This HRA is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (as amended), before the council, as the ‘competent authority’ under the Regulations, can grant planning permission for the project. In accordance with Government policy, the assessment is also made in relation to sites listed under the 1971 Ramsar convention.

The following consultee responses and supporting information should be read in conjunction with this HRA, which are available on the Shropshire Council Planning Portal:

<https://pa.shropshire.gov.uk/onlineapplications/search.do?action=simple>:

- SC Ecology consultation response ref: The Vinnals, Lower Common, Longden, Shrewsbury 18-05747-EIA 10.11.21 SM
- Ammonia Emissions: Impact Assessment (Isopleth, September 2021)
- Ammonia Mitigation Strategy (Berrys, n.d. including Ammonia Mitigation Planting Plan SA 29808-01 REV C

Date of completion for the HRA screening/AA: matrix:

10 November 2021

HRA completed by:

Suzanne Wykes
Specialist Practitioner (Ecology)
Shropshire Council

2.0 HRA Stage 1 – Screening

This stage of the process aims to identify the likely impacts of a project upon an international site, either alone or in combination with other plans and projects, and to consider if the impacts are likely to be significant. Following recent case law (People Over Wind v Coillte Teoranta C-323/17), any proposed mitigation measures to avoid or reduce adverse impacts are not taken into account in Stage 1. If such measures are required, then they will be considered in stage 2, Appropriate Assessment.

2.1 Summary Table 1: Details of project

Project details	The Vinnals, Lower Common, Longden Shrewsbury Shropshire SY5 8HB - Extension to existing poultry unit to include two broiler accommodation buildings, ground source heat pump plant room, feed bins and associated yard area and infrastructure 18/05747/EIA
Name and description of Natura 2000 sites	West Midlands Meres and Mosses Phase 1 Ramsar (Bomere, Shomere and Betton Pools) Bomere, Shomere & Betton Pools, as a group, are particularly important for the

	<p>variety of water chemistry, and hence flora and fauna, which they display. The site also includes a small basin mire, a more extensive area of peat around Shomere and an area of woodland. Bomere Pool is one of the most oligotrophic (infertile) meres. It has an extensive area of white and yellow water-lilies <i>Nymphaea alba</i> and <i>Nuphar lutea</i> and is particularly notable for the presence of a large population of six-stamened waterwort <i>Elatine hexandra</i>. Fringing vegetation is dominated mainly by lesser reedmace <i>Typha angustifolia</i>. Shomere Pool is a small mere with a peat substrate, and a good population of both species of water-lily. Here, and at Bomere Pool, royal fern <i>Osmunda regalis</i> occurs. Shomere Pool is surrounded by bog and alder carr communities. Betton Pool is of moderate fertility, and has good populations of aquatic macrophytes, including blunt-leaved pondweed <i>Potamogeton obtusifolius</i> and the moss <i>Fontinalis antipyretica</i>. All three pools are of particular interest for their invertebrate fauna. Betton Pool is one of the best mesotrophic meres for aquatic invertebrates, and the site as a whole is especially important for dragonflies.</p> <p>Ramsar criterion 1 The site comprises a diverse range of habitats from open water to raised bog.</p> <p>Ramsar criterion 2 Supports a number of rare species of plants associated with wetlands including five nationally scarce species together with an assemblage of rare wetland invertebrates (three endangered insects and five other British Red Data Book species of invertebrates).</p> <p>The Stiperstones and the Hollies SAC (601.46ha) represents a Nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i>.</p> <p>Annex I Habitats that are a primary reason for selection of site:</p> <ul style="list-style-type: none"> • European dry heaths <p>Annex I Habitats present as a qualifying feature but not a primary reason for selection of site:</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p>
<p>Description of the project and potential pathways of impact</p>	<p>Extension to existing poultry unit to include two broiler accommodation buildings holding a maximum of 100,000 birds, ground source heat pump plant room, feed bins and associated yard area and infrastructure.</p> <p>The following potential effect pathways have been identified:</p> <p>Ammonia emissions: The sites are already over their critical load for nitrogen deposition. Any further increase in background levels of diffuse air pollution could have cumulative effects and exacerbate an adverse situation.</p>
<p>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</p>	<p>No</p>

2.2 Current baseline

Summary from APIS (<http://www.apis.ac.uk/>) accessed October 2021):

Table 2: Baseline at designated site(s)

Designated Site:	Habitat Sensitive to Nitrogen (APIS)	Lowest Empirical Critical Load kg/N/ha/yr	Background Level Critical Load kg/N/ha/yr	Background % of sites critical load
(Bomere, Shomere and Betton Pools) (Part of Midlands Meres and Mosses Phase 1 Ramsar)	Yes	5	20.5 short vegetation 40.4 forest	410 808
Stiperstones and Hollies SAC	Yes	10	32.6 short vegetation 55.1 forest	326 551

2.3 Initial screening for likelihood of significant effects on European Sites

Likely significant effect pathways have been identified and EU sites have been screened against these to identify which sites could be adversely affected.

Table 3 – Initial screening for likelihood of significant effects

European designated site	Site vulnerability	Potential Effect Pathways
Bomere, Shomere and Betton Pools (Part of Midlands Meres and Mosses Phase 1 Ramsar)	Ammonia concentration and nitrogen deposition Critical Levels and Loads exceeded.	Ammonia emissions from proposed development affecting nutrient sensitive habitats – eutrophication.
Stiperstones and Hollies SAC	Ammonia concentration and nitrogen deposition Critical Levels and Loads exceeded	Ammonia emissions from proposed development affecting nutrient sensitive habitats - eutrophication

2.5 Summary of Stage 1 screening

There are potential pathways for a likely significant effect between the development/project and Bomere, Shomere and Betton Pools (Part of Midlands Meres and Mosses Phase 1 and Ramsar and Stiperstone and Hollies SAC) alone.

Shropshire Council has sought more detailed information/mitigation measures from the applicant in order to consider if the development will have significant effects on International Sites or have an adverse effect on the integrity of these sites.

3.0 HRA Stage 2 Appropriate Assessment

3.1 Further assessment of ammonia emission impacts

3.1.1 Predicted Impacts

A report of air quality impacts : Ammonia Emissions: Impact Assessment (Isopleth, September 2021) has been used to inform the appropriate assessment of this Habitats Regulations Assessment.

The most precautionary critical level and critical load values have been used in the summary below.

Table 4: Predicted maximum annual mean ammonia concentrations at the discrete receptors; both before and after mitigation:

Site	Process Contribution % of Critical Level WITHOUT MITIGATION	Process Contribution % of Critical Load WITHOUT MITIGATION	Proposed* Process Contribution % of Critical Level WITH MITIGATION	Proposed* Process Contribution % of Critical Load WITH MITIGATION
Bomere, Shomere and Betton Pools Midland Meres and Mosses Phase 1 Ramsar	1.77	0.922	0.204	0.106
Stiperstones and Hollies SAC	0.09	0.048	0.010	0.005

Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details):	No, no other plans or project to act in combination have been identified.
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3.1.3 Counteracting (mitigation) measures

Each new building will have an INNO+ (Plus) (broiler) scrubber and in addition, to secure further (long term) ammonia reduction, an Ammonia Mitigation Planting Scheme is included as part of the proposed development.

Assessment of Adverse Effects Alone

The PC is <1% of the Critical Level and Critical Load for both designated sites.

The background level at The Stiperstones and the Hollies SAC is between 32.6m and 55.1 kgN/ha/yr. Due to the high background level the small increment of 0.005 Kg N/ha/yr is unlikely to have a significant impact on the sites integrity.

The background level at Bomere, Shomere and Betton Pools Midland Meres and Mosses Phase 1 Ramsar is between 23.5 to 40.4 kgN/ha/yr. Due to the high background level the small increment of 0.106 Kg N/ha/yr is unlikely to have a significant impact on the sites integrity.

Assessment of Adverse Effects in-combination

No other projects or plans which could act in combination have been identified.

3.4 Securing of mitigation measures

A condition is to be put on any planning condition to secure the scrubbers and an Ammonia Mitigation Planting Scheme.

4.0 Summary of HRA Screening Appropriate Assessment including counteracting measures

The appropriate assessment of the project has been carried out, including counteracting (mitigation) measures

and conditions and legal agreements have been agreed with the applicant.

Table 5 – Summary of HRA conclusions

EU Site	Effect pathway	HRA conclusion
Bomere, Shomere and Betton Pools Midland Meres and Mosses Phase 1 Ramsar	Ammonia emissions from proposed development affecting nutrient sensitive habitats –	No adverse effect on site integrity alone or in-combination.
Stiperstones and Hollies SAC	eutrophication	

5.0 Final conclusions

Following Stage 1 screening, Shropshire Council concluded that the proposed development may have a significant effect on the Midland Meres and Mosses Phase 1 Ramsar and Stiperstones and Hollies SAC through the listed pathways detailed in this HRA. Shropshire Council has carried out an Appropriate Assessment of the project, considering further information and counteracting (mitigation) measures.

The Appropriate Assessment concludes that the proposed works under planning application reference 18/05747/EIA will not adversely affect the integrity of the Stiperstones and Hollies SAC or Midland Meres and Mosses Phase 1 Ramsar, either alone or in-combination with other plans or projects, providing the development is carried out accordance to the details submitted.

Natural England should be consulted on this draft AA, and following consideration of any response received, a planning decision can then be made.

Appendix 3

Guidance on completing the HRA Screening Matrix

The Habitat Regulations Assessment process

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 63 of the Conservation of Habitats and Species Regulations 2017, one known as the ‘significance test’ and the other known as the ‘integrity test’. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the ‘integrity test’ need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 63, part 1:

63. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site,
- must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 63, part 5:

63. (5) In light of the conclusions of the assessment, and subject to regulation 64 (consideration of overriding

public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site", or "it may happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

63. (6) In considering whether a project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

Habitat Regulation Assessment Outcomes

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

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 64 of the Conservation of Habitats and Species Regulations 2017. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulations Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

APPENDIX 2 - Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall take place, including any works of demolition, until a Construction Method Statement (Traffic Management Plan) 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 traffic management and HGV routing plan.

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

4. No development shall take place until a tree protection plan has been submitted to and approved in writing by the local planning authority. The plan shall show the proposed site layout and shall identify those trees to be retained at the site and their root protection areas; and show tree protection measures in line with the details included in the submitted Tree Report (incorporating Arboricultural Impact Assessment, Arboricultural Method Statement; and Tree Protection Plan).

Construction works within the proximity of any trees to be retained shall not take place unless tree protection measures are in place.

Reason: To provide satisfactory protection for retained trees at the site, and ensure that tree protection measures are satisfactorily identified on a plan which details the proposed development.

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

Planning Authority. The plan shall be in general accordance with the details shown on SA 29808-01 REV C and SA 31140-02 and include:

- a) Planting plans, ammonia mitigation planting of not less than 0.88 hectares in general accordance with the details shown on SA 29808-01 REV C, creation of wildlife habitats and features and ecological enhancements, screening bund, hedgerow and ecological field margin enhancements.
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

All hard and soft landscape works shall be carried out in accordance with the approved plan; the works shall be carried out during the first available planting season (October to March) following commencement of poultry rearing, and shall be maintained for the lifetime of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure an appropriate level of mitigation against the adverse impacts that the development would have on designated sites from ammonia emission/nitrogen deposition, and to seek a biodiversity enhancement under NPPF and MD12.

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

6. No above ground works shall take place until details of the external materials and colour treatment of all plant and buildings have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details, and retained as such for the lifetime of the development.

Reason: To ensure a satisfactory appearance of the development.

7. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

8. Within 90 days prior to the commencement of development, a badger inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the

pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of badgers under the Protection of Badgers Act 1992.

9. The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

10. The buildings hereby permitted shall not be occupied by birds until the drainage works shown on the approved Drainage Layout Plan ref. TV-DL-300 have been completed.

Reason: To protect the water environment.

11. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 6 artificial nests, of either integrated brick design or external box design, suitable for a range of bird species, shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect, with a clear flight path, and thereafter maintained for the lifetime of the development.

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

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

12. (a) Prior to the commencement of the development a scheme shall be submitted in writing for the approval of the local planning authority which sets out procedures for ensuring that, wherever practicable, bird rearing in any building hereby permitted only takes place during times when the air scrubbing unit for that building is operational. The submitted details shall identify contingency measures to be adopted to in the event that the operation of the scrubbing unit is not possible, such as plant breakdown, and set out procedures to ensure that any bird rearing that takes place without the use of air scrubbing unit is minimised. The poultry rearing operation shall be undertaken in accordance with the approved scheme.

(b) No birds shall be brought to any of the poultry rearing buildings hereby permitted unless the associated air scrubbing unit is in effective working order.

Reason: To minimise the times when the air scrubbing unit is not operational in order to minimise emissions of ammonia and odour and prevent adverse impact on sensitive ecological sites.

13. (a) No more than 100,000 birds shall be kept in the buildings hereby approved at any one time.

(b) Records of the number of birds delivered to the site during each cycle shall be made and these shall be made available to local planning authority on request.

Reason: To prevent adverse impact on designated sites and ancient woodland from ammonia emissions, consistent with MD12 and the NPPF.

14. No construction work shall take place other than between 7.30am and 6.30pm Monday to Friday, and between 8am and 1pm on Saturday. No construction work shall take place on Sundays or Bank Holidays.

Reason: To prevent unacceptable disturbance to local residents and land users.

15. No HGV movements associated with the proposed installation shall take place between the hours of 23:00 - 07:00 hours on any day.

Reason: To protect the health and wellbeing of residents along the access route to the installation.

16. Manure arising from the poultry building hereby permitted shall be taken off site to an anaerobic digester or other suitable disposal or management facility. Manure shall not be exported from the site unless in covered vehicles.

Reason: To minimise adverse impacts on residential amenity and avoid pollution to groundwater.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £116 per request, and £34 for existing residential properties.

Failure to discharge pre-start conditions will result in a contravention of the terms of this permission; any commencement may be unlawful and the Local Planning Authority may consequently take enforcement action.

3. Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

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.

Extraordinary maintenance

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

4. Nesting birds informative

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

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

All vegetation clearance, tree removal and/or scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

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

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

General site informative for wildlife protection

Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be

done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

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

5. Drainage advice:

Diverting of the 600mm diameter culverted watercourse requires Ordinary Watercourse Consent from Shropshire Council.

Please visit the link to our webpage which will explain when consent is required for working in a watercourse. Also on these pages are consent guidance notes and an application form.

<https://www.shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/new-development-and-watercourse-consenting/ordinary-watercourses-applying-for-consent-for-works/>

Reason: To ensure that it complies with the Land Drainage Act 1991.

6. Fire Service advice:

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:
<http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m²

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting - Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m² or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

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<u>Committee and date</u>
Southern Planning Committee
8 February 2022

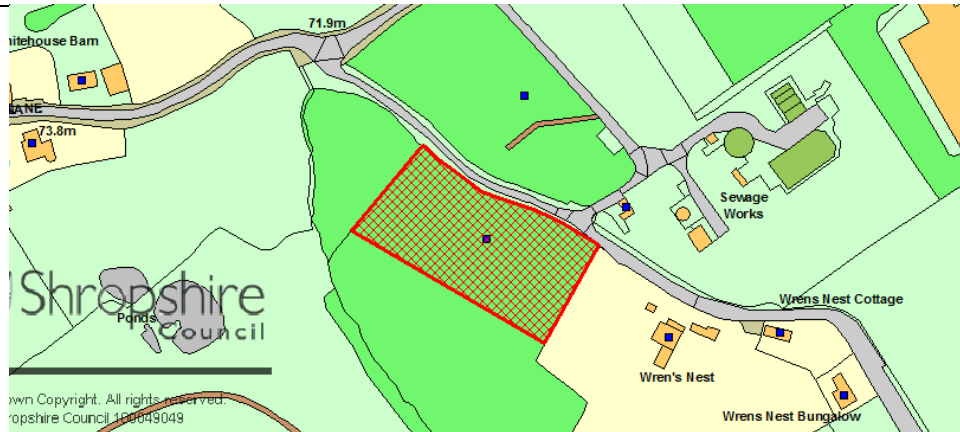
Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/01129/FUL	<u>Parish:</u>	Highley
<u>Proposal:</u> Application under Section 73A of the Town and Country Planning Act 1990 for the retrospective siting of six static caravans and six mobile caravans; laying of hardstanding, construction of new access and erection of 3 No. amenity buildings to include the change of use of land		
<u>Site Address:</u> Silverwoods Netherton Road Highley Bridgnorth Shropshire		
<u>Applicant:</u> Mr And Mrs J Jones		
<u>Case Officer:</u> Richard Fortune	<u>email</u> : richard.fortune@shropshire.gov.uk	

Grid Ref: 373981 - 282767



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application has been submitted as a result of an enforcement investigation. This partly retrospective application relates to the change of use of land to accommodate six pitches. Each pitch would accommodate two caravans, no more than one of which would be of the static/mobile home type. There would be three amenity buildings (Each shared by two pitches) along with grassed amenity areas and permeable hardstandings within each pitch. there is a shared, gated access drive with a junction onto the private road leading to the Highley Park Homes caravan site from Netherton Lane.
- 1.2 The amenity buildings would be single storey timber clad structures with a brick plinth under dual pitched dark grey slate or clay tiled roofs, each measuring some 6 metres by 4 metres. Post and rail fencing would define the boundaries of the individual plots. Additional hedgerow and tree planting is proposed to the northern, eastern and western site boundaries.
- 1.3 The agent has advised the site is not intended to accommodate business uses and asserts it is of sufficient size to provide adequate facilities for vehicle parking and children's play. He asserts in the supporting statement submitted with the application that the Gypsy and Traveller Sites Assessment (GTAA) Update published in February 2020 has limited weight as it has not been subject to public scrutiny but suggests a considerable level of unmet need in Shropshire which must carry substantial weight in favour of this application. (This claim is addressed in detail in section 6.2 below of this report).
- 1.4 The delay in bringing this application to Committee has been due to the need for a Ecological Appraisal, requested by the Council's Ecology Team in their comments of 30th April 2021 and which was submitted on 25th November 2021.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated in countryside some 150 metres to the south west of the Highley Development Boundary shown in the Site Allocations and Management of Development (SAMDev) Plan, and some 350 metres from the junction of Netherton Lane with the B4555 road at the southern end of the village. The access road to three dwellings and the Highley Park Homes static caravan site runs along the north eastern site boundary, on the opposite side of which is the village sewage treatment works. To the south east is a dwelling known as 'Wrens Nest, while to the west and north west is woodland, beyond which is a further cluster of properties at Netherton. The site contains an area of hardstanding, tall ruderal vegetation and a small amount of marshy grassland and bare earth. The site is relatively level.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the Officer recommendation and the local ward member has requested Committee determination. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Planner, consider that the material planning considerations raised in this case warrant determination by Committee.

4.0 Community Representations

Consultee Comment

- 4.1 Highley Parish Council - Object:

1. No Reports from Statutory Consultees Received or included with application.
2. No Ecological /Environmental Survey carried out on Land
3. Incorrect information on application regarding the removal of Trees etc
4. SUDS report states 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): The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding. This had not been adhered to.
5. No investigation on the impact of increased traffic in the area of Netherton Lane /Borle Mill
6. Neighbouring Properties on Highley Park Homes were not informed or consulted on the application. The correct consultation process has not been carried out. Without any of these actions being carried out and reports being provided the Parish Council feel that they have not been given all the evidence and information for them to make an informed decision and this has meant that they have no option but to object to this planning application.

- 4.2 SC Highways - No Objection:

The proposed development site is accessed off a private road leading off Netherton Lane. A public right of way runs along the private road. The junction of the private road with Netherton Lane is wide and is located a short distance from the B4555.

The private road is a no through road which currently serves Highley Park Homes (105 homes) and a number of other properties. From a highways perspective it is considered that the additional traffic movements associated with the proposed development would be unlikely to cause severe harm to the surrounding highway network and a highway objection to the proposed development could not be sustained.

It is noted that some local concern has been raised to the access off the private road, however, this is a private matter between the landowner and developer.

4.3 SC Drainage - Comment:
Recommend condition stating that 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.

4.4 SC Ecology) – Comment:
I have reviewed Preliminary Ecological Appraisal undertaken by Midland Ecology, dated 16 August 2021 and plans submitted in association with the application.

Additional information is required with regards to great crested newt, a European Protected Species, and how the development accords with the mitigation hierarchy as per the requirements of the NPPF and local planning policies MD12 and SC17, with regards to a UK priority habitat (semi-natural woodland).

In the absence of this additional information I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), or show compliance with the NPPF 180, Core Strategy CS17 and SAMDev Plan policy MD12.

4.4 SC Ecology (30.04.21) - Comment:
There are recent protected species records within 250m (Great Crested Newts, Lesser Horseshoe bats and Badger records), and a pond within 100m and a watercourse designated as Corridor Habitat within 20 metres. These conditions trigger the criteria for requiring an Ecological Impact Assessment to be conducted by a licensed Ecologist.

4.5 Severn Trent Water - No Objections:
As the proposal has minimal impact on the public sewerage system we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there is a public 225mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to

do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Public Comments

Comments received are summarised below and their full text is viewable on the Council's web site.

4.6

57 Objections:

- Ecological surveys need to be completed before the application is determined; no evidence that baseline habitat surveys or arboriculture surveys have been done.
- There is a drive to obtain 10% gain on biodiversity through the new Environment Bill and the current NPPF 2019 and how will this be implemented.
- No regard given to the wildlife in the area, namely Great Crested Newts, bats and birds.
- Great Crested Newts shown to be in area through environmental survey carried out in 2016 on planning file 14/05410/OUT relating to factory site on Netherton Lane.
- Loss of trees and woodland.
- Object to moving onto a site of special interest.

-Many elderly residents live at the adjacent age restricted residential mobile home park, who moved there for peace and quiet and a development with children and dog kennels in inappropriate in such an environment

-Narrow access dangerous and not suitable for more traffic; increased congestion.

-No footways or street lighting on the access road.

-Netherton Lane is narrow and poor, school children walk along it to get to buses by Station Road and some elderly residents in wheelchairs use it.

-Additional vehicle road traffic will endanger pedestrians and horses.

- Reduce accessibility of Emergency Services to Highley Park Homes.

-Netherton Lane not suitable for travelling caravans.

- Extra pressure on the junction of Netherton Lane with the B4555 when the currently outstanding for development of 14 new industrial units at Netherton Workshops is taken into account.

-Increased noise from barking dogs; unleashed dogs get into the lane which, if it continues, could prove fatal to the dogs and residents who regularly drive along the road.

-Village infrastructure in a bad state

-Site does not meet NPPF principle of sustainability. While within reach of Highley the site does not have adequate infrastructure and access, failing the economic test; nor will it protected or enhance the natural environment, failing the environmental test; meeting a perceived local need not outweighed by the landscape/environmental and access impacts of the development.

-Question compliance with Gypsy and Traveller Accommodation policy CS12; exceeds number of pitches threshold for small exception sites (under 5 pitches).

-Work has started on site without planning permission by moving homes onto the land.

-How can it be acceptable to break the law and then ask for retrospective planning

permission?

- Set a precedent if permission is granted.
- No benefit to the local community.
- Policing of site would fall on an already busy workload of the Council and Enforcement Agencies

- Out of character

- Site visible from road unlike existing park homes.

- High density and over-development.

- Area designated as agricultural land.

- Looks unsightly.

- Concerns about the disposal of sewage and waste water.

- Potential storage of hazardous materials; burning of waste.

- Devalue properties

- Overlooking, loss of privacy.

- Light pollution in a country area.

- Caravans had to be removed from adjacent sites on the order of Shropshire Council and so why should this application go ahead after others were ordered to remove their caravans.

- Caravan site is large enough without any need for expansion.

- Highley already has lots of new homes being built and need to keep as much agricultural land as we can.

- Site within 20m of watercourse; risk of contamination of that watercourse.

- Amenity blocks are unnecessary if static and mobile (Park Homes) only suggesting touring caravans are expected at a later date.

- Potential for more caravans to move onto the site.

- Careful future planning can secure a great future for the quaint rural village as an even more successful tourist destination.

- The Council has an obligation to provide accommodation for the Gypsy and Traveller Community and it is not the responsibility of the Gypsy community to purchase and develop their own land wherever they choose; would set a precedent for anyone else to do the same regardless of their Ethnic Origin.

- Local rented accommodation is available.

- The caravans should be removed immediately.

- Why do 2 families comprising of 2 adults and two young children in addition to 3 single young men require a total of 12 housing units?

- If overcrowding occurred at their previous site, why should we believe that would not be repeated here?

- Believe the site at Kinlet View Lodges was/is owned by the Jones family and Silverwoods is an expansion of the family business.

-Previously John Jones received planning permission from Wyre Forest District Council (Ref.16/0542/FULL) to expand the gypsy/traveller site at Gatehouse Caravan Park, Nelson Road Sandy Lane Industrial Estate, Stourport On Severn.

-Pitch directly opposite the sewerage works access would appear to be near or over Severn Trent Waters pipework.(Referred to in a Deed of Grant dated 16th January 1998) and has their consent been sought?

4.7

4 letters of Support:

- This is a hard-working family who keep themselves to themselves
- Have watched the youngest children grow up and become kind and compassionate young boys; saddened that people are judging them without prior knowledge of them.
- Applicants have substantially improved site security for younger family members to all live together in harmony and made improvements to an otherwise barren area.
- As the family have lived locally for so long they will not be putting an additional strain on local services such as schools or medical practices.
- They are aware of how important ecological matters are and are willing and competent to comply with such regulations.
- Applicants are nice friendly people
- Dogs are never allowed to roam the lane unattended and are supervised at all times
- Have gone past the site many times on foot and by car and there is never any noise or disturbance..
- Traffic from one family moving onto the lane no more than when relatives and friends come to visit Highley Park.
- Have witnessed how fast residents from Highley Park come flying down Netherton Lane and round the blind corner into the entrance on many occasions.
- The family are Romany gypsies with centuries of heritage and they will be the sole residents.
- The children attend the local school, parents own businesses and are kind and helpful people.
- The site will be well maintained, immaculately clean and will be well screened for the residents benefit and their own.
- Six plots next door to over 100 park homes will not make any difference
- Please let's welcome this family, as the families of the park homes have been welcomed.

4.8

Cllr.Tremellen - Objects:

I object to this application on the basis of insufficient information regarding the probable environmental impact of the ongoing illegal development that preceded it, and which progressed without the benefit of the guidance that could possibly have been contained within reports from statutory consultees that would have informed any assessment of this development's impact on its environment and potential damage to its ecology and what actions could have been taken to mitigate any such damage caused by the unmanaged land clearance that included mature trees. As it is, that opportunity has been lost, which is why it is so important to assess

what ecology is left and how the development's illegal stages may have damaged what might once have been there

It is essential that the potential for harm identified by statutory consultees (who, it is important to remind ourselves, may conclude that no such harm was caused by those earlier illegal activities) especially with regard to bats and great crested newts, known to be breeding on neighbouring land (reference pen factory studies relating to earlier planning applications on that site to the east of the one under consideration), is known by all those now being asked to comment on the merits of this application. They are, after all, statutory consultees.

The local community I represent (including the parish council, of which I am a member) insist that more is known about the possible/potential ecological impact this development has had and may continue to have on an environment that is already under pressure.

It is also important to note concerns that changes in land ownership in the immediate area neighbouring the one under consideration here (with identical characteristics) to this development show all the signs of speculative acquisition pending the outcome of this application. In that regard, the principle of ecological/environmental safeguarding is rendered even more significant, certainly in terms of the council's expectation that landowners acknowledge that they have a shared responsibility to the planet by sticking to both the spirit and the word of the council's planning policies and not ride rough-shod through them.

I would also like it noted that, given the significance to the local community and to take the 'emotions' out of the issue, I wish to register my formal request that this retrospective application be called in to committee.

5.0 THE MAIN ISSUES

Principle of development
Need for Gypsy and traveller sites (GTAA)
Visual impact and landscaping
Highway Safety
Ecology
Residential Amenity
Drainage
The Planning Balance

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Central Government Planning Policy for Traveller Sites (PPTS) August 2015, which sets out the relevant national planning policy relating to Gypsy and Traveller sites, applies. This in any case needs to be read together with the National Planning

Policy Framework (NPPF 2021), whilst relevant elements of Core Strategy Policies CS5 and CS12 provide the local context together, with other relevant Core Strategy and SAMDev Plan policies, for example, those relating to the natural and historic environment and general development management matters.

6.1.2 Core Strategy Policies CS5 and CS12 (together with PPTS which provides the most recent national policy) currently provide the criteria against which proposals for Gypsy and Traveller sites (including those in countryside) will be considered, having regard to sustainable development and other material considerations. Policy CS5 controls development in the countryside and in line with national policy in NPPF lists residential exceptions that may be permitted on appropriate sites in countryside, including accommodation to meet a local need in accordance with CS12. Policy CS12 provides criteria for the consideration of situations where there may be no identified need requiring site allocation but where planning applications result. CS12 includes detailed criteria applying to general proposals for sites (bullet 2) and for the consideration of rural exception sites (bullet point 3). Since the submitted application is described as being for development to meet general need, the proposal should be considered under bullet point 2 of Core Strategy Policy CS12, with reference to PPTS and NPPF.

6.1.3 National policy (PPTS) requires that sites are sustainable and highlights the following, amongst other relevant matters, in addition to general development management considerations, when considering proposals:

1. Whether effective use is made of previously used/derelict/untidy land;
2. Whether a scheme makes a contribution to enhancement of the environment and increase of openness;
3. Promotion of healthy lifestyles (e.g. recreational opportunities);
4. Where landscaping is required, that it is appropriate and attractive and in particular hard landscaping does not give the appearance of creating an isolationist barrier;
5. The appropriateness of the scale of any rural site relative to nearest settled community and capacity of local infrastructure;
6. Need to avoid areas of high flood risk;
7. Whether planning conditions or obligations can be used to mitigate impacts and overcome planning concerns;
8. Any heritage or natural environment designations.

It is also recognised that additional pitches may support social sustainability by making provision for growth within family units; improving access to employment opportunities and that settled sites can improve health and social outcomes.

6.1.4 Core Strategy Policy CS12 is the main relevant policy for meeting the identified accommodation needs of Gypsy and Travellers, through site allocation and other

suitable development on appropriate sites. As required by PPTS, where there is no identified need requiring site allocation it sets out the criteria which are used to assess any planning applications which come forward. Where a proposal does not relate to an exception site, CS12 states that an application to meet the accommodation needs of the Gypsy and Traveller community will be supported if it is a suitable proposal located close to Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Such a site may be in countryside. However, the PPTS (paragraph 25) sets out a requirement that Local Planning Authorities 'should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan'. Consequently, new traveller sites should be appropriately controlled in open countryside locations and siting close to settlements (bullet 2, CS12) is required. It could reasonably be said that the location of this proposal is close to a key centre being less than 150m from Highley's development boundary.

6.1.6 The implications of the Human Rights Act, Equality Act 2010 and the best interests of the child, are also significant considerations in determination of an application.

6.1.7 The Council's Gypsy Liaison Officer has verified that the applicants and their extended family would meet the PPTS definition and therefore qualify for consideration under the above policies. He states also that Shropshire Council has no vacant sites that could accommodate this extended family. Details have been received setting out the personal circumstances of the occupants of the site, but requires this information to be kept CONFIDENTIAL and not be published in the public domain. Elements of this report therefore need to be redacted in the version that is made public.

6.1.8 **CONFIDENTIAL IN PUBLIC VERSION**

6.2 **Need for Gypsy and traveller sites (GTAA)**

6.2.1 The previous assessment of the need for Gypsy and Traveller sites in the Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2017 has been updated to support the review of the Shropshire Local Plan. The Local Plan review will 'roll' forward the Plan period to 2038, with an update of housing requirements including provision for Gypsies and Travellers. The GTAA 2019 update also considers the 5-year supply picture in Shropshire. It is acknowledged, as stated in the agent's supporting statement, that the updated GTAA, has not been through the scrutiny of Local Plan examination but the robustness of this evidence is discussed below.

6.2.2 Acknowledging that there is a requirement to consider all housing need, the GTAA 2019 update considers the accommodation needs of all Gypsies and Travellers including those that meet the definition set out in Annexe 1 of Planning Policy for Traveller Sites (PPTS) 2015 and settled Travellers who do not meet that definition but identify as Gypsy or Travellers. However, the analysis of survey data for the purposes of the GTAA 2019 update (in paragraph 7.27) indicates that around 37.7% of Gypsies and Travellers in Shropshire satisfy the PPTS Annexe 1

definition, and applies this proportion to the entire cultural need evidenced for 5 year and longer term modelling to establish PPTS need for pitches. Thus, if solely considering PPTS need (in line with the applicants submitted Design and Access statement which suggests that permission be granted subject to a condition limiting site occupation to PPTS definition individuals) this is identified as 9 pitches over the initial 5-year period (5 year supply) and 43 pitches in total to 2038, excluding turnover. With evidenced turnover (i.e. existing pitches which become available) which is expected by evidence within the GTAA 2019 update to continue at an average of 9.3 pitches p.a., there is no residual shortfall in pitches (for cultural or PPTS need).

- 6.2.3 Therefore, it is not considered that there is a considerable level of unmet need as suggested in the application. It would be expected that where pitches become available that they should be used to help address local needs and it is understood that the Council maintains a waiting list for its pitches to seek to manage allocations and the Gypsy Liaison team can clarify their approach if required. It should be noted however that, as with more general housing need, the GTAA 2019 update considers provision and need across Shropshire and not specific to the Highley area and there are no sites recorded within that locality. Sites within Shropshire are largely concentrated around Shrewsbury and in the north of the County, with clustering around the A41/A49 corridor.
- 6.2.4 Although the applicant's agent disagrees with the GTAA methodology, in particular the inclusion of turnover, this approach was accepted by the Inspector of the adopted SAMDev Plan. The methodology used to determine an appropriate turnover figure has additionally been further refined for the GTAA 2019 update to ensure cautious interpretation of information to exclude turnover which does not result in the genuine release of pitches. Also, turnover which will inevitably occur on private sites is not included as it cannot be satisfactorily evidenced by the Local Authority. This is significant as, of the total 147 authorised pitches, 83 are on private sites (Table 4.5). Furthermore, the analysis and turnover calculation also takes into account and is moderated to reflect the exceptional turnover of the 16 pitches at the Craven Arms site (i.e. whole site vacated and subsequent re-occupancy with new tenants in 2015) as detailed in Tables 7.4 & 7.5 & paragraphs 7.30 - 7.34. It can be noted that total figures in Table 7.6 also reflect that the Craven Arms site experienced a much higher level movement from outside Shropshire than other local authority sites. The GTAA is however clear at para 7.34 that households moving outside the county are a key driver for turnover.
- 6.2.5 Whilst the GTAA 2019 update concludes that there is no current requirement for site allocations or evidence of the need for the identification of sites for longer term provision, it does recommend that the Council should continue to consider planning applications for appropriate small sites to address any arising needs of Gypsy and Traveller families, should they be forthcoming over the Plan period. This is in line with the Government aspiration to promote more private traveller site provision, as set out in PPTS 2015 and highlighted in the applicants D & A statement. It also recognises that needs can arise for a number of reasons, including accessibility to school & health facilities; pitch vacancies at the particular time; issues of ethnic mix

and compatibility; ability of available sites to accommodate large family groups etc. It is noted that the details supplied indicate that this is a proposal for provision for a family group.

6.3 **Visual impact and landscaping**

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale, density, pattern and design taking into account the local context and character. SAMDev policy MD2 requires development to respect locally distinctive or valued character and existing amenity value.

6.3.2 This site is not conspicuous in the wider rural landscape due the topography, the woodland screening to the west and the mix of existing surrounding land uses. The additional hedge and tree boundary planting proposed, the full details of which could be conditioned on any grant of planning permission, would also assist in making the site, stationed caravans and parked vehicles less conspicuous at closer range views. The proposed design and materials for the amenity buildings would be sympathetic to the rural setting.

6.4 **Highway Safety**

6.4.1 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. It also seeks to secure safe developments. The NPPF, at paragraph 110 requires that developments provide a safe and suitable access to the site can be achieved for all users. Paragraph 111 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.4.2 The road over which access to this site is gained already serves in excess of 100 static caravans/ park homes and other residential properties. The Council's Highways Consultants are content that the site access and local road network can accommodate safely the type and volume of traffic likely to be generated by this application, which proposes wholly residential plots and not their dual use for business purposes. The close proximity of the site to Highley and the services available there mean that the site occupants are not wholly reliant on the private car to access them. There are no highway related grounds for refusal which could be sustained at appeal in this case.

6.5 **Ecology**

6.5.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies. Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes trees in this locality.

6.5.2 An Ecological Appraisal was requested and provided in the form of a Preliminary

Ecological Appraisal (Extended Phase 1 Habitat Survey) by Midland Ecology. This has established the baseline conditions, includes a discussion of impacts and then makes recommendations. The Appraisal sets out best practice measures in respect of protecting bats should any works to trees and hedgerows be proposed, to protect nesting birds, to monitor any badger activity and precautionary measures to take with respect to reptiles and small mammals. It comments that due to the presence of a breeding pond in close proximity it should be assumed that great crested newts are present within the suitable terrestrial habitat (tall ruderal, marshy grassland, log piles and hedgerows). Works within 250 metres of a known great crested newt breeding pond require a European Protected Species Licence from Natural England in order to proceed legally. Given that this is a partly retrospective application and adverse impacts which may have arisen with respect to works already done on site would be a matter for the licensing authority - Natural England. The recommendation of the Council's Ecology Team that further information is required with regards to great crested newts is acknowledged, but account has to be taken of the fact that some works have already been carried out on site and that it is occupied. Were planning permission to be granted then it would have to be conditioned that no further works are carried out until such time that the appropriate licence has been obtained from Natural England.

- 6.5.3 The Ecological Appraisal makes recommendations that, where possible, the development should incorporate wildlife friendly lighting; measures to protect existing trees from construction activities; inclusion of bat and bird boxes; hedgehog hibernation box; inclusion of plants of known value to wildlife in the landscape design; removal of Himalayan Balsam identified on site; creation of wildlife refuge areas (habitat piles) and measures to improve ecological connectivity, such as strengthening tree-lined boundaries. A further planning condition would require the development to be carried out in accordance with the recommendations of the submitted Ecological Appraisal.

6.6 Residential Amenity

- 6.6.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The proposed siting of the pitches would not unduly impact on the privacy of other residential properties in the vicinity or lead to overbearing impacts. While there are noises associated with any residential use it is not considered, with the separation distances between properties, that a planning refusal on grounds of noise disturbance could be sustained. (The comments made by some third parties alleging noise disturbance from barking dogs is a matter to be addressed through other legislation should it be found to constitute a nuisance). The separation distance of the site from the infrastructure contained within the sewage treatment plant to the east would be sufficient to ensure that the amenities of the occupants of the caravans would not be unduly harmed. (Severn Trent as operator of that facility has raised no concerns on this issue in their consultation response).

6.7 Drainage

- 6.7.1 Core Strategy policy CS18 seeks to ensure proposals include measures for

sustainable water management and reduce flood risk. This application includes permeable hard surfaces and the foul drainage would be via a septic tank . The site falls within flood zone 1, which are areas at minimal risk of flooding. The Council's Drainage Consultants are content that the details of the drainage arrangements can be conditioned on any grant of planning permission.

6.8 **The Planning Balance**

- 6.8.1 Local Policy and evidence, including supply of sites, is a significant material consideration. The current evidence, as set out in the GTAA 2019 update does not identify any strategic need for Gypsy and Traveller sites but recommends that the Council continues to consider applications for small sites for family use as they arise, using its criteria-based policy.
- 6.8.2 PPTS is also clear that irrespective of identified need it is expected that applications which come forward on unallocated sites will be assessed on their merits against local policy criteria (currently in CS12) which facilitate the traditional way of life of travellers. There is also a need to consider the best interests of the child under the Human Rights, Equality Act 2010, personal circumstances and establish the availability of alternative accommodation (para 24 PPTS).
- 6.8.3 The adopted Plan Policy CS12 currently provides the relevant local criteria for the consideration of applications. The policy seeks to direct most pitch provision to locations which are in reasonable proximity of sustainable settlements with services and facilities to facilitate access to education, health, welfare and employment opportunities. However whilst it is recognised that to promote sustainable lifestyles and communities, sites should be reasonably accessible to facilities and services, this must be balanced with the need to: provide affordable opportunities for sites; the requirements of Gypsy and Traveller traditional lifestyles, local environmental capacity and the ability of local infrastructure to absorb additional requirements.
- 6.8.4 The site is located in countryside. Whilst PPTS paragraph 25 states that new traveller sites in open countryside away from settlements should be very strictly limited, provision is made for appropriate sites in rural areas. The appropriateness of the scale of any rural site relative to nearest settled community and capacity of local infrastructure is an important consideration and in this case the site will need to be considered in the context of its relative close proximity and accessibility to Highley, a Key Centre.
- 6.8.5 The Council's most recent GTAA evidence is considered robust. It is not agreed that there is general need for traveller pitches as set in the D & A Statement. However, whilst the published evidence indicates that there is no strategic requirement for pitches over either the current Local Plan period (to 2026) or the Local Plan review period (to 2038)_it also recommends that applications for small sites should continue to be considered as a means of addressing specific arising needs.(See 6.2.5 above).
- 6.8.6 A 6 pitch site could be considered appropriate in scale in the context of Highley and specific needs are cited. The applicant's family and occupiers of the pitches have

been confirmed by the Council's Gypsy Liaison Officer to be Romany Gypsies and it is important to them to live as part of an extended family group.

- 6.8.7 The site is close to village facilities which include a large range of shops, health facilities and a primary school. Paragraph 13 of DCLG 2015 states that LPAs should ensure traveller sites are sustainable economically, socially and environmentally and should ensure that, among other matters which are listed, site locations ensure that children can attend school on a regular basis.
- 6.8.8 Were the application to be refused and enforcement action taken, the families are likely to return to living on the road and disruption to the education of the children (And their health care). It is considered that the needs of the children are a primary material consideration relevant to the determination of this application.
- 6.8.9 Planning conditions would be necessary on any approval limiting the occupation of the site to gypsies and to the persons named in the supporting information, due to the site only being acceptable because of the identity of the occupiers and their identified needs.
- 6.9.10 The ecological impact of the development, as reviewed by the Ecological Appraisal, indicates that measures can be incorporated in the development to safeguard those interests, which could be secured through planning conditions.

7.0 CONCLUSION

The personal circumstances of the occupiers, particularly having regard to the educational needs of the children and the positive attributes of the site in terms of not impacting on residential amenity of existing properties; the proximity of services for the occupants (Including education for the children); safe access onto the local road network; the limited visual impact due to topography and surrounding land uses; the lack of available pitches on authorised traveller sites in Shropshire to accommodate this extended family are factors which, cumulatively, result in the recommendation for approval.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance
Planning policy for traveller sites August 2015 DCLG

Shropshire Core Strategy and SAMDev Plan Policies:
CS3 - The Market Towns and Other Key Centres
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS12 - Gypsies and Traveller Provision
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S9 – Highley

SPD Type and Affordability of Housing

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QPGL1PTDL8N00>

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

Design and Access Statement
Ecological Appraisal

Local Member

Cllr Dave Tremellen

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (DCLG 2015) or any document replacing or updating it.

Reason: To define the permission for the avoidance of doubt.

2. The residential occupation of the land hereby permitted shall be carried on by John Jones and Karen Jones; Jack and Jadine Finney; Dylan Jones; Anthony Jones and Rhys Jones, and their resident dependants, and shall be for a limited period being the period during which the land is occupied by them.

Reason: Planning permission has only been given because of the personal circumstances of the occupiers and their identified needs.

3. When the land ceases to be occupied by the persons named in condition 2 above the use hereby be permitted and all mobile homes, static and touring caravans, portable structures, materials and equipment stored on the land shall be removed from the land within one month of the cessation date.

Reason: Planning permission has only been given because of the personal circumstances of the occupiers and their identified needs and to safeguard the natural and local environment.

4. Prior to the cessation of the use details of a scheme to restore the land to its condition before development took place (including the removal of buildings) shall be submitted to and approved in writing by the local planning authority. The details shall include a timescale for the carrying out of the scheme after cessation of the use hereby permitted pursuant to condition 3 above. The restoration works shall be carried out in accordance with the approved details including the approved timescale.

Reason: Planning permission has only been given because of the personal circumstances of the occupiers and their identified needs and to safeguard the natural and local environment.

5. There shall be no more than the six pitches hereby approved on the site and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than one shall be a static caravan or mobile home) shall be stationed on each of the six pitches at any time.

Reason: To define the permission for the avoidance of any doubt and to limit the impact of the development on the countryside.

6. No commercial activities shall take place on the land, other than the parking of vehicles and storage of equipment associated with the occupiers businesses.

Reason: To define the permission for the avoidance of any doubt and to limit the impact of the development on the countryside and neighbour amenity.

7. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK and any future update to that document.

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

8. The development shall be carried out in accordance with the recommendations of the Extended Phase 1 Preliminary Ecological Appraisal by Midland Ecology in respect of Silverwoods, Netherton, Highley dated 16/08/2021 with final sign off date of 20/09/2021.

Reason: To safeguard ecological interests.

9. Within three months of the date of this permission details of the additional native hedge and tree planting shown on the approved drawing shall be submitted to the Local Planning Authority for approval in writing. The details shall include schedules of trees and plants, noting species (including scientific names), planting sizes and proposed numbers/densities of hedge planting; and implementation timetables. The hedge and tree planting shall be carried out in accordance 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 be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: In the interests of the visual amenities of the area and to provide an enhancement to biodiversity afforded by appropriate landscape design.

10. No work shall commence on the amenity blocks until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the amenity blocks are first brought into use.

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

11. Prior to further works being carried out on site, including the erection and servicing of the amenity blocks, a European Protected Species Licence with respect to great crested newts shall be obtained from Natural England and a copy supplied to the Local Planning Authority.
Reason: To safeguard a protected species that could be present on site due to the close proximity of a known breeding pond for that species.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance
Planning policy for traveller sites August 2015 DCLG

Shropshire Core Strategy:
CS3 Market Towns and other Key Centres
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS12 Gypsy and Traveller Provision
CS17 Environmental Networks
CS18 Sustainable Water Management

SAMDev Plan:
MD2 Sustainable Design
MD12 The Natural Environment

MD13 The Historic Environment
S9 Highley Area

SPD on the Type and Affordability of Housing

3. Himalayan balsam is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to allow this species to be released into, or cause it to grow, in the wild and landowners should not allow it to spread onto neighbouring land, although they may not be obliged to remove or treat it on their own land.

Treatment of Himalayan balsam should be carried out by an experienced contractor and development cannot commence until the plant has been completely removed from the site.

Use of herbicides alongside water courses should only be undertaken by experienced, licensed contractors following advice from the Environment Agency.

Himalayan balsam is classed as a controlled waste and should be disposed of by an experienced contractor to an approved waste site in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991).

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

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

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

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

5. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

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

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

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

occupying a sett.

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

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

7. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

-

Location: Silverwoods, Netherton Road, Highley, Bridgnorth, Shropshire

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<u>Committee and date</u>
Southern Planning Committee
8 February 2022

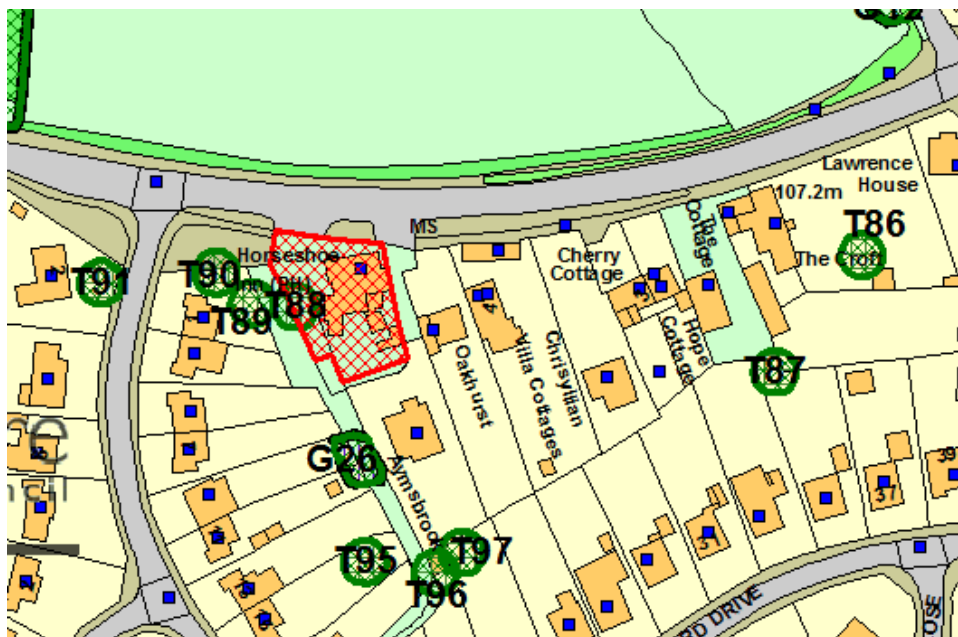
Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/01844/OUT	<u>Parish:</u>	Pontesbury
<u>Proposal:</u> Outline planning application to include means of access for the demolition of an existing public house and erection of up to 4No. dwellings		
<u>Site Address:</u> The Horseshoes Inn Minsterley Road Pontesbury Shrewsbury Shropshire		
<u>Applicant:</u> Mrs T Challenor		
<u>Case Officer:</u> David Jones	<u>email</u>	:

Grid Ref: 339364 - 306055



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

REPORT

1.0 THE PROPOSAL

- 1.1 The planning application is submitted in outline form with all matters except for access reserved for future consideration, the proposal is for the demolition of the existing public house and the development of up to four dwellings. An indicative layout has been submitted which illustrates a staggered terrace of four dwellings facing Minsterley Road to the north. Each dwelling is shown to have an indicative footprint of 5.5 by 9.5 metres in width, it has been confirmed that the dwellings would be two storeys in height. Supporting information is included with the planning application detailing that the public house has been available for sale since August 2018 but that no offers have been received. The planning application is also accompanied by an arboriculture report and a Heritage Impact Assessment.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Horseshoes Inn is located within the western part of the settlement of Pontesbury. The A488 Minsterley Road is located adjacent to the north and the public highway here extends to the frontage of the public house. The public house is of traditional appearance including facing brick and rendered walls and a plain tile roof. The public house is two-storey and has been extensively altered including a flat roof dormer window, a conservatory and a flat roofed extension at the rear. The levels of the application site rise to the south and buildings present at the rear are single storey. There is a large cypress hedge and a silver birch in close proximity to the boundary of the site to the south and the west.
- 2.2 There is a residential property located to the rear of the property which has a vehicular access abutting the east of the public house. There are also residential properties in proximity to the east and west.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the Officer recommendation. The Local Ward Member has requested determination by Committee. The Principal Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, consider that the material planning considerations raised in this case warrant the application being determined by Committee.

4.0 Community Representations

Consultee Comment

- 4.1 Pontesbury Parish Council - Objects for the following reasons:

- The Parish Council has applied for the property to be on a Community Asset Transfer list.
- Supports the view of the council's Conservation Officer in relation to policies CS6 and MD2, local character and carbon emissions if demolition and rebuild are undertaken. The Parish Council also note that further emissions would be produced as local people would need to get in their vehicles and travel further.
- It is considered that the public house is a community asset and agree with the Conservation Officer that more information is required to be able to value the asset.
- The houses are out of keeping with surrounding properties.
- Overdevelopment.
- The village population is rapidly expanding with another sizeable development (40 houses) proposed within walking distance of this public house.

4.2 Drainage & Suds – Conditional planning permission recommended requiring the submission of a scheme for foul and surface water drainage.

4.3 Tree Team 28.04.21 - No objection in principle but there are a number of significant trees, shrubs and hedgerows present on or adjacent to this site. The development of this land has the potential to impact upon these trees, including the possibility of damaging them to a point that they cannot be safely retained and/or create a situation whereby the trees affect or exert an influence over the proposed development in the longer term. It is expected that any proposed development would make provision to retain any trees identified as significant or potentially significant in the terms of public amenity or provide substantial justification and mitigation where their removal is proposed. Where trees are retained, it must be demonstrated that they can be integrated into the site layout and protected to the minimum standard recommended in BS 5837: 2012.

Landscaping and the planting of trees is an essential element of any sustainable development and provision must be made within the site layout to provide space to plant long lived, large canopy trees for the long-term benefit of the site and surrounding area. The AIA should take the opportunity to identify locations where new trees, appropriate to the context of the site and local landscape character, can be planted and allowed to develop to maturity without coming into conflict with other land uses on the site. These areas must be identified and protected during the construction phase of the development to prevent soil degradation. As this is an outline application the information should demonstrate that there is adequate space to allow for the proposed numbers of structures and associated infrastructure and to provide the required protection / separation zones around retained and proposed trees. If this information is not forthcoming it must be considered that the proposed development will have a substantial negative impact on the adjacent trees and the wider amenity and it would be recommended that the application be refused as it would be contrary to the principles of sustainable development outlined in the NPPF and the Shropshire Local Development Framework; adopted core strategy policies CS6

& CS17 and policies MD2 & MD12 of the adopted SAMDev plan.

Trees Team 22.07.21 - There are a number of trees on this site and an Arboriculture Impact Assessment has been submitted with the application to demonstrate the impact of the development on existing trees, hedges and shrubs and to justify and mitigate any losses that may occur.

The AIA has identified 1 individual tree and 2 hedgerows 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 would agree that these are appropriate.

The application is for outline planning permission and the AIA indicates that the site can be accessed and developed without significant impact to trees that are important in the amenity of the area.

Landscape planting of trees forms an important element of a development of this type, particularly where existing trees are scarce. The indicative layout has limited space for new planting and it is difficult to see how it would be able to provide a reasonable level of new tree planting as would be expected from a sustainable development.

Whilst no objection is raised to the application at this stage, the final layout must be adapted to take account of the tree constraints identified in the AIA and make provision to sustainably plant new trees that will enhance the development and contribute to the amenity of the wider area.

The final site layout submitted as Reserved Matters, must be supported with an updated version of the AIA, assessing any impacts that arise and demonstrating that any retained trees can be protected to the minimum standards recommended in BS5837: 2012. The application should also be supported by a landscape proposal including trees planting prepared in accordance with BS8545:2014

4.4 Environmental Protection In May 2007, The Horseshoes Inn along with a number of other properties located at Minsterley Road, Pontesbury were determined as Statutory Contaminated Land in accordance with Section

78(B)(3) of the Environmental Protection Act 1990 (EPA 1990) under the Councils EPA 1990 Part 2A responsibilities. This was because the land on which they are constructed was historically a former lead smelting works. Therefore, the answers to question 6 (Existing Use) in respect of

contamination on the application form, have been answered incorrectly. A remediation statement (CL6/07/RS dated 6th March 2009) was issued and the property entered on the Public Register of Contaminated Land (EPA 1990 Section 78(R)).

In summary the remediation comprised of the excavation of contaminants and contaminated soils, treatment, off-site disposal, placement of a geotextile membrane followed by clean soils. However, the remediation works were only

carried out in what was the former beer garden of the Inn, which is now occupied by a residential property, but the extent of the land that is determined includes the area of land subject to this application.

No remediation was carried out where hardstanding existed and the extent of remediation undertaken is reported in the following reports: The Horseshoes Inn, Minsterley Road, Pontesbury Validation Report SH0120017 March 2009; and Remediation of Part IIA Contaminated Land:

Minsterley Road, Pontesbury Verification Report Final SH0120017 October 2009.

The lead smelter can be dated back to at least 1831 and the Horseshoes Inn building as it occupies the site today, can be dated back to at least 1954. Therefore, there is the potential that significant concentrations of contamination, primarily heavy metals will be present in the soil beneath the existing building and hardstanding areas.

Conditional permission is recommended requiring a contaminated land scheme

4.5 Economic Development - No objection. The site has been marketed for two years with little commercial interest. The public house is one of two in the village with others in the rural hinterland. Pontesbury and Minsterley are designated as a joint key centre in the SAMDev Plan with a range of social and community facilities. It is considered that the loss of the public house will have no significant impact with on this function

4.6 SC Conservation – Comment:

The Horseshoes Inn is a road-side public house positioned at the westerly edge of the settlement of Pontesbury. Referring to sequential historic OS mapping, the ‘Horseshoe BH’ (Beer House) is denoted on the First Edition 1881 map as part of a cluster of buildings and a historic milestone existing at that time some distance to the west of the historic core of the settlement, and again is denoted as such on the subsequent re-surveyed 1901 OS map. The buildings associated with the Horseshoes on this mapping are set back from the highway further than the existing Horseshoes Public House of today – this ties in with Shropshire Archives holdings found in the ‘Discovering Shropshire’s History’ website where in October 1901 an application was made by W.T Southam for ‘conversion of the Horseshoe Inn into two dwelling units’, and additionally where a concurrent October 1901 application was made for ‘rebuilding of the Horseshoe Inn’ also by W.T. Southam:

Referring to current and historic mapping overlays, the earlier buildings associated with the original Inn appear to still be in place for the most part and converted to other uses, where additionally there is to the immediate east of the group a Historic Environment Record entry (HER 20380) denoting the site of a former lead smelter in use until about 1845 where this area was known as Smelthouse Yard on the 1842 Tithe Map.

This Outline planning application proposes demolition of the existing public house and development of the site for up to 4 dwellings, where an indicative plans has been submitted showing a row of four units running parallel with the highway with

parking to the front.

We would advise that in considering this application, due regard to the following local and national policies and guidance relevant to the historic environment would be required: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev) and the National Planning Policy Framework (NPPF).

We would specifically draw attention to the need to consider the requirements of CS6 and MD2 which require the need to take account of local character and context, responding appropriately to the form and layout of existing development including streetscape, scale and proportion. These policies 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, where this building complex may represent non-designated heritage assets within a road-side edge of settlement context. It is noted that a planning statement has been submitted with this application however this does not specifically address historic environment matters and no heritage impact assessment has been prepared or submitted as part of this statement where we would refer to the requirements of Paragraph 189 of the NPPF and our local policy MD13.

Given that this application involves the complete demolition of an existing building, we would also highlight Historic England research (Heritage Counts – Reuse and Recycle to Reduce Carbon) which demonstrates the sustainable benefits of continuing to adapt and re-use existing buildings through retrofit and refurbishment where these assets hold historic embodied carbon and where their retention and reuse can reduce the need for new carbon-generating construction activities, reducing the need for new material extraction and reducing waste production, in line with our own local policies on sustainable energy.

Retention and reuse of the existing building for a new use would also be in line with the historic reuse of buildings on the wider site. We would raise the above noted issues on this outline application where it is not considered that sufficient information has been provided with reference to the policy considerations and guidance referenced above.

SC Conservation 22.07.21 - Following on from our earlier consultee comments, the agent has now prepared a Heritage Impact Assessment which provides some history and evolution of this site and immediate area including a sequential map analysis, along with consideration of the full demolition of the existing Horseshoes Inn building and its replacement with four new dwellings ' in order to address the requirements of the revised NPPF and our local policy MD13.

The HIA notes that the current Inn is a traditional building constructed from brickwork and rendered walls with a plain tile roof but also notes that the building has been subject to modern extension and alteration of vary design and scale with a lack of cohesiveness to the original building which affects its significance, where there is general agreement with that assessment.

We do contend however that the Inn is a substantial structure which has been established in this roadside position since the very early 20th Century as a rebuild of an earlier beer house and given the overall appearance and form of this building it would appear that it could comprise a relatively easy residential conversion project which would find a new use for an existing traditional building which fits in with the form, context and pattern of development here while better addressing the potential environment costs of full demolition. There is scope for the removal of some of the more overtly modern elements of this building which could free up additional space on the site. We would still recommend that opportunities for conversion and reuse of this building should be more fully explored as part of potential redevelopment of the wider site.

SC Conservation 03/11/21 - If the application concerned the demolition of the original beer house which perhaps more clearly represented a non-designated heritage asset then a site visit would be necessary and hopefully we would be trying to retain the building for adaptive reuse. The HIA is in the main its fine but a bit on the short side. We would normally recommend for any buildings being demolished that date to pre-1948 or are of some interest if later that a photographic recording exercise is completed and this added as a pre-commencement condition – see standard condition JJ30 photographic recording – which would include a recording of the interior (as well as the exterior and the context) which the HIA does not include – so a Level 2 recording as per Historic England guidance would be appropriate.

SC Conservation 10.11.21 - No objection to granting consent. It is considered that the proposed residential use of the site is likely to generate less trips than the existing use. However, we would need to ensure that any proposals do not encroach into the public highway as the block seems to indicate that the proposed planting is within the public highway boundary. However, it is acknowledged that the application under consideration is outline with only access included for consideration. On that basis we raise no objection to the granting of consent, subject to relevant planning conditions being attached to any permission granted.

- 4.7 Highways 10.11.21 As previously outlined, in terms of principle of development, Shropshire Council as Highway Authority raises no objection to the granting of consent. It is considered that the proposed residential use of the site is likely to generate less trips than the existing use. However, we would need to ensure that any proposals do not encroach into the highway boundary. Please find attached a plan indicating Shropshire Council as Highways Authority's understanding of the extent of highway in this location. Whilst the red line boundary does not appear to include the highway, the attached block plan does indicate proposed planting within the highway boundary. However, it is acknowledged that the application under consideration is outline with only access a matter for consideration. On that basis, we raise no objection to the granting of consent, subject to relevant planning conditions (Construction Traffic Management Plan) being attached to any permission granted.

Public Comments

4.7 The planning application has been advertised with a site notice and the publicity period expired on the 26.05.21.

One objection has been received on the following grounds:

- Demand for public houses remains, applying for planning permission for residential development is not the answer.
- Proposal will not safeguard the public house but instead lead to its loss.
- Whilst this is not the last public house in the village the population here is increasing.
- To state that if planning permission is granted there is no intention to implement do not sit comfortably with each other.
- Conditional permission here would be inappropriate.

4.8 Councillor Nick Hignett – Objection on the following grounds:

- Whilst the applicant's reasoning for submitting this proposal is understood, a "fallback position" is not a valid justification for the demolition of an existing substantial building to be replaced with 4 modern dwellings.
- The proposal does not comply with CS6 and MD2 with reference to the character and layout of existing nearby dwellings. The proposal does not sit comfortably with adjoining properties.
- The carbon offset from this proposal would have a negative impact compared with re-purposing the property.
- Pontesbury is a large and expanding village with the capability to support 3 public houses particularly as they are well spaced within the development area.

5.0 THE MAIN ISSUES

- Principle of development
- Considerations relating to the loss of a community service
- Consideration of the loss of a non-designated heritage asset
- Relationship of the development with its surroundings
- Visual impact and landscaping
- Residential amenity considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 CS1 Core Strategy sets out the overall provision of new homes in the plan period and the overall settlement strategy.
- 6.1.2 Policy CS 3 of the Core Strategy 2011 states that the market towns and other key centres will maintain and enhance their roles in providing facilities and services to their rural hinterlands and providing foci for economic development and regeneration. Further that balanced housing and employment development, of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure will take place within the town's development boundaries and on sites allocated for development. Ministerley and Pontesbury are identified under the provisions of this policy as a combined key centre which will accommodate development to enhance their linked roles providing employment and services in the local area, whilst retaining their distinctive and separate identities.
- 6.1.3 Policy MD1 (Scale and Distribution of Development) of the SAMDev 2015 states sufficient land will be made available for the plan period to enable the delivery of development planned in the Core Strategy. Further that sustainable development will be supported in accord with the hierarchy of settlements listed and the policies and guidelines listed. Ministerley and Pontesbury are designated as Market Towns and Key Centres under Schedule MD1.1 (Settlement Policy Framework) and 40% of housing provision is planned for such settlements in accord with policy CS1 of the Core Strategy. At section S12 of the SAMDev it is explained that Ministerley and Pontesbury as joint centres will continue to provide facilities and services for their wider rural hinterland. It is stated that to support this role a combined target of 260 houses is proposed through a combination of allocated sites and windfall opportunities on existing brownfield and other infill sites.
- 6.1.4 The application site comprises a previously developed infill site and the principle of the developing four residential units aligns with the settlement strategy and detailed planning policy framework described above. It is also understood that capacity exists in the forecast housing provision for the settlement in the development plan.

6.2 Considerations relating to the loss of a community service

- 6.2.1 The parish council and the local councillor have objected to the proposal and one of the grounds is that the village population is rapidly expanding with another sizeable development of 40 houses proposed within walking distance of this public house. The objections of the parish council also explain that the public house is considered to be a community asset and that an application has been submitted to include it on the Community Asset Transfer list. Objections have also been received on these grounds from the public which additionally contend that demand exists for public houses and that proposal will result in the loss of the public house as opposed to safeguarding it.
- 6.2.2 As explained in the preceding section policy CS 3 of the Core Strategy 2011 states that the market towns and other key centres such as Ministerley and Pontesbury will maintain and enhance their roles in providing facilities and services to their rural hinterlands and providing foci for economic development and regeneration. The loss of a public house is a material consideration within this planning policy context which needs to be weighted in the assessment. Core Strategy policy CS8 relates to facilities, services and infrastructure provision and seeks to protect existing facilities, services and amenities that contribute to the quality of life of residents and visitors.
- 6.2.3 The supporting information included with the application indicates that the public house has been for sale since August 2018 with the asking price reduced in February 2020, but that there have only been four viewings and no offers received. The submissions also indicate that this is symptomatic of the general decline of United Kingdom public houses trade which is likely to have been exacerbated by the current pandemic with the proposal subject to this application being an attempt to secure a viable use for the property. The submission also explains that there is another public house in the village (The Nags Head) and others in proximity in the rural hinterland.
- 6.2.4 The consultation response from the council's Economic Development section states that on the basis that the property has been marketed for two years and because there is another public house in the village that it is considered that the loss of this public house will have no significant impact with on function of Ministerley and Pontesbury having regard to its role in the settlement strategy.
- 6.2.5 Taking all these matters into consideration it is not considered that that objection can be raised to the proposal on the grounds that it will result in the loss of a public house in that adequate evidence has been submitted of efforts to sell the property as a public house, alternate provision exists and it is not considered that the proposal would unacceptably impact on the role of the settlement.
- 6.2.6 It is also stated that an application has been made for the property to be on a Community Asset Transfer list. It is understood that this is a process whereby community-based groups or organisations can nominate a property such as a public for listing as an "Asset of Community Value". If the listing is successful, the legislation provides a six month notice of disposal period where the community can attempt to raise finances purchase the property but there is no obligation on the seller to accept the bid. It is understood that no application register "The Horseshoe

Inn” as a community asset has been received at the time of writing. Irrespective of this registration as an “Asset of Community Value” is a separate legislative process which is not decisive in the determination of this planning application.

6.3 Consideration of the loss of a non-designated heritage asset

6.3.1 Objection was initially raised by the council’s Conservation Officer to due to the fact that the proposal would result in the loss of a non-designated heritage asset and that the retention and re-sue of the existing building should be considered having regard to material planning policy requirements and notably policy MD13 which seeks to avoid harm to non-designated heritage assets. The supporting information indicated that the property’s scale, characteristics and lack of external space meant that its change of use to a residential dwelling was not considered a viable option.

Additional information was also submitted in the form of a Heritage Impact Assessment which amongst other considerations explained how the existing had been extensively altered. The council’s Conservation Officer have now withdrawn their original objections ostensibly because the application does not concern the demolition of the original beer house which would have more clearly represented a non-designated heritage asset, as opposed to the extensively altered building which currently exists.

6.4 Relationship of the development with its surroundings

6.4.1 Policies CS6 and MD2 which require the need to take account of local character and context, responding appropriately to the form and layout of existing development including streetscape, scale and proportion.

6.4.2 The planning application is submitted in outline form with only the means the access of access included for consideration. The appearance, layout, scale and landscaping are reserved for future consideration. An indicative layout has been submitted which illustrates a staggered terrace of four two storey dwellings facing Ministerely Road (A488).

6.4.3 The original building has been extended and altered having a flat roof dormer, flat roofed two storey extension and a UPVC conservatory and windows. All these additions are visible on the frontage of the building from the public highway and are considered to be generally unsympathetic such that the building is of no particular architectural merit nor contributes to the visual amenities of the area such that it merits retention.

6.4.4 Objections have been received on the grounds that the proposal comprises overdevelopment which is out of keeping with adjoining properties. It is acknowledged that the density of the development is higher than that of the detached and semi-detached properties adjacent to the application site. It is not considered that a higher density terraced type development would be out of character in this location and indeed similar examples are present along Ministerely Road (A488). The appearance, layout, scale and landscaping are reserved for future consideration and would need to be subject to a further reserved matters

application where detailed consideration of the detailed design and appearance would be undertaken.

6.5 Visual Impact and landscaping

6.5.1 There is a large cypress hedge and a silver birch in close proximity to the boundary of the site to the south and the west and the arboriculture assessment submitted with the planning application indicates that the site can be developed without significant impact on these hedges and trees. This is accepted by the council's Tree Officer, but it is recommended that an updated arboriculture assessment accompanies any reserved matters which takes account of the detailed designs. The Tree Officer also states that the indicative layout currently submitted has limited space for new planting which would be expected from a sustainable development perspective. These landscaping details will be provided as part of any reserved matters application and a judgement can then be made on the acceptability of these details.

6.6 Residential amenity considerations

6.6.1 Policy CS 6 (Sustainable Design and Development Principles) amongst other matters seeks to ensure that all development contributes to the health and wellbeing of communities, including safeguarding residential and local amenity. There is a residential property located to the rear of the property which has a vehicular access abutting the east of the public house, there are also residential properties in proximity to the east and west.

6.6.2 Public houses can have detrimental impact on the amenities of occupants of residences in the vicinity and the amenities of the area generally by virtue of noise and general disturbance. The redevelopment of this site for residential purposes can be attributed positive weight as the amenities of the properties adjacent are likely to be improved. In addition, as explained in the comments of the council's Highway Section the proposal is also likely to result in less vehicle movements which again will have a positive impact in terms of amenity.

6.6.3 It is also material to assess the impact of the proposals on the outlook and in terms of overlooking of the adjacent residential properties. The presence of the existing buildings on the application site and the levels of the site which rise to the south are material in this assessment. Generally, the proposal is considered acceptable on residential amenity grounds but based on the indicative block plan submitted the distances from the rear elevations of two plots to the southern or boundary adjacent to the existing property to the rear is insufficient. These details are, however, indicative and this matter can be assessed as part of the reserved matters.

6.7 Other matters

6.7.1 No objections are raised by the council's Highways Section and it is stated that the proposal would generate less traffic movements than the existing use as a public house. A planning condition is recommended requiring the submission of a Construction Traffic Management Plan to mitigate highway impacts in the demolition and construction of the development. The applicant has also submitted amended plans which shows that the application site does not encroach onto the

public highway.

- 6.7.2 The Council's Regulatory Services advise that historically there was a lead smelter present on the application and that there is the potential for significant concentrations of contamination comprising predominantly heavy metals to be present. As part of any planning permission granted it is therefore recommended that a contaminated land condition is attached which requires a scheme of remediation of potential contaminants present to be approved by the council.

7.0 CONCLUSION

- 7.1 The application site comprises a previously developed infill site within the settlement boundary and the principle of the developing four residential units aligns with the settlement strategy and detailed planning policy framework. As the existing building has been extensively altered from the original beer house objection is not raised on the basis that it should be retained as a non-designated heritage asset. Whilst four two storey house houses in a terrace form are not considered inappropriate it must also be borne in mind that the application is in outline form and matters of detailed design including consideration of existing and proposed landscaping and consideration of residential amenity can be undertaken at the reserved matters stage.
- 7.2 It is not considered that that objection can be raised to the proposal on the grounds that it will result in the loss of a public house in that adequate evidence has been submitted of efforts to sell the property as a public house, alternate provision exists and it is not considered that the proposal would unacceptably impact on the role of the settlement.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS1 - Strategic Approach
CS3 - The Market Towns and Other Key Centres
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS17 - Environmental Networks
CS18 - Sustainable Water Management

MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD3 - Managing Housing Development
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S12 - Minsterley – Pontesbury

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY: _

09/01417/FUL Erection of a conservatory to side GRANT 14th August 2009
16/00279/FUL Demolition of one small extension and one shed and erection of new single storey extension. GRANT 22nd March 2016

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QRB615TDM8200>

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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Planning Statement Arboricultural Report Heritage Impact Assessment

Cabinet Member (Portfolio Holder) Councillor Ed Potter

Local Member

Cllr Nick Hignett

Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, 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 details to be submitted for the written approval of the Local Planning Authority in accord with condition 1. shall:

- have a maximum of two storeys in height.
- ensure that the layout and design have no window(s) of any habitable room(s) overlooking an existing habitable room at a distance of less than 21 metres and any residential amenity area at less than 10 metres.

Reason To define the scope of this planning permission having regard to the assessed details and to safeguard the residential amenities of adjacent properties.

5. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (1) above shall include a scheme of landscaping and tree planting for the site. The approved scheme shall be implemented not later than the first planting season after the occupation of the buildings or completion of the development, whichever is the sooner.

Reason: In the interests of the visual amenities of the locality.

6. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (1) above shall include full details of a scheme indicating all of the proposed means of enclosure around and within the site whether by means of walls or fences and timetable for the implementation thereof. The approved means of enclosure shall be constructed or erected prior in accord with the details as may be approved in writing under the

provisions of this planning condition.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and to safeguard residential amenities adjacent.

7. The details to be submitted for approval in writing by the Local Planning Authority in accordance with Condition (1) above shall include details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land. The building(s) shall be constructed with slabs at levels that have been approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

8. No development shall take place until trade descriptions of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

Reason: To ensure a satisfactory appearance to the development.

9. a) No development (with the exception of demolition works where these are for the reason of making areas of the site available for site investigation) shall take place until a Site Investigation Report (to assess the nature and extent of any contamination present on the site and undertaken by a competent person in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM)) has been submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy (including a timetable for the implementation thereof) shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

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 shall take place, including any demolition works, until a construction management plan incorporating a method statement has been submitted to and approved in writing by the Local Planning Authority. and shall provide for:

- i. A construction programme including phasing of works;
- ii. 24 hour emergency contact number;
- iii. Hours of operation;
- iv. Expected number and type of vehicles accessing the site:
Deliveries, waste, cranes, equipment, plant, works, visitors;
Size of construction vehicles;
The use of a consolidation operation or scheme for the delivery of materials and goods;
Phasing of works;
- v. Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- vi. Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- vii. Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- viii. Locations for storage of plant/waste/construction materials;
- ix. Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- x. Arrangements to receive abnormal loads or unusually large vehicles;
- xi. Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- xii. Any necessary temporary traffic management measures;
- xiii. Measures to protect vulnerable road users (cyclists and pedestrians);
- xiv. Arrangements for temporary facilities for any bus stops or routes;
- xv. Method of preventing mud being carried onto the highway;
- xvi. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The plan shall be adhered to throughout the construction period

The demolition and construction of the development hereby approved shall be undertaken

strictly in accord with any construction management plan approved in writing under the provisions of this planning condition.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

12. Any trees or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the Local Planning Authority.

Reason: In the interests of visual amenities of the locality.

13. The development hereby permitted shall be carried out in strict conformity with the details shown on the approved plans, and contained in the form of application and in any other documents accompanying such application as listed below, unless specified otherwise in any conditions of this planning permission:

Location Plan SA39355-BRY-ST-PL-A-0001_A

Reason To ensure that the development is implemented in accord with the approved details.

14. No construction (and/or demolition) works and associated deliveries shall not take place outside the hours of 7.30am to 6.00pm Mondays to Fridays; 8.00am to 1.00pm Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. The site is classed as brownfield, therefore a 50% betterment to the current surface water flows should be provided in accordance with Shropshire Council requirements. The use of soakaways should be investigated in the first instance for surface water disposal. The betterment requirement will be assumed to have been achieved if all surface water is disposed of via soakaways. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting

other buildings or infrastructure. Full details, calculations and location 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.

The site is identified as being at risk of groundwater flooding. The applicant should provide details of how groundwater will be managed. The level of water table should be determined if the use of infiltration techniques are being proposed.

Should soakaways are not feasible, drainage details and calculations to limit the proposed discharge, for the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonable practicable to the greenfield runoff volume for the same event as in accordance with the Non- Statutory Technical Standards for Sustainable Drainage Systems 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.

3. 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

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.

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.

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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Committee and date

Southern Planning Committee

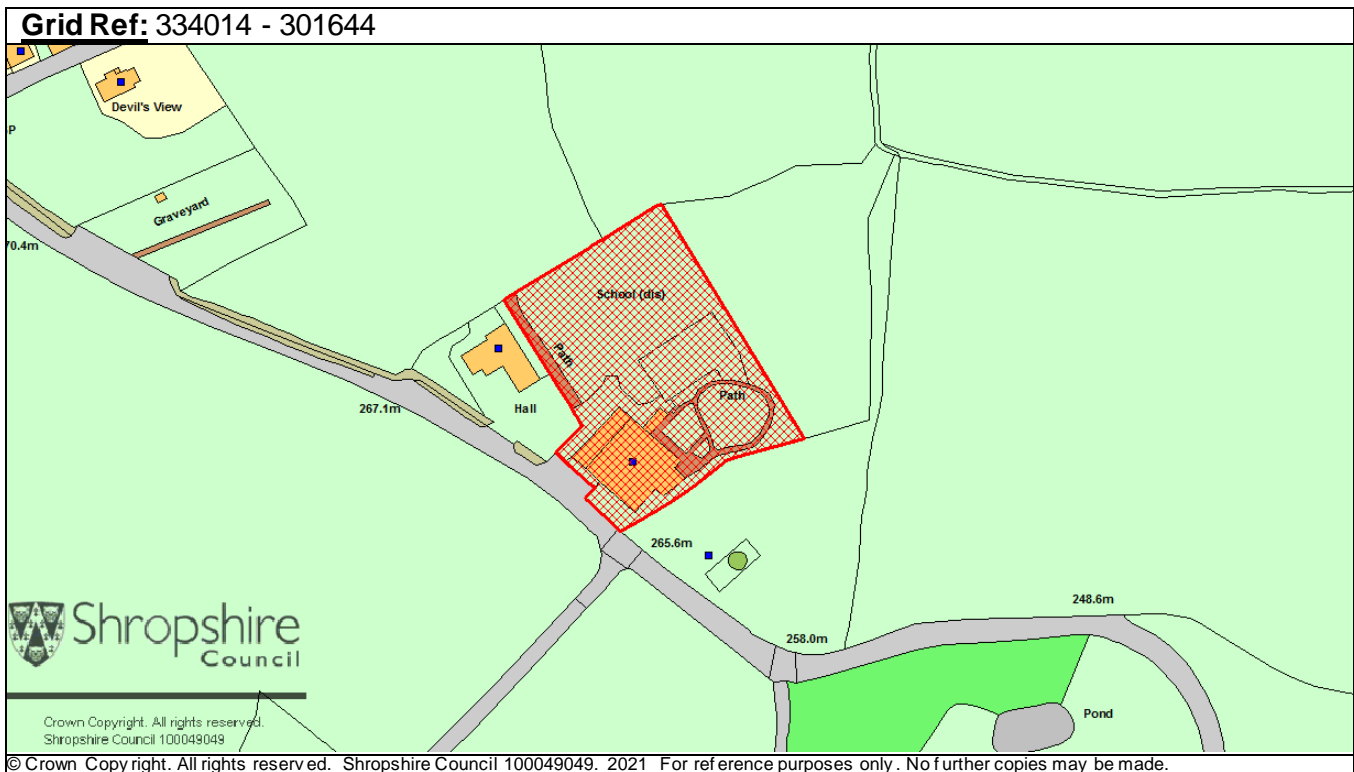
8 February 2022

Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/01948/FUL	<u>Parish:</u>	Worthen With Shelve
<u>Proposal:</u> Demolition of existing buildings and the erection of 9 dwellings, with access, the extension of Hope Village Hall car park to provide 12 additional parking spaces, revised entrance to the Village Green and associated works		
<u>Site Address:</u> Hope C Of E Primary School Hope Shrewsbury Shropshire SY5 0JB		
<u>Applicant:</u> Cornovii Developments Limited		
<u>Case Officer:</u> Shannon Franklin	<u>email</u>	: shannon.franklin@shropshire.gov.uk



Recommendation:- Grant Permission subject to the completion of a Section 106 agreement securing an affordable housing contribution and a public open space financial contribution in addition to the conditions contained in Appendix 1 below, and any modification to these conditions and the terms of the S106 as considered necessary by the Head of Planning.

REPORT

1.0 THE PROPOSAL

1.1 The application seeks planning permission for the demolition of existing buildings, a redundant school, and the erection of 9 dwellings. The scheme includes for the provision of a new access point, extension of the adjacent Hope Village Hall car park and a revised entrance to the Village Green and associated works.

1.2 The submission of the application follows the receipt of pre-application advice from Officers, referenced PREAPP/21/00047 and dated 9th March 2021 which confirmed that *'based on the indicative submission I should advise that any planning application is likely to be supported in principle'* subject to the issues of public open space, layout and amenity being suitably addressed.

2.0 SITE LOCATION

2.1 The application site is the former Hope CofE Primary School which closed approximately 3 years ago and remains redundant. The application site extends to 0.51ha, which includes the school building itself, an area of hardstanding to the front and a hard- surfaced playground to the rear. In addition, the application includes the land to the rear of the adjacent village hall comprising of the 'village green' currently laid to grass.

2.2 The boundaries of the site to the northwest, northeast and southeast are formed of mixed native species trees and hedging. To the southwest boundary there is a mixture of metal railed fencing, wooden fencing and brick wall forming the boundary to the highway and the village hall car park.

2.3 The site is bounded to the southwest by the village hall and its existing car park, together with the highway providing the site access and in a wider context in all directions is bounded by agricultural land laid to grass. The nearest neighbouring development is located 180m to the southeast; comprising of the residential dwelling The Old Schoolhouse, and 170m to the northwest; comprising of a cluster of residential dwellings either side of Drury Lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application does not meet the criteria for delegated decisions as set out in the Council's adopted 'Scheme of Delegation'. The application is submitted by Cornovii Development Limited, a housing development company wholly owned by Shropshire Council and as such, a committee decision is necessary, as has been confirmed by the Chair, Vice Chair and Principal Planning Officer at the relevant agenda setting meeting.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Worthen with Shelve Parish Council – 13.10.2021 - Neutral

The parish council is supportive in principal of the scheme but notes that the developer is looking to deliver UP TO 3 affordable dwellings to rent! This parish council would like to see 3 affordable dwelling, with a local lettings policy in place delivered in this development. We understand that the properties for sale would be offered on a local basis too.

Access to the village hall car park must be maintained at all times and the village hall car park is not to be used an overflow car park for this development.

The Village Green must be delivered as agreed with Hope Village Hall, the local member, the Local community and the Parish Council.

It is noted that this in a brownfield site, which has been supported in principle due to the aforementioned conditions in this response and our previous comments.

Initial comments - 28.04.2021 – Neutral

This Parish Council is supportive in principal of the scheme but would like to see some visuals of the roadside showing the relationship between the village hall and proposed site.

Properties need to be in character with the roadside setting and this parish council is concerned that the proposed buildings will look higher than the village hall in the landscape setting. If Plot 9 and Plot 5 were swapped, a bungalow would not appear so dominant against the roadside.

It is considered by this Parish Council that given that the site sit within the AONB some individual design features should be introduced into the properties so as to ensure the houses do not look so alike, giving a less urban style in the overall design of the properties.

This Parish Council has concerns about potential management charges for communal areas on the site.

This Parish Council would look for all new properties to be energy efficient.

We commend the developer in including the village hall and the wishes of the community in retaining a green space in the design aspect.

4.1.2 SC SUDS – Final comments – 27.01.2021 – Conditions recommended

The latest drawing S7822-01 Rev P6 does not address any of our comments from either 27/4/21 or 6/12/21 and therefore the condition from 27/4/21 is still required to ensure all details are provided.

Further comments – 06.12.2021 – No objection

1. Although the drainage layout is generally acceptable, all existing pipes should be replaced to the outfall watercourse. To reduce the likelihood of

blockages, the proposed pipes should be at least 150mm diameter.

2. Confirmation is required that the watercourse normally has flow throughout the year.
3. No further design details have been submitted as per our comments dated 27 April 2021. Full details must be submitted for approval.

Initial comments – 27.04.2021 – No Objection

Pre commencement conditions and informatives recommended.

4.1.3 Shropshire Hills AONB Partnership – 05.05.2021 – Neutral

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB.

With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision, and should take account of planning policies which protect the AONB, and the statutory AONB Management Plan.

Our standard response here does not indicate either an objection or 'no objection' to the current application.

The AONB Partnership in selected cases may make a further detailed response and take a considered position.

4.1.4 SC Regulatory Services – 11.05.2021 – No Objection

I would recommend that if permission is granted that a condition requiring that the sound insulation scheme for the proposed dwellings as detailed in section 6 of the Nova Acoustics report ref 5794LT 001 is implemented prior to occupation of the dwellings.

4.1.5 SC Ecology – 10.08.2021 – No Objection

Pre-commencement/Pre-occupation conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

Initial Comments – 14.05.2021 – Additional Information Required

Additional information is required in relation to bats and Great Crested Newts. In the absence of this additional information (detailed below) I recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the 2017 Conservation of Habitats and Species Regulations (as amended).

4.1.6 SC Highways - Final Comments – 02.11.2021 – No objection

Further to your recent consultation request in relation to the above mentioned planning application. I would like to apologise for the delay in responding. We have now had an opportunity to review the revised proposed site plan Drawing

number 2735-D-00 and can confirm that Shropshire Council as Highway Authority raise no objection to the granting of consent. It is our understanding that the development is to remain private and will not be put forward to be adopted by Shropshire Council as Highway maintainable at the public expense. On that basis we raise no concerns with regard to the proposed layout.

It is recommended that details of construction of the access are submitted for approval prior to commencement of works, and a construction management plan is submitted for approval.

Initial Comments – 12.05.2021 – Additional Information Required.

The development site is accessed off the C5141 rural road and is the former Hope C of E Primary School and the principle of residential development on the land was accepted in consultation under PREAPP/21/00047. It is understood that the access road within the development is to remain private.

It should be noted that as this application is for “FUL” planning consent, appropriate detail and information should have been submitted by the developer, to ensure that the use of pre-commencement conditions can be avoided, should consent be granted, as suggested in the NPPF.

While the general layout of the proposed internal estate road is considered acceptable from a highways perspective, as is the provision of two parking spaces per dwelling, the following points need to be addressed by the developer:

- Full details of the construction of the access junction with the public highway are required to be submitted. These should include details of tie-in to the existing carriageway and footway.
- It is considered that the proposals could be improved by continuing the footway along the entire site frontage in an easterly direction in order to ensure maximum visibility.
- In order for the car park extension for the village hall to be appropriately assessed a dimensioned scale drawing showing all car parking spaces, existing and proposed together with manoeuvring space is required.

It is suggested that the developer contacts Shropshire Councils Developing Highways to discuss the development so that it accords with emerging new highway guidance and specifications.

4.1.7 SC Learning and Skills – 11.08.2021 – No objection

Both Hope CE Primary and St Mary's CE Primary in Westbury were closed and provision consolidated in Worthen at Long Mountain CE Primary. Learning & Skills led on these school closures and so have identified that there is no further requirement for the former Hope CE Primary site to be used for educational purposes. Learning & Skills is expecting a net capital receipt from the disposal of the site to retrospectively meet part of the capital works and cost required on expanding Long Mountain CE Primary to help accommodate the pupils from the

closing schools.

4.1.8 SC Parks and Recreation - 06.10.2021 – No objection

Confirmed via email that an offsite financial contribution would be required for provision of public open space secured by an appropriate legal agreement.

Initial comment - 19.08.2021 – Concerns raised

If the village green is not available to the public at all times but access is restrictive and the area considered private then we would not agree for this to be incorporated into the development's POS calculations.

The POS should as far as possible be provided from within the development, not outside and therefore the indicative layout currently under-provides dedicated POS.

Due to the development being in a rural setting with an extensive public Rights of Way network within its vicinity, an onsite provision of POS would not necessarily be required however an offsite contribution would need to be discussed further to compensate for any loss of onsite provision.

4.1.9 SC Trees – Final comments – 07.12.2021 – Conditions recommended.

I assume that given your request for conditions that in the balance the tree teams concerns raised in our previous consultee comments cannot be addressed and that it is broadly expedient to move forward to granting planning consent with these matters un-resolved. The following recommendation for conditions should not be taken as a damage limitation exercise rather the Tree Teams unfettered support for the application.

The amended proposed site plan 2735-D-003B introduces some subtle changes to the site layout that are not reflected in the existing tree protection plan dated April 2021 it is therefore necessary to recommend that an amended tree protection plan is required as a pre-commencement condition.

I note that the amended drainage plan Ref. S7822-01Rev.5 still includes an excavation across the open space to the detriment of the existing tree (See previous consultee comments and addendum) and to its future rooting zone. The annotation on the plan is to use a technical term complete BS because there is no way short of using a mole drill not to damage both roots and the rooting medium, even when carefully trenching by hand with strict oversight there will be some degree of small root severance / damage.

Further comments - 20.10.2021 – Alterations required

The Tree Team make this following consultee comment to be considered in tandem with its consultee comments dated 13/08/2021.

As has been discussed in the Tree Team consultee comments dated 13/08/2021 it is not clear that the arboricultural implications of (a) the excavations for level changes and the resultant need for rootlock walling and;

(b) the excavation for the foul water drain across the open space by T24A have been properly considered by a competent arboriculturalist. The Shropshire Council Tree Team are not convinced that the impacts of these activities as set out on plans 2735-SK-32 & Ref.01 rev. P4 represent good design and sustainable development. There is a need for a revision of the arboricultural impact assessment in order to provide design improvements with a revised tree protection plan and arboricultural method statement.

From an arboricultural perspective there appears to be no good justification for excavating the foul drain across the open space by tree T24A when the drain could be equally well serviced by spurs running to the drain in the road. On the basis that the open space is effectively going to be a raised bed the area of open space next to T24A is the trees only natural future rooting space and is essential to its ongoing and future good condition. Excavating across the open space right next to tree T24Az Root Protection Area will:

- (a) Damage the soil horizons creating a boundary to root development.
- (b) Introduce a service in the root zone of a potentially large tree which introduces maintenance issues for the pipe and potential damage issues for the tree should any maintenance be required on the pipe.
- (c) The excavation is proposed so close to the trees RPA that unless made using moling technology it is highly likely that the works and machinery will overspill into the RPA of tree T24A.

This open space if left undisturbed could provide a healthy area of ground for the future root growth of tree T24A thus helping to mitigate the impacts of this development. Therefore, in the light of the aspirations for Sustainable Development, Good Design and for the requirement for biodiversity net gain this whole public open space should be protected during the development as construction exclusion zone (no machinery no storage of materials no excavations).

The arboricultural detail shown on plans (Ref 2735-SK-32) and the amended Proposed drainage layout (Ref.01 rev. P4) appears to offer a number of contradictions between what trees are to be retained, with the amended site plan offering root protection areas for trees T13U, T28B, T29B but not for trees G6, T17B, T16B, T20B which are identified for retention. Such inconsistencies result in on site errors during development and need to be addressed before the application is granted planning consent.

On the basis that the tree Team are still unable to recommend that this development reflects good design and sustainable development we are unable to recommend conditions here. However, should the case officer consider that it is expedient to progress this application towards determination without securing the changes and details discussed above then the Tree Team will be happy to recommend conditions at that time.

N.B. visual interpretation is included in the SC trees addendum 2.

Initial comments – 13.08.2021 – Alterations required.

1.1 Whilst the Tree Team consider the principle for development at this site is broadly acceptable it is not clear that compensation for the impacts on trees and landscape both identified and some not identified in the arboricultural impact assessment (AIS) have been considered in any depth and addressed. Given the extent of impacts upon trees and hedgerows and in relation to the principle of protecting restoring and enhancing natural environment with the expectation of net gain for biodiversity the Tree Team do not advise that this application be granted consent without first securing further detail on a range of arboricultural and landscape issues including measures (changes in layout) to mitigate unnecessary arboricultural impacts on existing boundary hedgerows. It is not expedient to leave the resolution of arboricultural impacts to conditions because at that stage layout will have been approved.

2.1 The Tree Team note that the development will remove the majority of the single most dominant block of trees on the site's south boundary (T10 to T44) with the retention of only four trees (T16 T17 T18 T24 & T44) and no capacity to replace the screening effect offered by the trees being lost.

2.2 The site sections plan and arboricultural impact assessment (Section 4,4 and the impact plan) highlight significant level changes and the use of a Criblock Wall along the south and north east boundary and level changes alongside the proposed village green these level changes are in close proximity to the boundary hedgerows with significant capacity to erode the quality and contribution to the character of the area and local green infrastructure. The AMS includes statements to the effect that:

- I. *It is unclear how much of the boundary hedgerow can be realistically retained during the development process. It is advised that the landscape scheme includes*
- II. *specifications for planting up any gaps that are produced during the development process or if any section die due to root damage.*
- III. *The section of H2 that will be situated alongside the Criblock Wall and new fence is unlikely to be able to be retained due to the space required for the development and how closely the Criblock Wall will be positioned to the hedgerow stems.*
- IV. *South boundary - Some sections of the hedgerow may require removal if the stems conflict with the route of the fence unless the fence route can be altered slightly to accommodate the hedgerow stems.*

These statements demonstrate why an arboricultural impact assessment is supposed to inform layout and help achieve sustainable development, an AIS identifies constraints that should then be addressed through good design. The tree Team are unable to support an application that is likely to result in the avoidable degradation of potentially important hedgerows.

2.3 The site sections (Plan 2735-D-020) appear to show significant level changes in the root zones of retained trees including the central oak reference T24, this is contrary to good practice and will result in significant detriment to the

trees effected.

2.4 Section 3.4.2 of the arboricultural report identifies that there would be a need over time to prune the oak tree (T24) in order to avoid proximity issues with neighbouring houses, granting planning consent where such issues are predictable is contrary to the principle of good design as set out in local policies and to good practice recommendations as embodied in BS 5837:2012.

2.5 With regards to tree T24 (Oak) the root protection area offered is the minimum acceptable, yet due to the presence of land for public open space to the north the RPA could be doubled without inconvenience to the developer but with significant benefits to the trees capacity to thrive, modification of the Tree Protection Area for T24 fits well with the principles of protecting restoring and enhancing natural assets.

2.6 Section 4.3 of the AIS identifies the potential for services and SUDS arrangements to have detrimental impacts upon retained trees, this advice is not reflected in the location of the proposed connection between the new SUDS and outflow from the sewage treatment to the existing surface water pipe, a revised arrangement or at least a site specific arboricultural method statement is required to manage these works.

2.7 Some compensatory planting is indicated on plan 2735-D-003A this falls between the housing development and the new village green, but as is shown in the SC trees addendum (attached) the site layout and constraints means that there is a high likelihood that the underlying ground in the areas identified for tree and landscape compensation will be destroyed as a growing medium leading to predictably poor development. Further to this the supporting details do not give any clear indication of what form and structure the planting will take, the plan annotation identifies trees but there is no indication of what trees will be planted and how they will be managed or integrated with the new houses without introducing a range of medium to long-term proximity issues for neighbours and for whoever takes on responsibility for managing them.

3.0 In considering the proposal the Tree Team has taken due regard where applicable to the following local and national policies and guidance, including national policies and guidance for the natural environment assets and habitats as aspired to in A Green Future: Our 25 Year Plan to Improve the Environment which informs the National Planning Policy Framework (NPPF) sections 2, 11, 12 & 15. National Model Design Code Part 2 (nature). CS6 'Sustainable Design and Development Principles' and CS17 of the Shropshire Core Strategy, and policy MD2 & MD12 of the SAMDev Plan. The layout is also considered against guidance on good practice and trees as set out in British Standard 5837:2012 Trees in relation to design, demolition and construction: recommendations & BS8545:2014 Trees: From nursery to independence in the landscape – recommendations.

4.0 Whilst from an arboricultural perspective the Tree Team maintain that there are a number of issues that make it difficult for them to support the application

as meeting sustainable development, should the Case Officer consider that it is expedient to progress the application forward without the above issues being addressed then the Tree Team would recommend conditions.

See public access for full comments.

4.1.10 **SC Affordable Housing – 17.08.2021 – No objection**

The site exceeds 0.5 ha and therefore falls within the definition of a major development for the purposes of applying adopted policy relating to affordable housing provision.

The applicant has requested consideration of vacant building credit being applied to the assessment of on-site affordable housing requirements/or financial contributions. The application site is located within an area where the prevailing target rate for affordable housing is 20% which translates on a scheme of 9 proposed dwellings to 1.8 i.e. one affordable dwelling and 0.8 as a financial contribution.

Paragraph 64 of the National Planning Policy Framework provides that “to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”. The footnote suggests that this credit should be “equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned”. The application of vacant building credit is considered appropriate in this instance. Taking into consideration the vacant building and the floor area of the proposed dwellings, has resulted in a reduction in contribution requirements. As such, the requirement relates solely to a financial contribution of £41,094 (effectively 0.6 of a contribution). The SPD Type and Affordability of Housing outlines the payment requirements and spend criteria.

Whilst there are no houses being proposed that meet the definition of ‘affordable dwellings’, those that are, support community aspirations for the site and for the Parish. The Parish have been keen to encourage and support the provision of smaller dwellings for young people and families and for bungalows for those requiring level access accommodation.

4.2 - Public Comments

4.2.1 This application was advertised via notice at the site, advertisements in the local newspaper and the Councils website. Additionally, the village hall adjacent was notified by way of publication of this application. At the time of writing this report, two applications in support and two applications with a neutral stance had been received in response to this publicity.

4.2.2 The reasons cited for the support to the application can be summarised as follows:

- The application will provide much needed additional parking to the neighbouring village hall;
- The application will redevelop a site which has been subject to vandalism

- since the closure of the school;
- Affordable lower cost housing is required in the rural area which the scheme provides;
- The provision of a new accessible village green is encouraged;

4.2.3 The reason cited for concerns/neutral standpoint are summarised as follows:

- Concerns over the resultant ownership of the new village green and its long-term maintenance;
- Concerns over the adequacy of the proposed drainage mechanism and its implications on flooding;
- Legal status and ownership of the land subject to the application;
- The developer is Shropshire Council and any decision will be favourable regardless of local residents' comments;
- The new development will involve an additional access point onto the road which raises highways safety and pedestrian safety concerns;
- The area does not cater to young families with regards to the services available, so the type of housing proposed is inappropriate;
- Applications in the area have been refused due to meeting the demand for housing needs so why would an application for 9no. dwellings be acceptable on this site;
- The site is within the AONB and should be protected accordingly.

4.2.4 The trustees of the neighbouring Hope Village Hall have also provided a comment which is available via the planning portal. In summary the Hope Village Hall Support the proposal but have raised concerns which can be summarised as follows:

- Potential impact of residents parking on the village hall car park;
- The proposed drainage scheme and the potential for it to impact upon the village hall and surrounding countryside;
- The specification details of the additional parking to be provided for the village hall.

Additionally, reference has been made to the need for formal legal agreements for the handover of the parking and 'village green' to the village hall trust

5.0 THE MAIN ISSUES

- 5.1
- **Principle of development**
 - **Siting, scale and design of the structure**
 - **Visual and heritage impact**
 - **Highways**
 - **Ecology and trees**
 - **Public open space**
 - **Affordable housing**
 - **Other matters**

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The application site comprises of a disused school building together with its outdoor playground, parking, and recreation areas. The proposal seeks to provide 9no. dwellings together with access and parking for each of these dwellings, together with additional parking for the adjacent village hall and a grassed area of landscaping identified as a 'village green' within the proposals.
- 6.1.2 The majority of the application site, currently occupied by the school buildings, school playground and associated parking areas, comprise previously developed land, and therefore in accordance with adopted policy CS10 of the Core Strategy is redevelopment for housing is supported. Policy CS10 recognises that priority should be given '*for the re-use and development of brownfield sites on suitable sites in sustainable locations*'.
- 6.1.3 The application site is located within the area of Hope; a dispersed settlement primarily focussed around development wither side of the A448 at its junction with the Hope School Lane off which the application site is located. Whilst its is accepted that spatially the application site sits outside the nucleus of the settlement of Hope, the site is still considered to form part of the settlement given its close proximity to neighbour dwellings and the pattern of development forming this village.
- 6.1.4 Hope, Bentlawnt, Hopesgate etc. within the Shelve Parish are identified as a Community Cluster at policy S2.2 (vii) of the SAMDev and whilst no de4fined development boundary is set down within the SAMDev polices maps, the application site is considered to be within it.
- 6.1.5 As such, in principal the application site is considered to be a sustainable location for development and a site comprising of previously developed land where residential development is considered to be acceptable in accordance with CS10. In this regard the development is therefore policy complaint.
- 6.2 Siting, scale and design of structure**
- 6.2.1 In terms of design, Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles; this policy seeks to ensure any development, including residential, is sympathetic to the size, mass, character and appearance of the surrounding area. Policy MD2: Sustainable Design of the Site Allocations and Management of Development (SAMDev) Plan additionally seeks to achieve local aspirations for design where possible.
- 6.2.2 Section 12 of the National Planning Policy Framework; Achieving good design, reinforces these goals at a national level, by requiring development to display favourable design attributes which contribute positively to making places better for people, and which reinforce local distinctiveness.
- 6.2.3 Following consultations with Officers, the proposed scheme has been revised throughout the determination including changes to the layout, massing and overall scale of the development.
- 6.2.4 The proposal seeks to provide 3no. bungalows to the rear (northeast) of the site,

2no. three bedroomed houses and 4no. two bedroomed houses. The access point is to the southeast edge of the site from Hope School Lane, running northeast with houses on the northern and southern side and bungalows to the northeast edge beyond a turning head.

- 6.2.5 In terms of scale, each of the individual houses types are considered to be acceptable. The proportions of the two storey dwellings have been design to reflect some of the traditional cottages found within Hope and their layout and orientation has been design to give character to the street frontage, whilst minimising the scale and visual prominence. Similarly, with respect of the bungalows the roof design, height and profile has been amended in lien with Officers comments in order to give rise to an appropriate scale of development.
- 6.2.6 The proposed dwellings are all two to three bedroomed; a scale which has been informed by identified need within the parish of Worthen and Shelve, as identified in the 'Right Home Right Place' Survey of May 2019. Of those respondents to the survey who were thinking of moving and indicated an accommodation type preference, 84% identified a need for two or three bedroomed properties and 22 persons identified a bungalow as a housing type wanted.
- 6.2.7 In terms of siting, the positions of each of the dwellings, together with their parking is considered to be acceptable. A sufficient set back from the road frontage is to be maintained such that the development will not be experienced as overbearing and the overall layout, with a mix of housing types, sizes and
- 6.2.8 The proposal is also providing a 'village green' area of landscaping to the rear fo the village hall. This is sited on the area of the development site currently laid to grass and is therefore appropriately positioned and scaled. Similarly, the additional parking area for the village hall is sited appropriately to the rear of the hall as an extension to the existing carparking area. Whilst Officers recognise this is an encroachment into and area otherwise free of built development the public benefits of this provision are considered to outweigh the harm. Additionally, it is recognised that CS8 recognises the need to protect and enhance those amenities, such as the village hall, which contribute to residents and visitors quality of life.
- 6.3 Visual and heritage impact**
- 6.3.1 The application site is not situated in within a Conservation Area nor are there any designated or non-designated heritage assets within in close proximity to the development. The nearest asset, the Listed Building, Holy Trinity Church and its setting is unaffected by the proposal due to the distance and typography of the land between the two sites. As such no concerns in this regard, nor conflict with the relevant policies, CS6 and MD13 are identified.
- 6.3.2 The application is however located within the Shropshire Hills Area of Outstanding Natural Beauty and therefore the visual impact of the development must be sensitive approached. The proposal has been designed such that the two storey dwellings are to the southwest of the site and the single storey

dwelling to the northeast in order to best utilise the existing land typography. As such the long-distance views of the proposal will primarily encompass the upper portion of the single storey dwellings to the rear.

6.3.3 From the street scene, as mentioned above the layout of the proposal has been given careful consideration such that the two dwellings are set back from the highway edge, that a landscaping belt can be included and the southwest elevations of the dwellings appear as their frontages, better reflecting the character of the surrounding locality and traditional cottages found nearby.

6.3.4 With regards to the landscaping existing on site, wherever possible this is to be retained included the mature tree to the rear of the site and the hedges to the boundaries. Additional planting, to be secured by condition is also proposed, which will assist in minimising the visual prominence of the site and assimilate the new development into the existing rural location.

6.3.5 There is a public footpath which is accessed from Hope School Lane to the south of the site running in a north east direction, from which some views of the development site will be possible. Given that the views from this footpath currently encompass the school buildings and associated outdoor spaces, together with the adjacent village hall, it is not considered that the development will give rise to an unacceptable impact upon the users of this footpath.

6.3.6 The massing of the development; single storey to the northeast and two-storey on the remainder of the site will reduced the bulk and visual prominence at the closet point of the development site with the footpath (approx. 23.0m) such that the impact is sufficiently reduced. The introduction of additional landscaping and retention of the existing where identified, will also assist in reducing the visual harm and prominence.

6.3.7 Overall, in considering the existing development on site; a dilapidated school building, the proposal does not represent visual harm to the locality and is considered to have a neutral impact. The scale of the development, including the individual dwellings, the layout, landscaping and details are considered to reflect the character of the locality meeting the requirements of CS6 and MD2, as well as protecting the visual amenity of the Area of Outstanding Natural Beauty sufficiently.

6.4 Highways

6.4.1 The proposed development will provide 2no. car parking spaces per dwelling, together with an additional 12no. car parking spaces to the neighbouring village hall.

6.4.2 With regards to the parking provision for the dwellings, this is considered to be proportionate to the two and three bedroomed dwellings proposed and no concerns are raised in this regard. Additionally, the road layout within the development sited is considered to be acceptable with sufficient turning space for vehicles and pedestrian footpaths where appropriate.

6.4.3 The 12no. parking space to the village hall are designed to meet the demand identified for this community asset and are therefore supported. The layout of the space provides a tuning area and access to the 'village green' beyond whilst minimising the encroachment into the undeveloped portion of the site.

6.5 Ecology and Trees

6.5.1 The SC Ecology consultee has confirmed that the scheme complies with the relevant aspects of policies CS6, CS17 and the NPPF with regards to ecology, subject to the imposition of appropriate conditions.

6.5.2 In terms of the scheme impact on trees Officers recognise that the SC Trees officer retains some concerns over aspects of the scheme and the detailing proposed. The applicant has made a number of revisions to the scheme in order to address wherever possible the concerns raised such that Officers have concluded the public benefits of the scheme; provision of housing (housing which is designed specifically to meet local need) and provision of parking to the village hall are sufficient to outweigh the harm, such that in conducting the planning balance, the remaining harm to trees identified does not constitute a reason for refusal of the scheme. The revised tree protection plan and arboricultural method statement requested has been submitted alongside the application and the excavation within the RPA of the tree to be retained has been omitted within the revised drainage plan, as mentioned within the SC Tree Officers most recent comments.

6.6 Public open space

6.6.1 Within policy MD2 of the adopted SAMDev its is recognised that all residential development should provide sufficient public open space to meet the needs of residents for outdoor recreation and wellbeing. The proposal includes for a 'village green' area of outdoor space however this does not contribute to the developments provision of public open space. The development should provide 30m² of public open space per bedspace within a development. The proposal therefore generates a need for 570m² of public open space which meets the requirements of policy MD2 such that it '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'.

6.6.2 Whilst the application is providing a small area of public open space surrounding the tree to be retained on site this is not sufficient to meet the need generated by the development. At this stage in the proposal the relevant legal agreements over the ownership of the 'village green' area and the access arrangements to it have not been finalised and as such there is no guarantee this space will be available to residents and it does not therefore form part of the developments POS provision. The applicant has therefore agree to pay a financial contribution to provide offsite public open space to meet the needs of the development which will be secured by an appropriate legal agreement.

6.7 Affordable Housing

6.7.1 The application seeks planning permission for 9no. dwellings and as such there

is no policy requirements for affordable housing provision on site, however a financial contribution is required and will be secured via an appropriate legal agreement.

- 6.7.2 With regards to the public comments received, querying the lack of provision of guaranteed affordable housing, whilst it is recognised that on site affordable housing will not be provided in perpetuity, the dwellings types; bungalows and 2 and 3 bedroomed house have been designed in consultation with the Local Council in order to meet identified need within the Parish as discussed above. The mechanism of the sale of the properties cannot reasonable be controlled by the Council as the scheme is not proposing affordable housing in perpetuity, rather dwellings of a scale designed to meet identified local need.

6.8 Other matters

- 6.8.1 The proposed scheme is not considered to give rise to any unacceptable impact upon neighbouring residents amenity on account of the distance to other properties. Similarly, the presence of the village hall next door is not considered to impact upon the potential occupants of the dwellings proposed; whilst there may be some occasional events it is unlikely this will lead to significant disturbance.

- 6.8.2 The comments of the local residents in relation to the ownership of the 'village green' are noted however this area does not contribute towards the developments Public Open Space and its ownership/management is considered to be a civil matter. Similarly, the provision of the car parking to the village hall will be a requirement of the development in order to provide the necessary public benefit to justify the provision of the dwellings. the monitoring and parking restrictions placed upon these spaces would be within the control of the landowner, which is to be the Hope Village Hall Trust, following the sale/handover proposed.

- 6.8.3 Comments have also been received from local residents with regards to the proposed drainage scheme at the site. A drainage layout plan has been provided which meets the principle requirements of planning policy however, as per the comments of the SC Drainage team some details are missing and therefore a conditions will be imposed requiring submission of additional information prior to the commencement of works at the site. This will ensure that the proposed drainage is acceptable, does not give rise to foul or surface water drainage issues and that the requirements of policy CS8 and CS18 are met in full.

7.0 CONCLUSION

- 7.1 The proposal seeks to provide 9no dwellings on previously developed 'brownfield' land within the recognised community cluster of Hope. The development is considered to be suitably scaled and sited, and the resultant visual impact is sufficiently limited on account of the design and landscaping which will be controlled via condition.

The applicant has agreed to enter into an appropriate legal agreement to secure an affordable housing payment and financial contribution for public open space.

As such the application is considered to accord with the applicable policies of the development plan, including but not limited to CS4, CS6, CS11, MD2, S2.2 (vii) and the NPPF and approval is recommended subject to the signing of an MoU legal agreement and subsequently a S106.

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
CS4 - Community Hubs and Community Clusters
CS6 - Sustainable Design and Development Principles
CS11 - Type and Affordability of housing
CS10 - Managed Release of housing Land
CS18 - Sustainable Water Management
CS17 - Environmental Networks
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD12 - Natural Environment
National Planning Policy Framework

RELEVANT PLANNING HISTORY:

12/01766/FUL Erection of single-storey building to house biomass (wood pellets) boiler GRANT
18th June 2012
12/05136/AMP Resiting of approved biomass boiler unit (non-material amendment to planning
permission ref. 12/01766/FUL) GRANT 12th February 2013
PREAPP/21/00047 Proposed demolition of existing buildings and erection of 9 dwellings, with
access and 16 additional parking spaces with revised entrance and associated works. PREAIP
9th March 2021
21/01948/FUL Demolition of existing buildings and the erection of 9 dwellings, with access, the
extension of Hope Village Hall car park to provide 12 additional parking spaces, revised

entrance to the Village Green and associated works PDE
SC/CC2002/0063 Construction of single-storey extension and covered walkway PERMIT 11th
December 2002
SS/1/02/13905/CC Formation of (additional) office and staff accommodation. PERCON 3rd
December 2002

11. Additional Information

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

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 Mrs Heather Kidd
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

Reason: In order to protect the visual amenities of the area and the AONB.

5. The landscaping scheme required by condition No. 4 above shall include the following:

(a) Full details of all existing physical and landscape features on the site including site levels to OS datum, the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

(d) Details of the materials to be utilised in any hard surfacing (patios, parking areas etc.).

Reason: In order that the local planning authority may be satisfied that the proposal will not

result in unacceptable level of visual harm.

6. 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.
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- a construction traffic management (& HGV routing plan) and community communication protocol.

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

7. No ground clearance, demolition, or construction work shall commence until the tree protection measures details in the submitted Tree Survey & Arboricultural Impact Assessment (prepared by Focus Environmental Consultants, received 30.12.2021) have been implemented in full. The tree protection measures shall be retained on site for the duration of the construction works.

Reason: To safeguard existing trees and/or hedgerows on site and prevent damage during building works in the interests of the visual amenity of the area.

8. No demolition ground clearance or construction works will commence until the Local Planning Authority has approved in writing that the Tree Protection Measures have been established in compliance with the approved tree protection plan referenced in condition 7 above (Photographs of it in place might suffice).

Reason: To ensure that the Tree protection is set up and maintained in accordance with the Tree Protection Plan.

9. (a) No site works demolition or development (including demolition, ground works/re-profiling and tree felling / vegetation clearance) shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of:

- (i) the quantity, size, species, position and the proposed time of planting for all trees to be planted, together with;
- (ii) an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance.

(iii) Measures for soil amelioration, or the introduction of fresh or decompact-ed and ameliorated topsoil that accords with recommendations in BS3882:2015 Specification for topsoil for the area to be landscaped with appropriate volumes of soil (At least 20cubic metres per tree) in those are-as to ensure the successful establishment to independence in the land-scape of the trees planted.

All tree, shrub and hedge planting included within the specification shall be carried out in accordance with the specifications and in accordance where applicable with good practice as set out in BS8545:2014 -Trees: from nursery to independence in the landscape: recommendations.

(b) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously dam-aged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure the choice and establishment of new or replacement trees and blocks of woodland is suitable to the design of the development and the ongoing sustainable amenity of the local area.

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

10. Prior to the development hereby permitted being first brought into use, details of the construction of the proposed access, and visibility splays as shown on Drawing No 2735-D-00 shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory means of access to the highway in the interests of highway safety.

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

11. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason: In order to protect the visual amenities of the area and the setting of the adjacent heritage assets.

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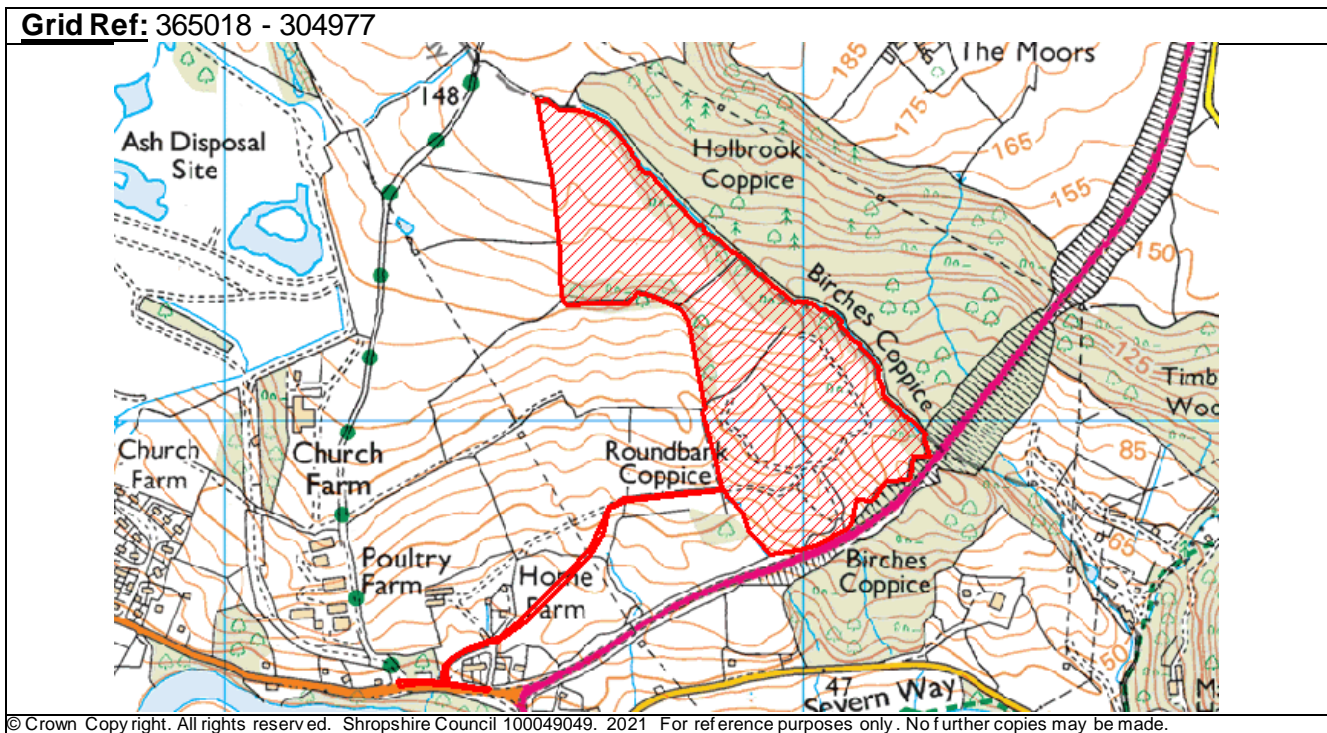
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Development Management Report

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

Summary of Application

Application Number: 21/03090/FUL	Parish:	Buildwas
Proposal: Change of use of land to create a holiday caravan site including alteration of existing access, formation of internal access roads and footpaths and associated landscaping		
Site Address: Buildwas Leisure Site Buildwas Telford Shropshire		
Applicant: Montague Property And Marnwood Properties Ltd		
Case Officer: Richard Fortune	email	: richard.fortune@shropshire.gov.uk



Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement to provide a financial contribution towards a Traffic Regulation Order to extend the 40mph speed limit to a location east of the access junction and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The proposed development consists of a leisure holiday park development comprising, in the amended layout, of 120 static lodges/caravans and 35 touring caravan pitches along with supporting infrastructure. (124 static lodges/caravans and 53 touring caravan pitches were originally proposed). The proposed site layout shows an amenities block and reception building but these are indicative at this stage and do not form part of the current planning application.
- 1.2 An existing vehicular access in the southern boundary of the main body of the application site direct onto the A4169 road would be retained for emergency vehicle use only. The development would make use of an existing 4.0-4.5m access road running through the farm from the west, with exception to the central section of the access route where a new section of road is proposed to bypass the farmyard and existing caravan storage. Passing places are proposed to be provided at regular intervals along the access route, which would provide an overall width of 6.0 to 6.5m. The access road would be reconstructed and surfaced in permeable tarmac, and/or surfaced in conventional impermeable tarmac and drained by swales. The existing access to Home Farm from Buildwas Road is proposed to be improved to provide suitable geometry for vehicles towing large touring caravans.
- 1.3 The main site entrance would be at the southern end of the western boundary. On entering the site a roughly oval shaped wildlife pond is proposed on the southern side of the access road before an existing area of hardstanding, which would be retained for parking is reached. A reception building with parking and a pull-in lay by is shown on the northern side of this road section, but this building is indicative at this stage and does not form part of the current application. The remaining area at the southern end of the site would be an open, landscaped space containing a network of paths, existing trees and an activity area. Along the entire eastern edge of the site the band of ancient woodland (Birches Coppice) would be retained and supplemented with new hedge planting.
- 1.4 The site topography rises in a north westerly direction with an informal layout of loop roads serving the proposed touring caravan pitches, which would generally follow the contour lines and be positioned in groups amongst the existing tree planting and with large open areas between those groups where new planting is proposed. There would be pitches also adjacent to the main access road which heads northwards up the site. To the west of this road section and in the vicinity of the touring pitches there is a site shown for an amenity building, but the details of that structure do not form part of the current planning application.
- 1.5 The upper half of the site would contained the static holiday units, which on the site layout drawing are described as two types - 'luxury lodge/cabin' and 'static caravan'. (It appears that the former would be twin unit structures and that latter single units). No illustrative details have been submitted to show the envisaged

appearance of these units, but they would all conform to the definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960; Caravan Sites Act 1968 (Section 13(1) as amended) and the Mobile Homes Act 1983. A row of these units would be positioned 'end-on' to Birches Coppice along the north eastern side of the continuation of the main access road, following the loop of this road at the extreme northern end, and highest part, of the site. The northern end of the site is roughly triangular in shape and would be subdivided by five spur roads, each with the static units positioned on their northern side and planting zones on their southern sides. Parking would be provided immediately adjacent to each unit. An existing woodland pathway would be retained along the western site boundary.

- 1.6 The foul drainage for the site would be provided by one or more package treatment plants due to a foul mains drainage connection not being achievable. With respect to surface water drainage the drainage strategy set out in the submitted Flood Risk Assessment states:

"The proposed internal roads are to be constructed using permeable tarmac or impermeable roads drained by swales with check dams. This is dependent on infiltration test results, but infiltration will be used if possible to do so. Log cabins and static caravans are to be drained via stone filled bases. The static caravans have an approximate roof area of 34m² and log cabins 77m² which do not require significant drainage systems and water is discharged to the stone filled bases to mimic the existing hydrology. Existing ditches and watercourses to the south of the site are to be inspected and cleared of any obstructions on a regular basis. If the site infiltration tests fail, the pond to the south of the site is proposed to act as attenuation storage for surface water run-off from site access roads and large buildings. However, upstream storage and control is to be provided where practical, as this provides an additional treatment stage and conforms with the SuDS hierarchy. If required the detailed drainage design will utilise a flow control device from the pond, to control outflows to the equivalent greenfield run off rates for the given contributing catchment."

- 1.7 The proposed landscaping scheme would incorporate existing tree stock on site which is largely dominated by mature oak trees, along with a number of tree groups and hedgerows comprising of a mix of hawthorn, field maple, hazel and ash. The proposed new tree and hedgerow planting would be a diverse mix of broadleaved species to provide a robust future tree population resilient to pests and disease. The species would include field maples, alder, silver birch, scots pine, wild cherry, pedunculate oak, mountain ash and small leaved lime. Understorey planting would comprise of a variety of planting including dogwood, hazel, hawthorn, holly, crab apple and viburnum.
- 1.8 The supporting statement advises it is proposed that the leisure park would be managed by a single operator, who would sell short-term holiday lets at the site. It also states this proposal would be a diversification of the applicants' existing recreational enterprise into a new area of tourism/recreation activity.
- 1.9 The application is accompanied by Planning and Design Statement; a Desk Study Report into ground conditions/geology; an Ecological Assessment; Landscape and

Visual Impact Assessment; Heritage Impact Assessment; Transport Assessment; Arboricultural Report; and a Flood Risk Assessment incorporating the Drainage Strategy.

- 1.10 A Screening Opinion has been issued the effect that an Environmental Impact Assessment was not required for the proposals contained in this planning application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprise of agricultural land of some 19.6 hectares. Ground levels rise steeply across the site in a northerly direction.

The site has two principal access points. One access is on the site's southern part of its western boundary via a track that extends from the B4380 and passes through Home Farm, the other via a wide road access off the A4169 which follows the south-eastern side of the site. Several gravel tracks run through the site providing a moderately dense access network, including one that follows the edge of the woodland on the site's north-eastern boundary and provides access across a culverted stream to the woodland further north-east beyond the site. There are also some gravel hardstanding areas, portacabins, and a wheel wash (associated with the site's use as an off-road centre) in the southern part of the site. The 4x4 centre is called Buildwas Leisure and encompasses 50 acres of varied terrain, from thick woodland and undulating moonscape type craters to fast open tracks and muddy hill climbs.

- 2.2 The majority of land cover within the site is rough grass grazed by sheep. Mature trees are also a notable feature. The Site features the edge of mixed woodland (Holbrook Coppice and Birches Coppice) that is within a stream valley along the Site's north-eastern side and extends to cover higher ground to the north-east of the Site. The southern part of the Site features several individual mature trees and belts of mature trees. The Site's south-eastern boundary with the A4169 is marked by wooded area and outgrown hedgerow, except for a gap where there is access to a track that doglegs into the Site to provide direct access to the largest area of hard standing and portacabins. To the immediate south of the A4169 is further woodland (also Birches Coppice). The central parts of the south-western boundary also feature a mature tree belt. Further north on this boundary is an outgrown hedgerow with some trees, while its southern part is mostly open, except for a post and wire fence. West of the Site are pasture fields that feature hedgerows, some of which feature mature trees, forming narrow tree belts in places. To the west of the Site there is also Home Farm and a caravan storage area (~350m west of the Site).

The field is bordered to the east by thick woodland and screened on the western and southern sides by existing mature trees and landscaping. The immediate surrounding area is agricultural in nature with a mix of open arable and grassland fields, and smaller fields scattered with patches of thick tree cover and intermittent hedgerows.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council view is contrary to the Officer recommendation. The Principal Officer, in consultation with the Chair and Vice-Chair of the South Planning Committee, considers that the material planning considerations raised by this application, which is of a significant scale, warrants determination by Committee.

4.0 Community Representations

Consultee Comment

- 4.1 Buildwas Parish Council (25.08.21) - Object:

- Access. The access road is at the bottom of a steep hill (Buildwas Bank) where vehicles regularly have difficulty slowing and a junction that is already prone to accidents. Councillors have concerns about caravans waiting to turn right at this point. The projections indicate that on changeover day each week there could be 100 caravans crossing the junction. The access road is not sufficiently wide to allow two caravans to pass each other. The application indicates that there will be some passing places, but with the high projected number of vehicles, these do not appear to be sufficient.

- Flooding. There are existing issues with flooding along the access road which has a negative impact on the properties here. A previous planning application for 4 houses was rejected because of the flooding issues. Drainage is clearly insufficient and, prior to any development, it must be improved either by the applicant or the local Land Drainage Authority.

- Size and scale of the development. The area of land to be developed is disproportionate to the size of the village in which it sits. This will impact on the rural character of the parish, will have some visual impact for some current residents, and impacts on the following points.

- Loss of fields in a rural area bordering an Area of Outstanding Natural Beauty.
- Significant increase in traffic compared to current levels.

This is a concern when considered for this application alone and will have a negative impact on existing residents who use the access road for their own properties. Although the application for development of the power station site has been rejected, the future of the site is unclear, and the Parish Council has concerns about the future cumulative impact of traffic increases from any potential future development of the site.

- Noise disturbance from the site. Noise travels easily in the valley in which the parish is situated, and the Parish Council received complaints from residents in the village due to noise that carried from a recent wedding held at the location of the application. This will have an amenity impact on neighbouring properties, and potentially on the wider parish area.

- There is no provision for environmental sustainability within the application for the site, including no provision for electric car charging.

- Light pollution. The potential increase in light pollution would have an impact on the valued dark skies of the parish.

- 4.2 SC Highways Development Control (18.10.21) - No Objection:

The proposed right turn lane/ghost island junction enhancements proposed to facilitate this development are considered acceptable, subject to their appropriate construction which will be subject to a S278 Agreement (HA1980).

In respect to the proposed speed limit extension, this will need to be delivered by Shropshire Council, as a Traffic Regulation Order is required. Therefore, the applicant will be required to make a financial contribution of £5,000.00, via S106 agreement (TCPA).

Subsequently, following the delivery of the proposed junction enhancements and speed limit extension, the proposed development is unlikely to lead to significant adverse highway safety conditions and/or “severe harm” (NPPF) on the adjacent highway network, which could be demonstrated or sustained at appeal.

Conditions:

Access Prior to other operations

Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

Ghost Island Junction Enhancements & Pedestrian Refuge

Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the caravan/leisure park is first occupied.

Reason: To ensure a satisfactory means of access to the highway.

Parking Loading, Unloading and Turning

The development hereby permitted shall not be brought into use until the areas shown on the approved plans for parking, loading, unloading, and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

4.2.1 SC Highways Development Control (12.08.21) - Comment:

Although, the general principle of the proposed development could be acceptable from a highways and transport perspective. It is considered that the applicant has not considered the adjacent highway and traffic situation sufficiently, or its

interaction with pedestrian and other active travel movements locally. To demonstrate that the development is unlikely to have any significant impact on the local situation.

The Transport Statement has not included any measured local speed data for traffic passing the site access. Instead, relying on the promotion of an extension to the adjacent 40mph speed limit, to be effective, in managing traffic speeds. So that the demonstrated visibility splays, at the development access, are acceptable in respect to Manual for Streets 2 (MfS2). It should be noted that the existing speed limit, at this location, is exceeded on a regular basis, with the resultant local concerns being raised. These higher vehicle speeds are due to the exit and approach to the Ironbridge Bypass. It is quite likely that moving the speed limit alone is unlikely to change established driver behaviours, to the point where the proposed junction visibility splays would not be acceptable and provide a potential risk to vehicles access and egressing the site access.

Ideally, the applicant should show the actual visibility splays which can be achieved currently, and if possible, negotiate with the adjacent landowners to improve the local situation, which is likely to be mutually beneficial. Particularly, as the introduction of a Traffic Regulation Order (speed limit) cannot be guaranteed, as it requires a formal consultation process. It is known that the Police, who are formal consultees in the process, will object to such speed limit requests, unless appropriate engineering measures are put in place, to ensure that the new speed limit is self-enforcing, as much as possible.

The Transport Statement suggests that the existing right turn facility is adequate for the development, which may be true, for single car movements. But as the supporting tracking diagram indicates a significant number of movements will be towed caravans, as well as some agricultural and service vehicles. Subsequently, a greater length of central carriageway space, should be made available to accommodate these longer vehicles. Particularly, as there is sufficient room available, within the currently hatched area, without adversely affecting the adjacent major junction. Therefore, it would be appropriate for the developer to consider modifying the existing right turn lane to more accurately reflect the space needed to serve the long right turning vehicles.

In addition, enhancement and improvements to this right turn facility may have a positive effect on passing traffic speeds. Particularly, if high contrast surfacing and white lining is provided. Recent observations on site revealed that there were fast moving vehicles in both directions, crossing the double white line markings, effectively driving through the right turning lanes, to overtake slower moving vehicles.

Similarly, the Transport Statement indicates, that this development will significantly increase potential pedestrian movements locally, including the need to safely cross the main road, to access bus stops and other local amenities. Subsequently, further consideration should be given by the developer, to improving pedestrian safety for their visitors, at this location. It is considered that the use of a pedestrian refuges (splitter islands) within the enhanced right turn lane junction. To link the existing adjacent pedestrian footway facilities, on both sides of the carriageway, maybe appropriate.

The proposed road and junction enhancements will need to be supported by an appropriate Road Safety Audit. Subsequently, such improvements if acceptable could also aid the introduction of the extended speed limit being proposed.

4.3 SC Drainage - No Objection:

The proposed drainage strategy in the FRA is acceptable in principle. However, the final detailed drainage proposals, calculations and plans should be submitted for approval.

Condition:

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

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

4.4 SC Trees - No Objection:

Having read the submitted information including the Salopian Consultancy Arboricultural Appraisal it is apparent that there are significant amenity trees on site which are to be incorporated into the design. The only proposed losses are a C category hedge and C category tree (T55) to be removed for internal access.

I can support the proposal if the following conditions are applied:

1) All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected 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.

2) Prior to the commencement of the development 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 arboricultural method statement and submit to the LA 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

3) All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any work commencing.

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

4) New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations

Reason: To ensure the survival of new trees

4.5 SC Environmental Protection (15.11.21) - No Objection:

A report by Groundfirst; Phase I Contaminated Land report; Land at Home Farm, Buildwas, Telford, Shropshire; Report ref. 4223R1, 6th September 2021 FINAL has been submitted in support of this planning application.

Within the development boundary there is a former landfill site, and the Phase I report has identified the need for further investigation and assessment prior to commencement of the development.

A site investigation to include a ground gas risk assessment is required and this must have regard to BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings which provides a framework in line with current Environment Agency guidance (2020) Land Contamination: Risk Management (LCRM) and includes information about what is needed for adequate ground gas site investigation in order to assess the risks.

In addition, part of the site is within a Coal Authority Development Low Risk Area and therefore Environmental Protection endorses Coal Authority recommendations that if a site is within a Coal Mining Reporting Area (as defined by the Coal Authority, based on their current data and experience across Great Britain), then a mine gas risk assessment should be carried out. This must have regard to new Guidance, CL:AIRE Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021.

Therefore, applicant must be made aware of the above comments in particular regarding the new guidance requiring a mine gas risk assessment and the following must be included as Conditions if planning permission is granted:

Contaminated land

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by a competent person and conducted in accordance with current Environment Agency guidance Land Contamination: Risk Management (LCRM). The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the

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

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

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

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

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

4.5.1 SC Environmental Protection (29.07.21) - Comment:

The proposed development boundary is a former landfill site, Home Farm, Buildwas; licence A25/30/SL/111. Home Farm was licensed on 11th July 1990 to accept 5000 cubic metres of hardcore, stone, soil, subsoil and solid dry waste produced in the course of construction, maintenance or demolition of buildings. It was noted from inspection records that at times the operator did not always comply with the conditions of the licence, small quantities of tarmac and in one instance biodegradable waste was deposited. Pre-site and subsequent gas monitoring results recorded low levels of methane with occasional hot spots of carbon dioxide up to 11.5%wv (circa 1991).

The proposed site plan shows the reception block and a wildlife pond on the area of landfill and given the fact that a former landfill site has been identified within the site boundary, it is disappointing that the Agent on behalf of the applicant failed to tick the box in Question 6, Land where contamination is suspected for all or part of the site. As a minimum a Phase 1 Desk Study would have been required to be submitted with this application.

if planning permission is granted, conditions must be included to assess the potential risks and mitigate where necessary (Condition as recommended in 4.5 above).

4.6 Environment Agency (28.07.21) - Comment:

Foul Drainage: When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage

discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies).

For a development such as this the application should be accompanied by the 'Foul Drainage Assessment Form' (FDA1) for your Council's consideration.

The submitted Design & Access Statement (Berry's, dated May 2021) states that 'a utility search for foul sewage has been carried out and Severn Trent has confirmed no assets are within the site boundary and highway to the south of the site'. It is therefore proposed that the foul drainage for the site will be 'served by 1 or more package treatment plant(s)'.

In the first instance your Council should be satisfied, in consultation with Severn Trent Water, that the proposed development cannot be served by the nearest public foul sewer. It is believed that the Buildwas Pumping Station is relatively close to the development. Should a connection be feasible your Council and Severn Trent Water must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal.

With regards the issuing of an Environmental Permit the applicant should consider the following Environment Agency guidance which is available on the Government website at:

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

It should be noted that the Environment Agency will not issue a Permit for a private sewage treatment system(s) if it's reasonable to connect to the public sewer. The assessment of what is reasonable takes into account:

- the comparative costs of connecting to public sewer and installing a private sewage treatment system
- any physical barriers that would prevent you connecting to the public sewer
- any environmental benefits that would arise from installing a private sewage treatment system such as the reuse of treated effluent

In the event that the applicant can show that it would not be practical to connect to the public foul sewer they should seek pre-permit advice from the Agency using the form:

4.7 SC Archaeology (03.08.21) - No comments to make on this application with respect to archaeological matters.

4.8 SC Conservation (09.08.21) - Comment:

The agent has prepared a Heritage Impact Assessment which I have reviewed and which concludes there is a general lack of inter-visibility with identified heritage assets as a result of the topography of the site and area as well as due to existing vegetation, and further concludes that with the addition of soft landscaping to help retain the rural character of the site the development would generally have a neutral impact on the setting of heritage assets and not constitute a negative change. Based on this assessment there is generally no objection on heritage grounds to the proposed scheme where we would highlight the planting mitigation plan which has been submitted following on from the LVIA that was prepared. We would also refer to our earlier comments on keeping signage minimal and appropriate, maintaining low illumination levels and making sure permanent built forms and features have recessive building finishes where these details should be

agreed where relevant.

4.9 SC Ecology (15.11.21) - No Objection:

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

I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

The ecology survey carried out by Salopian Consultancy (14th June 2021) found no suitable habitat for Great Crested Newts on site and the ponds within 500m scored poorly on the HSI assessment. Three oak trees were identified as having potential roosting features for bats. No further surveys were recommended. In the event a bat of great crested newt is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed.

The ancient woodland shall be protected during the course of the development and a minimum of a 15m buffer shall be implemented between the development and the woodland.

Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

Conditions and informatives are recommended for inclusion on a planning permission decision notice relating to the provision of a minimum of 5 bat boxes and 5 bird boxes; external lighting; work in accordance with the submitted method statement; temporary buffer zone to the ancient woodland during construction works and the submission and approval of a construction environmental management plan. (These are set out in full in Appendix 1 to this report).

4.9.1 SC Ecology (09.08.21) - Comment:

Holbrook Coppice Ancient Woodland lies adjacent to and partly inside the site boundary: The proposed site plan needs to be amended to include a minimum 15m buffer zone (consisting of semi-natural habitats) between the Ancient Woodland and development. As it stands, the proposed development is not in line with paragraphs 174 and 175 of the NPPF, SAMDev Plan policy MD12 or Core Strategy policy CS17.

4.10 Severn Trent Water (13.09.21) - No Objections:

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

4.11 Telford and Wrekin Council - No Objections in principle but ask that the following points be taken into account when determining the application:

-It does not appear that sufficient justification has been provided within the submitted documentation as to how the scheme is an appropriate scale and character to its surroundings (the supporting text refers to being compatible with their location). The scale of development and impacts (transport) relative to the scale of Buildwas needs considering but this does not appear to have been discussed or justified within the supporting statement. This is considered to be necessary, especially when the pre-application advice response mentioned that efforts to minimize the visual impact (scale, lighting, signage and external appearances) are strongly recommended. It is questioned whether there are any designs/illustrations of the caravans to help further assess the proposal?

-It is reasonable to conclude that much of the traffic will flow to and from Telford along the A4169. The scale of development should again be considered in this rural location. The Transport Statement only briefly refers to sustainability (the bus route frequency, connections to rights of way and the possibility of cycle hire). The shuttle bus would be an important benefit and securing this should be a priority rather than it being a possibility. It's not clear how these sustainability benefits are likely to reduce reliance on car movements to and from the site and this should be explored further.

-The site adjoins the Holbrook Coppice Ancient Woodland, which extends into the Shropshire authority area. The proposed layout shows points where the static caravans would be located very close to the ancient woodland (the site plan isn't clear when it has the different green shades whereas Birches Coppice on their plan is within the ancient woodland). Even with the retained tree line, the proposals lie within very close proximity to this protected area and within less than 20m, as requested within the pre-application advice response.

-It is appreciated that separate statements have been submitted for both and from Telford & Wrekin Council's perspective, the key issues are impacts to/from the Wrekin Strategic Landscape Area (SLA) and the World Heritage Site. The SLA is referenced in the LVIA but the WHS isn't mentioned in the Heritage Impact Assessment. Given that the WHS is located only 1.2km away from the application site, Telford & Wrekin Council would request that the impact on this sensitive designation is assessed accordingly.

Public Comments

4.11 Site Notice displayed 21.07.21; Press Notice published 20.07.21. 12 neighbour notification letters sent out.

The comments received are summarised below, with their full text being viewable on the Council's website:

5 Objections:

-Road entrance and proposed access not fit for purpose; already over capacity without accounting for the 5 houses being completed next to it and sharing the access.

- Increase in traffic accessing the lane will cause congestion in all directions which will naturally divert onto the private access road to the rear of Buildwas Cottages,

which cannot sustain such traffic that has no right of way.

- Dangerous build up of traffic on the main road which is already an accident hot spot.
- Increased traffic will hinder his right of access.
- Already a perfectly good access point some 500 yards away shown on the plans off B4380 nearer the actual site that would cause none in the community any adversity, harm or hardship.
- Transport Statement indicates there will be 266 two-way extra vehicles using the road due to the caravan site, therefore there will be 660 vehicles (including existing users on the private road, each way, each day - a 415% daily increase.
- Over a 12 hour 'active period' this equates to one vehicle using the route every 60 seconds, with several vehicles on the road at the same time with insufficient passing places on narrow access.
- have safety concerns about the use of their access onto the private drive as traffic builds up.
- Access road not suitable for towed caravans; no footpaths along its length.
- Currently problems with cars and caravans accessing the storage site.
- Will not allow own land for use as splay on road and which would make it difficult for homeowners to exit their properties.

- Additional traffic will increase noise and air pollution in what is currently a quiet and idyllic environment.

- Site not within or on the edge of a recognised named settlement served by a range of services and facilities.

- Not directly linked or part of an established and viable tourism enterprise where additional accommodation of this form is required and therefore fails to comply with the Shropshire Core Strategy and National Policies.

- No objections to the overall idea for the proposed site, but major concerns over the impact of additional traffic on the proposed access route on highway safety.

- Visual impact cannot be screened by planting and overall mitigation is not convincing.

- Will cause unacceptable harm to the natural environment.

- Site notice has not been publicly visible in a prominent position on the proposed access to the site.

1 letter of support:

- The area is bereft of accommodation of this nature.
- Will do the area a great deal of good.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structures

Impact on visual amenity and rural character of the area

Impact on heritage assets

Highway safety and transport

Ecology
Drainage
Residential amenity
Contamination

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 Core Strategy policy CS5 advises that within the countryside proposals will be supported in principle where they relate to sustainable and rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17. Policy CS16 seeks the development of high quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It specifies that in rural areas proposals must be of an appropriate scale and character for their surroundings and, either be close to or within settlements or associated with an established and viable tourism enterprise where accommodation is required. This site is judged to be close to the settlement Buildwas and relates to land which has been used for leisure activity. (CS17 is discussed in 6.2 below). Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in a number of specified areas which include green tourism and leisure.
- 6.1.3 The Site Allocations and Management of Development (SAMDev) Plan policy MD11 relates specifically to tourism facilities and visitor accommodation, advising that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements of other listed Development Plan policies and national guidance. With specific reference to visitor accommodation in rural areas, policy MD11.7 recognises that static caravans, chalets and log cabins can have a greater impact on the countryside and such schemes should be landscaped and designed to a high quality. The requirements of policy MD11.8 are met by this proposal because the holiday let development would conform to the legal definition of a caravan.
- 6.1.4 The above Development Plan policies are wholly in accordance with the National Planning Policy Framework (2021) which advises at paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. It is supportive of a prosperous rural economy and at paragraph 84 states that planning policies and decisions should enable sustainable rural tourism and leisure

developments which respect the character of the countryside.

- 6.1.5 There is, therefore, no in principle planning policy objection to the current proposal. The acceptability or otherwise of the proposed developments rests on the detailed planning considerations considered in turn below.

6.2 **Siting, scale and design of structures**

- 6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 130 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate and appropriate amount and mix of development.

- 6.2.2 SAMDev Plan policy MD2 (Sustainable Design) expands on policy CS6 in seeking to ensure development contributes to locally distinctive or valued character and existing amenity value and advises at MD2.3 That development proposals should:

“Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style.”

- 6.2.3 No details of the holiday caravans/ lodges, other than the slab sizes on which they would be stationed, have been provided. Their appearance is a matter on which a planning condition attached to any approval would specify that the holiday caravans/ lodges stationed on the land would be of the form and appearance shown on drawings which have first been approved in writing by the Local Planning Authority. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11.

6.3 **Impact on visual amenity and the rural character of the area**

- 6.3.1 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors.
- 6.3.2 SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting

schemes where appropriate. The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) and a Heritage Impact Assessment (HIA) to address these matters. (The latter is considered in section 6.4 of this report below).

6.3.3 The LVIA submitted contains an analysis of landscape character, identifies landscape and visual receptors, looks at the construction and operational impacts of the proposed development, cumulative effects, the mitigation planting plan and then carries out a landscape assessment and visual assessment. The conclusions reached on the landscape effects are summarised in tables in the LVIA report. With respect to vegetation on the site and its boundaries a slight adverse effect would initially occur, becoming slight beneficial after 3-5 years as planting becomes established. (A moderate adverse nature of effect on the landform of the site is judged not to be significant in the revised LVIA discussed at 6.3.5 below). In the context of the Estate Woodlands landscape character type identified by the Shropshire Landscape Typology an initial slight adverse impact would become negligible after 3-5 years as planting establishes. The proposed development would have a negligible effect on the Shropshire Hills AONB, Ironbridge Gorge World Heritage Site landscape and Wrekin Forest Strategic Landscape designations. In terms of visual effects the LVIA concludes that for the visual receptors comprising users of the Severn Way; Shropshire Way; visitors to the Wrekin and Buildwas Abbey; users of the A4169; users of two rights of way in the locality and residents of properties in and around Hill View Farm the nature of the effect would be negligible and thus not significant. For users of Buildwas Lane and PRow 0409/14/1 there would be an initial slight adverse effect becoming negligible after 3-5 years as planting establishes and so overall the nature of the effect would not be significant. The LVIA concludes the proposed development is considered acceptable in terms of its likely landscape and visual effects.

6.3.4 A review of the LVIA was sought from the Council's retained Landscape Consultants (ESP Ltd). They comment that it is substantially a good piece of work using appropriate methodology and best practice, and that its findings are reliable, with the exception of the assessment of landscape effects on the landform of the site. The proposals would appear to involve a level change of up to 4 metres to accommodate the proposed lodges and pitches, which they advise throws into question the assessment made of the magnitude of change on this receptor. They comment also that the mitigation proposals appear effective (Although there would be net loss of some 3.1ha (23%) of improved grassland on the site, the proposals would lead to a net gain in native woodland and tree cover and increased biodiversity on the remaining grassland areas), but are at a strategy level and so a standard landscape and landscape maintenance condition is recommended. The Council's Consultant's conclusions are that on completion the nature of effect on Landscape Receptors would be slight adverse in respect of vegetation of the site and its boundaries; the landform of the site and the character of the Wooded Estate lands landscape character typology, with the nature of effect 3-5 years after completion being slight beneficial in respect of vegetation, potentially slight adverse in respect of the landform of the site query and negligible on the character of estate woodlands. They concur that there would be negligible effect on the AONB, Wrekin Forest Landscape Designation and Ironbridge Gorge World Heritage Site. In terms of the visual receptors identified, the nature of effect for all

after 3-5 years would be negligible, with an initial slight adverse effect for users of Buildwas Lane, public right of way 0409/14/1, residents of properties near Home Farm and residents of Poolview Caravan Park. In their view the proposals have the potential to comply with Development Plan policies CS6, CS16, CS17, MD2, MD11 and MD12.

- 6.3.5 The agent was asked to supply more details of existing and proposed levels so that further consideration could be given to the site levels/landform changes that the proposed development would require. In response a site levels contour drawing with 3D modelling has been submitted, followed by further clarification in the form of site section drawings and a revised LVIA statement. This explains that the maximum depth of cut would be about 4 metres and the maximum height of fill about 3.5 metres, although most of the cut and fill would be notably less as the section drawings show. Slope gradients would be a maximum of 1 in 3 to minimise the requirement for retaining structures. A Mitigation Planting Plan has also been prepared which includes 2ha of structural/screen planting of a mix of native trees and shrubs. The planting mix includes 8 native tree species and 8 native understorey species. Species have been selected to provide a mix of qualities that include relatively fast and dense growth, evergreens, habitat and food for wildlife (e.g. berried species), longevity, and an ongoing contribution to local landscape character. The layout of the planting has been designed to create a wooded character in the northern part of the site and provide connectivity between existing wooded areas and hedges in the south of the site. Seeding as required of a meadow mix (80:20 mix of grasses & native wildflowers, including 22 species). This mix has been selected to provide a range of species suitable for the varied soil, light and moisture conditions likely to be found across the Site.

This information has been forwarded to the Council's Landscape Consultants and it is anticipated that their further comments on these details will be received in time for the Committee meeting. The levels drawings show that no levels changes would be made within the root protection areas of the retained trees and hedgerows.

- 6.3.4 The measures that would be incorporated in the proposed development as a whole, to minimise or mitigate landscape/visual impact would include not just a reliance on screen planting (Which would take time to establish) but also through the cut and fill contouring. The proposed site sections and levels details submitted show that in comparison with existing site levels that on the lower half of the site (Sections A to C) that levels would mostly follow those that exist, with relatively small variations, with cut and fill at the mid and lower parts of this area. The upper half of the site (Sections D to F) would mostly entail cut rather than fill which would assist in reducing the prominence of stationed caravan units on this rising land. The informal terraces which would be created for the pitches without the use of retaining structures would not be out of keeping with the existing land form.
- 6.3.5 It is considered that with adherence to the proposed site levels and contour details provided, together with the landscaping works which can be conditioned on an grant of planning permission, that the proposed development can be satisfactorily assimilated into the surrounding rural landscape, without causing undue harm to the visual amenity and rural character of the area.

6.4 **Impact on Heritage Assets**

Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD13 advises that Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored by ensuring that, wherever possible, proposals avoid harm or loss of significance to designated and non-designated heritage assets, including their settings. Where a proposal is likely to affect the significance of designated or non-designated heritage assets, including their setting, policy MD13.2 requires applications to be accompanied by a heritage assessment. This policy accords with paragraph 194 of the NPPF which advises that local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting. It explains "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."

6.4.1 A Heritage Impact Assessment (HIA) has been submitted with this application which has identified designated and non-designated heritage assets in the locality. The former comprise of properties named The Slip, The Moors, Abbey House and associated structures, Buildwas Abbey; remains of a wall S-W of the west end of Buildwas Abbey, Mill House and Bridge House. The latter comprise Home Farm and Hill View Farm (Buildwas Mill). The assessment concludes that the application site has no historic relationship with any identified heritage assets and that there is no inter-visibility with Buildwas Abbey and its associated designated heritage assets which are considered the most sensitive assets of the highest significance. It acknowledges that there is the potential for some dynamic views from lower ground, but adds that the proposed development would still allow the land to retain its rural character and some level of openness with soft landscaping. There would be no loss of significance to the identified heritage assets due to a general lack of inter-visibility as a result of topography and intervening vegetation. The HIA concludes the proposed development is not anticipated to be a negative change and instead a neutral impact and would not sever the last link between the setting of the relevant heritage assets and their original setting: It would neither increase or decrease the experience of the historic environment. (The conclusions of the LVIA discussed in section 6.3 above that the development would have a negligible impact on the Ironbridge Gorge World Heritage Site is also pertinent here.

6.4.2 The Council's Historic Environment(Conservation) Team is content with the analysis and findings of the Heritage Impact Assessment. A refusal on the grounds of the proposal causing harm to heritage assets could not be sustained in this case.

6.5 **Highway Safety and Transport**

6.5.1 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. It also seeks to secure safe developments. The NPPF, at paragraph 110, advises in assessing applications for development should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- b) Safe and suitable access to the site can be achieved for all users; and
- c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 continues by stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.5.2 The Planning Statement submitted states that while a development of this nature will rely on private car transport for access, it is proposed the operator will provide a shuttle bus service to transport guests to the local area and Telford Central railway station. Cycle hire will also be offered to guests to allow them to make local journeys by bicycle. The development would make use of an existing 4.0-4.5m access road running through the farm, with exception to the central section of the access route where a new section of road is proposed to bypass the farmyard and existing caravan storage. Passing places are proposed to be provided at regular intervals along the access route, which would provide an overall width of 6.0 to 6.5m. The access road would be reconstructed and surfaced in permeable tarmac, and/or surfaced in conventional impermeable tarmac and drained by swales. The existing access to Home Farm from the B4380 Buildwas Road is proposed to be improved to provide geometry for vehicles towing large touring caravans. Whilst there are land constraints preventing a new bell-mouthed junction being constructed, localised improvements have been designed to upgrade the existing access. The improvements would facilitate simultaneous entry and exit from the access by large cars towing luxury touring caravans. The existing junction arrangement has a short central right turn 'ghost island' storage lane for the junction, which would to serve the development traffic. A system of double white lines is provided to the east of the access to protect a right turn lane for the nearby junction with the A4169 Much Wenlock Road.

6.5.3 A Transport Statement has been submitted with the planning application. It explains that the reason for the proposed access route via the existing private roads leading through Home Farm is as follows:

"There is presently an existing access point to the site area from the A4169 Ironbridge Bypass, which provides access to an off-road vehicle events area. As the A4169 is an 'WS2+1' single carriageway road with a crawler lane leading towards Telford, in accordance with the Design Manual for Roads and Bridges (DMRB) CD 123 - Geometric design of at-grade priority and signal-controlled junctions, providing a junction for a development of this nature is deemed not to be acceptable. Consequently, the existing access location from the B4380 is considered to provide an appropriate location for the development to access the

local road network. It is intended that the existing access from the A4169 will be retained as an emergency access, but this shall always remain locked and will only be used in an emergency situation."

The Transport Statement comments that the existing speed limit on the Buildwas Road at the site access is presently the national speed limit. The terminal signs for a 40mph speed limit for Buildwas village is some 60 metres west of the access. The application proposes that the 40mph speed limit is extended to a point to the east of the site access near to the junction with Much Wenlock Road. The Transport Statement asserts the visibility splays achievable at the proposed site access of 2.4 metres by 79 metres, applying criteria from Manual for Streets 2, in conjunction with the 40mph speed limit extension, would be appropriate for the prevailing highway conditions. There is an existing ghost island for the private access with the B4380 which would be retained and improved as part of the proposed development for the benefit of traffic turning right into the access to the proposed development off the B4380.

- 6.5.4 The Transport Statement includes a review of collisions in the last five years within 250 metres of the site access, of which there has been four at the junction of the B4380 with the A4169 to the east of that access. It does not consider the details of these incidents suggest that there is a significant road safety problem with that junction, which is unrelated to that proposed for use by this development. The conclusions reached by the Transport Statement are:

"The site benefits from excellent connectivity with the wider road network via the A1469 which joins the B4380 just a short distance from the site

Sustainable travel options are available for the development in the form of a local bus route and potential opportunities for cycling and walking trips. We also propose that a shuttle bus service to and from Ironbridge is provided for customers staying at the site.

We estimate that the development will generate an additional 266 2-way traffic movements on the network per day. We consider that the site access and local road network has sufficient capacity to accommodate these movements and no road safety or capacity issues are anticipated as a result of the proposed development."

- 6.5.5 The final comments of the Council's Highways Consultants are set out at 4.2 above, with their initial commentary being at 4.2.1. they consider that the proposals would not have an unacceptable impact on highway safety, and would have no significant effects on the transport network (In terms of capacity and congestion) provided that the proposed right turn lane/ghost island enhancements are delivered in conjunction with the speed limit extension. With these measures paragraph 111 of the NPPF (Quoted in full at the end of paragraph 6.5.1 above) would not be engaged. A Section 106 Agreement would be required as part of any grant of planning permission to provide a financial contribution of £5000.00 towards the cost of the Traffic Regulation Order for the speed limit extension.

6.6 Ecology

- 6.6.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation.
- 6.6.2 The application is accompanied by an Ecological Appraisal which incorporates an Extended Phase 1 Survey, a Preliminary Roost Assessment of trees and a Habitat Suitability Assessment (HSI) in respect of ponds and great crested newts. This work has established that further Phase 2 surveys to inform licensing or mitigation measures are not necessary.
- 6.6.3 The Council's Ecology Team is content with the findings of the ecological appraisal. The new planting proposed would enhance biodiversity and there would be net gains also through the provision of bat and bird boxes. The carrying out of work in accordance with the mitigation and enhancement measures as specified in the Ecological Appraisal by Salopian Consultancy, provision of bat and bird boxes, approval of an external lighting plan and protection measures during construction works are all matters which can be conditioned on a grant of planning permission to safeguard matters of nature conservation importance.

6.7 Drainage

- 6.7.1 Core Strategy policy CS18 relates to sustainable water management. A Flood Risk Assessment (FRA) has been submitted with the application, which includes a drainage strategy. The Council's Drainage Consultants consider that the FRA has established that there are no technical constraints to the site being adequately drained and that it would not create a food risk. The precise drainage details to be installed is a matter which can be conditioned should planning permission be granted.

6.8 Residential Amenity

- 6.8.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest residential properties to the site are those situated in the vicinity of the junction of the private road which would serve the development with the B4380. Other properties are well to the south of the site, beyond woodland on the opposite side of the A1469. The separation distances between the proposed lodges and existing dwellings, coupled with the topography and proposed layout would ensure no significant privacy or overbearing impacts on existing properties. The proposed landscaping scheme would also assist in reducing further the inter-visibility between the properties. While there would be noise and fumes associated with the traffic movements generated by the proposed development, in addition to the current farm and caravan storage traffic using this access road, it is not considered that this would be sufficient to justify a refusal on the grounds of undue harm to the residential amenities of the locality.
- 6.8.2 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue is addressed by a recommended condition on the restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and a condition requiring the approval of a construction method statement to mitigate the

temporary impact.

6.9 Contamination

- 6.9.1 Core Strategy policy CS6 seeks to secure safe developments. The National Planning Policy Framework (NPPF), at paragraph 183, advises that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from land instability and contamination. It states that adequate site investigation information, prepared by a competent person, should be available to inform these assessments. The NPPF continues at paragraph 184 stating where land is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. A Phase 1 Contaminated Land Report has been submitted with the application which has been prepared by Ground First Ltd. The report concludes that further investigation and/or suitable mitigation is required in order to manage potential low to moderate ground gas risks, due to past landfill activity on part of the site, and a suitable watching brief should be maintained during the groundworks phase of development.
- 6.9.2 The Council's Environmental Protection Team has considered the Ground First Ltd report and concur with the Phase 1 Report conclusions that the need for further investigation and assessment is needed prior to the commencement of development. This investigation, assessment, approval of measures to achieve any remediation required and the implementation of those measures to make the land fit for the intended use and comply with NPPF paragraph 183 can be achieved through the condition set out in the Environmental Protection Team comments at 4.5 above.

7.0 CONCLUSION

- 7.1 There is no in-principle planning policy objection to the proposals contained in this application. The precise details of the holiday caravans/ lodges installed, in the event of planning permission being given, is a matter on which a planning condition attached to any approval. The colour and external finishes can also be controlled through a planning condition to ensure a high-quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. The proposed layout of the holiday caravans/ lodges and their associated parking and road/paths network, coupled with the ground re-profiling and landscaping scheme, would result in a development which, whilst visible due to the hillside location, would not be unduly obtrusive in the rural landscape. The impact of the development would be further softened as the new tree planting in the landscape scheme establishes and matures.
- 7.2 A refusal on the grounds of the proposals contained in this application would cause unacceptable visual harm to the landscape, and the setting of listed buildings and other heritage assets contained in that landscape, could not be sustained. With regard to the heritage impact, there are wider public benefits in terms of the contribution to the local economy, job creation and the delivery of high quality visitor accommodation sought by the Development Plan which would be provided by the proposed development which outweigh the limited harm identified, in applying the balance required by paragraph 202 of the NPPF

- 7.3 The assessment of the highway/transport matters has taken account of the environmental impacts of traffic and mitigation works proposed. The Transport Statement using nationally recognised standards and modelling has established that there would be no access junction or road network capacity problems resulting from the proposed development. A safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree by the works and measures proposed, in accordance with paragraph 110 of the NPPF. The safe developments, from a transport and highways perspective, sought by Core Strategy policy CS6 and the NPPF can be achieved. There would be no unacceptable impact on highway safety, or residual cumulative impacts on the road network that would justify a refusal of planning permission in this case.
- 7.4 These proposals would not adversely impact on protected species and ecological interests, and would maintain the environmental network of the locality, with enhancements. Ecological interests and drainage can be safeguarded through the recommended planning conditions. The proposed development would not unduly harm the residential amenities of the locality. Remediation for ground contamination/gases can be addressed through the recommended planning condition.
- 7.5 This proposal would satisfy all three overarching objectives for sustainable development set out in the National Planning Policy Framework (NPPF paragraph 8). It would fulfil the economic objective by contributing to the rural economy and providing high quality visitor accommodation and leisure facilities as sought by the Development Plan and sustainable rural tourism and leisure developments sought by paragraph 84 of the NPPF; the social objective would be met through the creation of employment both directly and indirectly which is key to supporting strong, vibrant and healthy communities, and the nature of the development would be beneficial to the health, social and cultural well-being of its users; and the environmental objective would be fulfilled by the landscape and ecological enhancements it would deliver, helping to improve biodiversity.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7b - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

SA/06/0412/F Change of use of land for motorcycle activities including quad-biking and enduro-bikes (max 28 days), 4 x 4 events (max 28 days) and other recreational outdoor pursuits to include corporate team building, assault course, mountain biking, motorcycle schooling, 4 x 4 dealership demonstrations (max 150 days of which no more than 30 days for motorised vehicles), ancillary camping/caravan site in association with the above events and engineering operations to form landscape bunding REFUSE 16th August 2006
SA/04/0489/F Change of use of land for all year operation of motorsports including quad bikes, enduro bikes, 4x4 vehicles and demonstrations, motor cycle schooling and practice, mountain biking and outdoor pursuit activities (including corporate team building events / assault course / clay pigeon shooting). WDN 8th June 2004

11. Additional Information

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

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

Planning and Design Statement
Arboricultural Assessment
Flood Risk Assessment
Heritage Impact Assessment
Preliminary Ecological Appraisal
Transport Statement
Landscape and Visual Impact Assessment
Contaminated Land Report

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Claire Wild

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. No more than 120 static holiday caravans/lodges and 35 touring holiday caravan pitches shall be stationed/provided on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

Reason: To define the permission for the avoidance of doubt and in the interests of the visual amenities of the area.

4. The construction of the static holiday caravans/ lodges shall comply with the definition of a caravan and shall comprise of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and shall not exceed the length, width and height of living accommodation limits set out in Part 3, Section 13 of the Caravan Sites Act 1968, as amended.

Reason: To define the permission for the avoidance of any doubt and to comply with SAMDev Plan policy MD11.8.

5. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning

(Use Classes) Order 1987 (as amended), the caravans hereby permitted shall be used to provide holiday accommodation only and shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

6. A register shall be maintained by the owners/operators of the holiday caravan site of the names of the occupiers of the caravan units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

7. Before the static holiday caravans/ lodges are first installed on the land details of their appearance and external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the static holiday caravan/ lodges.

Reason: To ensure that the external appearance of the development is satisfactory, in the interests of visual amenity.

8. No development shall take place, including any works of demolition, until a Construction Management 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 and should reflect the phasing of construction. 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
- routing of vehicles to and from the site
- communication strategy for sub-contractors
- details of local liaison and engagement with relevant representatives

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

9. Before any static holiday caravan/lodge is first occupied the foul and surface water drainage arrangements to the cluster of caravan/ lodges in which it would be located shall be

installed in full in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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

10. Prior to the erection of any external lighting on the site associated with the development hereby approved, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK and any future update to that document. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

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

11. Construction works and/or demolition works shall not take place outside the hours 07:30 to 18:00 Monday to Friday; 08:00 to 13:00 Saturdays. No works shall take place on Sundays, or on bank or public holidays.

Reason: To safeguard the residential amenities of the area.

12. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level. Thereafter, the access shall be completed to the approved details before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users, for the duration of the site construction and perpetuity.

13. Prior to the completion of the development, full engineering details and Road Safety Audit of the proposed Right Turn/Ghost Island Junction Enhancements and Pedestrian Refuge, as indicated on drawing number SA36090 BRY 0001 A, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details before the caravan/leisure park is first occupied.

Reason: To ensure a satisfactory means of access to the highway.

14. The development hereby permitted shall not be brought into use until the new section of access road, areas shown on the approved plans for parking, loading, unloading, and turning of vehicles and passing bays have been provided properly constructed, laid out, hard surfaced and drained in accordance with details which have been approved in writing by the Local

Planning Authority. The areas shall be maintained thereafter free of any impediment to their designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

15. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Salopian Consultancy Tree Protection Plan and Arboricultural Method Statement, and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence and temporary ground protection shall be erected 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 written approval of the Local Planning Authority

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

16. Prior to the commencement of the development 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 arboricultural method statement 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.

17. All services will be routed outside the root protection areas indicated on the Tree Protection Plan or, where this is not possible, a detailed method statement and task specific tree protection plan will be submitted and approved in writing by the Local Planning Authority prior to any such work commencing. The work shall then be carried out in accordance with the approved details.

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

18. New tree planting shall meet the requirements of BS 8545: 2014 Trees: from nursery to independence in the landscape Recommendations.

Reason: To ensure the survival of new trees.

19. No above ground works shall be commenced until full details of both hard and soft landscape works, incorporating the details shown on drawing number 3072-001 Rev A (Landscape Mitigation Planting Plan) have been submitted to and approved in writing by the

local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. 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.

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

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

21. Prior to first occupation / use of the holiday caravan site bat and bird boxes shall be installed in accordance with details of their makes, models and locations which have been submitted to and approved in writing by the Local Planning Authority. The following boxes shall be erected on the site:

- A minimum of 5 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 5 artificial nests, of either integrated brick design or external box design,

suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development. The boxes shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 180 of the NPPF.

22. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding birds as provided in Section 4 of the Ecological Appraisal (Salopian Consultancy 14th June 2021).

Reason: To ensure the protection of and enhancements for bats and Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

23. No development shall take place (including demolition, ground works and vegetation clearance) until a plan and details of the proposed protective fencing to be erected to safeguard the ancient woodland during construction of the development has been submitted and agreed in writing by the Local Planning Authority. The plan shall include a minimum 15m buffer temporarily fenced off.

Reason: To protect the ancient woodland and associated habitat from damage and disturbance.

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

- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c) Requirements and proposals for any site lighting required during the construction phase;
- d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- f) Identification of Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;

- iii) Installation of physical protection measures during construction;
- iv) Implementation of sensitive working practices during construction;
- v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
- g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.
Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and paragraph 180 of the NPPF.

25. The wildlife pond shown on the approved site plan shall be constructed in accordance with section drawings showing its profiles and depth; details of its lining, overflow arrangements and the planting of its margins which have first been approved in writing by the Local Planning Authority.

Reason: To ensure the construction of a satisfactory pond which takes into account the ground conditions of the site, in the interests of public safety, visual amenity and biodiversity.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2.
Works on, within or abutting the public highway
This planning permission does not authorise the applicant to:
-construct any means of access over the publicly maintained highway (footway/verge) or
-carry out any works within the publicly maintained highway (street), or
-authorise the laying of private apparatus within the confines of the public highway (street) including any a new utility connection, or
-undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway, or
-otherwise restrict any part of the public highway (inc. footway, verge or waste) in any way, for the purposes of constructing the development (i.e. Skips, scaffolding, hording/safety fencing, material storage or construction traffic, etc.)
The applicant should in the first instance contact Shropshire Councils Street Works team. This link provides further details
<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

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

list of approved contractors, as required.

3. Section 278 Agreement

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement.

No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into

<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

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.

Protection of visibility splays on private land

The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

4. All bat species found in the U.K. are protected under the 2017 Conservation of Habitats and Species Regulations (as amended) and the 1981 Wildlife and Countryside Act (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

5. Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and

trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

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

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

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Committee and date

Southern Planning Committee

8 February 2022

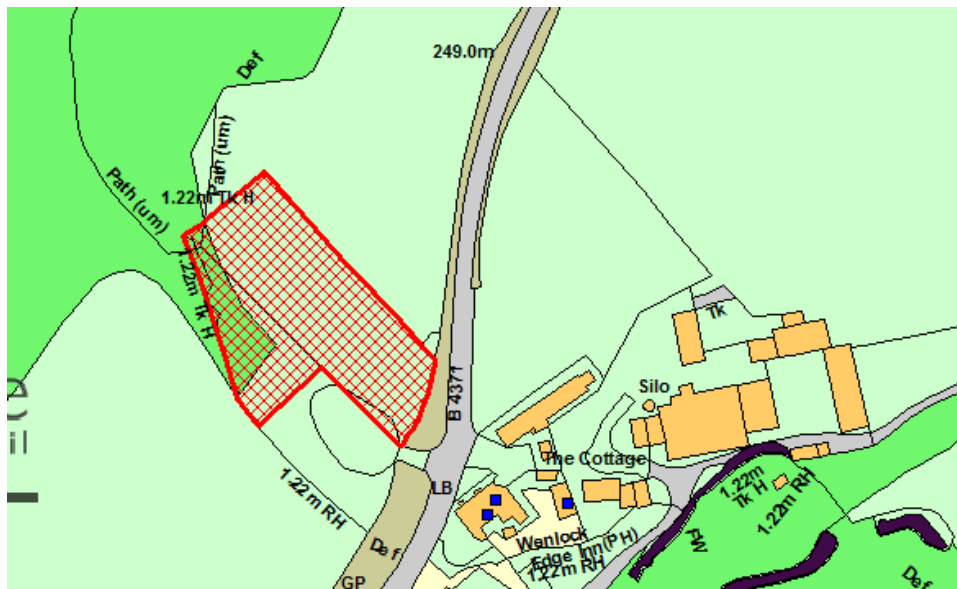
Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/04033/FUL	<u>Parish:</u>	Much Wenlock
<u>Proposal:</u> Stationing of 3No holiday letting units, supporting infrastructure and installation of package treatment plant and associated works (Amended Description)		
<u>Site Address:</u> Wenlock Edge Inn Easthope Much Wenlock Shropshire TF13 6DJ		
<u>Applicant:</u> Mr Alf Murray		
<u>Case Officer:</u> Richard Fortune	<u>email</u>	: richard.fortune@shropshire.gov.uk

Grid Ref: 357028 - 296285



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Recommendation:- Grant Permission, subject to receipt of satisfactory Unilateral Undertaking tying holiday let accommodation to the Wenlock Edge Inn and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application as originally submitted proposed the stationing of four holiday letting units on this site, together with the installation of a package treatment plant and associated works including parking spaces. The number of units has subsequently been reduced to three and the parking and drive area adjusted so that none of the proposed development would encroach into the adjacent site of special scientific interest (SSSI).
- 1.2 The three holiday lodges would form a staggered row in the eastern portion of the application site, close to the north-eastern site boundary but with a sufficient gap for a screen of new planting along that boundary. There would also be new tree planting on the eastern boundary between the end of the chalet row and the B4371. The existing vehicular access serving the Inn car park to the south would be used, with a short drive formed to serve the three pairs of parking spaces for the holiday units. The package treatment plant would be at the end of the drive and to the west of the chalet group and north of the Inn car park, with an outfall to an existing watercourse. The existing area of woodland in the western portion of the application site would be retained.
- 1.3 The proposed holiday units would comply with the definition of a caravan used in planning legislation. Illustrative details have been submitted showing that it is intended that they would have the appearance of timber cabins with shallow, dual pitched tiled roofs.
- 1.4 The supporting statement with the application states that the proposal is to substitute timber chalets (Now three rather than the four originally proposed) for the two buildings (Which would have contained seven holiday lodges and a meeting room) contained in the implemented planning permission. It explains that the reason why works at the site have been delayed and effectively mothballed for the last three years has been due to the need to resolve development proposals on the sister public house which is The Longville Arms at Longville. The form of holiday accommodation now proposed would comply with SAMDev Plan policy MD11 which at point 8 states that such accommodation should be provided either through the conversion of existing buildings or by structures that conform to the legal definition of a caravan, which is the case with this proposal. The supporting statement comments in connection with the appeal approved development that all conditions were discharged including those relating to drainage; landscaping and hard-surfacing and materials and were taken into account in the installation of the footings of the buildings.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises of a parcel of land to the west side of the B4371 (Much Wenlock - Church Stretton Road). Opposite the site is the Wenlock Edge Inn, a public house which is currently closed and owned by the applicant. The land is relatively flat and made up of a gravelled area and open grass land. To the north-west and north-east sit open fields which are part of the Wenlock Edge Site of Special Scientific Interest (SSSI). An open wire fence with sparse tree planting defines the boundary. This land slopes gently up away from the site to Ippkins Rock which gives views across the landscape towards Hughley and Church Preen. To the south-west are further open fields, the boundary is defined by a mature row of trees. A Shropshire County Wildlife site is to the north-west of the small coppice of trees which lie between the uppermost section of the site.
- 2.2 The application site itself falls within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which runs along the B4371 road, resulting in the pub itself being outside the AONB.
- 2.3 The nearest neighbouring residential properties are located alongside and to the rear of the Wenlock Edge Inn.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Local Member request for Committee determination submitted with 21 days of electronic notification of proposal; Town and Parish Council views contrary to Officer recommendation. The application is therefore one to be determined by Committee due to the local member call-in.

4.0 Community Representations

Consultee Comment

- 4.1 Much Wenlock Town Council - Object:
Insufficient information has been provided to allow Town Councillors to make an informed decision.
- 4.2 Easthope and Stanton Long Parish Council - Object:
-This is a new application and not an amendment to the existing consent 14/02184/FUL for a different type of accommodation.
- There should be reports such as ecology, traffic management, visibility splay etc.
- There are no elevations or floor plans included, just a screen shot of a chalet/lode, location plan or block plan.
- No indication on how waste water will be dealt with from four holiday lets.
- The planning statement indicates that the Wenlock Edge Inn has capacity for a certain number of covers at one time. The Wenlock Edge Inn is currently derelict with no indication of works starting to renovate. Therefore there are no covers for food serving available at this time.
- 4.3 SC Highways - Comment:
Seek information to compare how the proposal compares with that approved under

appeal reference 15/02291/REF, APP/L3245/W/15/3065822.

Informatives recommended advising of the need to ensure that visibility splays are provided; highway to be kept clear of mud during construction works; no drainage to discharge to the highway; appropriate waste collection facilities should be provided.

4.4 SC Drainage - Comment:

Recommend informative on any permission advising A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-fordevelopers.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.

4.5 SC Ecology - Comment:

The proposed development site lies within Wenlock Edge Site of Special Scientific Interest and in close proximity to Blakeway Coppice Ancient Woodland and Wenlock Edge Local Wildlife Site. The site has been classified as 'Unimproved species rich calcareous grassland', which is a priority habitat. The site also forms a core area of the Environmental Network.

Do not support development of this site and recommend refusal as being contrary to Core Strategy policy CS17; SAMDev Plan policy MD12 and the NPPF which seeks to protect and enhance biodiversity and geodiversity.

Should application be progressed there should be an appropriate buffer between any works and the Ancient Woodland; details of the proposed foul drainage; ecological impact assessment; botanical, dormouse and badger surveys and Consultation with Natural England.

4.6 Natural England - No response to consultation sent 08.09.2021.

4.7 Shropshire Fire and Rescue - Draw attention to Fire Safety Guidance available.

4.8 AONB Board - No response to consultation sent 08.09.2021.

Public Comments

4.8 Site notice displayed 10.09.2021.

The full text of comments received may be viewed on the Council's web site and

are summarised below:

1 letter of support:

- The Wenlock Edge re-opening would be a huge boost to the area in terms of jobs and also socially.
- Given that previous application was successful on appeal, surprised that this has been refused by local councils; standalone buildings would be a far safer option in this 'covid' era.
- Objections raised (ecology, traffic management, visibility etc) has already been covered and accepted in the previous application appeal; waste of time, resources and taxpayers' money to trawl over this again when the only change is to the building itself.
- Pub renovations are underway and are looking very impressive.

1 Objection:

- Not a variation to the consent on appeal 14/02184/FUL; it is an entirely new and separate application for lodges under the static caravan legislation and should be assessed as such.

Much Wenlock Civic Society - Object:

- Endorse Town Council and Parish Council objections.
- Despite previous assurances the site has too long been left an eyesore.
- Speculative nature of application as an adjunct to the closed Inn does not give confidence in long term viability.
- Application should not be approved until the Inn has reopened and proved itself a viable enterprise.

National Trust - Object:

- Application lacks information on where chalets would go, what else would be on the site, how anything relates to the Wenlock Edge SSSI and how the proposals relate to securing the reopening of the Wenlock Edge Inn.
- Applicant should supply a layout plan for the current proposals showing the chalets and sewage plant outside the SSSI as in the layout approved by the appeal Inspector.
- Comparison between the visual impact of the approved development and what is now proposed is more finely balanced than the supporting statement suggests.
- There should be landscaping along the north east field boundary.
- The Inspector considered the unilateral undertaking submitted with the previous approval to retain the Inn and the accommodation as one land holding to be necessary, relevant and reasonably related to the development, but no new Undertaking is mentioned in the supporting statement.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highway Safety
Biodiversity and Drainage

Residential amenity
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 Core Strategy policy CS5 advises that within the countryside proposals will be supported in principle where they relate to sustainable and rural tourism and leisure and recreation proposals which require a countryside location, in accordance with policies CS16 and CS17. Policy CS16 seeks the development of high-quality visitor accommodation in accessible locations served by a range of services and facilities, which enhances the role of Shropshire as a tourist destination to stay. It specifies that in rural areas proposals must be of an appropriate scale and character for their surroundings and, if not close to or within settlements, be associated with an established and viable tourism enterprise where accommodation is required. Core Strategy policy CS13 relating to economic development, enterprise and employment is also supportive of rural enterprise and diversification of the economy, in specified areas which include tourism and leisure. Much Wenlock Neighbourhood Plan policy EJ7 supports proposals for recreational and tourism activities provided the siting, design and scale of the development conserves the quality of the parish's built and natural environments, including its townscape and surrounding countryside.
- 6.1.3 The Site Allocations and Management of Development (SAMDev) Plan policy MD11 relates specifically to tourism facilities and visitor accommodation, advising that tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements of other listed Development Plan policies and national guidance. With specific reference to visitor accommodation in rural areas, policy MD11.7 recognises that static caravans, chalets and log cabins can have a greater impact on the countryside and such schemes should be landscaped and designed to a high quality. The requirements of policy MD11.8 are met by this proposal because the holiday let development would conform to the legal definition of a caravan.
- 6.1.4 A significant material planning consideration applicable to the principle of the proposed development in this case, and also a number of the detailed matters considered in the other sections of this report below, is the grant of planning permission on appeal on 25th November 2015 for the erection of two visitor accommodation blocks, removal of derelict function room and creation of new parking area, change of use of outbuilding (letting room) to site shop and installation of sewage treatment plant at the Wenlock Edge Inn. (Application

reference 14/02184/FUL). The planning permission granted on appeal is subject to a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act which states that whilst the Wenlock Edge Inn shall trade as a public house, the sites of the Inn and the proposed accommodation blocks shall be retained as one whole and indivisible land holding and the two tourist blocks shall not be sold separately. The Inspector concluded with respect to the UU:

"It is appropriate that the accommodation blocks and the Inn be kept as a single unit in order for the benefit of the development to the viability of the Inn to be realised in perpetuity. The UU to retain the sites of the Inn and the accommodation as one land holding is thus necessary, relevant and reasonably related to the development in terms of Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended."

The agent has submitted a similar Unilateral Undertaking for the proposals contained in the current planning application, which at the time of writing this report is being checked by the Council's Legal Team.

- 6.1.5 The pre-commencement conditions which form part of that grant of planning permission relating to surface and foul water drainage; materials; landscaping; construction method statement were discharged under reference 16/02200/DIS on 12th October 2016. Building Control records confirm that works were done to implement planning permission 14/02184/FUL within the three year time period from when the appeal was allowed. The holiday units now proposed would overlap the footprint of the buildings contained in the scheme allowed on appeal, preventing both being implemented. Given that the Unilateral Undertaking discussed in 6.1.4 above is being prepared and the extant permission could continue to be built at any time in the future on the area proposed for the holiday units in this application, which would utilise the drainage arrangements and landscaping scheme already approved by the discharge of planning conditions, and the access arrangements to/from the public highway are unchanged, it is only the aesthetics/landscape impact of the form of holiday accommodation now proposed (Which is compliant with current SAMDev Plan policy MD11.8) compared to that of the extant permission, which is not compliant with MD11.8, is key issue to be considered in this application.

6.2 **Siting, scale and design of structures**

- 6.2.1 Core Strategy policy CS6 requires development to be appropriate in scale, character, density and design taking into account local character and context. Policy CS17 complements this by advising that developments should not adversely affect the visual, ecological, geological, heritage or recreation values of Shropshire's natural, built and historic environment. The Much Wenlock Neighbourhood Plan good quality design policies have the same objectives (And also in respect of landscape impact discussed at Section 6.3 below). The National Planning Policy Framework (NPPF) at section 12 places an emphasis on achieving good design in development schemes. Paragraph 130 sets out a number of criteria which developments should meet in terms of adding to the overall quality of an area; being visually attractive as a result of good architecture, layout and

appearance, and effective landscaping; being sympathetic to local character; establishing or maintaining a strong sense of place; and to optimise the potential of the site to accommodate and appropriate amount and mix of development.

- 6.2.2 While the drawing of the holiday let unit is indicative it demonstrates the design ethos for the development. The scale of the units would be controlled by their siting shown on the site plan and the size and form limitations imposed for them to comply with the definition of a caravan. (The definition of a caravan is defined by statute and can comprise of no more than two sections separately constructed with maximum dimensions, exclusive of any drawbar being length 20 metres, width 6.8 metres and a maximum internal floor to ceiling height of 3.05 metres). The timber clad tourist accommodation buildings in planning permission 14/02184/FUL comprise one building some 21 metres long by 6.5 metres wide and a ridge height of 4.4 metres and one 14.8 metres long 6 metres wide also with a ridge height of some 4.4 metres so the approved structures are of a similar scale to that which holiday units at the upper end of what could meet the definition of a caravan. The precise size/appearance/details of the holiday lodges installed, in the event of planning permission being given, is a matter which can be planning conditioned on any approval. The colour and external finishes can also be controlled through a planning condition to ensure a high quality appearance appropriate to this rural setting as sought by policies CS6, CS17, MD2 and MD11. Planning conditions could also ensure that the units are only sited on the land in accordance with the site plan and that no more than three units are stationed on the land.

6.3 **Visual impact and landscaping**

- 6.3.1 Core Strategy policy CS6 requires developments to protect, restore, conserve and enhance the natural, built and historic environment. Policy CS17 seeks to ensure that all developments protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and to not adversely affect the visual, ecological, geological, heritage or recreational values of these assets, their immediate surroundings or their connecting corridors. SAMDev Plan policy MD11.2 states that all proposals should be well screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design, and landscaping and planting schemes where appropriate.
- 6.3.2 The Appeal Inspector commented that the holiday accommodation development would occupy an area that is visually contained and screened from the wider AONB by vegetation; and that the appearance of the buildings would be further softened by additional landscape planting secured through planning condition. He considered that when passing the site on the B4371, or from viewpoints to the east, the accommodation blocks would appear subsidiary to the main Inn building. He continued "*As a matter of judgement, the development would not appear significantly incongruous or unacceptably obtrusive. It would not accordingly not harm the sensitive rural landscape. Indeed it would in some measure add to its wooded character.*" He concluded it would be of a siting, scale and design that would conserve the local distinctiveness of the surrounding countryside and features of the Shropshire Hills AONB and would be in compliance with the aims of

the Core Strategy and NPPF policies to protect the AONB environment. With the control over the design and appearance of the holiday lets units which can be achieved through planning conditions and their similar positioning on the land, it is considered that there are no factors which could justify/sustain a refusal reason on the grounds of adverse landscape impact in this case.

6.4 **Highway Safety**

6.4.1 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. It also seeks to secure safe developments. The NPPF, at paragraph 110 requires that developments provide a safe and suitable access to the site can be achieved for all users. Paragraph 111 continues by stating 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. The Appeal Inspector found the additional use of the public house car park access by seven units of holiday accommodation would not lead to conditions detrimental to highway safety. It is considered that there has been no material change in respect of traffic to now make the access unsuitable to serve three holiday units, with the maintenance of adequate vision splays secured by planning condition.

6.5 **Biodiversity and Drainage**

6.5.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species and accords with the obligations under national legislation. SAMDev policies MD2 and MD12 supplement these policies.

6.5.2 The agent has responded to the comments made by the Council's Ecology Team at 4.5 above commenting that the need and benefit of the development accepted with the appeal being allowed remains pertinent to the current proposal revising the form of holiday accommodation; with the removal of one unit there is a buffer in excess of 65m between the proposed works and ancient woodland; with respect to a botanical survey the field is cut for sheep fodder; the ecological impact assessment carried out in 2014 showed nothing due to the car park use; mouse boxes were installed in 2014 without permission and that a badger survey is not necessary.

6.5.3 The Appeal Decision letter commented in respect of the issue of impact on the SSSI and Country Wildlife Site that:

"There is understandable further concern that the development must prevent harm to the nearby Wenlock Edge SSSI and Country Wildlife Site. However, the built development and car parking would be kept within the bounds of the present parking area and away from any direct contact with these protected sites. By imposition of a planning condition, suggested without prejudice by the Council, to secure appropriate foul and surface water drainage measures, including percolation tests and construction details required by Natural England, there is no substantive evidence that these material interests would be adversely affected by the development or its users."

The foul and surface water drainage measures were subsequently approved through the discharge of condition application 16/02200/DIS and identical drainage measures to what has been approved are proposed to serve the holiday units in this application. The proposal therefore has a neutral impact in comparison with the extant permission which could continue to be implemented as the fall-back position.

6.5.4 No response has been received from Natural England and the proposed development as amended does not encroach into the SSSI. It is acknowledged that an update to the ecological appraisal would have been preferred, but the development contained in the extant permission could continue without the Local Planning Authority being able to enforce such an update. There remains the obligation on developers, regardless of whether works require planning permission, to ensure that separate wildlife protection legislation is adhered to. It is considered the local authorities duty to have regard to this legislation in the exercise of its statutory functions in the context of the extant planning permission on this site and the similarity of the proposals with essentially just a change in the form of holiday accommodation in the same location on the land with the same drainage arrangements, can be met by appropriate ecology informatives on any planning permission issued.

6.6 **Residential Amenity**

6.6.1 Core Strategy policy CS6 seeks to safeguard residential amenity. It is acknowledged that properties in the vicinity may experience some disturbance for a temporary period while the proposed works are carried out. These temporary impacts can be mitigated on any approval issued by conditions controlling construction times.

7.0 **CONCLUSION**

7.1 There is no in-principle planning policy objection to the built form of holiday letting accommodation contained in the extant planning permission 14/02184/FUL being replaced with the stationing of three holiday letting units which comply with the definition of a caravan used in planning legislation. It is a change which would bring the form of holiday accommodation into alignment with SAMDev Plan policy MD11:8 which today resists the new built form of holiday accommodation contained in planning permission 14/02184/FUL and requires holiday let development to either conform with the legal definition of a caravan or be the conversion of existing appropriate rural buildings. The Unilateral Undertaking will ensure the same linkage to the Wenlock Edge Inn that the Appeal Inspector found to be necessary.

7.2 The appearance of the proposed holiday letting units can be controlled through planning conditions to ensure that they do not detract from the visual amenity and rural character of the area. The drainage arrangements would match those already approved for the site as would the landscaping scheme. The proposal would not be detrimental to highway safety or unduly impact on residential amenity. Ecological interests are safeguarded by the revised site layout with the reduction in the number of units from four to three and by informatives advising the developer of their legal responsibilities to adhere to wildlife protection legislation.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS8 - Facilities, Services and Infrastructure Provision
CS13 - Economic Development, Enterprise and Employment
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7b - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment

Much Wenlock Neighbourhood Plan

RELEVANT PLANNING HISTORY:

14/02184/FUL Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description) REFUSE 10th December 2014

16/02200/DIS Discharge of Conditions 4 (drainage), 5 (materials), 6 (hardsurfacing & landscaping) & 8 (construction method statement) relating to planning permission

14/02184/FUL (allowed on appeal) - Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description) DISAPP 13th October 2016

16/02780/AMP Application for non-material amendments to planning permission 14/02184/FUL (allowed on appeal) for the erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage

treatment plant GRANT 22nd August 2016

18/03090/FUL Erection of single storey dining room extension, erection of single storey disabled access/wc extension and relocation of first floor fire escape, demolition of existing conservatory, provision of 2 no. disabled car parking spaces, connection to recently approved treatment plant GRANT 25th February 2019

21/00337/DIS Discharge of Condition 3 (Landscaping Management/Tree Protection) associated with planning application number 18/03090/FUL NPW 23rd February 2021

21/01051/DIS Discharge of Conditions 3 (Landscaping/Tree Protection) and 4 (Stone/Materials) associated with planning application number 18/03090/FUL DISPAR 16th April 2021

21/04033/FUL Stationing of 3No holiday letting units, supporting infrastructure and installation of package treatment plant and associated works (Amended Description) PDE

BR/APP/FUL/02/0409 Retention of conservatory GRANT 17th July 2002

BR/87/0255 CONSTRUCTION OF WALLS TO FORM ENTRANCE AND PATIO GRANT 12th May 1987

BR/88/0630 ERECTION OF EXTENSION TO OWNER'S ACCOMMODATION AND TWO LAMP COLUMNS GRANT 3rd October 1988

BR/85/0831 ALTERATIONS TO TOILET BLOCK TO FORM HOLIDAY ACCOMMODATION GRANT 14th August 1987

BR/86/0662 ERECTION OF SINGLE STOREY REAR EXTENSION TO FORM LAUNDRY GRANT 14th October 1986

BR/87/0745 CONSTRUCTION OF PUBLIC CAR PARK AND FORMATION OF VEHICULAR ACCESS REF 3rd November 1987

BR/87/0705 DISPLAY OF THREE NON-ILLUMINATED SIGNS REF 8th October 1987

BR/90/0233 ERECTION OF A DWELLING GRANT 11th June 1990

BR/96/0399 ALTERATION RENOVATION AND CONVERSION OF EXISTING FUNCTION ROOM TO PROVIDE HOLIDAY ACCOMMODATION (AMENDMENT TO PERMISSION 96/0136) REF 24th July 1996

BR/96/0137 ERECTION OF SINGLE STOREY EXTENSIONS AT THE REAR OF THE PUBLIC HOUSE GRANT 7th June 1996

BR/96/0136 ALTERATION RENOVATION AND CONVERSION OF EXISTING FUNCTION ROOM TO PROVIDE 6 SELF-CONTAINED UNITS AND MEETING ROOM GRANT 7th June 1996

BR/85/0433 The erection of a single storey side extension to form enlarged ladies toilet GRANT 6th August 1985

Appeal

09/01510/REF DISPLAY OF THREE NON-ILLUMINATED SIGNS DISMIS 21st March 1988

Appeal

15/02291/REF Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description) ALLOW 25th November 2015

11. Additional Information

[View details online:](#)

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QXY24LTDHMF00>

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

Planning Statement

Planning approvals 14/02184/FUL and 16/02200/DIS

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Dan Thomas

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. No more than 3 holiday let units shall be stationed on land within the application site at any time and there shall be no variations to their siting from that shown on the approved drawings.

Reason: To define the permission for the avoidance of doubt and in the interests of the visual amenities of the area.

4. The construction of the holiday units shall comply with the definition of a caravan and shall comprise of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and shall not exceed the

length, width and height of living accommodation limits set out in Part 3, Section 13 of the Caravan Sites Act 1968, as amended.

Reason: To define the permission for the avoidance of any doubt and to comply with SAMDev Plan policy MD11.8.

5. The development hereby permitted shall be occupied only as holiday accommodation and not as the main residence of any person. The operator of the holiday accommodation shall keep a register of occupiers and their main home addresses and shall make this information available to the local planning authority at all reasonable times.

Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the caravans hereby permitted shall be used to provide holiday accommodation only and shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

6. A register shall be maintained of the names of the occupiers of the caravan units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.

Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.

7. Before the holiday units are first installed on the land details of their sizes, appearance, external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details and retained for the lifetime of the holiday units.

Reason: To ensure a high quality appearance appropriate to this rural setting as sought by Development Plan policies CS6, CS17, MD2 and MD11.

8. The existing access vision splays shall be kept permanently free of all obstacles or obstructions over a height of 0.9 metres above the level of the adjoining carriageway.

Reason: In the interests of highway safety.

9. Prior to the installation of any external lighting in connection with the development hereby approved, full details of the external lighting have been submitted to and approved in writing by the local planning authority. It shall demonstrate that the proposed lighting will not adversely impact on ecological networks and/or sensitive features, and shall be designed to

take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK and any future update to that document. The lighting shall be installed in accordance with the approved details and to a timetable which has been approved in writing by the Local Planning Authority, and thereafter retained for the lifetime of the development.

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

10. The drainage system shall be completed in accordance with the approved details prior to the first occupation of any of the holiday lets hereby approved and shall thereafter be retained in the form approved.

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

11. All hard and soft landscape works , including the screen planting for areas 1 and 2 shown on the approved drawings, shall be carried out in accordance with the details approved under reference 16/02200/DIS applicable to implemented planning permission 14.02184/FUL. The works shall be carried out in the first planting and seeding seasons following the occupation / use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

12. The development shall be carried out in accordance with the Construction Method Statement approved under reference 16/02200/DIS applicable to implemented planning permission 14/02184/FUL.

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

13. No construction (and/or demolition) works shall take place outside the hours of 07:30 to 18:00 Mondays to Fridays; 08:00 to 13:00 Saturdays; nor at any time on Sundays, Bank or Public Holidays.

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

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with

the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at:

<https://www.shropshire.gov.uk/media/5929/surface-water-management-interim-guidance-for-developers.pdf>

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.

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

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

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

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

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

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

4. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from killing, injury and trade. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. Reasonable

precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

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

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog Preservation Society (01584 890 801).

[Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.]

5. Badgers, their setts and the access to the setts are expressly protected under the

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

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

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

6. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

Should any works to mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works. The bat survey should be carried out by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition).

If any evidence of bats is discovered at any stage then development works must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

7. 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 a 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.

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.

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

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.

-



Committee and date

Southern Planning Committee

8 February 2022

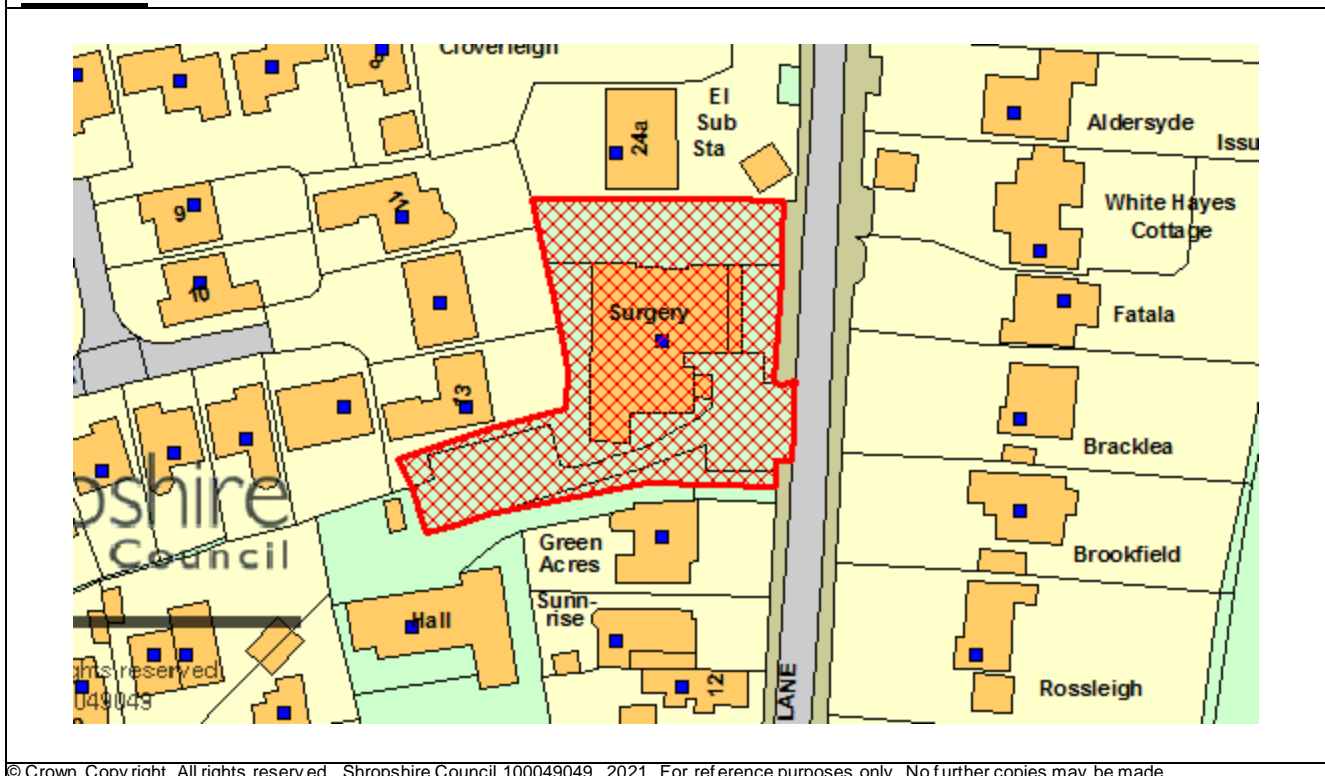
Development Management Report

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

Summary of Application

Application Number: 21/04508/FUL	Parish: Albrighton
Proposal: Erection of first floor extension and ground floor refurbishment of GP practice including rearrangement of car park	
Site Address: Doctors Surgery, 24 Shaw Lane Albrighton WV7 3DT	
Applicant: Albrighton Medical Practice	
Case Officer: Elizabeth Attwood	email : elizabeth.attwood@shropshire.gov.uk

Grid Ref: 381722 - 304335



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

REPORT

1.0 THE PROPOSAL

1.1 Erection of first floor extension and ground floor refurbishment of GP practice including rearrangement of car park.

1.2

- The existing medical practice consists of 15 consulting rooms on the existing ground floor, 10 of which are general practice rooms, 3 nurse's rooms, phlebotomy and children's health – supported by associated dispensary; reception; waiting rooms and toilets. On the first floor further rooms provide accommodation for staff, including offices, staff room, library and a conference room.
- Albrighton Medical Practice currently supports 30 staff members, including 6 GP partners and 2 registrars. Of the 30 employees, 8 of these are clinical (3 : 5 full time : part time) and 22 are administrative staff (7 : 15, full time : part time).
- The practice is open from 08:00 to 16:00 Monday to Friday. Despite the Covid-19 pandemic, staff have continued to attend the office on a daily basis with the exception of 1 GP who has been working from home and any other staff only working from home if they have been required to self-isolate.
- It is anticipated that the practice would be working in the future with a mixture of telephone and face to face consultations. As has been found over the pandemic, telephone consultations have reduced the number of trips to surgeries thereby reducing the impact that this has had on traffic generation.

1.3

- The proposed development seeks to increase the first floor area by creating a first floor extension over part of the existing single storey built development area, as a result moving 2 of the consulting rooms upstairs and providing a further 3 consulting rooms, with a library and a conference room being located into the extended area.
- The mass associated with the extension does not extend beyond the existing broader mass and scale parameters associated with the practice, and is located in an area whereupon its measurable impact upon the surrounding area is considered to be negligible; due to the existing provision of scale associated with the medical practice and separation distances to surrounding residential dwellings.
- As a result of the proposed development, the application seeks to implement an additional 2 car parking spaces to the existing provision of car parking within the scheme which, together with the implementation of an updated car parking management system, as identified within the accompanying Transport Assessment and Travel Plan.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site fronts Shaw Lane, to the north of Albrighton High Street and comprises a single and 1.5 storey building, with the reception area located within the single

storey element. The building is facing brick under a tiled hipped roof. Parking is to the front (east) side (north) and rear (west).

- 2.2 There is a private access between the site and a dwelling known as Green Acres (to the left/south) leading to Albrighton Scout hut and amenity land at the rear to the south west. The rear elevations of (two storey) no's 11, 12 & 13 Longcroft face the rear of the medical practice. There is a substation and no.24a Shaw Lane to the right (north).
- 2.3 The surrounding area comprises single and two storey dwellings of varying scale, age and design, some with and some without off street parking. Access to St Mary's primary school is located to the north east (on street parking is restricted around the school entrance). Albrighton railway station is approximately 200m away to the north east.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Parish Council view is contrary to the Officer recommendation. The Ward Cllr is supportive of the Parish objection on highway grounds. The Principal Officer in consultation with the chairman and vice-chairman have concluded that the application warrants the balance of planning considerations to be considered by Committee given the matters raised and the context of other recent applications affecting Shaw Lane and highways issues.

4.0 **Community Representations**

- Consultee Comments

- 4.1 Albrighton Parish Council – objects. The Parish Council wholeheartedly support the principle of increased medical and other services for the residents of Albrighton. However, the Practice is on a constrained site with limited car parking provision. This leads to congested parking along Shaw Lane, particularly at busy periods such as school drop off and pick up times. The expansion of the Practice will inevitably lead to greater activity on the site, exacerbating an already poor situation. The Parish Council therefore objects on insufficient off street vehicle parking and highway safety grounds.
- The submitted Travel Plan was undertaken at a time when the Practice was operating under Covid restrictions/procedures. Therefore, the Parish Council are of the opinion the report doesn't represent a true reflection of the level of activity at the Practice in normal circumstances. New homes are currently under construction within Albrighton and this will lead to even greater use of the site.
- The proposed car parking layout indicates an increase of three additional car parking spaces. In the Parish Council's view this will be insufficient to accommodate the additional vehicle use generated by the extra services/new patients etc. The layout also appears to demonstrate some spaces will restrict the manoeuvrability of vehicles using them.
- The Parish Council would welcome the opportunity to work with the operators of the practice to explore alternative car parking arrangements or relocating the Practice

to a more sustainable site within the Village as set out in the Neighbourhood Plan.

- 4.2 SC Highways –The proposed development will provide three further consulting rooms and refurbish other rooms within the surgery, as well as rearrange the car park, with the addition of three further car parking spaces. The addition of three additional consulting rooms is unlikely to significantly impact on the existing situation and a highway objection to the proposal could not be sustained at appeal. The surgery is in a predominantly residential area with extensive on street parking. Although not ideal, the developer has attempted to maximise car parking spaces for its use and will also implement a Travel Plan. A Travel Plan Coordinator will be appointed, and it would be in the best interest of the surgery to liaise with The Councils Active Travel Manager to develop its travel plan further to encourage more sustainable travel. No objections subject to conditions in respect of parking and turning, on site construction, travel plan.
- 4.3 SUDs – have suggested an informative in respect of sustainable surface water drainage.
- 4.4 - Public Comments.

A Site Notice has publicised the application. No representations have been received in response to that publicity.

- 4.5 Ward Cllr (Nigel Lumby) - I read your (officer) advice to the developers where the principle of redeveloping the doctors to houses would be supported and being part of the local plan that land on the development phase be allocated for a new doctors. That is my preferred option. However they cant be made to undertake the considerable development costs to accomplish this. This application is by far a cheaper option but once done the relocation of the doctors will never happen. I am mindful that the planning committee will have to have due weight to Highways and if not lose on appeal. That said I would like this application to be considered by the committee with my added comment;
- This is an excellent doctors surgery, which would benefit from expansion of facilities and services. I consider this is best fulfilled on a new purpose built site on development land being released as per the Albrighton plan. The main concern is traffic issues created by parking in the road by patients attending the surgery, exacerbated at school opening and closing times in Shaw Lane. Once the whole of one side is taken up by parked cars, there are insufficient gaps for parked cars to create passing points. The regular solution is for cars to mount the pavement to pass, this I have witnessed many times. I have gone door to door to some of the residents by the surgery. 8 out of 10 are against the application purely on traffic grounds. One resident stated he had to come to the bottom of his drive and look right before stepping onto the pavement in case there was a car driving down it! The extra spaces, two in the staff side, would be taken up by the extra staff filling the extra consultation room. Because the extra space on the left side takes away the only turning space, this staff/patient car park will be quickly filled. This means any other vehicles coming to the surgery looking for a space, will drive in and have to reverse back into the entrance car parking area. This area has the pedestrian access to the main entrance through the small/tight car park. With

additional cars reversing and increased driving on the pavement will add to this very dangerous situation. These two situations are dangerous and should be planned out of any application to be successful.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Residential Amenity
Highway safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The National Planning Policy Framework (NPPF) at para 98 notes the importance to access to high quality health establishments, and section 12 places an emphasis on achieving good design
- 6.1.2 In terms of local planning policy, Policy CS3: The Market Towns and Other Key Centres states that these will maintain and enhance their roles in providing facilities and services to their rural hinterlands, and providing foci for economic development and regeneration. In terms of specific policy it states that; Albrighton will have development to meet local needs, respecting its location within the Green Belt.
- 6.1.4 Extensions are acceptable in principle providing they meet the relevant criteria of Shropshire Core Strategy Policy CS6: Sustainable Design and Development Principles. This policy states that development should be appropriate in siting, scale or design does not overwhelm or dominate the appearance of an original building or that the proposal does not have any detrimental impact on the level of residential amenity or harm visual amenity. Development needs to be adaptable, safe and accessible to all. Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. Development is expected to contribute to the health and wellbeing of communities.
- 6.1.5 Furthermore, Policy CS8 seeks to enhance facilities, services and amenities that contribute to the quality of life of residents. Facilitating the timely provision of additional facilities, services and infrastructure to meet identified needs.....arising from new developments or existing community need, in locations that are appropriate and accessible. Policy CS13 supports the revitalisation of Shropshire's Market Towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterland, in accordance with policy CS3.
- 6.1.6 Policy MD2: Sustainable Design of the SAMDev expects development proposals to contribute to and respect locally distinctive or valued character and existing amenity value. Policy S1: Albrighton Area states that 'All development proposals should

have regard to the Albrighton Plan’.

- 6.1.7 Albrighton Neighbourhood Plan ‘Light’ 2013 (ANP) states that; the current GP surgery located on Shaw Lane was identified as an issue by many in the community that use it. Specifically, there is limited parking available on site for patients, so parking occurs on the street. The surgery is located near to St Mary’s primary School and particularly at school pick-up time in the afternoon, there is considerable congestion and increased difficulty with parking. The proposed levels of growth (in Albrighton) will mean further patients using the surgery....which will continue to exacerbate the parking and congestions problems. It is not possible to expand the existing site so one solution would be to provide an alternative site should the surgery deem such a move appropriate. In order to make the provision of a new surgery deliverable, the existing site would have to be redeveloped in order to provide an appropriate return. The existing site is considered appropriate for residential development and any application for such would be viewed favourably. Para 7.1 of the ANP notes that parking issues at the GP surgery is considered to be acute.
- 6.1.8 Policy ALB3: Provision for a Replacement GP Surgery of the ANP states that; Favourable consideration will be given to the provision of a replacement GP surgery on the edge of Albrighton as an exception to normal GB policies, in order to provide for the community’s needs and improve social sustainability of Albrighton.....There will be a presumption in favour of the redevelopment of the site of the existing surgery in Shaw Lane for residential uses.
- 6.1.9 With Policy ALB11: Design stating that; New buildings should, wherever possible and appropriate, respect and reflect the character of the buildings around them. New buildings should seek to use similar architectural features to nearby older buildings.
- 6.1.10 Policies in the ANP are material planning considerations, however, that document is not a statutory Neighbourhood Plan (Unlike those for Much Wenlock and Shifnal) and so the policies contained in it do not take primacy over the SAMDev Plan or the Core Strategy, or Government guidance contained within the NPPF 2021.
- 6.1.11 The surgery is an existing facility in a sustainable location and the proposal seeks to extend on the first floor with no additional footprint. In view of the above ‘the principle’ of the proposed development is deemed acceptable. Design and parking is considered below.

6.2 **Siting, scale and design of structure**

- 6.2.1 The proposed extension is wholly above the existing single storey reception area. The scale is modest considering the size context of the existing building. Matching materials and fenestration details are proposed. The design and materials are sympathetic to the existing surgery.

6.3 **Residential Amenity**

- 6.3.1 The position, orientation and separation distances between the surgery and the neighbouring dwellings will ensure that there will be no adverse impact upon residential amenity by way of overbearing or overlooking. The proposed additional windows on the rear 1st floor elevation will be on the same plane as the existing 1st floor windows.
- 6.4 **Highway Safety and Parking**
- 6.4.1 The application is supported by a Transport Statement and a Travel Plan.
- 6.4.2 The proposed development will provide three further consulting rooms and refurbish the room within the surgery, as well as rearrange the car park, with the addition of three further car parking spaces. The addition of three additional consulting rooms is unlikely to significantly impact on the existing situation and a highway objection could not be sustained at Appeal. Para 111 of the NPPF states that; Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.4.3 The surgery is in a predominantly residential area with extensive on street parking. Although not ideal, the developer has attempted to maximise car parking spaces for its use and will also implement a Travel Plan. The Travel Plan document focuses both on patient and staff travel, the latter being that which is most able to be directly influenced by it. It seeks to minimise single vehicle occupancy trips and to raise awareness of sustainable modes of transport available for staff and visitors to and from the site. It's key target is to reduce the proportion of staff driving to the practice to 75% over a 5 year period, representing a 10% decrease in car trips and a slight reduction compared to the modal split for the wider village which sees 78% of workers in Albrighton travelling by car. The Travel Plan Coordinator will consider the introduction of permit parking at the practice. Should it be considered necessary to restrict parking, the scheme would be based on need, including a consideration of business, personal and physical needs as well as other modes of transport, such as bus or rail. The initial intention is that 17 spaces for staff are provided in the northern part of the site, with spaces in the southern half being flexibly used for staff and visitor parking. The nine spaces to the south west would be overflow for staff and when not in use available for visitors: Spaces will be marked and signed as such. The remaining seven spaces to the south east will be retained for visitor use only, inclusive of one Blue Badge parking bay. It would be in the interests of the surgery to liaise with The Council's Active Travel Manger to develop its travel plan to further encourage more sustainable travel. This matter will be addressed by conditions.
- 6.4.4 The Parish Council and Ward Cllr are concerned that the submitted traffic survey was carried out during covid/lockdown and therefore is disingenuous. However, SC Highways have confirmed that any traffic survey is moderated by them and factors built into their consideration of the proposed development. The 'severe harm' test within the NPPF, means that SC Highways would have to justify and demonstrate that the development proposed **alone** (extension and refurbishment), would in itself generate such a significant increase in traffic that the local highway situation would

lead to a serious injury or fatality of a road user, in order to provide a reason for refusal on highway safety grounds. It is their assessment that a highway/parking refusal reason could not be justified in this case when assessed against the criteria set out in the National Planning Policy Framework (2021).

7.0 CONCLUSION

7.1 The proposed extension, which includes additional parking spaces will provide an enhanced facility within the existing medical practice, wholly in line with Core Strategy policy CS8 which seeks to protect and enhance existing facilities and services which includes health care services. There would be no adverse impact the character and appearance of the site, the streetscene or residential amenity. Any impact upon highway safety will not be so severe to justify the refusal of this application. The proposal is deemed compliant with the principal determining criteria of the relevant development plan policies and conditional approval is recommended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy policies:

CS3 The Market Towns and Other Key Settlements

CS6 Sustainable Design and Development Principles

CS8 Facilities, Services and Infrastructure Provision

CS13 Economic Development, Enterprise and Employment

SAMDev Plan

MD2 Sustainable Design

Albrighton Neighbourhood Plan 'Light' 2013

Policy ALB3: Provision for a Replacement GP Surgery

Policy ALB11: Design

RELEVANT PLANNING HISTORY:

BR/83/0241 Use of first floor flat as an extension to existing group surgery and installation of three larger windows on front elevation of building GRANT 10th June 1983
BR/90/1010 ERECTION OF AN EXTENSION TO EXISTING SURGERY BUILDING AND FORMATION OF ADDITIONAL CAR PARKING SPACES GRANT 14th February 1991
BR/96/0046 ERECTION OF A SINGLE STOREY EXTENSION AT THE FRONT AND A FIRST FLOOR EXTENSION GRANT 10th April 1996

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QZJGOTTDIB700>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) Planning Policy Statement Transport Statement Travel Plan
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Nigel Lumby
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years

from the date of this permission.

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

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

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

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

4. No construction (and/or demolition) works and associated deliveries shall take place outside the hours of 7.30am to 6.00pm Mondays to Fridays; 8.00am to 1.00pm Saturdays; nor at any time 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

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 areas shown on the approved plan drawing no. P-1004 for parking and turning of vehicles has been provided properly laid out, hard surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

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

7. The submitted travel plan shall be developed in accordance with advice from The Councils Active Travel Manager and implemented within one month of the first occupation of the additional consulting rooms.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available in the Related documents section on the councils website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibilityand-maintenance/new-development-and-watercourse-consenting/suds-requirements-for-newdevelopments/>

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

Preference should be given to drainage measures which allow rainwater to soakaway naturally.

Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if infiltration techniques are not achievable.

3. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy polices:

CS3 The Market Towns and Other Key Settlements

CS6 Sustainable Design and Development Principles

CS8 Facilities, Services and Infrastructure Provision

CS13 Economic Development, Enterprise and Employment

SAMDev Plan

MD2 Sustainable Design

Albrighton Neighbourhood Plan 'Light' 2013

Policy ALB3: Provision for a Replacement GP Surgery

Policy ALB11: Design

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Committee and date

Southern Planning Committee

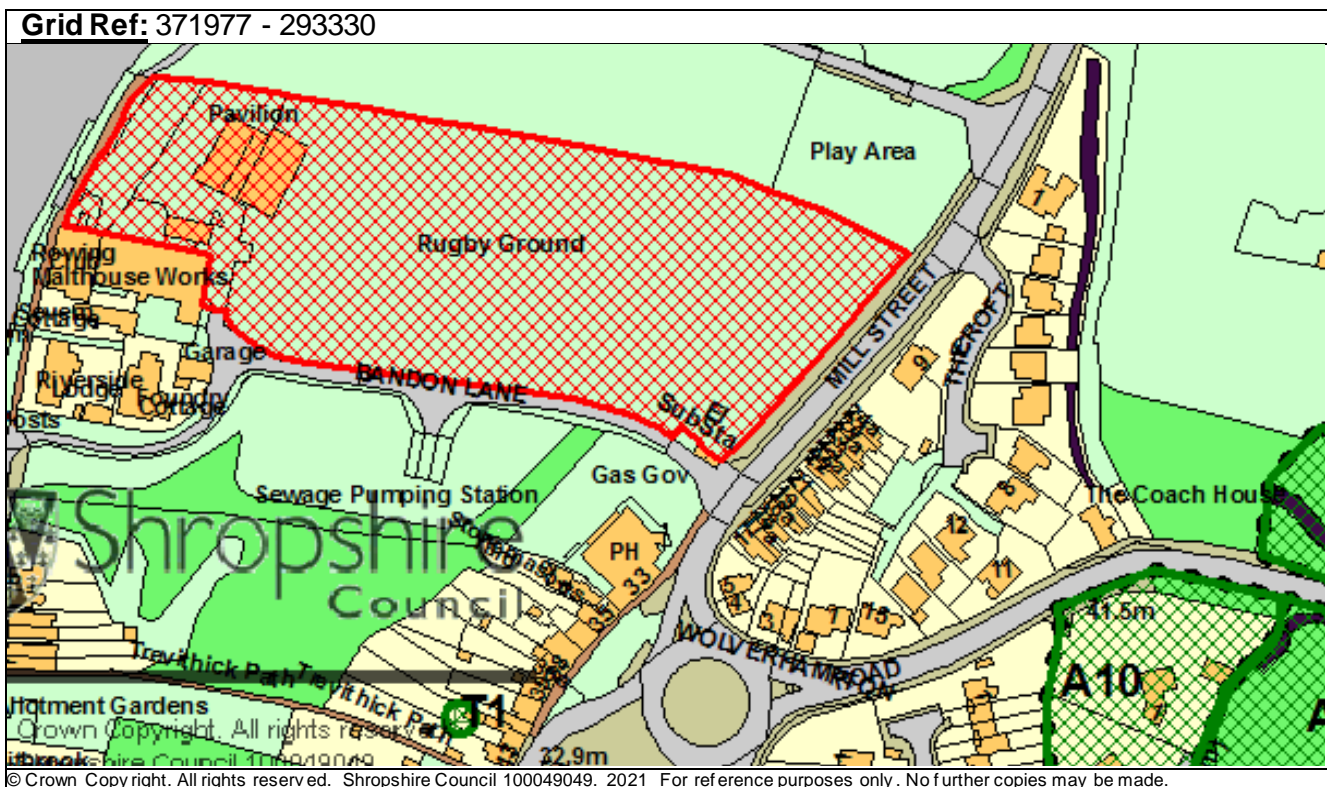
8 February 2022

Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/04696/FUL	<u>Parish:</u>	Bridgnorth
<u>Proposal:</u> Demolition of existing buildings and erection of replacement club house building and function room (revised scheme)		
<u>Site Address:</u> Bridgnorth Rugby Club Rugby Pitch And Pavillion Bandon Lane Bridgnorth Shropshire		
<u>Applicant:</u> Bridgnorth Rugby Club Limited		
<u>Case Officer:</u> Mike Davies	<u>email</u>	: mike.daves.planning@shropshire.gov.uk



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

REPORT

1.0 THE PROPOSAL

1.1 This is a revised application for a new clubhouse building following the refusal of a previous proposal (20/03978/FUL) earlier in 2021. The previous application was refused for the following reasons:

1. The proposal represents an inappropriate form of development which would be harmful to the openness of the Green Belt, which is contrary to Paragraphs 143, 144 and 145 of NPPF, Policy CS5 of the Shropshire Core Strategy (2011) and MD6 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev) (2015). No very special circumstances have been demonstrated of sufficient weight to outweigh this harm.

2. The site is susceptible to flooding being located within Flood Zone 3b and it is not considered that the exception test as per the requirements of the NPPF could be complied with. Therefore, the proposed development would give rise to an unacceptable flood risk and the proposal fails to comply with the Para155 to 163 of the NPPF (2019), Policies CS6 and CS18 of the Shropshire Core Strategy and Policy MD2 of the SAMDev Plan as well as Shropshire's Sustainable Design SPD.

1.2 The revised proposal seeks to address the reasons for refusal by reducing the area given over to hospitality and adding new changing facilities to replace the existing outdated facilities. The proposals have a floor area of 630sqm being roughly split 50/50 between changing facilities and hospitality. The current structures on site cover an area of 498sqm not including the marquee which is classed as a temporary structure and these will all be removed as part of the proposals.

1.3 The new proposals now incorporate changing facilities within the clubhouse which are considered appropriate development in the Green Belt as they are directly related outdoor sport. The social side of the proposals have been scaled back and are more akin to a replacement facility for the existing clubhouse on site rather than a major expansion of the hospitality facilities as previously proposed.

1.4 The building is again elevated above ground level due to the site being part of an active flood plain. The building will comprise of two storeys with a shallow mono-pitch roof at a maximum height of 7 metres at the east pitch side, and 5.5 metres at its west towards the riverside. The ground floor of the building will be a void, raising the building entirely from the ground, to mitigate the development's contribution to flooding, protecting both the contents of the clubhouse and improving the drainage and run-off across the entire site.

- 1.5 The original proposals included 76 car parking spaces, but this has now been reduced to 43 spaces including 4 disabled spaces.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is accessed via Bandon Lane from Mill Lane (A442). There is an existing single storey pavilion which is a wooden structure raised off the ground. In front of this is a temporary marquee which has consent to be on site between 16th March and 30th October till 2024. A variation of condition has recently been granted in light of Covid-19 advice from the Government to allow the marquee to remain in situ till 31 Oct 2022 without the need for its removal. The existing pavilion effectively screens the view of the marquee from the River Severn (west) along with existing tree cover on this side. The marquee is however more visible from the A442 (east) as it is viewed across the Rugby pitch which is located in front of it. To the south is the Malthouse building in use for a variety of non-residential uses and to the north is the Severn Park.
- 2.2 The site is located within the Green Belt and is also within the flood plain of the River Severn within flood zone 3b. The site is however located on the edge of the town centre and is located in an accessible location.
- 2.3 The site itself is open in character being a playing field with the pavilion being located at the far end of the pitch when looking from the A442. The site of the proposed clubhouse and changing facility is some 1.69 ha (4.17 acres) and comprises of the existing clubhouse, attached marquee, parking area, canoe store and the main BRFC pitch.
- 2.4 In terms of accessibility, the site borders the A442 Mill Street to the east, connecting the site to the rest of Shropshire and the A458. It is within walking distance to most of Bridgnorth's residents, encouraging sustainable routes to and from the facility and is also close to local shops and services.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Due to the previous site history the Principal Officer, in consultation with the Chair/Vice Chair, collectively consider that the application should be determined by the Planning Committee due to the material planning considerations raised by this case.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee Comment

- 4.1.1 **Bridgnorth Town Council (21-12-21)- Support:**
In reaching its decision the Town Council RESOLVED that the following comments be forwarded with the decision to the Local Planning Authority.

In considering this application we were concerned about the impact that this

relatively large-scale development might have on flooding, noise pollution and a wide range of environmental issues. On the other hand, we note the benefits that the facility will offer a well-supported and vibrant sporting club and the wider sporting community and that some balance of these competing demands would be preferable.

We did note that the statutory consultees have nearly all proposed sensible conditions to mitigate risk and/or make the application tolerable.

We are of the view that as well as providing improved facilities the planning applications as submitted does result in an improvement to the flood resilience of the building. Furthermore, we are of the view that due to the location of the building being in close proximity to other buildings it does not adversely impact on the amenity of Green Belt.

And,

Therefore, provided that those conditions proposed by the statutory bodies are embedded within any planning consent, we would support the development.

4.1.2 **SC Historic Environment** - The proposal affects a site that lies just outside of the Bridgnorth Conservation Area (Low Town). The former foundry works (Malthouse), Foundry Cottage and Malthouse Works lies to the south west (which are considered to be non-designated heritage assets as defined under Annex 2 of the NPPF, where these have industrial archaeological significance), along with The Bandon Arms Hotel, and other listed buildings that lie along Mill Street to the south-east are grade II listed. In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, along with emerging policies SP1 and DP23 of the Submission Local Plan, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in July 2021 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

It is noted that this proposal follows 20/03978/FUL that was refused permission mainly through two grounds with regards to (i) inappropriate development within the Green Belt and (ii) development within a flood risk zone, given the sites proximity to the River Severn. As part of the revised proposal the principal building has been moved slightly to the south, along with removal of the MUGA and the provision of a further sports facility to the south of the site.

The following comments generally follow those previously submitted for 20/03978/FUL with some minor wording revisions/updates:

The proposed site is in a transitional area in terms of character and appearance with existing former industrial buildings Malthouse Works to the west, a Severn Trent pumping station to the east and the rugby pitches and play areas to the north with regards to the urban area of Bridgnorth and the rural hinterland to the north. The proposed contemporary design of the buildings is noted where there

are no principle objection in this regard. It is considered that the proposal shall have some visual impact upon the existing character and appearance of the conservation area and the setting of adjacent heritage assets. There is some concern with regards to the use of lighting, especially with regards to possible visual impact in terms of long-range views from the west (High Town) where this needs to be considered carefully along with relevant conditions, though it is acknowledged that the green sedum roofs should mitigate some of this visual impact.

Furthermore, the proposed facing materials including the proposed cladding should have a matt finish, along with the anthracite grey fenestration and the use of Staffordshire blue engineering bricks. The proposed glazing and PV panels should be of a non-reflective specification. These materials should be conditioned accordingly should approval be given. Revisions should be made in order to reflect the repositioning of the relevant buildings, along with potential incremental impact of the new facilities to the south of the site. It is noted that there is some submitted information in net additional footprint and volume, where this should also be covered as part of the HIA analyses. It would also be helpful to give further commentary of the potential impacts of the buildings citing the submitted visuals, especially with regards to long-range views from the west and from the High Town, where an additional visual from the High Town should be provided. It was noted in the HIA submitted for the 2020 application that the applicant considers that the proposal should 'blend in' with the surrounding historic environment (conservation area). Whilst there is a degree of concurrence with this, this is subject to the relevant and appropriate analysis in the HIA, how the proposal is an enhancement upon that of the existing buildings/structures on the site, along with any relevant conditions and mitigation with regards to the appropriate use of materials, lighting and landscaping etc, where further consideration of the paragraph 202 balance should approval be given. The proposal is recognised and acknowledged as to having some 'public benefits' with regards to enhanced sports provision/participation as part of the paragraph 202 (NPPF) balance.

The proposed demolition of both the 1962 timber pavilion, two containers and the corrugated asbestos Nissen Hut is noted, where the principle of removal/demolition of these structures have been agreed as part of the 2016 pre-application process, though the Nissen Hut should be subject to Level 2 recording prior to its removal which should be conditioned accordingly if approval is given.

Additional Comments

The revised Heritage Statement covers amendments as part of the latest iteration of the NPPF (2021) and analysis of amendments made since the original 2020 scheme in order to reduce potential impact upon the Green Belt and consideration of the site's location within a flood risk area in proximity to the River Severn.

The proposed amendments and composition of buildings is noted especially to

the north of the site as previously discussed. It is considered that the proposal shall have some inevitable visual impact where if approval is given should be mitigated through appropriate/relevant conditions, especially with regards to external materials and finishes, lighting and landscaping, where it may be considered as 'less than substantial harm' as defined under paragraph 202 of the NPPF. There is general concurrence that the use and enhancement of sports facilities is considered to be a 'public benefit' as well as the removal of the existing buildings and structures which do not contribute to the character and appearance of the conservation area along with other proposed amendments and reconfiguration of the site. Overall, this paragraph 202 balancing exercise needs to be taken account by the decision maker as part of the overall planning balance in addition to Green Belt and flood risk concerns.

Should approval be given conditions should be attached as recommended.

- 4.1.3 **Highway Authority** - The application is a resubmission of previous planning application 20/03978/FUL which was refused. The refusal grounds were not highway related.

The site is located in Bridgnorth low town, in a sustainable location from a transport perspective. Bandon Lane is a private lane leading off Mill Street. The proposed parking was seen as a betterment of the existing situation and the access junction with Mill Street acceptable to serve the development. 5 Sheffield stands for cycle parking are proposed, but not shown on the Master Site Plan drawing no. 19060/3C

From a highway's perspective, the development as proposed would be unlikely to cause 'severe harm' on the surrounding public highway network and a highway objection to the proposal could not be sustained.

However, the increased parking provision may increase the likelihood of conflict of traffic along Bandon Lane. It has previously been acknowledged that there are suitable passing places along Bandon Lane, however the developer is advised to consider further enhancement of the lane, such as widening or further passing places.

- 4.1.4 **Regulatory Services** - I would recommend that if permission is granted that the following conditions are applied in order to protect the amenity of local residents.

The sound insulation of the club house function room roof and glazing shall be constructed in line with the recommendations outlined in sections 6.11 and 6.12 of the submitted MEC noise report assessment 25932-04-NA-01 REV E.

The non-glazed walls of the clubhouse shall be constructed using cavity filled breeze block as outlined in section 5.24 of MEC noise report assessment 25932-04-NA-01 REV E. All fixed External Plant shall meet the noise emission targets as stated in section 6.4 and 6.5 of MEC noise report assessment 25932-04-NA-01 REV E. Music noise from the Club house shall not be clearly audible at the

boundary of any residential dwelling in the locality.

The outside seating area shall not be used between the hours of 23:00 and 7:00. When amplified or live music is being played in the function room all its external doors and windows shall be closed.

Prior to use of the function room a noise management plan shall be submitted to the local planning authority for approval in writing. The plan shall include full details of noise control measures that are to be implemented with respect to controlling noise emissions and ensuring compliance with relevant planning conditions from use of the function room. The approved noise management plan shall be implemented in full.

4.1.5 **County Ecologist** - I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out.

The ecology survey carried out by Salopian Consultancy (27th September 2020) found no signs of bats or other protected species in the building or the surrounding area. No further surveys were recommended. In the event a bat is found during works, works must stop and NE or a licensed ecologist must be contacted for advice on how to proceed.

Any external lighting to be installed on the building should be kept to a low level to allow wildlife to continue to forage and commute around the surrounding area.

SC ecology require biodiversity net gains at the site in accordance with the NPPF and CS17. The installation of a bat box/integrated bat tube will enhance the site for wildlife by providing additional roosting habitat.

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

4.1.6 **Local Lead Flood Authority** - The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

1. The Environment Agency have been consulted and will be commenting on the Flood Risk and the Finished Floor Level in the Flood Risk Assessment Report.

2. The proposed surface water drainage in the Drainage Strategy Report is acceptable in principle, however, further site investigation should be carried out to confirm the depth of the groundwater table and the feasibility of infiltration SuDS scheme. Final proposed drainage details, plan and calculations shall be submitted for approval.

4.1.7 **Environment Agency** - Additional information from the agent (via email, dated

03/11/2021) which has provided additional clarity on certain elements of the Flood Risk Assessment. This further information has been forwarded to the LPA.

Whilst we would question the sustainability of a 'more vulnerable' development in an area of high flood risk, when considering the uses within Table 3 (Flood Risk Vulnerability) of the National Planning Practice Guidance (NPPG), we would ultimately not object to the proposals as submitted, based on matters within our remit. However, your Council should be satisfied with the Sequential Test and that the proposed development, including access/egress from the site, can be safely managed in a flood event in discussion with your Emergency Planning team.

Flood Risk: As previously stated the site is located in Flood Zone 3, which is the high risk zone and is defined for mapping purposes by the Agency's Flood Zone Map. In accordance with Table 1: Flood Zones within the NPPG Flood Zone 3 is considered 'high probability' of fluvial flooding and comprises land assessed as having a 1 in 100 year, or greater, annual probability of river flooding.

The site is also falls on land within 'Zone 3b' (Functional floodplain) where 'More Vulnerable' uses should not normally be permitted (NPPG Table, Paragraph 067, 3 refers).

Notwithstanding the above we do recognised that this is a replacement of an existing building and the applicant is seeking to mitigate the acknowledged flood risk constraints on the site. Should your Council be satisfied that, sequentially, an alternative location is not viable, and are minded to support such a development in an area of high risk, there may be scope to redevelop the site subject to the applicant demonstrating that the proposals are safe and would not increase flood risk to third parties. The submitted Flood Risk Assessment has sought to address these points as discussed further below.

Sequential Test: The NPPF details the requirement for a risk-based ST in determining planning applications. The NPPF details the requirement for a risk-based Sequential Test (ST) in determining planning applications. See paragraphs 161–163 of the NPPF and paragraphs 18-19, 23-26 and 33 - 38 within the Flood Risk and Coastal Change Section of the NPPG.

The NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a ST. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

As stated above it should also be noted that parts of the site area may be classed as 'Zone 3b' (Functional floodplain', 1 in 20 year) where 'more vulnerable' uses, such as residential, should not normally be permitted (NPPG

Table 3, Paragraph 067).

Based on the scale and nature of the proposal, which is considered non-major development in accordance with the Development Management Procedure Order (2010), we would not make any bespoke comments on the ST. The fact that we are not providing comments does not mean that there are no ST issues, but we would leave this for the LPA to consider.

The LPA should consider the points made regarding the unsustainable use of the current Rugby Club buildings and how the economic impacts of constantly repairing it will be negated by the new proposals. The fact that the proposals could be seen to be providing betterment and wider environmental benefits, such as improved foul drainage and surface water drainage, improvement to noise control and the use of modern heating/power utilities when compared to the current and outdated should also be considered by the Council against the acknowledged flood risk impacts in this area.

Providing your Council are satisfied that the ST has been passed, then we can provide the following comments on the FRA.

Flood Risk Assessment (FRA): Following previous concerns the applicant has submitted a revised FRA (Geosmart, ref 73381.02R6, dated 29th September 2021) and associated flood storage document with a view to addressing the outstanding issues relating to flood risk.

As previously stated the 1% flood level, plus climate change allowance, should be used to inform the consideration of flood risk impacts, mitigation/enhancement and ensure 'safe' development. For 'more vulnerable' development the FRA should use the 'higher central' climate change allowance (30%) as a minimum to inform built in resilience.

Climate Change interpolation: In line with our latest area climate change guidance (updated August 2021), for 'major' development (as defined within The Town and Country Planning Development Management Procedure (England) Order 2015, we would expect a detailed FRA to provide an appropriate assessment (hydraulic model) of the 1% with relevant climate change ranges. However, for 'non major' development only, as proposed, in the absence of modelled climate change information, it may be reasonable to utilise an alternative approach. To assist applicants and Local Planning Authorities we have provided some 'nominal' climate change allowances within the 'Table of nominal allowances'.

The 1 in 100 year flood level at this location is 32.86mAOD (node 16448). For more vulnerable development the nominal figure of 850mm can be added to the 1 in 100 year flood event to derive the 1 in 100 year plus climate change figure of **33.71mAOD**. Any assessment should use this level to demonstrate safe development in relation to access and finished floor level considerations.

Finished Floor Levels (FFLs): The Environment Agency's Climate Change Guidance, page 3, it states that finished floor levels should be set no lower than '600mm' above the 1% river flood level plus climate change. Flood proofing techniques might be considered where floor levels cannot be raised (where appropriate). This 600mm freeboard takes into account any uncertainties in modelling/flood levels and wave action (or storm surge effects). In this instance FFLs would need to be set at 34.31mAOD although, as previously stated, a level of 34.01mAOD may be acceptable along with flood proofing to protect up to the 34.31mAOD level.

The additional information received via email (03/11/2021) does provide further explanation as to why the FFL has been set at 34.01mAOD. This clarifies the other planning considerations that have been factors in shaping the final proposal. The response has outlined in more detail the type of flood proofing measures proposed.

Condition: Finished Floor Levels (FFLs) should be set no lower than **34.01mAOD** which is 300mm above the design flood level of 33.71mAOD. Additional flood proofing measures to protect up to level of 34.31mAOD.

Reason: To protect the development from flooding over its lifetime, including climate change.

Note: The proposed FFL of 34.01mAOD comprises of the design flood level plus 300mm with flood proofing measures to account for the additional 300mm. Whilst we would not maintain an objection based on a level of 34.01mAOD we would advise that, if possible, the actual built FFL should be 34.31mAOD which would provide the full 600mm freeboard. It would be in the interest of the development to ensure it is safe for its lifetime, including with possible future changes as a result of climate change.

Flood Compensation: Should you be minded to support these proposals, and the location of the Club House is considered acceptable in principle, developers should demonstrate no increased flood risk to third parties and that, where possible, flood risk betterment can be offered. Developers should ensure that there is no loss of flood flow or flood storage capacity for flood events up to the 1% annual probability fluvial flood as a result of their development including an appropriate allowance for climate change (30% in this instance).

The information given in table 1 (pg.9 of FloodSmart Technical Note: Floodplain Storage) does help but isn't wholly clear. It is assumed that the 'existing total non-floodable area' (365 m²) represents the existing buildings footprint, although we understand that existing buildings are flooded during flood events but agree that they take some floodplain capacity.

Table 1 outlines the proposed structures in metres squared, with the club house and void given as 674m². With this in mind, we see that the proposed building footprint is larger than that of the existing building but appreciate that there will

be an overall net reduction in floodplain capacity due to the development being raised above the void space. On this basis, should your Council wish to support this application, the submission has confirmed no increased flood risk post development.

As outlined previously, for a development of this nature and with the existing site use in mind, we see this as an opportunity for site betterment. The floodplain upstream of Bridgnorth is extensive and any floodplain capacity impacts at the Rugby Club site will be negligible, hence why we have not required detailed modelling to be undertaken, alongside the fact that the building will be raised.

Voided Area: We note and understand the rationale for seeking to utilise a voided approach to flood risk mitigation in this instance (a replacement building). As previously stated the use of voids, stilts or undercroft parking as mitigation for a loss in floodplain storage should be avoided as experience shows that they become blocked over time by debris and the voids are often used for storage purposes. As, in this instance, this is a replacement building there may be scope to utilize such a method.

The importance of ensuring the void space can provide this capacity must be stressed again and this links directly to a commitment to ensure flood water can always pass freely under the building and the space it can fill not be inhibited by excessive equipment filling that void space.

The latest submission has confirmed that the voided area will be fenced to avoid potential trespassing issues in this space. Although we can appreciate motivations to prevent trespassing, it is important to stress again the importance of this space being kept clear so that flood waters can pass freely under the building. The proposed fencing should allow the ingress of flood water to ensure no loss of flood storage.

You may wish to consider, should permission be granted, a condition relating to the maintenance of the voided area to ensure that all blockages and trapped debris is removed. This will allow the free passage of water in times of flood and ensure no increased flood risk to third parties.

In regards to the mesh size of any fencing, we refer to the Environment Agency's guidance on installing fencing within the floodplain (under the Environmental Permitting Regulations 2016). The guidance requires a minimum of 100mm spaced mesh. Further information can be found here for fencing in the floodplain. <https://www.gov.uk/government/publications/excluded-flood-risk-activities-environmental-permits/excluded-flood-risk-activities#post-and-rail-or-post-and-wire-fencing-in-a-floodplain>

A flood risk activity permit for this fencing would not be required in addition to planning approval but this link gives information to outline the type of fencing appropriate in the floodplain to enable flood water to move freely.

Safe Access: Paragraph 054 of the NPPG advises on how a development might be made safe from flood risk. Paragraph 039 provides detail on access and egress. As detailed above, the FRA states that the 1 in 100 year fluvial flood level (including an allowance for climate change) is 33.71mAOD. Page 32 of the FRA provides detail of the proposed access from the site, and how it will be managed in a flood event.

Given our role and responsibilities we would not make comment on the safety of the access, or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the National Planning Practice Guidance (NPPG). Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

Flood Evacuation Management Plan: The NPPG (paragraph 056) states that one of the considerations for safe occupation is whether adequate flood warning would be available to people using the development. We do not normally comment on or approve the adequacy of flood emergency response and flood evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users if they sign up to the Flood Warnings Service. The NPPG places responsibilities on LPAs to consult their Emergency Planners with regard to specific emergency planning issues relating to new development. We would advise that you take account of the guidance within NPPG Paragraph: 057 Reference ID: 7-057-20140306.

We would advise that the Flood Evacuation Management Plan (FEMP) should identify a flood level that will initiate evacuation of people and vehicles, and any subsequent closure of the building/car park. This trigger level should be when the access/egress is still 'dry' i.e. flood-free, to avoid any question of what is an acceptable level of flood risk to occupants. Appendix E includes a FEMP that has been used for the temporary marquee and which could be repurposed for the proposed development, in discussion with your Emergency Planning Colleagues.

Foul Drainage: In line with the Table in Schedule 5 (as amended by us) and in accordance with Article 16 - (1) (c) of the Town and Country Planning (Development Management Procedure) Order 2010, the Environment Agency (West Area) has no comments to make with regard to foul drainage, in respect of this application. You might seek the completion of the 'Foul Drainage Assessment Form' for your consideration.

4.1.8 **County Arborist** - I have reviewed the documents and drawings submitted in association with this application and wish to comment on arboricultural issues

related to the proposed development.

I agree with the findings and recommendations of the Arboricultural Appraisal (SC:516A, Salopian Consultancy Ltd, 27.09.2021) and have no objection to this application on arboricultural grounds, subject to suitable tree protection measures being adopted in advance of and during construction, as recommended in the report. The removal of one small group of heavily lopped Western Red Cedar to enable construction of the club house will have little impact upon the arboreal characteristics of the site and could readily be compensated through the planting of a new hedge along the western car park, as recommended in the tree report.

I would recommend attaching appropriate tree protection and planting conditions.

4.1.9 **Sport England** - 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-forsport#playing_fields_policy

Background

The rugby club submitted two planning applications in 2020 proposing a replacement pavilion and a separate building for a new sports hall and changing rooms. Planning consent was refused by the Council on grounds relating to green belt policy and flood risk. This new application provides revised proposals by the rugby club to consolidate the facilities into one building, and in so doing seeks to address the reasons for refusal.

The proposal and its impact on the playing fields

The proposal relates Edgar Davies Ground, which is the home of Bridgnorth Rugby Club. This application relates to the development of a new two storey clubhouse building, and associated car parking. The development would take place on an area of playing field to the western end of the site, to the west of the rugby pitch, such that the pitch itself would be unaffected. The development would replace an existing outdated timber building that is not considered to be fit for purpose, including a temporary marquee that was erected to provide a temporary solution for the club. The club's existing changing room facilities are not provided on site, being located off site at The Bull on Bridge Street. This is not ideal and involves players having to walk down the access drive from the changing rooms to get to the ground. The club proposes to include 4 team changing rooms within the new building, together with officials change, toilets, office, stores, kitchen and bar and a club room/social space. Having been consolidated into one building, the function space has reduced in size compared to the previously refused application.

The proposed new clubhouse is understood to be located within flood zone 3. Accordingly, the design of the clubhouse building reflects this, with a void at the ground floor, with the proposed new function/social space above. Access is provided via two external stairs and an access ramp from the southern end of the building.

The provision of a new clubhouse facility will bring a significant benefit to the sports use of the site, particularly to serve the use of the Rugby Club who not only use the Edgar Davies Ground pitch, but also two rugby pitches in the neighbouring Severn Park, such that the new clubhouse and associated car parking will become a well-used facility for the club. The provision of the function room will also assist the club's business plan, by providing a source of income.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England **does not wish to raise an objection** to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

Additional Non-statutory comments

Notwithstanding that the proposal does not adversely affect the existing playing

fields, in addition to commenting as a statutory consultee, the following comments are provided as advice in a non statutory capacity to ensure that the facilities are designed to be fit for purpose. Sport England has consulted RFU who have commented as follows:

RFU comments:

- *We would confirm that the revised application does incorporate both social space and changing facilities within one building, and that in principle the RFU would support this layout.*
- *The changing rooms should where practicable be in accordance with RFU Design Guide to Changing Rooms and Clubhouses, and should adhere with Sport England Design Guidance for accessible sports facilities 2010 (disability access)*
- *The club have confirmed to North Midlands RFU that funding has now been secured for the revised lower cost application.*
- *The RFU supports the revised location of a single building providing changing rooms, social space and on site car parking, and would suggest that the recommendations in (2) above be added as a condition to future proof the facilities.*

In addition, Sport England have consulted British Rowing and British Canoeing. The former have contacted the rowing club who have responded directly to Sport England as follows:

Design and Access Statement (Page 3):- As indicated above, whilst we appreciate the inclusion of provision for rowing club storage under the new club house floor, this is not a discussion the rowing club have been engaged in directly, to ensure the suitability of such provision. Rowing boats are very delicate and must be stored above any flood water, which is how our own boathouse was designed. As such we feel this is perhaps a misrepresentation of our intended use of the facilities

- *Drainage Strategy:- Whilst the document is extensive, we have been unable to find reference to the shared Pump and Sewerage system that was installed by the Rowing Club. Whilst management and responsibility was handed over to the Rugby Club in the last 5 years, due to their growth and need to increase pump capacity, Bridgnorth Rowing Club do still pay an annual fee for the Rugby Club maintaining this, with the agreement being that should the Rugby Club no longer wish to continue with this arrangement management and responsibility would return to the rowing club. It is unclear if this system is being replaced, retained or entirely overlooked and it is imperative we understand the plans for this as it will have a direct impact on the rowing club.*
- *In addition we ask for further clarification on how and where rain water and floor water will drain, including where the drains will be located.*

The rugby club have since provided some additional information that has been relayed to the rowing club, and their main concern relates to the drainage strategy. The Rowing Club have commented as follows:

- *The outstanding area for clarification is in relation to the Drainage Strategy, but more specifically how rain/flood water will drain and where such drains will be located if additional are required. We acknowledge that part of this is still to be confirmed, but this lack of clarity is causing the Committee some concern and reluctance to give full support to all aspects of the plan.*
- *To explain, there is currently a drainage outlet for flood water from the road and field that empties onto the Rowing Club's landing stage and then subsequently the river. At times this results in a safety hazard for our members when utilising the full length of our landing stage, due to the build up of contaminants making it slippery. Equally it's quite unpleasant for members to walk through, as the nature of the sport means we can sometimes be bare foot or in socks. We've lived with the current position, as it's not something that is a regular issue and equally has been in place for many years now.*
- *If there was to be additional flow through this drain, it may impact the club and our members substantially, increase the risk of erosion or other adverse affects to our landing stage and members safety. Alternatively the plans may call for additional water channelling to be installed, which again if the case may impact our landing stage or surroundings during and after installation. All of which is not really confirmed in the plans we have seen so far.*
- *Taking the above into account, we really must ask for a more finalised plan to be produced in this area, so that we can fully assess the impact and ensure we are able to continue utilising our Landing Stage as we do now.*

Given the above comments, Sport England would ask that these points are given appropriate consideration in the Council's assessment of the application.

In respect of the demolition of the storage buildings, it is understood that one of these has been used by the canoe club, and whilst I have not received a response from British Canoeing to this application (they expressed support to the previously refused application which was proposing boat storage at the ground floor), it would be prudent to establish whether the loss of this storage building would leave the canoe club with sufficient storage space?

Summary and Conclusion

Whilst Sport England do not wish to object to the application, we would ask that these matters are appropriately addressed prior to determination of the application and any appropriate conditions included to ensure an appropriate drainage solution.

4.2 Public Comments

4.2.1 Objections

3 representations objecting to the proposals have been received the reasons for objecting can be summarised as follows:

- Out of character with surroundings
- In the wrong location
- Unacceptable in the Green Belt

- Noise and disturbance from the use and from the use of the car park
- Current Planning conditions being ignored
- detrimental to residential amenity due to proximity to nearby dwellings
- Conditions should be attached to mitigate against noise breakout and enforced
- The flooding issue still remains and has not been dealt with
- Increased traffic and parking problems
- The previous reasons for refusal in relation to the impact on the Green Belt and issues around flood risk still remain valid

Support

4.2.2

174 representations in support of the application have been received these can be summarised as follows:

- New facilities are much needed to replace existing dilapidated ones
- New building will be more aesthetically pleasing than existing structures
- Will support a wide range of community activities
- Will act as a hub for the community
- Has been designed to mitigate against future floods
- Will encourage future participation in sport leading to a healthier population
- New facilities will enable the club to progress to the next level
- Bridgnorth as a town will benefit economically and socially from a success club with modern facilities
- Building will be more energy efficient than existing facilities thus reducing its impact on the environment
- The construction can mitigate against external noise transmission
- Current situation is not sustainable due to ongoing costs arising from flood damage
- The proposal will create local construction jobs as well as long term employment opportunities
- Will enhance tourism
- Will be a more controlled environment than at present thus eliminating noise and disturbance to neighbours
- Will allow the club to consolidate its assets on a single site as opposed to multiple sites

5.0 **THE MAIN ISSUES**

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Flood Risk and Drainage
Residential Amenity
Highways
Historic Environment
Ecology
Economic and Community Benefits

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 the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.1.2 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); and National Planning Policy Framework (NPPF) (2021). Those policies of relevance to the proposal are considered below as part of the appraisal.
- 6.1.3 The site is within the designated Green Belt where there is a presumption against inappropriate development, which by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para 147 of the NPPF).
- 6.1.4 Para 148 of the NPPF goes on to state “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”
- 6.1.5 Policy CS5 of the Core Strategy states that development will be strictly controlled in the Green Belt in line with national policy. The policy does however make an exemption in relation to “Required community uses and infrastructure which cannot be accommodated within settlements.” that said this is essentially a replacement social facility which is an ancillary use to the primary use which is outdoor recreation and sport. The changing room element incorporated in the proposals are an incidental use which are deemed appropriate in the Green Belt to support outdoor sport.
- 6.1.6 Policy MD6 relates to development in the Green Belt and states “In addition to meeting the general requirements that apply in the countryside as set out in Policies CS5 and MD7a and MD7b, development proposed in the Green Belt must be able to demonstrate that it does not conflict with the purposes of the Green Belt.
Further to these requirements the following development will be supported:
*Development on previously developed sites, which would not have a greater impact on the openness of the Green Belt than the existing development, providing
the development is for employment or economic uses, defence uses, local community use or affordable housing; and the development enhances the site and its contribution to the landscape setting.*
- 6.1.7 The proposal includes for the removal from site of some existing structures such as two storage containers, the nissen hut and the existing clubhouse pavilion. The

temporary marquee will also no longer be required; however this is not a permanent structure and was permitted on a temporary basis by the LPA to allow the club to generate additional funds to develop a new permanent facility.

- 6.1.8 Advice provided to the applicant has always been that any replacement building or buildings which has no greater impact on the openness of the Green Belt may be considered appropriate in Green Belt policy terms, but anything substantially larger could not be supported. The proposals that have been submitted have been scaled back from the previous scheme and also now include changing facilities which are considered appropriate development in the Green Belt to support outdoor sport. The new social facility is not considered to be disproportionate in size to the existing facility it will replace and it is therefore considered acceptable in terms of its impact on the Green Belt.
- 6.1.9 The Edgar Davies Ground besides being situated in the Green Belt and is also within the flood plain of the River Severn. The National Planning Policy Guidance (NPPF) advises that within the Green Belt there is a presumption against inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, but then continues to list a number of exceptions. Three of these exceptions would be relevant to the proposals and these are:
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would have no greater impact upon the openness of the Green Belt and the purpose of including land within than the existing development.
- 6.1.10 Shropshire Core Strategy policy CS5 and Site Allocations and Management of Development (SAMDev) Plan policy MD6 (Green Belt) do not conflict with the NPPF in terms of the principle of outdoor sport and recreation facilities within the Green Belt. A key consideration however is the scale of the proposed facilities which would be associated with the sports pitches, in comparison with the buildings to be replaced, and any intensification of use through the introduction of additional facilities.
- 6.1.11 From the supporting documentation the proposals incorporate changing facilities, showers and grounds maintenance store, which are deemed an incidental and acceptable form of development in terms of sports provision in the Green Belt. The proposed function room would be a direct replacement and upgrade on facilities currently available on site. The proposals represents a 26% increase in floor area which is considered appropriate given that the new changing facilities

are an appropriate and incidental use for outdoor sport and the social facilities replace existing ancillary uses on site.

6.2 **Siting, scale and design of structure**

- 6.2.1 The proposed facilities to support the existing sports pitch should be restricted to a scale that ensures the new buildings would have no greater impact upon the openness of the Green Belt than the existing structures that would be replaced, in accordance with the above bullet points of paragraph 145 of the NPPF. The volume of the new buildings should not exceed that of the buildings to be demolished and, ideally, the heights of the new structure(s) should not exceed the maximum height of the structures to be demolished. Normally, the new buildings would be in close proximity, with a partial footprint overlap, to ensure that they would have no greater impact upon the openness of the Green Belt.
- 6.2.2 In this particular case whilst the development will result in the removal of existing structures in the form of the existing clubhouse, the nissen hut and two containers, the volume of the new building would exceed the volume of the structures to be replaced. In addition, the height of the new building makes it much more prominent in the landscape than the existing structures. The building has been raised to respond to flood risk issues which effect the site, however by responding to one issue another issue in relation to impact on the openness of the Green Belt has been created.
- 6.2.3 The applicants have sought to argue that the existing marquee that has been permitted on a temporary basis should count towards the volume they are allowed in terms of the new building in the Green Belt, but this argument cannot be attributed any significant weight as it has always been made clear that the marquee is not an appropriate permanent structure in the Green Belt and as such it was conditioned that it would only remain on site between March and October each year for a 5 year period. A more recent application to relax this condition was granted in light of the pandemic to allow the marquee to remain in situ during the forthcoming winter, however it would need to be removed the following winter. Consent was granted for the marquee to allow the Rugby Club to raise funds to finance a new permanent clubhouse, however the scale of that development and its impact on the openness of the Green Belt remain a primary concern.
- 6.2.4 Section 12 of the NPPF is concerned with achieving well designed places. It states at paragraph 130 that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish and maintain a strong sense of place; to optimise the potential of sites to accommodate an appropriate amount and mix of development; and to create places which are safe, inclusive and accessible and which promote health and well-being, providing a high standard of amenity for existing and future users. It also states, however, that permission should be refused for poor design that fails to take into account the opportunities available

for improving the character and quality of an area. At paragraph 134 it advises that in determining applications great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.2.5 Core Strategy policies CS6 and CS17 are concerned with delivering high quality sustainable design in new developments that respect and enhance local distinctiveness. This is further bolstered by SAMDev Plan policy MD2.

6.2.6 It is considered that this setting would be able to satisfactorily accommodate a building of the scale proposed. The building composition, detailing and the materials proposed (The final choice of which can be conditioned on any approval) would be a satisfactory blend of the modern and traditional. The inclusion of a central area of PV panels on the mono pitch roofed, flanked by a sedum roof on either side, would add to its energy efficiency and ecological credentials. It would be visually attractive and distinctive and appropriate to the setting.

6.3 **Visual impact and landscaping**

6.3.1 A primary purpose of the Green Belt is maintaining openness. The new building has been repositioned to be closer to the existing malthouse building, it will be elevated above ground level to prevent future flooding issues which currently impact the existing clubhouse on site. The new structure will therefore be more conspicuous due to its elevated height however, its relationship to the existing mill building means that it will reduce its impact in the landscape as this will provide a backdrop to the new structure.

6.3.2 Clearly, this does present some potential conflict with Green Belt policy in terms of impact but given that the facility is essentially a replacement of the existing clubhouse along with new improved changing facilities it is considered that the proposals meet the exceptions set out in Green Belt policy for facilities associated with outdoor sports provision.

6.3.3 The amount of car parking on site has been reduced to 43 spaces including 4 disabled bays. Whilst, this will have limited impact on the openness of the Green Belt its appearance needs to be carefully considered.

6.4 **Flood Risk and Drainage**

6.4.1 The site is within Flood Zone 3b and sits within the functioning flood plain of the River Severn. The clubhouse element of the proposal is considered to be a vulnerable use and whilst the building has been elevated above the expected flood water level, this does not address how people would escape the building in a flood emergency situation. The nature of the use means that users may well have had a drink and when considered alongside its likely peak use in the hours of darkness this poses further potential dangers to users.

6.4.2 That said there is an existing facility on the site which needs to be taken into

account, however if you were building a such a facility now you would not located in a flood plain and as such it is considered that there are better locations for the clubhouse which are not subject to the same level of flood risk.

- 6.4.3 Para 159 of the NPPF makes clear that inappropriate development in areas at risk of flooding should be avoided with development directed to areas less at risk. Para 160 goes onto state that strategic policies should be informed by Flood Risk Assessment and given the site is within the flood plain of the River Severn the area has been designated as Green Belt both to protect the green corridor that runs through Bridgnorth on the south side of the river and to prevent inappropriate development within a high flood risk area.
- 6.4.4 Para 162 of the NPPF goes on to state that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.' It is considered that across Bridgnorth there are sites which could accommodate a such a facility which are neither located in a high flood risk zone or the Green Belt, however the availability and deliverability of these sites in the context of the Rugby Club requirements is questionable and given this is essentially an upgrade on the existing facilities already on site it is not considered that the proposals will result in a worsening of the current situation in terms of safety.
- 6.4.5 Policy CS6 and CS18 require that new development is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change. Whilst the site is within flood zone 3b, and it is known that the site is prone to regular flooding, the building has been designed to raise it above the anticipated flood level so that it is much more resilient than the existing facilities which are regularly subject to flood incidences and resulting damage. In addition, the removal of existing structures from the ground will increase flood storage capacity on the ground so it will actually result in an improvement to the current situation.
- 6.4.6 Policy MD2 identifies that development should incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the requirements of the SuDS handbook as set out in the Local Flood Risk Management Strategy.
- 6.4.7 On the basis that the site currently falls within Flood Zone 3b, having regard to the Environment Agency Maps. The PPG is clear that for the application to be acceptable with regard to flood risk both the sequential test and exceptions test are required to be passed.
- 6.4.8 The Framework and the PPG require a sequential, risk-based approach to the location of development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It also indicates that a sequential approach should be used in areas known to be at risk from any form of flooding. The PPG states that for the purposes of applying the Framework, the 'areas at risk of flooding' are principally land within Flood Zones 2 and 3. Development should not be permitted if there are reasonably available sites

appropriate for the proposed development in areas with a lower probability of flooding.

- 6.4.9 The PPG advises that, in applying the Sequential Test, the aim is to steer new development to Flood Zone 1, these being areas with a low probability of flooding. Only where there are no reasonably available sites in Flood Zone 1 should reasonably available sites in Flood Zone 2 be considered. If the Sequential Test demonstrates that it is not possible for development to be located in zones with a lower risk of flooding the Exception Test may have to be applied. As such national policy on flood risk is concerned with ensuring the location of development is appropriate in principle before considering flood resilience and flood mitigation measures.
- 6.4.10 The submitted Flood Risk Assessment provides substantive evidence to demonstrate that there are no other sequentially preferable sites available. It is the aim of national and local planning policy to steer new development to areas with the lowest risk of flooding. Consequently, it is considered that the proposal has satisfied the requirements of the sequential test.
- 6.4.11 The sequential test must be passed before the exception test can be applied. I have therefore not applied the exception test as set out in paragraph 160 of the Framework.
- 6.4.12 Whilst there is existing development on the site encouraging the continued and long term use of the site with the construction of a new permanent facility in Flood Zone 3b needs to be carefully considered.
- 6.5 **Residential Amenity**
- 6.5.1 The Rugby Club have for a number of years had a temporary marquee on site in which they hold various events. The use of the marquee has been the subject of persistent complaints from residents concerning late night noise over a sustained period of time. Regulatory Services have actively monitored the situation throughout and have worked proactively with both residents and the Rugby Club to put a mitigation strategy in place to ensure residents amenities are not unreasonably impacted by the activities on site. Unfortunately, despite the best endeavours of Regulatory Services officers, these complaints have continued despite no serious breaches of controls ever being detected.
- 6.5.2 The recent pandemic has seen the club utilise the marquee for additional activities such as fitness classes and an outdoor bar. The playing field has also been utilised as an outdoor beer garden and this has also resulted in complaints from residents although it is not considered that any breaches of planning conditions placed on the use of the marquee have occurred following investigation. However, what is clear is that the site has been used in a more intensive manner during the pandemic and this was not something that could have been envisaged when the temporary consent for the marquee was granted. This has obviously upset some neighbours, but as previously stated it is not apparent that any breaches of planning controls have resulted from this increased

activity on site. Much of this activity has been during daylight hours or early evening and the planning conditions were imposed to limit late night disturbance from specific late-night events such as musical events and parties rather than these other activities.

6.5.3 It also however needs to be remembered that whilst this site is situated in the Green Belt it is also adjacent to the town centre which has numerous licensed premises, hot food takeaways and other late night uses and as such ambient background noise levels in the locality are higher than might be expected in a more suburban or countryside location. Therefore, whilst residents have a right to enjoy a quiet and peaceful existence they have also chosen to live in/close to a town centre for the convenience of the amenities it offers and as such the downside to this is that noise and disturbance is more likely to occur.

6.5.4 The internal areas of the new facility can be acoustically insulated to prevent external transmission of sound, the external areas present significantly greater problems in terms of controlling noise and disturbance emanating from the use particularly late at night and the use of such areas could be limited by condition. That said the outdoor area has been significantly reduced from the previous proposals and is now a narrow viewing balcony facing the pitch which means that the building will act as an acoustic barrier to sound transmission from its use.

6.6 **Highways**

6.6.1 The number of car parking spaces on site has been significantly reduced as vehicular access has been problematic in the past particularly on match days when vehicles have been parked along Bandon Lane thus impeding the free flow of traffic to and from the ground. The reduction in spaces should both encourage the club to control who can park on the ground as well as discourage others from parking along Bandon Lane as they can't get on the ground.

6.7 **Historic Environment**

6.7.1 The site abuts the conservation area and also the Malthouse building. Whilst it is considered that the modern design and elevated nature of the new clubhouse will have an impact on the historic environment. It is considered that this impact is likely to amount to less than substantial harm and as such given the public benefits that will be derived from the development, it is felt that on balance these will outweigh any perceived harm resulting from the proposals. Accordingly, it is considered that appropriate conditions can mitigate any impact on the historic environment.

6.8 **Ecology**

6.8.1 The proposals will result in the removal from site of two existing container units, the existing timber pavilion structure and a Nissan hut. The application site largely comprises of amenity lawn/sport pitch and hard standing these habitats are considered to be of little ecological merit.

6.8.2 No evidence of other protected species apart from bats have been identified during the course of the study, therefore the proposal is not considered to be

limited by any other ecological constraints.

- 6.8.3 The proposal has the potential to provide significant enhancements to the site as an ecological asset through the incorporation of both bird and bat boxes into the built form and new hedgerow planting.

6.9 **Economic and Community Benefits**

- 6.9.1 The rugby club is an integral part of the life in Bridgnorth offering a vital community facility, from a sports, entertainment and economic perspective as a place that encourages a healthy active lifestyle. It employs a total of 21 full and part-time staff and provides a space for observing competitive sporting events. Currently, 10 local sports and social groups use the BRFC facilities. On top of this, the rugby club has always allowed access to the general public to Severn Park across all sports pitches, as a space for local to enjoy greenspace in the heart of Bridgnorth.

6.10 **Very Special Circumstances**

- 6.10.1 Previous attempts at trying to find a new location on the periphery of the town did not result in a positive outcome for the club resulting in wasted time and expense. The opportunity for relocating the rugby club to an alternate site as an option has been considered carefully, however it become clear when viewing Shropshire Council's most up to date SLAA Employment Sites (2018), there are not any appropriate alternate sites that meet the basic requirements of the rugby club. To maintain the integrity and sustainability benefits associated with the rugby club's central location in the town, a comparable site would have to be identified. Figure 6 shows the Strategic Land Availability Assessment (SLAA) Employment map for Bridgnorth. The only potential comparable sites are BRD012 (Land South of Stourbridge Road) and BRD003 (Land North of Cantern Brook).
- 6.10.2 For both BRD012 and BRD003, as well as being far less central and sustainable than the current rugby club site, both sites suffer from steep gradients that would be completely inappropriate for the rugby club, which requires a flat surface for playing conditions.
- 6.10.3 Further, as potential employment sites, the price of the land is likely to be out of the reach of the rugby club, who, as a organisation in the process of become a charitable organisation, do not operate for profit.
- 6.10.4 Beyond this, Bridgnorth Rugby Club have operated at their home ground on Bandon Lane since 1963, a year after the club was established, with close links to neighbouring sports clubs, such as the rowing club. This historic link to the site should not be overlooked as a place that local residents hold strong affiliation to, being a facility that has resulted in many high performing athletes being developed, some of which have gone on to perform at competitions such as the Commonwealth Games.
- 6.10.5 The benefits of the investment in the club and redevelopment it will result in, the proposed development contributes significantly to the economic and cultural life of

Bridgnorth, as a town that prides itself on its sporting community network, that cannot realistically be transplanted elsewhere.

- 6.10.6 In the case of this application, the existing clubhouse has become expensive to repair from flood damage, that the economic viability of the club has been put in doubt. Significant damage was caused during the floods of 2020, forcing BRFC to use £10k of grant from Sport England and a £10k grant from the RFU to help repair the damage – which totalled in excess of £50k. It would be more of a benefit to the community at large if such public money could be spent on sporting projects rather than repairing flood damage to old buildings.
- 6.10.7 Taken together, the issue of there being no alternative locations; the continuous costs associated with repairs as a result of flood damage; the increase in local employment; the social benefits of the improvement to the quality of the sporting and changing facilities and the improvements to the appearance of the buildings are all capable of being considered as very special circumstances.
- 6.10.8 Given the relatively small amount of additional development the proposal will result in, it is clear that the very special circumstances presented above are capable of outweighing harm, by reason of inappropriateness.

7.0 CONCLUSION

- 7.1 Bridgnorth Rugby Club was founded in 1962 and has become an important fixture in the social fabric of the town over the years. The senior team of the club play at the Edgar Davies Ground on Bandon Lane and this currently houses a rather ramshackle collection of accommodation for the club which is clearly not fit for purpose. The Green Belt location of the site along with it being an active flood plain mean that the club have struggled over the years to develop facilities to match their ambitions.
- 7.2 The current clubhouse on site is a tired and substandard facility that struggles to meet the needs of the club and its community, with limited space for spectators and players. The historic flooding on the site has contributed to regular destruction and loss of equipment and stock from the kitchen and functional areas of the clubhouse. Recent floods in 2020 have caused damage in excess of £50k in repair costs of which the club has been forced to use £10k of grant from Sport England and a £10k grant from the Rugby Football Union (RFU) to help repair the damage. On numerous occasions the changing facilities at the Bridgnorth Rowing Club, some 100m from the site, have had to be used, with players having to walk to the pitch from the boathouse. The need for a new and improved clubhouse and changing facility is now desperate.
- 7.3 Both national and local planning policy guidance seek to restrict inappropriate development in the Green Belt unless there are 'Very Special Circumstances'. However, the provision of changing facilities for outdoor sport is one of the few types of development that is considered appropriate in the Green Belt. Therefore, in effect it is the social element of the development that is deemed inappropriate in terms of Green Belt policy, however given that there is an existing clubhouse

on site, this also needs to be considered in the round as a replacement facility would in all likelihood be considered acceptable provided it was of a similar size and use.

- 7.4 The Environment Agency have withdrawn their original objection to the proposals following dialogue with the applicant and the LLFA are content with the proposals. Clearly, the site will remain prone to flooding on a regular basis and this has resulted in the clubhouse being elevated above the ground to alleviate the risk of flooding impacting the new facilities. However, the need to raise the clubhouse off the ground means that it is inevitably more visually prominent and has a greater impact on the openness of the Green Belt. Therefore, there is a need to take a pragmatic approach in relation to the development as the nature of the site means that it is simply impractical to build on the ground as the facility will suffer regular flood events and the club will continue to incur significant repair costs associated with these.
- 7.5 Therefore, given that the new facility will replace existing structures on site and will be built on stilts this could increase the flood capacity of the site over and above its existing capacity. However, the impact on the openness of the Green Belt is likely to be greater however it is considered that this can be offset by the changing rooms being appropriate development, the clubhouse replacing the existing bar facilities and the reduced risk of the facility being flooded providing the 'very special circumstances' to justify the proposed development.
- 7.6 In summary, it is considered that the proposals will not result in a disproportionate increase in facilities on site which would conflict with national and local Green Belt policies and as such given the clear benefits that the community will derive from this upgraded facility it considered that 'Very Special Circumstances' can be demonstrated in this case to allow the development to proceed.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS8 - Facilities, Services and Infrastructure Provision

CS17 - Environmental Networks

CS18 - Sustainable Water Management

MD2 - Sustainable Design

MD6 - Green Belt & Safeguarded Land

MD7b - General Management of Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

RELEVANT PLANNING HISTORY:

11/03770/FUL Alterations and improvements to existing pavillion including extension to side, new entrance at rear with ramp access, installation of 3 windows and erection of 5 floodlights to training area

GRANT 29th November 2011

12/03282/FUL Alterations and improvements to existing pavillion including extension to side, new entrance at rear with ramp access, installation of 3 windows and erection of 5 floodlights to training area

GRANT 24th October 2012

19/00700/FUL Application under Section 73A of the Town and Country Planning Act 1990 for the temporary siting (5 years) of an events marquee GRANT 9th August 2019

20/03978/FUL Demolition of existing buildings and erection of replacement club house building and function room REFUSE 5th March 2021

20/05031/VAR Variation of condition no.2 (time constraints) pursuant of 19/00700/FUL to allow for the approved marquee to be erected throughout the calendar year GRANT 12th January 2021

21/01291/DIS Discharge of conditions 8 (flood evacuation plan) and 9 (lighting plan) on planning permission 19/00700/FUL DISPAR 30th April 2021

21/02300/VAR Removal of Condition No.9 (external lighting plan) attached to planning permission 19/00700/FUL dated 09/08/2019 GRANT 1st July 2021

21/04696/FUL Demolition of existing buildings and erection of replacement club house building and function room (revised scheme) PDE

BR/APP/FUL/08/0114 Installation of replacement floodlights GRANT 1st April 2008

BR/APP/ADV/05/0347 Erection of non-illuminated sign GRANT 5th July 2005

11. Additional Information

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

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

Design and Access Statement

Arboricultural Appraisal

Drainage Strategy

Flood Risk Assessment

Ecological Appraisal

External Lighting Impact Assessment

Planning Statement

Transport Statement

Heritage Impact Assessment

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Christian Lea

Cllr Kirstie Hurst-Knight

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

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

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

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

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.

- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for Swifts (Swift bricks or boxes with entrance holes no larger than 65 x 28 mm can accommodate a wide range of species (CIEEM, 2019)), Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups) shall be erected on the site prior to first use of the development.

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

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and paragraph 180 of the NPPF.

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

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

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

6. The demolition of the Nissen Hut approved by this permission shall not commence until a photographic survey (Level 2 survey), as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice' of the interior/ exterior of the buildings has been submitted to and approved in writing by the Local Planning Authority.

Reason: This information is required before development commences to record the historic fabric of the building prior to development.

7. a) All pre-commencement tree works and tree protection measures as detailed in Section 2 (Arboricultural Impact Assessment), Section 3 (Arboricultural Method Statement), Appendix 5 (Tree Protective Barrier), Appendix 6 (Ground Protection) and Plan 2 (Tree Protection Plan) of the approved Arboricultural Appraisal (SC:516A, Salopian Consultancy Ltd, 27.09.2021) shall be fully implemented before any development-related equipment, materials or machinery are brought onto the site.

b) Thereafter the development shall be implemented in accordance with the Arboricultural

Method Statement (Section 3) and Tree Protection Plan (Plan 2) of the approved Arboricultural Appraisal (SC:516A, Salopian Consultancy Ltd, 27.09.2021). The approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site.

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.

8. No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details as relevant of ground preparation, planting pit specification and the trees and shrubs to be planted in association with the development (including species, locations or density and planting pattern, type of planting stock and size at planting), means of protection and support and measures for post-planting maintenance.

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

9. The approved planting scheme shall be implemented as specified and in full no later than the end of the first planting season (November to February inclusive) following completion of the development. If within a period of five years from the date of planting, any tree or shrub, or any tree or shrub planted in replacement for it, dies or becomes seriously damaged or diseased, or is otherwise lost or destroyed, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season.

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

10. Finished Floor Levels (FFLs) should be set no lower than 34.01mAOD which is 300mm above the design flood level of 33.71mAOD. Additional flood proofing measures to protect up to level of 34.31mAOD.

Reason: To protect the development from flooding over its lifetime, including climate change

11. The development hereby permitted shall not be brought into use until the proposed resurfacing to Bandon Lane, as shown in Figure 8 of the Transport Statement, is completed and thereafter maintained.

Reason: To ensure that the development should not prejudice conditions of safety nor cause inconvenience to other highway users.

12. The development hereby permitted shall not be brought into use until 5 double Sheffield stands for cycle parking have been provided.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport.

13. 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, 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.

14. The sound insulation of the club house function room roof and glazing shall be constructed in line with the recommendations outlined in sections 6.11 and 6.12 of the submitted MEC noise report assessment 25932-04-NA-01 REV E. The non-glazed walls of the clubhouse shall be constructed using cavity filled breeze block as outlined in section 5.24 of MEC noise report assessment 25932-04-NA-01 REV E. All fixed External Plant shall meet the noise emission targets as stated in section 6.4 and 6.5 of MEC noise report assessment 25932-04-NA-01 REV E.

Reason: In the interests of Residential Amenity

15. When amplified or live music is being played in the function room all its external doors and windows shall be closed.

Reason: In the interests of Residential Amenity.

16. Prior to first use of the function room a noise management plan shall be submitted to the local planning authority for approval in writing. The plan shall include full details of noise control measures that are to be implemented with respect to controlling noise emissions and ensuring compliance with relevant planning conditions from use of the function room. The approved noise management plan shall be implemented in full.

Reason: In the interests of Residential Amenity

17. The outside balcony area shall not be used between the hours of 23:00 and 08:00 the following day.

Reason: In the interests of Residential Amenity

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

2. By virtue of the Town and Country Planning Act 1990, your attention is drawn to the following statutory provisions and Code of Practice relating to the needs of disabled people: Sections 4, 7 and 8A of the Chronically Sick and Disabled Persons Act 1970, Disability Discrimination Act 1995, BSI Code of Practice BS5810:1979 relating to Access for Disabled to Buildings, and the Building Regulations 1992 Approved Document M. Please ensure that you are taking account of these requirements.

3. The discharge of surface water to a water course requires the prior consent of the ENVIRONMENT AGENCY under the Control of Pollution Act 1974 and the Water Act 1991.

4. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.

5. The above conditions have been imposed in accordance with both the policies contained within the Development Plan and national Town & Country Planning legislation.

6. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.

7. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.

8. Bats

All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

If any evidence of bats is discovered at any stage then development works must immediately

halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Any chemical treatment of timbers should not take place between the beginning of October and the end of March and no pointing or repairs of any gaps or crevices which cannot be easily seen to be empty should take place between the beginning of October and the first week in April, to minimise the possibility of incarcerating bats.

If timber treatment is being used then the Natural England's Technical Information Note 092: Bats and timber treatment products (2nd edition) should be consulted and a suitable 'bat safe' product should be used (see <http://webarchive.nationalarchives.gov.uk/20160913000001/http://publications.naturalengland.org.uk/publication/31005>).

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

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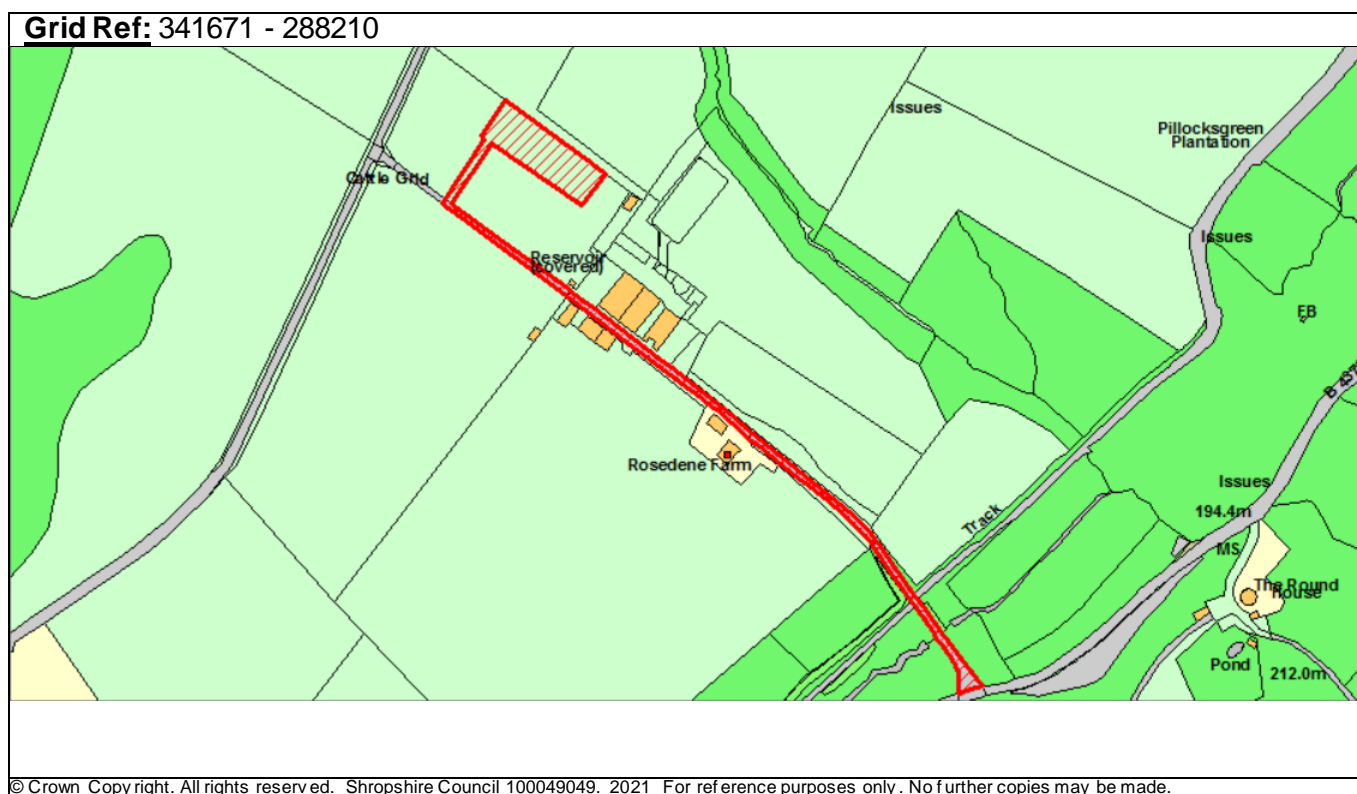
<u>Committee and date</u>
Southern Planning Committee
8 February 2022

Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/05241/FUL	<u>Parish:</u>	Wistanstow
<u>Proposal:</u> Change of use of land for siting of 3No glamping pods, installation of septic tank, creation of parking area		
<u>Site Address:</u> Rosedene Horderley Craven Arms Shropshire SY7 8HR		
<u>Applicant:</u> Mr Stephen Ashley		
<u>Case Officer:</u> Helen Tipton	<u>email</u> : helen.tipton@shropshire.gov.uk	



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

Recommended Reason for refusal

1. Insufficient information has been provided to establish if the development would form part of a rural diversification scheme, with the application containing limited information on the enterprise's long-term viability. The scheme would have no association with an existing tourism enterprise and although the proposed visitor accommodation could make a small contribution to the local visitor economy, its economic benefits would be limited and the development would not be in an accessible location, as required by development plan policy, with heavy reliance on car transport. As such, the proposed development would be contrary to Core Strategy policies CS5 and CS16 of the Local Development Plan.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of land for the siting of three glamping pods; installation of a septic tank and creation of a parking area.
- 1.2 Each pod would comprise of an arched / domed roof and have a footprint of 6 metres long x 3.95 metres wide. Their overall external height would each reach 3.08 metres and they would be timber clad with a single, circular uPVC window offset to one gable end. A circular, timber framed doorway entrance would be sited on the opposite gable and the internal layout would consist of a bedroom / lounge area with separate toilet and shower room.
- 1.3 The application follows a similar scheme for five camping pods, (20/04021/FUL refers), which was refused at the South Planning Regulatory Committee in January 2021. The refusal was on the basis that the development would not involve the diversification of an established business, with limited economic benefits; would not relate to an existing tourism enterprise or be within a recognisable settlement, where visitors would rely on an unsustainable means of travel. That scheme was also considered to be detrimental to the setting of the Shropshire Hills Area of Outstanding Natural Beauty, (AONB).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Rosedene Farm is accessed from the B4370 road, between the A489 Plowden junction at Horderley and the A49 junction at Marshbrook, due northeast.

The property is situated within the Shropshire Hills AONB and is positioned approximately 200 metres from the B4370, along a private access drive, which initially serves a public bridleway before extending northwest from the road, passed the farm buildings and house, to a further bridleway and track, near to Churchmoor Rough woodland. Meanwhile, a group of mature trees align to the north-east of an adjacent field of pasture and the area of land proposed for development is bound by hedgerow and occasional mature trees.

The immediate setting predominantly provides pasture and grass crops. The site is relatively level, with a steady incline from the nearby farm complex, whilst the hills and surrounding topography undulate around it.

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

3.1 The Parish Council comments are generally neutral although overall, they do support the proposed scheme, subject to appropriate landscaping. The Local Member has requested the application is considered by the Planning Regulatory Committee. Following officer discussion with the Chair and Vice Chair of the South Planning Committee, it was decided that the material planning considerations in this case require consideration by Committee, as set out in the Shropshire Council Constitution.

4.0 **Community Representations**

4.1 Consultee Comments

4.1.1 Shropshire Council Rights of Way - no comment.

4.1.2 Shropshire Council Drainage - no objection.

An informative comment provides advice on the need for a sustainable surface water drainage system, designed in accordance with the Council's 'Surface Water Management: Interim Guidance for Developers' document. The provisions of the Government's Planning Practice Guidance should also be followed, particularly Section 21, which aims to reduce the causes and impacts of flooding. Preference should be given to measures which allow rainwater to soak away naturally, with connection to existing drains or sewers being a last resort.

4.1.3 Shropshire Hills AONB - comment.

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision and should take account of planning policies which protect the AONB and the statutory AONB Management Plan.

Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership, in selected cases, may make a further detailed response and take a considered position.

4.1.4 Ramblers Association - no comment.

4.1.5 Shropshire Council Highways - no objection.

The traffic associated with the current proposal is not considered to be significant and is likely to occur outside of the traditional weekday peak traffic periods and at

weekends. The existing access arrangements are considered to be acceptable to serve the proposed glamping pods.

Sufficient parking and turning is proposed. The initial section of the track to Rosedene also serves Public Right of Way (bridleway 0565/UN5/2) but no concerns are raised in terms of the effects of the development on the bridleway.

Informative comments are provided in terms of any required work affecting the highway, any mud emanating from the site, any drainage affecting the highway and the consideration of a suitable refuse collection area.

4.1.6

Shropshire Council Archaeology - no comment.

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

4.1.7

Shropshire Council Ecology - no objection.

Ecology standing advice is provided. This recommends conditions and informative comments.

4.1.8

Shropshire Council Trees - comment.

20 December 2021 - comment.

The application includes the establishment of 1.8 metre fencing along the north / north-east boundary of the site, presumably this would be closed board fencing. The purpose of this is not given, but its effect would be to shade and suppress the adjoining native hedgerow to the detriment of its contribution to the wider green infrastructure network and biodiversity.

The proposed access appears to use an existing gap in the hedgerow, in the light of the 1997 Hedgerows Regulations this constitutes the creation of a new access to the field and should be compensated for by the old access being removed and planted up with native species hedgerow, an acceptable compromise would be that if this application is granted planning consent then the landscape mitigation should include gapping / regeneration of up the track side boundary hedgerow as part of the depth of long term landscape mitigation and as compensation for the impacts of the 1.8 metre fence line on the parallel hedge, to the rear of the camping pods. Conditions for detailed landscape compensation and mitigation required, this should include measures to reinstate the dilapidated and gapped section for the hedgerow along the lane boundary.

21 December 2021 - comment.

Following confirmation of an already supplied amended Block Plan, (drawing No. 002 Rev A, received 7th December 2021), the Council's Tree team have provided the following response:

The site falls within the AONB but otherwise no Tree Preservation Order or

Conservation Area constraints apply protection to trees in the local area. From a purely arboricultural perspective, this application offers a more sustainable proposal to the previous application (ref. 20/04021/FUL).

The Council Tree Team notes:

- The retention of the existing hedgerows and inclusion of new hedge planting with specimen trees as boundary treatment around the site boundary.
- A block of proposed landscape planting with mixed native species at the west / north west end of the site.

Whilst in principle these landscape mitigation measures are okay, more detail on planting mixtures, planting density, size and after care, including replacement of losses would need to be secured through conditions. Due to the location within the AONB, the long-term success of any screening proposals for this development needs to be sustainable and enforceable. It is therefore expedient for Shropshire Council to require the very highest standards of design and delivery from landscape mitigation and compensation measures supporting this application.

4.1.9

Wistanstow Parish Council - comment.

The parish council are fully supportive of the need for some farming diversification. Having previously supported an application for 5 camping pods on the site, (this having now been reduced to 3 in the current application) are aware that this was refused by the Planning Authority in that the development would detrimentally affect the essential open character of the Shropshire Hills Area of Outstanding Natural Beauty and therefore contrary to policy.

If the policy was to be overcome with a less conspicuous feature in this location, which may be achieved with appropriate landscaping, this would be supported by the parish council. Therefore, the Parish Council are, at this time, only making a representation to see if a solution can be agreed between the applicant and planning officers.

4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site.

4.2.2 No public representations have been received.

5.0 THE MAIN ISSUES

Principle of development
Siting, design and visual impact
Residential amenity
Highway safety
Ecology
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy Policy CS5 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, particularly where they relate to small scale development diversifying the rural economy. This includes farm diversification schemes and the retention and appropriate expansion of an existing, established business. However, this policy also makes clear that new development will be strictly controlled in accordance with national planning policies protecting the countryside and that applicants will be required to demonstrate the need and benefit for the development proposed and also that it will be expected to take place primarily in recognisable named settlements, unless it is linked to other existing development and business activity where this is appropriate.

6.1.2 In relation to the overall development strategy, Core Strategy Policy CS4 seeks to ensure that, in rural areas, communities should become more sustainable by focusing investment into 'Community Hubs' and 'Community Clusters' and not allow development outside these settlements, unless it complies with Policy CS5.

6.1.3 Meanwhile, Core Strategy Policy CS16 supports the provision of high quality visitor accommodation in accessible locations served by a range of services and facilities. In rural areas, it requires such proposals to be of an appropriate scale and character for the surroundings and close to or within settlements or an established and viable tourism enterprise.

6.1.4 Subsequent to the former application, the applicant's representative has provided additional supporting information in regard to the existing businesses. By admission, the information states that the existing farmland, comprising of 54 acres, along with an unspecified number of beef cattle and sheep are insufficient to fund the family needs. As such, the applicant has turned to the processing and sale of timber for firewood, which generates an income / turnover of between £5000 and £10000 per annum. Supporting information also refers to a DIY Livery business, whereby three of four indoor stables within the existing farm buildings are let out, along with adjoining grazing. It is stated that this business has been in existence since 2014 and generates an income of circa £5,000 per annum. However, no financial accounts are provided and the viability or longevity of the businesses remain unclear.

6.1.5 The intention of the pods would, in part, allow visitors to bring their own horses during their stay and access the local bridleway network for hacking out. It is also suggested that visitors could make use of an existing manege at the property. It should however be noted that whilst the manege and it's siting gained planning consent in January 2018, (reference 17/04748/FUL) for a change of use of that land to equestrian use, the manege has no permission for commercial use and its ancillary use is controlled by condition. In addition, the applicant intends to use an existing annexe at the property for short term holiday letting. The annexe, which adjoins the associated dwelling was approved in January 2013, subject to a condition that the development would not be used for commercial or business

purposes. The suggestion to use both the manège and annexe for business purposes does not form part of the current application and is therefore based on conjecture.

6.1.6 Whilst the scheme would likely supplement the applicants' existing income, this needs to be weighed against other factors, including the accessibility of services and facilities. In this case, the development would be sited in the countryside, where development is strictly controlled. The site is remote and isolated, with no nearby amenities or facilities within easy walking distance. The roads between the proposed site and the nearest main settlement are hazardous for pedestrians and this would increase dependency on private car travel.

6.1.7 The applicant's representative has made reference to a number of other, similar schemes nearby or county wide, in support of the application and its countryside location. All of the examples referred to have either been granted for tourism use on the basis of their reliance on an existing and satisfactorily presented rural enterprise, their sustainable location, conversion of a traditional heritage asset, the expansion of existing holiday accommodation and / or one which may have not received appropriate consent.

6.1.8 In summary, there remains insufficient information to conclude that the development would form part of a diversification scheme or an established and viable tourism enterprise. The site would be seated outside of a settlement, would not be easily accessible, other than by private vehicle and there is no assessment of market need or any information to suggest that the proposal would offer anything to this area of the county that is not already being met by other, existing tourist accommodation in the area. Therefore, the overriding policy requirements of CS5 and CS16 are not met and the principle of development is not satisfied.

6.2 Siting, design and visual impact

6.2.1 Core Strategy Policy CS6 ensures that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, while Policy CS17 ensures that development contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB.

6.2.2 There is some scope for caravan-act compliant holiday accommodation, under MD11 of the Site Allocations and Management of Development (SAMDev) Plan, provided the principle of development is satisfied. The scheme now proposes three holiday pods, as opposed to five and the removal of additional paraphernalia, as associated with the previous scheme, (i.e. decking). This would ensure their compliance with that policy. The numbers of pods now proposed, along with their appearance and new site layout would, subject to a scheme of landscaping, ensure the character of the AONB is preserved.

6.3 Residential amenity

6.3.1 Given the remoteness of the site it is not expected there would be any adverse residential amenity impacts.

6.4 Highway safety

6.4.1 The Council's Highways team raise no objection to the scheme and since the approach route from the nearest road is already capable of providing safe vehicular access to the site, there are no concerns in this regard. Whilst opportunities for walking, cycling and use of public transport is encouraged and the need for car based travel reduced, the introduction of three pods alone would be unlikely to generate significant traffic levels.

6.5 Ecology

6.5.1 Opportunities to incorporate biodiversity in and around developments should be encouraged, in accordance with the National Planning Policy Framework, (NPPF). The Council's Ecologist is satisfied there would be no detrimental impact on biodiversity, although conditions and informative comments are recommended in the event that the application is approved.

6.6 Drainage

6.6.1 The Council's Drainage team have no overriding concerns and offer informative comments in relation to Sustainable Drainage Systems, (SuDS).

7.0 **CONCLUSION**

Insufficient information is given to establish if the proposed development would relate to the diversification of an established rural business or tourism enterprise. Whilst there may be some benefits to the local visitor economy, these are likely to be negligible and the development would not be sited in an accessible location, close to or within a settlement. Visitors would rely on an unsustainable means of car travel and although there are no overriding impacts in terms of visual or residential amenity, highways or biodiversity, the limited economic benefits would not outweigh the harm. As such, the scheme would be contrary to Core Strategy Policies CS5 and CS16 and it is recommended that the application is refused.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- 3 ϕ 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.

- 3φThe 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:

12/04768/FUL Alterations and extension to detached garage to provide ancillary accommodation to existing dwelling GRANT 8th January 2013.

13/01386/DIS Discharge Condition 3 of planning permission No. 12/04768/FUL (Alterations and extension to detached garage to provide ancillary accommodation to existing dwelling) DISAPP 22nd April 2013.

17/04748/FUL Change of use of land to equestrian and construction of manege GRANT 12th January 2018.

20/04021/FUL Change of use of agricultural land to site for 5 camping pods, roadway with parking area and septic tank installation REFUSE 20th January 2021.

11. Additional Information

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

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr David Evans Cllr Hilary Luff



<u>Committee and date</u>
Southern Planning Committee
8 February 2022

Development Management Report

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

Summary of Application

<u>Application Number:</u> 21/05418/FUL	<u>Parish:</u>	Middleton Scriven
<u>Proposal:</u> Erection of an affordable home to include detached garage and private treatment plant.		
<u>Site Address:</u> Proposed Affordable Dwelling Middleton Scriven Bridgnorth Shropshire		
<u>Applicant:</u> Mr Graham Tranter		
<u>Case Officer:</u> Jacob Collett	<u>email</u>	: jacob.collett@shropshire.gov.uk

Grid Ref: 368879 - 287310



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Recommendation:- Refuse .

Recommended Reason for refusal

1. The site is not part of or adjacent to a recognisable named settlement, there are only a limited number of dwellings nearby, most are separated from one another by agricultural land and by farmsteads; cumulatively the built environment in the area is made up of sporadic, isolated pockets of development. The principle of the proposed development is therefore contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing

2. Due to the position of the proposed plot, which is centrally placed within agricultural land with the remaining field surrounding on all sides and a driveway cutting through it, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

REPORT

1.0 THE PROPOSAL

1.1 The application proposes the erection of an affordable dwelling at land circa 1km east of Middleton Scriven. The application includes the provision of a package treatment plant. The application has been submitted under the single plot exception site policy which if approved are subject to a Section 106. The proposed dwelling is a single storey bungalow with a detached single garage.

1.2 There is previous planning history at the site with in total six previous applications related to a dwelling at the site. The planning history is as follows;

PREAPP/15/00472 – Single Plot Affordable Dwelling – Determined to be unacceptable development – Development not within or in the sphere of influence of a named settlement

PREAPP/16/00557 – Proposed Affordable Dwelling - Determined to be unacceptable development – Development not within or in the sphere of influence of a named settlement

PREAPP/18/00472 – Erection of an Affordable Dwelling – Determined to be unacceptable development - Development not within or in the sphere of influence of a named settlement

18/05043/OUT – Affordable self-build dwelling – Delegated refusal decision – reasons for refusal were as follows;

1- No information has been provided in support of this proposal to demonstrate that the applicant has a local connection to the area, why there is a need to live in the local area or that he is unable to obtain an alternative property within the Parish. As such the applicant has not met the qualifying criteria set out in the adopted Supplementary Planning Document on the Type and Affordability of Housing. Accordingly, the development is contrary to Policies CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, and Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan.

2- The site is not part of or adjacent to a recognisable named settlement, there are only a limited number of dwellings nearby, most are separated from one another by agricultural land and by farmsteads; cumulatively the built environment in the area is made up of sporadic, isolated pockets of development. The principle of the proposed development is therefore contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Shropshire Local Development Framework Core Strategy, Policies MD3 and MD7a of the Shropshire Council Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

3- The adopted SPD Type and Affordability of Housing requires applications for single plot affordable dwellings to be submitted as a Full Planning Application to allow the Council to fully consider all aspects of this proposal as a Single Plot Exception Site., in accordance with the Development Plan. The Outline application submitted is therefore contrary to paragraph 5.20 of the Council's Supplementary Planning Document on the Type and Affordability of housing.

4- Due to the position of the proposed plot, which is centrally placed within agricultural land with the remaining field surrounding on all sides and a driveway cutting through it, the site does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. The proposed siting of the plot is therefore contrary to Policy CS6 of the Shropshire Local Development Framework Core Strategy, and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.

19/02168/FUL – Erection of Single Plot Affordable Dwelling and Detached Garage – Withdrawn for the following reason 'We remain of the opinion that this particular location does meet the policy for single plot affordable dwellings but agree that the actual siting and design of the dwelling are not appropriate'

PREAPP/20/00486 – Single Plot Affordable exception Site – Unacceptable Development – Development not within or in the sphere of influence of a named settlement

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within open countryside to the south west of Bridgnorth and is accessed via Class C roads from the B4363 in the east. There is an existing field gate into the site at its south east corner. The site is an agricultural field sloping upwards to the north and laid to grass with a mixture of timber fencing and native hedging around its perimeter. There is an adjacent dwelling to the east side at The Poplars which has a south east facing front elevation and there is an evergreen hedge of approximately 2m high between this dwelling and the site. There is also a neighbouring property to the north west at Birch Hall Farm, where the dwelling is approximately 100m from the site and 70m above the road to the south. This farm is accessed via a dedicated track containing a line of mature trees and that extends from the road along the western boundary of the site. There is also a cottage across the road to the south. Otherwise the surrounding land is agricultural.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 In accordance with the 'Scheme of Delegation' this application has been concluded at the Agenda Setting Meeting on 20th January 2022 to be determined by planning committee due to ward councillor call in.

4.0 Community Representations

A Site notice was displayed at the Site.
- Consultee Comments

Billingsley Parish Council

The Members of Billingsley Parish Council have considered the above Application and wish to make the following comments –

Mr. Tranter is a local parishioner who has lived in the area all of his life. His parents lived in Middleton Scriven but the family can be traced back to Aston Botterel in 1850. Mr. Tranter owns a plot of ground in Middleton Scriven on which he wishes to build an Affordable Home. The ground which is on the outskirts of the village belonged to his family, it is closely positioned between Birch Hall Farm and The Poplars with Brook Cottage a little further along the lane. Opposite to the plot stand No.1 and No.2 M. Scriven with an adjacent wood-yard is just below. A home on this site would provide manageable accommodation where he could remain close to neighbours and friends.

The Members of Billingsley Parish Council are very supportive of this application and are anxious to retain Mr. Tranter in this area where he plays such an active role in many local country pursuits.

The Parish Council has contacted Claire Hughes who agrees that Mr. Tranter qualifies for a Single Exception Plot.

SUDS

Suggested the following condition (and informatives);

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.

SC Environment Protection

Suggested the following condition;

a) No development, with the exception of demolition works where this is for the reason of making areas of the site available for site investigation, shall take place until a mine gas risk assessment has been undertaken to assess the potential for mine gases to exist on the site. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions; October 2021 and having regard to current Environment Agency guidance Land Contamination: Risk Management (LCRM; 2020). The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the mine gas risk assessment finding the site to be affected by mine gases a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must be in accordance with BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the Environment Agency guidance Land Contamination: Risk Management (LCRM; 2020), which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the risks from mine gases and any contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land. Verification must be in accordance with BS8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings and, CIRIA C735 Good Practice on the testing and verification of protection systems for buildings against hazardous ground gases, 2014.

Reason: To ensure that risks from potential mine gases to the future users of the land, property and neighbouring land are minimised, and to ensure that the

development can be carried out safely without unacceptable risks to human health and offsite receptors.

SC Highways (Most Recent Comment)

Further to the Highway Advice Note dated 20.12.2021, revised details have been demonstrated on New Access Site Plan Drawing No. 1618 D 100 B and published on 04.01.2022. The highway matters previously raised in terms of the visibility arrangements are not considered to have been satisfactorily addressed. The site has access onto a rural derestricted section of Class III road. The proposed visibility splays as shown on the Proposed Site Plan Drawing no. 10986-102 needs to be satisfactorily demonstrated as being in line/commensurate with the prevailing highway conditions by an appropriate assessment of the likely speed of traffic passing the site and in accordance with appropriate documentation of MfS and Shropshire Council's Shropshire Manual for Adoptable Roads and Transport. (<http://shropshire.gov.uk/roads-and-highways/developing-highways/design-standards/>). The documentation quoted is not applicable as this refers to Trunk Roads and Strategic Highways.

Informatives were also suggested. **The above outstanding highway issue can be dealt with by condition.**

SC Ecology

No objection after discussion of the issue where it was confirmed that no ecology survey was needed.

- Public Comments

No public representations were received.

5.0 THE MAIN ISSUES

Principle of development
Siting Scale and Design
Visual Impact and Amenity
Other Issues

6.0 OFFICER APPRAISAL

6.1 Principle of Development

6.1.1 MD7a outlines that housing development should be strictly controlled outside of main urban centres and designated community clusters. However, it also outlines support for new housing that meet a demonstratable need or assists in providing affordable homes. CS4 further reinforces this standpoint by outlining no development should occur outside of development boundaries unless they accord with CS5, whilst also outlining support for dwellings that help rebalance rural locations within community settlements and clusters. CS5 outlines the acceptable reasons for new housing outside of development boundaries and community clusters which focuses on agricultural worker homes and affordable dwellings. These developments need strong justification and to evidence need

whilst also being expected to take place in recognisable named settlements or linked to other development/businesses. The aforementioned community clusters are listed within SamDev where the proposal is not located within on as outlined on the policies map. MD3 outlines further requirements on new dwellings including development outside of development boundaries, although this is mainly restricted to designated development sites.

- 6.1.2 These policies outline the standard position when assessing housing development. However as outlined within MD7a and CS11 there is provision within policy for single home exception sites that are 100% affordable. The exact policy for this exception sites is outlined within the Type and Affordability of Housing Supplementary Planning Document Chapter 5. Firstly, 'Exception sites must, first and foremost, relate to the local needs of the settlement and its 'hinterland' (sphere of influence). Secondly, they must be 'demonstrably part of, or adjacent to, a recognisable named settlement'. Guidance on this judgement is outlined as follows 'A settlement always comprises a group of houses occupied by households from different families. The group becomes a settlement due to the *number and proximity* of the houses in the group. Although a matter of judgment in each case, particularly for settlements where the number is small or where the houses are dispersed, for example strung along a road, it is the *combination* of these two factors that determines whether the dwellings constitute a settlement'. Furthermore because 'a settlement is a *relationship* between different properties, the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a number of factors'. The SPD then goes on to further outline the scaling, occupation and design restrictions of single plot affordable exception site proposals to ensure they remain affordable. This also includes the criteria to be able to occupy such a dwelling and it is confirmed in this case by the housing enabling officer that the applicant accords with this.
- 6.1.3 As such, in regard to the above, the application has to be considered to be part of or adjacent to a recognisable named settlement (para 5.13) to meet the relevant policy. Whilst a subjective judgement, it is concluded in this circumstance that the proposed site is not acceptable. As outlined in previous applications the site is not viewed to be part of, adjacent too or within a named settlement. The named settlement of Middleton Scriven is circa 900 metres away to the west of the site with the settlement consisting of around 20 dwellings all within close proximity or adjacent to one another. As such Middleton Scriven is considered to be a tight knit settlement focused around two lanes. The distance from one end of Middleton Scriven to the other is around 375 metres and the settlements relationship ends immediately on the clearly identifiable end houses.
- 6.1.4 The site is located centrally between three other dwellings. These dwellings are not within a named settlement nor are they within the sphere of influence of Middleton Scriven given the near 1km distance. There are no other dwellings or buildings between the three dwellings and Middleton Scriven and as such they are clearly separated with no tangible relationship between them, especially given the clear end boundaries of Middleton Scriven. It is not unfair to say they

can be identified as independent from one another and the site would be within an isolated pocket of development which is characteristic of the area. There is also another small settlement to the east circa 820metres away known as Deuxhill. It is dubious whether this would even constitute a settlement, however it is named and consists of circa four dwellings all centred around a T Junction. Again, this settlement is considered to be tight knit with clear boundary edges and there are no other dwellings between Deuxhill and the site. As such the proposed site sits between two small named settlements but is not clearly identifiable with either one given the distance gaps (as the crow flies) outlined. Actual travel from each of these settlements to the site would be further given the rural road network not being straight. As such it is not concluded that the site is part of or adjacent to a recognisable named settlement, doesn't meet the policy for a single plot exception site and therefore represents unacceptable development in principle.

6.2 Siting, Scale and Design

6.2.1 Even though the principle of development is not considered to be acceptable, assessment of the details of the proposal has been undertaken. The proposal outlines a bungalow development with detached garage. The dwelling proposed will not exceed the 100sqm as restricted by the policy or the site area maximum of 0.1 hectare. In regard to the design of the proposal it is considered that the dwelling is of a good simple, coherent design with the materials not confirmed but broadly appropriate subject to further confirmation secured through conditions. The detached garage is also acceptable in its scale and siting, being a subservient addition. The primary concern in regard to the proposal is the siting where it is located in the centre of an agricultural field. This is not appropriate where the proposal should be to the sides or corners of the field. The siting at present will restrict the use of parts of the field unnecessarily, resulting in a greater loss of usable agricultural land. This siting also has a greater impact on the visual landscape and open countryside. Furthermore, due to the position of the proposed plot the site also does not respond appropriately to the form and layout of the existing adjacent development, nor is it the most effective and sustainable use of the land. As such the siting is not considered to be acceptable.

6.3 Visual Impact and Neighbour Amenity

6.3.1 The proposed development is on balance not considered to cause considerable harm to the visual landscape or adjacent dwellings that would constitute a reason for refusal even though the siting of the proposal makes the visual impact worse. This is mitigated mostly by the single storey nature of the proposal and its location centrally between three other dwellings alongside existing vegetation. Equally the visual harm that any new development would cause would also be justified by the proposal providing an affordable dwelling and contributing to Shropshires housing supply.

6.3.2 The siting of the proposal is also a significant enough distance from these nearby dwellings to not cause any significant overlooking, overshadowing of amenity harm where the dwelling will be surrounded by agricultural land on the southern, western and northern borders in any case. Furthermore, the single storey nature

of the dwelling further limits the neighbour impacts. The adjacent dwelling to the east is also on higher topography than the proposal, reducing the neighbour amenity impacts further.

6.4 Other Matters

The proposed dwelling will utilise an existing access that is well established.

- 6.4.1 There are outstanding visibility issues to be confirmed however this could be dealt with by a pre-commencement condition and therefore would not constitute a reason for refusal. The issue is centred around appropriate visibility provision for the speed of the road. It is also noted the access is existing and could be used currently without restriction.

- 6.4.2 The site is located within a coal reporting area. Any new dwelling within such an area is considered by the Environment Protection team to require a mine gas risk assessment to ensure the residential standards of living are acceptable in terms of public health. This has not been undertaken as part of this application but could also be conditioned and therefore again would not constitute a reason for refusal.

7.0 CONCLUSION

The proposed single plot affordable dwelling on balance is not considered to part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. As such the proposal does not accord with the exception sites policy in this respect and therefore is not acceptable development in principle. Furthermore, the siting of the development is not well considered where the domestic curtilage will be in the centre of a field resulting in greater visual harm, but also leaving the field in a strange shape reducing its agricultural viability and not representing the most effective use of the land. Consequently, this application is recommended for refusal on the above grounds.

The design, scale, visual impact and neighbour amenity impacts are considered to accord with the relevant criteria of the outlined policies and are acceptable to not represent reasons for refusal individually.

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:

PREAPP/16/00557 Proposed affordable dwelling PREUDV 8th December 2016
BR/83/0395 The erection of a single storey front extension to form bathroom, lobby and w.c.
GRANT 15th August 1983
PREAPP/20/00486 Erection of single plot exception site affordable dwelling. PREUDV 27th
November 2020
21/05418/FUL Erection of an affordable home to include detached garage and private
treatment plant. PDE
BR/APP/FUL/00/0291 Erection of a single storey and a first floor extension and a detached
double garage and workshop GRANT 14th June 2000
PREAPP/15/00472 Proposed single plot affordable dwelling PREUDV 26th October 2015
PREAPP/16/00557 Proposed affordable dwelling PREUDV 8th December 2016
PREAPP/18/00472 Erection of an affordable dwelling PREUDV 9th October 2018
18/05043/OUT Outline application for the erection of an affordable self build dwelling (all
matters reserved) REFUSE 9th January 2019
19/02168/FUL Erection of a single plot affordable dwelling and a detached double garage.
WDN 13th December 2019
PREAPP/20/00486 Erection of single plot exception site affordable dwelling. PREUDV 27th
November 2020
21/05418/FUL Erection of an affordable home to include detached garage and private
treatment plant. PDE

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=R2QCUOTDJMT00>

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 Robert Tindall

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

**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

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SCHEDULE OF APPEALS AS AT COMMITTEE 8 February 2022

LPA reference	21/00008/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr And Mrs S Carless
Proposal	Outline application (access for consideration) for the erection of one open market dwelling; creation of new vehicular access
Location	Proposed Dwelling North Of Tudor Cottage 1 Leamoor Common Wistanstow Shropshire
Date of appeal	19 November 2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/05410/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs Crowther
Proposal	Outline application (all matters reserved) for the erection of one dwelling
Location	Proposed Dwelling SW Of Quarry House Gravels Bank Minsterley Shropshire
Date of appeal	06/07/2021
Appeal method	Written representations
Date site visit	9/11/2021
Date of appeal decision	30/11/2021
Costs awarded	No
Appeal decision	Dismissed

LPA reference	20/04167/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Dale Vass
Proposal	Erection of a self-build dwelling and garage, formation of vehicular access, installation of package treatment plant
Location	Dwelling To The West Of Tenbury Road Clee Hill Shropshire
Date of appeal	01.12.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	21/00305/PMBPA
Appeal against	Planning Permission Required/Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Richard Cooke
Proposal	Conversion of agricultural building into dwelling (prior notification under Schedule 2, Part 3, Class Q of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended))
Location	Conversion of agricultural building into dwelling (prior notification under Schedule 2, Part 3, Class Q of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended))
Date of appeal	06.12.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/02519/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr John & Adrian Wilkes
Proposal	Outline application (all matters reserved) for the erection of 8 affordable dwellings and 4 self-build houses
Location	Proposed Residential Development Land To The East Of The Moors View Diddlebury Shropshire
Date of appeal	05.07.2021
Appeal method	Written representations
Date site visit	
Date of appeal decision	09.12.2021
Costs awarded	
Appeal decision	Dismissed

LPA reference	21/03032/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Jonathan Cox
Proposal	Erection of replacement swimming pool building following demolition of existing
Location	Hammer Hill House Romsley Lane Romsley WV15 6HW
Date of appeal	10/12/2021
Appeal method	Written Representations – Fast Track
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	20/05241/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs A Nixon
Proposal	Retention of temporary timber cabin (for 2 years) to provide a farm office, meeting facility and custodial farm living accommodation
Location	Lodge Accommodation At Nixons Wood Church Stretton Shropshire SY6 7JJ
Date of appeal	11.08.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	14.12.2021
Costs awarded	
Appeal decision	Dismissed

LPA reference	20/02056/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr Sepp Sargeant
Proposal	Demolition of existing buildings; erection of mixed residential scheme of 30 dwellings; highway works; landscaping scheme to include felling of trees; all associated works
Location	Former Council Offices Westgate Bridgnorth
Date of appeal	13.09.2021
Appeal method	Hearing
Date site visit	25.11.2021
Date of appeal decision	21.12.2021
Costs awarded	No
Appeal decision	Dismissed

LPA reference	20/03082/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs C Willner
Proposal	Conversion of barn to 1No dwelling and installation of package treatment plant (Re-submission)
Location	Proposed Barn Conversion To The South Of Plealey Shrewsbury
Date of appeal	21.10.2021
Appeal method	Written representation
Date site visit	14.12.2021
Date of appeal decision	23.12.2021
Costs awarded	No
Appeal decision	Dismissed

LPA reference	20/03554/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	G H Davies Farms Ltd
Proposal	Proposed change of use of land from motocross/agricultural to tourism use for the siting of 16 holiday lodges, construction of an associated access track, parking area and associated works (amended description)
Location	Proposed Holiday Accommodation Development SE Of Boreton Farm Boreton Cross Houses Shropshire
Date of appeal	27.09.2021
Appeal method	Written representations
Date site visit	
Date of appeal decision	Dismissed
Costs awarded	
Appeal decision	20.12.2021

LPA reference	21/02338/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mrs Diane Simpson
Proposal	Installation of replacement windows and door on front elevation
Location	9 Bernards Hill Bridgnorth WV15 5AX
Date of appeal	28.10.2021
Appeal method	Written Representations
Date site visit	
Date of appeal decision	10.01.2022
Costs awarded	
Appeal decision	Dismissed

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Appeal Decision

Site visit made on 9 November 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2021

Appeal Ref: APP/L3245/W/21/3274087

Land adj Quarry House, Gravels Bank, Minsterley, SY5 0HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Paul & Clare Crowther against the decision of Shropshire Council.
 - The application Ref 20/05410/OUT, dated 24 December 2020, was refused by notice dated 26 March 2021.
 - The development is described as "*outline permission for the erection of a dwelling*".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration. A drawing showing an indicative layout was submitted with the application and I have had regard to this in determining the appeal.
3. The address given above is taken from the appeal form rather than the application form, as it provides a more accurate description of the site location.

Main Issues

4. The main issues are:
 - (a) Whether the development would accord with the locational requirements of development plan policy for new housing; and
 - (b) The effect of the development on the Shropshire Hills Area of Outstanding Natural Beauty ('AONB').

Reasons

Locational requirements of development plan policy

5. The appeal site is located towards the edge of Gravels Bank, which is a small settlement surrounded by open countryside. It is characterised by a relatively dispersed pattern of development and contains limited services and facilities.
6. Collectively, Hope, Bentlawnt, Hopesgate, Hemford, Shelve, Gravels (including Gravels Bank), Pentervin, Bromlow, Middleton, Meadowtown and Lordstone are identified as a Community Cluster under Policies MD1 and S2 of the Shropshire Site Allocations and Management of Development ('SAMDev') Plan (2015).

Policy S2 states that within this area development by infilling and conversions may be acceptable on suitable sites.

7. There is no defined settlement boundary for Gravels Bank, and the village has a relatively dispersed pattern of development. However, there is a recognisable built core to the village around a crossroads approximately 150 metres to the south east. The appeal site is set on higher ground away from this crossroads and it is largely surrounded by open fields and woodland. It has little visual relationship with the properties at Quarry House and Hove To, which are positioned away from the site boundary and are heavily screened by mature trees and hedgerows. In this regard, the site is poorly contained by existing built development and it would not infill any recognisable gap between existing properties. Accordingly, it would not constitute 'infilling' for the purposes of Policy S2.2(vii).
8. Separately, a housing guideline of around 15 dwellings is set for the Community Cluster over the plan period to 2026, of which the Council states that 28-33 dwellings have already been built or granted planning permission. Whilst it is asserted that this figure is in fact only 26 dwellings, in either case, the housing guideline figure has been significantly exceeded. Whilst this exceedance would not be sufficient to justify refusal by itself, it adds to the weight against the proposal. In this regard, I note that SAMDev Policy MD3 states that both completions and outstanding permissions should be counted against the housing guideline.
9. For the above reasons, I conclude that the development would not accord with the locational requirements of development plan policy for new housing. It would therefore be contrary to Policy CS4 of the Shropshire Core Strategy (2011), which seeks to ensure that new development in the Community Clusters is of a scale and design that is sympathetic to the character of the settlement and its environs.

AONB

10. The appeal site is located within the Shropshire Hills AONB. Decision makers have a statutory duty¹ to conserve and enhance the natural beauty of AONBs, which are afforded great weight by the National Planning Policy Framework ('the Framework').
11. Due to its elevated position, the appeal site is visually prominent in a number of views from the surrounding area. In particular, it is visible along the approach from Gravels Bank to the south east, from other points within the village, and from nearby footpaths. Whilst I note that 2 recently constructed dwellings have obscured views of the site from the crossroads, that does not alter its visibility from other vantage points. From these positions, the development would appear as a prominent intrusion into the open hillside above the main core of the village. Moreover, it would relate poorly to the existing pattern of development, being on higher ground and appearing visually separate from other nearby properties. Whilst I note that trees have been planted to the south on land owned by the appellant, these will take many years to mature and will only partially screen the development in some views. Similarly, any new landscaping would take many years to mature.

¹ Section 85(1) of the Countryside and Rights of Way Act 2000 (as amended)

12. It is asserted that the public footpaths to the south west are not commonly used, however, there is little evidence before me to substantiate this. Whilst I note that conifers have recently been planted alongside the more distant footpath, the development would remain prominent from several other views even once these have reached maturity (which will take many years).
13. For the above reasons, I conclude that the development would significantly harm the scenic qualities of the Shropshire Hills AONB. It would therefore be contrary to the relevant sections of Policies CS6 and CS17 of the Shropshire Core Strategy (2011), and Policies MD2 and MD12 of the SAMDev Plan (2015), which seek to protect the landscape and natural environment. It would also be at odds with the Framework in this regard.

Other Matters

14. It is asserted that the core of the settlement around the crossroads was artificially created by the Council through the granting of recent permissions. However, I must consider the layout and character of the village as it exists at the time of my decision.
15. It is suggested that the Council should have proactively encouraged the proposed dwelling to be made available for self-build housing. However, no mechanism has been proposed to achieve that outcome. In any case, given the harm I have identified this consideration would not have led me to reach a different conclusion in this case.

Conclusion

16. As set out above, I conclude that the development would significantly harm the scenic qualities of the Shropshire Hills AONB, and would be contrary to the locational requirements of development plan policy for new housing. Whilst it would create a new dwelling and would generate some economic benefits through the creation of employment and the purchasing of materials and furnishings, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

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Appeal Decision

Site visit made on 9 November 2021

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2021

Appeal Ref: APP/L3245/W/21/3272416

Land to the east of The Moors View, Diddlebury, Shropshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Adrian Wilkes against the decision of Shropshire Council.
 - The application Ref 20/02519/OUT, dated 27 June 2020, was refused by notice dated 16 October 2020.
 - The development proposed is erection of 12 dwellings and operational supporting development.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration. A drawing showing an indicative layout was submitted with the application and I have had regard to this in determining the appeal.
3. The address given above is taken from the appeal form rather than the application form, as it provides a more accurate description of the site location.
4. A Unilateral Undertaking ('UU') has been submitted that would secure the provision of 8 affordable dwellings and 4 self-build plots. The UU is signed and dated, and I have taken it into account in reaching my decision.

Main Issues

5. The main issues are:
 - (a) Whether the development would accord with the locational requirements of development plan policy for new housing;
 - (b) The effect of the development on the setting of the Grade II listed Bache Mill House; and
 - (c) Whether there are other material considerations that would outweigh any conflict with the development plan, or any other harm, in this case.

Reasons

Locational requirements of development plan policy

6. The appeal site is located on the edge of Diddlebury, which is a small village located around 5 miles north east of Craven Arms. It consists of part of an open field that is adjacent to existing properties to both the north and west.

7. Policy CS4 of the Shropshire Core Strategy (2011) states that in rural areas investment will be focused into identified Community Hubs and Community Clusters. In this regard, Bache Mill, Bouldon, Broncroft, Corfton, Middlehope, Peaton, Seifton, (Great/Little) Sutton, and Westhope are identified as a Community Cluster within Diddlebury Parish under Policies MD1 and S7 of the Shropshire Site Allocations and Management of Development ('SAMDev') Plan (2015). Whilst the Council state that the appeal site is not within any of these identified settlements, there is evidence before me that it may in fact be within Bache Mill. In this regard, my attention has been drawn to a recent nearby approval (Ref 18/01465/FUL) for 4 dwellings, on a site located a short distance to the north west. Supporting documents for a subsequent application at that site (submitted by the appellant) identify it as being within Bache Mill. I further note that the Grade II listed Bache Mill House is located nearby.
8. However, even if I were to regard the appeal site as being within Bache Mill, Policy S7.2(ii) states that each settlement within the Community Cluster is expected to "*deliver around 5 additional dwellings (but not exceeding 10 dwellings)*". In this regard, at least 4 dwellings have already been consented and the development would therefore significantly exceed the settlement cap of 10 dwellings. Moreover, Policy s7.2(ii) states that local demand for housing will be met by "*infilling and conversions on small scale sites*", whereas the appeal site is 0.84 hectares in size. In my view, it is not "*small scale*" particularly in the context of the size of the existing settlement.
9. For the above reasons, I conclude that the development would not accord with the locational requirements of development plan policy for new housing. It would therefore be contrary to Policy CS4 of the Shropshire Core Strategy (2011) and Policy S7.2 of the Shropshire SAMDev Plan (2015).

Setting of listed building

10. The appeal site is located to the east of Bache Mill House, which is a Grade II listed early 17th Century building that is timber framed with brick infill. It reflects the prosperity of the agricultural economy in this area at a time when the miller would have been an important local figure. Its significance stems from its attractive vernacular form and historic association with the surrounding area.
11. Whilst Bache Mill House is now partly enclosed by modern development, it would once have stood in a more open setting. The field immediately to the east of the building, which incorporates the appeal site, is a remaining connection between the listed building and the open countryside, and there is a significant degree of intervisibility between them. In my view, the appeal site clearly falls within the setting of the listed building.
12. The appeal is in outline and the precise layout, scale, and appearance of the development do not fall to be considered at this stage. However, the indicative site plan shows 12 dwellings occupying the majority of the site and jutting out into the field to the east of the listed building. Such a layout would significantly erode the open setting of Bache Mill House to the east and would partially enclose it along this side. Whilst an alternative layout could be secured at reserved matters stage, it is difficult to see how 12 dwellings could be accommodated on the site in a way that would preserve the setting of the

listed building. I further note that the submitted Heritage Statement¹ acknowledges that the development would cause some harm to its setting.

13. For the above reasons, I conclude that the development would harm the setting of the Grade II listed Bache Mill House. This harm would be 'less than substantial' in the context of paragraphs 201 and 202 of the National Planning Policy Framework ('the Framework'). I return to this matter in my Overall Balance and Conclusion, below.

Other considerations

14. The development would provide 8 affordable dwellings, which would be sold at 80% of open market value to persons meeting defined local need criteria. In this regard, Paragraph 72 of the Framework supports the development of entry-level exception sites, suitable for first time buyers. However, it requires that such sites are proportionate in size to the existing settlement and do not exceed 5% of its size.
15. Neither main party has commented on whether the development would exceed 5% of the existing size of Bache Mill². However, given the relatively small size of that settlement it appears highly likely that it would exceed this threshold, both in terms of the site area and the number of dwellings proposed. In this regard, the settlement would need to contain more than 240 dwellings in order for the development to comprise an increase of less than 5%. The site area also appears to be in excess of 5% of the existing built up area of Bache Mill. Moreover, and as set out above, the development would significantly exceed the settlement cap set out in Policy S7.2 of the Shropshire SAMDev Plan. In these circumstances, I consider that the proposal would not be proportionate in size to the existing settlement, as required by paragraph 72 of the Framework.
16. The Framework also states that entry-level exception sites should be supported unless the need for such homes is already being met within the authority's area. However, there is only limited evidence before me regarding the need for this type of accommodation or the extent to which this is being met. In this regard, it is unclear how many of the respondents to the Diddlebury housing need survey (July 2019) required shared-ownership or discounted for sale properties, or were first time buyers. The extent to which entry-level properties are needed in this area is therefore uncertain.
17. In addition, the proposed discount of 20% is the minimum which is permitted in order to qualify as affordable housing. However, little information has been provided to demonstrate that this level of discount would be genuinely affordable in this location.
18. Notwithstanding the above, the development would provide 8 affordable dwellings and this would be a significant benefit of the scheme. I return to this matter in my Overall Balance and Conclusion, below.
19. The development would also provide plots for 4 self-build properties. The Council has a duty under the Self Build and Custom Housing Act 2015³ to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to grant enough permissions to meet this demand. However,

¹ CJR Heritage Services Ltd (December 2018)

² Assuming that it is adjacent to this settlement

³ As amended by the Housing and Planning Act 2016.

the extent to which the Council is meeting demand for this type of housing is disputed, particularly in the south of the county. I also return to this matter in my Overall Balance and Conclusion, below.

Other Matter

20. There is no dispute that the Council is able to demonstrate a five year supply of deliverable housing sites.

Overall Balance and Conclusion

21. As set out above, the development would be contrary to the locational requirements of development plan policy for new housing, and would result in less than substantial harm to the setting of the Grade II listed Bache Mill House.
22. Set against this, the development would provide serviced plots for 4 self-build properties, and 8 affordable dwellings. However, for the reasons set out above, the proposed affordable units would not accord with the exception sites policy set out at paragraph 72 of the Framework. The development would also generate economic benefits through the creation of employment and the purchasing of materials and furnishings.
23. In these circumstances, even if the shortfall in self-build housing were as significant as is alleged, the other considerations/public benefits in this case would not outweigh the conflict with the locational requirements of the development plan and the harm to the setting of the listed building. The development would also be contrary to SAMDev Plan Policy MD13 in this regard. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
24. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR



Appeal Decision

Site Visit made on 12 October 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/L3245/W/21/3277608

**Land between the A49 and the Shrewsbury/Hereford railway line,
All Stretton, Church Stretton SY6 7JJ**

- 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 Alexander Nixon (Stretton Livestock Husbandry Centre) against the decision of Shropshire Council.
 - The application Ref 20/05241/FUL, dated 14 December 2020, was refused by notice dated 19 February 2021.
 - The development proposed is a temporary timber cabin (for 2 years) to provide a farm office, meeting facility and custodial farm living accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the appeal form, I find it is more precise and the Council also used it in their decision notice. I have removed the phrase "retention of" as it is not a description of development.

Background and Main Issues

3. The existing timber cabin was granted a temporary permission under Ref 18/04699/FUL to provide an agricultural workers dwelling and office. The permission required that the use cease within 18 months, and that the building be removed within two years, of the permission. The proposal before me seeks a second temporary permission for a further two years.
4. Therefore the main issues are, whether there is an essential need for a dwelling to accommodate a rural worker; and, the effect of the proposal on the character and appearance of the area, including the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

Reasons

Need for Rural Workers Dwelling

5. The existing cabin is located in the corner of a field close to the A49. The appeal site lies in open countryside and outside of any settlement boundary where new residential development is restricted by local and national policy. The exception for this is agricultural workers dwellings where there is a suitable justification of need. The Council's evidence makes it clear that permission 18/04699/FUL was granted on the grounds of on-site security needs, although I am mindful that the appellants dispute this being the sole reason they applied

- for the original dwelling. I understand that the security systems on site have been upgraded.
6. In this case, the appellants consider that a new temporary permission would be needed in order to ensure security on the site, the feeding and monitoring of livestock, and to accommodate an office. Further to this, the presence of a cabin reduced the need to visit the site a number of times each day.
 7. Given the position of the dwelling away from the site entrance and the majority of public views, I find that it is unlikely that its presence alone deters criminal behaviour. I understand that the dwelling was occupied for a short period of time by a member of staff, but it is now not permanently occupied, with the appellants only visiting irregularly. No substantive evidence has been provided to demonstrate any criminal behaviour, including burglary, has occurred while the dwelling was not occupied or following the additional security being added. I cannot be certain that the intermittent occupation of the dwelling provides any significant or meaningful additional security over and above the existing security features on site. I therefore find that there is insufficient evidence before me to justify that the dwelling is necessary for this purpose.
 8. At the time of my site visit, the barn was still under construction and is not currently used to house livestock, such as calves. I understand that this is the result of delays, including the recent Coronavirus pandemic. Although the potential remains for livestock to be brought on site and kept in the barn, there is currently no livestock or evidence of when they would be brought on site. I cannot therefore be certain that any will be introduced. Therefore, whilst livestock may need round the clock supervision, without sufficient evidence I it has not been demonstrated that this need exists now.
 9. It has also been put forward that the dwelling is necessary for providing office and meeting space for the agricultural business. However, it would not be necessary for a dwelling to be provided for this purpose alone.
 10. I note that the dwelling has a smaller floor space than the maximum recommended by the Type and Affordability of Housing Supplementary Planning Document 2012 (the SPD), and that the appellants are willing to accept a condition restricting future occupiers. Moreover, the dwelling may reduce the number of journeys to and from the site which is supported by paragraph 85 of the National Planning Policy Framework (the Framework). However, these matters do not outweigh the identified harm.
 11. The stated intention of the agricultural business is to showcase modern farming techniques, including the demonstration of automated feeding equipment, and the proposal is intended to support this. However, there is no compelling evidence that the proposal would be necessary to support the modernisation of farming. Notwithstanding the suggestion that the dwelling would support the diversification of the rural economy and the growth of the business it has not been indicated how this would occur.
 12. I therefore conclude that it has not been demonstrated that there is an essential need for a dwelling to accommodate a rural worker. Accordingly, the proposal would result in a dwelling within open countryside where both local and national policy seeks to restrict residential development. The proposal therefore conflicts with Policies CS1, CS3, CS4 and CS5 of the Shropshire Local Development Framework: Adopted Core Strategy (the ACS) and Policies MD1

and MD7a of the Shropshire Council Site Allocations and Management of Development Plan 2015 (the SAMDev). These policies, amongst other things, set out the location strategy for development; directing residential development to settlements, community hubs and clusters unless it is demonstrated that there is a need to house rural workers, such as those involved with agriculture. It would also conflict with the guidance contained in the SPD with regards to demonstrating a need for an agricultural workers dwelling. There would also be conflict with the locational aims of paragraph 79 of the Framework with regards to supporting villages and rural communities.

Character and Appearance

13. The site lies within the AONB. From my observations on site and from the evidence before me, the special qualities of the AONB in part stem from a varied landscape which includes farms and woods set across hills and valleys. With the exception of All Stretton, a nearby settlement, buildings are limited and sporadic within the surrounding area. The site itself contains a field, a large agricultural building and the temporary rural worker's dwelling. The dwelling is a single storey log cabin set on hard standing.
14. The cabin is a small and simple building which has a somewhat rural character as a result of its materials and design. Given its siting lower than the A49 and the significant mature vegetation which surrounds it, close views of the building are limited to within the appeal site. Whilst there are hills nearby which would afford views of the appeal site, the vegetation and large agricultural building would limit any views of the dwelling itself. Moreover, the proposed cabin would be temporary for a period of up to two years and so any impact would be limited to this time period. As such, and given its connection with the agricultural business on site, I find that the cabin would not harm the agricultural character of the area, an integral part of the special qualities of the AONB.
15. Therefore, the proposal would have an acceptable effect on the character and appearance of the area, including the AONB and complies with Policies CS6 and CS17 of the ACS and Policies MD2 and MD12 of the SAMDev. These collectively, and amongst other things, require that development is of a high quality design which respects local distinctiveness and the special qualities of the AONB. It would also comply with the guidance set out within the Shropshire Hills AONB Management Plan and the design aims of Paragraph 130 of the Framework which requires that development is visually attractive and sympathetic to the local character and landscape.

Other Matters

16. The appellants have raised that there would be no unacceptable harm resulting from the proposal with regard to flood risk, drainage, lighting or highway safety. However, these matters are not benefits resulting from the scheme and therefore do not outweigh the harm identified above. Moreover, whilst environmental improvements may have been made in connection with the existing agricultural business and more are proposed, such as tree planting, bird and bat boxes, it has not been demonstrated that the dwelling would be required for their provision.

17. Although I am mindful of the appellants' work with charities, which is likely to be of some social benefit, it appears this is somewhat limited or at an early stage and does not outweigh the identified harm.
18. The appellants have also referred to paragraphs 8 and 11 of the Framework, these set out the presumption in favour, and three objectives, of sustainable development. However, as outlined above the proposal would not accord with the up-to-date development plan. Paragraphs 16, 83 and 196 of the old Framework, now 16, 84 and 202 of the new Framework, have also been referred to by the appellants but these are not directly relevant to the main issues upon which this appeal turns.

Conclusion

19. The proposal would result in a dwelling in the open countryside and would conflict with the development plan taken as a whole. Whilst the proposal would not harm the character and appearance of its surroundings, this would not outweigh the harm to the Council's strategy for housing. Consequently, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR



Appeal Decision

Hearing held on 25 November 2021

Site visit made on 25 November 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/L3245/W/21/3269206

Former Council Offices at Westgate, Bridgnorth WV16 5AA

- 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 South Staffordshire Housing Association Ltd against the decision of Shropshire Council.
 - The application Ref 20/02056/FUL, dated 20 May 2020, was refused by notice dated 20 January 2021.
 - The development proposed is demolition of existing buildings; erection of mixed residential scheme of 30 dwellings; highway works; landscaping scheme to include felling of trees; all associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal form named South Shropshire Housing Association Ltd as the appellant, whereas the applicant was South Staffordshire Housing Association Ltd. It has been confirmed that both housing associations are part of the same group, (Housing Plus), and that South Staffordshire Housing Association Ltd is the appellant.
3. The description of proposed development provided in the header above differs to that provided on the planning application form. However, parties agreed amendments to the proposal during the application process, which resulted in the alteration to the description. The amended description is that presented to the Southern Planning Committee on 19 January 2021. The appellant confirms the change in their statement and appeal form. My decision is based on the amended description.
4. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. The views of the main parties were sought regarding the relevance of any changes; no comments were received. I have taken account of the revised Framework in reaching my decision.
5. I was informed at the Hearing that the Council has submitted an up-dated Local Plan for examination. However, in light of the initial response received from the Planning Inspectorate to the submission, both parties agreed that there are no policies relevant to the appeal in the emerging Local Plan that are to be afforded any weight.

6. The appellant submitted an up-dated bat survey and assessment during the Hearing. The site conditions, findings and recommendations are very similar to those that informed the decision of Shropshire Council. The Council was happy for the information to be considered. I consider that no one would be prejudiced by me accepting the information at this stage. I have therefore taken the document into consideration in reaching my decision.
7. A certified copy of an executed section 106 agreement (s106) was submitted prior to the Hearing, which I shall refer to below as/where relevant.

Application for an award of costs

8. An application for an award of costs was made by South Staffordshire Housing Association Ltd against the decision of Shropshire Council. This application will be the subject of a separate Decision.

Main Issues

9. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, and
 - whether the proposed development would have an unacceptable impact on highway safety.

Reasons

Character and appearance

10. The site comprises buildings that were formerly the offices of Shropshire Council and the associated car parking and landscaped areas. There are mature and semi-mature trees, grassed areas and shrubs dispersed across the site. The land level is higher than that of the adjacent pavements and roads, with boundary/retaining walls located next to the footpaths along Wenlock Road and Ludlow Road. The existing access for vehicles and pedestrians is off Wenlock Road. Although there is an additional access point off Ludlow Road, this has evidently been prevented from being used for some time, with concrete bollards and 'no entry' signage erected to prevent vehicle usage. The site has been unoccupied for many years.
11. The site is located east of Bridgnorth town and sits between, and close to, the junction of Wenlock Road and Ludlow Road. The surrounding land use is predominantly residential. There is a single detached dwelling located immediately east of the site, which sits directly on the junction of Wenlock Road and Ludlow Road. The dwellings surrounding the site are primarily two-storey, detached and semi-detached, of varying designs and constructed of a mixed palette of materials. The properties opposite the site on Ludlow Road are sited within generous sized plots. However, the residential developments west of the site, on The Wheatlands and Huntsman's Close, and north-east of the site, on Westgate Drive, are denser, with smaller plot sizes and narrower spaces between the dwellings. The properties opposite the site on Ludlow Road front the road, whereas the dwellings opposite the Wenlock Road site boundary, on Westgate Drive, have their backs turned towards the road, with their rear gardens extending to the Wenlock Road edge.

12. I appreciate the Council's concerns regarding the proposed layout of the site, as the 7 dwellings fronting Ludlow Road would not be linked via a road or footpath to the rest of the dwellings within the heart of the site. Nor would there be a direct relationship with the proposed open spaces. However, I consider that the consistency in the design of the proposed dwellings and the external materials to be used would ensure that the various sections of the proposed development would have a cohesive appearance, and that the totality of the proposed development would form a cohesive part of the wider community. Also, utilising the disused, brownfield site would improve the appearance of the site, which would enhance the appearance of the area.
13. Additionally, there is a variation in residential layouts within the surrounding area. I also consider dwellings fronting Ludlow Road would reflect the layout and character and appearance of the street scene along this section of the road; and that retaining/utilising the open space along the Wenlock Road boundary would sit comfortably within the Wenlock Road street scene, which is bounded primarily with trees, hedges and shrubs. Furthermore, given the change in land levels and the presence of the single detached property located at the road junction, I consider the proposed layout appropriately responds to the site-specific circumstances, and optimises the potential of the site. I therefore consider the proposed layout would not appear out of keeping in the area.
14. Although the properties fronting Ludlow Road would not be directly linked with the proposed open spaces, I consider future residents would have access to suitable public open space within proximity of the site, for example at Crown Meadow. Regardless of the actual distance Crown Meadow would be from the site, having walked from the site to the facility during my site visit, I note that the walk would take less than 10 minutes. Furthermore, the route to Crown Meadow could be undertaken by crossing only one main road, with the provision of a suitable crossing point to allow future residents to cross Wenlock Road.¹
15. For these reasons I therefore conclude that the proposal would not harm the character or appearance of the area. As such, it would accord with Policies CS6 of the Shropshire Local Development Framework: Adopted Core Strategy-2011, (CS), MD2.2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan-2015, and paragraph 130 of the Framework. Collectively, and among other things, these policies require development to be designed to a high quality, respond appropriately to the layout of existing development and to take account of, and be sympathetic to, local context and character.

Highway safety

16. As noted, the site is located east of Bridgnorth town and sits between, and close to the junction of, Wenlock Road and Ludlow Road. Ludlow Road is one of the main roads into/out of Bridgnorth from/to Ludlow; Wenlock Road links with the A458 by-pass and provides one of the main routes into/out of Bridgnorth from/to Shrewsbury.

¹ During the site visit all parties agreed that the proposed tactile crossing as indicated on the submitted plans would not be suitably positioned to link with the existing footpath on the northern side of Wenlock Road. However, should I have been allowing the appeal, details of a suitable crossing could have been secured via a condition.

17. The proposed 7 dwellings that would front Ludlow Road would all have direct access off/onto Ludlow Road. These properties would have their own driveway and most of their remaining front garden areas would be covered with grasscrete - a pervious, reinforced structure. Measurements of the driveways and front garden areas were provided at the Hearing. All but one of the driveways measure 10 m long x 2.5 m wide. The widths and depths of the proposed grasscrete areas vary, ranging between 3.8 m and 5.4 m wide and 8.4 m to 9.5 m long. The proposed landscape plan indicates that all but one of the front gardens of these properties would have a tree planted within it, and several would have a hedge planted between them along the front side boundaries.
18. Within these circumstances, although no boundary treatments or gates would be erected along the respective front boundaries of the dwellings, in the absence of any substantive evidence to demonstrate otherwise, it is my judgement that for most of the 7 properties proposed, cars would not be able to enter and leave the associated front driveways/gardens in a forward gear. I therefore consider it to be inevitable that cars would very often have to reverse out of most of the plots onto Ludlow Road, a manoeuvre that would be carried out with restricted visibility, even if vehicles were prevented from parking on the road in front of the proposed dwellings. For this reason, I believe the proposed access, turning and parking areas of the proposed dwellings that would front Ludlow Road would cause an unacceptable risk to highway safety, for pedestrians, cyclists and drivers.
19. I have referred above to an existing vehicle access off/onto Ludlow Road, which has been prevented from being used. I consider that even if this access was in use, the situation that would exist would not be comparable to that proposed, as cars would be able to enter and exit the existing site in a forward gear, in contrast to most of the proposed dwellings that would front Ludlow Road.
20. I acknowledge that a review of the Personal Injury Accidents data, (PIA), recorded within the study area confirmed that there has only been one accident during the relevant 5-year period. The submitted Transport Statement therefore concludes that there is no evidence to indicate any specific problems with the operation of existing junctions surrounding the site. However, the proposal would create a situation that does not currently exist to any great extent, ie cars having to reverse onto Ludlow Road within close proximity of the Ludlow Road/Wenlock Road/Westgate junction.
21. I note the appellant's suggestion that the situation of cars reversing onto the road from domestic curtilages already exists, as there are 7 dwellings on Ludlow Road opposite the site, close to the road junction. However, all parties agreed during the site visit that, of these 7 properties, it was likely only one did not have the facility for cars to enter and leave the dwelling's curtilage in a forward gear. The existing situation therefore contrasts with the proposed arrangement, where it is likely that occupiers of most of the proposed 7 dwellings would have to reverse onto the road. It is for this reason that I consider the proposal would create different circumstances to those that currently exist; circumstances I consider would significantly increase the chances of an accident occurring.
22. I accept that the proposal would generate far fewer vehicle trips than could be generated by the extant use of the site, and that the number of vehicles joining

the surrounding highway network from the proposal would be negligible. Consequently, the proposal would not have a detrimental impact on the flow of traffic on the surrounding highway network. Nevertheless, this does not alter the unacceptable highway safety issue I have found resulting from vehicles reversing onto Ludlow.

23. I also accept the appellant's observation that even if vehicles could enter and exit the proposed plots on Ludlow Road in a forward gear, there is no suitable means by which future occupiers of the dwellings could be made to do so. However, I consider the situations of not being able to do so and choosing not to do so are not comparable situations. I consider it more likely that future residents of the proposed dwellings fronting Ludlow Road would drive into and out of their plots in a forward gear if the opportunity to do so was provided, as it would be safer to do so.
24. I appreciate that the location of the site would provide opportunities for future occupiers of the proposed dwellings to access a full range of services, facilities and employment opportunities by modes of transport other than the private motor vehicle. However, due to, for example, the design and size of the proposed dwellings that would front Ludlow Road, I consider it highly likely that future occupiers of these dwellings would still be car owners/users.
25. I note that the Local Highway Authority (LHA) did not object to the proposal, subject to suggested conditions and a planning obligation being secured to contribute towards the cost of implementing a Traffic Regulation Order (TRO). The consultation comments of the LHA suggest that the TRO would consist of double yellow lines along Ludlow Road and Wenlock Road, to prevent cars parking within the vicinity of the proposed main access/egress into the site and the individual access/egress points for each of the proposed dwellings fronting Ludlow Road.
26. I note that the submitted, executed s106 does not specify the works that would be carried out in respect of the TRO. Notwithstanding, although I accept that double yellow lines would contribute to the safe flow of traffic along Ludlow and Wenlock Roads within the vicinity of the site, a TRO of this nature would not prevent vehicles from reversing out onto the road from the plots of the proposed dwellings that would front Ludlow Road. Consequently, such measures would not mitigate against the unacceptable highway safety issue I have found.
27. I therefore conclude that the proposed development would create an unacceptable highway safety issue. As such, the proposal would not accord with Policy CS6 of the CS or paragraphs 110 and 111 of the Framework, which, among other things, require developments to provide safe and accessible access points for all users, to effectively mitigate against any significant impact on highway safety and to refuse developments that would have an unacceptable impact on highway safety.

Other Considerations and Planning Balance

28. The proposal would provide 30 dwellings, 6 of which would be affordable, which the Council has accepted would be secured by the s106. I attach considerable weight to the contributions the proposal would therefore make towards the housing needs of the area, including affordable dwellings. There would also be economic benefits associated with the construction phase and from the

contribution future residents would make to the local economy. I also attribute considerable weight to such economic benefits. However, I consider the benefits outlined do not overcome the unacceptable harm I have found with regard to highway safety.

Other Matters

29. The site is located around 200 m west of the Bridgnorth Conservation Area boundary, (CA), and there is a Grade II Listed Structure, a Conduit Head, located close to the corner of Ludlow Road and Westgate, sited on the boundary of the adjacent pavement and residential garden.
30. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, and to give considerable importance and weight to the desirability of preserving the setting of any Listed Buildings.
31. Although I consider the site to be located within the wider setting of the CA, I believe the setting in this location does not substantially contribute to the significance of the CA. Moreover, I am satisfied that the setting of the CA would not be harmed by the proposal. Additionally, I consider the proposed dwellings fronting Ludlow Road to fall within the wider setting of the Listed Structure, rather than its immediate setting. I believe the wider setting does not contribute to the significance of the Listed structure and, moreover, that the proposal would not result in a change that would be harmful to the wider setting of the Listed structure. I therefore conclude that the proposal would preserve the character and appearance of the CA and would not harm the setting of the Grade II Listed Conduit Head.
32. I have referred above to the submitted s106 in relation to issues discussed. For completeness, I also note that the agreement includes measures for the future management of the open spaces within the site. However, as I have concluded that even if a TRO consisting of double yellow lines was implemented within the vicinity of the proposed access points, such a measure would not overcome the highway safety issue I have identified. As I am dismissing the appeal for this reason, it is not necessary for me to conclude on the matter of whether the obligation meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

Conclusion

33. Notwithstanding my conclusion regarding character and appearance, for the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sian Griffiths	Director, RCA Regeneration
Sepp Sargeant	Head of Development, Housing Plus Group

FOR THE LOCAL PLANNING AUTHORITY:

Tim Rogers	Interim Planning & Development Services Manager, Shropshire Council
Cllr Robert Tindall	Member of Shropshire Council Southern Planning Committee
Cllr Andy Boddington	Member of Shropshire Council Southern Planning Committee

OTHER INTERESTED PERSONS:

Kerry Bolister	Director of Development, Housing Plus Group
Dunya Fourie	Planning & Enforcement Officer, Shropshire Council
Ben Williscroft	Conservation Officer, Shropshire Council
Ros Williams	Bridgnorth Town Council
Karen Sawbridge	

DOCUMENTS SUBMITTED PRIOR TO, DURING AND FOLLOWING THE HEARING

1. Statement of Common Ground – signed and dated October 2021
2. Section 106 legal agreement – signed and dated 8th November 2021
3. Statement from the Council: Planning obligations and the Community Infrastructure Regulations – dated 16th November 2021
4. Up-dated bat survey and assessment provided by ERAP (Consultant Ecologists) Ltd, dated 24th November 2021
5. Confirmation of the size of the proposed driveways and grasscrete areas for each of the proposed dwellings fronting Ludlow Road.

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Appeal Decision

Site visit made on 14 December 2021

by **M Shrigley BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 DECEMBER 2021

Appeal Ref: APP/L3245/W/21/3276390

Barn, South of Plealey, Near Pontebury, Shrewsbury, Shropshire

- 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 C W Willner against the decision of Shropshire Council.
 - The application Ref 20/03082/FUL, dated 31 July 2020, was refused by notice dated 12 January 2021.
 - The development proposed is for "conversion of barn building to a single dwelling".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellants bundle includes a planning application form marked as "draft". However, the location details specified in formal local consultation and displayed in the Council's Decision Notice differ from those on the application form submitted and are not disputed. The other appeal documentation specifies the location as "Proposed Barn Conversion To The South Of, Plealey, Shrewsbury, Shropshire" rather than "Red House Farm". Therefore, I have used that information in the above banner. The description of the development is otherwise consistent with the other documents.

Main Issues

3. The main issues in the determination of the appeal are the appropriateness of a new dwelling in the countryside having regard to: i) accessibility to local services and employment; and ii) the effect to the character and appearance of the host building and wider area.

Reasons

Accessibility

4. The housing distribution policies central to the dispute include Policy CS1 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) which sets out the Council's strategic approach to accommodate housing growth relative to towns and other key centres for employment and services across the district, with an overall aim to make settlements more sustainable.
5. It sets a target of delivering 27,500 dwellings over the plan period with 35% of those being within the rural area, provided through a sustainable "rural rebalance" approach. The policy identifies that open market residential

- development in rural areas is to be predominantly located in Community Hubs and Clusters.
6. CS1 is also taken in tandem with CS Policy CS5 which highlights that new development will be strictly controlled to protect the countryside in line with national policy. The Site Allocations and Management of Development (SAMDev) Plan 2015 sets out further details to deliver the vision, objectives, and policies of the CS.
 7. The main parties agree that Plealey is neither a Community Hub nor Cluster settlement. For the purposes of applying the terms of the CS and SAMDev Plan Plealey is in a countryside location where new open market residential development is not supported. Moreover, the location is not highlighted within the evidence as being close to any significant infrastructure, services or employment areas which can be readily accessed.
 8. That is important because rural roads in the immediate vicinity leading to other settlements lack continuous pedestrian footways and adequate lighting. Those factors and the distances to larger towns and higher order settlements with a greater range of services and employment provision are likely to make options to walk and cycle undesirable to potential occupiers of the scheme. This would be harmful as it would encourage car use away from more sustainable housing locations available within the plan area.
 9. Consequently, I find that the location of the scheme within the countryside would conflict with the Council's settlement strategy as set out in Policy CS1 and CS5 of the CS and MD1, MD7a of the adopted SAMDev Plan. Collectively those policies seek to locate new homes where ready access to services and facilities is the greatest. It would conflict with Section 9 of the National Planning Policy Framework (the Framework) which promotes opportunities to maximise sustainable transport solutions available through decision-making. I attribute substantial weight to the harm identified.

Character and appearance

10. I note that the appeal site is located at the edge of a small enclave of existing dwellings within the open countryside. At my site visit I could see that the Dutch barn building subject to appeal is metal framed and open sided. I also recognise it lies within the Plealey Conservation Area which contains several nearby historic buildings forming an important part of the settlements unique character and attractiveness within a predominantly open rural setting.
11. The original farmstead buildings associated to Red House, a grade II listed building noted for its architectural features, which have been subject to conversion are also attractive brick buildings and noticeable features of the immediate locality close to the barn subject to appeal.
12. Whilst I accept the barn does have a visually distinctive dome shaped roof not shared by other neighbouring local buildings in the vicinity, it does not exhibit any architectural details of particular significance or aesthetic value. Its design appears to be a more recent form of development linked to widespread functional agricultural needs which can be observed in many rural locations.
13. In terms of the extent of the conversion works referred to and disputed by the main parties. Straight forward conversion taken in broad terms can be an inherently sustainable form of development. Such works offer opportunities to

breathe new life into historic buildings or other buildings worthy of retention, as well as improving the local environment. Indeed, those points are reflected in the wording of the policies contained within the Council's development plan when read as a whole.

14. That said, the works proposed would involve substantial building operations which would go well beyond mere conversion. This is because the barns minimal skeletal design as an open sided shelter does not lend itself to a straightforward conversion scheme, even if its original metal framing were to remain intact.
15. Filling in the open spaces within the barns framing would unduly over emphasise the barns bulk and mass relative to other prominent nearby former farmstead brick buildings with clear heritage and aesthetic value. The resultant visual effect would urbanise the barn, and site, which would be unsympathetic to the existing rural surroundings it would be viewed within.
16. Potential enhancements in external building materials and landscaping sought by planning condition would not alleviate my concerns. Overall, the proposed change would appear as incongruous to the area's most positive and distinctive qualities.
17. In visual terms there would be no benefit to the settlements overall setting, or to the setting of historic buildings contained within it having regard to formal designation. This is because the appeal barn building is already seen as part of the rural area close to properties where former agricultural buildings are part of the areas distinctive rural character and history. There would be no significant public benefit or other related visual improvement benefits as a result.
18. Although not mentioned by the main parties, it is relevant to point out that Section 72(1) of the Town and Country Planning Listed Building and Conservation Area Act 1990 (the Act), requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. I am equally cognisant of Section 66(1) of the Act which requires me to have special regard to the desirability of preserving the setting of listed buildings. Those provisions do not alter my assessment of harm.
19. Accordingly, I find that the appeal proposal would be harmful to the character and appearance of the existing building and rural area. It would conflict with Policy CS5 of the CS and SAMDev Plan Policy MD7a which combined: seek to encourage new development to have a positive contribution to local surrounding; and to ensure that it is respectful to its setting.

Other considerations

20. Paragraph 11(d) of the Framework is not engaged based on the evidence before me. Therefore, the relevant housing distribution policies within the development plan carry full weight in my decision. Moreover, there is no evidence to suggest that the market housing figure specified by the development plan for the rural area has not been met by the main parties.
21. I note the approvals for a barn conversion under 19/00425/FUL and housing under 14/02854/OUT, as well as the allowed appeal decision referred to in Norton In Hales¹ concerning the same housing distribution policies. However, I

¹ APP/L3245/W/20/3260022

do not have the full background details informing each of those individual cases. Therefore, I give any comparisons little weight. The appeal decision also gives an indication of a greater level of local service provision being available as a key difference.

22. I acknowledge there is public support for the appeal scheme inclusive of the views of the Parish Council. However, alleged shortcomings of other local developments do not provide me a strong basis to accept the scheme. Moreover, I have already addressed the main issues of the case central to the dispute leading to the appeal.

Planning Balance and Conclusion

23. Paragraph 12 of the Framework specifies that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Nonetheless, it also states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
24. Paragraph 47 of the Framework also advises that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
25. In terms of the benefits being referred to the proposal would entail the re-use of previously developed land. Although there can, in broad terms, be merit in allowing rural building conversions the scheme before me involves development that is likely to go well beyond mere conversion. I find that there is no convincing overriding public benefit in terms of heritage protection or associated environmental enhancement to an existing building in the context of a rural settlement setting, and there would be visual harm.
26. The appeal scheme would provide an additional market home and employment opportunities to carry out the works but there is no identified housing need or shortfall in this particular location. Nor is it close to any meaningful identified services or employment, nor would it provide niche housing where there is a proven local need. Furthermore, any social or economic betterment would also be commensurate to the scale of the development as a single dwelling.
27. Thus, bringing all relevant points raised together there are no reasons before me of sufficient weight, taken either individually or collectively, which suggest anything other than the development plan should be followed.
28. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR



Appeal Decision

Site visit made on 23 November 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Appeal Ref: APP/L3245/W/21/3278453

Boreton Farm, Boreton, Cross Houses, Shrewsbury SY5 6HJ

- 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 G H Davies (G H Davies Farms Ltd) against the decision of Shropshire Council.
 - The application Ref 20/03554/FUL, dated 4 September 2020, was refused by notice dated 31 March 2021.
 - The development proposed is a change of use of land from motocross/agricultural to tourism use for the siting of 16 holiday lodges, construction of an associated access track, parking area and associated works (amended description).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the appeal form as this more concisely describes the location than the address given in the planning application form. Similarly, due to the revision of the proposal prior to refusal of planning permission, the description in the banner is taken from the decision notice rather than the application form, which is more concise.
3. During the course of the appeal, the revised National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my determination of this appeal.

Main Issues

4. The main issues are whether the proposal would be suitably located with regard to the spatial strategy for the plan area and the effect of the proposal on the character and appearance of the area.

Reasons

Whether Suitable Location

5. Policy CS5 of the CS¹ states development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities. This includes rural

¹ Shropshire Local Development Framework Adopted Core Strategy (adopted March 2011)

tourism which requires a countryside location, in accordance with Policies CS16 and CS17.

6. Policy CS16 of the CS requires tourist accommodation in rural areas to be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. Linked to CS16, Policy MD11 of the MDP² states tourism, leisure and recreation development proposals that require a countryside location will be permitted where the proposal complements the character and qualities of the site's immediate surroundings, and meets the requirements in Policies CS5 and CS16, among others, and relevant local and national guidance.
7. These policies are broadly consistent with the Framework which advises at paragraph 84 that decisions should enable sustainable rural tourism and leisure developments, while paragraph 85 states planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
8. The appeal site is located in the countryside outside of any recognised settlements. Notwithstanding matters of character and appearance, the site is located adjacent the existing farm which includes an established and viable tourism enterprise, evidence of which has been provided by the appellant. It is approximately 2.2km from the village of Condovery, which includes some services including a post office and shop, and 2.5km from Cross Houses where the nearest public house is located. This would involve walking along the local public footpath network, part of which transects the site.
9. I agree that some visitors may use the footpath to visit Condovery and explore the countryside. However, this may be dependent on other factors such as the condition of the path and there is no information before me as to how this means of accessing nearby areas would be encouraged or exploited. Moreover, Condovery and Cross Houses are in opposing directions and the distances to either would likely make this path undesirable for older visitors, those with mobility issues or parents with young children.
10. As such, it seems to me there would still be a primary reliance on private vehicles for access to services and facilities. Given there are 16 units proposed this would be a significant number of additional vehicles moving between the site and nearby services, facilities and visitor attractions. This would be additional to the initial travelling to and from the site and is the least sustainable travel option. Regardless of whether the site is considered previously developed land or the status of enforcement action, this leads me to conclude that the appeal scheme would serve to promote unsustainable patterns of new development.
11. Based on the above, the appeal site would not constitute a suitable location with regards to the spatial strategy for the plan area. The proposal would therefore be contrary to Policies CS5 and CS16 of the CS and Policy MD11 of the MDP. These seek, among other aims, for development to improve the sustainability of rural communities. The proposal would also be contrary to paragraph 85 of the Framework which seeks to ensure that development

² Shropshire Council Site Allocations and Management of Development Plan (adopted December 2015)

exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

Character and Appearance

12. The proposal seeks to site 16 holiday let units, which are described as falling under the definition of caravans for legal purposes. These would be located approximately 180m to the southeast of the main farm buildings and constructed on the site of an existing motocross track. A new track would be taken from the farm across agricultural fields towards the appeal site, where a car park would be laid adjacent the caravan pitches and an internal network of tracks.
13. The appeal site is located at a lower elevation than the farm buildings within a wider system of gently rolling open fields. The area is interspersed with farm buildings and woodland while settlements generally consist of small villages and hamlets giving the area a quiet and tranquil rural character.
14. The submitted Landscape and Visual Appraisal (LVA) makes clear it does not assess impacts on landscape character, although it does provide local viewpoints whereby the proposal would theoretically be visible. In all but two of these viewpoints, views of the proposal would be screened by woodland and built form. This would align with my observations on the site visit and long-range views would likely be interrupted and screened by the varied topography and landscape features such as woodland, stone walls and buildings.
15. However, the proposal would introduce significant built form to a largely undeveloped and open area. While I note the presence of the motocross track has degraded the condition of the land and appears somewhat unsightly in the wider context of the area, it is formed of earth mounds and informal structures and any harm to the landscape would be reversible. The proposal would include elements of urban incursion, such as the large stretch of new access track and the laying of hardstanding for the car park and track within the caravan pitches. The caravans themselves, while described as mobile, would not be moved from the site and would therefore form further incursion into the landscape. Moreover, due to the scale of the proposal there would be significant numbers of vehicles entering and exiting the site crossing fields to park in an open and rural area.
16. This would be most prevalent from views along the public footpath which would run through the proposed site. From here, the proposal would be conspicuous by virtue of its incongruous appearance. As such, the proposal would be an uncharacteristic and unsympathetic form of development in the local landscape context.
17. While I note the proposal includes a landscaping plan to afford screening around the proposal, there is little detail on the type of vegetation this would entail. In any event, this would take some time to mature and while this could reduce views of the proposal in the longer term, it would not negate harm to landscape character.
18. Based on the above, the proposal would harm the character and appearance of the area. This would be contrary to Policies CS5, CS6 and CS17 of the CS and MD2 and MD12 of the MDP. These seek, among other aims, for development to protect, restore, conserve and enhance the natural environment and ensure

development is appropriate in scale and design taking into account the local context and character having regard to landscape character assessments. The proposal would also be contrary to the Framework which advises development in rural areas should recognise the intrinsic character and beauty of the countryside while even though rural diversification proposals may be sought in the countryside, it will be important to ensure that development is sensitive to its surroundings.

Planning Balance and Conclusion

19. The development of tourist accommodation in this location would produce economic benefits through initial spending to rent the units and subsequent trips to visitor attractions and nearby towns and villages for services and facilities. This would aid in the diversification of the farm business for which there is clear support in the development plan and the overarching aims of the Framework at a national level. This attracts some positive weight in favour of the proposal.
20. However, although it is alluded to, there are no details on whether new employment opportunities would arise. Similarly, the increase in the number of transient tourists would be unlikely to make a significant social contribution to the local rural community. As such these considerations are attributed little weight.
21. There would be some limited benefit to local biodiversity from the planting of landscape screening, although this would be required to meet other requirements of the development plan. In any event, the screening would take considerable time to mature and is therefore afforded little weight in favour.
22. While there would be no harm to nearby areas of woodland, and there are no objections from the parish council or Council consultees such as the highways advisor, the lack of harm or objection would neither weigh in favour of or against the proposal.
23. I understand there have been noise complaints from local people linked to the existing use of the motocross track. This would be removed from the local environment were the proposal to proceed. However, the removal of another type of harm would not be justification for the harm I have identified.
24. My attention is drawn to other appeal decisions and planning applications approved by the Council. Notwithstanding apparent similarities from the excerpts included in the appeal statement, I have little information on any of these. As such, I cannot be certain that they are directly comparable to the proposal including in terms of the main issues considered herein. Therefore, it is not a justification for the appeal scheme, which has been considered on its own merits.
25. While it is argued the development of tourist facilities in the UK would aid in the transition to a low carbon future and reduce the effects of climate change, there is no substantive evidence of this before me. The appeal site would still require travel in private vehicles in the first instance to arrive and travel home, while I have already outlined my concerns regarding the appeal site location and access to services and facilities. Moreover, there is nothing to indicate holidays abroad would decrease as a result of an increase in the spread of UK based tourist facilities.

Conclusion

26. The proposal would conflict with the development plan taken as a whole. While I have considered the benefits of the proposal, these would not outweigh the harm I have identified. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

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Appeal Decision

Site visit made on 7 December 2021

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 10 January 2022

Appeal Ref: APP/L3245/D/21/3282042

9 Bernards Hill, Bridgnorth WV15 5AX

- 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 Mrs Diane Simpson against the decision of Shropshire Council.
 - The application Ref 21/02338/FUL, dated 6 May 2021, was refused by notice dated 5 August 2021.
 - The development proposed is replacement windows and doors to named property.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal decision relates to the front elevation of 9 Bernards Hill. The replacement windows to the rear of the property are considered by the Council to be permitted development and therefore do not form part of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Bridgnorth Conservation Area.

Reasons

4. The appeal site comprises an end of terrace dwelling, located in the Bridgnorth Conservation Area. This is characterised by half-timbered and brick-built buildings associated with the town's medieval and Victorian roots, centred on a medieval marketplace. This very much defines its significance as a designated heritage asset. No 9 Bernards Hill is one of three properties within a wider terrace that were likely built during the early to mid-nineteenth century. No 9 is classified as a non-designated heritage asset.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Bridgnorth Conservation Area.
6. The Article 4 Direction relating to No 9 and dated April 2000 requires owners to submit a planning application for works that were previously permitted by the GDPO, including the *"insertion, removal, alteration or replacement of windows and doors"*.
7. Although there are properties in Bernards Hill that have retained their original timber-framed windows and doors, the use of uPVC is evident in the street-scene. I also note that the two neighbouring properties within the wider terrace

(Nos 10 & 11) have replacement uPVC windows and doors, but they have tried to imitate the sliding sash window style in white uPVC instead of timber. However, I have not been presented with any planning history for these properties and so it is not clear to me whether these replacement windows and doors were granted planning permission or not. I have therefore determined this appeal on its own individual merits having regard to the particular characteristics of the appeal site.

8. The principal elevation of No 9 is a traditional red brick dwelling with large white sliding sash timber-framed windows and a red timber panelled front door that characterises this property. The overall materials and detailing of the property mean that it has a strong historic identity and makes a positive contribution to the character and appearance of the Conservation Area. In particular, the intricate timber-framing of the sash windows and the timber panelled door form key identifiable features of this property that are important and sensitive to its heritage significance.
9. Replacement uPVC sliding sash windows and doors of similar modern materials would not fully replicate the appearance of the timber-framed sash windows and timber panelled doors, including matters of finish and fine detailing. The introduction of uPVC double glazing would introduce modern materials in what is presently a largely intact historic property. The installation of uPVC would therefore remove important historical fabric of this property and not replace 'like for like'. The frames of the uPVC windows would also appear thicker than the existing thinner timber-frames. This would detrimentally alter the appearance of the principal elevation of No 9 by not replicating the proportions of the existing windows, which in their current state make a positive contribution to the character and appearance of the Conservation Area. The proposal would therefore diminish the character of the principal elevation of No 9, resulting in harm to the historic integrity and significance of this non-designated heritage asset.
10. Accordingly, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area, resulting in less than substantial harm to the significance of this designated heritage asset. Paragraph 202 of the Framework indicates that such harm should be weighed against the public benefits of the proposal. However, while I note the appellant considers the proposal would be of benefit because No 9 has several safety and fire hazard risks with the windows and doors, I have not been presented with evidence to suggest that uPVC windows and doors would perform significantly better than timber-framed windows and doors. I consider the use of uPVC would be likely to accrue to private interests rather than being wider public benefits.
11. Therefore, giving great weight to the conservation of the designated heritage asset, I consider that the less than substantial harm I have identified would not be outweighed by any public benefits. In failing to preserve or enhance the character or appearance of the conservation area the proposal would harmfully detract from the significance of the non-designated heritage asset in conflict with Policy MD2 of Shropshire Council's Site Allocations and Management of Development Plan (SAMDP) (adopted 2015), which seeks to protect, conserve and enhance the historic context and character of heritage assets. The proposal also fails to comply with policy MD13 (SAMDP), which seeks to ensure that proposals avoid harm or loss of significance to non-designated assets, including their settings.

12. The proposal also fails to accord with Policy CS17 of the Shropshire Council's Core Strategy (CS) (adopted 2011), which seeks to ensure development protects and enhances the historic environment and does not adversely affect the visual, heritage values and functions of these assets and contributes to local distinctiveness. The proposal would also fail to accord with policy CS6 (CS), which seeks to protect, restore, conserve, and enhance the built and historic environment and ensure development is appropriate in design taking into account the local context and character.

Other Matters

13. I note the personal circumstances of the appellant and I have sympathy for their situation. However, I have determined this appeal on its own individual merits having regard to the particular characteristics of the site and have found no factors that would outweigh the harm I have identified.

Conclusion

14. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

15. For the reasons given above I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR

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