



Shropshire Council
Legal and Democratic Services
Guildhall,
Frankwell Quay,
Shrewsbury
SY3 8HQ

Date: Monday, 17 March 2025

Committee:
Southern Planning Committee

Date: Tuesday, 25 March 2025

Time: 2.00 pm

Venue: The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ

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. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

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<https://shropshire.gov.uk/planning/applications/planning-committees>

Tim Collard
Assistant Director – Legal and Governance

Members of the Committee

David Evans (Chairman)
Nick Hignett (Vice Chairman)
Caroline Bagnall
Andy Boddington
Richard Huffer
Christian Lea
Nigel Lumby
Tony Parsons
Ed Potter
Robert Tindall

Substitute Members of the Committee

Roy Aldcroft
Gwilym Butler
Rachel Connolly
Hilary Luff
Cecilia Motley
Kevin Pardy
Colin Taylor
Edward Towers
Claire Wild
Mark Williams

Your Committee Officer is:

Tim Ward Committee Officer

Tel: 01743 257713

Email: tim.ward@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 25 February 2025

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 12 Noon on Wednesday 19 March 2025

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 Proposed Residential Development Land to the North Of Kingswood Road Albrighton Shropshire (24/02662/OUT) (Pages 7 - 36)

Outline application for the erection of up to 150 dwellings with associated infrastructure and the principal means of vehicular access from Kingswood Road only (all other matters reserved)

6 Biodigester Station, Coder Road, Ludlow, Shropshire, SY8 1XE (25/00309/FUL) (Pages 37 - 58)

Change of Use of a Biowaste Digester to recycle household organic waste building to a Biochar Production Facility, erection of extension and installation of associated infrastructure (sui generis)

7 Proposed Local Needs Dwelling to the South Of Pulverbatch Shrewsbury Shropshire (24/04212/FUL) (Pages 59 - 70)

Proposed erection of local needs single plot exception site dwelling

8 Schedule of Appeals and Appeal Decisions (Pages 71 - 86)

9 Date of the Next Meeting

To note that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 29 April 2024, in the Council Chamber, Guildhall.

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Committee and Date

Southern Planning Committee

25 March 2025

SOUTHERN PLANNING COMMITTEE

Minutes of the meeting held on 25 February 2025

2.00 - 4.10 pm in the The Council Chamber, The Guildhall, Frankwell Quay, Shrewsbury, SY3 8HQ

Responsible Officer: Tim Ward

Email: tim.ward@shropshire.gov.uk Tel: 01743 257713

Present

Councillor David Evans (Chairman)

Councillors Nick Hignett (Vice Chairman), Caroline Bagnall, Andy Boddington, Christian Lea, Nigel Lumby, Tony Parsons, Ed Potter, Robert Tindall and Colin Taylor (Substitute) (substitute for Richard Huffer)

59 Apologies for Absence

Apologies for absence were received from Councillor Richard Huffer

Councillor Colin Taylor substituted for Councillor Huffer

60 Minutes

RESOLVED:

That the Minutes of the meeting of the South Planning Committee held on 17 December 2024 be approved as a correct record and signed by the Chairman.

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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.

63 32 and 34 Harley Road Condover Shrewsbury Shropshire SY5 7AZ (24/04272/FUL)

The Interim Area Planning Manager introduced the application which was an application for the change of use from a dwelling house (Class C3a) to a residential home for up to 5

children (Class C2) and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout.

Victoria Regan spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Libby Baines spoke on behalf of Condover Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Dan Morris, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Michelle Maguire, (Applicant), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members expressed concerns regarding excess noise and traffic which would affect the amenity of the surrounding area. They noted that the neighbouring property was close to the boundary of the application site and would be particularly affected.

RESOLVED

That planning permission be refused, contrary to the planning officer's recommendation, for the following reason:

The application would have a harmful effect on the amenity of the neighbourhood especially with regards to noise and traffic

64 8 Greendale Close Highley Bridgnorth Shropshire WV16 6EG (25/00171/COU)

The Planning Officer introduced the application which was an application Change of use of building from C3 (dwelling house) to C2 (residential institution) and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout.

Viv Hulme spoke against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Councillor Tracey Pinches spoke on behalf of Highley Parish Council against the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees

Councillor Mark Williams, local Ward Councillor made a statement in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Tanya Humphries, spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees. She informed the Committee that the occupancy would be for 1 child not 2 as originally applied for.

Members expressed some concerns regarding the parking arrangements but on the whole felt the proposals were acceptable especially in light of the reduction in occupancy.

RESOLVED

That in accordance with the officer recommendation planning permission be granted subject to the conditions set out in Appendix 1 and subject to the occupancy being reduced to 1 child.

65 Development Land At Site Of Ironbridge Power Station Buildwas Road Ironbridge Telford Shropshire (24/03660/REM)

The Principal Planning Officer introduced the application which was an application for the approval of reserved matters (appearance, landscaping, layout and scale) for Phase 2A residential development pursuant to outline planning permission 19/05560/OUT, and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location, design and layout.

Members welcomed the amount of greenspace and number of affordable houses. In response to a question the Principal Planning Officer confirmed that the majority of roads on the site would be of an adoptable standard which would ensure access for traffic such as refuse wagons.

RESOLVED:

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

66 Plots 1 & 7 Proposed Residential And Commercial Development Land Tasley Bridgnorth Shropshire (24/01598/REM)

The Principal Planning Officer introduced the application which was an application for the approval of reserved matters (appearance, layout, scale, landscaping) for Phase 2 (Plot 1) and Phase 3 (Plot 7) for the erection of 323 dwellings and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location, design and layout.

The Principal Planning Officer drew Members attention to the updated resolution and other information which had been circulated as part of the late representations.

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

Katherine Else (Agent), spoke in support of the proposal in accordance with Shropshire Council's Scheme for Public Speaking at Planning Committees.

Members welcomed the design and layout of the development.

RESOLVED:

That in accordance with the recommendation contained in the schedule of late representations planning permission be approved subject to the conditions detailed in appendix 1 of the committee report with delegation to officers to amend the conditions to take account of the changes and for conditions 3 and 4 to have implementation requirements from the occupation of 300 dwellings and all conditions to have a unique number.

67 11 Greenfields Road Bridgnorth Shropshire WV16 4JG (25/00387/CPL)

Councillor Lea stated that he was the local Member and withdrew from the table and took no part in the debate or voting

The Principal Planning Officer introduced the application which was an application for a Lawful Development Certificate for the proposed conversion of garage and internal alterations to kitchen, alterations to windows and doors, replacement brickwork to rear to allow for insulation, installation of french doors and addition of hipped roof to existing flat roof on rear bay, and with reference to the drawings and photographs displayed, she drew Members' attention to the to the location and layout. She advised Members that the application was before the committee as the applicant worked in the planning department.

RESOLVED:

That in accordance with the officer recommendation A Lawful Development Certificate be issued for the following reason:

The proposed external alterations are permitted development by virtue of Schedule 2, Part 1, Class A of the GPDO, and the internal works do not constitute development under Section 55(2) of the Town and Country Planning Act 1990. Therefore, the proposed development it is Lawful and Full Planning Permission is not required, and a Certificate of Lawful Development can be issued.

68 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 25 February 2025 be noted.

69 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the Southern Planning Committee will be held at 2.00 pm on Tuesday 25 March 2025, in the Council Chamber, Guildhall, Shrewsbury.

Signed (Chairman)

Date:

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AGENDA ITEM



Committee and date

Southern Planning Committee

25th March 2025

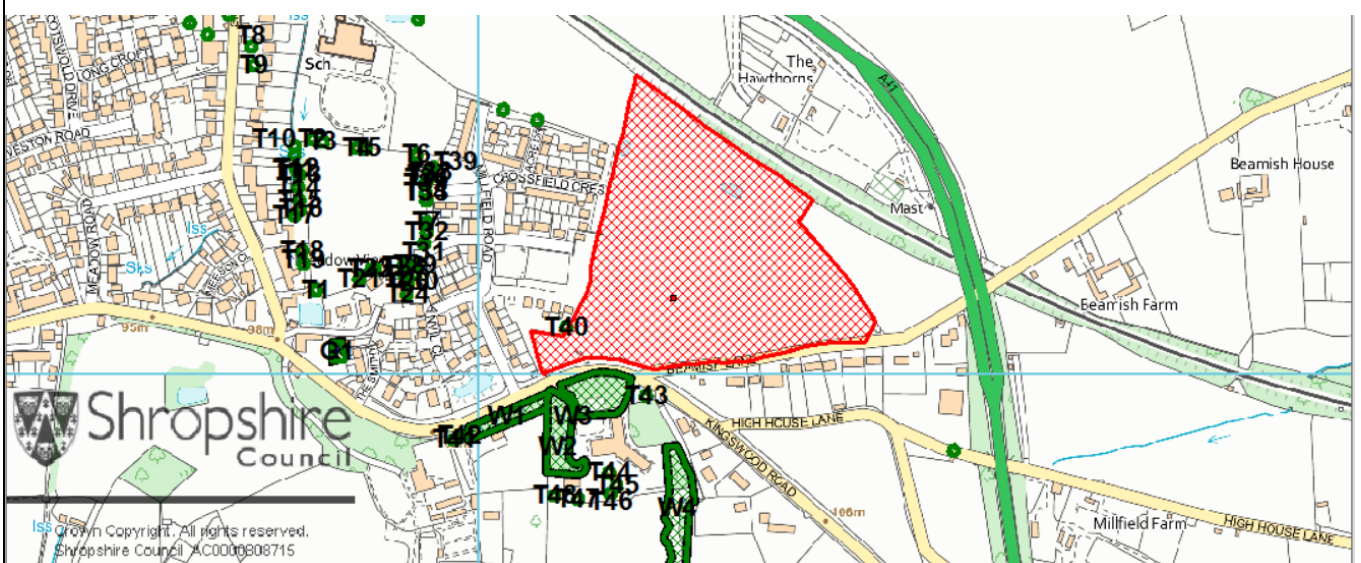
Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

<u>Application Number:</u> 24/02662/OUT	<u>Parish:</u>	Albrighton
<u>Proposal:</u> Outline application for the erection of up to 150 dwellings with associated infrastructure and the principal means of vehicular access from Kingswood Road only (all other matters reserved)		
<u>Site Address:</u> Proposed Residential Development Land To The North Of Kingswood Road Albrighton Shropshire		
<u>Applicant:</u> Mr John Turton		
<u>Case Officer:</u> Louise Evans	<u>email:</u> Louise.m.evans@shropshire.gov.uk	

Grid Ref: 382202 - 304080



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Recommendation:- Grant permission with delegation to officers to confirm condition wording and to secure a section 106 agreement to address affordable housing, long term management of open space, contributions towards passenger transport, a traffic regulation order for restricted access of Beamish Lane, travel plan monitoring, cost recovery for the 30 year monitoring period for Biodiversity Net Gain and cost recovery for monitoring the section 106 agreement.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks outline approval for the erection of up to 150 dwellings with associated infrastructure.
- 1.2 The principal means of access from Kingswood Road is being secured within this application but all other matters remain reserved for future consideration.
- 1.3 The scheme details the provision of an access with a right turn ghost lane on Kingswood Road to serve the development.
- 1.4 A screening opinion was issued on 30th May 2025 to the effect that the proposed development would not require an Environmental Impact Assessment (ref: 24/01860/SCR).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site comprises of an agricultural field approximately 5.85 hectares (14.45 acres) in area, which immediately adjoins the eastern edge of the settlement boundary of Albrighton (as defined by the inset maps associated with the Site Allocations and Management of Development (SAMDev) Plan adopted in 2015).
- 2.2 Kingswood Road and Beamish Lane form the southern boundary with the application site and a railway line, linking Telford with Birmingham, is to the north. Located along the western boundary of the site are existing and proposed residential developments known as Millfields.
- 2.3 The main features of the site are the established landscape which includes a row of mature trees (including Category A trees) to the southwest fronting Kingswood Road, established trees close to the railway line, mature hedges along the boundaries and two waterbodies - the first to the western boundary and the second to the north of the site. There is one Tree Preservation Order effecting a single Oak Tree on site (TPO reference: SC/00018/10). In terms of topography, the land falls

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generally from the north eastern corner of the site to the south western corner/
lowest part of the site.

2.4

The site is located in Flood Zone 1 on the Environment Agency's Flood Map for Planning.

2.5

The site is approximately 120 metres east of the edge of the Albrighton Conservation Area.

2.6

The site is not subject to any ecological designations, although there are two non-statutory sites within 2 km of the site: Donington and Albrighton Local Nature Reserve and Kingswood Common.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 This is a major application, which, in the view of the Planning Services Manager in consultation with the Chairman, should be determined by the relevant planning committee. Furthermore, the Parish Council have submitted a contrary view to Officers regarding material planning reasons which cannot reasonably be overcome by negotiation or planning condition and the Planning Services Manager in consultation with the Chairman agree that the item should be determined by the relevant planning committee.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 SC Affordable Houses:

3rd October 2024: Highlighted the need for affordable housing and compliance with draft housing policies in the emerging local plan. (submitted prior to the knowledge that the Draft Local Plan is likely to be withdrawn from examination)

4.1.2 SC Highways DC:

10th December 2024: Reviewed the Transport Assessment and Framework Travel Plan, requesting additional information and revisions to ensure the proposals are acceptable.

7th March 2024: Shropshire Council, as the Local Highway Authority, has raised no objection in principle to the residential development at the proposed location. However, they have expressed concerns regarding the proposed access to the site and the lack of proposals to mitigate the likely impact on Beamish Lane.

The submitted Transport Assessment indicates that the proposed junction arrangement would not result in significant delays, and the junction will operate well within theoretical capacity. However, the guidelines intended for the roundabout on

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Kingswood Road were meant to create a gateway to Albrighton and provide traffic calming. The applicant has not taken this forward, considering it unnecessary from a junction capacity perspective and due to the potential loss of trees.

While the principle of accessing the site via a ghost island junction is accepted, the applicant has not fully demonstrated that a satisfactory access to the site can be provided. Therefore, it is recommended that a condition be placed on any planning permission granted, requiring detailed design to be undertaken, which may result in amendments to the proposed access road.

Concerns have also been raised about the impact on Beamish Lane. It is recommended that a planning condition be placed on any permission granted, requiring details of the restriction of access to Beamish Lane to be submitted for approval as part of the first reserved matters application.

A framework travel plan has been submitted with the outline planning application, and it is recommended that a condition be placed on any permission granted, requiring a Travel Plan to be submitted and approved before the occupation of the first dwelling. Annual surveys should be submitted for 10 years following the first occupation.

Section 106 contributions have been suggested, including a Passenger Transport Contribution of £180,000, a Beamish Lane Highway contribution of £25,000, and a Travel Plan Monitoring contribution of £10,000.

Other suggested planning conditions include the completion of streets and estate street phasing plans, submission of details for adoptable streets, and a management plan for on-site construction.

Active Travel England:

- 4.1.3 12th August 2024: Issued standing advice and encouraged the local planning authority to consider it as part of the assessment.

SC Ecologist:

- 4.1.4 19th August 2024: Reviewed the Ecological Appraisal, Badger Report, and Biodiversity Net Gain Assessment, recommending mitigation measures for badgers, bats, great crested newts, and other species.

SC Learning & Skills:

- 4.1.5 14th August 2024: Indicated the need for additional school place capacity due to the development and recommended contributions for education provision to come via CIL funding.

SUDS:

- 4.1.6 5th August 2024: Appraised the Flood Risk Assessment and recommended a detailed drainage layout plan and maintenance regime for the sustainable drainage system. A condition has been recommended.

SC Trees:

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- 4.1.7 19th August 2024: Reviewed the Arboricultural Assessment and recommended tree protection and landscaping conditions. Welcomed the retention of the Beech Trees at the entrance to the site.

SC Waste Management:

- 4.1.8 30th July 2024: Emphasized the need for adequate storage space for waste and suitable highway specifications for waste collection vehicles.

SC Archaeology (Historic Environment):

- 4.1.9 13th August 2024: Recommended a programme of archaeological work, including a field evaluation and possible further mitigation.

SC Regulatory Services:

- 4.1.10 7th August 2024: Supported the recommendation in the Preliminary Risk Assessment for an intrusive investigation to assess contamination. Conditions for contaminated land provided.

4.2 Public Comments

- 4.2.1 **Cllr Nigel Lumby** (8th September 2024) Detailed Summary:

Connectivity Issues: The Boningale Homes Development, phase 4, has not established a link to the Wain development. This lack of connectivity is a significant concern as it hinders the integration of the two communities and the sharing of amenities. The SamDev plan shows connectivity between the Millfield's developments, with Boningale Homes designing phase 2 to have two road spurs ready for connectivity. However, Wain developments have indicated that these spurs fall short of the boundary, making them unusable. Ensuring proper connectivity is crucial for facilitating access to schools, the railway station, and other facilities, thereby enhancing community integration.

Traffic Safety Concerns: The current setup on Kingswood Road, with a ghost island and filter lane to Millfields, has led to speeding issues. The wide road created by this setup has caused motorists to perceive a higher speed limit, resulting in numerous complaints about speeding. It is suggested that a traffic island, rather than a T junction, be implemented to moderate traffic speed and enhance safety. The West Mercia Police Crime Commissioner has emphasized the importance of designing roads for appropriate speeds rather than relying solely on enforcement.

Residents Concerns: Residents on Beamish Lane have raised concerns about the increased traffic and safety at the junction with the A41. The junction is on a bend and has been deemed dangerous, with recent measures taken to reduce the speed limit to 60mph. It is proposed that Beamish Lane be designated as 'No entry

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to motor vehicles unless for access' to improve safety. This measure should be funded by the developer as part of the application process.

Pedestrian and Cycle Access: The proposal includes pedestrian and cycle access from the development into Beamish Lane, connecting to the National Cycle route. While this is a positive aspect, there are concerns about the safety of Beamish Lane. Additional safety measures should be considered to ensure the well-being of pedestrians and cyclists.

Highways View: The developer needs to address the outlined issues at the application stage. If these concerns are not resolved, it is recommended that Shropshire Council reject the application. Ensuring safe and effective connectivity and addressing traffic safety issues are paramount for the success of the development and the enhancement of the community in Albrighton.

4.2.2

Albrighton Parish Council (5th September 2024) (comments in full)

Albrighton Parish Council accepts this application and development is in the Local Plan and is recognised phased development for the village and is not against it as such. Whilst this is outline, the committee was concerned about the lack of clarity for the connecting entrances to Millfields. No agreement had been reached with the developers of phase 4, whose indicative drawing does not show connectivity with this development. This indicative drawing does not show any connectivity with the existing phase 2 of Millfields. APC think it is vital that connectivity is established.

The two estates must be part of one community, not barriered off. Residents and in particular children, should not be walking around onto the Kingswood Road main road to get onto Millfields, nor inhibited from walking through a safe environment to the primary school, Railway station and other village activities.

When Millfields was first envisaged, the proposed roundabout turned into a ghost island, filter lane. This has caused the road to be wide and drivers lose the perception of speed. A common complaint on this stretch of road. If the same wide T junction is to be accepted for this development, because it is so close to the other junction, there is a concern about speed and safety. Kingswood Rd is a fast feeder road off the A41, without much to slow traffic down. Whilst we appreciate the 30mph limit will be moved beyond the junction, the committee do not believe suggested measures would be as effective as a roundabout.

Whilst this is outline, and indicative only, APC want to raise concern about the lack of facilities this site and the wider Millfield's estate has given back to the community.

Public Representations

4.2.3

11 representations have been received in relation to the application, two of which suggest the provision of Swift nest bricks/boxes to enhance biodiversity and a further comment, from a neighbouring developer on Millfields, has invited

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discussions regarding connectivity points. The remaining representations are summarised as follows:

Vehicular and Pedestrian Access: Concerns about the safety of vehicular access onto Kingswood Road and the increase in traffic on Beamish Lane, which is narrow and lacks passing points and footpaths but is used by horse riders, cyclists, and walkers. There are also worries about the increased use of Beamish Lane and the danger of crossing the A41 due to high traffic speeds. There are concerns that the information submitted in support of the application has not accurately captured the issues with Beamish Lane and the need for mitigation.

Environmental Impact: The development could lead to the loss of habitat for wildlife, such as skylarks, and the loss of productive farmland.

Housing Density and Affordable Housing: The Albrighton Development Action Group (ADAG) suggests that the proposed density of housing is too high and that the provision for affordable housing is inadequate. They recommend increasing the figure of onsite affordable housing to 40-50% and reducing the overall housing density.

Public Transport and Infrastructure: There is potential to improve public transport if agreements can be made for a through route for local bus services. Connections should be secured with existing and proposed developments. Additionally, more consideration should be given to play, sport, and recreation infrastructure for the families of new residents.

Community Services: The village cannot accommodate additional residents and the additional pressure it brings on services like doctors, chemists and schools.

5.0 THE MAIN ISSUES

- Principle of development
- Access and Highway Safety
- Design
- Affordable housing
- Developer contributions
- Other planning matters

6.0 OFFICER APPRAISAL

6.1 Principle of development

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- 6.1.1 The starting point for decision taking is the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused unless there are other material considerations which indicate otherwise.
- 6.1.2 For the purposes of assessing this proposal the development plan presently comprises of the adopted Shropshire Core Strategy 2011 and the adopted Site Allocations and Management of Development (SAMDev) Plan 2015. The Albrighton Neighbourhood Plan 2013 and a range of Supplementary Planning Documents (SPD) can be material considerations where relevant to the proposal.
- 6.1.3 A key objective of the adopted development plan is to concentrate residential development in locations that promote economic, social and environmental sustainability. The Council's Core Strategy Policies CS1, CS3, CS4 and CS5 seek to achieve managed, targeted growth by steering new open-market housing to sites within market towns, other key centres and certain named villages (Community Hubs and Clusters) as identified in the Site Allocations and Management of Development (SAMDev) Plan. Sporadic development in the countryside (i.e. outside the designated settlements) is generally unacceptable unless there are exceptional circumstances, typically as set out in Core Strategy Policy CS5 and SAMDev Policy MD7a.
- 6.1.4 Albrighton is identified as a Key Centre within the adopted development plan. The application site is located outside of the development boundary for Albrighton on land which is safeguarded by SAMDev policy S1 to be available for possible future use to meet the settlement's long term development needs. As such, the proposal does not accord with the policies of the adopted development plan, however, the plan does recognise that this site is intended for housing development within future development plans.
- 6.1.5 The NPPF is a material planning consideration within decision making. It was updated in December 2024 and adopts a new standard method for calculating housing need, the purpose of which is to significantly boost housing delivery across England. In light of the recent changes to the standard methodology and the uplift in local housing need for Shropshire, the Council is currently unable to demonstrate a five year supply of deliverable dwellings. In such circumstances, the NPPF renders the adopted development plan policies concerning the delivery of housing development as being out-of-date.
- 6.1.6 The effect of this is that the tilted balance, as set out in paragraph 11 d) of the NPPF, is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations,

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making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.1.7 In considering the sustainability of the site, it is recognised that Shropshire Council had identified the site as a draft allocation for housing development (Ref: ALB017) in our Local Plan Review following the removal of the site from the Green Belt in 2006 when the Bridgnorth District Local Plan was adopted. Therefore, whilst the Draft Local Plan is likely to be withdrawn from examination and not taken forward or adopted, the evidence base used to inform the allocations can be a material consideration for current applications. In this instance, that evidence base re-enforces the case that the site is both in a sustainable location (being a logical extension adjoining the settlement), and of a suitable scale to meet the needs of Albrighton and Shropshire as a whole. That being the case, the principle of development on this site is acceptable providing the scheme can also secure good design and affordable homes.

6.2 Access and Highway Safety

6.2.1 At the pre-application stage, the scheme was subject to a Design Review with Design:Midlands. Their response concluded that the work undertaken to date, including site analysis, landscape assessment, tree surveys, provision of a development framework with design parameters and illustrative masterplan, is generally well considered. However, significant concern was raised in relation to the location and form of the proposed access which would require the removal of important Beech trees.

6.2.2 With regards to the principal access, the scheme details the provision of a right turn ghost lane on Kingswood Road to serve the development. The proposal as submitted with the planning application now ensures the retention of the significant trees at the entrance to the site. The trees as a grouping/feature are of very high amenity value and Shropshire Council will take steps to secure their long-term protection by making a Tree Preservation Order. The alignment of the proposed access will also ensure the protected Oak tree within the site can also be safeguarded from adverse effects of development.

6.2.3 The latest access placement, which maintains the existing carriageway width with no widening involved would only require a white line marking refresh. A village gateway feature is also proposed, located approximately 155m to the southeast of the proposed site access location, which includes moving the 30mph speed restriction and the use of dragon's teeth markings to reinforce the entry point into the village. It is suggested that the proposed road marking will create the impression of road narrowing, promoting decreased traffic speeds and serve as a reminder to drivers that they are entering a populated area.

6.2.4

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It is recognised that the expectation of the community for this development was that it would include the provision of a roundabout on Kingswood Road which would assist in reducing traffic speeds. This was translated into the development guidelines for the site allocation within the Draft Local Plan stating '*An appropriately designed roundabout will be provided on Kingswood Road at the point of access into the site.*' However, as previously detailed, the Draft Local Plan is unlikely to be adopted and the guidelines would not have been a requirement even if the plan were to have been adopted. They are guidelines and not planning policy in that respect. Officers cannot secure the guidelines without the will of the developers involved.

6.2.5

The Local Highway Authority do not object to the principle of the right turn ghost lane proposal and accept that it could operate within capacity. However, the design of the access as put forward is not demonstrated to be acceptable with regards to junction radii and width and a condition requiring the submission of full engineering drawings of an appropriate scheme has been suggested to overcome concerns.

6.2.6

With regards to the use of Beamish Lane, the Transport Assessment has concluded that there would be a negligible increase in the use of Beamish Lane as a result of the development. This is not a view shared by the local community and the Local Highway Authority has suggested a planning condition to deal with the submission of further details of measures to deter use of the road together with a financial contribution to deal with a traffic regulation order to alter the status of the existing road. Subject to the use of these, the scheme could be made acceptable.

6.2.7

A framework travel plan has been submitted with the outline planning application and the Local Highway Authority has recommended that a condition be placed on any permission granted requiring a Travel Plan to be submitted and approved before the occupation of the first dwelling. Annual surveys should be submitted for 10 years following the first occupation and a financial contribution is sought to recover the costs associated with monitoring these. A further contribution towards the passenger transport is also proposed to ensure that a strategy to promote travel by sustainable modes can be developed to serve the site. This will need to be covered by a Section 106 agreement rather than through CIL to enable it to contribute to revenue rather than capital costs.

6.2.8

Additional planning conditions have been suggested by the Local Highway Authority. These include the completion of streets and estate street phasing plans, submission of details for adoptable streets, and a management plan for on-site construction. These are deemed to be reasonable and have been attached at the end of this report.

6.3 Design

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- 6.3.1 The scheme is submitted in outline with the design of the scheme reserved for later consideration. There are, however, certain parameters for the development that need to be set at the outline stage to ensure that they can be secured within the reserved matters submissions. This includes matters such as the quantum of open space provision, requirements to provide vehicular and pedestrian connections between the current and existing and proposed development, housing mix and a parking strategy. It is advised that these are secured through conditions which have been recommended at the end of this report.
- 6.3.2 When considering open space provision, SAMDev Plan Policy MD2 requires the provision of adequate open space of at least 30sqm per person calculated on the basis of one person per bedroom. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play, recreation, formal or informal uses. A condition requiring this has been recommended at the end of this report.
- 6.3.3 With regards to the connections, a matter raised by the Local Member, the Parish Council and members of the public, it is noted that the framework plan indicates potential links with Millfields and development to the east as well as a pedestrian link onto Beamish Lane. In order to clearly establish expectations, a condition has been suggested that ensures vehicular connection is given to the boundary of the application site into phase 4 of Millfields and the potential development land to the east as well as the provision of two additional pedestrian and cycle points into Millfields. With regards to phase 4 of the Millfields development, the permission for this site also contained a similar condition affording access into this site.
- 6.3.4 With regards to housing mix, it is recognised that policy CS11 requires developments which seek to balance the size, type and tenure of the local housing stock and that all housing developments are designed to be capable of adaptation to accommodate lifestyle changes, including the needs of the elderly and people with disabilities. Furthermore, to seek to address the mis-match between Albrighton's aging population and a housing stock dominated by family housing, the Albrighton Neighbourhood Plan 'Light' Policy ALB1 states: 'All housing proposals of five or more units will be expected to deliver at least 20% of these units as one- and two-bed properties. To reflect the need for a mix of one- and two-bed properties, all schemes which are required to deliver at least five one- and two-bed properties should provide a minimum of 40% of these units as one-bed properties'. This will be a key consideration for the scheme and an appropriate condition to address this matter prior to or upon the submission of reserved matters has been recommended at the end of this report.
- 6.3.5 Furthermore, with regards to parking provision, the Council has not adopted any specific parking standards but rather assesses each case on its own merits. The result of this is that it can make refusing reserved matters schemes on this matter

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difficult if the developer does not wish to engage with us as an Authority. However, by attaching a condition to the outline consent to cover this matter, the developer will be required to give due consideration to this issue within any future schemes. As the condition is drafted, there is the opportunity for this to be agreed prior to the submission of a reserved matters scheme to ensure that the developer has the opportunity to avoid costly re-designs within submissions.

6.3.6 It is noted that there has been some concerns that the development of the proposed site will lead to issues with regards to neighbouring amenity. As the application has been submitted in outline, detailed plans have not been provided. Clearly, this will be a material consideration within any future reserved matters application, however, there is no clear reason why an acceptable development could not come forward on this site whilst affording existing neighbours reasonable levels of amenity.

Affordable Housing

6.4 The scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy and that the level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and the prevailing housing target rate. The current prevailing target rate for affordable housing in this area is 15% minimum. The assumed tenure split for affordable homes provided as a requirement of policy is 70/30% split in favour of affordable rented tenure.

6.4.2 The scheme as submitted proposes 20% affordable housing which would have accorded with the minimum requirements set out in the Draft Local Plan. As the Draft Plan is now unlikely to be adopted, the policies it contains do not carry weight for decision making, however, the overprovision of affordable housing offered can be given significant weight in the overall planning balance.

Developer Contributions

6.5 It is recognised that the Skills and Learning Officer has suggested the need for contributions from the development to mitigate the impact on local education facilities but recognises that this will come via CIL contributions. In this instance, pre-application discussions took place with both School Services and the NHS, both of which confirmed that they are likely to make requests for CIL funding as a result of this development.

6.5.2 Albrighton has two primary schools, Albrighton and St Mary's. The site is in the catchment of St Marys which shows an overcapacity at the time the development is likely to come online. However, Albrighton primary is likely to be under capacity. Accounting for the over capacity of Albrighton primary school combined with the under capacity of St Mary's primary school and the yield from the development, there is sufficient capacity within the primary schools in Albrighton to serve the

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development. Idsall has sufficient capacity to cater for secondary education needs. As such, the School Services bid will be likely to cover requirements for early years and Special educational needs and disabilities (SEND) capacity.

6.5.3 Taking account of the likely bid from the NHS with the likely bid from School Services, the likely CIL contribution from the development is sufficient to cover both these matters such that there is no additional need for a financial contribution secured via the Section 106 with regards to NHS and education requirements.

6.5.4 The scheme will be subject to a section 106 agreement to secure affordable housing, long term management of open space, contributions towards passenger transport, a traffic regulation order for restricted access of Beamish Lane, travel plan monitoring and cost recovery for the 30-year monitoring period for Biodiversity Net Gain.

Other planning matters

6.6 The application has been accompanied by a landscape and visual assessment, a heritage assessment, an arboricultural assessment, an ecological appraisal, a noise statement, a flood risk and drainage assessment, a preliminary risk assessment (contaminated land) and a utility report to support the principle of development on this site. Taking account of the content of these documents, consultees have not raised any specific concerns with the scheme but have recommended conditions to ensure that matters are appropriately addressed within future submissions. The recommended conditions have been detailed at the end of this report.

7.0 CONCLUSION AND PLANNING BALANCE

7.1 The development proposes up to 150 dwellings on a site beyond the development boundary of Albrighton and thus is contrary to the adopted development plan. However, the Council cannot demonstrate a five year housing land supply and the site is in a sustainable location. The contribution the development would make to the delivery of housing in Shropshire should carry significant weight in decision making. Furthermore, the development proposes to deliver 20% affordable housing, 5% more than the minimum requirement set out in adopted policy terms and this too should carry significant weight.

7.2 Whilst the proposed access arrangement does not meet community expectation, an acceptable alternative arrangement could come forward that would not result in harm to highway safety, subject to the use of planning conditions to control the final details and an obligation to recover costs associated with a traffic regulation order for Beamish Lane. This and all other material considerations raised can be made acceptable with the use of the recommended planning conditions and the planning obligations suggested.

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7.3 Therefore, the weight in the overall planning balance lies significantly in favour of supporting the scheme.

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

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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:

CS1 Strategic Approach

CS3 The Market Towns and other Key Centres

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS10 Managed Release of Housing Land

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

Site Allocations and Management of Development (SAMDev)Plan:

MD1 Scale and Distribution of Development

MD2 Sustainable Design

MD3 Delivery of Housing Development

MD8 Infrastructure Provision

MD12 The Natural Environment

MD13 The Historic Environment

S1 Albrighton

SPD on the Type and Affordability of Housing

AGENDA ITEM

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Albrighton Neighbourhood Plan

RELEVANT PLANNING HISTORY:

PREAPP/20/00169 Residential development of around 150 dwellings and associated public open space PREUDV 19th May 2021

PREAPP/23/00113 Outline application for the erection of up to 150 dwellings and means of access (all matters reserved except for access) PREUDV 23rd March 2023

PREAPM/24/00017 Outline application for the erection of up to 150 dwellings and means of access (subject to PPA00046) PREAMD 16th May 2024

24/01860/SCR Request for EIA Screening Opinion: Town and Country Planning (Environmental Impact Assessment) Regulations 2017. EAN 30th May 2024

24/02662/OUT Outline application for the erection of up to 150 dwellings with associated infrastructure and the principal means of vehicular access from Kingswood Road only (all other matters reserved) PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SGH0XQTDIZO00>

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

[24/02662/OUT | Outline application for the erection of up to 150 dwellings with associated infrastructure and the principal means of vehicular access from Kingswood Road only \(all other matters reserved\) | Proposed Residential Development Land To The North Of Kingswood Road Albrighton Shropshire](#)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Nigel Lumby

Appendices

APPENDIX 1 - Conditions

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APPENDIX 1

Conditions

1. Approval of the details of the appearance, landscaping, layout, scale and means of access thereto (other than the access point into the site from Kingswood Road) of the development (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 the Development Management Procedure 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. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying this application, other than in respect of the access point direct from Kingswood Road to the south. (As such details indicated on plans accompanying the application are for illustration purposes only).

Reason: To define the permission and to retain planning control over the details of the development to accord with Policy CS6 of the adopted Core Strategy.

5. The main means of vehicular access to the development shall be from Kingswood Road only. A vehicular, pedestrian and cycle connection from the site must be afforded to land ALB002 (as defined in the SAMDev Plan) & ALB021 (as defined in the draft development plan) directly up to the development boundary of the site but contained within the red edge defined on approved Site Location Plan drawing ref: 9323-L-01 Rev D. A minimum of two additional pedestrian and cycle accesses must be provided up to the boundary of the site, but contained within the red edge defined on approved Site Location Plan drawing ref: 9323-L-01 Rev D, adjacent to the Millfields development (also defined as ALB002 in the SAMDev Plan).

Reason: To ensure that the development should not prejudice the free flow of traffic and promote sustainable travel, in accordance with Policy CS6 of the adopted Core Strategy.

6. Upon or prior to the submission of reserved matters, a report demonstrating that the proposed housing mix will respond to local housing need must be submitted to and approved in

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writing by the Local Planning Authority. The report must include information regarding the existing housing stock of Albrighton and demonstrate how the proposed housing mix will balance the size, type and tenure of the local housing stock. The report must specify the amount of MD4(2) and MD4(3) dwellings (as defined by Building Regulations) proposed within the development and the number of NDSS compliant dwellings. The report must also identify the amount of any specialist housing proposed. The scheme must only proceed in accordance with the agreed report.

Reason: To ensure the proposed housing mix is appropriate to meet the needs of the community in accordance with policy CS11 of the Adopted Core Strategy (2011) and policy ALB1 of the Albrighton Neighbourhood Plan 'Light' (2013).

7. Upon or prior to the submission of reserved matters, a parking strategy must be submitted to and approved in writing with the Local Planning Authority. The strategy must include the number of on plot car parking spaces to be provided per size of dwelling as well as the quantum of visitor parking to be provided. The strategy must demonstrate what measures will be put in place to reduce reliance on private cars as well as detail the proposed arrangements for any secure parking for bikes and mobility scooters.

Reason: To ensure car parking provision is appropriate in accordance with policy CS6 of the Adopted Core Strategy (2011) and ensure that the infrastructure provided with the development is fit for purpose without impacting on accessibility.

8. The first submission of reserved matters shall include full details of both hard and soft landscaping works. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales. The submitted details shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (including creation of hibernacula and log piles and hedgehog-friendly gravel boards);
- b) A tree and hedge planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape Recommendations, or its current version;
- c) Details of the trees and shrubs to be planted in association with the development, including schedules of species (including scientific names), seed mixes, locations or density and planting pattern, type of planting stock, size at planting, means of mulching, protection and support, planting period and date of completion, and measures for post planting maintenance and replacement of losses;
- d) Details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in c) above;
- e) Written specifications for establishment of planting and habitat creation;
- f) Implementation timetables.

Native species used are to be of local provenance (Shropshire or surrounding counties). Any trees or shrubs which die or become seriously damaged or diseased within five years of completion of the development shall be replaced within 12 calendar months with trees or shrubs of the same size and species.

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Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and to enhance the appearance of the development and its integration into the surrounding area.

9. The application for reserved matters relating to the layout of the development shall specify the location of the proposed affordable housing units (provision being in accordance with the associated Section 106 Agreement) to be provided on that part of the site covered by that application. No works shall commence on the part of the site covered by that application until the location of affordable housing within it has been approved in writing by the local planning authority.

Reason: To ensure the provision of affordable housing, in accordance with Development Plan housing policy.

10. The first application for reserved matters shall include the layout and provision of public open space of at least 30sqm per person calculated on the basis of one person per bedroom.

Reason: The provision of play areas and informal open space is necessary in the interest of the amenity, health and well-being of future residents. The condition is to ensure the quantity, quality and accessibility of recreational and amenity open space is appropriate for the development hereby permitted in accordance with Policy MD2 and Policy CS6 of the Core Strategy.

11. The application for reserved matters relating to the layout of the development shall specify the domestic waste disposal arrangements which shall be adhered to throughout the operational phase of the development.

Reason: To ensure a sustainable development, protect the amenity of the area, the amenities of occupiers of nearby properties and future occupiers of the dwellings hereby permitted in accordance with Policy CS6 of the Core Strategy.

12. The application for reserved matters relating to the layout of the development shall include a Noise and Vibration Impact Assessment undertaken by a suitably qualified person which demonstrates that amenities of future residents / occupiers are protected and that appropriate mitigation measures are identified. The dwellings constructed in each phase of the development shall incorporate the identified noise reduction measures, which shall be carried out/installed before each dwelling is first occupied.

Reason: To ensure the amenities of future residents / occupiers are protected in accordance with Policy CS6 of the Core Strategy.

13. The plans and particulars submitted in support of the reserved matters application shall include a tree survey, an Arboricultural Impact Assessment, an Arboricultural Method Statement and a Tree Protection Plan prepared in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations, or its current version. The development shall be carried out strictly in accordance with the recommendations of these approved plans and reports.

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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 in accordance with Core Strategy policies CS6, CS17, and policies MD2 and MD12 of the SAM(Dev) Plan.

14. The plans and particulars submitted in support of the reserved matters application shall include a tree planting scheme, prepared in accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape - Recommendations, or its current version, to the written satisfaction of the LPA. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

The development shall subsequently be undertaken in accordance with the approved tree planting scheme.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area in accordance with Core Strategy policies CS6, CS17, and policies MD2 and MD12 of the SAM(Dev) Plan.

15. A landscape and habitat management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape and habitat management plan shall be carried out as approved.

Reason: In the interests of the visual amenities and ecological interests of the area and to ensure the maintenance of open space and habitat areas in perpetuity in accordance with Core Strategy policies CS6, CS17, and policies MD2 and MD12 of the SAM(Dev) Plan.

16. The application for reserved matters shall include full details of existing and proposed ground and finished floor levels. For development adjacent to the boundaries of the application site and adjacent to existing residential properties, the details shall include details of the setting out of buildings with plans annotating the distance of buildings from the boundaries to the existing adjacent properties. The plans shall also provide details of the ground levels at the retained trees and hedges. The development hereby permitted shall only be carried out in accordance with the approved details.

Reason: To ensure the levels are acceptable in relation to the surrounding area and to ensure the development is appropriate in relation to the amenity of neighbouring property; and that there is a satisfactory relationship to existing trees and hedges to be retained in accordance with Policy MD12 of the SAM(Dev) Plan and Policies CS6 and CS17 of the Core Strategy.

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CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

17. At not later than the submission of the first reserved matters application a full plan of the proposed ghost island junction and site access onto Kingswood Road and access road for the first 100 metres north of the junction with Kingswood Road shall be submitted for the approval in writing of the Local Planning Authority. The submitted details shall include:

- o Topographical survey of the site access onto Kingswood Road
- o Full Engineering details of proposed ghost island junction on Kingswood Road
- o Engineering details of proposed access road, to include carriageway widths, and forward visibility splays for the first 100 metres north of the junction with Kingswood Road.
- o Swept path analysis and Stage 1/2 Road Safety Audit for all engineering details.
- o Details of any tree removal or protection works.

Reason: In the interests of highway safety in accordance with policy CS6 of the adopted Core Strategy.

18. Prior to the commencement of development hereby permitted full engineering details of the proposed improvements and traffic calming measures on Kingswood Road as shown on Drawing no. VN232896 D106 Rev A. shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details before the occupation of the 1st dwelling.

Reason: To ensure a satisfactory means of access to the highway in accordance with policy CS6 of the adopted Core Strategy.

19. At not later than the submission of the first reserved matters application a full plan of the proposed scheme to deter vehicular access to Beamish Lane shall be submitted for the approval in writing of the Local Planning Authority. The submitted details shall include details of any signing and lining associated with the deterred access of Beamish Lane at the junction with the A41.

Reason: In the interests of highway safety in accordance with policy CS6 of the adopted Core Strategy.

20. At least six months prior to the commencement of development, a badger mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall include an updated survey undertaken by an appropriately qualified and experienced ecologist and shall set out the appropriate actions to be taken during the works. These measures must be implemented as approved.

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

21. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan (Biodiversity) 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;

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- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction (including for badgers, bats and great crested newts);
- 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) 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 and CS17 of the adopted development plan.

22. No development shall take place, 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:

- a) A construction programme including phasing of works;
- b) 24 hour emergency contact number;
- c) Hours of operation;
- d) Measures to control noise and dust impact;
- e) Expected number and type of vehicles accessing the site;
- f) Deliveries, waste, cranes, equipment, plant, works, visitors;
- g) Size of construction vehicles;
- h) The use of a consolidation operation or scheme for the delivery of materials and goods
- i) 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):
- j) Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads
- k) Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- l) Locations for storage of plant/waste/construction materials;
- m) Arrangements to receive abnormal loads or unusually large vehicles;
- n) Any necessary temporary traffic management measures;
- o) Method of preventing mud being carried onto the highway;
- p) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;

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The agreed plan shall be adhered to throughout the construction period.

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 and to ensure that the amenity that neighbouring occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy CS6 of the Core Strategy.

23. 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 before development commences.

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.

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

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

Reason: The site is known to hold archaeological interest.

25. The development shall be carried out in accordance with a phasing plan, which shall be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To clarify how delivery of development within the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that infrastructure provision and environmental mitigation are provided in time to cater for the needs and impacts arising from the development and to accord with Policy CS6 of the adopted Core Strategy.

26. Prior to the commencement of development of each Phase hereby permitted, a scheme of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the scheme would not lead to stability issues on the adjacent railway land and shall include details of the future maintenance of the drainage system. The development shall be undertaken in accordance with the approved details. The approved scheme for each phase shall be implemented in full accordance with the approved scheme before the dwellings are first occupied and maintained in accordance with the approved details for the lifetime of the development.

Reason: To prevent the increased risk of flooding or land instability both on and off site and ensure satisfactory drainage facilities are provided to serve the site in accordance with Policy MD2 of the SAM(Dev) Plan and Policies CS6 and CS18 of the Core Strategy.

27. Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out within 10 metres of the operational railway shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the construction of the development can be carried out without adversely affecting the safety, operational needs or integrity of the railway in accordance with policy CS6 of the Core Strategy.

28. A method statement and risk assessment shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The statement and assessment shall include details of scaffolding works associated with the construction of the development within 10m of the railway boundary. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the construction and subsequent maintenance of the development can be carried out without adversely affecting the safety, operational needs or integrity of the railway and in the interests of public safety in accordance with policy CS6 of the Core Strategy.

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29. The construction of any new estate street shall not be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy CS6 of the adopted Core Strategy.

30. Should any part of the development incorporate piling works or ground compaction works, a risk assessment and method statement (RAMS) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works. The RAMS shall also include confirmation that adjoining occupiers/businesses have been notified of the proposed duration and hours of piling/ ground compaction together with contact details of those carrying out the works. All piling/ground compaction works as necessary to complete the development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance and to prevent any piling works and vibration from de-stabilising or impacting the railway in accordance with policy CS6 of the Core Strategy.

31. The construction of any new estate street shall not be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policy CS6.

CONDITIONS THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

32. Notwithstanding the submitted Framework Travel Plan, before the first residential dwelling is occupied details of a new Travel Plan for the development including an implementation timetable shall be approved in writing by the Local Planning Authority in consultation with the Local Authority Travel Plan Co-ordinator. This is in accordance with the legal agreement accompanying this permission. The Travel Plan shall set out proposals, including a timetable and bus strategy, to promote travel by sustainable modes which are acceptable to the Local Planning Authority and proposed annual traffic counts at the vehicular site access onto Kingswood Road. The Travel Plan shall be implemented in accordance with the approved details and timetable unless the Local Planning Authority has previously provided

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written approval for proposed changes to the plan. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually to Local Planning Authority for approval for a period of ten years from the first occupation of the development. Reason: To promote sustainable modes of transport in line with both local and national objectives and to accord with Policy CS6 of the adopted Core Strategy.

33. Before occupation of the first dwelling in each development phase, details of a scheme, including a programme for implementation (specifying the maximum number of dwellings to be occupied before completion of the scheme), for the provision of equipped and informal play areas, formal and informal recreational and amenity open space for that relevant development phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of levels, drainage, planting, enclosure, street furniture, surfacing, seating and play equipment and structures (where necessary). Development shall be carried out in accordance with the approved details and programme and retained for the lifetime of the development. Thereafter, the formal and informal recreational and amenity open space and play areas shall not be used for any purpose other than play space, recreational or amenity space as approved.

Reason: The provision of play areas and informal open space is necessary in the interest of the amenity, health and well-being of future residents. The condition is to ensure the quantity, quality and accessibility of recreational and amenity open space is appropriate for the development hereby permitted in accordance with Policy MD2 of the SAM(Dev) Plan and Policy CS6 of the Core Strategy.

34. Prior to the erection of any external lighting on the site, in each development phase, 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; and that there would be no overspill of light onto the railway land. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trusts 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: The details of lighting are needed to i) ensure provision of safe and convenient access for residents/occupiers, ii) avoid loss of residential amenity and prevent unacceptable light pollution; iii) avoid disturbance on foraging and commuting routes for wildlife, and in particular to ensure that excessive lighting is avoided adjacent to hedgerows and habitat features; iv) to ensure that the railway can operate safely, thus in accordance with Policies CS6 and CS17 of the Core Strategy.

35. Prior to occupation of the site details of a trespass proof fence/boundary treatment along the boundary with the railway line together with a phasing and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing/boundary treatment shall be installed prior to the occupation of the dwellings and in accordance with the approved phasing plan. The approved fence/boundary treatment shall be maintained for the lifetime of the development in accordance with the approved plan.

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Reason: To protect the adjacent railway from unauthorised access and public safety in accordance with policy CS6 of the Core Strategy.

36. 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 20 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 40 artificial nests, of either integrated brick design or external box design, suitable for a range of species, including swifts (swift bricks), sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific), house martins (house martin nesting cups), swallows (swallow nesting cups), small birds (28mm and 32mm hole, standard design), wrens (wren-specific), and robins (open-fronted).
- 10 invertebrate boxes.
- 4 hedgehog boxes.

The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12 and CS17 of the adopted development plan.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

37. No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any approved tree works shall be carried out in accordance with British Standard 3998: 2010 Tree Work - Recommendations, or its current version. In this condition 'retained tree' means an existing tree, woody shrub or hedge which is to be retained in accordance with the approved plans and particulars; and any tree, woody shrub or hedge planted as a replacement for any 'retained tree'. This condition shall have effect until a Reserved Matters application is submitted and approved in full.

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 in accordance with Core Strategy policies CS6, CS17, and policies MD2 and MD12 of the SAM(Dev) Plan.

38. No construction or other operations/works associated with the development hereby permitted shall take place outside the hours of 08:00 to 18.00 Mondays to Fridays, and 08:00 to 13.00 on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To ensure that the amenity that neighbouring occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy CS6 of the Core Strategy.

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Informatives

1. Wildlife boxes informative

Where appropriate, boxes shall be sited in appropriate locations at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. Bat boxes should be erected on southerly aspects (south-west, south or south-east) and bird boxes should be erected on northerly or shaded east/west aspects.

Swift bricks should be positioned: 1) Out of direct sunlight; 2) At the highest possible position in the building's wall; 3) In clusters of at least three; 4) 50 to 100cm apart; 5) Not directly above windows; 6) With a clear flightpath to the entrance; and 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%20-%20Swift%20Nest%20Bricks%20-%20installation%20&%20suppliers-small.pdf>).

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 with 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.

2. This planning permission is subject to mandatory Biodiversity Net Gain. Please see <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers> for more information. Development must not commence until you have submitted and obtained approval for a Biodiversity Gain Plan.

3. The applicant is advised to obtain the written approval of the local highway authority for the details required under condition X, prior to the submission of such details to the local planning authority in seeking to discharge the said condition. Such details, as may be submitted to the local highway authority, could be subject to technical and

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safety assessments / audits, which may result in changes to the layouts and alignments, as shown on any indicative layout(s), approved by virtue of the planning permission. The applicant is advised that the local planning authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the local highway authority

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Committee and date
Southern Planning
Committee

25th March 2025

Item

Public

Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

<u>Application Number:</u> 25/00309/FUL	<u>Parish:</u>	Ludlow
<u>Proposal:</u> Change of Use of a Biowaste Digester to recycle household organic waste building to a Biochar Production Facility, erection of extension and installation of associated infrastructure (sui generis)		
<u>Site Address:</u> Biodigester Station, Coder Road, Ludlow, Shropshire, SY8 1XE		
<u>Applicant:</u> Shropshire Council		
<u>Case Officer:</u> Jacob Collett	<u>email:</u> jacob.collett@shropshire.gov.uk	

Grid Ref: E35290:N274570



Recommendation: - Grant Permission subject to conditions set out in appendix 1 with delegation to officers to revise condition wording.

REPORT

1.0 THE PROPOSAL

- 1.1 The application proposes the change of use of a Biowaste Digester to a Biochar Production Facility. This includes the erection of associated infrastructure incorporating chimneys, tipping walls and additional building space.
- 1.2 There are no proposed changes to the existing Site access.
- 1.3 The development proposed is subject to an Environmental Permit under the Environmental Permitting Regulations (2016). This is a parallel, but separate process to the planning application, focused on assessing and controlling pollution impacts of developments. The planning application principally determines the land use acceptability and assesses the development against other material planning considerations. There is some natural crossover of environmental matters in the planning process for a waste scheme, however the planning application should not focus on managing pollution impacts where they are controlled by the Environmental Permit. Thus, this report considers pollution (noise, air, water, odour) only insofar that the development would not result in unacceptable risks or harms.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Site is located to the east of Ludlow Town Centre, within Ludlow Business Park off Codor Road. The Site is protected employment land and has an established extant use for waste processing.
- 2.2 There is an existing warehouse building on site, with most of the land being hardstanding. To the north, west and south of the Site there are adjoining business park uses and to the east a belt of trees separating it from the A49.
- 2.3 An existing public right of way (PRoW) circulates the Site to the North but does not cross into it at any point.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 In accordance with the 'Scheme of Delegation' this application, due to the applicant being Shropshire Council, is required to be determined by planning committee.

4.0 COMMUNITY REPRESENTATIONS

An application notice was displayed at the Site on 31st January 2025.

4.1 **Consultee Comments**

4.1.1 ***Ludlow Town Council***

To Object for the following reasons relating to harmful environmental impacts specifically:

- i) The study supplied in the application used virgin feedstock, so the application does not adequately consider the environmental implications to using food garden waste derived feedstock mentioned in the application.
- ii) The studies regarding the impact to wildlife are not conclusive or adequately rigorous.
- iii) The application has not adequately considered the impact of increased traffic related to the operation of the site on Parrys Road.
- iv) The application indicates that the sulphur dioxide levels are expected to remain within permitted limits, but the concentrations mentioned could create unpleasant smells.
- v) The application has not adequately considered the site's impact of the ground water in relation to the effects / risks of contamination of the three SSSI sites locally.

4.1.2 ***SC Regulatory Services***

Air quality

The proposed process will require an environmental permit under the requirements of the Environmental Permitting (England and Wales) Regulations (2016), the environmental permit will control emissions to air and require compliance with specified emission limit values (ELVs). The air quality report provided has modelled emissions based on the maximum emission levels permissible under the requirements of the environmental permit. The results indicated that impacts on pollutant concentrations were predicted to be within the environmental quality standards (EQS) at all receptor locations and hence the impact on human receptors is not considered significant.

It should be noted that the maximum permissible emission levels are unlikely to be emitted from the plant. Also, the emission limits applied in the model relate to incineration processes, however, pyrolysis plants as proposed in this application, thermally treat fuels, gasifying material and subsequently combusting the evolved gas. As pyrolysis plants do not combust the waste itself, only the gas that is emitted from the pyrolysis process, particulate matter (PM) and metal emission predictions are likely to have been overestimated.

Odour

The odour impact assessment provided in the planning statement indicates that potential for offsite odour is low. The main sources of odour would be unprocessed material storage or poor combustion, correct management of the process should minimise any potential odour emissions. Hence with correct management any odour events would be short lived and management controls should reduce the frequency to a negligible level. It should be noted that odour emissions would also be controlled by the environmental permit.

Noise

The noise report provided includes a BS4142 assessment of the predicted noise impacts from the proposed development, the assessment indicated that the rating levels would be 5dB above background during the day and 6dB above background during the night. This indicates that there is a potential for an adverse impact and the impact is likely to be above the lowest observed adverse effect level indicating that any noise impact should be mitigated and reduced to a minimum.

The report provides some context about the daytime noise levels explaining that the assessment assumes all activities are operating simultaneously (this is unlikely to happen, it also explains that the nature of the noise sources and the existing noise environment means many of the noise sources will be masked by the existing noise. The noise source that has potential to be noticeable above the existing background noise is that of the chipper. The report indicates that this noise source could be mitigated by reducing the aperture of the door to the chipping building. It is recommended that this mitigation is implemented to minimise the noise impact, further information should be provided detailing how this would be achieved. If possible, the aperture should be fixed at the lower level rather than being reliant on an operator not fully opening a roller door.

In regard to the night time noise impact no assessment of context has been provided. Although the overall noise level is low it needs to be clarified whether plant running at night is likely to produce a perceptible hum which could impact on local residents (e.g having to close windows at night). Further clarification is required to assess whether there is likely to be noise that is perceptible within nearby sensitive locations, what is the source of the noise, are there any tonal qualities to the noise which could make it clearly audible over the background noise and are there potential mitigation measures that could be applied.

Should the application be granted planning consent it is recommended that the following condition is applied:

1. Prior to the use commencing a noise management plan shall be submitted for the written approval of the Local Planning Authority (LPA). The measures identified and approved by the LPA shall be implemented and maintained at all times thereafter in accordance with the approved plan. The approved plan should include operating hours for noise generating activities

Additional Comments received 11th February.

The revised noise report has provided additional mitigation to minimise the impact of daytime noise by reducing the aperture of the access door to the chipping building and relocating the access to the rear of the building . This has reduced the noise rating level by 7dB reduces the predicted noise impact to low. Note this assumes that the hours of chipping and delivery are restricted to daytime hours only and other building openings are kept closed when the plant is operating.

The explanation of context has clarified that the night time noise levels are unlikely to be audible above the ambient noise levels within the nearby residential

properties and therefore no further mitigation is considered necessary for night time noise impacts.

Therefore with the amendments Environmental protection has no objections to the proposal

Should the application be granted planning consent it is recommended that the following condition is applied:

1. The chipping machinery shall not be operated or delivery vehicles permitted on the premises before 0800 or after 1730 on weekdays nor before 0900 or after 1330 on Saturdays and not at any time on Sundays or Bank Holidays.
2. Prior to the use commencing a noise management plan shall be submitted for the written approval of the Local Planning Authority (LPA). The measures identified and approved by the LPA shall be implemented and maintained at all times thereafter in accordance with the approved plan. The approved plan should include operating hours for noise generating activities.

Sustainable Urban Drainage Team (SUDS)

The proposals are unlikely to significantly increase flood risk and therefore are acceptable.

4.1.3

SC Highways

Shropshire Council as Local Highway Authority raise no objection in principle to the proposed development, on the basis that there will not be a significant change in vehicle movements and operation within the site as a result of the proposed change of use.

4.1.4

It is recommended that a planning condition is attached to any permission granted that requires a Construction Management Plan to be submitted prior to commencement.

SC Ecology

No objection

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

4.1.5

SC Trees

I have reviewed submitted documents and drawings and on behalf of Shropshire Council Tree team I can report that there is no objection to this application on arboriculture grounds.

4.1.6

Natural England

No objection

Public Comments

4.1.7 Objection – One

Residents object in the strongest possible terms to this application. It is already admitted in the application that there will be problems and to say they will be mitigated is not satisfactory. The best mitigation is not to create this.

4.2.1

The biodigester caused problems when it was operating. It is surely clear that this sort of facility should not be created in a built-up area so close to residential homes. There have been so many examples of similar applications being permitted and then causing problems which residents find almost impossible to counter. No justification or need to for a biochar facility in south Shropshire has been shown

Support – One

We support this proposal.

4.2.2

It provides a means of increasing Shropshire's contribution to carbon reduction by capturing carbon in a product that would otherwise be released by burning or full decomposition of timber.

This product has direct monetary value, indirect value in the carbon credit market and can be used as a soil improver and mitigation for run-off pollution of local rivers. In the near future, Shropshire will have to dispose of very large amount of timber as a result of ash die-back, for instance. It provides a use for a site that has been idle for many years in a way that is consistent with the original purpose of the site, i.e. to reduce the putting of waste into the environment.

With respect to food waste, Shropshire, like all councils, will have to introduce kerbside food waste collection in 2026. This waste has to be processed and it makes sense to use a local facility already designed for this purpose rather than transporting it a long distance.

The design of the plant was enhanced during its use as a biodigester to provide 'positive pressure' systems to contain and manage odour. The wildlife impact of the site will not be changed by this proposal. The level of additional vehicle traffic was considered acceptable during biodigester use and it not large compared with other traffic on Parys Road, which is, after all, the spine road of an industrial estate.

It also provides an opportunity for Shropshire to be at the leading edge of a technology that will become increasing important and valuable over time.

5.0 THE MAIN ISSUES

Principle of development
Scale and Design
Neighbour Amenity
Air Quality
Ecology
Highways
Trees
Other Matters

6.0 OFFICER APPRAISAL

6.1 *Principle of Development*

- 6.1.1 The current use of the Site is as a 'Biowaste digester to recycle household organic waste', granted through planning application SC/ML2005/16570/SS in 2005. The operation of the Site as a Biowaste Digester ceased in 2014 and the Site has remained vacant since. However, I do not consider the use of the Site to have been abandoned, considering the relatively short period of time since operations ended and the principal structures remaining. Therefore, the sui generis waste use at the Site remains extant.
- 6.1.2 The proposed submission intends to change this waste use to an alternative operation. Considering the proposal, which includes new built development, the change of operation at the Site would constitute a material change of use, requiring planning permission in accordance with the Town and Country Planning Act 1990. Consequently, assessment of the principle of development is undertaken.
- 6.1.3 National policy supports development that contributes to "the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. [Development] should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure." (para 161, NPPF 2024).
- 6.1.4 Waste processing sites are part of this wider sustainability drive and can make a positive contribution to Net Zero Objectives. Specifically, Pyrolysis as a newer technology, has been evidenced to result in waste processing with reduced emissions alongside enabling carbon sequestration with Biochar. The proposal would therefore positively support this national sustainability objective.
- 6.1.5 Whilst the proposal meets wider sustainability aims, individual schemes still need to be adequately assessed and sited. The NPPF does not provide any specific waste planning policy to direct development but outlines it should be read in conjunction with the Governments planning policy for waste (paragraph 4).
- 6.1.6 The National Waste Planning Policy (2014) (NWPP) first sets out the guiding ambitions for waste development within Chapter 1. They are as follows;
- *delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy (see [Appendix A](#));*
 - *ensuring that waste management is considered alongside other spatial planning concerns, such as housing and transport, recognising the positive contribution that waste management can make to the development of sustainable communities;*
 - *providing a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling*

- waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle^{[footnote 1](#)};
- helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment; and
- ensuring the design and layout of new residential and commercial development and other infrastructure (such as safe and reliable transport links) complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate high quality collections of waste.

6.1.7 The document then evolves to set out the considerations when determining planning applications for waste proposals. It is outlined in Chapter Five of the NWPP that:

When determining waste planning applications, waste planning authorities should:

- *only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
- *recognise that proposals for waste management facilities such as incinerators that cut across up-to-date Local Plans reflecting the vision and aspiration of local communities can give rise to justifiable frustration, and expect applicants to demonstrate that waste disposal facilities not in line with the Local Plan, will not undermine the objectives of the Local Plan through prejudicing movement up the waste hierarchy;*
- *consider the likely impact on the local environment and on amenity against the criteria set out in [Appendix B](#) and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
- *ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
- *concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced;*
- *ensure that land raising or landfill sites are restored to beneficial after uses at the earliest opportunity and to high environmental standards through the application of appropriate conditions where necessary*

In consideration of the above, Appendix B is included below. This outlines the criteria for consideration by the planning authority for waste schemes as follows:

- 6.1.8
- **protection of water quality and resources and flood risk management**
Considerations will include the proximity of vulnerable surface and groundwater or aquifers. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The

suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination, will also need particular care.

- **land instability**

Locations, and/or the environs of locations, that are liable to be affected by land instability, will not normally be suitable for waste management facilities.

- **landscape and visual impacts**

Considerations will include (i) the potential for design-led solutions to produce acceptable development which respects landscape character; (ii) the need to protect landscapes or designated areas of national importance (National Parks, the Broads, Areas of Outstanding Natural Beauty and Heritage Coasts) (iii) localised height restrictions.

- **nature conservation**

Considerations will include any adverse effect on a site of international importance for nature conservation (Special Protection Areas, Special Areas of Conservation and RAMSAR Sites), a site with a nationally recognised designation (Sites of Special Scientific Interest, National Nature Reserves), Nature Improvement Areas and ecological networks and protected species.

- **conserving the historic environment**

Considerations will include the potential effects on the significance of heritage assets, whether designated or not, including any contribution made by their setting.

- **traffic and access**

Considerations will include the suitability of the road network and the extent to which access would require reliance on local roads, the rail network and transport links to ports.

- **air emissions, including dust**

Considerations will include the proximity of sensitive receptors, including ecological as well as human receptors, and the extent to which adverse emissions can be controlled through the use of appropriate and well-maintained and managed equipment and vehicles.

- **odours**

Considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.

- **vermin and birds**

Considerations will include the proximity of sensitive receptors. Some waste management facilities, especially landfills which accept putrescible waste, can attract vermin and birds. The numbers, and movements of some species of birds, may be influenced by the distribution of landfill sites. Where birds congregate in large numbers, they may be a major nuisance to people living nearby. They can also provide a hazard to aircraft at locations close to aerodromes or low flying areas. As part of the aerodrome safeguarding procedure ([ODPM Circular 1/2003](#)) local planning authorities are required to consult aerodrome operators on proposed developments likely to attract birds. Consultation arrangements apply within safeguarded areas (which should be shown on the policies map in the Local Plan). The primary aim is to guard against new or increased hazards caused by development. The most important types of

development in this respect include facilities intended for the handling, compaction, treatment or disposal of household or commercial wastes.

- **noise, light and vibration**

Considerations will include the proximity of sensitive receptors. The operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved. Potential light pollution aspects will also need to be considered.

- **litter**

Litter can be a concern at some waste management facilities.

- **potential land use conflict**

Likely proposed development in the vicinity of the location under consideration should be taken into account in considering site suitability and the envisaged waste management facility.

The NWPP (2014) provides a suitable basis and criteria for the assessment of any waste planning proposal. However, it is reasonable to interpret that Chapter Five emphasises Local Plans as the principal policy to determine the suitability of a Site and whether the proposal is consistent with the waste strategy for the area. Consequently, an understanding of the Local Waste policy is needed.

6.1.9 Shropshire's Local Policy provides guidance on the determination of waste applications through two key documents, the Core Strategy (2011) and SAMDev (2015). The Core Strategy provides policy for the principal acceptance of waste developments, whereas SAMDev describes policy focused on the details of such schemes.

6.1.10 Policy CS19, *Waste Management Infrastructure*, of the Core Strategy outlines a support for proposals that encourage a move away from landfill in a way consistent with the waste hierarchy. The policy outlines waste sites will be designated within SAMDev, but there is also support for smaller facilities that aren't allocated. This support is provided where Sites are within accessible locations, near to urban areas and are consistent with the principle and site

6.1.11 identification criteria set out in national and regional (where applicable) policy. CS19 also outlines a support for the continued operation of suitable waste Sites (as determined by the above) and ensuring they are protected from encroachment of incompatible uses.

6.1.12 The provisions of policy MD14 of SAMDev (*Waste Management Facilities*), outline the support for proposals that 'can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled'. For the purposes of this application, I have measured this by assessment against the NWPP (2014) criteria within Appendix B, amongst other relevant planning material considerations. MD14 also includes specific policy for certain waste development types, of which none are relevant to this application.

Additional to specific waste policy the proposal is also assessed against the following local policies which provide wider planning guidance:

Core Strategy (2011)

- 6.1.13 CS4 – Market Towns and Other Key Centres
- Supports the focus of major development to key market towns and centres of which Ludlow is designated.
- CS6 – Sustainable Design and Development Principles
- Outlines design principles and approaches to support high quality-built form.
- CS8 – Facilities, Services and Infrastructure Provision
- Provides support to facilities, infrastructure and services that meet a need in accessible, appropriate locations.
- CS13 – Economic Development, Enterprise and Employment
- Supports development that bolsters Shropshire's Economy and provides employment opportunities, especially in key rural centres.

SAMDev (2015)

- MD1 – Scale and Distribution of Development
- Focuses and supports development in key centres and towns.
- MD2 – Sustainable Design
- Provides additional design guidance to CS6 to support the development of high-quality schemes.
- MD9 – Protected Employment Areas
- Seeks to protect employment areas for B2 and suis generis uses that are compatible. The Site is located within a designated protected employment area.

Assessment

- 6.1.14 In consideration of the national and local policy described, I conclude that the principle of a Biochar production facility at the Site is acceptable. I find that the principle is consistent with the National ambitions for waste development and compliant with the local plan.
- 6.1.15 The existing use of the Site evidences its suitability for a waste processing use and it remains commensurate with the protected employment area designation. The site, whilst not allocated within SAMDev, is accessible, near to an urban centre and consistent with national ambitions for waste developments. Therefore, it is consistent with the policy content of CS19. Assessment of compliance against MD14, as a policy framework for scheme details, is undertaken in subsequent sections.
- 6.1.16 In consideration of the NWPP (2014), as the proposal is compliant with the up-to-date Local Plan there is no requirement to justify a quantitative or market need for the proposal. Considering the broader policy landscape, the application is commensurate with the guiding focus of local policy to centralise employment/infrastructure development in Key centres, of which Ludlow is identified, ensuring its strategic location to deal with Shropshire's Waste.
- 6.1.17 Additionally, the proposal supports Shropshire, and the UK's wider sustainability move towards a low Carbon future through the application of emerging waste treatment technology that has proven environmental benefits against comparative operations.

6.1.18

Finally, I also consider that the transition from an existing unused waste facility to an alternative operation may also reduce the net potential impacts in comparison to development of an entirely new Site and should therefore be supported. The re-use of existing facilities/buildings is also consistent with the NWPPs guidance

6.1.19 for identifying suitable Sites when drafting local plans (Chapter 4).

Consequently, officers consider the principle of development is justified and assessment of the schemes details are undertaken in the following sections.

6.2 ***Scale and Design***

6.2.1 The proposed scheme fundamentally utilises the existing building on site to house the necessary equipment, with some additional works proposed. These additions include the following:

- Rear extension with roller shutters and a roof apex the same as the existing. The extension includes one chimney.
- Four chimneys on the existing building of which one will be higher than the roof apex
- Removal of three existing silos
- Retention of two silos with feed pipes added
- 3m high L shaped walls in the northeast and southeast of the Site for Feedstock Tip Handling
- Amended rear elevation window/door placements.

6.2.2

On review of the proposed changes to the built form, it is my conclusion that they are acceptable. The rear extension and chimneys have a minor visual impact especially in consideration of their rear (east direction) location. Their subsequent design is consistent with an industrialised business park setting, surrounded by other warehousing. The removal of an existing wide based silo will reduce the overall built form above the existing building line when viewing the Site from the West resulting in a net neutral visual change when balanced against the chimney inclusions. The proposed tipping walls, whilst high, will be visually recessive and minor in impact, owing to their narrow form and rearward locations backdropped by the tree belt. There is not concluded to be any visual concern regarding the variations in window/door placements and new roller shutters.

6.2.3

Consequently, the additions proposed will not, in my judgement, result in a dominating development or poor visual appearance. The building will remain consistent with the immediate surroundings and the alterations are attributed no harm in the planning balance.

6.3

6.3.1

Residential Amenity

Residential Amenity for this proposal has been assessed through noise, light, vibration and odour impacts. These are identified as being the parameters a development of the manner proposed could potentially impact a residential dwelling. It is identified that the nearest residential receptor would be >120 metres from the Sites building, a medium distance away. Each criterion is subsequently assessed individually with a collective assessment undertaken at the end.

Noise

6.3.2 The most recently submitted noise report outlines the potential for an adverse impact on the nearest residential receptor. The most recent comments from the Environment Protection Officer however outline no objection on noise grounds, subject to clarification of certain operations/details and appropriate conditions. A revised noise assessment (submitted 11th February 2025) addresses these clarification points, incorporating an amended operating model and chipper roller door location. This aims to further mitigate the chippers noise impact, as the largest noise generator on-site.

6.3.3 It is my opinion, that on review of the amended elevations, amended noise assessment and Officer comments, that these clarifications/amendments are sufficient to determine that, subject to the application of noise management conditions, there is limited harm to any nearby residential amenity as a result of this development.

It is also noted that the Environmental Permit required will also control noise levels.

6.3.4

Lighting

The operation of the Site requires limited outdoor lighting which would likely be principally focused to the rear of the Site/building. In conjunction with a lighting management plan for ecological reasons, it is not concluded that external lighting would have any harmful impact on any residential amenity, in context of separation distances and other large buildings between the Site and the nearest residential receptor.

6.3.5

I attribute no harm to residential amenity due to external lighting in the planning balance.

6.3.6

Vibration and Dust

The proposed equipment on site is not of a scale, type or operation that would likely cause any ground vibration.

6.3.7

The movement of feedstock at the scale proposed is not likely to generate any substantial dust considering its 50% moisture content. Dust generated by the chipper will be contained within the building and if any does reach outside, it is in the opposite direction (eastward) from the residential receptors.

6.3.8

Therefore, I attribute no harm to residential amenity by vibration or dust in the planning balance

6.3.9

Odour

In consideration of the environmental protection officer comments, it is agreed that odour generation at the Site is not expected, considering the operational processes outlined and suggested management plan. Consequently, odour issues would only occur through poor management practices or system failures. Suitable management/operational processes will mitigate any potential for odour generation and would be appropriately applied to the Site.

6.3.10

- 6.3.11 In consideration of the NWPP, this would be controlled through the environmental permit, instead of planning condition. However, as there is not yet a permit in place, with express controls applied, in this instance I attribute limited weight in the planning balance to the potential harms of odour generation. This is determined by balancing the likelihood of occurrence being very low against the lack of current express control.

Overall

- 6.3.12 In consideration of the above officers consider that the collective harms on residential amenity are attributed limited harm in the planning balance. The impacts, subject to conditions, are unlikely to occur or have a recognisable impact. Therefore, in consideration of avoiding crossover with the Environmental Permit, officers conclude that the proposed development does not have an unacceptable impact on residential amenity to justify a planning refusal recommendation.

Air Quality

- 6.4 Air quality impacts of the proposed development is mostly subject to assessment through the Environmental Permit Regulations 2016 which determines the acceptability of pollutant levels against defined criteria. Consequently, only a short assessment to determine the air quality impact doesn't meet the threshold of 'unacceptable' in planning terms has been undertaken to avoid excessive regulation through planning and permitting discouraged in the NWPP (2014).

- 6.4.1
- 6.4.2 The submitted air quality assessment was reviewed by the Environmental Protection Officer, who pertains the necessary expertise to ensure its validity. It is identified in their subsequent comments that the Air Quality Assessment likely overestimates some predicted emissions and that the results could be considered a 'worst case' assessment.

- 6.4.3 With this context, the assessments concluded that the proposed use pollutant concentrations were predicted to be within the environmental quality standards (EQS) at all receptor locations and by consequence the impact on human receptors is not considered significant. Recognising the assessment presents a 'worst case' scenario, with reasonable caution applied, it can be concluded that the air quality impacts have a reasonably high likelihood of being less than calculated, which are already below the required standards.

- 6.4.4 Resultantly, officers determine that the proposed development does not have an unacceptable impact on Air Quality to justify a planning refusal recommendation but is attributed limited harm in the planning balance due to the inevitable release of emissions/environmental impact.

Ecology

- 6.5 The Site is subject to Biodiversity Net Gain which will be provided on-site. A 26.23% gain is calculated. As the gain is substantially above the 10% requirement by planning law, limited weight is attributed to the overprovision as a benefit to the scheme in the planning balance.

- 6.5.2 There are no sensitive/protected species on Site and the Shadow Habitats Regulations Assessment evidences there is unlikely to be any significant effect

on nearby ecological designation, including SSSIs. There is no objection by the Ecology Officer to the scheme subject to conditions. However, as there is still a small chance of impact on nearby SSSIs officers apportion limited weight to potential harm on ecological designations.

- 6.5.3 Overall, considering the chance of harmful impact to ecological designations is unlikely and enhanced BNG on Site is a substantial benefit that would in part mitigate any harms, the scheme will have an overall positive benefit impact in ecology terms and is attributed limited weight in favour of the scheme.

Highways

- 6.6 In agreement with the Highway Officer the development is acceptable in highway matters subject to a Construction Management Plan (CMP) condition. The extant use has the capability to generate similar trips numbers and type as the proposed, where there is clear, easy and safe access to the principal movement network of Codor Road and the A49.
- 6.6.1

- 6.6.2 Additionally, the site has sufficient parking space to accommodate the expected vehicles when parked off the adjacent highway network at any one time.

- 6.6.3 Consequently, the development will not harmfully compromise highway safety or congest the local road network. No harm to highways is attributed in the planning balance.

Trees

- 6.7 Trees are a material planning consideration for any planning decision. The Site has an absence of mature valuable trees within the red line, but is immediately adjacent to an established important belt of trees between the Site and the A49. In particular, there is an oak tree in this belt that is protected under a Tree Protection Order (TPO).
- 6.7.1

- 6.7.2 The proposed walls to support tip handling is the development most likely to impact on any Root Protection Area (RPA) of the Tree Belt. In agreement with the Tree Officer there is unlikely to be any significant loss of vegetation by the proposed development and where potential impacts may occur (within RPAs) suitably worded conditions are an appropriate mitigation to avoid any unacceptable harms.

No harm to trees is attributed in the planning balance.

- 6.7.3 ***Other Issues***

Drainage

- 6.8 There is not concluded to be an unacceptable risk of flooding caused by the proposed development, as evidenced by the proposed drainage scheme and determined by the drainage officer. Additionally, the proposed drainage scheme will connect to existing sewerage networks and will not discharge to groundwater. The water used in the pyrolysis plant will be consumed during operation.
- 6.8.1

Land Stability

6.8.2 The site is not within an area identified for land stability concerns and is the re-use of a Site that has existed for a significant period of time.

Vermin/Birds

6.8.3 The waste in use at the Site is not of a type that will attract vermin or birds.

Litter

6.8.4 The waste proposed to be transported to the Site is not domestic and there is a Very low risk of any substantial litter problems.

Land Use Conflict

6.8.5 The development proposed is suitable for the protected employment land it is located. It is not in conflict with adjacent B2 uses currently or at risk of becoming incompatible in the future.

Historic Environment

6.8.6 The development will have no impact on the historic buildings and landscapes of Ludlow.

7.0 **CONCLUSION**

7.0.1 In compliance with the NWPP, officers have come to this recommendation on the assumption that the relevant pollution control regime will be properly applied and enforced (via the environmental permit).

7.0.2 The proposed development provides important facilities in progressing towards a low carbon future, the management of waste within Shropshire and the development of sustainable places. The principle of development is established through policy CS19 of the Core Strategy and the proposal is consistent with National Ambitions for waste planning.

7.0.3 A comprehensive assessment of planning material considerations was undertaken, where limited harms to residential amenity and air quality were identified. However, the cumulative harms are not unacceptable or sufficient to justify a planning refusal recommendation. The impacts are unlikely to be significant and will be mitigated/controlled through the suitable regulatory function where appropriate.

7.0.4 Considering the wider planning balance, the limited harms identified are concluded to be outweighed by the public benefits of a scheme consistent with policy, providing ecological benefit through BNG overprovision and making effective use of an existing Site to provide critical infrastructure for Shropshire. Equally it was found there was no material harm to trees, highways, visual appearance or wider landscape as a result of the development, subject to planning conditions. Therefore, it is concluded that the proposal 'can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled' as required by SAMDev policy MD14.

7.0.5

Overall, officers find that the benefits of the proposed scheme outweigh in the planning balance the limited harms identified and recommend that planning permission should be granted subject to conditions.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

NPPF

Core Strategy and Saved Policies:

CS6

SAMDev MD2

SAMDev MD13

RELEVANT PLANNING HISTORY:

SC/ML2005/16570/SS - Biowaste digester to recycle household organic waste - Permitted
23.3.2005

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)
Local Member
Cllr Vivienne Parry

APPENDIX 1

Conditions

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

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

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

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

3a) No retained tree shall be wilfully damaged or destroyed, uprooted, felled, lopped, topped or cut back in any way other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Any approved tree works shall be carried out in accordance British Standard 3998: 2010 Tree Work - Recommendations, or its current version.

b) Prior to commencement of development, a scheme shall be submitted to the written satisfaction of the LPA to safeguard trees, woody shrubs and hedges to be retained on and adjacent the site. The scheme shall be based upon a tree survey and Arboricultural Impact Assessment and include an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP), prepared in accordance with and meeting the minimum tree protection requirements recommended in, British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction Recommendations, or its current version. The AMS shall include if appropriate a description of how the foundations for the feedstock tip handling walls are to be constructed within the root protection area of any nearby tree, so as to avoid causing significant damage to the roots of such a tree. Any pre-commencement tree works and all tree protection measures detailed in the approved AMS and TPP shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site.

c) The development shall be implemented in accordance with the approved AMS and TPP. 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.

d) All services and drainage infrastructure will be routed outside the Root Protection Areas indicated on the approved TPP or, where this is not possible, a detailed method statement and task specific TPP will be submitted and approved in writing by the LPA prior to any work commencing on site. Thereafter the development shall be carried out strictly in accordance with the approved method statement and tree protection plan.

e) No works associated with the development permitted will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a responsible person has been appointed for day to day supervision of the site and to ensure that the tree protection measures are fully complied with. The LPA will be informed of the identity of said person.

Reason: to safeguard the amenities of the local area and to protect the natural features that

contribute towards this and that are important to the appearance of the development.

4 a) 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 landscaping 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 LPA. 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.

b) The approved landscaping scheme shall be implemented as specified and completed prior to first use of the development for its intended purpose. 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, in the opinion of the LPA 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

5. 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 1 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 starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 192 of the NPPF.

6. 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 Trusts Guidance Note 08/23 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.

7. Prior to commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Hours of operation;

- ii. Measures to control noise and dust impact
 - iii. Onsite parking provision
 - iv. Details of material storage and welfare facilities
 - v. Method of preventing mud being carried onto the highway/
- The agreed plan shall be adhered to throughout the construction period.

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 and to ensure that the amenity that neighbouring occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy CS6 of the Core Strategy.

8. Prior to occupation of the Site, a noise management plan shall be submitted and approved in writing by Local Planning Authority (LPA). The measures identified and approved by the LPA shall be implemented and maintained at all times thereafter in accordance with the approved plan.

Reason: In the interests of protecting residential amenity.

9. The chipping machinery shall not be operated or delivery vehicles permitted on to the premises before 0800 or after 1730 on weekdays nor before 0900 or after 1330 on Saturdays and not at any times on Sundays or Bank holidays.

Reason: In the interests of protecting residential amenity.

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AGENDA ITEM



Committee and date

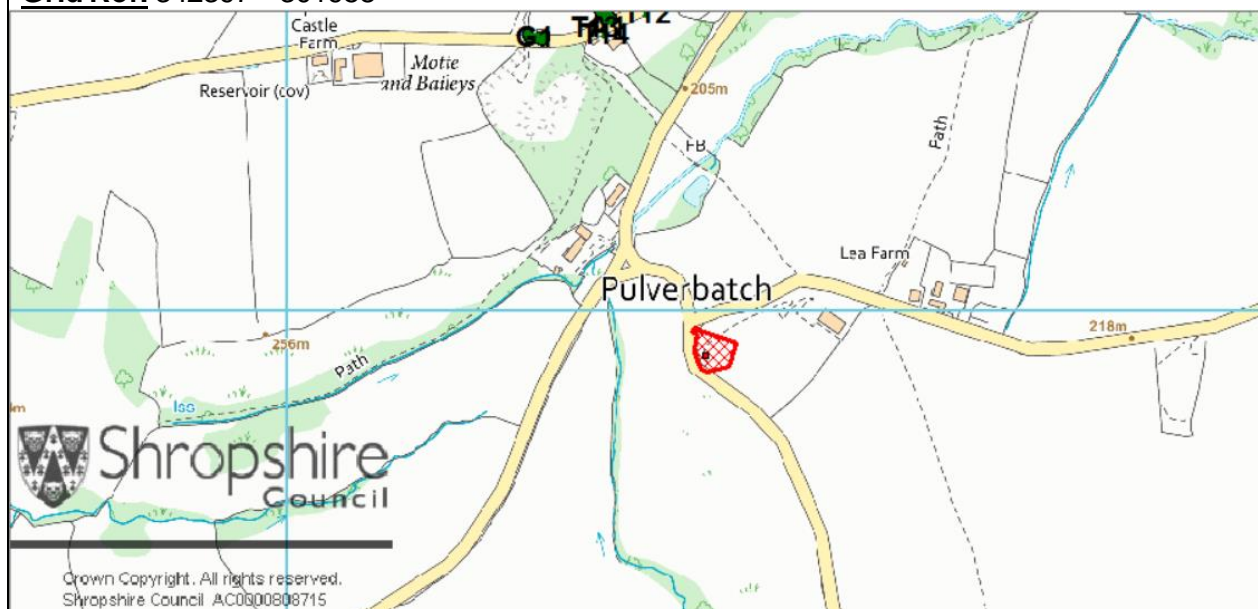
Development Management Report

Responsible Officer: Rachel Robinson, Director of Health Wellbeing and Prevention

Summary of Application

<u>Application Number:</u> 24/04212/FUL	<u>Parish:</u>	Church Pulverbatch
<u>Proposal:</u> Proposed erection of local needs single plot exception site dwelling		
<u>Site Address:</u> Proposed Local Needs Dwelling To The South Of Pulverbatch Shrewsbury Shropshire		
<u>Applicant:</u> Mr J Hill		
<u>Case Officer:</u> Dunya Fourie	<u>email:</u> dunya.fourie@shropshire.gov.uk	

Grid Ref: 342397 - 301958



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Recommendation:- Refuse.

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Recommended reason for refusal

The proposed single plot affordable dwelling is not part of, adjacent to or influenced by a recognisable named settlement given the distances from nearby settlements. Pulverbatch, the nearest settlement is separated from the site by fields, wildlife trust sites, a road, and the castle mound ancient monument. To the north-east of the site there is a farmhouse and stables building converted to a dwelling. A further dwelling here would however appear as new sporadic development within the Shropshire Hills National Landscape and separate from the spatially clustered settlement; Pulverbatch, to the northwest. As such the proposed development is contrary to the objectives of the National Planning Policy Framework, Core Strategy policies CS1, CS5 and CS11, Site Allocations and Management of Development Plan (SAMDev) policies MD3 and MD7a, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

REPORT

1.0 THE PROPOSAL

- 1.1 This application has been submitted following the refusals of planning application 24/02405/FUL and 24/01580/FUL for similar proposals. The application proposes the erection of a single storey dwelling under the Council's Single Plot exception scheme. The amended application shows the proposed dwelling being position at the edge of the wider site, close to the existing access.
- 1.2 Planning application 24/02405/FUL was refused for the following reason:

The proposed single plot affordable dwelling is not part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. Castle Pulverbatch, the nearest settlement is separated from the site by fields, wildlife trust sites, a road, and the castle mound ancient monument. To the north-east of the site there is a farmhouse and a further dwelling following the conversion of a stables building, both which appear on historic mapping. A further dwelling here would however appear as new sporadic development within the AONB countryside and separate from the spatially clustered settlement to the northwest. As such the proposed development is contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Core Strategy, Policies MD3 and MD7a of the Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

- 1.3 Planning application 24/01580/FUL was refused for the following reasons:

1. *The proposed single plot affordable dwelling is not part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. Castle Pulverbatch, the nearest settlement is separated from the site by fields, wildlife trust sites, a road, and the castle mound ancient monument. To the north-east of the site there is a farmhouse and a further dwelling following the conversion of a stables building, both which appear on historic mapping. A further dwelling here would however appear as new sporadic development within the attractive AONB countryside and separate from the spatially clustered settlement to the northwest. As such the proposed development is contrary to the objectives of the National Planning Policy Framework, Policies CS1, CS5 and CS11 of the Core Strategy, Policies MD3 and MD7a of the Site Allocations and Management of Development Plan, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.*

2. *The dwelling would be located within the existing yard area and accessed via a shared access driveway with the business. The scheme indicates minimal separation from the business activities and has the potential to have a significant adverse impact upon the residential amenity of the occupiers, and as such would not provide a suitable location in terms of residential amenity for an occupant who did not have an interest in the business. As such the proposed development would be contrary to policy CS6 of the Core Strategy, policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan.*

3. *Whilst the information submitted states that there are no ponds nearby, there is a pond mapped 110m northwest and accordingly the Council require the submission of a HSI Assessment of the pond and recommendations from an ecologist to determine as to whether more surveys are required or if Reasonable Avoidance Measures are suitable. The application is not supported by an Ecological Impact Assessment (EclA), which is required in order for the Council to accurately assess the character of the land in and surrounding the application site and any potential ecological impacts that the development could cause. As such, the development falls contrary to the objectives of Core Strategy Policy CS17 and MD12 Site Allocations and Management of Development Plan, and Environmental objectives contained within the National Planning Policy Framework.*

2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is approximately 350m to the south of Pulverbatch. The wider site is occupied by a machinery storage building (approved under ref 18/02534/FUL) and a modest general storage building (approved under reference 21/05180/FUL). In seeking to address the residential amenity issues identified in the second reason for refusal on the latter decision, the dwelling was repositioned to the west of the site. The northern and eastern boundaries of the application site are bounded by

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hedgerow. The southern side of the wider site opens onto an agricultural field. The site lies within the open countryside and the Shropshire Hills National Landscape.

2.2

Access to the site is proposed to be afforded from the access drive which is one of the accesses serving the existing yard to the west. This has previously been accepted as providing an improved access in highway safety terms.

2.3

A public footpath runs through an adjacent field, to the east. The site is on a gentle, north-facing slope, and surrounding land is undulating with a ridge of land visible to the north-west. A Scheduled Monument, Church Pulverbatch motte and bailey castle, is located approximately 280 metres to the north-west.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

3.1 The proposed development is not considered to accord with the requirements of the Council's relevant adopted policies whilst the Parish Council and Local Member supports the application on material grounds, given the contrary views cannot be overcome the Planning Services Manager in consultation with the Chairman of the Planning Committee have concluded that the application shall be determined by the Members of the Planning Committee.

4.0 Community Representations

4.1 Consultee Comment

4.1.1 Shropshire Hills National Landscape – Consulted, no response received.

4.1.2 Drainage-The Foul Drainage Assessment is acceptable

4.1.3 Affordable Housing- the applicant meets the 'need' requirements of the 'build your own' affordable housing scheme

4.2 Public Comments

4.2.1 Site notice displayed.

4.2.2 Church Pulverbatch Parish Council – support

4.2.3 Local Member-Cllr Dan Morris, request committee determination

5.0 THE MAIN ISSUES

Principle of development
Siting, scale, and design of structure
Visual Amenity
Residential amenity
Highway Safety
Drainage
Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site lies in the countryside where Shropshire Core Strategy Policy CS5 permits “*limited local needs affordable housing*” on exception sites that accord with Policy CS11, namely, in and adjoining recognisable named settlements. The main issues raised by this aspect of the application are as follows:

- Does the applicant fulfil the requirements of the policy with regard to being in local housing need, and having strong local connections; and
- Whether or not the site accords with the requirements of the policy in regard to its location.

6.1.2 The Councils Housing Enabling and Development Officer has confirmed that the applicant can demonstrate affordable housing need and local connection to the parish. Therefore, the applicant meets the ‘need’ requirements of the ‘build your own’ affordable housing scheme.

6.1.3 As previously, the principal issue raised by this application is whether the site forms part of or adjoins a recognised named settlement. This can be a finely balanced decision and the Council’s SPD Type and Affordability of Housing advises that:

- 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.

6.1.4 Additionally, the SPD advises that a settlement is a relationship between different properties accordingly the limits of the settlement are defined by where the relationship peters out. This varies from settlement to settlement, depending on a

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number of factors. For example, a site a short distance from a loose-knit settlement may be considered “*adjoining*” while a similar distance in a tightly clustered settlement would not be. Larger settlements also have a wider “pull” or “*sphere of influence*” than small settlements, influencing the relationship between a site and the settlement.

6.1.5 In this case, mapping of Pulverbatch Parish shows a clear concentration of dwellings at Pulverbatch along the C classified road to the northwest of the site. Otherwise, dwellings are scattered on rural roads within the countryside and are physically separate from this core area.

6.1.6 Pulverbatch is the nearest cluster of dwellings to the proposed site. It is named on mapping and there is a public house within the village and a regular bus service to Shrewsbury. This settlement would therefore fall within the definition of a “*recognisable named settlement*” as included within the Glossary to the Core Strategy and as described in the SAMDev adopted plan. The Planning Statement submitted with the application and comments submitted by the Parish Council refer to the settlement ‘Pulverbatch’ being made up of 3 different parts; Pulverbatch forming one part of this, the other two parts are described as the Church Pulverbatch which is a cluster of dwellings surrounding the Church and public house and the remaining part comprising of scattered dwellings in the wider area around these clusters and including Pulverbatch within their residential address. While these points are noted, the planning policy approach adopted, supports residential development in sustainable locations and seeks to protect the rural character of areas outside of settlements. Pulverbatch would be the only grouping of houses which would meet the definition of a settlement, as defined within the SPD.

6.1.7 Pulverbatch is a linear settlement extending from a fork in the road to the north, on either side of the road until a further fork to the south where development continues along the north of the road and terminates before the Castle Mound. The dwellings are in close relationship to each other and the limits to the settlement are clear.

6.1.8 The application site however lies approximately 500m distant from the nearest dwellings at Pulverbatch. It is separated from the settlement by fields, wildlife trust sites, a road, and the castle mound ancient monument.

6.1.9 It is acknowledged that the site has an existing use for storage within a small agricultural contracting business which use was considered acceptable, within constraints, in terms of providing rural economic development and employment. Information has been included within the planning statement regarding the business operation on the site and gives examples of when and why the applicant is required to be on site. On the other side of the road, to the north there is a farmhouse to the

north-east and a further dwelling following the conversion of a stables building, both appearing on historic mapping. It is also acknowledged that the position of the proposed dwelling has been slightly revised however Officers remain of the opinion that a further dwelling here would however appear as new sporadic development within the attractive National Landscape countryside and quite separate from the spatially clustered settlement to the northwest.

Siting, scale and design of structure/Visual Amenity

6.2 Core Strategy policy CS6 seeks to ensure that all development is appropriate in
6.2.1 scale, density, pattern and design taking into account the local context and character. SAMDev Plan policy MD2 supplements CS6, expanding on how this objective would be achieved.

6.2.2 It is acknowledged that the position of the dwelling on the original application was revised in order to increase the separation distance from the business activities and reduce any potential adverse impact upon the residential amenity of the future occupiers, who did not have an interest in the business.

6.2.3 The site lies in the National Landscape where the NPPF places great weight on new developments conserving and enhancing landscape and the scenic beauty, Section 85 of the Countryside and Right of Way Act 2000 (as amended), requires that relevant authorities “seek to further the purpose of conserving and enhancing the natural beauty” of the National Landscape. Such designated landscapes have the highest status of protection in relation to landscape and scenic beauty alongside National Parks and the Broads. The scale and extent of development within all these designated areas should be limited.

6.2.4 The explanatory text to Policy CS5 informs us there will be areas of the countryside where development will need to pay particular regard to landscape character, including the Shropshire Hills National Landscape. Policy MD12 of the SAMDev Plan concerns new development that affects the natural environment. It lends support to proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills National Landscape.

6.2.5 CS17 seeks to ensure 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 National Landscape. MD12 goes further by seeking the avoidance of harm to Shropshire’s natural assets and their
6.2.6 conservation, enhancement and restoration.

The Shropshire Hills National Landscape Management Plan 2019-2024 states in its Policy P4 (Housing and Design of Development) that the design of all housing should

-	Proposed Local Needs Dwelling To The South Of
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- 6.2.7 demonstrate sensitivity to the immediate surroundings and the special qualities of the National Landscape and that where affordable housing is allowed when other forms of development would not be, in order to meet social need, the standards of design and sensitivity to the National Landscape should not be compromised. Affordable housing within the National Landscape is expected to be of a higher design quality than outside the National Landscape.

The area has a rural character comprising of rough or improved pasture enclosed by traditional hedgerows. The scale and single storey design together with an undulating landscaping scheme would assist in mitigating its impact on the largely undeveloped character of the surrounding landscape.

Residential Amenity

- 6.3 Policy CS6 and MD2 seek to ensure that development contributes to the health and well-being of communities, including safeguarding residential and local amenity. The
6.3.1 proposed siting and design of the dwelling would not result in any undue overlooking or overbearing/overshadowing impacts on neighbouring properties

- 6.3.2 There is sufficient separation distance between the existing yard area and the dwelling, if in the future the dwelling was occupied by someone who did not have an interest in the business there would be no amenity conflict.

Highway Safety

- 6.4 The Core Strategy policy CS6 objective of achieving safe developments, in the context of highway safety, is echoed by paragraph 114 - 115 of the NPPF. The
6.4.1 access arrangements from the public highway have not been amended from that previously proposed. As previously noted (24/03405/FUL), the Council's Highways Team are content that the proposed access arrangements would not be detrimental to highway safety, being safe and of a suitable standard for vehicles.

Drainage

- 6.5 Core Strategy policy CS18 seeks to achieve a reduction in surface water run off by the use of sustainable drainage systems within developments. The Flood Drainage
6.5.1 Assessment and plans submitted with the application indicates that the surface water would be disposed via a soakaway system and states that the foul drainage arrangements are to be disposed of by way of a package treatment plant. These methods are accepted by the Drainage and Suds team.

Ecology

- 6.6 The previous application is supported by information, this information is less than 2 years old and as such is still relevant. The ecological information has been assessed
6.6.1 by the SC Ecology Team under the previous application and was found to be

acceptable. Any forthcoming consent would include the conditions previously recommended by the ecologist to ensure ecological interests are protected and enhancements made.

7.0 CONCLUSION

7.1 The site is not part of, adjacent to or within the sphere of influence of a recognisable named settlement given the distances from nearby settlements. As such a dwelling in this location would not accord with the exception sites policy in this respect and therefore is not acceptable development in principle. A further dwelling here would appear as new sporadic development within the Shropshire Hills National Landscape and separate from the spatially clustered settlement; Pulverbatch, to the northwest. As such the proposed development is contrary to the objectives of the National Planning Policy Framework, Core Strategy policies CS1, CS5 and CS11, Site Allocations and Management of Development Plan (SAMDev) policies MD3 and MD7a, and the Council's Supplementary Planning Document on the Type and Affordability of Housing.

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.

-	Proposed Local Needs Dwelling To The South Of
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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:

Core Strategy and Saved Policies: CS1, CS5 CS6, CS11, CS17 and CS18

Site Allocation and Management of Development Plan Policies: MD2, MD3, MD7a and MD12 and MD13

RELEVANT PLANNING HISTORY:

AGENDA ITEM

-	Proposed Local Needs Dwelling To The South Of
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24/04212/FUL Proposed erection of local needs single plot exception site dwelling, Pending
24/02405/FUL Erection of a local needs exception site dwelling, Refused August 2024
24/01580/FUL Erection of a local needs exception site dwelling, Refused June 2024

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SMACZ0TDLF100>

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 Chris Schofield
Local Member Cllr Dan Morris

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SCHEDULE OF APPEALS AS AT COMMITTEE 25th March 2025

LPA reference	23/04331/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Philip Richmond & Katherine Cooper
Proposal	Change of use of dwelling and two log cabins to holiday let accommodation
Location	Caradoc Cottage All Stretton Church Stretton Shropshire SY6 7JN
Date of appeal	29.10.2025
Appeal method	Written Representations
Date site visit	07.01.2025
Date of appeal decision	24.02.2025
Costs awarded	n/a
Appeal decision	Dismissed

LPA reference	24/01692/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr Scott Marnick
Proposal	Proposed new bungalow
Location	Proposed Dwelling To The South Of Millar Row Off Ludlow Road Craven Arms Shropshire
Date of appeal	25.11.2024
Appeal method	Written representations
Date site visit	18.02.2025
Date of appeal decision	12.03.2025
Costs awarded	
Appeal decision	Dismissed

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

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

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

LPA reference	
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Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
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Date of appeal	
Appeal method	
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
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Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	
Appeal against	
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Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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



Appeal Decision

Site visit made on 7 January 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/L3245/W/24/3352360

Caradoc Cottage, All Stretton, Church Stretton, Shropshire SY6 7JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Katherine Cooper and Mr Philip Richmond against the decision of Shropshire Council.
 - The application Ref is 23/04331/FUL.
 - The development proposed is change of use of dwelling and two log cabins to holiday let accommodation.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Shropshire Hill National Landscape (formerly known as the AONB – Area of Outstanding Natural Beauty). On 26 December 2023 section 245 of the Levelling-Up and Regeneration Act (the LURA) amended the duty in respect of National Landscapes, strengthening the statutory purpose of conserving and enhancing the natural beauty of National Landscapes. Guidance on furthering the purposes of Protected Landscapes (including National Landscapes) was published on 16 December 2024.
3. Comments were sought from the main parties as to the relevance of the National Planning Policy Framework (the Framework) which was revised on 12 December 2024, the LURA and the Protected Landscapes guidance to the appeal. I have had regard to these documents, and I have taken the comments received from the main parties into account in my consideration of the appeal.
4. The appellant's appeal statement indicates that the proposed change of use has occurred and that the buildings on the site are let out with a minimum stay of two nights. Moreover, the Council has issued an Enforcement Notice in relation to a material change of use of the site from residential to short term holiday let accommodation (comprising three separate units of accommodation) and associated operational works to support the change of use. Whilst no operational development is explicitly referenced in the description of development under consideration here, I shall determine the appeal based on the plans submitted for determination and on the fair understanding, having considered all evidence before me, that the change of use has resulted in new decking being added adjacent to two of the units (labelled as Caradoc Cottage and a cabin on plan Ref 220516-01-02).

Main Issues

5. The main issues in this appeal are:

- whether the location of the site is suitable for the proposal having particular regard to the accessibility of services and facilities and relevant provisions of the development plan; and
- the effect of the proposal on the landscape and scenic beauty of the Shropshire Hills National Landscape (SHNL).

Reasons

Location

6. Policy CS16 of the Shropshire Local Development Framework: Adopted Core Strategy (March 2011) (the CS) promotes high quality sustainable tourism which is recognised as important to the local economy. However, the policy requires amongst other matters, visitor accommodation to be in accessible locations served by a range of services and facilities, and that, in rural areas, proposals must be appropriate in scale and character to their surroundings, be close to or within a settlement, or an established and viable tourism enterprise where accommodation is required.
7. The appeal site relates to a parcel of land containing three buildings which sits at the foot of the west facing slope of Caer Caradoc hill. The A49 runs along the valley bottom to the west of the site. A network of unclassified roads extends eastwards from the A49 to Botvyle Farm which lies to the north of the site. There is no vehicular access to the site, instead an off-road track and footpath leads up to the site from Botvyle Meadow with another track leading into the site from north east.
8. The location of the site is such that it is not well connected or easily accessible to local services, facilities and public transport links. While Church Stretton train station is 2 miles away, there are no bus stops close to the appeal site. The appellant's appeal statement confirms that most guests travel to the site by private car. While reference has been made to a growing minority of guests using public transport, no substantive evidence has been put forward to support this statement.
9. The appeal site is outside of and not close to a settlement boundary. All Stretton is located to the south west of the A49, some distance away from the appeal site and is separated from the site by large areas of open land. For the avoidance of doubt, there is no substantive evidence before me to demonstrate that Botvyle constitutes a settlement.
10. The site is proximate to other visitor accommodation in the vicinity including a camping and caravan site and cottages at Botvyle Farm. However, it has not been demonstrated that any such nearby use or facility has been recently approved. For the avoidance of doubt, the starting point for decision-making at this point in time is the development plan presently in place. Further, I must consider the proposal that is before me on the basis of the individual case and site circumstances to hand.
11. I accept that the increase in traffic as a result of the development may be somewhat limited as there are likely to be periods when the site is not in use and

the stated maximum capacity of the site at any one time is six (three couples). Nevertheless, even though some couples/visitors may not rely heavily on car travel during their stays, three separate units of holiday let accommodation inevitably produce a not inconsequential volume of vehicular movements. This is especially as the site is poorly located in terms of accessibility to a range of services and facilities.

12. While the development provides the opportunity for visitors to engage with Shropshire's landscape, the site is in an isolated location. Furthermore, it has not been clearly demonstrated that the accommodation is required, in accordance with Policy CS16. Indeed, whilst the appellant has pointed to a lack of luxury holiday let accommodation in the area, no substantive evidence has been submitted to demonstrate this.
13. For the reasons given, having particular regard to the accessibility of services and facilities and relevant provisions of the development plan, I conclude that the location of the site is not suitable for the proposal. There is conflict with Policies CS1, CS5, CS13, CS16 of the CS and Policies MD1 and MD11 of the Shropshire Council Site Allocations and Management of Development Plan (SAMDev). Collectively, these policies, amongst other things, seek high quality visitor accommodation in accessible locations served by a range of facilities and services. The scheme is also contrary to the Framework's objectives in regard to sustainable development and the rural economy.

The SHNL

14. The site lies at the heart of the SHNL, an area designated for its landscape and scenic beauty. One of the statutory purposes of National Landscapes is conserving and enhancing the natural beauty of the area of outstanding natural beauty. The Framework advises that great weight should be given to conserving and enhancing this area as it has the highest status of protection in relation to landscape and scenic beauty.
15. This part of the SHNL is the Stretton Valley, Wenlock Edge and Dales which contains the A49, large lowland areas, Long Mynd, Caer Caradoc and the Lawley providing iconic views of the Shropshire Hills. The Shropshire Hills Management Plan 2019-2024 (July 2019) notes that development pressure is the highest in this part of the SHNL. One of the key priorities identified in the management plan is the need to retain character and limit the negative impacts of change and development.
16. Sitting at the foot of the west facing slope of Caer Caradoc, the appeal site is in a prominent, elevated and visually sensitive location. The site contains three buildings: 'the Cottage' which is a two-storey painted stone dwelling set within associated gardens, 'the Lodge' which is in the north east corner of the site and 'the Cabin' which is centrally located in the site and set behind the Cottage. All three buildings face west towards the valley providing spectacular views of the surrounding area. The remainder of the plot contains dense tree coverage to the rear of the buildings. Beyond is the bracken covered hillside of Caer Caradoc which at its summit is Caer Caradoc Fort.

17. Planning permission¹ was granted retrospectively in August 2020 for the erection of an outbuilding (now the Lodge) to form self-contained annex accommodation ancillary to the main dwelling. Whilst it is my understanding that decking formed part of the 2020 permission, further areas of decking have been subsequently added to the Cottage and the Cabin. The additional decking to the front of the Cottage is expansive and prominent in position. The additional decking to the Cabin is sizeable and enclosed by a mixture of wooden fence panels and balustrades which exacerbate its visual impact. Due to the steep slope of the site, the decking is supported by posts and enclosed by timber below. As a result, this acts to further exacerbate the visual intrusiveness of the decking to the site and the SHNL.
18. In addition, the separate decked areas contain various paraphernalia associated to the occupation of holiday let accommodation, such as hot tubs, pergolas, barbecue areas and outdoor seating. Even though some such residential paraphernalia would have been fairly expected in association with a former single dwellinghouse use, this would not be comparable to that realistically anticipated to be associated with three separate units of holiday let accommodation.
19. Collectively, the scheme has led to the introduction of additional built form, hard surfacing, and over-intensive paraphernalia into a sensitive landscape. Despite the dense vegetation to the rear of the buildings, the buildings and the decking are clearly visible against the backdrop of the Caer Caradoc hills in eastward views. Moreover, planting cannot be relied upon to provide a permanent screen to views – this is not least because planting is ever evolving and reliant upon continual maintenance to retain a consistent form.
20. For the reasons given, I conclude that the development causes significant harm to the landscape and scenic beauty of the SHNL and thus fails to conserve and enhance or further the purposes of the SHNL. There is conflict with Policies CS6 and CS17 of the CS and Policies MD2 and MD12 of the SAMDev insofar as they require development to protect and enhance the character of Shropshire's natural environment including the special qualities of the SHNL. The scheme is also contrary to the Framework's objective of protecting landscapes of national importance.

Other Matters

21. The appellant has asserted that the aforementioned planning permission granted retrospectively in August 2020 allows the appeal site to be let as one unit for visitor accommodation. However, on the basis that the development permitted was for purposes in connection with and ancillary to the occupation of the existing dwelling on the site known as Caradoc Cottage, this assertion has not been clearly substantiated. In any event, the scheme before me for determination involves three separate units of holiday let accommodation as opposed to a single unit.
22. The exclusion of party groups and children from the appeal site, along with allowing short term lettings only, are factors that would not suitably mitigate for the proposal's isolated location or harmful effect upon the SHNL.
23. The appellant has referred to compliance with Policies SP5, SP6, SP10, SP17, DP10 and DP28 of the Draft Shropshire Local Plan (2016-2038) which was

¹ Ref 20/01248/FUL.

submitted for examination in September 2021. Following hearing sessions, the plan has been found to be unsound by the examining Inspectors, although the Council has been given the opportunity to set out a programme of work to rectify the deficiencies. Nevertheless, as not close to formal adoption, I afford little weight to the draft Local Plan and its emerging policies.

Planning Balance and Conclusion

24. Visitor accommodation in rural areas can bring positive economic and social benefits. For example, the appellant has suggested that one full time job has been created and the presence of tourists invariably promotes associated spending in the local community. However, given the modest scale of the development, I give these factors limited weight in the planning balance.
25. The safeguarding of the amenity of neighbouring occupiers is an expectation for all development that weighs neither for nor against the proposal and is considered neutral.
26. In terms of harms, the development is not in a suitable location due to its remoteness from local services and facilities. Furthermore, the development significantly harms the landscape and scenic beauty of the SHNL and thus fails to conserve and enhance the SHNL. In this case, these harms carry significant weight.
27. Accordingly, the significant adverse impacts of the proposal outweigh the limited benefits of the development. The scheme conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance the development plan. As such, the appeal should be dismissed.

U P Han

INSPECTOR

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Appeal Decision

Site visit made on 18 February 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/L3245/W/24/3354910

Land off Millar Row, Craven Arms, SY7 9RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Marnick against the decision of Shropshire Council.
 - The application Ref is 24/01692/FUL.
 - The development proposed is described as “proposed new three bedroom dwelling.”
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on; the living conditions of future occupiers; the character and appearance of the area; and trees.

Reasons

Living Conditions

3. The appeal site is located to the north of a fire station. Close to the boundary of the appeal site is a drill tower used for training. The proposed dwelling would have a small garden to the rear, adjacent to the drill tower. Windows for the dining room, a bedroom and an ensuite would face the rear garden and towards the drill tower.
4. Due to the layout of the surrounding area, there would be views of existing rear gardens from the drill tower. However, no other dwellings are in such close proximity, nor do they have such a limited garden space, as the appeal proposal. The proximity to the boundary of the appeal site combined with its elevated nature means that anyone using the tower would have direct views into the rear garden area of the proposed dwelling as well as into the rear facing windows. The use of the tower in proximity to the proposed dwelling would therefore have harmful impacts to the privacy of future occupiers.
5. Further, the noise and disturbance associated with the drill tower during a training event, would likely involve shouting and potentially the use of sirens which would result in activity that would be disruptive to future occupants. In the absence of any technical evidence to the contrary, I conclude that future occupiers would suffer from harmful impacts relating to noise and disturbance.
6. In their submission the appellant argues that the drill tower is used on a quarterly basis for approximately 2 hours. Nevertheless, I have not been provided with any evidence that the use of the drill tower is limited to this and could therefore be used

on a more regular basis and for longer period of time. Whilst there are other dwelling close to the fire station, none are in as close proximity to the drill tower as the proposed dwelling would be.

7. Whilst there are buildings located close to the appeal site, the rear windows and rear garden would be south facing, benefitting from natural light. The existing buildings are set sufficiently away from the boundary with the appeal site to not cause any harmful levels of overshadowing.
8. Whilst I have not found harm in relation to overshadowing, I conclude that the proximity of the proposed development to the existing drill tower would result in harmful impacts on privacy and unacceptable levels of noise and disturbance. It would therefore be contrary to Policy CS6 of the Shropshire Council Local Development Framework Core Strategy (2011) (CS) and Policy MD2 of the Shropshire Council Site Allocations and Management of Development Plan (2017) (SAMDev) which seek to ensure that developments safeguard amenity.

Character and Appearance

9. The appeal site is located in a predominantly residential area with a fire station to part of its southern boundary. Dwellings on Millar Row vary in their design characteristics, with both single and two-storey terraced dwellings and differing brick colours and differing garden sizes. Dwellings are largely set back from the highway behind area of garden and parking, which creates a pleasant sense of spaciousness that contributes positively to the character and appearance of the area.
10. The proposed dwelling would be a detached single storey dwelling fronting on to Millar Row, access via a new access from the existing turning head. The dwelling would be set back from highway by a small garden area, and a parking/turning area would be located to its side. The proposed dwelling would have a small garden area to the rear. Whilst this would be limited in scale, it would be sufficient in size for the scale of the dwelling. Further, it is of a similar size to the gardens of nearby dwellings.
11. Given the small scale of the proposed dwelling, combined with its set back from the road and parking/turning area to the side, the proposed development would maintain the spacious character of the area and not create a cramped appearance.
12. In light of the above, the proposed development would maintain the character and appearance of the area. It would therefore comply with CS Policies CS1, CS3 and CS6 SAMDev Policies MD1, MD2 and MD3. Together these seek to ensure that developments that respect locally distinctive or valued character.

Trees

13. During my site visit I saw that the appeal site was largely laid to gravel with small trees planted around its boundary. The proposed development would cover much of the appeal site to one side, with a permeable parking/turning area to the right. A garden would be located to the rear.
14. As part of the proposed development, two ornamental trees would be removed in order to facilitate the proposed access. These appear to be fairly newly planted trees that are small in scale. Further opportunities for planting would be available

to the front of the appeal building and in the proposed rear garden to mitigate the loss of the trees and protect those remaining, this could be secured via an appropriately worded condition.

15. In light of the above, I conclude that the proposed development would not have a harmful impact on trees. The proposed development would comply with CS Policies CS6 and CS17 and SAMDev Policies MD2 and MD12 which seek to ensure that developments that consider the design of landscaping, including trees.

Conclusion

16. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR

