



Committee and date
Southern Planning
Committee

24th June 2025

Item

Public

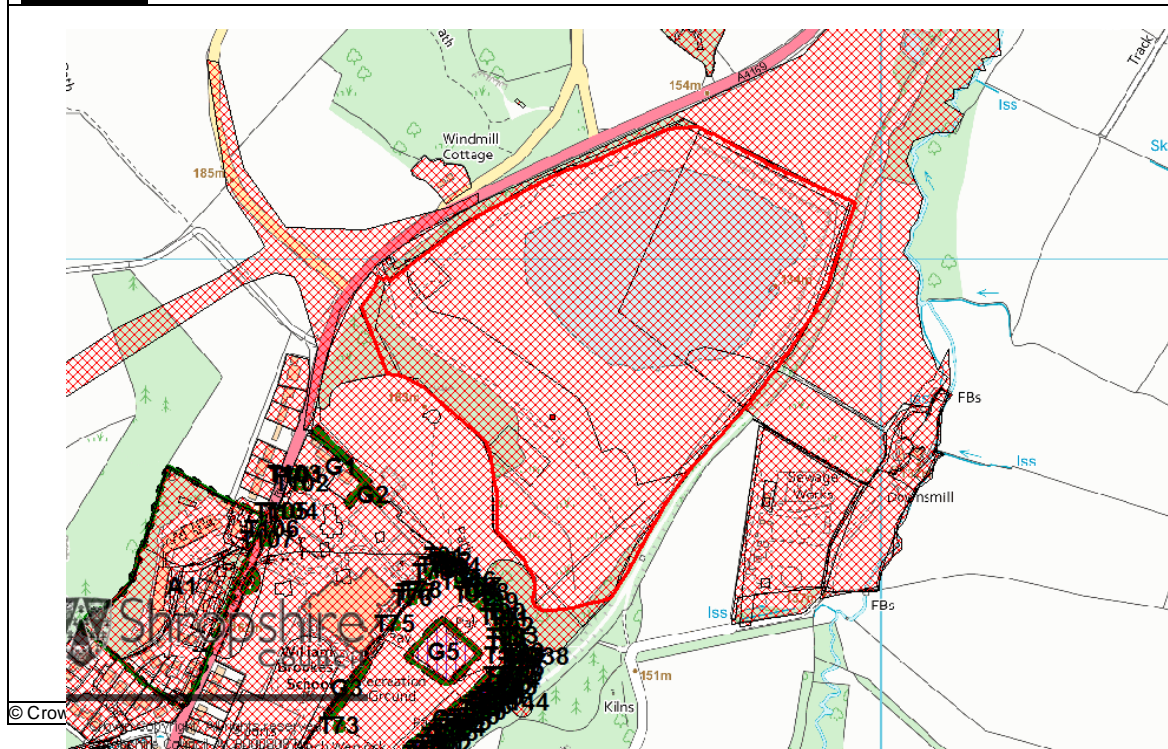
Development Management Report

Responsible Officer: Tim Collard, Service Director Legal and Governance

Summary of Application

Application Number: 24/04760/VAR	Parish:	Much Wenlock
Proposal: Variation of Conditions 2 and removal of condition 15 attached to planning permission 09/02701/FUL dated 23 December 2009		
Site Address: Shadwell Quarry, Farley Road, Much Wenlock, Shropshire, TF13 6PF		
Applicant: Shropshire Council		
Case Officer: Jenny Powell	email: jennifer.powell@shropshire.gov.uk	

Grid Ref: E363326 : N300452



Recommendation:- Grant Permission subject to conditions in Appendix 1

REPORT

1.0 THE PROPOSAL

- 1.1 Shadwell Quarry was cleared in 2022 in preparation for development, in breach of a number of conditions attached to planning permission 09/02701/FUL which was granted on 23rd December 2009 for the *'Use of land for the stationing of 53no. holiday chalets with access tracks and associated parking; a reception/office building and a building for recreational and educational purposes relating to diving together with associated bin stores and parking areas; and provision of divers platform; pontoon; timber walkways and viewing platforms'*.
- 1.2 A certificate of lawfulness for an existing use or development was granted under 18/04032/CPL on 20th December 2018 for the following: *'Certificate of Proposed Lawful Development to establish that Planning Permission 09/02701/FUL (Use of land for the stationing of 53no. holiday chalets with access tracks and associated parking; a reception/office building and a building for recreational and educational purposes relating to diving together with associated bin stores and parking areas; and provision of divers platform; pontoon; timber walkways and viewing platforms) has commenced lawfully, and can be developed in accordance with the approved plans'*.
- 1.3 This confirmed that a material start had been made on site prior to 23rd December 2012, that all required pre-commencement conditions that were lawful had been discharged prior to that date, and that the permission granted under 09/02701/FUL remained extant.
- 1.4 Subsequent certificate of lawfulness applications for a proposed use or development were submitted under 20/04795/CPL (*Application for a Lawful Development Certificate for the use of site for stationing of 130 Holiday Chalets*) and 21/04526/CPL (*Application for a Lawful Development Certificate for the use of the site for the stationing of more than 53 Holiday Chalets that fall within the definition of a caravan contained in section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act 1968*).
- 1.5 Both of these applications were found not to be lawful; 20/04795/CPL would have resulted in non-compliance with conditions attached to planning permission 09/02701/FUL for the commenced, but not yet completed, holiday chalet development, and because the additional caravans proposed would require planning permission in their own right and the development proposed would result in a material change in the use approved. 21/04526/CPL was found not to be lawful because the plans approved under 09/02701/FUL limited both the number and position of the holiday chalets permitted on site such that any changes to the plans would require planning permission.
- 1.6 Works to clear the site in 2022 destroyed an extensive area of land of ecological value without mitigation, harming the habitats of the identified protected species on site, including Great Crested Newts. Enforcement investigations were carried out by Shropshire Council under 22/09018/ENF to investigate whether there had been any breach of planning control as consequence of these works and

recommended that the applicant should submit a planning application to vary the conditions of 09/02701/FUL in order to regularise the works.

- 1.7 The current application has therefore been submitted to amend the scheme and aims to restore and mitigate some of this loss whilst seeking to ensure the approved scheme's implementation. It seeks to vary the conditions as applied to application 09/02701/FUL, granted in 2009.

The first condition subject to amendment is Condition 2 which states:

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

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

- 1.9 The applicant has submitted an alternative layout plan for consideration, and to replace that previously approved. The plan alters the proposed location of the chalets, providing space for ecological enhancement. It also removes the dive building/ enterprise from the development.

The second condition subject to amendment is the proposed removal of Condition 15 which stated:

- 1.10 *Before development commences, the applicant/developer shall enter into an agreement to contribute to offsite traffic calming measures up to a sum of £10,000 and to provide a public toilet block at the developer's expense to a specification and in a location to be agreed in writing beforehand with the Local Planning Authority.*

Reason: In the interests of highway safety and to provide facilities associated with the occupation of the permitted holiday accommodation.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 Shadwell Quarry is located to the northeast of Much Wenlock. It is a disused limestone quarry that is now, in part, filled by water. The quarry pool is to the north of the site with a significant slope upwards to the south of the site. There are no permanent structures on site, with a single caravan positioned on land adjacent to the entrance.
- 2.2 The site is accessed by a large existing junction onto the A4169. It is located in an elevated position within the landscape and is bordered to the south, north and west by established vegetation of a mix of trees/ hedges. The site has an open aspect to the east where it is most visible from.
- 2.3 An existing public right of way (the Jack Mytton Way) runs parallel to the eastern boundary of the site but does not cross into it at any point. The site is not located within the designated Shropshire Hills Natural Landscape (previously known as the AONB) but is located to the immediate south of it

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

- 3.1 In accordance with the 'Scheme of Delegation' this application was discussed at Agenda Setting on 24th April 2025. The principal planner in consultation with the Chair of Planning Committee concluded this application should be a committee decision due to an objection being received from Much Wenlock Town Council, contrary to officer recommendation to approve it.

4.0 **COMMUNITY REPRESENTATIONS**

An application notice was displayed at the Site on 3rd February 2025.

Consultee Comments

Much Wenlock Town Council

-The amended layout seeks to move the chalets nearer to the site entrance and on to higher ground. This will bring them into view at one of the main gateways into Much Wenlock and would drastically alter the character of this important entrance point of the town. This amendment is contrary to Objective 6 of the Much Wenlock Neighbourhood Plan 'Good Quality Design' and in particular, but not exclusively, Policy GQD1 which states: 'The high quality natural landscape outside the development boundary of Much Wenlock will be protected from any development which adversely affects the town's character, setting and open views.'

- the previous layout was informed by an extensive Visual Impact Assessment, which this layout contradicts, and brings built development closer to the Shropshire Hills National Landscape.

- Much Wenlock is situated in a Rapid Response Catchment area at extreme risk of flash flooding. The previous layout was complementary to a detailed drainage plan, which is no longer compatible. Further drainage details are required.

- Councillors object to the removal of the pedestrian link to the Jack Mytton Way. Given that this site is for holiday accommodation only, it is important that holiday makers have the opportunity to utilise green pedestrian links into the town centre to boost the local economy. It is felt that the removal of this link will make the site inaccessible to the town centre and reliant on car journeys only.

- given the history of the site, Councillors would wish to see formal management agreements (preferably with a bond) to ensure that environmental undertakings are adhered to. Notwithstanding this, Councillors do not feel that the current proposals go far enough. All green space within the site not subject to development should be given protection from future development.

- further details are needed of what the chalets will look like. It is noted that the dimensions of the chalets differ from the previous application, which was accompanied by designs.

- Councillors object to the variation relating to the provision of public conveniences as no supporting information is provided.

While it is appreciated that signage and marketing are not covered by this application, given the proximity to the entrance to Much Wenlock, the Town Council takes this opportunity to urge the applicant to take particular care with their design and form when the time arises

Sustainable Urban Drainage Team (SUDS)

No drainage details have been provided to comment on.

SC Highways

Initial response received (18th February 2025): Additional information was requested given it was unclear from the details submitted what the proposals for the amendment to Condition 15 were, and if it remained the applicants' intention to make a highway contribution for traffic calming. It was recommended the applicant provide further clarification.

Subsequent response received (11th June 2025): No objection to the removal of Condition 15: In line with discussions with the previous case officer (who has since left the authority), clarification was received from the Developing Highways Manager that Shropshire Council as Local Highway Authority raised no objection to the variation of Condition 2 (approved plans). In relation to the removal of Condition 15, the Developing Highways Manager added that whilst Section 106 contributions were encouraged, the contribution was for the sum of £10,000 towards off-site traffic calming measures and the provision of a public toilet block. It is considered that in the time since the original planning permission was granted (unrelated) traffic calming measures have been introduced in Much Wenlock. The response added that Shropshire Council would be unable to deliver a substantial scheme with £10,000 when taking into consideration that the public toilet block would also need to be delivered with the £10,000 contribution although.

SC Ecology

No objection:

SC Ecology have no objection to the proposed variation of conditions 2 and 15 associated with Planning Permission 09/02701/FUL, however, due to the length of time that has lapsed between the grant of planning permission and the proposed variation application (24/04760/VAR), additional conditions have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.

I have reviewed the Preliminary Ecological Appraisal with Preliminary Roost Assessment (Focus Environmental Consultants, March 2024), Great Crested Newt Survey Report (Focus Environmental Consultants, July 2024), Ecological Impact Assessment (Focus Environmental Consultants, October 2024) and Ecological Mitigation & Enhancement Strategy (Focus Environmental Consultants, October 2024) and plans submitted in association with the application, and I am happy with the survey work carried out.

Conditions and Informatives were recommended

Natural England

No response

Regulatory Services

As noted in 09/02701/FUL, the sewerage treatment aspect to serve the site will need to be finalised prior to any works

Public Comments

No public comments were received

5.0 THE MAIN ISSUES

Principle of development
Scale and Design
Ecological Impacts
Visual Landscape
Highways
Other Matters

6.0 OFFICER APPRAISAL

6.1 *Principle of Development*

6.1.1 The original planning permission granted under 09/02701/FUL remains extant as confirmed by 18/04032/CPL. The proposed amendments within the current proposal do not fundamentally alter the description of development originally approved and will still provide a tourism development of 53 chalets.

6.1.2 The principle of development therefore remains acceptable.

6.2 *Scale and Design*

6.2.1 The proposed amended layout relocates circa 15-20 of the approved chalets to the southwest of the site closer to the access and away from the southern extremity. This places the chalets on topographically higher land but creates space for ecological restoration. No holiday chalets are currently on site, although a caravan has been positioned at the site's entrance.

6.2.2 The revised layout is suitable for the tourist enterprise and will ensure a functional site. The moving of chalets closer to the access will not increase their visibility or compromise the visual 'gateway' into Much Wenlock as experienced when travelling south along the A4169.

6.2.3 There is an identified impact on the wider visual landscape as a result of the relocations, these are discussed in a later section of this report.

6.2.4 The individual design and scale of the chalets is appropriate for the amended layout and the same as previously approved in 2009. They do not represent overdevelopment or cause an inappropriate density that compromises user experience.

6.2.5 The site also includes a reception and site office, which is consistent with the previous approval and is acceptable.

6.2.6 Amendments to the proposed layout during the application's consideration have reinstated the pedestrian connection to Jack Mytton Way, an important element of the sustainability and connectivity of the site.

The amended site layout is therefore considered to be acceptable.

6.2.7

Ecological Impacts

6.3 The amended site layout identifies areas to the northwest, west, southwest and
6.3.1 south that are the subject of ecological restoration. This includes woodland planting and the creation of wildflower grassland habitats. These would represent significant improvements compared to the current barren land and will dramatically increase habitat value onsite. Additionally, an extensive enhancement and mitigation plan will improve other habitats that remain on site, including scrubland to the northwest that is suitable for supporting Great Crested Newts.

6.3.2 It is recognised by the Ecology Team that these restorations are not likely to result in an ecological restoration of this sensitive site to its previous levels, but on balance represent an acceptable alternative strategy to improve the biodiversity and habitats that currently exist on site. Legitimate mitigation and enhancements have been outlined to provide a notable contribution towards supporting protected species numbers within the former quarry.

6.3.3 It is the opinion of officers that whilst enforcement action could be taken against the applicant for works in breach of the conditions accompanying the extant planning permission, this would not necessarily result in any meaningful restoration of the site's previous ecological value, where the harm is already done. Such action would also require the extensive use of the Council's limited resources.

6.3.4 On balance, therefore, in order to secure some degree of ecological restoration to the site, and to help mitigate the loss in onsite habitat, approving the amended scheme is deemed to be a more pragmatic approach that would be in the public interest and would be a more appropriate use of council resources, going some way towards helping restore some of the ecological value of the site and mitigating some of the harm done. As such, significant planning weight should be given to the ecological restoration benefits of the proposed amendments under consideration.

6.3.5 The identified ecological mitigation and enhancements would be conditioned extensively to ensure both their implementation and ongoing monitoring post-completion of the development. The imposition of conditions are felt to be an appropriate mechanism in this case to secure the ecology restoration required given that it would be managed by the applicant and located entirely on site. Planning obligations through section 106 legal agreements are principally used in circumstances where the mitigation of the impacts of development is proposed outside of site boundaries, or when it relates to Council-operated services, hence would not be appropriate in this case.

Visual Landscape

6.4 The relocation of chalets on the site would result in them being located at a
6.4.1 higher elevation than previously approved, and more visible within the wider landscape, mainly from the Jack Mytton Way to the east, due to land topography and the lack of extensive vegetative boundary in this area. This landscape is

characterised by rural countryside with limited visible development and has intrinsic amenity value.

6.4.2 The site is not within the Shropshire Hills Natural Landscape, although it is sited adjacent to this protected landscape's southern border, which runs parallel with the A4169 to the northwest of the site. Visibility into and out of the National Landscape is a material consideration in the determination of planning applications, however in this case there is only limited intervisibility between the site and the National Landscape at the site's access, due to the presence of a heavily tree covered bund adjacent to the public highway which blocks almost all views into the site.

6.4.3 Within this context the proposed row of chalets bordering the Quarry Pool will therefore be noticeable and identifiable against the landscape backdrop. Their orientation, however, means their gable ends would be the most visible elevations, with regular gaps between chalets that would reduce the impact of the mass of the development on the landscape. Furthermore, conditions have been recommended to ensure the materials blend into the rural landscape, mitigating their impact.

6.4.4 Local authorities have a strengthened duty to preserve and enhance the purposes of protected landscapes, in line with Levelling Up and Regeneration Act 2023 at section 245. In this case, the proposal maintains the existing views into and out of the site, both to and from the National Landscape. In terms of the planning balance, when considering the wider impacts of the scheme on visual and landscape amenity, there would be moderate harm caused to visual and landscape amenity as a result of the amended layout and positioning of caravans closer to the site's access which would be glimpsed in views into the site from the access point. However this harm must be weighed against the provision of tourist accommodation and economic benefits that would benefit Much Wenlock and the wider area, which is also accorded moderate weight. Furthermore, some weight must be accorded to the fact the principle of development at this site has already been deemed acceptable under the extant planning permission 09/02701/FUL.

Highways

6.5 The existing access benefits from sufficient width, depth and visibility splays for the vehicle movements anticipated, and is acceptable in planning terms.

6.5.1 The submitted application seeks to remove Condition 15 from the extant permission. This was a pre-commencement condition, which required the applicant to enter into a legal agreement with Shropshire Council in order to (in part) secure a contribution towards traffic calming measures (up to a sum of £10,000).

6.5.2

6.5.3 Planning Practice Guidance emphasises that planning obligations associated with a development should be secured before a decision is made, rather than via the use of a condition. The financial contribution that Condition 15 was attempting to provide for, through a legal agreement that hadn't been made at the point the decision was made, was not an appropriate mechanism to use.

6.5.4 Furthermore, the Highways Team have recently confirmed that in their view there is no current need for any traffic calming measures along the A4169 in this location that would necessitate a legal agreement being made between the applicant and the council for their provision. They therefore have no objection to the removal of the condition.

6.5.5 Even if a legal agreement was still required to be made in relation to a financial contribution for traffic calming measures, the wording of the condition is considered problematic given that it specified a financial contribution of 'up to £10,000' to be the subject of any legal agreement made. The use of the words 'up to' is imprecise and open to wide interpretation and could mean that a signed legal agreement requiring a contribution of only £1 could in practice be adequate to accord with the terminology that was used by the decision maker in 2009.

6.5.6 No legal agreement was made prior to the determination of 09/02701/FUL, and no legal agreement was made prior to the commencement of works. The planning permission is extant. The requirement for a legal agreement securing a financial contribution cannot be further pursued for this application given that Condition 15 was flawed from the the outset, proposing an inappropriate mechanism for securing planning obligations that are in any case would not necessary in the current context, and that could amount to only a minimal sum.

6.5.7 Condition 15 would not be necessary to make the development acceptable and can be removed in respect of highways matters.

6.6 ***Other Matters***

6.6.1 *Public Toilets*

Condition 15 of the original planning permission also included for the provision of a public toilet block on site to be agreed through legal agreement and funded by the developer (not part of the figure of 'up to £10,000' specified). The requirement for a public toilet is not necessary to make the development acceptable in planning terms at the current time, where the site will be privately owned and operated, is not accessible to the public, and occupiers will have access to toilets within the reception/chalets. There is therefore no wider justification for it, through a legal agreement.

6.6.3 *Trees*

Appropriate tree protection measures have been submitted and conditions have been suggested to protect the existing trees within the site boundary.

6.6.4 *Drainage*

Appropriate conditions have been suggested to require the development of a suitable drainage scheme for the amended layout.

6.6.5 *BNG*

The proposed development is exempt from the need to provide a 10% Biodiversity Net Gain. Permissions granted for applications made before this date, such as the permission to which this Variation of Conditions application has

been made (and where planning permission was granted on 23rd December 2009) are not subject to biodiversity net gain.

7.0 CONCLUSION

7.0.1 The proposal represents a pragmatic and balanced approach to addressing both the historical breaches of planning control and the future development potential of the site. While the new plans and details proposed as a consequence of the amendment of Condition 2 would introduce moderate visual and landscape impacts due to the relocation of chalets to higher ground, these would be mitigated through thoughtful design, orientation, and material use, and are outweighed by the ecological and economic benefits of the scheme. The scheme preserves the National Landscape beyond the site's extent.

7.0.2 The proposal demonstrates a clear commitment to ecological restoration, with significant enhancements planned to improve biodiversity and support protected species, particularly in light of the previous unmitigated site clearance. The reintroduction of pedestrian connectivity to the Jack Mytton Way further strengthens the site's integration with the local area and supports sustainable tourism. It is recommended that Condition 2 is therefore amended and the plans and details submitted for this application are approved.

7.0.3 The removal of Condition 15 is justified given the current planning context as well as the inappropriate mechanism it proposed for securing a planning obligation, and the lack of necessity for offsite traffic calming or public toilet provision. The development remains consistent with the original permission in terms of scale and use, and the proposed amendments under Condition 2 do not fundamentally alter its character or intent.

7.0.4 On balance, the application offers a viable route to regularise past actions, deliver ecological and economic gains, and ensure the long-term viability of the site as a tourism destination. Approval of the proposed variations is therefore recommended, subject to the imposition of appropriate conditions as outlined in Appendix 1.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:

National Planning Policy Framework

Planning Policy Guidance

The Levelling Up and Regeneration Act 2023

Core Strategy and Site Allocations and Management of Development (SAMDev) Plan:

LDF Core Strategy Policies:

CS5 - Countryside And Green Belt

CS6 - Sustainable Design And Development Principles

CS9 - Infrastructure Contributions

CS16 - Tourism, Culture And Leisure

CS17 - Environmental Networks

Site Allocations & Management Of Development (SAMDev) Plan Policies:

MD2 - Sustainable Design

MD11 - Tourism Facilities And Visitor Accommodation

MD12 - Natural Environment

S13 - Much Wenlock

Much Wenlock Neighbourhood Plan 2013-26

RELEVANT PLANNING HISTORY:

09/02701/FUL Use of land for the stationing of 53no. holiday chalets with access tracks and associated parking; a reception/office building and a building for recreational and educational purposes relating to diving together with associated bin stores and parking areas; and provision of divers platform; pontoon; timber walkways and viewing platforms. GRANT 23rd December 2009

10/05419/ADV Application under Section 73a of the Town and Country Planning Act 1990 to erect and display a standing sign board GRADV 18th May 2011

11/01015/DIS Discharge of conditions on planning application 09/02701/FUL DISAPP 18th July 2011

11/02142/DIS Discharge of condition no. 16 on planning application 09/02701 23rd June 2011

PREAPP/16/00334 Partial infilling of the lake to leave an average water depth of 2m to reduce health and safety risk PREAMD 23rd November 2016

16/04753/SCR Screening opinion on partial infilling of the lake to leave an average water depth of 2m to reduce health and safety risk EAN 23rd November 2016

PREAPP/18/00359 Renewal of planning permission/lawful commencement of development for 53 holiday chalets, associated facilities and diving facilities PREAIP 10th October 2018

18/04032/CPL Certificate of Proposed Lawful Development to establish that Planning Permission 09/02701/FUL (Use of land for the stationing of 53no. holiday chalets with access tracks and associated parking; a reception/office building and a building for recreational and educational purposes relating to diving together with associated bin stores and parking areas; and provision of divers platform; pontoon; timber walkways and viewing platforms) has commenced lawfully, and can be developed in accordance with the approved plans LA 21st December 2018

18/05880/FUL Installation of 1 sludge thickening building and 1 motor control centre kiosk
GRANT 12th February 2019

BR/80/0504/FUL Retention of existing overburden storage mounds as granted under
temporary consent number 73/3325 dated 22/3/74 GRANT 9th September 1980

20/04795/CPL Application for a Lawful Development Certificate for the use of site for stationing
of 130 Holiday Chalets NL 11th June 2021

21/04526/CPL Application for a Lawful Development Certificate for the use of the site for the
stationing of more than 53 Holiday Chalets that fall within the definition of a caravan contained
in section 29 (1) of the Caravan Sites and Control of Development Act 1960 and Section 13 of
the Caravan Sites Act 1968 NL 21st October 2022

24/04760/VAR Variation of Conditions 2 and removal of condition 15 attached to planning
permission 09/02701/FUL dated 23 December 2009 PDE

SC/MB1989/0749/BR Change of use from rough pasture to amenity bank/woodland WDN 30th
October 1989

SC/MB1980/0504/BR Temporary overburden storage PERMIT 21st September 1994

SC/MB1992/0247/BR Continuance of quarrying operation for the purpose of winning limestone
PERMIT 9th October 1992

SC/MB1974/0445/BR Erection of offices and weighroom and construction of a weighbridge and
car parking areas PERMIT 31st December 1974

SC/MB1974/0444/BR Erection of a building for use as workshop and garage for the repair and
maintenance of quarry plant PERMIT 31st December 1974

SC/MB1973/3325/BR Temporary storage of over burden on land PERMIT 22nd March 1974

SC/MB1961/2613/BR Mineral working - outline application only REFUSE 3rd January 1962

SC/MB1961/1042/BR Use of quarry as a refuse tip WDN 2nd June 1961

SC/MB1948/0983/BR Continue quarrying for the purpose of winning limestone PERMIT 28th
January 1948

SC/MB1966/1572/BR Erection of offices, weighbridge, workshop & access PERMIT 20th July
1966

SC/MB1962/0549/BR Working of mineral REFUSE 2nd May 1962

BR/87/0143 ERECTION OF FOUR SCULPTURED BLOCKS GRANT 7th April 1987

BR/89/0749 RETENTION AND EXTENSION OF EXISTING AMENITY BUND OBS 4th
September 1989

11. Additional Information

List of Background Papers

24/04760/VAR - Application documents associated with this application can be viewed on the Shropshire Council Planning Webpages <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SONJNFTDMCX00>

Cabinet Member (Portfolio Holder) - Councillor David Walker

Local Member - Cllr Dan Thomas

Appendices

APPENDIX 1 – Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

2. No built development shall commence on site until details of all external materials have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

3. Within 3 months of the date of this planning permission, details of existing and proposed finished ground levels must be submitted to and approved by the local planning authority. All works are to be carried out in accordance with the approved drawings.

Reason: In the interest of maintaining the amenity value of the area.

4. No further works shall take place on site until a European Protected Species (EPS) Mitigation Licence with respect to great crested newts has been obtained from Natural England and submitted with the approved method statement to the Local Planning Authority.

Reason: To ensure the protection of great crested newts, which are European Protected Species.

5. No further development of the site shall take place (including demolition, ground works and vegetation clearance) until a habitat management plan of the on and off site gains has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

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

All works shall be carried out as per the approved plan.

Reason: To protect and enhance features of recognised nature conservation importance, in accordance with MD12, CS17 and section 192 of the NPPF.

6. No further development of the site shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan of the hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved. The submitted plan shall include:

- Planting Plans
- Creation of wildlife habitats and features
- Enhancement of Great Crested Newt habitat
- Written specifications for establishment of planting and habitat creation
- Schedules of plants/seed mixes, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
- Means of enclosure
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
- Implementation timetables

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

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

7. No further development of the site shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- An appropriately scaled plan showing Wildlife/Habitat Protection Zones where construction activities are restricted, where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- Requirements and proposals for any site lighting required during the construction phase;
- A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
- The times during construction when an ecological clerk of works needs to be present on site to oversee works;
- Identification of persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;

- Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
- Provision of training and information about the importance of Wildlife Protection Zones to all construction personnel on site.
- Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 192 of the NPPF.

8. 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':

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 specified and carried out by a competent arborist in accordance British Standard 3998: 2010 Tree Work - Recommendations, or its current version.

The tree protection measures detailed in the Tree Protection Plan (BEA-22-117-04 REV PO2) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site. The tree protective barrier shall be installed in accordance with Figures 2 or 3 of BS5837: 2012 - Trees in Relation to Design, Demolition and Construction.

The development shall be implemented in accordance with the Tree Protection Plan (BEA-22-117-04 REV PO2). 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.

All services and drainage infrastructure will be routed outside the Root Protection Areas indicated on the approved Tree Protection Plan (BEA-22-117-04 REV PO2). Thereafter the development shall be carried out strictly in accordance with the approved tree protection plan.

No further works associated with the development permitted may take place 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.

9. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local

Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

10. Within six weeks of the date of this permission, a peregrine falcon inspection shall be undertaken by an appropriately qualified and experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence, or a change in status, of peregrine falcons is recorded during the pre-commencement survey then the ecologist shall submit a mitigation strategy for prior approval that sets out appropriate actions to be taken during the works. These measures will be implemented as approved.

Reason: To ensure the protection of Peregrine Falcons under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).

11. A 200m exclusion buffer shall be temporarily fenced off from any known peregrine falcon nests, as illustrated in Annexe 5.1 of the Ecological Mitigation & Enhancement Strategy (Focus Environmental Consultants, October 2024). No access, material storage or ground disturbance shall occur within the buffer zone. The development shall be carried out strictly in accordance with the approved details.

Reason: To ensure the protection of Peregrine Falcons under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended)

12. All works to the site shall occur strictly in accordance with the mitigation, enhancement and monitoring measures regarding bats, birds, herptiles, peregrine falcons and hazel dormice as provided in Section 2 and 3 of the Ecological Mitigation & Enhancement Strategy (Focus Environmental Consultants, October 2024).

Reason: To ensure the protection of and enhancements for bats, great crested newts and hazel dormice, which are European Protected Species, peregrine falcons which are a Schedule 1 species, protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended), birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended) and herptiles which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

13. Five years from the date of this permission, a report outlining Great Crested Newt and Peregrine Falcon presence/ absence over the five year period, will be submitted to the Local Planning Authority. If significant population decline is evident a compensation strategy shall be submitted and approved by the Local Planning Authority. The strategy will be implemented in accordance with the approved details.

Reason: To ensure the protection of and enhancements for great crested newts, which are European Protected Species, peregrine falcons which are a Schedule 1 species, protected

under Section 1 of the 1981 Wildlife and Countryside Act (as amended), birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

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

14. Prior to first occupation / use of the development hereby approved, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the Great Crested Newt Reasonable Avoidance Measures Method Statement (RAMMS), on the outbuilding present at the site as set out in Section 2 of the Ecological Mitigation & Enhancement Strategy (Focus Environmental Consultants, October 2024).

Reason: To demonstrate compliance with the great crested newt RAMMS to ensure the protection of great crested newts, which are which are European Protected Species.

15. Prior to first occupation / use of the approved development, the makes, models and locations of wildlife 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 15 external woodcrete bat boxes, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 30 artificial nests, of external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), and/or small birds (32mm hole, standard design).
- A minimum of 2 artificial nest, suitable for Peregrine Falcon (Peregrine Falcon nest box).
- A minimum of 2 hibernaculum will be created to provide refuge for great crested newts.
- A minimum of 3 hedgehog domes (standard design) to provide refuge for hedgehogs.
- A minimum of 5 invertebrate boxes (standard design) suitable for pollinators.

The boxes shall be sited in suitable locations, with a clear flight path, where appropriate, 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

16. Within 3 months of the date of this planning permission, drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

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

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

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

18. 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 08/1823 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.

19. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

20. The chalets hereby approved shall only be used for holiday accommodation and not for permanent residential occupation and shall be occupied only by persons whose main residence is elsewhere. The owners/ operators of the site must maintain an up-to-date register of the names of all the owners and occupiers of the individual chalets hereby approved and of their main home addresses, and must make this information available at all reasonable times to the Local Planning Authority. The register shall be collected by the caravan site licence holder or his/her nominated person.

Reason: To prevent the establishment of permanent residential planning units in an area where new dwellings would not normally be permitted.