

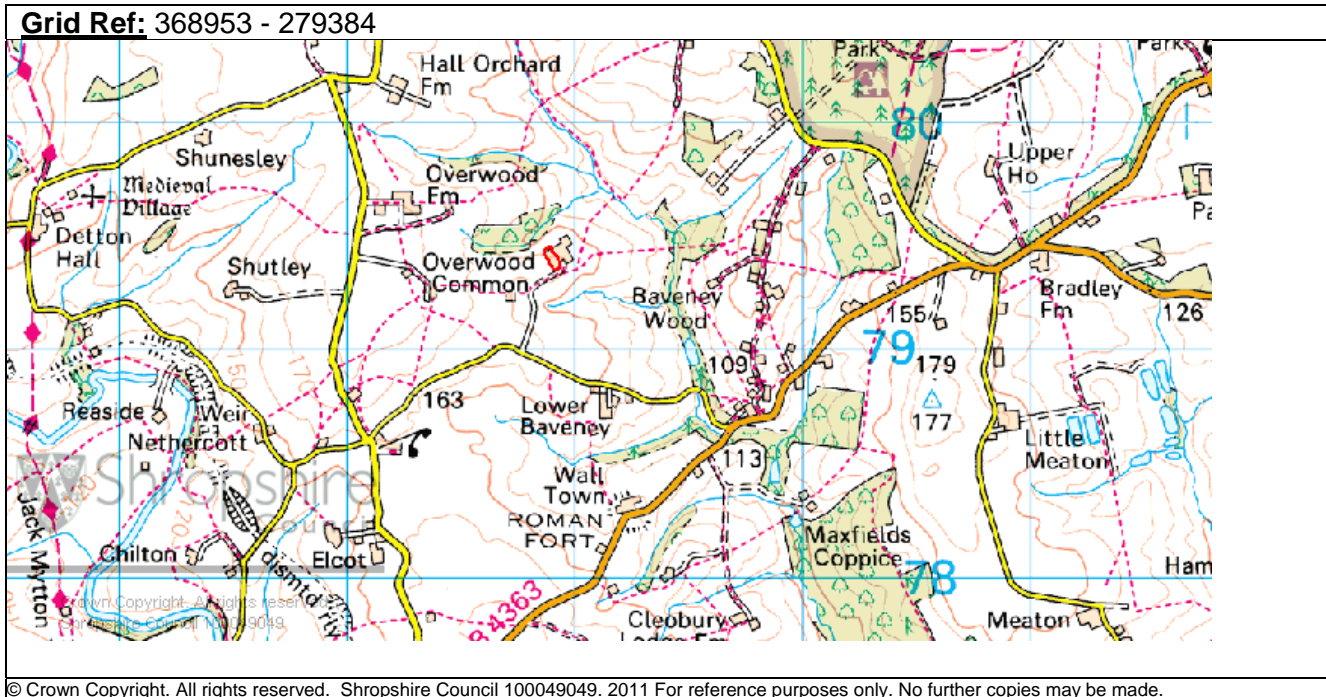
 Shropshire Council	Committee and date South Planning Committee 23 April 2013	Item/Paper 6
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Development Management Report

Responsible Officer: Tim Rogers
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Summary of Application

Application Number: 12/03071/FUL	Parish: Neen Savage
Proposal: Change of use from agriculture to B1/B2 and new building for B1 use	
Site Address: Upper Baveney Farm Cleobury Mortimer Kidderminster DY14 8LF	
Applicant: GPC Land & Water Solutions Ltd	
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk



Recommendation:- Refuse for the reason set out below.

Recommended Reason for refusal

1. Core Strategy policies seek to support the re-use of existing rural buildings, prioritising uses which support the aims of rural rebalance, and small scale new economic development. The National Planning Policy Guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst the proposed junction alterations, erection of a mirror and passing places are of material benefit, they would not overcome the restricted forward visibility for drivers of vehicles approaching the junction along the B4363 from a north-easterly direction and driver of a vehicle slowing or waiting to turn right into Baveney Lane and at the western junction of Baveney Lane (Nash cross roads junction) the severely restricted visibility in a northerly direction and forward visibility for drivers of vehicles approaching the junction from both a southerly and northerly direction and a driver of a vehicle slowing or waiting to turn right into Baveney Lane, due to the horizontal alignment of the highway carriageways and the adjacent field boundary hedgerows. As a consequence it is considered that the local highway network serving the site is unsuitable to serve as a means of access to the proposed development and therefore the traffic likely to be generated by the proposed development would be likely to lead to conditions detrimental to highway safety. The proposed development is therefore contrary to Shropshire Council Core Strategy Policy CS6, Saved Bridgnorth District Local Plan Policy D6 and the guidance set out in the National Planning Policy Framework para.32.

REPORT**1.0 THE PROPOSAL**

- 1.1 At the Planning Committee (South) held on 26th February 2013 Members resolved to, following receipt of an offer of land to improve the junction onto the B4363, defer consideration of the application in order that the proposal could be further assessed by Highway Officers and a further consultation exercise to be undertaken with consultees.
- 1.2 The application is for the change of use of a range existing agricultural buildings which occupy part of the existing complex of agricultural buildings to B1/B2 with in the Use Classes Order. The scheme includes the retention and recladding of some structures (olive green steel cladding) together with the insertion of new window and door openings and a new building for the use of the applicants company's management and staff. Confirmation has been submitted that the buildings are capable of refurbishment/recladding and re-use rather than replacement.
- 1.3 The scheme includes the demolition of a section of an existing building (identified as building No. 3) amounting to approximately 567.92 square metres and the addition of a new build extension (which would have a footprint of approximately 168 square metres and as it would provide two storey accommodation would create 336 square metres of office floorspace) to the front of the remaining building (No.3). The scheme also includes the demolition of an existing building (No.9) which has a footprint of approximately 653.80 square metres and the erection of an open sided building to be used as a covered parking area which would have a footprint of approximately 260 square metres.

Building	Existing footprint size (squared metres)	Proposed footprint (squared metres)	Proposed use
Building 1	540	540	Workshop (B2)
Building 2/9	653.80	260	To be replaced by building to be used for covered parking.
Building 3	1,150	637	Part demolition part extension to be used as office space (B1 use) and workshops (B2).
Building 4	353	353	Store (B2)
Totals	2696.80	1790	

The existing buildings within the application site extend to approximately 2696.80 square metres. The proposal would result in 1790 square metres of building footprint on the application site and provide a two storey office having a total floor space of 336 square metres (footprint of approximately 168 square metres), workshops totalling 1009 square metres and a further 353 square metres of stores together with a covered parking area covering 260 square metres. The proposal therefore proposes the demolition of approximately 906.80 square metres of existing built form.

- 1.4 The proposed development is intended in the first instance to provide the main offices and stores for GPC Land and Water Solutions Ltd. The submission also mentions a second phase of commercial development to replace further redundant pig units this would be the subject of a separate application.
- 1.5 In support of the application the applicants have submitted a Design and Access Statement, an Ecological Appraisal and a Traffic Survey and Analysis. In addition the applicants have submitted a Planning Policy Statement, a Statement regarding the nature of their business.
- 1.6 The scheme includes the provision of a landscaped area to the western corner of the site adjacent to the proposed building (9) which is located on the site of the existing building (2) which is proposed to be demolished.
- 1.7 As stated above the applicants have submitted background to their business, this may be summarised as follows: The business was set up in 1974 and worked initially for the agricultural sector and carrying out varied ground works and farm repairs. The Company expanded into the agricultural contracting market and specialised in the installation of land drainage schemes.
- 1.8 The company then diversified successfully entering into Highway and Civil Drainage sector, working for utility companies e.g. Severn Trent, County Council's and the private sector whilst keeping their core business of agricultural clients. In 1982, G. P. Cork (Plant Hire & Sales) Limited was formed and in 1997 the Company name (only) was changed to GPC Land & Water Solutions Limited.

- 1.9 For their agricultural/landowner clients they carry out such works as land drainage, drain repairs and ditching, constructing new concrete yards, installing water mains to farm buildings and water troughs, excavation of lagoons, reservoirs and lakes, installation of irrigation mains, general ground works etc. They are members of the Land Drainage Contractors Association recognising their expertise in this field.
- 1.10 In 2010, the Company diversified and approached new clients within the retail sector on a nationwide basis. They now carry out a variety of works throughout the country encompassing groundwork, as well as carrying out internal building works such as restaurant re-developments, plumbing, electrical installations, toilet block refurbishments and installations and construction of new buildings ranging in size up to 10,000 square feet.
- 1.11 In 2011, they started looking after the maintenance operations for a number of clients. These include the maintaining sewage treatment plants, pump stations and grease interceptors and also provide drain jetting and gutter and roof valley maintenance.
- 1.12 Despite a large proportion of company turnover being produced through their retail clients, 80% of the numbers of clients that we worked for in 2011-2012 were within the agricultural sector.
- 1.13 The business has always traded from agricultural premises. Their existing premises were former turkey units and are approached from a single width stone track which is fed off a single width country lane (with informal passing bays) in a rural area with residential properties very close by. The applicants state that they have had no complaints during their time there and there have been no accidents caused by their own or any third party vehicles or plant. They confirm that their need to be located at an agricultural type property is due to the nature of our business. They have a large variety of agricultural equipment i.e. tractors, trenching machine, gravel carts, trailers, cultivation equipment, JCBs, mini-diggers that are used to service their agricultural and landowner client base.
- 1.14 They state that farm sheds are ideal for the storage of such equipment as many of the machines are not in use all year round. For example, the trenching machine which lays drainage pipe in fields is normally only used after the harvest has been completed and before the next crop cycle is planted. Accordingly for 10 months of the year this large specialist machine needs to be stored. As with all vehicles and machines they deteriorate if left outside in the elements.
- 1.15 In addition to machines, they store other bulky items such as land drain coils, water pipe rolls, packs of twin wall pipe, pipe fittings, timber, concrete products etc. Much of these materials cannot be left outside as for example, the water pipe and land drain if left exposed to the sun allows the plastic to degrade and the timber needs to be kept dry.
- 1.16 In terms of staff the applicants confirm that they currently employ 12 No. full time employees, 4 No. Directors, 2 No. part-time administrators and a number of specialist sub-contractors. They consider that they are severely hindered by the

fact that their workforce has not altered in line with their increased production and turnover levels. Since 2003, to date their annual turnover levels have increased by 366%, whereas their full time administration staffing levels have largely remained unchanged. This they consider has put huge pressures on the Company as a whole and in order to consolidate and maintain what they have already achieved and possible facilitate any future growth pattern these staffing levels must increase. In support of this the applicants have submitted a letter from their accountants, Michael Dufty Partnership Limited, which further supports their view that they need new premises and need to increase employment levels.

- 1.17 The applicants state that the reason they have not employed more staff to date is due to the fact that they have outgrown their current work premises. They consider that for a business of their current size they require an additional 2-3 full time administration staff, which they would look to employ from the local area should planning permission be granted. It is understood that they already have two part-time administration staff from the local area and as of 1st October 2012 they have taken on a temporary lease of a commercial property in Cleobury Mortimer.
- 1.18 They state that their goal is to maintain their core business in both the agricultural and retail sectors, whilst simultaneously developing new markets both within and outside of these industries for our business to grow and trade within. They consider that it is important that as a Company that they invest in both people and infrastructure to allow for the future success of the company.
- 1.19 There is no signage proposed as part of this application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site extends to some 0.39 hectares and is part of a long-established and currently unused farm building complex North of Baveney Lane and West of Dunces Wood which extends to approximately 0.92 hectares. The site is accessed from Baveney Lane via a track which also serves to the northeast Upper Baveney Farmhouse and to the south two residential properties set either side of the track. This application excludes the buildings located within the eastern part of the farmstead and the Dutch barn to the south.
- 2.2 Upper Baveney Farm is approximately 3 km north east of Cleobury Mortimer, it is surrounded by predominately mixed arable farmland and scattered mixed woodland. The farm buildings were most recently used as a high health pig unit however it is understood that it was previously the base for a mixed arable and dairy farm. The adjacent farmland is used by others.
- 2.3 The majority of the buildings are of a steel portal frame construction, most of the internal pens appear to have been removed. The farm buildings are for the most part surrounded by extensive concrete hard standing including a former sleeper walled midden.
- 2.4 Footpath 66 runs in a north- north east direction passing adjacent to the farm buildings forming the development site, along the upper section of the access track and between these buildings and the Dutch barn.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application has been referred to the Committee by Councillor Shingleton, in accordance with the Council's Scheme of delegation as it comprises a "complex or major application".

4.0 Community Representations**- Consultee Comments**

Neen Savage Parish Council - object to this planning application due its deficiencies.

There are a number of discrepancies and inaccuracies in this application, the main points are:

1. Assuming the area with the red border is for the first phase and area in with the blue border is for the whole site it would be clearer to all if plans were submitted for the whole site, otherwise the site classification could be split between agricultural and industrial categorisation. It is unclear which buildings the change of use from B1 to B2 is requested for or whether it is for the whole area outlined in red.
2. In Q.18 the tabulation appears incorrect as there is no current area listed yet a decrease in B2 of 1379sqm - this is misleading.
3. Q.22 does not describe all the activities planned for the site, only the office, not workshop and stores. If the change of use is from agricultural then a full disclosure of all planned activity for the whole site should be given.
4. In Q.23 - without a description of activities planned for the buildings it would be presumptuous to state no hazardous waste will be generated.
5. In Q.24 the site is visible from footpaths 0134/70/01 and 0134/66/04, both of which actually pass through or along the site boundary.
6. In 2.2 of the Design and Access Statement there is reference to a separate application for change of use on the eastern part of the site but this has not been seen.
7. In 2.11 the site area is quoted as .92 ha in the Application form but less than 0.5 ha in the D & AS and hence no Environmental Impact Assessment is needed. We would request that an EIA is provided with the application. We remain unhappy that there are no plans for the rest of the site as the agricultural viability of half the site is even more tenuous.
8. In 2.12 it is claimed that this is not a major development but for our small parish it most certainly is a major development and causing much concern.
9. In 5.3 it is stated that CS5 offers hope for building conversion under farm diversification but there is no farm nor land and the applicant's business is not agricultural. Also there is no proven need and benefit to be derived from the proposed development.
10. This development is for a business relocation and not a major development to create much new employment.
11. The failure to consult with the community has caused much disquiet and Council feel it would be helpful if the applicant would inform the community of his intentions for the whole site to allow a rational debate on this.
12. The Transport Survey claims the passing places in Baveney Lane have been approved and agreed with the landowner. Yet, the landowner is not aware of this claim. Likewise the comment over widening the junction.

The Council remains unhappy at the prospect of increased volume of vehicles along Baveney lane and especially at the junctions at either end. The traffic Survey only covered a small section of the lane. This application should not be approved until improvements at both end junctions (i.e. Nash Crossroads and wall Town bridge) are made with safety features. The Walltown bridge junction has restricted access to Cleobury Mortimer due to poor configuration, therefore is an unsafe junction. The junction at Nash crossroads has poor visibility resulting in a number of accidents.

Therefore, due to the deficiencies in this application we request that the applicant submit a new accurate application with a more complete description of business, traffic movements etc. for the whole site. Without this information the supporting documents are invalid.

Neen Savage Parish Council – Reconsulted regarding junction improvements. No comment made. Further clarification received stating that the reason why the Parish Council had 'no comment' to make on the amendments was due to a number of 'interests' having been declared by members, there were consequently insufficient members remaining to discuss the item as the meeting was no longer quorate. The Parish Council could, therefore, only make a 'no comment' response to this application. This does not mean that we are 'neutral' on the matter but merely that we were unable to comment.

SC Highways – Recommend refusal - the local highway network serving the site is unsuitable to serve as a means of access to the proposed development and therefore the traffic likely to be generated by the proposed development would be likely to lead to conditions detrimental to highway safety.

SC Highways – Reconsulted regarding junction improvements. Whilst it is accepted that the proposed junction improvements are of material benefit it is considered that this does not override the fundamental deficiencies of the highway network to the site to cater for the type of volume that could potentially be generated by the use classes sought by the applicant. Further by establishing such open ended 'B' use class on this site it would be difficult to control the site and future occupiers. It is therefore recommend that the application be refused for the reason outlined previously.

SC Ecology – No objections, recommend conditions/informatives.

SC Drainage – No objection in principle, additional information requested regarding the proposed soakaways for the surface water drainage system; details and sizing of the package sewage treatment plant including percolation tests for the drainage field soakaways. Further details received. No objection raised, details submitted are acceptable.

SC Public Rights of Way – No objection noting that if the applicant feels that footpath users would be at risk from the construction work, they should contact the Outdoor Recreation Team with a view to applying for a temporary closure of the footpath. Recommends informative.

SC Public Rights of Way – Reconsulted on junction improvements. Comments that footpath 57 runs in a NNE direction from the junction of the B4363 and the farm access track where the proposed junction improvement is intended. Notes that a footpath gate would need to be installed in any fences/barriers that are constructed at this point to provide continued public access.

Shropshire Ramblers - The footpath is a well-used one as it is one of very few east/west routes in the area. They are particularly concerned that there is no mention of this in the Traffic Survey or that Baveney Lane is a very quiet rural road which is used by walkers to link a number of footpaths which egress onto the lane. Extra traffic along Baveney Lane and along the access track to Upper Baveney Farm is going to be an increased risk for walkers.

- Public Comments

Site Notice displayed/dated 04.09.2012. Expired 25.09.2012. One letter sent 06.08.2012. Expired 27.08.2012.

149 representations received objecting to the application and one representation received in support. Petition received objecting to the application signed by 33 individuals.

Summary of Representations Received Objecting

No need for additional industrial estate in the rural hamlet. The Old Station Business Park has ample space for expansion and building consent for the same. It is not yet full and that is after circa 20 years of trading.

An existing brown field site in neighbouring Cleobury is ironically been re-zoned to residential land due to its factory units not being let!

Narrow Lanes cannot accommodate additional heavy traffic.

Not economically/socially necessary to develop more commercial units in the area when there are plenty of vacant units in Ludlow, Kidderminster, Bridgnorth and Telford. There are no research findings to evidence that Neen Savage requires more employment space.

Would harm the amenity of the area which is enjoyed by local walkers and horse riders.

Contrary to the wishes of the local population.

Action Group, COPAG has wide parishioner support.

Community Plan underway and likely to articulate the parishioners wishes for retention of the rural environment

Cuts across everything that the Localism Act was brought in to do.

Traffic survey makes no mention of difficulties and danger of vehicles emerging from Baveney Lane at each end, and further south onto the B4363 at Six Ashes.

There is a footpath that skirts the site, but this is not mentioned in the application.

The proposal would merely transfer employment from the company's existing location to Upper Baveney, with the accompanying increase in commuting (pollution and energy usage increase).

Whilst 12 employees are mentioned, only 8 cars are included in the projected use and parking and there is no mention of heavier vehicles - which would be needed for B2 general industry usage.

Use may have a potential detrimental effect on the environment.

The floral and fauna was significantly eroded during a recent B4363 closure.

Phase 2 - usage of the site by other commercial/ industrial users , there is already spare capacity at the only other facility in the parish on the B4363 just south of Six Ashes, with planning permission and room for extension (so far not taken up, suggesting no or very limited demand).

A previous planning application at Upper Baveney Farm for a significantly smaller proposition was refused on the grounds of inadequate access commensurate to use, inappropriate for a rural location and detrimental to residents due to noise and disturbance.

The local and wider infrastructure is already under great pressure, badly maintained and in many instances unacceptable and unsafe.

There are woefully inadequate or indeed non-existent public transport links to Upper Baveney Farm.

Any B1 or B2 development at Upper Baveney Farm would cause light pollution, noise disturbance, unsociable working and access issues, inappropriate security devices for a rural location, unapproved signage, random overnight Light Goods and Heavy Goods parking, lack of appropriate screening and disproportionate accretive development. All of this has already been witnessed at the existing Old Station Business Park.

Adverse impact on adjacent residential properties in terms of noise of machinery and lorries, particularly when they are reversing.

Impact of light pollution which may not be adequately controlled by landscaping.

The smell from the tarmac - concerned about the health impact from the fumes. Request a full environmental/health report must be made available and fully considered as part of this application.

As locals, we are close enough to large towns to be able to commute to work...we don't need jobs on our doorstep at the expense of our beautiful countryside. Commitment to employment in this parish is more than adequately met by the many businesses already operating in the area.

There is no evidence that the granting of this Planning Application will provide any employment for local residents. The B1 element is a Company relocation with a transfer of employment.

The existing roads e.g. B4363 are already breaking up due to the volume of heavy lorries, which have already caused an oil line to fracture and also a large water main burst. And also causing flooding of existing properties in times of heavy rain.

The proposal of 5 passing places would be woefully inadequate for an access route which is a single track lane. If HGV access is being restricted from the planning application site to the crossroads, the two passing spaces to the east of the site are extraneous.

Delivery vehicles will soon start using Stonehouse Crossroads, the Ford and Church Lane as rat runs to bypass Cleobury Mortimer and access the proposed site. Increased traffic will also affect Bagginswood, Stottesden & Chorley as further rat runs are created.

The houses on the site drive and on the single track lane are refused recycling collection services from the Council Contractors due to vehicular inaccessibility.

The current Heavy Goods Vehicle access designated junction is on a blind approach and has a convex mirror to attempt to mitigate its dangerous and highly restrictive visibility.

The planning application will incur significant additional car and commercial, including HGV, traffic along roads that are inadequate for the purpose significantly increasing danger, inconvenience and nuisance to local residents.

The lower end of Baveney Lane is subject to flooding and the bridge has been washed away on several occasions and is currently awaiting repair again.

The site of the planning application is not accessible via rail or bus services and is not within walking distance of key facilities, therefore the application is directly contrary to the low carbon provisions of the NPPF and contrary to the Governments kyoto obligations.

The water course appears to be inadequately protected.

As drainage from the proposed site of the development run onto neighbouring land and into watercourses there is concern about pollution, particularly given the nature of the development and the nature of effluent, tarmac being 60% oil.

There will only be increasing demand for food production and to convert agricultural

land and buildings to industrial use in the rural countryside is inappropriate and short sighted.

Consideration should be given to empty rates legislation, the owners of commercial premises pay business rates. Should this application get approval the parish risks a half built estate or even structures without roofs blighting what is presently a beautiful and productive landscape.

There has been a traffic survey taken out, which 'confirms that there have been no Personal Injury Accidents on Baveney Lane and indeed none at either of the junctions at each end of the road'. However this does not take into account accidents which were not personal injury accidents.

Core Strategy policy CS5 states that any development in the countryside will be strictly controlled.

Any councillor or council, who must be aware of all the problems this proposal would cause, who truly represents the people of this county, would not let this application proceed.

The approval of such a controversial and far-reaching application at this stage would make a mockery of the principle of localism and the notion of community-led activity.

Adverse impact on views enjoyed by the occupiers of adjacent properties.

The property was sold as an agricultural unit with a tied cottage, and several farmers bid for it. It was sold to a speculator. If this planning application is approved it will create a precedent for any pig unit in the country to become an industrial unit. As for the agricultural tie on the cottage this is being occupied by tenants who do not have an agricultural connection, contrary to planning regulations.

The owners have demonstrated no agricultural interest/connection, or have any intentions of using the site for this purpose. There was active interest from alternative agricultural businesses, highlighting that the site is not an unwanted/redundant agricultural site. The hidden motives of the current owners outbid agricultural businesses and this proposal will permanently prevent the site being re-used for its agricultural purpose again.

To obtain accurate details of traffic flow, the traffic survey should have been conducted on every day of the week and at different times of the year. It considers only numbers of vehicles, not patterns of flow or types of vehicle. A comparison has been made with the traffic flow caused by the former occupiers. However, the business formerly carried out (pig rearing) took place on site whereas the business of the applicant is completely different (land drainage) and will take place off site. Thus the patterns of traffic flow and types of vehicles will be different. No information on this has been provided.

The traffic survey has been limited to Baveney Lane, and no consideration to the traffic on other nearby roads such as that from the Nash/Barbrook crossroad to Nethercott and on to Detton and that from Nash/Barbrook crossroad to Neen Savage Ford and thence to Stone House crossroad and Hollywaste. These roads are single-track, like Baveney Lane, and residents along these lanes will undoubtedly be inconvenienced by the increased traffic.

As a daily user of Baveney Lane during school term I dispute Point 2.1.2 of the Transport Assessment that Baveney Lane only serves direct agricultural field accesses. This can be a treacherous section of road. I have seen two accidents in the last two years at the Barbrook end so I dispute 2.3.2 of the Transport Assessment that there are no highway safety issues. Indeed, you take your life into your hands as you emerge from the Barbrook end of Baveney Lane and cross over the junction. Cars come at speed round the corner from your right leaving very little time to cross. The existing high mirror opposite the junction helps to some extent but it is inadequate and unreliable as a safety aid especially in bad weather. I also regularly use this Barbrook/Baveney Lane junction with a horse trailer. Because this is a slower vehicle the experience is even more frightening and the prospect of increased traffic on this road is of great concern to me.

Request a moratorium set on this Planning Application until such time as the Community Led Plan is completed.

The proposed alterations to the east end of Baveney Lane would not be sufficient for larger traffic, including HGV's which will have to cross onto the opposite carriageway before attempting to complete their manoeuvre. Any HGVs/Articulated lorries turning left into the Lane would still have to swing out onto the wrong side of the carriageway to negotiate the turn, therefore facing oncoming traffic.

Baveney Lane adjoins the B4363 (national speed limit) and is within 30 metres of a blind bend leading to an extremely hazardous situation, endangering lives unnecessarily. The plan fails to show the blind bend approx. 30 metres away. The Byway through Baveney Common exits onto this bend and is regularly used by residents and horse riders as it used to be a bridleway.

There have been 15 accidents on this bend/junction involving motorcycles alone, in the last 16 years and this number would increase if large crawling vehicles are encouraged to use this junction. The majority of motor cycle accidents along the B4363 are never reported.

Concern about proximity of public right of way to junction improvement works and conflict with access to adjacent dwelling (Baveney Acre) and exacerbation of existing land drainage issues causing dangerous road conditions particularly during winter season.

Proposed highways improvements would be unsightly and would merely allow large vehicles to access unsuitable country lanes.

The Nash junction has a very poor line of sight and is known to have been the site of several accidents. Simply replacing a round mirror at the west end of the lane with a slightly larger oblong one, will not help as the field of view/distance will not change (mirror cannot help one see around bends).

Baveney Lane is not wide enough at the proposed passing places for two large vehicles to pass.

Question whether Baveney Lane to be gritted in winter, if this application is passed as this will be necessary due to the steep undulating nature of the east end of Baveney.

Concern about capacity of Baveney Bridge e.g. when Severn Trent dug the road to work on the mains water supply, the bridge at the end of Baveney Lane started to collapse. Question whether a risk assessment been made to ensure that the bridge along Baveney Lane can tolerate the weight of HGV's and their loads?

Loss of grass verges in the vicinity as a consequence of larger traffic using the narrow lane.

Scheme will not increase safety for other users of Baveney Lane and its connecting roads. Neen Savage is a recreational resource not only for residents within the parish but also for riders, cyclists and walkers from Cleobury Mortimer and surrounding areas. The loss of Neen Savage as an amenity would be felt within the wider community.

Both access points to Baveney Lane are totally unsuitable for HGVs or even LGVs and 'commuter' traffic. The lane is narrow and winding with blind bends, the risk of accident for car drivers is high. The risks to walkers, cyclists, horse riders, and so on are so high that this proposal should be rejected on those grounds alone.

The access roads are unsuitable for the proposed business model which involves moving large items of machinery & equipment in and out of the premises. Such a business should not be allowed to operate from this location.

Scheme would benefit the applicant to the detriment of a whole community and especially neighbouring residents.

Unclear who is going to pay for all the proposed 'improvement' works? Given that most of the residents of Neen Savage object to the proposals, it does not seem appropriate that they as rate payers might be asked to contribute – requests clarity.

Examples of recent scenarios where large vehicles have been encountered leading to the conclusion that Baveney Lane is not wide enough for a HGV to pass larger cars let alone another HGV at the passing places provided.

The Neen Savage electorate has been angered by the devious manner in which swift planning consent has been sought for Upper Baveney Farm. The Neen Savage electorate should be even more angered by the manner this application is

progressing through the system.

Whilst the Upper Baveney application is not necessarily wrong, it does need very tight regulation.

Consider that the concerns of over 200 residents were represented at the Committee meeting, but these concerns were ignored.

Not true that the Old Station Business Park had faced the same level of parish objection when granted planning permission.

Two planning applications for Upper Baveney were rejected in 1982, which denied work opportunities to local people; question how the Baveney Lane access has improved since then. Notes the refusal of a previous application for the storage of fertilizer at Upper Baveney Farm (1981). The grounds for refusal were that the proposal would generate movements of large and heavy goods vehicles along narrow, winding and undulating system of highways in the vicinity of the site to the danger and detriment of other road users. Roads have become far busier and vehicles larger since the refusal of this planning application, over 30 years ago.

Developments such as this should be confined to brown field sites where they are less intrusive on the surrounding countryside.

Opposition to the view this will provide local jobs, just how many HGV drivers do you imagine there are in Neen Savage?

The Transport Assessment of 19th July 2012 is inaccurate in its assumption of the increase in traffic.

Transport Assessment Report 2.1.3 is inaccurate as the access to the proposed site would have to be from Six Ashes crossroads via the Bagginswood road which is neither wide enough or has white lines as stated in the report. The road surface is in a very dilapidated state and the verges have crumbled away.

Transport Assessment Report 2.2.1 states that previously the overall vehicles using the track to Baveney Lane each day was 30. The occupiers of Little Overwood dispute that level of traffic movements.

Transport Assessment Report does not appear to have taken into consideration the increase in traffic due to staffing of the proposed 8 units and the unknown size of vehicles that may be in use.

The Council have already deemed the junction of the Baveney Lane and the B4363 to be dangerous with respect to a pick up point for a local school bus. The risk of children walking along roads without pavements, blind bends and speed of traffic was identified as a risk to safety.

Question who will pay for the road improvements.

How can the Council guarantee that property in the vicinity will not be devalued.

Highways safety may be put at risk by the granting of planning permission based on the assumption that the junctions can be made safe. All, apparently, in pursuit of some illusory or marginal economic benefit.

There are a number of governance and procedural discrepancies which could support a Judicial Review in the event of permission being allowed, with or without a Grampian clause requiring prior improvements for highways safety: Whilst opponents of planning applications have no rights of appeal once permission is granted, Local Council's have the power to ask for a Public Inquiry without making a decision if the planning application is controversial in some way or else indicates considerable local opposition.

This application is a controversial application as demonstrated by the fact that over 150 objections have been submitted when there are only c.250 on the parish electoral roll, including submissions by COPAG (Cherish Our Parish Action Group) which represents something like 80% of all parishioners.

When encouraging new business development we should be careful not to destroy the reasons why Neen Savage is already attractive to other companies.

Summary of representations made in support

This development represents employment opportunities for young people in the community. This comes at a time when opportunities are very rare for young people in Neen Savage and are being forced out in their search for jobs.

Potential workers would spend money in the local area and boost the local economy.

The previous use was of a commercial pig farm and not a local family farm like so many in the area.

The loss of jobs from the pig farm closing have not been replaced by any other job opportunities in the area.

Believe that only elected bodies should have the power to purport to represent the local community.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Highway Safety
Neighbour Amenity
Ecology
Drainage

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 The National Planning Policy Framework supports sustainable economic growth in rural areas in order to create jobs and prosperity and acknowledges the mutual dependence of economic, social and environmental sustainability.

6.1.2 Under the heading "Supporting a prosperous rural economy" at para. 28 it states that Local Plans should promote sustainable growth and expansion of all types of business and enterprise both through conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land based rural enterprises.

6.1.3 At para.32 it refers to that fact that all development that generates significant amounts of movement should be supported by a Traffic Statement or Transport Statement and at para.34 that decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However it also acknowledges that this needs to take account of policies set out elsewhere in the framework, particularly in rural areas.

6.1.4 Further saved local plan policy D6 confirms that new development will only be permitted where (amongst other criteria) the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. Whilst the saved local plan policy is relevant the weight that can be given to this policy in the determination of a planning application relates to its consistency with the policies in the NPPF.

6.1.5 In addition to the above it is noted that the NPPF para.32 confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.1.6 Under the heading "Conserving and enhancing the natural environment" at para.111 the NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

6.1.7 With respect to Shropshire Council's Core Strategy it is noted that policy CS5 supports small scale economic development /employment generating development in the countryside including the conversion or replacement of suitably located buildings. In explanation it states that the emphasis of the policy is on sustainability and rural rebalance linking with objectives for rural renaissance. The policy seeks to support appropriate land and resource based uses and economic diversification.

6.1.8 Policy CS13 supports these objectives recognising the continued importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular areas of activity associated with agricultural and farm diversification amongst others. This over-arching policy on economic development seeks to address the key issues and challenges that face the Shropshire economy, however, in rural areas, in countryside away from settlements, it is important to

recognise that small scale economic development, agricultural and non-agricultural farm diversification schemes are areas of economic activity for which policy provision needs to be made.

- 6.1.9 Whilst there is a whole raft of policies which seek to support the re-use of existing rural buildings, prioritising uses which support the aims of rural rebalance, and small scale new economic development, policy CS5 in conjunction with CS6 recognises that not all proposals are acceptable.
- 6.1.10 The policy confirms that there is a need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. Accordingly proposals which would result in isolated, sporadic or out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable.
- 6.1.11 The explanatory text to policy CS5 states that conversions in the open countryside will be required to demonstrate that the uses are appropriate for and take account of, the character of both the buildings themselves and the wider landscape setting.

6.2 Siting, scale and design of structure

- 6.2.1 As noted above the scheme involves the demolition of part of an existing building. The scale of the proposed new building is relatively modest and appropriate to its setting. It has been designed with a low profile such that it remains subservient to the adjacent building and this, in conjunction with its relatively discreet siting, would ensure that it would have a limited visual impact when viewed both within the site and beyond.

6.3 Suitability of the location

- 6.3.1 With respect to the above it is considered that the proposal refers to economic development in the rural area; it relates to a contractor whose business provides land drainage and other civil engineering works for landowners and developers. The proposal is essentially to use the buildings as a storage location for materials and machinery when not in use, for maintenance and provide accommodation for the office staff to run the business. The applicants state that their business operates mostly within Shropshire and Staffordshire but that they aim to expand nationwide.
- 6.3.2 Historically the business has grown from initially providing land drainage services to the agricultural sector to undertaking such services for landowners and developers generally. It is considered therefore that the proposed use as a storage location for materials and machinery when not in use, for maintenance and for the office staff to run the business is a rural enterprise and but one which is not linked to this particular site.
- 6.3.3 It is also acknowledged that the uses of large relatively modern agricultural buildings lend themselves to the storage of materials and equipment but also that such buildings are not uncommon in other situations such as on an industrial estate.

- 6.3.4 The site is located approximately 3 km north east of Cleobury Mortimer in a relatively remote location. It is located approximately mid-way along Baveney Lane which links to the B4363 (Bridgnorth to Cleobury Mortimer Road) in the easterly direction and a Class III road in the westerly direction. Accordingly it is considered that the location is not one which would minimise the need to travel and enable the use of sustainable transport modes to be maximised. This is however the case in many rural locations across Shropshire and should be balanced against the benefits of the proposal.
- 6.3.5 Further the isolated nature of the site affords limited existing opportunities for security with respect to the storage of valuable machinery etc. Although the applicant confirms with respect to this that the applicant owns an adjacent residential dwelling, which it is understood is the subject of an agricultural tie.
- 6.3.6 It is considered therefore that the business provides a valuable service for farmers and other landowners, however there are no special characteristics of the business which make it essential that it be carried out on this particular site in the countryside and indeed the applicants have applied for an unrestricted planning permission which would mean that the permission would not be limited to the applicants business.
- 6.3.7 The application refers to the following Use Classes: B1 and B2. The use class B1 refers to uses such as offices, and light industrial uses which would be appropriate in a residential area. Use class B2 (which would involve the buildings proposed to be used for the workshops and store) includes industrial uses excluded from the B1 use class but excludes incineration purposes, chemical treatment or landfill, or hazardous waste.

6.4 Visual impact and landscaping

- 6.4.1 The site is relatively discreetly located within the landscape and the scheme includes an opportunity to enhance the existing natural landscape with additional planting to the benefit of the rural amenity of the area.
- 6.4.2 The scheme includes the replacement of part of an existing agricultural building with a two storey office building (identified as building No. 3) which has been designed to complement the utilitarian character of the existing agricultural buildings. Also as noted above the scheme includes the replacement of an existing building (No. 2 as identified on the existing block plan) by a smaller building which would be open sided and used as a covered parking area. This building would have a metal structure and a shallow pitched roof covered in profiled metal sheet (dark grey) to complement the profiled metal sheet proposed to be used to re-clad the buildings proposed to be retained.
- 6.4.4 As such it is considered that the proposals would not harm the visual amenity of the area and would provide opportunities to improve the existing visual appearance of the site.

6.5 Highway Safety

- 6.5.1 The application site is accessed via a private track which exits onto Baveney Lane, an unclassified county road. The site is located approximately mid-way along Baveney Lane which links to the B4363 (Bridgnorth to Cleobury Mortimer Road) in the easterly direction and Class III road in the westerly direction. Although Baveney Lane forms a link between these two roads, it is not attractive as a through route to traffic in the context of the local highway network. It therefore serves primarily as access to a limited number of residential properties, one other agricultural/commercial operation to the east, agricultural fields and the application building complex.
- 6.5.2 Baveney Lane itself is essentially single vehicle width with limited passing opportunities. At its junction with the B4363 to the east, Baveney Lane forms an oblique angle junction. As a result, any large vehicle turning left from the B4363 into Baveney Lane would have to travel into the opposing traffic lane in negotiating the turn. In addition visibility is restricted in the north-easterly direction by the horizontal alignment of the highway carriageway and field hedge boundary hedges. This also impacts upon the forward visibility available to a driver travelling in a south-westerly direction being able to safely see a vehicle waiting to turn right from the B4363 into Baveney Lane.
- 6.5.3 At its western end Baveney Lane exits onto a Class III road at a cross roads junction. Although traffic speeds along the Class III road through this junction are considered to be relatively low, visibility is severely restricted in a northerly direction by the adjacent field boundary hedge. The nature also of the Class III road approach to the junction is such that forward visibility of the junction to drivers is restricted and below standard.
- 6.5.4 Both the junctions mentioned above do not exhibit an accident record; however that may well be as a result of the limited traffic movements which utilise Baveney Lane at present. The deficiencies of the local highway network set out above indicate potential highway safety concerns which are likely to be exacerbated by a material increase in traffic movements.
- 6.5.5 In support of the application the applicants have submitted a Transport Statement and further supporting information has been submitted which outlines the nature of the applicants business. The Transport Statement reviews the current traffic levels on the local highway, the generated traffic from the additional development is estimated and overall traffic impact assessed.
- 6.5.6 The capacity of Baveney Lane has been considered in the submitted Transport Statement. The theoretically single track roads are capable of carrying traffic flows of between 50 and 300 movements per hour. The Council's Highways Development Control Officer does not dispute this figure.
- 6.5.7 Although the proposals are for a specific end user, the applicants have requested that any forthcoming permission would not be specific to them and therefore, in order to provide an assessment of the traffic impact of the proposals, a TRICS (Trip Rate Information Computer System) analysis has been submitted.

- 6.5.8 The applicants Transport Statement refers to the Farm Diversification category to forecast the potential traffic of the proposals. They consider that this database accurately reflects the type and form of employment uses which tend to lease or buy buildings such as those at Upper Baveney Farm rather than typical urban B1 development and note that it includes a wide variety of different development types including agricultural vehicle servicing, warehousing and light industrial uses.
- 6.5.9 The TRICS figures indicate potential traffic generation of 97 trips (vehicle movements per day) based upon an assessment of the entire range of buildings on the site. A pro-rata assessment based upon the extent of the current application site area would suggest 50 trips (vehicle movements per day) generated. Further the trip rate for 353 sqm of storage area results in around 2 movements per day, with trips on an hourly basis rounding to zero due to the low numbers.
- 6.5.10 The Farm Diversification category however refers to only 3 sites at present and these sites relate only to B1 uses. Further it is difficult to consider large type of HGV movements generated by a B2 use as these would be dependent upon the nature of a business activity taking place.
- 6.5.11 The TRICS data submitted indicates that the proposed development would lead to significantly less than 50 movements per hour and in most cases less than 10 movements an hour. Therefore the road would appear to have sufficient capacity to accommodate the likely traffic generation. The Transport Statement concludes that on this basis no further off-site improvements are technically required as a result of the development.
- 6.5.12 In order to assess existing vehicle speeds and flows on Baveney Lane, the applicants have undertaken an Automatic Traffic Count in the vicinity of the site access. The figures indicate that Baveney Lane is lightly trafficked with a 5-day average combined flow of 63 vehicles over a 24 hour period.
- 6.5.13 The Transport Statement states that the accident record of the routes expected to be used by the development demonstrates that there is no identifiable existing highway safety issue on the road network. This is however, clearly reflective of the limited number of residential properties served off the lane, limited agricultural activities (seasonably dependent) and the application site which is no longer in use.
- 6.5.14 One must however have regards to the fact that the site enjoys an established agricultural use and therefore there is a 'fall back' position to be considered as in the event that the re-use does not gain planning permission the buildings may return to agricultural use. Clearly the vehicle movements generated would depend on particular agricultural use however it is acknowledged that previously the site housed an intensive pig rearing unit and that the buildings were designed for that purpose.
- 6.5.15 The Transport Statement states that the former occupier of the farm buildings JSR confirms that, in recent times the site employed 5 people, with daily movements of stock, feed and servicing. In total the former operator estimates that the daily traffic generation of the farm was in the order of 30 traffic movements, per day of which up to 14 could be large HGVs or agricultural machinery.

6.5.16 Further in support of the application the applicants have submitted information which seeks to corroborate these figures. Confirmation has been received from the former occupiers of the buildings (JSR Genetics Ltd) that they have expressed an interest in renting the buildings for 6 months for the purpose of rearing pigs. They have confirmed that this would generate HGV traffic movement to import food, bring in bedding, remove manure and waste bedding and includes the movement of stock. Whilst it is noted that they consider that the traffic movements would be dependent on the volume of pigs and whether they are raised for export or home sales the estimated traffic generation is as follows:

- 1 No. HGV movement for food per week
- 2 No. HGV movements for import of straw/bedding every week
- 2 No. HGV movements for export of waste bedding every week
- 2 No. HGV movements of stock per week
- 3 No. car visits per day
- 1 No. car visit for vet every 2 weeks

6.5.17 These figures appeared to be at odds with the original statement in the Transport Statement i.e. 30 movements per day, mentioned above. This issue was taken up with the applicants. The applicants Transport Consultant responded that the Transport Statement report was based on the previous use of the farm as an intensive pig rearing unit with around 6,000 pigs being on site at any one time. They state that the figures quoted were provided by JSR (the previous occupiers) and that they reflect their usage at the time and that the current flows mentioned above are lower because it reflects the fact that only 2 – 3,000 pigs are proposed on site and that these are in any event only kept for isolation purposes prior to exportation, therefore the flows are necessarily much lower than historically. The site could of course be used for the previous use at any time.

6.5.18 The Council's Highway Development Control Officer has considered that information submitted and have also been in contact with the National Pig Association (NPA) in relation to the information submitted. The figures actually quoted in that letter for re-establishing a 2,000-3,000 pig rearing unit appear reasonable although he considers the information provided does not drill down into the pattern of traffic movements that occur over the pig cycle where they are brought to the site at 7kg and grow to 100kg over at 22-24 week period. Matured pigs generally leave the site for slaughter over a period of 6 weeks. There are therefore 2 pig cycles per year. Clearly the site buildings can be brought back into agricultural use but any farming activity would be complementary to the adjacent farm holdings. The letter does however describe hgv movements in relation to straw bedding and removal of manure although it is more likely that these would be by tractor and trailer.

6.5.19 Whilst it may be argued that the reason why the buildings are vacant is that the pig rearing unit was no longer viable and the existing buildings do not meet the needs of modern farming practises. Nevertheless the previous use of the buildings as a pig rearing farming unit is a material consideration in the overall assessment.

- 6.5.20 Baveney Lane would appear to have the theoretical capacity to accommodate the estimated vehicle movements which would be generated by the proposed development. The existing junctions to either end of the Lane are however significantly compromised and substandard.
- 6.5.21 The refusal of this application on highway safety grounds could only be sustainable if it can be argued that the traffic likely to be generated by the proposed development would cause demonstrable severe harm to highway safety over and above the reuse of the buildings for agricultural purposes. The Council's Highway Development Control Officer considers that the information submitted with respect to the potential traffic generation is insufficient with respect to the B1/B2 unrestricted use of the site buildings.
- 6.5.22 The general character of the lane its restricted width and lack of formal passing places of suitable dimensions mean that there is a potential for conflict especially if larger vehicles meet and some manoeuvring or reversing may well be necessary. Smaller vehicles, horse riders and pedestrians traversing the lane would be obliged to give way to larger commercial vehicles simply because there is nowhere for the larger vehicles to go and some vehicles would have to reverse. This would be inconvenient for most and, especially those towing trailers or horse boxes such as is common place in rural areas. Accordingly it is considered that whilst the conceivable movements due to the business/industrial use of the site might appear insignificant in other settings or contexts, in Baveney Lane they would contribute significantly to the total movements to a point where inconvenience and risk are incurred for highway users.
- 6.5.23 It must be considered whether an otherwise unacceptable development could be made acceptable by the imposition of suitable conditions. In this case the applicants have included a scheme of passing places along Baveney Lane. This it is accepted would improve conditions for all users of the lane and would require conditions to ensure improvements as proposed are carried out to the access road junction with Baveney Lane and the implementation of a scheme of passing places along Baveney Lane, to be first submitted and agreed, prior to the buildings being first brought into use.
- 6.5.24 Further the Council's Highway Development Control Officer does not disagree with the assertion that the lane has capacity and that the passing places shown to be provided fall within the highway boundary and would assist. He does however have concerns with regard to the impact of potential hgv traffic on a single lane rural road as opposed to tractor and trailer traffic movements due to the load spreading of the respective vehicles and wear and tear to the highway carriageway.
- 6.5.25 In addition to the above consideration has also been given to imposing a condition and/or legal agreement which would restrict the use of the buildings, the subject of this application, to the specific user identified within the application submission. Whilst this has not been offered by the applicant, the proposals suggest a level of financial commitment and as such may not meet the tests set out in Circular 11/95.

- 6.5.26 It is also recommended that an appropriate condition be attached to removal permitted development rights in respect of changes of use from B1 to B8 (storage and distribution) of the buildings.
- 6.5.27 The Planning Statement submitted by the applicant states that the buildings contained within the blue edged area are not required at present to meet the immediate needs of the applicant. The Statement further states that these buildings could provide for potential expansion of the business at a later date. In addition these buildings would offer the opportunity for other small scale local business to establish themselves commercially. These buildings fall outside the current application site and the use of these buildings would be subject to a separate planning application with consideration being given at that time to the acceptability or otherwise of the reuse of those buildings.
- 6.5.28 Whilst it is accepted that some passing places have been proposed which would mitigate the impact of traffic movements generated along Baveney Lane, the two junctions to the east and west are considered to be unsuitable to the movement of large vehicles, particularly low loaders. Further it is considered that insufficient information has been submitted to demonstrate that the likely traffic generated by the proposed use of the buildings and replacement building would not cause demonstrable harm to highway interests over and above the reuse of the buildings for agricultural purposes.
- 6.5.29 Following the previous planning committee resolution to defer the application to explore highway improvements being carried out, the applicant has submitted proposals to improve the junction layout at the eastern end of Baveney Lane with the B4363. The proposals include the acquisition of third party land and re-configuration of the junction layout to provide a significant increase in vehicle manoeuvring space, particularly the left turn into the junction and the right turn out of the junction.
- 6.5.30 As part of the junction proposals, details have been provided by the applicant's agent demonstrating, by the use of swept path vehicle tracking, the various turning movements of an articulated vehicle into and out of the junction.
- 6.5.31 The Council's Highways Development Control Officer confirms that he has no reason to dispute the information submitted by the applicant's agent and clearly the improvement scheme is based upon the manoeuvring of an articulated vehicle i.e. a robust assessment.
- 6.5.32 At the western end of Baveney Lane (known as Nash crossroads), this exits onto a Class III at a cross roads junction where visibility is severely restricted, particularly in the northerly direction. There are no proposals to carry out fundamental improvements at this junction as part of the application submission other than a new mirror being erected.
- 6.5.33 The Council's Highways Development Control Officer has been consulted on the proposed revisions and his comments are set out in paragraphs 33 to 40 below. Notwithstanding the above, clearly the eastern junction of Baveney Lane onto the B4363 and western Nash cross roads junction has been in existence for many

years in its present form and there have been no reported personal injury accidents within the last 5 years.

- 6.5.34 Representations received state that there have been a number of accidents in the locality and whilst there is no evidence to dispute this, the fact remains that there have been no reported personal injury accidents in the last 5 years at either end of Baveney Lane according to the information held by Shropshire Council.
- 6.5.35 The issue to consider, from a highway perspective, is whether the proposed junction improvement at the eastern end of Baveney Lane with the B4363 and relatively minor improvement to the western end, together with the provision of passing places, are of sufficient benefit to outweigh the highway deficiencies set out in the highway comments and advice contained within the previous committee report and in the context of the development proposal. In this regard it is considered that the balance is less clear cut.
- 6.5.36 The Council's Highways Development Control Officer acknowledges that whilst the proposed junction improvement does not meet all the desired standards it does, none the less, represent a material improvement to an otherwise severely substandard junction which currently caters for agricultural generated traffic for the active farm complex at Lower Baveney Lane and fields accessed off Baveney Lane together with the limited number of residential dwellings served off this lane. It is also noted that Shropshire Council does not have funds to carry out the nature of the junction improvement being promoted and funded solely by the applicant and that the proposed junction improvement scheme would go through a Section 278 process in terms of the full engineering design and drainage requirements and through a Safety Audit process.
- 6.5.37 To reiterate Baveney Lane itself is a narrow unclassified road which serves as a means of access solely for those that derive direct access to it. It is not a through road which provides a 'short cut' which would otherwise encourage its use as part of the local highway network. Other than the presence of a vacant complex of farm buildings the Council's Highways Development Control Officer considers that the current proposal would be totally unacceptable having regard to the nature of the highway access to the site and considers that the proposed use is far more suited to an industrial estate or a site location that derives access from a more suitable highway network.
- 6.5.38 In particular it is noted that, due to the horizontal alignment of the highway carriageway and adjacent field boundary hedges, at the junction of Baveney Lane with the B4363, forward visibility is restricted for drivers of vehicles approaching the junction along the B4363 from a north-easterly direction and driver of a vehicle slowing or waiting to turn right into Baveney Lane. Likewise at the western junction of Baveney Lane (Nash cross roads junction) with the Class III road visibility is severely restricted in a northerly by the adjacent field boundary hedge and horizontal alignment of the highway carriageway. In addition forward visibility for drivers of vehicles approaching the western junction (Nash cross roads junction) from both a southerly and northerly direction and a driver of a vehicle slowing or waiting to turn right into Baveney Lane is severely restricted by the horizontal alignment of the highway carriageway and adjacent field boundary hedges. As a

consequence, the Council's Highways Development Control Officer considers that whilst the proposed junction alterations, erection of a mirror and passing places would have a material benefit the local highway network serving the site is unsuitable to serve as a means of access to the proposed development and therefore the traffic likely to be generated by the proposed development would be likely to lead to conditions detrimental to highway safety.

6.5.39 Notwithstanding the above the Council's Highways Development Control Officer recognises that whilst highway matters are a material consideration in the determination of this application, there are other wider material planning considerations which Members may feel override highway deficiencies. It is, therefore, recommended that should Members be minded to approve this application conditions are imposed in relation to the proposed highway junction improvement, erection of a mirror and implementation of a scheme of passing places to ensure that these works are fully implemented prior to any development of the site taking place. In addition to the above it is also recommended that the applicant enter into a hgv routing agreement under the terms of a Section 106 Agreement requiring all hgv's to be routed to and from the site via the B4363 at its eastern end i.e. via the new junction arrangement. A construction traffic management (CMP) plan condition is also recommended requiring details to be submitted prior to any development taking place on the site and fully implemented for the duration of the construction period.

6.5.40 In conclusion the Council's Highways Development Control Officer recommends that the 'fall-back' position is not compelling in this case and that whilst the proposed junction the proposed junction alterations, erection of a mirror and passing places are of material benefit, on balance these improvements do not override the fundamental deficiencies of the access to the site to cater for the type of volume that could potentially be generated by the use classes sought by the applicant.

6.6 Neighbour Amenity

6.6.1 Core Strategy policy CS6 seeks to ensure that residential and local amenity is safeguarded as this contributes to the health and wellbeing of communities.

6.6.2 As stated above the site is adjoined to the northeast by Upper Baveney Farmhouse and to the south by two residential properties set either side of the access track which serves the site.

6.6.3 It is acknowledged that the occupiers of these properties have benefited in recent years from the fact that the use of the site as a pig farm has ceased and whilst it is acknowledged that the proposal would lead to increased noise and disturbance as a result of the buildings being brought back into use, it is considered that this is unlikely to be significantly more detrimental to their amenities than the authorised use of the site for agricultural purposes.

6.7 Ecology

6.7.1 In support of the application the applicants have submitted a Protected Species Report and proposed ecological plan. The report states that no evidence of roosting bats in the buildings on the site was found however it is noted that there is a roost

in the farmhouse which is not to be affected by the proposal. The report recommends the provision of 3 Schwegler 1FQ bat boxes on buildings 4 and 15 on the site, the proposed Ecological Plan shows 5 bat boxes which is a welcome enhancement. In addition it is recommended that lighting should be downward facing and on PIR. The lighting locations are shown on the Proposed Ecological Plan and the Car Park Lighting Detail shows the type of LED lighting proposed for use. The applicant has confirmed that the lighting would be on PIR. Council's Planning Ecologist raises no objection to the proposals subject to the inclusion of appropriately worded conditions to ensure the provision of roosting opportunities for and protection of bats which are European Protected Species.

- 6.7.2 In addition it is noted that there is evidence of a Tawny Owl having roosted in building 1 accordingly the Council's Planning Ecologist recommends the installation of a Tawny Owl box which would ensure the provision of nesting opportunities for wild birds and enhance the biodiversity of the site. Accordingly the Council's Planning Ecologist recommends an appropriate condition should planning permission be granted.

6.8 Drainage

- 6.8.1 The schemes proposed surface water drainage arrangements indicate that the surface water would be accommodated by soakaways contained within the application site or land within the applicants' control. The Council's Drainage section consider that the sizing of the soakaways are acceptable.

6.9 Other Issues Raised

- 6.9.1 Concern has been raised that the proposed application is premature in the light of the preparation of the Parish Plan and that also in respect of the SAMDev process with respect to site allocations.
- 6.9.2 The Parish Plan must however be in compliance with the Shropshire Council Core Strategy policies set out above and is intended to add to the Development Plan. It must be understood that a Parish Plan is not intended as a mechanism to restrict or prevent development that is judged appropriate by the Development Plan from taking place.
- 6.9.3 There appears to be some confusion locally over the role of SAMDev and of Parish Council responses in that process. This site was identified by the Parish Council in their initial response to the SAMDev engagement last year as a site that could be reused for industrial purposes. Local people appear to have taken that response as future policy in the area. The SAMDev Preferred Option report actually identifies very limited housing development but does not allocate any sites. The Parish Council subsequently withdrew their initial response and has provided a new response to the recent consultation and no reference is made to this site.
- 6.9.4 It is considered that the determination of this application is not prejudicial to the outcome of the SAMDev for the area and it should be considered on its merits against the Development Plan policies.

- 6.9.5 The scheme indicates 8 parking spaces to be provided within the site, notwithstanding this it is considered that there would be sufficient space within the site to accommodate more should this be considered necessary.

7.0 CONCLUSION

- 7.1 In conclusion Core Strategy policies seek to support the re-use of existing rural buildings, prioritising uses which support the aims of rural rebalance, and small scale new economic development. The National Planning Policy Guidance states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst the proposed junction alterations, erection of a mirror and passing places are of material benefit, they would not overcome the restricted forward visibility for drivers of vehicles approaching the junction along the B4363 from a north-easterly direction and driver of a vehicle slowing or waiting to turn right into Baveney Lane and at the western junction of Baveney Lane (Nash cross roads junction) the severely restricted visibility in a northerly direction and forward visibility for drivers of vehicles approaching the junction from both a southerly and northerly direction and a driver of a vehicle slowing or waiting to turn right into Baveney Lane, due to the horizontal alignment of the highway carriageways and the adjacent field boundary hedgerows. As a consequence it is considered that the local highway network serving the site is unsuitable to serve as a means of access to the proposed development and therefore the traffic likely to be generated by the proposed development would be likely to lead to conditions detrimental to highway safety.

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 three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
NPPF: National Planning Policy Framework

West Midlands Regional Spatial Strategy Policies:
QE3: Creating a High Quality Built Environment for All
PA14: Economic Development and the Rural Economy

Core Strategy Policies and Saved Local Plan Policies:
CS5: Countryside and Green Belt
CS6: Sustainable Design and Development
CS13: Economic Development, Enterprise and Employment
CS17: Environmental Networks
CS18: Sustainable Water Management
D6: Access and Car parking

RELEVANT PLANNING HISTORY:

B81/314 – The use of agricultural buildings for the storage of fertilizer. Refused.
Dismissed at Appeal

B81/0664 – Temporary use of agricultural building for the repair of agricultural machinery and motor vehicles. Refused. Enforcement Notice issued to cease use and upheld on appeal.

BR/APP/FUL/03/0704 Erection of extension to agricultural building. Refused.

List of Background Papers**Cabinet Member (Portfolio Holder)**

Cllr M. Price

Local Member

Cllr Gwilym Butler

Cllr Madge Shineton

Appendices

Informatives

1. POLICIES MATERIAL TO THE DETERMINATION OF THE APPLICATION:

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

Central Government Guidance:
NPPF: National Planning Policy Framework

West Midlands Regional Spatial Strategy Policies:
QE3: Creating a High Quality Built Environment for All
PA14: Economic Development and the Rural Economy

Core Strategy Policies and Saved Local Plan Policies:
CS5: Countryside and Green Belt
CS6: Sustainable Design and Development
CS13: Economic Development, Enterprise and Employment
CS17: Environmental Networks
CS18: Sustainable Water Management
D6: Access and Car parking

2. Despite the Council wanting to work with the applicant in a positive and proactive manner as required in the National Planning Policy Framework paragraph 187, the proposed development is contrary to the policies set out in the officer report and referred to in the reasons for refusal, and it has not been possible to reach an agreed solution.