



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

Date: Monday, 5 January 2015

Committee:
South Planning Committee

Date: Tuesday, 13 January 2015
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Stuart West (Chairman)
David Evans (Vice Chairman)
Andy Boddington
Nigel Hartin
Richard Huffer
John Hurst-Knight
Cecilia Motley
Madge Shingleton
Robert Tindall
David Turner
Tina Woodward

Substitute Members of the Committee

Charlotte Barnes
Gwilym Butler
Lee Chapman
Heather Kidd
Christian Lea
William Parr
Vivienne Parry
Malcolm Pate
Kevin Turley
Leslie Winwood

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 252738
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 12)

To confirm the minutes of the South Planning Committee meeting held on 9 December 2014.

Contact Linda Jeavons (01743) 252738.

3 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

4 Disclosable Pecuniary Interests

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

5 Lea Quarry, Wenlock Edge, Much Wenlock, TF13 6DG (14/02390/FUL) (Pages 13 - 44)

Erection of one low profile wind turbine.

6 Shropshire Council Offices, Westgate, Bridgnorth, Shropshire, WV16 5AA (14/02693/OUT) (Pages 45 - 64)

Proposed Residential Development including creation of new vehicular and pedestrian access roads (Outline Proposal).

7 Land North West Of Stableford Hall, Stableford, Bridgnorth, Shropshire (14/04387/FUL) (Pages 65 - 78)

Application under Section 73a of the Town and Country Planning Act 1990 for the erection of an agricultural building and formation of an agricultural access track (part retrospective).

8 Land East Of 30 To 31 East Castle Street, Bridgnorth, Shropshire, (14/04464/FUL) (Pages 79 - 100)

Erection of one dwelling (revised scheme).

9 Schedule of Appeals and Appeal Decisions (Pages 101 - 108)

10 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 10 February 2015, in the Shrewsbury Room, Shirehall.



Committee and Date

South Planning Committee

13 January 2015

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 9 December 2014

12.00 - 5.02 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 252738

Present

Councillor Stuart West (Chairman)

Councillors David Evans (Vice Chairman), Andy Boddington, Nigel Hartin, Richard Huffer, John Hurst-Knight, Cecilia Motley, Madge Shingleton, Robert Tindall, David Turner and Tina Woodward

92 Apologies for Absence

There were no apologies for absence.

93 Minutes

RESOLVED:

That the Minutes of the South Planning Committee held on 11 November 2014, be approved as a correct record and signed by the Chairman.

94 Public Question Time

There were no public questions.

95 Disclosable Pecuniary Interests

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

With reference to planning application 14/03290/EIA, Councillor David Evans declared that both the applicant and he were in the poultry business and the applicant was a customer of his, and he would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 12/02334/OUT, Councillor John Hurst-Knight declared that he was a member on the Board of Shropshire Towns and Rural Housing Limited (STaRH) and would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning applications to be considered at this meeting, Councillor Cecilia Motley declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Partnership Management Board.

With reference to planning application 14/02127/FUL, Councillor Cecilia Motley declared that she was not acquainted with the applicant but knew the owner of the property and would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/03290/EIA, Councillor Robert Tindall declared that he was acquainted with the applicant's wife and the applicant's parents.

With reference to planning applications to be considered at this meeting, Councillor David Turner declared that he was a member of the Management Board of the Shropshire Hills Area of Outstanding Natural Beauty Partnership.

With reference to planning application 14/02127/FUL, Councillor David Turner declared that for reasons of bias he would make a statement and then leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/02184/FUL, Councillor David Turner declared that ~~for reasons of bias~~ **as a local Ward Councillor**, he would make a statement and then leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/03290/EIA, Councillor Nigel Hartin declared that, as a local Ward Councillor, he would make a statement and then leave the room and take no part in the consideration of, or voting on, this application.

96 Land at Rhea Hall Rhea Hall Estate, Highley, Shropshire (12/02334/OUT)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location. He explained that, following approval of the application at a previous meeting, the applicant had continued to undertake consultation with the community and the local Shropshire Councillor had expressed support for the scheme.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- The completion of a Memorandum of Understanding to secure affordable housing through a Section 106 Legal Agreement; and
- The conditions as set out in Appendix 1 to the report.

97 Bradley Farm, Farley, Much Wenlock, TF13 6PE (14/02127/FUL)

In accordance with her declaration at Minute No. 95, Councillor Cecilia Motley left the room during consideration of this item.

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout, elevations and passing places.

The Area Highways Development Control Manager (South) provided clarification on the revisions to the scheme following deferral at a previous meeting and with reference to the drawings displayed, she drew Members' attention to the now proposed junction arrangements and passing places.

Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further neighbour objections and comments in support of the proposal.

In accordance with his declaration at Minute No. 97 and by virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor David Turner, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He reiterated his concerns raised at the previous meeting relating to scale, flooding and highways;
- The location was inappropriate. The majority of objectors would welcome the application if situated in a safe location and of appropriate design;
- He drew Members' attention to the Inspector's report on the appeal against the Environment Agency's Anti-Pollution Notice regarding the neighbouring fertilizer factory, which had been published following consideration of this application at a previous meeting of this Committee. Whilst a regime was now being initiated to address the issues raised by the Inspector, it was scheduled over a period of years during which time approval of this planning application would put vulnerable people within 250 yards of the "highest risk site in the River Severn catchment";
- The large building by virtue of its scale and development in open countryside would be contrary to the Neighbourhood Plan and would be situated just 250 metres from the boundary of the Shropshire Hills Area of Outstanding Natural Beauty (AONB);
- Flooding – As no quantitative assurance had been given that measures contained in this proposal would reduce the flow of water off the development it would be contrary to Policy RF2 of the Neighbourhood Plan. It would also be contrary to policy which required no major development until the Integrated Urban Drainage Management Plan had been implemented;

- Heritage asset - He drew Members' attention to paragraph 4.1.9 of the report, which referred to a complex of earthwork features within the development boundary and he further commented that traffic would increase on a daily basis and would put greater pressure on the ancient narrow river bridge in the lane. Consequently, the proposal would be contrary to paragraphs 129 and 135 of the National Planning Policy Framework (NPPF);
- Highways - No reconsultation had taken place following the latest amended highways proposals. He reiterated his concerns relating to highway safety and the entrance drive to the site. He drew attention to the concerns expressed by the occupants of the cottage which sat below the road at the A4169 junction and the detrimental impact any increase in noise and fumes and vibration from manoeuvring vehicles would have upon them. No highway construction details had been submitted by the applicant. The applicant had indicated that the vast majority of lessons would be delivered using the Perry Group's own horses and ponies kept at the site and this, along with the volumes of visits being as described, would require the amount of bedding and feed that would need to be brought in by road to be far greater and more frequent than supposed and delivered on vehicles up to 2.5 metres wide.
- Participants of any competitive events would bring their own mounts and carriages – all arriving within a small timeframe. No Event Management Plan had been submitted; and
- The increased volume and concentration of vehicular movements would present difficulties for horse riders and walkers on the Jack Mytton Way and no proposals had been submitted to mitigate the conflict on users of the Shropshire Way which crossed the lane near the proposed development.

Mr M Walton, a Planning Consultant speaking on behalf of local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- No consultation had been undertaken on the revised proposals;
- Highway concerns. No wide-ranging review of highway improvement options had been undertaken and, as such, potential junction improvement works had been limited to land with the Highway Authority's control and any 'best option' would require the acquisition of third party land;
- No safety audit had been undertaken of the revised proposals. In response to this, he had been instructed by local residents to undertake an independent review (which had only recently been uploaded onto the Planning Portal of Shropshire Council's website) and he outlined the key conclusions; and
- In conclusion he requested that a further deferment be agreed to review the findings of the independent review or refused on the basis that the proposal would have an adverse effect on highway safety.

Ms R Hewitt a local resident, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- She herself was disabled and the therapeutic benefits and the activities that this facility would offer her and many others would be extremely beneficial.

Councillor Mrs M Hill, representing Much Wenlock Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The proposal would be contrary to CW2 and Objective 4 of the Much Wenlock Neighbourhood;
- The proposal would not address surface water run-off issues;
- There were indications of a Medieval settlement on site;
- The area had been designated as a high risk area by the Environment Agency; and
- Inappropriate site for such a worthwhile scheme.

Mr D Haston, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- He outlined the proposed highway improvements and as set out in the report and stated that the Perry Group had agreed to finance a third passing place; and
- The Perry Group horses would be kept at the centre and would be used for many of the lessons so would not involve the movement of horse trailers/boxes.

In response to questions from Members, Mr Haston confirmed that the bridge was not the subject of a weight restriction and no structural stability assessment had been undertaken on the bridge.

In response to comments from Members, the Area Highways Development Control Manager (South) confirmed that an Event Management Plan would have to be submitted for any planned events and she raised no concerns relating to the planting of shrubbery/trees at the junction provided that there would be no impact or conflict with road users and emerging vehicles.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members expressed concerns with regard to the impact on the residents of No. 19 adjacent to the junction and any conflict the proposal would have on the Jack Mytton Way and the Shropshire Way but considered that these impacts could be satisfactorily mitigated through the amended access/road improvement details and conditions.

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- Appropriate planting of shrubbery / trees being undertaken at the junction to protect the amenities of the adjacent property; and
- The conditions set out in Appendix 1 to the report.

98 Wenlock Edge Inn, Easthope, Much Wenlock, Shropshire TF13 6DJ (14/02184/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location and elevations. He confirmed that Members had undertaken a site visit the previous day and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further comments from Shropshire Council's Planning Officer and Rights of Way Team, the agent, National Trust and further third party objections and expressions of support.

In accordance with his declaration at Minute No. 95 and by virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor David Turner, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- This was a landmark hostelry on the Edge which had been supported over many years by the local community and visitors;
- Much Wenlock Town Council and Easthope, Shipton and Stanton Long Parish council had both raised objections to the scheme and Hughley Parish Councillors had raised their own individual concerns;
- He was given to understand that this pub/restaurant might not have been viable when it closed, undercapitalised and in a poor state of repair. There was little indication that there was a need for additional accommodation in the locality. So clearly investment would be needed;
- Concern with regard to the impact on the Shropshire Hills AONB and the effect on the Site of Special Scientific Interest (SSSI), the location of footpaths, the adequacy of the water supply for all properties in the vicinity and the implications of the building on the west of the B4371;
- There was considerable apprehension and community concern about where this application might lead whether it be approved or refused. The Longville Arms was only 2½ miles away from this site and the view was that there was room for only one pub/restaurant on this road;
- Policy EJ3 of the Much Wenlock Neighbourhood Plan (MWNP) supported this proposal except that it would be unacceptable where it conflicted with other land-use activities and where it would have unacceptable impact on the local road network. Policy EJ7 was supportive provided the siting, design and scale of the development conserved the quality of the natural environment and surrounding countryside. This proposal did not;
- Would be contrary to Policy GQD2 of the MWNP which indicated that development would reinforce local distinctiveness and failure to have regard to the local context to preserve or enhance the character and quality of the area would not be acceptable. Wenlock limestone was a primary construction

material in the area and the use of timber cladding would be obtrusive and discordant and would be out of character with the area.

- Would be contrary to policy LL4 of the MWNP which indicated that developments should retain features of high nature conservation or landscape value, including mature trees, species-rich hedgerows etc;
- Statute provided that planning applications should be determined in accordance with the provision of the MWNP – this proposal failed to meet the aspirations of the MWNP; and
- He urged refusal but if permitted he requested that the development should be more sympathetic to the local vernacular and that stone, rather than timber cladding, be the exterior material.

Mr D Farrell, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The proposal would be out of character with the surrounding area;
- This was an undeveloped stretch of landscape and escarpment which attracted many visitors/tourists;
- There were limited green belt sites in the area which should be protected;
- The proposal would not protect or enhance the area and would have a detrimental impact and, accordingly would be contrary to the MWNP and the NPPF; and
- Would set a precedent for future development.

Mr B May, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- A successful inn would not have to be "backed-up" by such a development;
- Design out of character, unsuitable and detrimental to the area;
- Stonework would be more in keeping; and
- Contrary to EJ8 and GQD2 of the MWNP.

Councillor B Seaward, representing Easthope, Shipton and Stanton Long Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The former 1996 approved development on the eastern side of the road and not in the AONB had raised no highway objections; and
- The Wenlock Edge was a special place, an important visitor attraction and one of the iconic features of the wider Shropshire Hills AONB. The location was of particular significance in landscape terms as it was the first place where the landscape and views opened out on the western side of the road when travelling from Much Wenlock towards Church Stretton. This development, if permitted, would compromise this area and destroy it forever. The harm done to the AONB would not be outweighed by the benefits of the proposed development, the majority of which could otherwise be reasonably gained on

the opposite site. The potential investment in the area was welcomed and the Parish Council would like to see the pub re-opened as a thriving enterprise, however, this could be achieved within the curtilage of the existing development.

Councillor M Whiteman, representing Much Wenlock Town Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The proposal would be best developed on the same side as the Inn;
- Contrary to MWMP and the Shropshire Hills AONB Management Plan;
- Would impact on connectivity and be contrary to MWNP LL3; and
- Would be contrary to Core Strategy policies CS5, CS6, CS13, CS16 and CS17.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members commented and concurred that this was a sensitive site, would be out of character with the surrounding area, should be developed on the opposite side of the road and the use of timber cladding would be wholly inappropriate. In response to a written communication from the agent received by Members prior to the meeting, which suggested that this development would be essential to the re-opening of the Wenlock Edge Inn and its future prosperity and, if refused, an immediate application for the change of use of the Inn to a residential dwelling would be submitted, a Member requested that it be noted that this comment had been totally inappropriate.

RESOLVED:

That contrary to the Officer's recommendation planning permission be refused for the following reasons:

The proposed built form of the holiday accommodation units and meeting room, by reason of their scale, external wood clad appearance and positioning on open land would detract from the character and appearance of the Area of Outstanding Natural Beauty. The benefits of the proposed development in terms of facilitating the re-opening of the public house are not considered sufficient to outweigh this harm. The proposed development is therefore contrary to Core Strategy policies CS5; CS6; CS16 and CS17; Much Wenlock Neighbourhood Plan policies EJ7; CW2; GQD1; GQD2 and LL3 and paragraphs 58; 60 and 115 of the National Planning Policy Framework.

(The meeting adjourned at 3:29 pm and reconvened at 3:38 pm)

99 Land at Heath Farm, Hoptonheath, Shropshire (14/03290/EIA)

In accordance with his declaration at Minute No. 95, Councillor David Evans left the room during consideration of this item.

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area. He explained that the recommendation was to approve subject to the conditions set out in Appendix 1 of the report and subject to no decision being issued until Natural England had been consulted and the 21 day statutory consultation period had expired. Accordingly, he requested that if Natural England requested any further conditions he be given delegated authority to add these to the conditions. In the event that Natural England raised any objections to the conclusions of the Appropriate Assessment, the proposal would be reported back to this Committee.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Nigel Hartin, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- There had been a considerable number of objections from the local community and strong objections from Natural England and the AONB Partnership;
- Could significantly endanger the River Clun;
- Proposal would contribute to the wider economy but would not benefit the local economy and might well detract from the local tourism economy;
- Large buildings and would be situated only 270m from the nearest dwelling;
- Proposal would impact on Hopton Heath and local properties;
- Existing operation had attracted complaints;
- Highways had raised no objections with regard to the access road, but this was a fast stretch of road; and
- The proposal would be contrary to Core Strategy Policies CS6, CS8, CS13, CS16, CS17 and CS18.

Mr J Roberts, representing Clungunford Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- He drew Members' attention to Appendix 2 of the report, which set out the objections of Clungunford Parish Council;
- Although not in the AONB, this was an open and undeveloped block of open land clearly visible from points within the AONB;
- Would be located adjacent to a stream that fed into the River Teme, which was a Site of Special Scientific Interest (SSSI);
- Would provide no employment or support to the local economy;
- There had been many objections from villagers and it had not been supported by Natural England or AONB Partnership; and
- Out of scale with the surroundings, would provide no economic benefits, and there would be adverse impact from noise and odour.

Mr S Thomas, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The business supported three generations and would ensure that these families remained local;
- Would support the local economy including other small family businesses in the area;
- Existing poultry business was well-established and there had been no complaints;
- A full landscape plan had been submitted and would mitigate any impact on the landscape;
- Would not be in the AONB;
- Would be regulated by the Environment Agency; and
- No objections had been raised by highways.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- Condition No. 10 being amended to ensure that the external surfaces of the roof shall be BS18B29;
- Planting on the proposed earth bund to include a variety of appropriate native semi-mature specimen trees and deciduous rural planting;
- That the Planning Officer be given delegated authority to add any further conditions requested by Natural England following the consultation on the Appropriate Assessment and the expiration of the 21 day statutory consultation period; and
- The conditions set out in Appendix 1 to the report.

100 Proposed Solar Farm to the West of Sheriffhales, Shropshire (14/03444/FUL)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, he drew Members' attention to the location and layout.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further comments from local residents, CPRE and Shropshire Council Highways Development Control.

Members had undertaken a site visit the previous day and had viewed the site and assessed the impact of the proposal on the surrounding area.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Kevin Turley, as local Member, participated in the discussion but did not vote. During his statement, the following points were raised:

- Following his own consultation exercise, 111 residents in Shifnal had expressed support for the development, 30 residents had been against and 22 residents had abstained; and
- The topography of the land would mean the site would be well screened.

Mr G Tonkinson, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- He concurred with the views of Sheriffhales Parish Council;
- Sandy Lane was designated as a bridleway and should be protected;
- Inappropriate use of good crop growing land and would be contrary to the NPPF which stipulated that poorer low grade agricultural land should be used for such developments;
- There were many industrial buildings in Shropshire that could be used for solar panels; and
- Would be seen from a wide area.

Mr L Gardner, a local resident, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- He lived closest to the proposed development and, along with 87% of the community, he supported the proposal;
- The nuclear infrastructure was being decommissioned and solar represented one of a few vital inventions that should be embraced;
- A missive from Minister of State, Gregory Barker, indicated that there was still a place for larger-scale field-based solar in the UK's energy mix provided they were appropriately sited and provided opportunities for local communities to influence decisions that affected them;
- He had suffered from flooding as a result of failed attempts to tame aspects of this poor, badly drained land for arable use;
- Villagers had been disappointed that the Parish Council had dismissed the Community Benefit Scheme linked to this proposal, given the potential for the parish precept to be doubled in the near future; and
- The proposal would be appropriately sited on poor quality land and would have limited amenity impact on the surrounding area.

Mr J Mellor, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The proposal would provide power for up to 6,700 homes;
- Had undertaken consultation with the local community and had attended Parish Council meetings;

- Many local residents supported the scheme;
- Proposals had been amended following consultation;
- Hedgerow planting, tree planting and a wildflower meadow would provide a rich habitat for birds and bees;
- The land grazing specifications had been taken into account, the site would not be adjacent or viewable from the Green Belt and/or AONB;
- The proposal would be in accordance with the NPPF; and
- Following decommissioning the land would be returned to former use.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers.

RESOLVED:

That planning permission be refused contrary to the Officer’s recommendation, for the following reasons:

- The proposed development would result in the loss of and use of best and most versatile grade 2 and grade 3a agricultural land for arable food production with the panels and associated equipment in place on the land, contrary to the preference set out in National Planning Practice Guidance that poorer quality agricultural land and brown field land should be used for such developments, and the guidance set out at paragraph 112 of the National Planning Policy Framework. It is considered that the benefits of the scheme in respect of the provision of renewable energy would not outweigh the loss of this land from arable food production.

101 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 9 December 2014 be noted.

102 Date of the Next Meeting

It was noted that the next meeting of the South Planning Committee would be held at 2.00 pm on Tuesday, 13 January 2015 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:



Committee and date

South Planning Committee

13 January 2015

Development Management Report

Application Number: 14/02390/FUL	Parish:	Much Wenlock
Proposal: Erection of one low profile wind turbine		
Site Address: Lea Quarry, Wenlock Edge, Much Wenlock, TF13 6DG		
Applicant: Mr S Lloyd-Jones, Edge Renewables		
Case Officer: Grahame French	email: planningdmc@shropshire.gov.uk	

Recommendation:- Approve subject to the conditions sets out in Appendix 1 of Annex 1 attached and subject to amendment of conditions 4 and 6 as follows:

- 4a. Prior to the commencement date a scheme detailing the finish and colour of the wind turbine pole shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- b. Notwithstanding the details submitted in support of the application the nacelle and blades of the wind turbine hereby approved shall be treated in black.

Reason: To confirm surface treatments within the Site in the interests of visual amenity.

6. The turbine hereby approved shall be used specifically for training use only. There shall be no unattended running, no running for more than an hour per day and no running other than in daylight hours.

Reason: To protect birds and bats.

Note: Any proposal to turn the turbine shall be the subject of a separate variation application accompanied by appropriate bird and bat reports.

REPORT

1.0 BACKGROUND TO THE REPORT

- 1.1 This application was reported to the South Committee at the meeting on 11th November 2014. The original officer appraisal report recommending approval is attached as Annexe 1. Members resolved to defer the application after hearing from speakers for and against the proposals. This was to enable the applicant to provide:

- i. More detailed information with regard to the hours/timings of operation, construction and disassembly and when and how much electricity would be generated; and
 - ii. Submit sufficient information to allow full and proper assessment of the potential impact on protected species.
- 1.2 The principle of allowing the retention and re-use of existing quarry buildings for industrial use at the company's site was established by planning permission reference 12/03034/MAW issued in July 2012. The approval was linked to a wider management arrangement for the company's 61ha landholding which included approximately 6ha within the operational site (including 2 timber storage areas totalling @4.5ha). The company agreed to manage this area sustainably for biodiversity and amenity uses and significant progress has been made with respect to these objectives.
- 1.3 The proposed development falls within the identified plant site area and the company has made a legal commitment not to extend its business operations beyond this area and the associated timber storage areas. The area around the plant site is allocated for landscaping to further improve site containment. Existing quarry buildings in a poor state of repair have either been removed or re-clad, significantly improving the overall appearance of the plant site area. This provides reassurance that the business use will be restricted to the existing operational site whilst the far greater surrounding area under the company's control will be sustainably managed.

2. OFFICER CLARIFICATIONS

- 2.1 Hours / timings of operation: The detailed hours and timings of operation are dependent on ecological considerations. The Council's Natural Environment section has advised that the turbine should not turn unless ecological reports on birds and bats have confirmed that there would not be adverse impacts on these protected species. The original officer report included a condition covering this matter (in appendix 1).
- 2.2 The applicant has confirmed that the detailed hours when the turbine would be vertical and turning would be dependent on the outcome of the above ecological reports. If ecological criteria can be fully met then the applicant confirms that the intention would be for the turbine to be vertical and turning for the majority of the time. This is except for 1-2 days per month when it would be disassembled and reassembled for training purposes. A visual appraisal has been submitted which supports the conclusion that the proposed turbine would not have an unacceptable adverse effect on local visual amenities and the AONB (see section 2.5).
- 2.3 Ecology / Protected species: The Council's Natural Environment section has responded as follows:
 - i. Without the required bat and bird surveys, permission can only be given for the turbine to be raised and taken down again during the training exercises. It cannot be allowed to run when people are not present as part of the training event (i.e. creating disturbance) as a bird survey is required for the turbine to run during the day and a bat survey is required for night time running. Wenlock Edge, as a major linear landscape feature could be used by both species groups for long distance migration or commuting. Both groups naturally follow edges of woodlands and may

feed over water bodies. Peregrines and other birds of prey may be using the quarry and bats will be roosting in the woodland above and possibly in the quarry faces.

- ii. In view of the above, permission can only be given (for the turbine to run) specifically for training use only – not unattended running and not running for more than a short period (less than an hour?) during training sessions in daylight hours – this should be conditioned.
- iii. Imposition of a condition requiring submission of reports on birds and bats at some future date as part of any planning decision at this stage is not supported as it would be conditioning surveys without the required knowledge. If, at some future date, adequate surveys for birds and bats are submitted with an application to vary the condition, then we can reconsider the hours of operation.

2.4 Natural Environment has confirmed that this approach would ensure that the Council's duties with respect to protected species are fully met and this is acceptable to the applicant. The original ecological condition recommended in Appendix 1 of Annex 1 requires amendment in order to comply fully with this response. An amended condition 6 has been put forward in the 'recommendations' section of this report. The effect of this is similar to the originally worded condition, except the applicant would have to submit a planning application in order to vary condition 6, accompanied by bird and bat reports, if it wished to run the turbine.

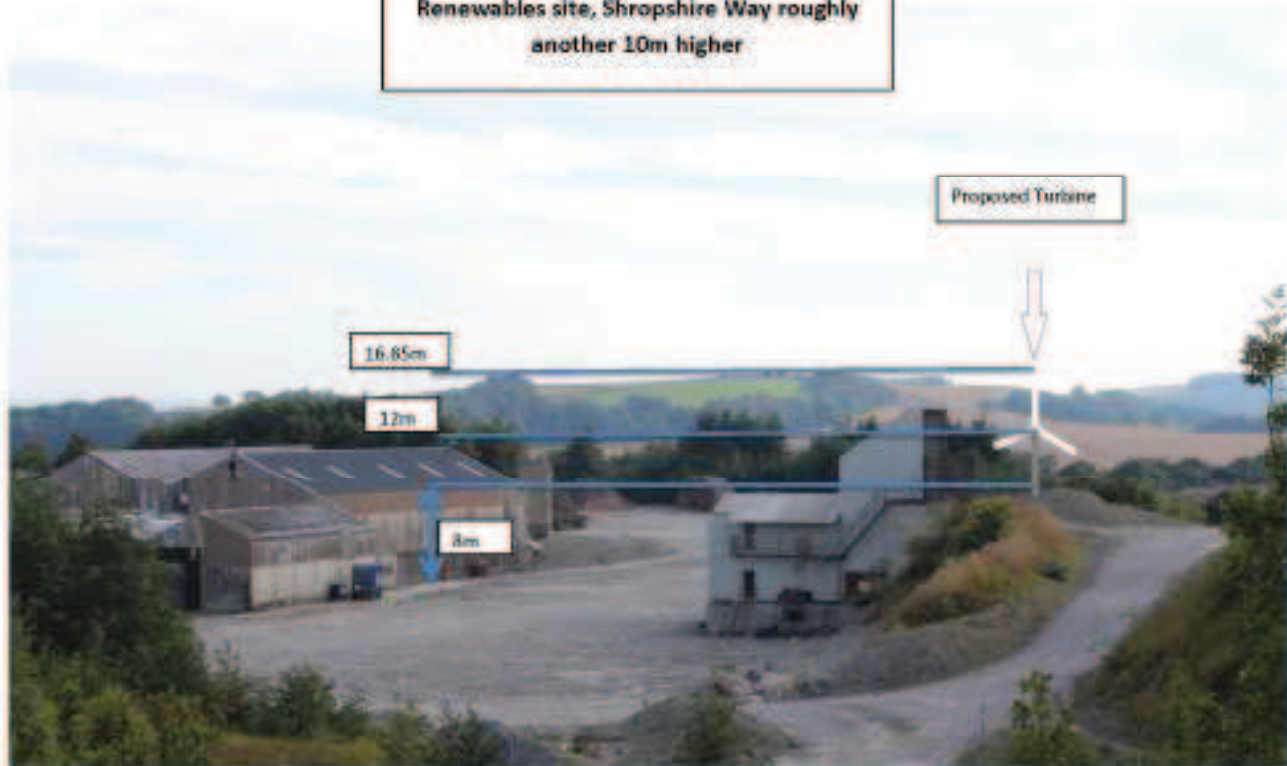
2.5 Planning Policy: Weighing against the proposals are policies and guidance with respect to protection of the AONB / countryside and in particular NPPF section 112, Core Strategy Policy CS17 (environmental networks) and relevant policies in the AONB Management Plan as referred to in Annex 1. In favour of the proposals are policies and guidance in support of renewable energy and economic development and in particular NPPF sections 97 and 98, Core Strategy Key Objective 9 and policy CS13 (economic development) and national energy policy including EN3. In this case it is considered that the proposals are not 'major development' and therefore do not require to be assessed in relation to the exceptional circumstance criteria set out in NPPF para 112.

2.6 NPPF 112 requires that 'significant weight' should be given to protecting the AONB, but NPPF 98 advises that renewable energy proposals should be permitted if the impacts are or can be made acceptable. None of the relevant policies and guidance automatically outweighs the others. It is necessary instead to assess the overall planning balance of the proposals with reference to the above matters. This is having regard to the following matters:

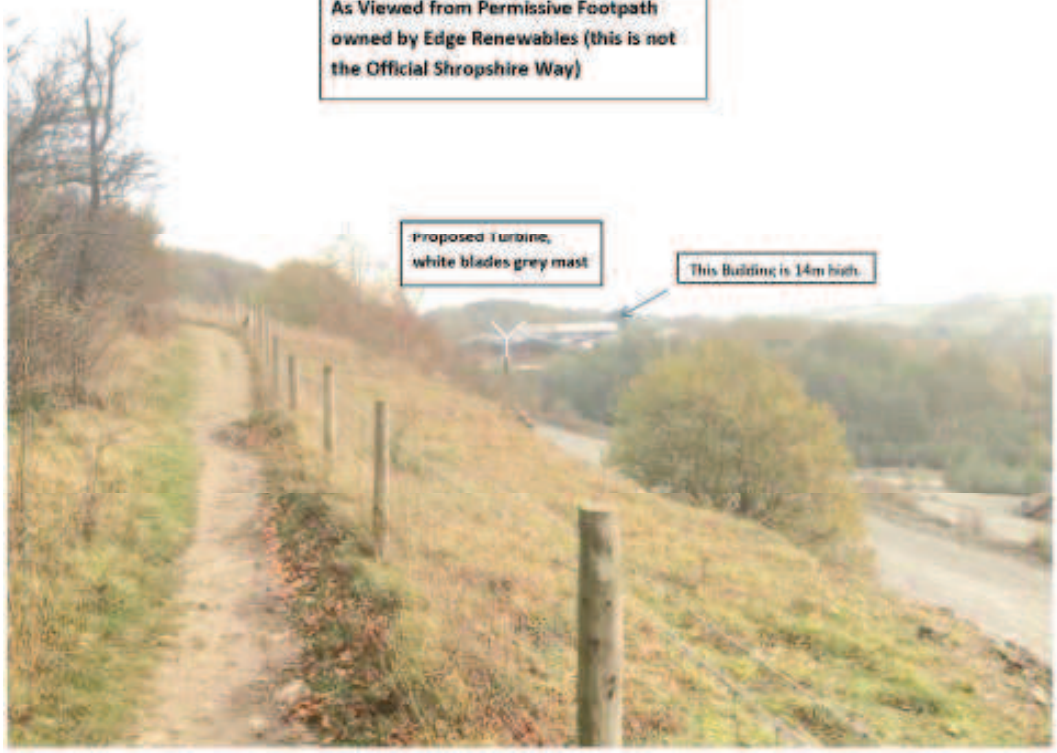
- The comments received during the planning consultation process;
- The spatial context of the proposed development;
- Planning history, including the precedent established by previous permissions for use of the plant site in connection with the applicant's business as part of a wider management arrangement for the company's landholding.

2.7 Visual amenity: The applicant has provided a visual appraisal which supports the conclusion that if the turbine is maintained in an upright and turning condition it will not have an unacceptable adverse impact on local visual amenities and the AONB. The images provided are reproduced below. Unfortunately these were received too late to be incorporated in the officer report to the November committee:

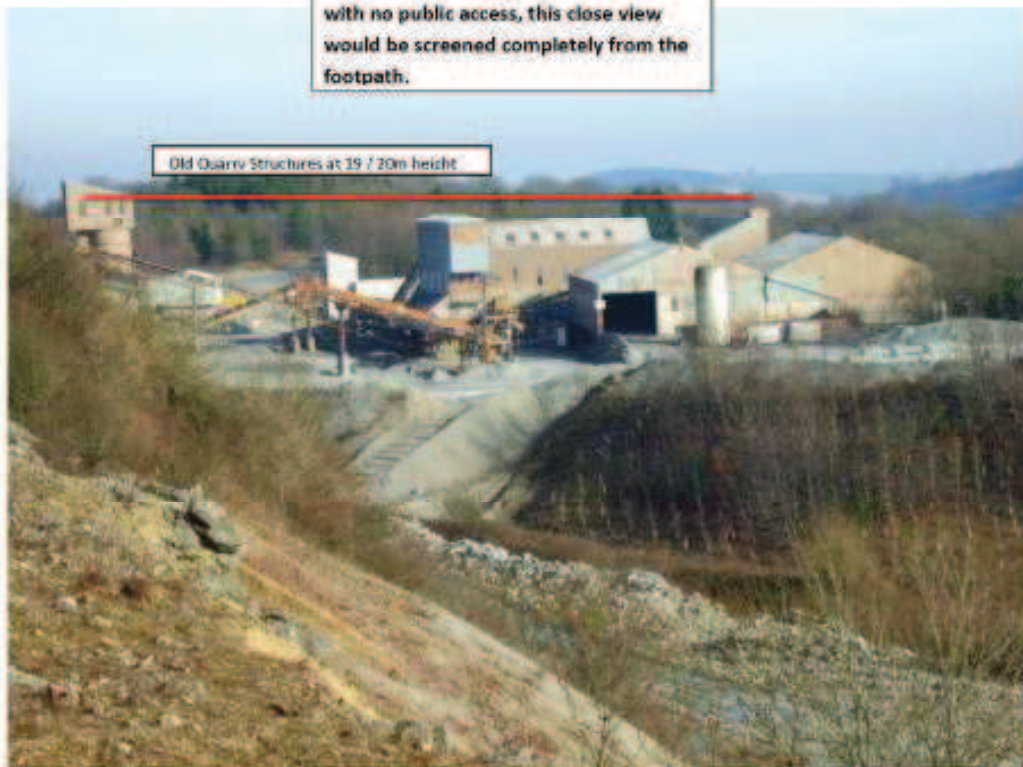
Site after Quarry Equipment Removed with
Proposed Turbine as viewed from Edge
Renewables site, Shropshire Way roughly
another 10m higher



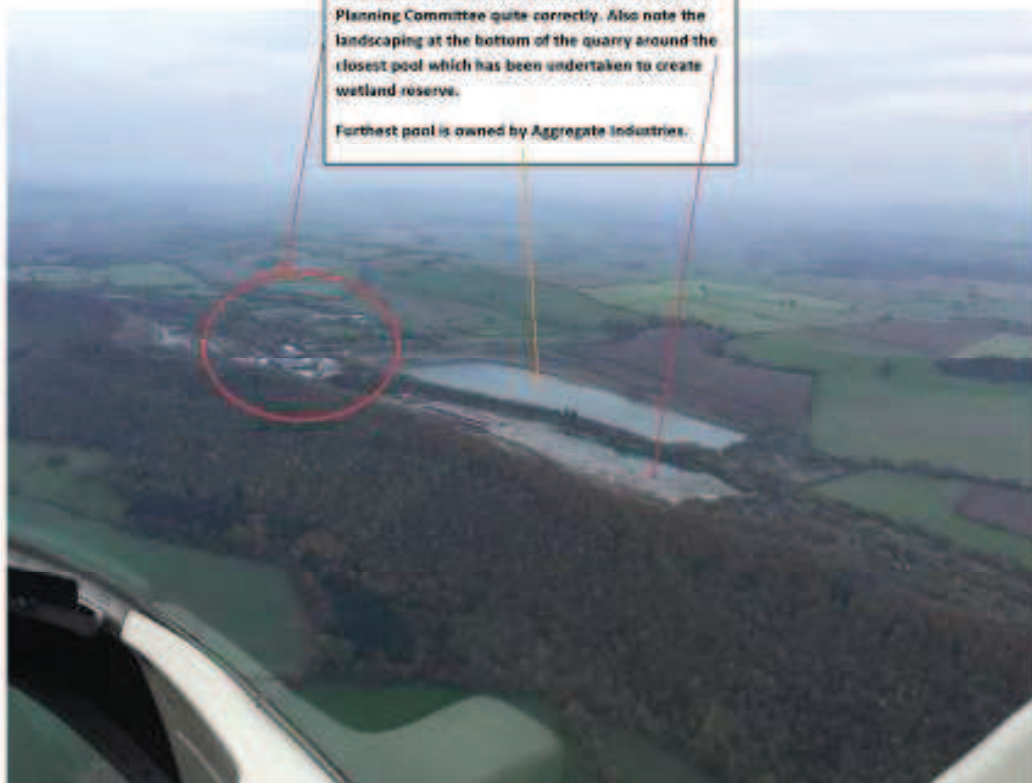
As Viewed from Permissive Footpath
owned by Edge Renewables (this is not
the Official Shropshire Way)



As Viewed from Edge Renewables Land with no public access, this close view would be screened completely from the footpath.



Note how well the buildings have settled into the setting, the colour of which was determined by the Planning Committee quite correctly. Also note the landscaping at the bottom of the quarry around the closest pool which has been undertaken to create wetland reserve.
Furthest pool is owned by Aggregate Industries.



2.8 It is considered that these photomontages demonstrate that the proposed turbine would not appear out of scale with its surroundings and would blend acceptably into the existing landscape without giving rise to any unacceptably adverse impact. In particular:

- Views of the turbine would be limited due to 1) the limited scale of the structure in relation to the nearby plant site buildings and the screening effects of topography and mature vegetation in the surrounding area;
- The main views would be localised and would come from elevated positions from the permissive footpath to the north-west which the company controls. A localised view would also be available from a public footpath to the immediate north of the plant site area. This would however be peripheral to the main view south and new landscape planting is proposed in this area;
- The photomontages suggest that as the main potential views would be from above they would be seen against the existing buildings and landscape rather than the sky. As such, officers consider that it would be preferable for the turbine blades to be treated in black rather than white as currently proposed (it is understood that the blades come in white and black options).

2.9 It is considered that the information provided by the applicant demonstrates that there would be no unacceptably adverse visual impact on the AONB. This is notwithstanding the applicant's wish that the turbine should be in a vertical and turning position for the majority of the time. Any localised views of the turbine would be seen in the immediate context of the existing large industrial buildings and surrounding mature vegetation, which would be further enhanced by the applicant's landscaping proposals. The ability to specify a black treatment for the blades and nacelle would assist further in visually integrating the proposed development. The Council's ecologist has also confirmed that the proposed conditions would ensure that there would be no adverse impacts on ecology.

3. CONCLUSION

3.1 The proposals were deferred from the November meeting of this committee to allow further information to be provided in relation to operational and ecology matters. The company has confirmed that in operational terms their preference would be for the turbine to be in a vertical position and turning for the majority of time if ecological reports suggest that this will be possible without adversely affecting bats and birds.

3.2 The company has provided a visual appraisal which supports the conclusion that if the turbine is vertical and turning it will not give rise to any unacceptably adverse visual impact, including on the AONB. It is considered however that the colour for the blades and nacelle should be black rather than white in order to further reduce any residual visual effects on the surrounding area. This is given that the main localised views towards the structure would be from above.

3.3 The company has agreed to accept a planning condition which prohibits the turbine from turning other than for training purposes. The Council's ecologist has confirmed that this would ensure that the Council's responsibilities with respect to protected species are fully met. The applicant is prepared to accept this condition because the main purpose of the proposals is stated to be the provision of turbine installation training for the company's employees. If a subsequent application is submitted which is

accompanied by reports which indicate that it is safe in ecological terms to turn the turbine then the company has confirmed that it would wish for this to occur in order to generate renewable energy.

- 3.4 It is concluded that the applicant has provided satisfactory clarification with regard to the deferral reasons specified at the November Committee and that accordingly, the proposals are compliant with relevant development plan policies and guidance. Approval is therefore recommended subject to the conditions listed in appendix 1 of annex 1, with the addition that the blades and nacelle should be treated in black rather than white.

List of Background Papers : Planning Applications 14/02390/FUL and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr David Turner

Appendices: APPENDIX 1

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ANNEX 1



Committee and date

South Planning Committee

11 November 2014

Development Management Report

Application Number: 14/02390/FUL	Parish: Much Wenlock
Proposal: Erection of one low profile wind turbine	
Site Address: Lea Quarry, Wenlock Edge, Much Wenlock, TF13 6DG	
Applicant: Mr S Lloyd-Jones, Edge Renewables	
Case Officer: Grahame French	email: planningdmc@shropshire.gov.uk

Recommendation:- Approve subject to the conditions sets out in Appendix 1.



REPORT

1.0 THE PROPOSAL

1.1 The applicant, Edge Renewables is a renewable energy company specialising in supplying biofuel boilers and associated wood chip fuel to customers in Shropshire and adjoining areas. The company became established at the former Lea Quarry site 18 months ago and subsequently acquired a 61ha landholding including the current application site from the former quarry company owner in December 2012. Permission for biofuel storage and preparation and associated uses was granted in 6th March 2013 (12/03034/MAW). A number of associated applications to consolidate this use and comply with requirements of the above consent have since been received.

1.2 The application as originally submitted involved the erection of to install two Evoco Energy Low Profile 10kw Wind Turbines in an area adjacent to the plant site area at Lea Quarry which is the company's main centre of operations. Following objections received as part of the planning consultation process however the company has agreed to reduce the scheme from two to one single turbine. Moreover, this would not be erected permanently at the site but would instead be regularly assembled and disassembled for training purposes. The applicant anticipates that the turbine would be in its assembled state for the majority of each month but would typically be disassembled and reassembled once or twice a month. The turbines are installed using hydraulic power packs and rams for fast installation without the need for heavy lifting equipment and are typically raised in 5 minutes. The foundation structure is lowered into the ground and steel piles are driven in to secure it without the need for concrete. The training turbine would allow Edge Renewables Ltd staff to become accredited installers of these Wind Turbines in order that the company can supply them to customers.

1.3 The turbine would be mounted on top of a single solid tower (monopole). The tower would be 12m high with a hydraulic 'Tilt-Up'. The 3 blade rotor would measure 9.7m in diameter and would be made of reinforced moulded glass-fibre, thus the highest point of the Turbine from the ground level would be 16.850m. The turbine pole would be galvanised steel but the applicant has stated that this could be coloured subject to the requirements of the planning authority. The top of the turbine comprising of the nacelle and blades would be white. The foundations are of a steel pile, sheet and mesh construction and would not require concrete.

2.0 SITE LOCATION / DESCRIPTION

2.1 Lea Quarry is situated approximately 2.5km east of Much Wenlock. The quarry is located within and adjacent to the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and a Site of Special Scientific Interest designated in this area primarily for its geological significance. The site is accessed via existing main entrance gates from the B4371 and through internal access tracks.

2.2 The 'low profile' wind turbine would be located on the south-west edge of the 'operational yard at Lea Quarry close to the boundary before the land slopes away towards the southern timber storage area. This is on the fringe of the area where the buildings are located and where the majority of the renewable energy business activity is carried out. It would stand on an open area of crushed stone which is partly used for

access to the north and south timber storage areas and to some of the buildings, and would face to the south west.

2.3 To the north of the site the ground level rises significantly to the top of the Wenlock Edge which is covered in fairly dense broad leaved trees. To the south there is a small general storage area and then a dense broad leaf tree plantation which runs alongside the B4371 road, providing screening of the proposed site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application has been subject to a request for referral to committee by the local member Councillor Turner and this request has been agreed by the Area Development Manager in accordance with the Council's adopted scheme of delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Much Wenlock Town Council: Objection on the grounds that the Neighbourhood Plan does not support wind turbines except to endorse the approach taken in the Shropshire Hills AONB 2009-2014 Management Plan (Policy 35).

- ii. The wind turbines would be located in an ANOB and close to a SSSI.
- iii. The proposals are contrary to policies, CS6 CS16 and CS17 in the Core Strategy.

4.2 Natural England: No comments received.

4.3 M.O.D: No objection.

4.4 AONB Partnership: No comments received.

4.5 Campaign to Protect Rural England: On behalf of the Campaign to Protect Rural England (CPRE) in South Shropshire, I wish to object to this planning proposal 14/02390/FUL, the erection of two low profile wind turbines by Edge Renewables at Lea Quarry. My reasons are:

- i. The National Planning Policy Framework mentions Areas of Outstanding Natural Beauty (AONBs) specifically in its cornerstone policy on development as 'exception areas where restrictions apply.' This application does not include an 'assessment of any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.' The Shropshire Core Strategy gives a high profile to the AONB in terms of quality of landscape, geo-diversity and biodiversity. It states that proposals which individually or cumulatively erode the character of the countryside will not be acceptable development will need to pay particular regard to landscape character, biodiversity or other environmental considerations - especially the Shropshire Hills Area of Natural Beauty. The Much Wenlock Neighbourhood Plan does indeed support the idea of alternative energy as claimed by the applicant but omits the fact that residents are opposed to wind power in this location and considers that other alternative energy sources are more appropriate.
- ii. Shropshire Hills Area of Outstanding Natural Beauty is a designated area - a special landscape - and deserves protection from development especially as this is both an

industrial & a commercial application that will have a negative impact on the environment and the landscape.

- iii. Site of Special & Scientific Interest - Wenlock Edge has unique geology and is visited by geologists from around the world. The turbines would be located close to this SSSI and a recent High Court Judge (May 2012) ruled their right to preserve their landscape was more important than the Government's renewable energy targets.
- iv. Loss of Visual Amenity - Wenlock Edge is a beautiful rural location and is visited by thousands of visitors, locals, walkers, runners, geologists each year. The development would have an impact on the use of footpaths and bridleways the Shropshire Way and a nearby bridleway pass less than 160 metres from the site. The installation of two 'alien' objects to the environment will mean a loss of visual amenity because they have a height of 16.85 m., a diameter in excess of 9.7m., will be contained by protective and barrier fences, and will be operational continuously 24 hours a day & seven days a week. The applicant stresses the protective 'excellent screening by dense broad leaf tree plantations' that almost surround the site but fails to mention that the turbines will be distinctly visible during the autumn & winter months when the trees will be bare of leaves and the moving blades will be both visible and audible to walkers, horse riders, visitors and drivers along the nearby B4371.
- v. Planning Policy: Core Strategy Policy CS5... the proposal is in an AONB, adjacent to an SSSI and is thus not an appropriate site and will not help to maintain the character of the local countryside. Any community and commercial benefits will centre exclusively on Edge Renewables as they will gain exclusive use of generated power and from possible sales emanating from their 'show' turbine. Core Strategy Policy CS6... the proposed development will NOT help sustain the well-being of the local community, nor will the turbines consider the scale, appropriate siting, environmental and other impacts. This policy carries little weight in supporting the development of wind turbines. Core Strategy Policy CS8... development should not have a significant adverse impact on the environment and thus this policy would deem the development as inappropriate. Core Strategy Policy CS13... this is a poor example of Shropshire Council and Edge Renewables working together in this rural area. It fails to offer protection to the SHAONB, it fails to include local opinion, it fails to help preserve tranquility, loss of wilderness and damage to the special qualities of Wenlock Edge. Core Strategy Policy CS16... schemes aimed at diversifying the rural economy for tourism, cultural and leisure uses that are appropriate in terms of their location, scale and nature, and do not harm Shropshire's tranquil nature. The proposal fails to relate to most facets of this policy. Core Strategy Policy CS17... this proposal would adversely affect the visual, ecological, heritage or recreational values and functions of this part of the Wenlock Edge.
- vi. Noise: environmental noise damages human health, particularly at night. Wind turbines operate at night and noise is measured by its audible range - but not the lower frequencies. Aerodynamic Modulation and infrasound could prove hazardous locally. Health Impact... a Health Impact Assessment is called for as this is a continuous operation with audible noise, low frequency and vibration effects. Strobe Effect... from wind turbines, when the sun is behind rotating blades can cause health, shadow flicker and reflected light problems. A Health Impact Assessment should be carried out.
- vii. Wildlife: Bats and their roosts are protected by law and a bat survey must be carried out before any work can go ahead.

- viii. Conclusion: Wenlock Edge is a special place: it is a lovely wooded escarpment that is treasured for its rurality, its views, its geology, its tranquility and its beauty. It is a tourist attraction and its un-spoilt scenery is greatly valued by local people and businesses. The proposed erection of the two wind turbines will harm the unique landscape that makes Wenlock Edge such a special place.

4.4 SC Drainage: No objection.

4.5 SC Public Protection: (comments on proposals as submitted) No objection. There is unlikely to be any impact in terms of noise on the nearest residential dwellings. This conclusion has been drawn due to the fact that although two wind turbines are proposed one will be continually constructed and dismantled for training purposes. The location has high background noise levels in the day due to wood chipping processing on site and the road bordering the site to the south. With nearest residential properties being over 200m away there is little likelihood of issues arising. However, to ensure that no loss of amenity occurs at nearest residential properties a condition ensuring the turbine type is as stated in the application is recommended. Given the turbine type, location and predicted noise emissions, it is not considered that significant noise disturbance is likely to arise from the installation. However, conditions covering noise control are recommended. If the applicant does not think that the turbines proposed can fulfil the recommended conditions a noise report should be submitted following ETSU97 guidance and good practice guides published on how to apply ETSU97. This can then be reviewed and further comments placed as necessary.

4.8i. S.C.Ecology:

Comments if one training turbine is erected

- iv. In the Design and access statement it states that:

The one Turbine will be utilised by Edge Renewables Ltd to produce electricity to power the plant, machinery and buildings involved in the production of the Biomass Wood Chip fuel, where a considerable amount of electricity is required. The second Turbine is necessary for training purposes so that Edge Renewables Ltd staff can be accredited installers of these Wind Turbines in order to supply them to customers. This one will therefore be erected and dismantled during the training process.

If the single training turbine is to be erected and dismantled in the same day and/or will not be running overnight (see above) a bat survey would not be required. However, if it is to run overnight, a bat survey will be required as described above, due to its proximity to woodland/scrub edge. An assessment on its potential impacts on birds, including birds of prey, would still be required, but clearly if the turbine can be moved away from bird habitat it would improve matters.

Conditions and informatives

- v. Once the outstanding issues have been satisfactorily clarified I will provide appropriate conditions and informatives to be attached to any planning permission if granted. The application site falls in the NE SSSI Risk Zone for which Natural England would like to be consulted on all planning applications. If NE has not already been consulted I recommend they are given a chance to comment if they wish to.

4.9 Public representations: The application has been advertised in accordance with relevant provisions and the nearest properties have been individually notified. Thirteen objections have been received, raising the following points:

- i. AONB / SSSI: The site is adjacent to an AONB and therefore contravenes Shropshire Council's core strategy. Wenlock Edge is in an Area of Outstanding Natural Beauty, wind turbines are not "natural" and certainly NOT "Beautiful". The quality of this landscape, geology and biodiversity should not be damaged in any way by this development. Is nothing sacred? This is also a site of special scientific interest, and you should be proud to be part of such a fascinating piece of history. The proposed two turbines (one of which is described as a "training" structure to be put up and taken down - would permission be required for this?) despite some careful positioning will still be very conspicuous particularly in the wintertime when trees are bare. The site is in the Shropshire Hills AONB and also a area of SSSI designation.

- ii. Tourism / landscape / environment: This proposed application does not take into account Environmental assets and tourism: The interlinked policies CS16 and 17 recognise the subtle but pervasive role of well-conserved and enhanced heritage assets in underpinning a rural economy in which sustainable tourism plays a major role, with the area around Wenlock Edge a key venue. People travel from all over the world to walk and ride on Wenlock Edge where wind turbines have no place in this unique and celebrated landscape. This has already been reflected in the reasoning for refusing the three recent wind turbine planning applications at Kenley, The Hills and Sidnall which were perceived as posing a threat to the environmental capital of the area and by implication to its tourism-based rural economy. This proposal would deal an enduringly negative blow to this sensitive, memorable and celebrated countryside and its perception and enjoyment by the public. I support the protection of our beautiful Corvedale and Wenlock Edge. Wind turbines and any other industrial structure have no place in this area. Two very large visible industrial scale structures in an area of outstanding natural beauty is an abomination. The planning philosophy for Shropshire states very clearly that the landscape is one of our greatest assets and attracts tourists from many other parts of the world creating jobs for the local community. The applicant quotes a proposed tilted height of over 55ft but the potential full height is over 70ft with a diameter in excess of 31ft. They would be a visible scar towering above the treeline of Wenlock Edge and seen for miles around. The proposed site is within the AONB and an area of SSSI and any wind turbine development in this area will have a detrimental effect on tourism and the amenity of local people who enjoy walking on The Shropshire Way and riding on the Jack Mytton Way which runs adjacent to the proposed site. The idea of industrial structures towering over Wenlock Edge is and the applicants statement that the turbines will be screened by trees laughable and it proves that the purpose of such development is purely to attract, and in this case encourage, subsidy payment rather than generate power through wind. am against all on shore wind turbines as they are a proven blight on the landscape regardless of size - This applies to all Wind Turbines large or small - Whatever moves is easily visible. I am also concerned about the cumulative impact with other turbine proposals in area and the negative impact on tourism these would have in the area, especially for walkers and nature enthusiasts. Additionally I am concerned about the impact on wildlife and noise pollution

- iii. Ecology: Peregrine Falcons nest in the quarries on Wenlock Edge. The risk of the turbine blades destroying these endangered birds is considerable. As well as the visual effect the turbines would have on the local environment consideration must be given to

the wild life disruption. The constant movement and noise the turbines create causes stress to animals. Peregrine Falcons nest in the quarries on Wenlock Edge. The risk of the turbine blades destroying these endangered birds is considerable.

- iv. Public access: I object to the implied threats made in one of the comments that Edge Renewables could remove public access from the Shropshire Way footpath. This would seem to me to be an admission that the applicant is not confident that his proposal can be justified on planning issues alone. The comment mentioned on the 2nd July, with reference to removing permission for geologists to visit the SSSI, because of the views of the CPRE, seems rather unfair, as it is clear from all the objections, people genuinely feel that Wenlock Edge is a very special place.

- v. Questioning benefits / better alternatives: Other forms of renewable energy may be more favourable in this case. As part of the application it is noted that perhaps the main selling point of such turbines is the money that they can earn, and I would contend that this is the primary reason for this application. Solar panels have been used successfully up to now to provide clean energy to the existing buildings and I would suggest that this would again be a more acceptable method. The significant structures would have a negative impact on the environment and the Wenlock Edge landscape that would far outweigh any benefit in terms of renewable energy provision (ref: Planning Inspectors Redetermination of Kenley wind turbine appeal). As far as their efficiency is concerned it is inescapable that they are in the main useless in meeting demand led electricity needs and are often seen stationary when there is a perfectly acceptable level of wind owing to the fact that the Grid does not need them to generate - what a waste of time, space and money. Would Wind Turbines be viable without subsidies? - I doubt it, however if we need to encourage renewables with taxpayers money then why not concentrate on Solar as it is relatively non-intrusive if sited sympathetically and battery technology so that we can store the electricity generated. I would also question the proposed location of the turbines in terms of sitting for maximum efficiency and would request that Edge Renewable produce evidence for wind flow in the proposed area.

- vi. Policy: CS8: Facilities, Services and Infrastructure Provision: While encouraging renewable energy development this policy also clearly states that development should not have a significant adverse impact on the environment. In other words, in the case of Kenley and, I would suggest, this proposal, this policy would deem the development inappropriate.
CS6: Sustainable Design and Development Principles: In the first planning inspectors report, CS6 was used to support the proposed Kenley turbine development on the grounds that the policy supported renewables and developments which mitigated climate change. However, in his Judgement, Mr Justice Parker stated that he was sympathetic to the argument that CS6 was aimed at the design of infrastructure, rather than the installation of wind turbines. This policy would therefore seem to carry little weight in supporting the development of wind turbines. As a consequence of the Judicial Review, the Planning Inspectorates Redetermination of the Kenley wind turbine development and Shropshire Councils Core Strategy, I believe that wind turbines in this particular area and in all other unspoilt landscape areas of Shropshire are contrary to the development plan and the guidance of the National Planning Policy Framework. The applicant also quotes in their Design & Access Statement (5:4) that the Much Wenlock Neighbourhood Plan supporting alternative energy but omits to include the full quotation as follows: *While supportive of alternative energy generation,*

residents are opposed to wind power in this location and consider that other alternative energy sources are more appropriate in this location.

The recently adopted Much Wenlock Neighbourhood plan should not be ignored when considering this application. It clearly states that while supportive of alternative energy generation, residents are opposed to wind power in this location and consider that other alternative energy sources are more appropriate in this location.

- vii. Other: Horse riders enjoying the Jack Mytton Way would most definitely be affected by the turbine presence.
- 4.10 Much Wenlock Civic Society: Objection. The proposed development lies in an environmentally and scientifically sensitive area adjacent to or within the AONB, and SSSI and the area covered by the AONB advisory plan. Approval of such an application would seriously compromise the nationally important landscape character of Wenlock Edge. It would also be totally incompatible with specific planning policies including policies CS6, CS16 and CS17, adopted by Shropshire Council.
- 4.11 Comments from applicant (30/06/14): Following the Much Wenlock Town Council meeting Edge Renewables has decided to reduce the application to a single training turbine of the same size in the same location, we do feel this would be suitable and really can't be seen in summer or winter from the B4371 or surrounding area except for a few high surrounding fields. It has always been Edge Renewables' ambition to offer the full range of Renewables and unfortunately we need to install a turbine somewhere to do this, we also need it to be close for staff training and demonstration purposes. We can place one or two turbines on the operational Yard, outside of the AONB, and also outside the SSSI, however this location is far more exposed and would be more contentious as the turbines would be seen from the road. We think it's important to point out the SSSI is a geological one and only available to the Geologists by permission from Edge. Half of the footpath (Shropshire Way) along the top which affords the views is also permitted access. We do hope we aren't penalised for permitting access due to afforded views and forced to review this access due to organisations such as CPRE forcing the issue rather than letting organisations like the Shropshire Geological Society make their own representations. We would highlight planning application 13/01941/FUL and subsequent application 14/00169/AMP which permitted a 21m High by 15m by 15m, building (4,725m³) to be erected by Lime Green in an identical location with similar screening and views within 1.2km of our proposed 16.85m high turbine. The Town Council supported this application subject to screening and no objection from CPRE in this instance!
- 4.12 The Town Council and other objectors to the scheme have been notified of the company's decision to omit one of the turbines from the scheme. Any comments received in response to this notification will be listed in the update report.

5.0 THE MAIN ISSUES

- Context for the development;
- Operational justification for the development;
- AONB;
- Environmental effects;
- Cumulative Impact

6.0 OFFICER APPRAISAL

Context for the development:

- 6.1 The principle of establishing a wood chip biofuel processing facility in part of Lea Quarry on Wenlock Edge was established by planning permission ref. 12/03034/MAW granted on 6th March 2013. This allowed a central processing area on part of the former quarry plant site with two areas of external timber storage set down at the base of the quarry on either side. A number of further applications to establish a range of buildings and extensions within the existing plant site have since been approved.
- 6.2 Since the original permission the company has made significant progress in habitat creation, visual and ecological mitigation and public access. An outline planning permission for a visitor centre 1km east of the current application site was also recently approved as a further intended voluntary contribution from the company towards local conservation / interpretation objectives (13/03060/OUT). It is considered that the company has met and in some respects exceeded the initial requirements of the main planning permission for biofuel processing (12/03034/MAW).
- 6.3 At the same time it is recognised that the site is in a sensitive location within / adjacent to an AONB and SSSI and close to popular recreational footpaths. In determining the main biofuel application Shropshire Council's South Planning Committee recognised that an appropriate balance needed to be struck between the requirements for renewable energy / addressing climate change, jobs, investment and the intrinsic protection to be afforded to the environment and the AONB. The committee considered that the benefits of the proposals were sufficient to justify the development, subject to the recommended conditions. The current application seeks approval for a further layering on to the approved activities which can take place in the company's operational plant yard. The environmental implications of the current proposals need to be weighed carefully against relevant environmental concerns.

Operational justification for the proposals

- 6.4 The applicant originally put forward a 2 turbine scheme on the basis that one turbine was required for training purposes and the other would assist in supplying energy for the company's business. The production of wood chip fuel is an energy intensive process. The company is also in the process of installing an indoor wood chipping machine which will require additional electrical power. Permission for the second turbine was therefore sought in order to further offset the company's energy costs. It was proposed that the turbines would benefit from a natural 'wind tunnel' effect which occurs at Lea Quarry.
- 6.5 Following objections received during the planning consultation process however the company has agreed to reduce the proposals to just one turbine to be used for training purposes. This follows concerns about the visual and environmental effects of the proposals and the sensitive nature of the surrounding area. It is intended that the turbine would be regularly assembled and disassembled. It is stated that this facility is required in order for the staff of Edge Renewables Ltd to become accredited installers of Wind Turbines. The applicant states that this will result in the increased business capacity for Edge Renewables Ltd and then the employment of additional staff, recruited from the local community, estimated to be at least four initially and then increased as this part of the business develops. There would also be a benefit to the

wider community from the company's ability to supply an additional source of renewable energy to customers.

- 6.6 The remaining turbine would be in an area which is generally well screened by mature vegetation. Some localised views would be available, principally from formal and informal footpaths to the north of the plant site. However, it is not considered that views of the turbine would be obtrusive from this location. This is given the presence of intervening trees and topography and the proximity of the existing buildings within the Edge Renewables plant site. The tallest of these is 15.5m high and is currently used as a salt store by Shropshire Council under the terms of a lease. However, the proposed turbine would be set at a lower elevation within the quarry site and would be behind mature roadside trees of a similar height.
- 6.8 The company's decision to remove one of the turbines from the scheme strikes a better balance between the company's business needs, renewable energy benefits and the need to protect the local environment, including the AONB. It is considered that the operational justification for the proposed turbine can be supported on this basis. (Core Strategy Policy CS13)

AONB and visual amenity

- 6.9 The proposed turbine would be located just within the AONB and the NPPF advises that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty'. A number of consultees have objected to the proposals on the basis of the impact on the AONB. However, the proposed turbine does not comprise 'major development'. It would be of a low profile design being not significantly taller than the tallest existing buildings in the company's plant yard and would be located in a well screened location.
- 6.10 In particular, the yard area where the turbine would be located is set down relative to the main plant yard and benefits from screening by mature trees of similar height on the roadside to the south and south west and the buildings of the plant yard to the east. Whilst the turbine would be in its assembled state for most of the time the applicant has confirmed that the pole can be painted a matt colour to further reduce visual impact. The turbine would also be prevented from rotating unless ecological criteria had been met. Some objectors have expressed concern that the trees screening the site would lose leaves in the winter rendering the turbine more visible. Officers are satisfied however that sufficient screening would remain and that there would not be any unacceptable adverse effects on the AONB or its setting. The turbine would be set back 95m from the public highway and 160m from the site access, where it would be totally screened by intervening buildings and vegetation. Given also the renewable energy and employment benefits of the scheme it is concluded on balance that the proposals would not conflict with paragraph 116 of the NPPF.
- 6.11 Cumulative impact: A number of other recent proposals have also been approved including:
- Ref. No: 13/03243/FUL - The continued use of the external timber storage areas as approved by planning approval reference 12/03034/FUL.

- Ref. No: 13/03060/OUT - Outline application for the erection of a visitor centre with parking facilities and new vehicular and pedestrian access (all matters reserved).
- Ref. No: 13/03059/FUL - The erection of a wood chip storage building, a timber chipping building to process wood chip and installation of photovoltaic panels to both buildings.
- Ref No: 13/03243/FUL - The continued use of the external timber storage areas as approved by planning approval reference 12/03034/MAW

No further schemes involving operational development beyond the existing plant yard are however proposed and the company has submitted a legal agreement confirming this.

- 6.12 It is recognized that the current proposals and other recently proposed schemes may have the potential to result in some cumulative / in combination impacts relative to the originally approved change of use scheme. However, it is considered that other factors mitigate against the potential for cumulative impacts, including existing and proposed landscaping, re-cladding of existing retained buildings, the low profile nature of the turbine and the level of existing screening of the proposed site. It is concluded on balance that the current proposals would not result in any unacceptably adverse cumulative or in combination effects on the AONB or the local environment.
- 6.13 Ecology: The Natural Environment section objected to the proposals as submitted on the basis that further information is required on protected species. The response was qualified by recognition that there would be different information requirements if just one of the turbines was erected for training purposes. The applicant has since withdrawn the second turbine from the scheme and it has been recently confirmed that the retained turbine would not be allowed to run overnight during times when it is operational. Natural Environment has confirmed on this basis that a bat survey will not be required.
- 6.14 The proposed turbine would have a hub height of 12m and a 9.7m rotor diameter and would be set back 30m from the nearest established trees. This is less than the limit of 50m between blade tip and hedgerow / trees recommended in Natural England Guidance for bats (TIN051). However, as previously stated, the turbine would not be run at night when bats are active. An appropriate condition has been recommended in Appendix 1. If the applicant subsequently decides that it would be beneficial to allow the turbine to run overnight then it would be necessary, without prejudice, to apply to vary the recommended condition. Any such application would need to be accompanied by a bat survey.
- 6.15 A condition recommended in Appendix 1 allows some flexibility in micro-siting the turbine. This would allow it to be located 10m (1 turbine diameter) further to the north-east which would take it further from the main part of an identified landscape area with potential benefits for birds.
- 6.16 The limited scale of the turbine (9.7m rotor diameter) and its siting 30m away from existing mature trees and hedgerows on the edge of a hardstanding area limits the potential for impact to birds. It is considered reasonable to require a survey of birds to be submitted prior to the bringing into use of the turbine, rather than prior to the determination of the application. This would not prevent the turbine from being erected for training purposes, but would require approval of the bird survey before the rotor

blades were allowed to turn. As the principal purpose of the turbine is stated as training rather than energy generation this should not present an implementation problem for the applicant. An appropriate condition has been recommended in Appendix 1. If the survey concludes that the turbine would pose any risk to birds then the condition would require that the turbine does not operate during specified hours.

- 6.17 With respect to Great Crested Newts the applicant has agreed to extend a mitigation strategy previously agreed in connection with other plant site areas in order to include the proposed turbine and surrounding areas. The mitigation strategy has already been agreed for adjacent areas it is considered that there is a high degree of and the footprint of the proposed turbine is very limited and within an existing heavily trafficked hardstanding area. It is considered therefore that there is a high degree of confidence that an appropriate mitigation strategy can be agreed for the current site and that this matter can also be dealt with by an appropriately worded pre-commencement planning condition. (Core Strategy Policy CS17)
- 6.18 Noise: Some objectors have expressed concerns that the proposed turbine could give rise to noise impact which may impact on the amenity of the nearest residents and the tranquility of the AONB. However, Public Protection has not objected given the characteristics of the turbine and the distance to the nearest residential properties. A condition covering noise limits has been recommended in Appendix 1.

7. CONCLUSION

- 7.1 The scheme has been reduced from two turbines to one which would be assembled and disassembled for training and accreditation purposes. It is considered that the need for a training facility of this nature can be justified in principle as a logical extension of the company's existing renewable energy supply activities.
- 7.2 The turbine would be of a low profile design, only slightly taller than the highest building in the plant yard, and would be located in a well contained part of Lea Quarry, immediately adjacent to the operational plant yard area. Views towards the proposed turbine would be very limited. Whilst objections have been received regarding the effect on the AONB it is not considered that there would be any unacceptably adverse effect on the appearance or setting of the AONB which would be sufficient individually or cumulatively to justify planning refusal. This is having regard also to the renewable energy and employment benefits of the scheme. Nor is it considered that there would be any adverse impact on ecology once the detailed characteristics of the proposals and the recommended conditions are taken into account.
- 7.3 It is concluded that the proposals can be accepted in relation to relevant development plan policies and national guidance, subject to the recommended conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.

- The decision is challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be a) promptly and b) in any event not later than 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.

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.

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

- 9.1 There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this 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:

10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

- 10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'.

The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 The Government's objective is that planning should support the transition to a low carbon economy in a changing climate, for instance, by the development of renewable energy (s17). To help increase the use and supply of renewable and low-carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources. They should:

- have a positive strategy to promote energy from renewable and low-carbon sources, including deep geothermal energy;
- design their policies to maximise renewable and low-carbon energy development while ensuring that adverse impacts are addressed satisfactorily;
- consider identifying suitable areas for renewable and low-carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers (s97).

10.1.3 When determining planning applications, local planning authorities should apply the presumption in favour of sustainable development and:

- not require applicants for energy development to demonstrate the overall need for renewable or low-carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once opportunity areas for renewable and low-carbon energy have been mapped in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying opportunity areas (s98).

Special tests apply however for development affecting National Parks and AONB's (para. 116) and such areas should be afforded the strongest protection. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. The current proposals do not comprise 'major development'.

10.1.4 The areas covered by the NPPF include:

- 1. Building a strong, competitive economy;
- 2. Ensuring the vitality of town centres;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 5. Supporting high quality communications infrastructure;
- 6. Delivering a wide choice of high quality homes;
- 7. Requiring good design;

- 8. Promoting healthy communities;
- 9. Protecting Green Belt land;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;
- 13. Facilitating the sustainable use of minerals.

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

- CS5: Countryside and Green Belt;
- CS6: Sustainable Design and Development Principles;
- CS13: Economic Development, Enterprise and Employment;
- CS14: Managed release of Employment Land
- CS16: Tourism, Culture and Leisure
- CS17: Environmental Networks
- CS18: Sustainable Water Management

10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;
- P67: Environmental considerations.

10.3.3 The Bridgnorth Local Plan The site is not affected by any specific designations in the Plan. Previously relevant policies have now been replaced by the policies in the Core Strategy.

10.4 Emerging planning policy documents and guidance

10.4.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Much Wenlock area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that 'Shropshire must play its part in providing

energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire's high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets'.

10.4.2 Draft development management policies for the SAMDEV have been published and indicate the direction of future policy change. The most relevant directions for the current proposals are:

- MD2 – Promoting sustainable design;
- MD7 – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD9 – Safeguarding and improving employment investment (includes seeking to protect existing employment sites in rural areas);
- MD11 – Tourism facilities and visitor accommodation;
- MD12 – Protecting and enhancing Shropshire's natural and historic environment.

It is considered that the proposals are in broad compliance with these policy directions.

10.5 Other strategies and considerations:

10.5.1 The UK Renewable Energy Strategy (July 2009) implements the EU Renewable Energy Directive which includes a legally binding UK target to secure 15% of energy from renewables by 2020 (a seven-fold increase from 2008 levels). The government states that this will assist in addressing climate change and security of energy supply whilst creating up to half a million jobs in the renewable energy sector by 2020. The strategy advocates the following targets:

- More than 30% of our electricity generated from renewables, (up from about 5.5% today);
- 12% of our heat generated from renewables, (from very low levels today);
- 10% of transport energy from renewables, (current level of 2.6%).

10.5.2 The UK Low Carbon Transition Plan (July 2009) aims to deliver emission cuts of 18% on 2008 levels by 2020. This will be achieved amongst other matters by getting 40% of our electricity from low carbon sources by 2020 (30% from renewables) and by substantially increasing the requirement for electricity suppliers to sell renewable electricity. The plan also sets out measures to promote greener homes and industries. The Government has put in place a legally binding target to cut emissions 80% by 2050 and a set of five-year "carbon budgets" to 2022 to keep the UK on track.

10.5.3 The Climate Change and Sustainable Energy Act 2006 sets out the Government's long term goal of reducing carbon dioxide emissions by 60% by 2050.

10.5.4 DEFRA's Climate Change Plan 2010 sets out how DEFRA will deal with the challenges of climate change. It refers to anaerobic digestion and states: "Anaerobic Digestion can reduce methane emissions from manures and slurries, whilst at the same time producing renewable energy in the form of biogas and digestate that can be used as fertiliser. The Anaerobic Digestion Implementation Plan published by DEFRA in March 2010, provides

a framework for joint action by Government and Industry to drive a major increase in the use of anaerobic digestion.”

10.5.5 The Shropshire Hills AONB Management Plan The AONB Management Plan is a statutory document which the local authorities are required to produce jointly, and aims to influence and guide organisations and individuals on a wide range of topics. The review of the statutory AONB Management Plan started in 2012, and will lead to a new Plan covering the period 2014-19. The Management Plan’s Vision is that “the natural beauty of the Shropshire Hills landscape is conserved, enhanced and helped to adapt by sympathetic land management, by co-ordinated action and by sustainable communities; and is valued for its richness of geology, wildlife and heritage, and its contribution to prosperity and wellbeing”. The AONB designation is not about preventing change, but managing change in a positive way and securing maximum benefit for the area. The Management Plan defines the following strategic priorities to guide action for 2009 to 2014:

- Valuing, conserving and enhancing what we have: Conserving the landscape, including habitats and wildlife, heritage, tranquility and environmental quality, with adequate advice, support and funding. Ensuring that development is sensitive and appropriate in terms of scale, location and good design.
- Keeping the Shropshire Hills countryside thriving: Supporting farming and land management activities which maintain the landscape, developing local supply chains for food, wood and other products, and raising consumer awareness. Developing the local economy in harmony with the area’s environmental assets. Helping communities to be sustainable, with appropriate affordable housing and business activity.
- Shifting to low carbon: Taking the right action to mitigate climate change – by conserving energy and reducing transport impacts, developing renewables appropriately, and managing land to minimise emissions and optimise carbon storage.
- Adapting for the future, working alongside nature: Achieving conservation at a landscape scale – restoring and re-creating habitat networks. Looking after the ecosystem services which keep us alive – food, water, air, energy, raw materials, soil, etc. Social and economic adaptation – improving resilience of infrastructure and communities.
- Helping people to connect with the AONB: Raising awareness of the AONB and its special qualities, developing sense of place. Maximising enjoyment and wellbeing, and increasing opportunities for active community involvement. Supporting relevant learning, skills and training.

10.5.6 In relation to economic development the plan states (p32) that ‘the economic (and social) inter-relationship between towns and their rural hinterlands needs to be nurtured and re-discovered. Church Stretton is particularly relevant here, but links between the AONB and the significant number of towns lying just outside it are important too. As well as having a concentration of high quality scenery, biodiversity and heritage, the Shropshire Hills is a lagging area by many social and economic indices. *Economic development is therefore a priority, but must be taken forward in ways which do not undermine the high quality environment of the AONB*, which itself is a significant long term economic asset. The right kind of economic activity (e.g. in farming and forestry) can sustain the quality of the landscape, and the quality of the landscape can in turn sustain other economic activities (e.g. tourism). The planning system should help to enable appropriate sustainable forms

of development. Awareness could be raised substantially by encouraging or requiring appraisal of the overall sustainability of development proposals against economic, social and environmental criteria. With guidance and support, many people are willing to improve their proposals.

10.5.7 The Much Wenlock Neighbourhood Plan: Key objectives relevant to the current proposals include:

i. Objective 1 - Local economy and jobs:

The Neighbourhood Plan will facilitate opportunities for new and existing businesses to create employment growth and it will do this through:

- the designation of additional land
- the approval of new premises in appropriate location(s)
- allowing new mixed-use development so appropriate businesses can operate from homes and dwellings and
- by resisting the change of use of sites currently designated for employment purposes

ii. Objective 6: Achieving a more sustainable community and addressing climate change: The Plan will encourage a move towards a low- carbon economy which includes local food production and the generation of renewable energy. We will do this through:

- Permitting the allocation of land within the parish to support food production that meets local needs and the local market;
- *Responding positively to proposals for sites for hydro-electricity, anaerobic digestion or wood fuel projects and encourage their use in the local community.*

iii. Objective 8: Protecting and improving local green and open spaces:

The Neighbourhood Plan will ensure that

- existing areas of open and green spaces within the parish are retained and their quality is improved;
- additional areas of open and green spaces are created within new developments
- the provision of accessible open space meets or exceeds [Shropshire Council] standards for green and play spaces and allotments
- new developments will include gardens of appropriate scale to the property

iv. Objective 9: Improving and protecting the local landscape and wildlife:

The Neighbourhood Plan will encourage sympathetic management of the countryside around Much Wenlock to enhance the high quality landscape, improve local biodiversity and other benefits to the community as part of our 'green infrastructure'

v. Other relevant objectives:

Objective 3: Traffic management and community well-being;

Objective 4: Community facilities;

Objective 7: Protecting our local environment through well-designed development;

The plan lists the following future issue to consider:

How do we reconcile the desire to restore disused quarries for wildlife and recreation with the suggestion that new industry should be located in disused quarries?

11. RELEVANT PLANNING HISTORY:

- 11.1 Edge Renewables occupied Lea Quarry as a tenant in late 2011 and acquired the site in December 2012. Permission was subsequently granted for wood chip processing and associated activities on part of the former quarry site including the current application site on 6th March 2013 (12/03034/MAW). Some minor ancillary applications and schemes to discharge conditions linked to the above permission have been approved since this time. A number of further applications to consolidate and develop the renewable energy use at the site have subsequently been approved.

List of Background Papers : Planning Applications 13/03159/FUL and 12/03034/MAW and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr David Turner

Appendices: APPENDIX 1

APPENDIX 1

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with informal pre-application advice by the authority. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

Conditions:

Commencement of development

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than two weeks prior notice of the intended date for the commencement of any development at the Site shall be provided in writing to the Local Planning Authority. Such date shall be referred to hereinafter as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a) and to define the Commencement Date for the development hereby approved (1b).

3. Except as otherwise provided in the conditions attached to this permission the operations and uses hereby permitted shall be carried out strictly in accordance with the approved scheme comprising:-
 - i. The application form dated 29th May 2014 and the supporting Planning Design and Access Statement dated from A.C.Craig Associates.
 - ii. The permitted drawing accompanying the planning application, namely drawing reference 1200/12 - 48 (proposed site layout drawing - revision A);
 - iii. The turbine specifications stated on page 6 of the manufacturer's brochure entitled Evco Energy.

Reason: To define the permitted development and protect the amenity of the area.

Note: All other aspects relating to the renewable energy operations within the application site which are not covered by any ancillary planning approvals shall continue to be controlled under the main planning permission for renewable energy uses at the Site reference 12/03034/MAW.

Surface Treatment for Turbine and Hard Surfaces

4. Prior to the commencement date a scheme detailing the finish and colour of the wind turbine shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To confirm surface treatments within the Site in the interests of visual amenity.

Note: consideration should be given to marking the turbine hub so that it is more visible to birds.

- 5a. Prior to the Commencement Date a Great Crested Newt mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall demonstrate the measures which shall be undertaken in order to avoid the potential for any adverse impact on this protected species arising from the development.
- b. The strategy shall take account of the recommendations in the 'Lea Quarry Assessment of proposed development work, Impacts on Great Crested Newts' (August 2013) by Penny Anderson Associates Ltd and shall be implemented in accordance with the approved details.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

- 6a. Prior to the Commencement Date a bird risk report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail the measures which shall be undertaken in order to ensure that the proposals do not cause any unacceptable risk to birds.
- b. The rotors of this training turbine shall not be allowed to rotate unless the report confirms that this can occur without giving rise to an unacceptable risk to birds.
- c. The bird risk report shall be implemented in full accordance with the approved details and the Local Planning Authority shall receive written notification to this effect prior to any rotation of the turbine blades.

Reason: To ensure that the proposals do not give rise to any unacceptable risk to flying birds, including protected species.

- 7a. Notwithstanding Condition 9, no operations involving rotation of the turbine blades shall take place outside of the following hours under the terms of this permission unless a bat risk report has been submitted to and approved in writing by the Local Planning Authority:

Summer times (April to September inclusive): 06.30hrs – 19.30hrs
Winter times (October to March inclusive): 08.00 – 17.00hrs

- b. The recommendations of the report shall be implemented in accordance with the approved details

Reason: To safeguard protected species including bats and birds

8. All existing hedgerows, shrubs and trees on the margins of the Site shall be protected from damage during construction and disassembly operations.

Reason: To avoid damage to existing vegetation in the interests of ecology and visual amenity.

Notes:

- i. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.*
- ii. *Operations should be managed to avoid the need to commence work affecting vegetation in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.*
- iii. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If there is ever any evidence of a bat strike then the turbine should be shut off and discussions held with Natural England before it is allowed to resume activity.*

Noise:

9. The noise emissions from the wind turbine (including the application of any tonal penalty) shall not exceed a sound pressure level of 35dB LAeqT at 8m/s hub height wind speed free field at the curtilage of any dwelling (including garden areas) lawfully existing at the time of this consent (excluding that in the ownership or control of the applicant extant at the time that planning permission was granted). T = (4 X Turbine blade diameter) seconds.

Reason: In order to protect the amenities of the occupiers of nearby properties and the area in general.

10. The wind turbine hereby permitted shall be maintained to operate and perform in accordance with the manufacturer's specifications/recommendations.

Reason: In order to protect the amenities of the occupiers of nearby properties and the area in general

11. Following notification from the Local Planning Authority (LPA) that a justified complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all

recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease if the specified level is confirmed as being exceeded.

Reason: In order to protect the amenities of the occupiers of nearby properties and the area in general.

Micro-siting

12. The turbine may be micro-sited within 10 metres (i.e. one turbine blade diameter) of the position shown on the approved location plan, provided this does not take the turbine any closer to established vegetation to the south and west of the site.

Reason: To provide an appropriate degree of flexibility to accommodate minor changes in placement of the turbine within the site for engineering and ecological reasons and having regard to safety implications linked to the topple distance.

Note: It is recommended that consideration is given to micro-siting the turbine a further 10m to the north-east so that it is located further from the mature vegetation to the south west in the interests of ecology.

Hours for construction and disassembly

13. The hours of during which construction and disassembly of the turbine may take place shall be 0730 to 1900 hours on Mondays to Fridays and 0730 to 1400 hours on Saturdays. No such operations shall take place on Sundays or public holidays.

Reason: To protect local amenities including within the AONB.

Restriction of use

14. The use hereby approved shall relate purely to the erection and disassembly of the turbine for training purposed by staff employed directly by Edge Renewables Ltd or any nominated subcontractors or successor in title.

Reason: In accordance with the permitted details and in the interests of general amenity.

Time Limits / Decommissioning

15. The trial wind turbine and its associated ancillary equipment shall be removed from the Site not later than 30 years from the date of this permission and the Site shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. Such restoration shall be completed not later than 31 years from the date of this permission and the restoration works shall be undertaken in full accordance with the approved details.

Reason: To facilitate decommissioning and restoration of the Site within an acceptable timescale following the end of the typical planned design life for a wind turbine facility in accordance with Government advice in the Renewable and Low Carbon Energy Guide (DCLG, July 2013).



Committee and date

South Planning Committee

13 January 2015

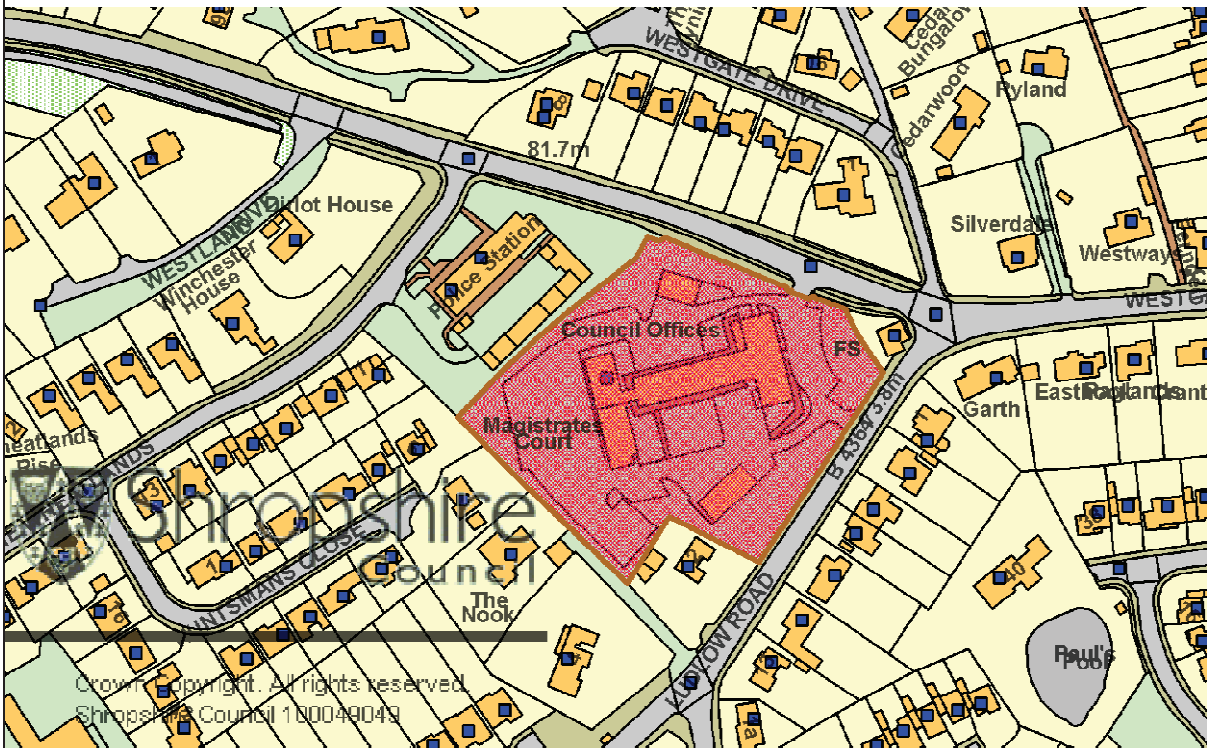
Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/02693/OUT	Parish:	Bridgnorth Town Council
Proposal: Proposed Residential Development including creation of new vehicular and pedestrian access roads (Outline Proposal)		
Site Address: Shropshire Council Offices Westgate Bridgnorth Shropshire WV16 5AA		
Applicant: Shropshire Council		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 370847 - 293201



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Recommendation:- Grant Permission subject to the completion of a Memorandum of Understanding to secure affordable housing and maintenance of any public open space by an appropriate body through a Section 106 Agreement and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for a residential development including the creation of new vehicular and pedestrian access roads. All matters (Access, Appearance, Landscaping, Layout and Scale) are reserved for later approval. It is envisaged that the site would be suitable for a range of residential property types, including general market housing and affordable housing types, such as supported living.
- 1.2 Full details including how the site would be developed, house types, densities, overall layout, access routes, proposed landscaping and amenity areas/open space provision would be the subject of a Reserved Matters application. The supporting statement advises that the final scheme would reflect the location of the site, would be of a scale and layout respecting the existing established residential properties and the overall setting of the land within Bridgnorth. It would be the intention to respect the existing trees on the site and to retain and incorporate significant trees with a current or potentially high public amenity value into the design and layout of the site. The Design and Access Statement sees the possibility of both contemporary and traditional elements of design being possible on this site.
- 1.3 The application is accompanied by an Extended Phase 1 Ecological Survey and a Tree Survey.
- 1.4 In response to the comments made by the Town Council and neighbours/third parties summarised in the Community Representations section of the report below, the agent has submitted a revised supporting statement which is discussed in the Principle of Development section of this report.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located at the former Shropshire Council offices at Westgate in the east of the market town of Bridgnorth. The site is situated between the Wenlock Road and the B4364 Ludlow Road and is bounded by established residential properties set in mature gardens to the north, east, south and west and the Bridgnorth Police Station to the north-west. The site area is 0.955 hectares and within walking distance of all the shops, facilities and amenities of Bridgnorth. There is currently vehicular and pedestrian access on Wenlock Road and an exit on Ludlow Road. Mature and semi-mature trees, shrubs, walls and hedgerows surround the site.
- 2.2 The site has established vehicular and pedestrian accesses, with an entrance on Wenlock Road and an exit on Ludlow Road. These are expected to be retained as part of any future residential scheme. Full details of these would be available at

reserved matters stage.

2.3 The site is located within Flood Zone 1 and lies to the west of the Bridgnorth Conservation Area.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application is one made by the Council in relation to land/premises owned by the Council which is not in line with statutory functions. The application must therefore be determined by Committee.

4.0 COMMUNITY REPRESENTATIONS

- Consultee Comments

4.1 Bridgnorth Town Council, – Objection:

At the meeting of Bridgnorth Town Council held on Tuesday 15 July 2014, application 14/02693/OUT was considered and it was RESOLVED: that Members strongly recommend refusal of the planning application 14/02693/OUT as the land should be retained for generating employment or possibly commercial use such as a hotel.

Members also queried whether there was a conflict of interests as Shropshire Council have applied to themselves for Planning Permission.

4.2 Shropshire Council Highways – No Objections to principle of residential development on this site.

Principle of Development

Shropshire Council as Highway Authority has no objection in principle to a residential development at the proposed location in consideration of the existing use of the site and proximity to local amenities.

Impact on Highway

The existing use of the development site is Local Authority offices that generated a number of vehicles movements within the peak hours. The offices provided accommodation for Local Authority Staff, and attracted visitors' attending meetings with staff, and members of the public with general enquiries.

It is considered that the proposed residential development will generate fewer movements than the existing use; therefore it is considered that there are no Highway grounds for refusing this application.

Policy Considerations

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic to be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated.

It is recommended that in order reduce the impact of the residential development and to promote sustainable travel, a Travel Plan is submitted prior to the

commencement of the development.

4.3 Shropshire Council Ecology 3/09/14. – No Objection:
Great crested newts

There is a pond within 100m of the site (Pauls Pool). The pond is heavily stocked with carp and was given a Habitat Suitability Index score of 0.5. No further survey for great crested newts is deemed necessary.

Bats

Pearce Environment (2014) inspected the office buildings, sheds and garage for evidence of bats but none was found. The roofs provided no potential for bats to roost. No trees had features associated with roosting bats. There is limited bat foraging available on site, limited to an unmanaged hedgerow and the mature trees. So as to control excessive lighting of these features the following condition is recommended. The report states that an enhancement strategy will be produced likely to include bat boxes.

Conditions

1. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet *Bats and Lighting in the UK*
Reason: To minimise disturbance to bats, a European Protected Species.
2. Prior to the first occupation of the dwellings details of bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.
Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

Informative

All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

Nesting birds

No evidence or potential for nesting birds was found in the buildings. The vegetation on site does offer potential bird nesting habitat. The report states that an enhancement strategy will be produced likely to include bird boxes therefore the following condition and informative should be attached to any consent:

Condition

3. Prior to the first occupation of the dwellings details of artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of nesting opportunities for wild birds

Informative

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

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

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

4.4 Shropshire Council Learning and Skills – No comments received.

4.5 Shropshire Council Trees – No Objection: Recommended conditions noted in Appendix 1 should the application be approved. Agreed with the findings and recommendations of the Tree Survey (Rev A, 11th July 2014) and have no objection in principle on arboricultural grounds to the proposed development. It was noted that all matters of layout and design are to be reserved, including access, although the Design & Access Statement includes an expectation that the existing pedestrian and vehicular access points will be retained off Ludlow Road and Wenlock Road.

Recommended that tree related conditions are attached to any permission, in order to ensure that established trees on and adjacent the site are given due consideration in layout and design and subsequently demolition and construction, as a detailed scheme comes forward.

4.6 Shropshire Council Public Protection – No Objection: having reviewed our records we have no information to suggest that the land is contaminated and therefore have

no comment in relation to contaminated land. It is noted that the site is bounded by busy town roads on two sides. Should proposed dwellings be positioned close to the roads a noise assessment may be requested at reserved matter stage. This can be avoided by setting properties back from the road and having suitable glazing and ventilation.

- 4.7 Shropshire Council Drainage – No Objection: The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

- Public Comments

- 4.8 2 Comments:

- Any issues and concerns will be forwarded when a full detailed planning application has been submitted; note that development will be in keeping with the current residential nature of the area.
- Little doubt about outcome of application.
- Query protocol for neighbour notification.
- Application form needs to clarify there would be a gain in residential units and whether site is vacant.
- Clarification needed of the form of development can expect.
- Query whether proceeds from sale will be ploughed back into Bridgnorth to improve the amenities and infrastructure including schools and medical care to cope with ever increasing development in area.

- 15 Objections:

- Concerns regarding the number of houses that may be built on site.
- No details regarding height of new houses and the effect on neighbouring properties.
- Concerns about proximity of new houses to boundaries.
- No information as to what will happen to existing buildings on site.
- Welcome intention to retain as many trees as possible and also to provide further planting.
- No need for more housing with that recently built or under construction at Tasley
- Already significant number of houses in pipeline as part of SAMDev Plan.

- Proposal purely for the resulting Council Tax income.
- Since Unitary Council established seen an ever-diminuation of facilities and services in Bridgnorth.
- Should stop asset stripping.
- Present severe cash restraint will not be an everlasting state of affairs but with this proposal the possibility of facilities in Bridgnorth will be lost forever; mistaken short term thinking.
- Building should be used/made available for the community.
- Opportunity for alternative employment use.
- Building could provide a “one stop shop” for various public services and/or specialist housing in a park like setting, or be the site for an hotel with such housing.

-Should retain public parking and be a transfer and pick-up point for coaches with toilet facilities.

-Buildings could be a new sixth form complex or units/offices for small businesses or an adult education or arts centre.

-Harm character of Town, cramming houses into every space available.

-Town infrastructure at breaking point.

-Additional car usage detrimental to highway safety.

-Need more affordable housing for young families but existing building needs to be incorporated into any new housing scheme.

Bridgnorth Civic Society – Objection:

Our opinion that to sell off the site for housing would be premature. Before this could happen the possibility of using at least part of it to provide local employment or community facilities should be tested. The former Bridgnorth District Council spent a considerable sum in successfully upgrading and improving the building quite recently and we think that allowing the whole site to be used for housing would be not making best use of the asset. We consider that it is appropriate that this should be included within the list of assets of community value maintained by the Council in accordance with the Localism Act. The local community should be given the opportunity to nominate the building for inclusion in the list. It is essential that Bridgnorth gains the maximum value from this important asset. We therefore object to this outline application as it stands.

5.0 THE MAIN ISSUES

Principle of development

Sustainability

Scale, layout, appearance and landscaping

Highway Safety and Accessibility

Drainage

Residential Amenity

Affordable Housing

Ecology

Open Space

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, and notes planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. At paragraph 17 the NPPF sets out core planning principles which include, among other matters, encouraging the effective reuse of land that has been previously developed. At paragraph 51 the NPPF states Local Planning Authorities "...should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified

need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

6.1.2 The application site falls within the development boundary for Bridgnorth in the Bridgnorth District Local Plan and the SAMDev Final Plan. Saved Local Plan policy H3 advises that, in addition to allocated sites, residential development will be permitted on appropriate sites within the development boundary of Bridgnorth. Core Strategy policy CS3 identifies Bridgnorth as a Market Town which will provide a focus for development within the constraints of its location on the edge of the Green Belt and on the River Severn, with Core Strategy policy CS1 stating that the Market Towns and other key centres will accommodate around 40% of Shropshire's residential development over the plan period. The achievement of this proportion of housing in Market Towns includes an allowance for windfall sites, of which the current proposal would be an example. To boost significantly the supply of housing in sustainable locations, such as Bridgnorth Town, remains a key objective of the National Planning Policy Framework.

6.1.3 With regard to the current employment use/status of the site, there is no saved Local Plan policy which safeguards the site for employment uses only. The policies in the SAMDev Final Plan currently under examination do not safeguard this site for employment purposes, but it is considered appropriate for Shropshire Council, in appraising one of its own applications, to have regard to the emerging policy MD9 at this stage in SAMDev. This policy MD9 identifies on the Proposals Map areas to be protected for Class B and appropriate sui generis employment uses, but continues at section 2 of the policy stating:

“Existing employment areas not shown on the Proposals Map may also be protected for Class B and sui generis uses. Protection of sites not currently identified will be proportionate to the significance of the employment area in the hierarchy in Table MD9.1 to be determined by criteria 1i – 1iii above;”

The criteria mentioned relate to 1) the safeguarding of key employers, local business and employment opportunities; 2) provision of development opportunities for business start up, growth and inward investment to support the portfolio of employment land and premises identified by policy MD4; and 3) contribution to the range and choice of employment land and premises in Shropshire. The agent was invited to comment on how this non-safeguarded site should be considered in the context of this policy and the response is set out below at paragraph 6.1.4.:

6.1.4 *“Shropshire Council, in its capacity as landowner, has given full consideration to the range of planning policy guidance in order to determine the most appropriate future use of this site. The principal policy considerations are contained within the National Planning Policy Framework (NPPF) and the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan. The relevant policies had been fully assessed and interpreted ahead of the formal planning submission.*

It must be emphasized that a Change of Use to Residential (C3) Use could proceed without the need for an Outline/Reserved Matters or Full Planning Application. Section 6 (2) of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 2013 allows for a permitted change of use from Class B1(a) Office Buildings (and any land within their curtilage) to Class C3

Residential Uses. This Class (J) of the General Permitted Development Order (GPDO) is currently a temporary regulation which will apply until May 2016, but consideration is presently being given to it becoming permanent. Whilst a 'Prior Approval' from the Local Planning Authority would be required for the proposed development, this would simply address matters of highways and potential flooding and contamination

The Council is not dismissing alternative future uses for the site beyond a residential scheme, and the subsequent marketing process may bring forward interest in developing the site for a range of employment uses. Indeed, the residential use proposed within the outline application includes potential specialist housing types, including supported living, in itself generating employment for care staff. In terms of the employment uses which were located at the Westgate Building, these have not been extinguished but instead have been relocated to other accommodation within the town in order to continue to provide the range of local services.

To address any objections raised to the potential loss of an employment site within the town, there are currently no proposals to protect the Westgate Buildings in the SAMDev Plan as a consequence of the permitted change of use from offices to residential use. However, the Policy considerations for protecting employment sites taken from Policy MD9(1)(i–iii) may be addressed as follows:

1. The site safeguards a key employer – *In the case of the Westgate site, the services and employment are being relocated to alternative premises, more suitable for future needs and delivery of local services, elsewhere in the town.*

2. The site provides development opportunities for business investment to support the portfolio of employment land in Policy MD4 – *It is considered that the provisions of the NPPF and GPDO strongly support any potential change of use to residential. The limitations of the quality of the existing office floorspace at Westgate restrict development opportunities for businesses without significant financial investment, which will affect demand for the property.*

3. The site contributes to the range and choice of employment land and premises in Shropshire – *It is considered that the scale, traditional arrangement and less modern layout of the office floorspace at Westgate would be unlikely to provide suitable premises for a company looking to relocate within the town. A range of more suitable employment sites are currently available, and it is on this basis that a residential use of the site is now being proposed.*

The evaluation of current planning policy, at both local and national level, has guided the submission of this outline residential proposal, with recognition of the limitations of the premises and site in their existing employment use.

The current application therefore proposes opportunities for alternative use of the site which would conform with the adjacent largely residential land uses. The site would be sensitively developed and landscaped within any layout proposals for this elevated and visible site, such that the design of the final scheme provides a development which blends in with the street scene and visual amenities of this main approach road to Bridgnorth town centre. “

- 6.1.5 It is considered that the above comments are an objective appraisal of the site and premises against the criteria set out in policy MD9. A refusal of this application on the grounds of loss of an employment site would be most unlikely to be sustained at appeal. The principle of this site being re-developed for housing is considered to

accord with the NPPF and present and emerging Development Plan policy.

6.2 Sustainability

6.2.1 The site is approximately 600 metres from Bridgnorth Town Centre which has a wealth of facilities, services and employment opportunities as would be expected in any large market town. It is considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without making long journeys and over reliance on the private motor.

6.2.2 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.3 Economic role – The proposed development will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers will access and use local services and facilities within Bridgnorth. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.2.4 Social role - The proposal will help boost the supply of open market housing and will provide a contribution to affordable housing at the prevailing rate at the time of the reserved matters application. The provision of additional housing will help support and maintain existing facilities and services and will benefit both the existing and future residents and help meet the needs of present and future generations.

6.2.5 Environmental role – The site is previously developed land with no specific heritage, cultural or ecological designation. With regard to its ecological value the proposals would not result in any harm to these interests and the impact of development on existing trees would be a matter considered in detail at the reserved matters stage. The proposal would help contribute to a low carbon economy as the site is very accessible on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Bridgnorth and further afield.

6.2.6 It is considered that the proposed development is sustainable having regard to the three dimensions of sustainable development. The proposed development would be acceptable in principle subject to a satisfactory scale, layout, appearance, landscaping and access, which are matters which would be addressed at the reserved matters stage. The NPPF indicates that a proposal of this nature should be supported provided there are no adverse impacts that would outweigh the benefits.

6.3 **Scale, Layout, Appearance and Landscaping**

6.3.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. The above are matters which would be considered at the reserved matters stage, should outline planning permission be given. No illustrative site layouts have been submitted and this is not a mandatory requirement for an outline application. It is considered that context of this site, bounded by public highways to the north east and south east; the police station to the north west and detached dwellings on large plots to the south west and south, would potentially be suitable for a variety of forms of residential development and densities that would be in keeping with the predominantly residential character of the immediate locality.

6.3.2 The issue of which existing trees would be retained in the re-development of the site would be a matter for consideration in appraising a landscaping reserved matters submission. It would, however, be appropriate to attach the conditions recommended by the County Arboriculturalist to any outline consent that would, require the landscaping submission to include an arboricultural method statement and tree protection plan.

6.4 **Highway Safety and Accessibility**

6.4.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and that:
“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District Local Plan policy D6 states that development will only be permitted where

the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. This proposal must be assessed in the context of the above national guidance and Development Plan policies.

6.4.2 Shropshire Council Highways has no objections to principle of residential development on this site. Site has previously generated significant traffic flows when in use as local authority offices without detriment to highway safety. The local road network is capable of safely accommodating the type and scale of traffic likely to be generated. The precise access details would be assessed on the submission of the access reserved matters. Recommend conditions requiring a Travel Plan and Construction Method Statement.

6.5 **Drainage**

6.5.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. The site falls within Environment Agency Flood Zone 1, which is the least flood prone area to which it is an objective of the NPPF and associated guidance sequential test to direct new development.

6.5.2 The Council's Flood and Water Management Team have advised that details of the proposed surface water drainage can be conditioned and submitted for approval at the reserved matters stage in the event of outline planning permission being given. They do not envisage any unresolvable technical issues to achieving satisfactory drainage here for the development proposed. A foul sewerage connection already exists for the building currently on site. The precise drainage details would be fully assessed when a detailed scheme for the site is submitted for approval, should the principle of development be accepted.

6.6 **Residential Amenity**

6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available, that the impact of the proposed development upon the residential amenities of existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise.

6.6.2 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere with SC Public Protection recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays and Bank Holidays) to mitigate the temporary impact. This matter could be conditioned on any approval issued, along with a condition requiring a construction method statement.

6.7 **Affordable Housing**

6.7.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards provision from all residential development. With regard to

provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. The proposal will deliver affordable housing at the prevailing rate to comply with Core Strategy policy CS11 and the associated Type and Affordability of Housing SPD. The delivery of the affordable housing contribution would be secured through a section 106 Agreement, with the amount being determined at the reserved matters stage in the event of outline planning permission being granted. With the applicant being Shropshire Council in this case, there would be the need for the completion of a Memorandum of Understanding to secure affordable housing through a section 106 Agreement on disposal of the land. This Memorandum would be supported also by a planning condition stating:

No development shall be commenced by any freehold owner of the site save for Shropshire Council (acting by themselves or through their nominees) until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed to secure affordable housing in accordance with the Council's adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it).

6.8 Ecology

6.8.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. The Council's Planning Ecologist has raised no objections to the proposal and is content that ecological interests can be safeguarded on any planning permission issued by conditions relating to the provision of bat boxes, artificial nests and any external lighting. The precise details of the landscaping would be assessed at the reserved matters stage to address both biodiversity and visual amenity issues. The informatives relating to bats and nesting birds would be attached to any outline planning permission issued.

6.9 Open Space

6.9.1 The precise form of open space areas within a development would be a matter for consideration at the reserved matters stage, should outline planning permission be given. Regard would be paid to the Council's Open Space Interim Planning Guidance adopted in January 2012. The equipping of any open spaces with formal play equipment would have to be through the use of Community Infrastructure (CIL) receipts. The maintenance of any open space by an appropriate body would be secured through the Memorandum of Understanding and Section 106 Agreement that would form part of an outline consent.

7.0 CONCLUSION

7.1 The development would be in accordance with adopted and emerging Development Plan housing policy by being within the development boundary of Bridgnorth where residential development would be permitted on appropriate sites. The Market Towns and other Key Centres in Shropshire are to accommodate around 40% of Shropshire's residential development over the plan period 2011 – 2026 and the achievement of this proportion of housing includes an allowance for windfall sites, of which the current proposal is an example. The proposed residential use of the land would satisfy the three strands of sustainable development set out in the National Planning Policy Framework. A refusal of this

application on the grounds of the loss of an employment site would be most unlikely to be sustained at appeal, due to the site not being safeguarded under current and emerging Development Plan policy. The fact that there are permitted development rights to convert offices to residential and the predominantly residential character of the locality are also factors to be taken into consideration and weigh in favour of the proposal.

- 7.2 There are no landscape impact, highway safety, drainage, residential amenity or ecological reasons that would weigh against the principle of residential development on this site. A contribution towards affordable housing would be secured through the Memorandum of Understanding/Section 106 Agreement mechanism.

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

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

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

8.3 Equalities

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

9.0 FINANCIAL IMPLICATIONS

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and saved Bridgnorth District Local Plan Policies:
CS1 Strategic Approach
CS3 Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
H3 Residential Development in Main Settlements
D6 Access and Parking

SPD on the Type and Affordability of Housing
Open Space Interim Planning Guidance

RELEVANT PLANNING HISTORY:

BR/74/0696/FUL Use of existing garage and store buildings for the repair and maintenance of Council vehicles for a period of three years NPW 23rd January 1975

BR/APP/REG3/04/0163 Erection of extension and alteration to entrance ramp and steps
GRANT 30th March 2004

BR/APP/REG3/04/0062 Erection of a prefabricated building GRANT 2nd March 2004

BR/APP/REG3/04/0038 Erection of a portable building as an office extension REFUSE
2nd March 2004

BR/APP/FUL/03/0978 Erection of a two storey extension and external staircase and
alterations to main entrance ramp and steps REFUSE 4th February 2004

BR/APP/REG3/03/0995 Renewal of temporary permission for stationing of portable
building GRANT 3rd February 2004

BR/APP/FUL/03/0900 Erection of a portable building as an office extension GRANT 7th
January 2004

BR/APP/REG3/03/0173 Erection of one block of temporary office accommodation
GRANT 1st April 2003

BR/APP/REG3/02/0820 Erection of one block of temporary office accommodation
GRANT 10th December 2002

BR/APP/REG3/02/0766 Renewal of planning permission 00/0534 for the erection of two
blocks of temporary office accommodation GRANT 12th November 2002

BR/APP/REG3/02/0582 Extension, including access ramps, to magistrates court, and
conversion to offices and replacement roof, external alterations and extension to print
block, to form additional offices GRANT 16th September 2002

BR/APP/FUL/05/0175 Renewal of temporary planning permission ref 03/0173 approved
1/4/03 for the erection of one block of temporary office accommodation GRANT 26th
April 2005

BR/APP/FUL/00/0534 Renewal of planning permission ref:98/0846 for the erection of
two blocks of temporary office accommodation GRANT 19th September 2000

BR/TRE/TCA/00/0001 This is a test application raised by Tim REC

BR/88/0677 INSTALLATION OF NEW WINDOW GRANT 6th September 1988

BR/94/0023 RENEWAL OF APPLICATIONS REF: 89/0063 AND 93/0387 FOR THE
ERECTION OF TWO BLOCKS OF TEMPORARY OFFICE ACCOMMODATION GRANT
21st February 1994

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

Design and Access Statement

Ecology Report

Tree Survey

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr John Hurst-Knight

Cllr Les Winwood

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the layout, appearance, scale, landscaping and access thereto (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

5. The application(s) for reserved matters relating to the layout of the development shall specify the location of the proposed affordable housing units (Provision being in accordance with the associated Section 106 Agreement) to be provided on that part of the site covered by that application. No works shall commence on the part of the site covered by that particular application until the location of affordable housing within it has been approved in writing by the Local Planning Authority.

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

6. A Travel Plan for the development hereby approved shall be submitted to and approved in writing prior to the commencement of construction of the first residential dwelling. The approved Travel Plan shall be implemented within one month of the first occupation of any part of the residential development.

Reason: In order to minimise the use of the private car and promote the uses of sustainable modes of transport, in accordance with section 4 of the NPPF.

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

8. Demolition or construction works shall not take place outside the following times:
- Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13:00hrs
 - Nor at any time on Sundays, bank or public holidays.

Reason: In the interest of the amenity of the occupants of surrounding residential properties.

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

Reason: In the interests of the visual amenities of the area and to ensure the maintenance of open space areas in perpetuity.

10. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust Booklet Bats and Lighting in the UK.

Reason: to minimise the disturbance to bats, a European Protected Species

11. Prior to any demolition, site clearance, levelling or access facilitation works in association with the development hereby approved being carried out, a Tree Protection Plan and arboricultural method statement detailing how works within or that could affect

the root protection area of retained trees and hedges will be designed and implemented to avoid causing damage to those trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details for the duration of the construction period.

Reason: To avoid damage to retained trees and hedges, in the interests of the visual amenities of the area.

12. Prior to the first occupation of the dwellings details of bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full in accordance with a timetable to be approved in writing by the Local Planning Authority.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

13. Prior to the first occupation of the dwellings details of artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full in accordance with a timetable to be approved in writing by the Local Planning Authority.

Reason: To ensure the provision of nesting opportunities for wild birds

14. No development shall be commenced by any freehold owner of the site save for Shropshire Council (acting by themselves or through their nominees) until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed to secure affordable housing in accordance with the Council's adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it).

Reason: To secure the provision of an element of affordable housing within the development, in accordance with Shropshire Core Strategy policies CS9 and CS11.

Informatives

1. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

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

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

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

3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required by the National Planning Policy Framework, paragraph 187.
5. In arriving at this decision the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework
National Planning Practice Guidance

Shropshire Core Strategy and saved Bridgnorth District Local Plan Policies:

CS1 Strategic Approach
CS3 Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
H3 Residential Development in Main Settlements
D6 Access and Parking

SPD on the Type and Affordability of Housing
Open Space Interim Planning Guidance



Committee and date

South Planning Committee

13 January 2015

Development Management Report

Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 14/04387/FUL	<u>Parish:</u>	Worfield
<u>Proposal:</u> Application under Section 73a of the Town and Country Planning Act 1990 for the erection of an agricultural building and formation of an agricultural access track (part retrospective)		
<u>Site Address:</u> Land North West Of Stableford Hall Stableford Bridgnorth Shropshire		
<u>Applicant:</u> Mr B Higginson		
<u>Case Officer:</u> Thomas Cannaby	<u>email:</u> planningdmse@shropshire.gov.uk	
<u>Grid Ref:</u> 375735 - 298714		



Recommendation:- Grant Permission, subject to confirmation that the building would be sited outside of flood zones 2 and 3, and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application is for the erection of an agricultural building and the formation of an access track on land adjacent to the River Worfe, near Stableford. The application is in part retrospective, with the access track already under construction and this application resulting from an investigation of an enforcement complaint against the works.
- 1.2 The proposed building would be of steel portal framed construction, with part block walls and part timber weather board cladding, and with a fibre cement sheet roof. The building would measure 8m by 12.4m with a height of 3.2m to the eaves and 4.8m to the ridge of the pitched roof.
- 1.3 The track runs from a gateway off the narrow road which runs to the east of the site, with a turning area and part of the track already constructed near the entrance to the site. The track then runs west along the land to the south of the River Worfe, following the base of slope of the rising land to the south, for a distance of 80-100m. The plans submitted show the track to be constructed by excavation of material to allow the hardcore base to be laid, with a level surface being constructed by cutting into ground levels and not building up the land.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is located in the Green Belt, and comprises of meadow land alongside the River Worfe, west of the narrow bridge in Stableford which carries the land to badger. The Steeply sloping and heavily wooded Stableford bank which rises up from the southern side of the meadows forms the southern boundary of the site, with several dwellings and Telford Farm Machinery commercial property being located at the top of this elevated land. The nearest dwellings to the site are Stableford House located approximately 100m south of the site of the proposed building, and The Woodlands, Stableford Hall and Worfe Cottage located between 30-90m south of the track.
- 2.2 Previous applications for a stud farm on the land (94/0501) and applications for use of the land for an angling centre (01/0574, 01/0575) have been refused on this site for reasons of adverse impact on the rural character of the area, visual amenity and impact on the openness of the Green Belt. The latter two applications being the subject of appeals which were dismissed.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application is referred to committee for determination at the request of the Local Ward Member, following an objection received from the Parish Council, in accordance with the Council's adopted scheme of delegation.

4.0 Community Representations

- Consultee Comments

Worfield Parish Council – Objects to development

- ② The land is green belt
- ② A detailed flood risk assessment has not been undertaken. The land is a known flood meadow, is boggy or underwater for most of the year, up to 1m in depth. The land is unsuitable for the keeping of any livestock.
- ② Should the contours of the flood meadow be changed the consequence would inevitably be that other land/properties in the vicinity would sustain an increase in flood risk/incidence as a direct result. The construction of the building described in this application would also add to the flood risk due to storm water run-off and the effects of changes in the groundwater.
- ② The application gives the impression there has long been an access track across this land. There has never been an access track associated with this land. There is only anecdotal mention of a footpath. The internal construction of a road which has already taken place is entirely out of proportion to the use which is described in the application. Councillors are suspicious that the apparent robust specification of the access road will intend that it will be used for a different purpose eventually.
- ② There are a number of other glaring inaccuracies contained within the application particularly in reference to the description of proximity to the River Worfe and to flooding on this land. This inaccurate information calls into question both the reliability and the content in the whole application.

Shropshire Council Public Protection – No objection.

- ② Having considered the details it is noted that a landfilled area exists approximately 60m to the south of the proposed agricultural building. Our records show that the infill material was inert and therefore this poses no risk to the development. I therefore have no objection or conditions to recommend on this application.

Shropshire Council Archaeology – No comments to make.

Shropshire Council Land Drainage – Comments as below

- ② The following drainage details should be submitted for approval prior to the determination of the planning permission:
 - The development site is in Flood Zone 3a, 3b and 2. Flood Zone 3b is a functional floodplain. This zone comprises land where water has to flow or be stored in times of flood with an annual probability of 1 in 20 (5%) or greater in any year, or is designed to flood in an extreme (0.1%) flood.
 - The agricultural building is considered 'Less Vulnerable' use, however, in accordance with the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework, only the water-compatible uses and the essential infrastructure listed in table 2 that has to be there should be permitted in this zone.

The applicant should plot the limit of flood zone 3b to ensure that the agricultural building is located outside Flood Zone 3b and 3a.

Reason: To address any measure that can be taken to ensure the development is protected from the likelihood of flooding.

- ☐ The following drainage details, plan and calculations could be conditioned if planning permission were to be granted:

No details and sizing of the proposed surface water drainage have been provided. SuDS Applicability for the site is Infiltration Plus Treatment. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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

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

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 20% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Informative: As part of the SuDS, the applicant should consider employing measures such as the following:

- ☐ Water Butts
- ☐ Permeable surfacing on any new access track and hardstanding area
- ☐ Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

Shropshire Council Ecology - Consulted, no comments submitted.

Environment Agency – Consulted, no comments submitted.

- Public Comments

13 Objections:

- ☐ River Worfe is obviously a flood plain, which floods for many months each year.
- ☐ Any change in ground levels would increase risk of flooding downstream.
- ☐ Possibility of damage to bridge over River Worfe.
- ☐ Land not suitable for agriculture, either crops or livestock.

- ☒ Reinstatement of agricultural use would require new drainage systems being put in place.
- ☒ Reasonable need for agricultural building not established and would require frequent use of agricultural machinery and storage of materials.
- ☒ Nearby land farmed for livestock without need for such an access track.
- ☒ Land only suitable for wetland nature reserve.
- ☒ Water and sewage pipes may run under land.
- ☒ Land previously subject of applications for fishing pools and angling facilities, refused in 2001 and dismissed at appeal.
- ☒ Access track not required to access land, no historic track in this location.
- ☒ Harm to openness of the green belt.
- ☒ Loss of ecological value of site.
- ☒ Construction of track already commenced. Flooding over track has been reported.

5.0 THE MAIN ISSUES

Principle of development

Siting, scale and design of structure and access track

Flooding and land drainage.

Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is located in the Green Belt, where inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 88 and 89 of the National Planning Policy Framework (NPPF) provide guidance on what development is considered appropriate in the Green Belt:

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are (inter alia):

- buildings for agriculture and forestry;

Under paragraph 90 of the NPPF there are other forms of development which are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. The forms of development listed include engineering operations and an agricultural access road can fall within this category.

6.1.2 The provision of an agricultural building is not inappropriate development within the Green Belt. Agricultural buildings can in many circumstances be constructed without a requirement to apply for full planning permission, however in this case, whilst the scale of the proposed building falls well within the floor area allowed as

permitted development, the location of the building within approximately 100m of residential properties and its proposed use to house livestock for parts of the year means that full planning permission is required in this case.

- 6.1.3 The main issues for this application are the impacts of the development on the flood plain to the River Worfe, and the impact of the proposed development on the openness of the Green Belt and visual amenity of the area.
- 6.1.4 A number of third party comments have questioned the need for a building and track on this land, and stated the land is not suitable for the operation of an agricultural business. The default use of land is agricultural and does not require a change of use to operate on a given site. The land is held under a County Parish Holding Number and is registered under the Single Payment Scheme with the Rural Payments Agency as an established Agricultural Holding. Whether or not a business is commercially viable is not normally a consideration for the Planning Authority, Government advice being that this is an issue for the operator to satisfy themselves of prior to investment in new facilities. The Planning Authority generally only considers agricultural need and viability in specific circumstances, such as when a new agricultural workers dwelling is applied for. In this case, the land is of a scale where a building of this size for storage of machinery and livestock could reasonably be required. Any issues over animal welfare are covered by other legislation which lies outside of the planning system. If the Committee have concerns over the long term viability of the enterprise and the possibility of a building being permitted which becomes superfluous to requirements a condition requiring the removal of the building if no longer required for the purposes of agriculture on the land could be attached to any consent issued.
- 6.1.5 Comments have raised the issue of the application being retrospective, with works continuing whilst the application is being considered. Retrospective applications should be considered in the same manner as regular applications, with the determination of the application on the merits of the proposal, and not based on whether or not works have already commenced. Any works are at a landowner's risk, and should the application be refused the Council has the opportunity to take enforcement action if appropriate. The current application should be determined solely on the merits of the proposal put forward in the application documents.
- 6.2 Siting, scale and design of structure and access track
- 6.2.1 The proposed building is of a modest scale for an agricultural building, and of a limited height. The location would be set back some 300m from the road, with the building set against the backdrop of the rising land to the west and south.
- 6.2.2 Whilst the building would be visible from views across the site from the east and north, the scale of the building and its position would mean that its impact on the character of the landscape would be limited. The building would be set against a backdrop of rising, wooded land, and set a significant distance back from any public highway. Conditions to control final finish and colour of external materials should be sufficient to ensure not adverse impact on the visual amenity of the area.
- 6.2.3 The access track when finished should have a very limited impact on the appearance of the area. Whilst the construction of the track has raised a significant

level of concern locally, the building operation naturally results in much greater visual impact than the finished development would have. The track would not raise ground levels and would over time grass over to an extent, and so its visibility would reduce and it would begin to blend into the landscape. Farm access tracks are a common feature of the rural landscape and so long as not overly prominent or excessive, do not usually detract from the character of the rural landscape.

6.3 Flooding and land drainage.

- 6.3.1 The site is located within a flood plain, with the Environment Agency mapping showing the majority of the site located within flood zones 2 and 3 which demonstrate a significant likelihood of flooding on a regular basis. However the plans indicated that whilst the access track would fall almost entirely within these zones, the building itself would appear to be located outside of the flood risk area and being a less vulnerable use, the Council's land drainage officers have advised that this would be acceptable subject to confirmation that this is indeed the case. Such confirmation has been requested from the applicant, but has not as yet been supplied at the time of writing this report. An update on this matter will be provided at the Committee Meeting.
- 6.3.2 An access track to provide a stable surface is not a use of land which is incompatible with a flood plain, subject to no interference with the capacity and flood flows over the land. It is understood that no increase in ground levels will result from this development, and no loss of capacity for flood waters. Whilst the track may itself flood, this is not a sensitive or vulnerable use and so would not be a reason to refuse this development. The applicant states that the track would prevent erosion of the land, and act to reduce silting up of the river as a result of vehicles churning up the land.
- 6.3.3 Given that the building is located outside of the flood risk zones, subject to this being confirmed on a plan, and that the proposed track would not be a vulnerable use, and that the development would not have an adverse impact on the capacity of the flood plain, it is considered that the proposed development would not have any adverse impact on flooding in the area.
- 6.3.4 The Environment Agency, whilst not submitting a formal consultation response, has confirmed that although the works are not directly part of the Severn Rivers Trust Project which aims to benefit the river for fish and wildlife which is being carried out in the area, the track has flood defence consent from the Environment Agency. The Environment Agency comments that "the current access to the land is a muddy rutted track directly parallel to the river. This, if use was sustained would continue to input silt to the river, smothering potential spawning gravels for fish and generally reducing habitat and water quality. The hardcore track, which is a good distance away from the river would be a significant improvement on this. [The Environment Agency] consent included conditions on not reducing flood storage capacity in the flood zone".

6.4 Ecology

- 6.4.1 A Protected Species Report has been submitted with the application. This report

concludes:

“No evidence was found of any protected species within the areas that could potentially impact upon them.

Great Crested Newts are found throughout Shropshire where suitable habitat and conditions exist. Despite records of Great Crested Newts some 1.9km to the north of the site, the surveyor is of the opinion that the two angling pools have a very low potential of them being successfully used for breeding by the species and as such, there will be a low probability of them being present in the area.

The pond shown on aerial photographs at the eastern end of the site does not exist as a permanent feature and would be regularly flushed by the flood water from the adjacent river, which will no doubt introduce small quantities of fish each time so the surveyor is of the opinion that it is highly unlikely to support breeding Great Crested Newts.

Based on H.S.I. calculation and the above information about ponds on the site, the surveyor does not recommend any further surveys for the species.

The River Worfe is more than likely to be used by foraging otters which are under recorded for all their range, but found in almost all tributaries of the River Severn.

Whilst there is always a potential for small pockets of water voles to be present in small rivers such as the River Worfe, Mink are regularly spotted in the River Severn which is only a few miles down stream.

The surveyor is of the opinion that the proposed works are sufficient distance away from the watercourse to have no impact on any otters or water vole that might be found in the River Worfe, and as such no further surveys are proposed for these species.

The field will most likely have a small presence of grass snake, but with suitable working methods, this species will be unlikely to be affected by the proposed works.

In the opinion of the surveyor, the proposed works are unlikely to have any impact on any protected species that might be found in the area.”

Recommendations are made in the Protected Species Survey report for the provision of owl and bat boxes and the storage of building materials off the ground on pallets or on clear ground surrounded by a suitable reptile/amphibian fence.

It is considered therefore that there would be no ecological grounds that would justify a refusal of this application.

7.0 CONCLUSION

The building would be of a modest scale, and located in a position where it would not be overly prominent, nor have a detrimental impact on landscape character. The track would, once finished, gradually blend into the landscape as it grasses over and would not detract from the visual amenity of the locality. The development is not inappropriate development in the green belt as it would be used for the

purposes of agriculture, and this can be controlled by condition to ensure it remains the case.

It is recommended that, subject to confirmation that the proposed building would be sited outside of the flood risk zones as identified on the Environment Agency flood risk maps, the application be granted planning permission, subject to conditions as set out below 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 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 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

Policies material to the determination of this application:

National Planning Policies:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS17 Environmental Networks

CS18 Sustainable Water Management

Saved Bridgnorth District Local Plan:

S3 Green Belt

RELEVANT PLANNING HISTORY:

94/0501 – use of land for stud farm and fishing facility – refused.

00/0069 – Construction of work for fishing facility - refused

01/0574 – use of land for angling centre – refused.

01/0575 – Outline application for siting of reception building, toilets and storage – refused.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)
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Cllr M. Price

Local Member

Cllr Michael Wood

Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. The building shall not be occupied or the access track brought into use 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.

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

4. The building shall not be occupied or the access track brought into use until details and sizing of the proposed surface water drainage have been provided to and approved in writing by the Local Planning Authority. SuDS Applicability for the site is Infiltration Plus Treatment. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval to the Local Planning Authority.

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

The site is identified as being at moderate risk of groundwater flooding. No built development shall take place until details of how groundwater will be managed have been submitted to and approved in writing by the Local Planning Authority. The level of water table should be determined if the use of infiltration techniques are being proposed.

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted to and approved in writing by the Local Planning Authority prior to any built development commencing. The

attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 20% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

The building hereby permitted shall not be brought into use prior to the details approved by the Local Planning Authority as required by this condition are fully implemented on site.

Reason: To ensure that the site can be adequately drained.

5. The building shall not be occupied or the access track brought into use until details of finished ground levels have been submitted to and approved by the local planning authority, and the land profiled to comply with the details as may be approved in writing by the Local Planning Authority.

Reason: In the interest of maintaining the amenity value of the area and to ensure there is no loss of capacity to the flood plain.

6. The building shall not be occupied or the access track brought into use until bat and bird boxes have been installed on site in accordance with the recommendations made in the Protected Species Survey report by John Morgan, Shropshire Wildlife Surveys, dated 20th June 2014 and submitted with this application.

Reason: To provide wildlife enhancement from the development and to ensure no adverse impact or loss of habitat for protected species which may use the site.

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

7. The building hereby permitted shall be used solely for the purposes of agriculture. If the building is at any time no longer required for the purposes of agriculture it, and any associated materials and equipment shall be removed from the site, and the land reinstated to its former condition, within 3 months of the agricultural use ceasing to operate from the building.

Reason: To ensure the development is required for a purpose compatible with the green belt designation of the site.

8. The development shall be carried out in a manner which ensures that the storage of building materials is off the ground on pallets or on clear ground surrounded by a suitable reptile/amphibian fence.

Reason: To ensure no adverse impact on protected species as a result of the construction process.

Informatives

1. Policies material to the determination of this application:
National Planning Policies:

National Planning Policy Framework
Shropshire Core Strategy:
CS5, CS6, CS17, CS18
Saved Bridgnorth Local Plan:
S3

2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
3. As part of the SuDS, the applicant should consider employing measures such as the following:
 - o Water Butts
 - o Permeable surfacing on any new access track and hardstanding area
 - o Green roofsReason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.
4. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

5. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.



Committee and date

South Planning Committee

13 January 2015

Development Management Report

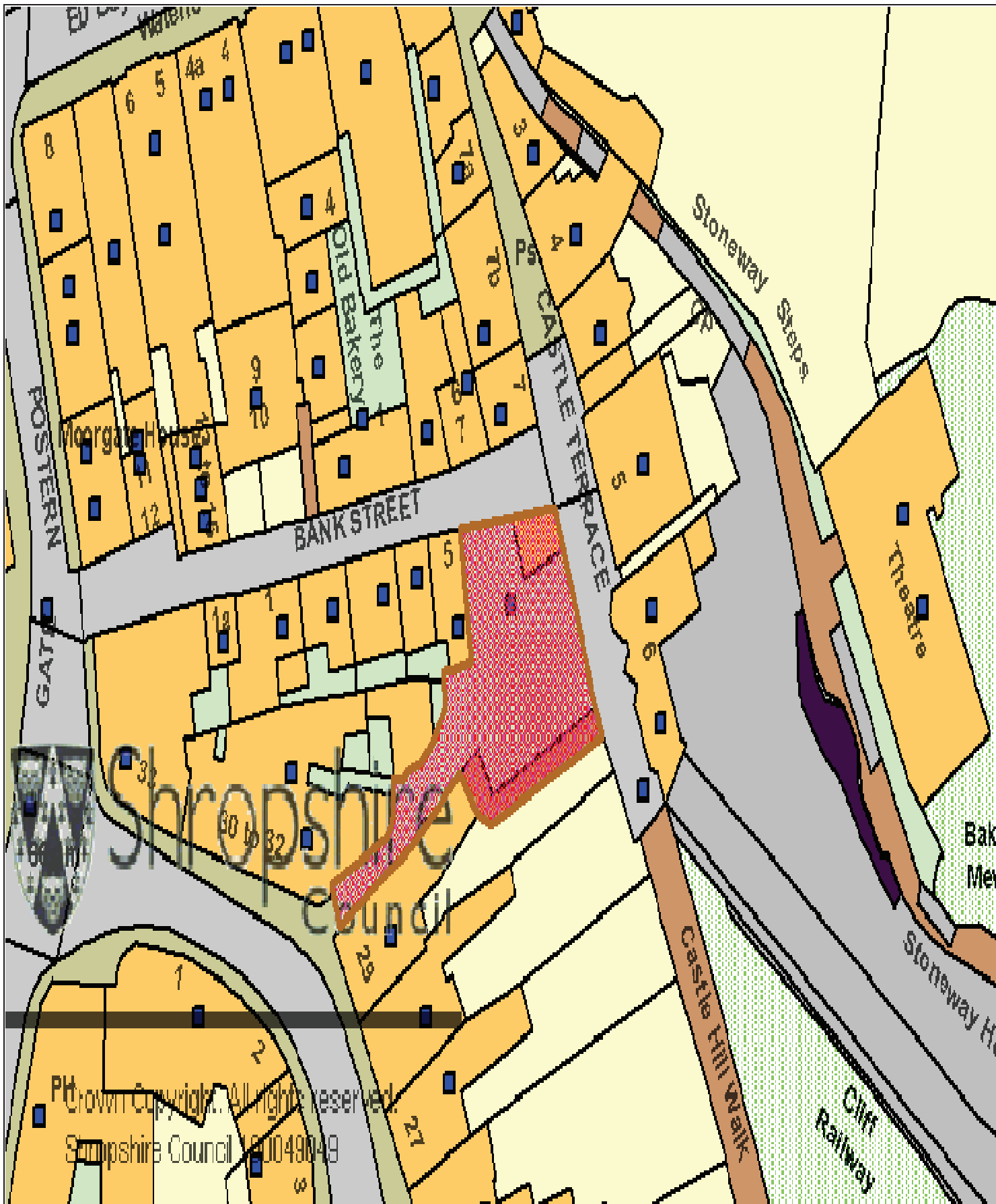
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

<u>Application Number:</u> 14/04464/FUL	<u>Parish:</u>	Bridgnorth Town Council
<u>Proposal:</u> Erection of one dwelling (revised scheme)		
<u>Site Address:</u> Land East Of 30 To 31 East Castle Street Bridgnorth Shropshire		
<u>Applicant:</u> G C Rickards (Investments) Ltd		
<u>Case Officer:</u> Thomas Cannaby	<u>email:</u> planningdmse@shropshire.gov.uk	

Grid Ref: 371707 - 293039



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and subject to a section 106 legal agreement in respect of affordable housing contributions if required following the outcome of a review of the Council's affordable housing policy in light of recent changes to government guidance.

REPORT

1.0 THE PROPOSAL

- 1.2 The proposal is for the erection of a single dwelling on a plot of land to the rear of the former Habit public house in East Castle Street. A previous application (13/04956/FUL) was submitted for a dwelling on this site, but this was refused consent by the committee due to the impact of the development on the amenities of nearby dwellings, specifically the detrimental impact caused by overshadowing of nearby properties and loss of light.
- 1.3 The proposed dwelling would have an L-shaped footprint, with the longer elevations set parallel to the side elevation of 5 Bank Street and also across the rear of the property which would be set behind the rear of the adjacent property 5 Bank Street. The property would be a two storey dwelling to the front, and a single storey dwelling to the rear due the property being set into the ground and the change in ground levels between Bank Street and the internal ground levels of the site.
- 1.4 In terms of scale the property would have a height where the ridge of the proposed dwelling would be approximately in line with the front eaves of 5 bank Street. The width of the dwelling would be slightly wider than the width of the two storey block of 5 Bank Street, with the property set back from the front elevation of No.5 and with the L-shaped footprint creating a staggered frontage that steps back the front elevation as it approaches the junction with Castle Terrace.
- 1.5 The site is bordered by a tall brick wall, with runs from the gateway leading to the Habit off Castle Terrace, around the site boundary to adjacent to No.5 Bank Street. The application would remove a more recent section of this wall to enable a frontage onto Bank Street to be created, but would retain the wall along Castle Terrace and partially along Bank Street.
- 1.6 In comparison to the previous scheme the proposed dwelling reduces the ridge height by approximately 1.7m and reduces the dwelling from a three storey property at the front and two storey at the rear, to a two storey at front and single storey at rear dwelling. The dormer windows on the original scheme are removed from the current proposal.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is a plot of land located to the rear of the former Habit public house which has been granted consent to be converted into dwellings. The land is a car park/yard area, bordered by a tall brick built wall forming the boundary with Castle Terrace and Bank Street.

- 2.2 The site is at an elevated position in comparison to Bank Street, with the land inside the boundary wall being approximately 2m higher than the level of Bank Street.
- 2.3 The site is located within the development boundary of the town (as set out in the Bridgnorth District Local Plan saved policy S1), and also within the Conservation area.
- 3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION
- 3.1 The application is referred to committee for determination, following consultation with the Local Ward Councillor, as the Town Council has expressed a view contrary to the Officer recommendation.
- 4.0 Community Representations
- 4.1 - Consultee Comments
- 4.1.1 Bridgnorth Town Council – Objects
Recommend refusal due to over development of site, restrictions on the light detrimental to neighbouring properties, inaccessibility to the site and parking issues in relation to the size of the proposed dwelling.
- 4.1.2 Shropshire Council Conservation Officer – No objection subject to conditions.
The proposal involves the erection of a single dwelling on this site within Bridgnorth Conservation Area. The application includes the removal of a section of boundary wall to accommodate the frontage of the property. This portion of the wall is a more modern element and it is considered on balance that its removal and replacement with an appropriately detailed development would be acceptable. The proposed dwelling is split level, being two storeys fronting Bank Street and one storey to the rear where the ground level is raised. The application follows a previous refusal for a taller dwelling on the site recently refused at committee on grounds of impact on residential amenity, no objections were raised on conservation grounds. The current scheme has been reduced from 3 storey to 2 bringing the overall height of the building down by 1.7m. It is considered that in principle the erection of a dwelling of this scale on the site is acceptable in conservation terms and is not considered to have a detrimental impact on the conservation area. It is felt however that the fenestration to the front elevation could be improved to better reflect the details of surrounding properties within the conservation area, where sash windows, stone cills and arched heads are used. Details of all external materials and joinery should be subject to approval by condition.
- 4.1.3 Shropshire Council Archaeologist – no objection subject to conditions
The proposed development site lies within the historic medieval core of the town of Bridgnorth (PRN 06044) as defined by the Central Marches Historic Towns Survey, within the extent of the outer bailey of Bridgnorth Castle (HER PRN 00371 Scheduled in part) and tenement plots within outer bailey of Bridgnorth Castle, (HER PRN 05630). It also occupies a group of tenement plots to east of East Castle Street (HER PRN 06032), lies adjacent to parts of the medieval street system (HER PRN 05647) and a short distance from the presumed line of the town defences (HER PRN 00374) and the site of the North Gate and Barbican of Bridgnorth Castle (HER PRN

00422).

Previous archaeological work this area has revealed remains thought to relate to the development of the castle or the earlier settlement. The site has marked differences in level in relation to the surrounding streets thus increasing its potential for buried archaeology and is bounded on its eastern extent by a red brick wall with crude stone courses at its lower levels which may relate to earlier settlement, and a section of which is to be cut through as part of the development.

An archaeological evaluation of the site was undertaken as part of a previous application and a report issued is applicable to this application (SLR Ref: 406.04694.00001). A single L shaped trench was excavated to an initial total length of 7m (north-south) and 6m (east-west) with a 1m extension to the west.

The report concluded that, despite the trial trenching being only a keyhole glimpse into the archaeological potential, the impact of the development is unlikely to impact on significant archaeology. As the evaluation does represent only a keyhole look at the potential archaeology and part of the analysis was based on hand-augered core samples that potential and significance though reduced, does remain.

RECOMMENDATION:

In view of the above and in accordance with the National Planning Policy Framework (NPPF) Section 141, I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development.

4.1.4 Shropshire Council Ecologist – No Ecology comments on application.

4.1.5 Shropshire Council Land Drainage – no objection subject to conditions.

The following drainage details, plan and calculations could be conditioned if planning permission were to be granted:

1. On the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection should not be made, as it can result in increased flood risk elsewhere. SuDS Applicability for the site is Infiltration. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

Reason: To ensure that the proposed surface water drainage systems for the site are fully compliant with regulations and are of robust design.

2. If non permeable surfacing is used on the new access, driveway and parking area and/or the new access slopes toward the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Reason: To ensure that no surface water runoff from the new access runs onto the highway.

3. Informative: As part of the SuDS, the applicant should consider employing measures such as the following:
 - a. Water Butts
 - b. Rainwater harvesting system
 - c. Permeable surfacing on any new access, driveway, parking area/ paved area
 - d. Attenuation
 - e. Greywater recycling system
 - f. Green roofs

Details of the use of SuDS should be indicated on the drainage plan.

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

4. Informative- Consent is required from the service provider to connect into the combined main sewer.

4.1.6 Shropshire Council Highways – No comment on current application.

Comments on previous application (13/03529/FUL), no objection.

4.1.7 Shropshire Council Affordable housing - Comments

As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing. The detail of this requirement is contained in Core Strategy Policy CS11 together with Chapter 4 of the Council's adopted Supplementary Planning Document on the Type and Affordability of Housing.

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually.

The current affordable housing contribution rate for this area is 20% and as such a proposal for 1 new open market dwelling would be liable to make a contribution equivalent to 1 x 0.20 of a whole affordable unit (1 x 20%). As this level of contribution is less than a whole unit, it is translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution used by the Council fund the delivery of affordable housing provision elsewhere in the area.

As part of the application process the applicant should be requested to complete and submit an Affordable Housing Contribution Proforma so that the correct level of their contribution can be calculated and agreed

4.2 - Public Comments [summary of issues]:

4.2.1 6 Objection comments:

- ☐ Previous application refused on daylight factors, this revised application, whilst a slightly smaller new building, would also have a negative impact on right to light of neighbouring properties, especially at ground and first floor levels.
- ☐ Block plans may be misleading with regards to neighbouring property, plans appear to show neighbouring property as having rear flat roof which is not the case, this area is backyard, enclosed by a boundary wall.
- ☐ Proposed house itself would lack light from the front.
- ☐ Permission has already been granted to convert Habit into two houses, this area of land should be used to provide garden area, rather than new housing, and could be used to provide parking.
- ☐ Fail to see how the demolition of part of the existing boundary wall in Bank Street can possibly be in keeping with the local area.
- ☐ Detrimental impact on conservation area.
- ☐ Plans indicated vehicular access of East Castle Street, however nothing to prevent occupiers parking in Bank Street and Castle Terrace, resulting in congestion and preventing emergency access.
- ☐ Concerns over access for construction traffic to the site.
- ☐ Loss of vital community asset. Following refused application, applicant advertised that the pub would reopen as a “fun pub” and therefore the public house use can be assumed to be viable.
- ☐ Serious drainage issues in the area.
- ☐ Application is erroneous in stating no trees on site, there is a tree within the footprint of the proposed dwelling.
- ☐ If permitted, external materials should be brown or red brickwork, with use of clay roof tiles.
- ☐ Concerns over impact of the development on the operation of the Cliff railway.

Daylight factor report submitted by third parties:

- ☐ This report measures daylight factor. Daylight Factor is based upon the horizontal internal illuminance taken at a point in the interior of a room proportioned to the horizontal exterior illuminance in the open, based upon an overcast sky. The figure is normally expressed as a percentage.
- ☐ All calculations have been made at mid-day 21 June and are averaged figures from a set of grid points within a room at a normal working plane of 0.75m. Daylight Factor calculations are independent of time of year.
- ☐ Findings from the daylight factor report as follows:

Property	Existing	New	Difference	% Change
Beaumaris				
Ground Floor	0.52	0.52	0	0%
First Floor	0.64	0.64	0	0%
5 Castle Terrace				
Ground Floor	1.8	1.7	0.1	-5.5%
First Floor	1.41	1.39	0.02	-1.32%
4 Castle Terrace				
Ground Floor	1.16	1.07	0.09	-7.76%
First Floor	1.28	1.18	0.1	-7.81%
Second Floor	1.56	1.43	0.13	-8.33%
7 Castle Terrace				
Ground – Right	3.62	3.24	0.38	-10.49%
First - Left	1.59	1.35	0.24	-15.09%
First - Right	4.2	3.85	0.35	-8.33%
7 Bank Street				
Ground Floor	0.52	0.52	0	0%
First Floor	1.53	1.48	0.05	-3.27%
Office – Bank Street				
Ground Floor	1.09	1.08	0.01	-0.09%
First Floor	0.66	0.66	0	0%
Adjacent office				
Ground Floor	0.65	0.65	0	0%
5 Bank Street				
Second Floor	0.63	0.55	0.08	-12.69%

☐ Daylight factor for new dwelling also calculated:

- Kitchen – 0.22%
- Utility – 0%
- Lounge – 2.53%
- Bedroom 1 – 0.96%
- Bedroom 2 – 2.18%
- Bathroom – 0.35%

☐ The report concludes that:

There will be reductions in Average Daylight Factor (AVD) to a number of the surrounding properties. The reduction in height has improved the AVD for a number of the properties. But there are still significant reductions to several properties. The AVD in many cases is already below the accepted and recommended levels of AVD, further reductions are not considered acceptable. These properties have been in existence for many years and due to the age of many of these properties, have very low Daylight Factors. If these houses were to be built today, this would not be allowed as the Daylight Factors are extremely low. Any further loss in Daylight Factor is of major consequence to all of these properties.

The new development also has problems with AVD to the ground floor level. Whilst the AVD to existing properties is a consideration, we believe that the addition of a property that is already 90% below the British Standard recommended figure, with no way of overcoming the problem, raises serious questions.

We would also point out that we did not have access to the rear of 5 Bank Street and we believe that there will be a problem of light obstruction to the Kitchen on the rear of the property. Should this be the case, additional calculations could be provided after a further

survey is undertaken.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Neighbour Amenity
Highway Safety and Parking Provision
Drainage
Archaeology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Bridgnorth is a market town under Core Strategy policy CS3 as a focus for development and Local Plan policy H3 identifies Bridgnorth as a settlement where general market housing may be permitted on appropriate sites and where it would reuse currently vacant land within the town development boundary. If permitted the proposed development would be subject to a payment under the Community Infrastructure Levy as set out in policies CS9 and CS11 of the Core Strategy. A contribution towards affordable housing, to be secured by a S.106 legal agreement, may also be due, subject to the outcome of the current review of this matter in the light of new guidance set out in the Government's National Planning Practice Guidance.

6.1.2 Under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is the obligation to have special regard to the desirability of preserving the character or appearance of Conservation Areas in carrying out statutory functions. Core Strategy policies CS6 and CS17 are consistent with this guidance, with CS6 requiring development to protect, restore and enhance the natural, built and historic environment and to be appropriate in scale, density, pattern and design taking into account the local context and character. CS17 states that development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2 Siting, scale and design of structure

6.2.1 A number of third party comments have raised questions on whether or not the design of the proposed dwelling is appropriate for the site in the conservation area. The Council's Conservation officer has been consulted on this proposal and has commented that the application includes the removal of a section of boundary wall to accommodate the frontage of the property. This portion of the wall is a more modern element and it is considered on balance that its removal and replacement with an appropriately detailed development would be acceptable. The proposed dwelling is split level, being two storeys fronting Bank Street and one storey to the rear where the ground level is raised. The application follows a previous refusal for a taller dwelling on the site recently refused at committee on grounds of impact on residential amenity, no objections were raised on conservation grounds. The current scheme has been reduced from 3 storey to 2 bringing the overall height of the building down by 1.7m. It is considered that in principle the erection of a dwelling of this scale on the site is acceptable in conservation terms and is not

considered to have a detrimental impact on the conservation area.

- 6.2.2 The building has a reduced height and similar width to that of the adjacent property No.5 Bank Street, and would be set back from the front elevation of Bank Street, with a staggered front elevation which would respond to the corner of the junction with Castle Terrace.
- 6.2.3 When viewed from the vantage along Castle Walk, the site is largely screened from view until a viewer is close to the site, passing the Cliff Railway Station building, at which point the view of the site is largely taken up by the tall boundary wall which would be retained, with the new dwelling visible about this and presenting a gable end to the side. The reduced height of this application compared to the previous scheme would lessen the impact of the current proposal. Views from further along the Castle Walk are restricted by a change in ground levels, the boundary walls that border the Castle Walk and also the presence of a modern styles outbuilding in one of the rear gardens.
- 6.2.4 It is considered that the proposed dwelling would reflect the character and setting of the conservation area through the design and style of the proposed dwelling, and the position of the property in the street scene which would reflect the narrow street patterns in the area whilst the staggered frontage would respond to the corner junction between Castle Terrace and Bank Street. The split level property with a frontage along Bank Street would relate well to existing development patterns in the area, and allow retention of the older sections of the distinctive boundary wall along the Castle Terrace boundary.
- 6.2.5 The Council's conservation officer has commented that the fenestration to the front elevation could be improved to better reflect the details of surrounding properties within the conservation area, where sash windows, stone cills and arched heads are used. However it is considered that these details of the scheme as proposed would not detract from the character or appearance of the conservation area. Details of all external materials and joinery could be made subject to approval by condition should the application be granted consent.
- 6.3 Impact on neighbour amenity
- 6.3.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. A number of comments have been received which raise the issue of the impact of the development on the amenities of nearby dwellings, in particular the impact on the properties on Bank Street and Castle Terrace. This is also an issue which the Town Council has raised, and appears to have been key in their reconsideration of the application and determination to alter their original recommendation from approval to objection. Both the applicant and third parties have submitted reports investigating the impact of the proposed development on nearby dwellings.
- 6.3.2 The provision of a building on this site would inevitably have an impact on the amenities of surrounding properties, due to the proximity of the site to nearby dwellings. The question for the committee is whether this impact is unduly detrimental to the amenities of surrounding properties. The impact would consist of 3 main issues, the impact on the neighbouring property at No.5 Bank Street, the impact on the properties opposite the site on Bank Street, and the impact on the

properties along Castle Terrace.

6.3.3 The daylight analysis report submitted by the applicant presents an analysis of the hours of sunlight which properties surrounding the development currently experience, and compares this to the levels which would have resulted from the previously refused scheme and to the currently proposed dwelling. The information from this report is presented below along with the notes from that report:

Property	Hours of Sunlight (annual)			Notes
	Existing	Previous scheme	Proposed scheme	
5 Bank Street	1401	976	1401	The reduction in height of the proposed property by 1.7 metres means that 5 Bank Streets high level gable end window will not be affected by the new building. This is because the reduction in height brings the overall height of the new building below the gable end window. This change means that the neighbouring property will receive 30% more natural daylight than that proposed in scheme one.
6 Bank Street	2560	1890	2107	Scheme two again lends itself to reduce the impact that the new building has on the existing housing. The reduction of the proposed house height means that the amount of light which is blocked from 6 Bank Street is reduced from 25% down to 18%. This means that the simple reduction in height allows 6 Bank Street to receive 7% more light per annum. In the original scheme the reduction in daylight occurred between 7am-11am. Through Scheme two, the reduction in daylight occurs between 8am-11am, which means the house is unaffected for an additional hour per day
7 Bank Street	1607	1422	1493	With scheme one it was apparent that the proposed building would have had a minor impact on the lower floor flat reducing the amount of annual daylight by 185 hours. Again by reducing the impact of the new building on the existing buildings, Scheme two reduces the number of light hours lost to 114 hours, providing 5% more daylight annually compared to scheme one. Comparing the existing to proposed scheme two shows that 7 Bank street will receive 93% of its existing light hours due to the 1.7 metre height reduction.
Beaumaris (ground)	1561	1364	1445	Scheme one resulted in a 15% reduction in light on the ground floor and a 10% reduction on first floor at Beaumaris Castle Terrace. Over the two floors this resulted in 270 hours of light per annum being lost which is around 8% of the existing light that it receives. In comparison, there is a 7% loss of light on both ground floor and first floor through scheme two. This would mean that in comparison 178 hours of light per annum would be lost, which would result in 5% of the existing light hours that it currently received being lost. This means that the property would receive 95% of its existing light hours due to
Beaumaris (1 st floor)	2128	1929	2066	

				the reduction in height of the proposed building by 1.7 metres through scheme two.
5 Castle Terrace (ground)	1773	1635	1695	Proposed Scheme One resulted in the two storey 5 castle street losing 15% of the natural light it received due to the new development proposal. The loss of light was already relatively low due to the existing 4metre boundary wall which reduces the light reaching the ground floor. However, Proposed Scheme two, improves the amount of light the property receives by 5%, meaning that the property now loses 10% of its natural lighting per annum.
5 Castle Terrace (1 st Floor)	2363	2039	2419	
7 Castle Terrace (ground)	1697	1445	1526	Proposal one resulted in Seven Castle Terrace losing 15% of its annual daylight hours on both ground and first floor due to the original proposed development. However, this is again improved through Proposed Scheme two, by reducing the amount of light that the building loses to 10% meaning that the property receives 5% more light than that proposed originally, which equates to 258 more hours of natural light per annum to both ground and first floor windows
7 Castle Terrace (1 st Floor)	2664	2200	2397	
Report conclusions:				
<p>By analysing the data, it is apparent that Proposed Scheme Two is a significant improvement over the previous scheme and reduces its impact on its neighbours, and the amount of natural light that they receive.</p> <p>Five Bank Street demonstrates that there will be no loss of light annually to the property, as the height reduction of the proposal means that its impact is eliminated.</p> <p>The beneficial impact of this reduction is further demonstrated in Seven Bank Street, which will receive 93% of its existing light hours through scheme two, increasing the overall light hours by 5% compared to scheme one by reducing the amount of hours lost from 185 to 114 by reducing the height of the proposal by 1.7 metre.</p> <p>Seven Castle Terrace shows that with the current scheme it will receive another 5% of additional light hours per annum, which as stated equates to 258 hours extra daylight per annum. This demonstrates that the reduction in height benefits both Bank Street and Castle Terrace. Despite the existing 4 metre boundary wall, which already causes a loss of natural light the reduction in height of the proposed property helps to provide additional daylight to first and ground levels, which is shown through this analysis</p>				

6.3.3 In terms of the neighbouring property, No.5 Bank Street, the impact on the general amenity of the dwelling would be limited as the proposed building would be set in line with the rear elevation of No.5 and with overlooking of the rear garden area no more than is typical between two adjacent dwellings. No.5 does have a side window set high up in the gable end facing the application site which apparently serves a bedroom at this property. The current proposal has reduced the height of the proposed dwelling so that the impact on this window is significantly reduced both in terms of loss of light and loss of outlook. The rear elevation of the proposed new dwelling is set behind the rear elevation of number 5, and comments from this property have stated that the block plans may be misleading with regards to neighbouring property, plans appear to show neighbouring property as having rear flat roof which is not the case, this area is backyard, enclosed by a boundary wall. The property would in effect be single storey at the rear and the proposed new dwelling would have some degree of impact on the amenity of 5 Bank Street, however this is not considered to be unduly detrimental to the amenities of this property as the impact would be limited to a small section of the rear garden and elevation closest to the proposed dwelling, and due to the relative heights of the

properties at this location.

- 6.3.4 The properties on the opposite side of Bank Street are likely to be affected by the proposed development the most in terms of loss of amenity due to their position to the north of the development site and so have the most potential to have the proposed dwelling overshadow them. The impact would be less than the properties further along Bank Street already experience due to the existing properties, as the proposed dwelling would be set back from the existing building line, and have a staggered L-Shaped footprint creating a staggered ridgeline. Whilst the impact on the ground floor windows would be relatively less as the existing boundary wall already has an impact on these windows, the upper floor south facing windows of these properties would experience a notable overshadowing impact as a result of the proposed development, mainly in the mornings, as the afternoon and evening sunlight is already restricted by the position of No.5. This impact is reduced significantly from that which would have resulted from the scheme previously refused by the Committee, however the proposed would have an impact on these properties even with the reduction in height.
- 6.3.5 The properties along Castle Terrace would experience some loss of light in the afternoon, as their front elevations face out to the west; however the impact of this is less than that of the properties along Bank Street due to the relative position of the dwelling being offset to the west, and not directly to the south. These properties are also mainly dual facing, with aspects out to the east with views across the valley and Low Town, and so the impact of a loss of a degree of afternoon light to these dwellings would be comparatively less than that of the properties on Bank Street who's main windows face the application site. This impact is, as for the properties on Bank Street, reduced significantly from that which would have resulted from the scheme previously refused by the Committee, however the proposed would have an impact on these properties even with the reduction in height.
- 6.3.6 The information on annual sunlight hours submitted by the applicant shows that the impact on the properties on Bank Street would be mainly in the mornings, whilst the impact on Castle Terrace would be later in the day from midday through to afternoon, due to the relative positions of the properties to the application site. The impact on ground floor windows is less, due to the existing boundary wall on site already restricting light levels to these windows, with first floor windows having a relatively greater reduction in light levels due to the development.
- 6.3.7 The impact of the proposed property on surrounding dwellings is a significant consideration for the committee in the determination of this application. The impact on the properties on the north side of Bank Street would be the most significant, with the impacts on the neighbouring dwelling and the properties along Castle Terrace being notable but of a lesser magnitude. The impact of the proposed dwelling on the amenities of nearby dwellings has been significantly reduced in the current scheme, in comparison to that which was refused, by the reduction in height of the proposed dwelling: However, the proposal would nevertheless have an impact on the amenities of these properties. The report submitted by third parties on daylight factor states that these properties already have below standard daylight factor and states that any reduction on top of the current situation should be considered unacceptable. It is the Officer view that, on balance, the impacts would

not be sufficient to warrant a refusal of the present scheme on the grounds of harm to neighbour amenity.

6.4 Highway safety and parking provision

6.4.1 The only vehicular access to the proposed dwelling would be through the narrow masonry archway adjacent to The Habit. This access would provide a car parking space in addition to allowing access for servicing the property. Although the Council's Highways Officer has advised that intensified vehicle movements through this archway are not desirable, the anticipated low number of movements and the restrictions on vehicle flows in this location are not likely to result in detrimental highway conditions.

6.4.2 The scheme provides 1 off-street parking space for the dwelling and due to the town centre location of the site, it may be considered as a sustainable location with nearby shops and transport links. There is some on-street parking in East Castle Street, beyond the archway access and this is time limited for non-residents and controlled by permit for residents. The Council's Highways Officers have advised that it is unlikely that the occupants of the proposed dwelling would qualify for a residents parking permit as they would not front onto East Castle Street.

6.4.3 This site is close to the Town Centre where there is access to public transport and public car parks. Government Guidance, previously set out in PPG13, stated that local authorities should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.

6.4.4 Given this guidance and the location of the dwelling near to the town centre, the provision of 1 off street car parking space to serve the dwelling is considered to be an adequate provision of parking for the proposed development. This level of parking provision was accepted by the Committee in the consideration of the previous scheme.

6.4.5 A number of comments received on the application raise the issue of how the construction of the building, if permitted, along with construction traffic and storage of materials would impact on the amenities of the nearby properties, and also on the access to the nearby Cliff Railway Station on Castle Terrace. If the application were to be permitted, conditions to control the hours of work, along with a traffic management plan to control the types and times of construction traffic to and from the site could be attached to any decision notice issued in order to mitigate these impacts. As such impacts would be temporary and cease at the end of the construction period, this is not an issue which would warrant refusal of an application if the committee consider the proposal otherwise acceptable.

6.6 Drainage

6.6.1 Some concerns have been raised with regards to how surface water run off from the site would be dealt with and how this would impact nearby dwellings, in particularly the Cliff Railway station to the east. The site is already surfaced and the proposed dwelling would not increase the overall run off of the site and has potential to reduce run off. The Council's land drainage section has commented that

the site can be adequately drained but that details of the specifics of this could be controlled by condition. Due to the archaeology concerns on the site, detailed below, it is difficult to finalise a drainage plan at this stage as any discoveries resulting from archaeological works may have implications on the drainage scheme proposed. As such it is considered appropriate it condition all drainage of the site for later approval if the committee determine to grant approval.

6.7 Archaeology

6.7.1 The proposed development site lies within the historic medieval core of the town of Bridgnorth (PRN 06044) as defined by the Central Marches Historic Towns Survey, within the extent of the outer bailey of Bridgnorth Castle (HER PRN 00371 Scheduled in part) and tenement plots within outer bailey of Bridgnorth Castle, (HER PRN 05630). It also occupies a group of tenement plots to east of East Castle Street (HER PRN 06032), lies adjacent to parts of the medieval street system (HER PRN 05647) and a short distance from the presumed line of the town defences (HER PRN 00374) and the site of the North Gate and Barbican of Bridgnorth Castle (HER PRN 00422).

6.7.2 Previous archaeological work this area has revealed remains thought to relate to the development of the castle or the earlier settlement. The site has marked differences in level in relation to the surrounding streets thus increasing its potential for buried archaeology and is bounded on its eastern extent by a red brick wall with crude stone courses at its lower levels which may relate to earlier settlement, and a section of which is to be cut through as part of the development.

6.7.3 An archaeological evaluation of the site has now been completed and a report submitted in support of this application (SLR Ref: 406.04694.00001). A single L shaped trench was excavated to an initial total length of 7m (north-south) and 6m (east-west) with a 1m extension to the west.

6.7.4 The report concludes that, despite the trial trenching being only a keyhole glimpse into the archaeological potential, the impact of the development is unlikely to impact on significant archaeology. As the evaluation does represent only a keyhole look at the potential archaeology and part of the analysis was based on hand-augered core samples that potential and significance though reduced, does remain.

6.7.5 In view of the above and in accordance with the National Planning Policy Framework (NPPF) Section 141, the Council's Archaeologist recommends that a programme of archaeological work be made a condition of any planning permission for the proposed development.

7.0 CONCLUSION

7.1 Bridgnorth is a settlement where general market housing may be permitted on appropriate sites. The proposed dwelling and associated works would not detract from the character or appearance of the conservation area, and the design is considered to reflect the character and form of the townscape in this location. The development would have an impact on the amenities of nearby dwellings, in particular the properties along the north side of Bank Street.

7.2 The proposed dwelling has been reduced in height following the decision of the

Committee to refuse the previous application. This has reduced the impact of the proposed dwelling on the amenities of surrounding properties, but has not removed the impact entirely. The Committee should consider if their reasons for refusal of the previous application still apply, or if the reduction in the scale of the development has been sufficient to address the concerns raised and reduce the impact of the development to acceptable levels.

- 7.3 Given the location of the site in the conservation area, and in a section of town where the urban form is close knit and defined by narrow streets and close facing properties, it is considered that, on balance, the merits of the proposal in terms of reflecting the design of nearby properties and the urban form of the area outweighs the harm caused as a result of the development on nearby dwellings. It is considered that the reduction in height of the proposed scheme has been sufficient to address the impacts on nearby properties and reduce the impact on light levels and overshadowing to a degree which can be considered acceptable. It is therefore recommended that the committee grant permission.
- 7.4 In considering this proposal the committee should seek to weigh up the relative merits of the proposal in terms of its design and form, against the negative impacts on nearby properties and determine if the Committee agrees with the above recommendation.
- 7.5 The Council is currently reviewing its affordable housing policy, and whether contributions are due on applications such as this, in light of recent changes the Government has made to the National Planning Policy Guidance (NPPG). If permitted this application may be subject to an affordable housing contribution and if so, any permission may be conditional on completion of a section 106 legal agreement to secure such a contribution.
- 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 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 1970.

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

National Planning Policies:

National Planning Policy Framework

National Planning Practice Guidance

Shropshire Core Strategy:

CS3 The Market Towns and other Key Centres

CS6 Sustainable Design and Development Principles

CS17 Environmental Networks

CS18 Sustainable Water Management

Saved Local Plan Policies:

Bridgnorth District Local Plan

S1 Development Boundaries

H3 Residential Development in Main Settlements

D6 Access and Parking

Supplementary Planning Guidance:

Type and affordability of housing.

RELEVANT PLANNING HISTORY:

13/04956/FUL – erection of one detached dwelling – Refused.

11. Additional Information

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

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p>
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<p>Design and Access Statement</p>

<p>Solar Analysis Report</p>

<p>Cabinet Member (Portfolio Holder)</p>

<p>Cllr M. Price</p>

<p>Local Member</p>

<p>Cllr John Hurst-Knight</p>

<p>Cllr Les Winwood</p>

<p>Appendices</p>

<p>APPENDIX 1 - Conditions</p>

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved in writing 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, in the interests of the visual amenities of the conservation area..

4. No joinery works shall commence until precise details of all external windows and doors and any other external joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings.

Reason: To safeguard the architectural and historic interest and character of the conservation area.

5. Prior to the occupation of any buildings on site details, including the extent of any demolition, of all walls and other boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and thereafter retained.

Reason: To provide adequate privacy and an acceptable external appearance.

6. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

7. No development approved by this permission shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Such a programme must be prepared and carried out under the supervision and with the agreement of an archaeologist approved in writing by the Local Planning Authority.

Reason: The site is known to be in an area of archaeological importance.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. Number and type and visit time of vehicles to visit the site per day in connection with the construction works
 - ii. the parking of vehicles of site operatives and visitors
 - iii. loading and unloading of plant and materials
 - iv. storage of plant and materials used in constructing the development

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

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

9. 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.

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

10. Demolition or construction works shall not take place outside of the following times:
 - Monday to Friday 07:30hrs to 18:00hrs
 - Saturday 08:00hrs to 13:00hrs
 - Not at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenity of the occupants of surrounding residential properties.

Informatives

1. Policies material to the determination of this application:
National Planning Policies:
NPPF
NPPG
Shropshire Core Strategy:
CS3, CS6, CS17, CS18
Saved Local Plan Policies:
Bridgnorth District Local Plan - S1, H3, D6
Supplementary Planning Guidance:
Type and affordability of housing.
2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required by the National Planning Policy Framework paragraph 187.
3. The applicant should consider employing measures such as the following:
Water Butts,
Rainwater harvesting system
Permeable surfacing on any new driveway, parking area/paved area
Greywater recycling system
4. Consent is required from the service provider to connect into the foul main sewer.
5. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

6. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
7. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
8. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed

street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.



<u>Committee and date</u>
South Planning Committee
13 January 2015

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT COMMITTEE 13/01/15

LPA reference	14/01075/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr and Mrs C Olink
Proposal	Repositioning of access
Location	Spring Cottage Steventon Road Ludlow Shropshire
Date of appeal	03.12.14
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	14/00719/FUL
Appeal against	Refused
Committee or Del. Decision	Delegated
Appellant	Mr & Mrs N Philp
Proposal	Erection of dwelling and garage
Location	Quatford Wood House Chapel Lane Quatford Bridgnorth Shropshire WV15 6QH
Date of appeal	25.09.2014
Appeal method	Written Reps
Date site visit	18.11.2014
Date of appeal decision	18.12.2014
Costs awarded	
Appeal decision	Dismissed

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Appeal Decision

Site visit made on 18 November 2014

by Victoria Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 18 December 2014

Appeal Ref: APP/L3245/A/14/2225478

Land adjacent to Quatford Wood House, Chapel Lane, Quatford, Bridgnorth, Shropshire, WV15 6QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Philip against the decision of Shropshire Council.
 - The application Ref 14/00719/FUL, dated 12 February 2014, was refused by notice dated 22 August 2014.
 - The development proposed is dwelling and garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. As the appeal site is within the Green Belt, I consider the main issues to be:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the development proposed on the openness of the Green Belt;
 - The effect of the development proposed on the character or appearance of the Quatford Conservation Area; and
 - If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. The appeal site comprises a field situated off Chapel Lane. It is located to the south of the driveway which serves Quatford Wood House. The boundary with the highway partly comprises an established beech hedge, with the remainder being post and rail fencing.
4. The appeal proposal would see the construction of a four bedroom dwelling, a detached garage and the formation of an access onto Chapel Lane through the existing beech hedge. The appeal site is within the Green Belt.

5. Policy S3 of the 'Bridgnorth District Local Plan' (Adopted July 2006) (LP) states, among other things, that within the Green Belt permission will not be given, except in very special circumstances, for new buildings other than for certain specified types of development. Of those listed, none are directly relevant to the appeal proposal before me.
6. Policy CS5 of the 'Shropshire Local Development Framework: Adopted Core Strategy' (Adopted March 2011) (CS) states that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. The policy goes on to state, among other things, that subject to further controls over development that apply to the Green Belt, development proposals on appropriate sites will be permitted, particularly where they relate to specified types of development. In relation to dwellings, the wording of the policy is concerned with houses for agricultural, forestry or other essential countryside workers and other affordable housing or accommodation to meet a local need.
7. The Council have also referred to policy MD6 of their emerging Development Plan Document (SAMDev) which sets out further guidance on their policy approach to development in the Green Belt. In relation to the Green Belt, emerging policy MD6 refers to limited infill development in identified Community Hubs or Clusters. I understand that Quatford has not been identified as a Community Hub or Cluster and the Council therefore consider that Quatford is not a settlement where limited infilling would be acceptable. I note that the appellant disputes the reasons why Quatford has not been identified for the purposes of the policy.
8. However, the SAMDev has not yet been subject to an independent Examination and it would seem that there are outstanding objections to some of the policies within it. As such, whilst I have regard to the policy referred to, the weight I attach to it is limited in accordance with paragraph 216 of the National Planning Policy Framework (the 'Framework'). Additionally, it does not form part of the development plan for the purposes of my determination of this appeal.
9. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in Green Belt. The paragraph goes on to list certain exceptions to this which include limited infilling in villages.
10. The Council's approach in seeking to restrict the construction of new buildings regarded as inappropriate in the Green Belt except in certain specific circumstances is therefore largely consistent with the Framework. However, there is no specific mention in the Adopted policies which form part of the local development plan of limited infilling in villages. The local development plan does not therefore fully reflect the Framework in this respect. In accordance with the Framework (paragraph 215), I shall therefore have regard to national policy in my determination of this appeal. Whilst I note the Council's reference to PPG2 in relation to the context within which policy S3 of the LP was written, that document has now been cancelled and I must have regard to extant national policy.
11. There are a small number of dwellings along Chapel Lane which for the most part front directly onto the highway. The appeal site is located in between an existing dwelling and the driveway of another. The development proposed is for one dwelling and therefore small in scale. I am therefore satisfied that the appeal proposal can be described as limited infilling. This issue therefore turns

on whether the appeal site is within a village for the purposes of paragraph 89 of the Framework.

12. The appellant has referred to Quatford as a 'village'. Quatford does have a fish and chip shop, a public house and a roadside café. I also understand that there are some caravan and chalet sites in the area. It does therefore have elements of a community. However, it comprises a small collection of dispersed buildings and has no defined village centre. There are no local shops or other facilities, such as a community hall, church or school, which one might expect to find in a village. It is also washed over by the Green Belt. Even though Quatford is close to the town of Bridgnorth and the range of services available there, it is physically separate from that town and surrounded by open countryside. It therefore has a remote, rural feel. For these reasons, I am not persuaded that Quatford can be considered a village for the purposes of national Green Belt policy.
13. Accordingly, the proposal would result in a new dwelling that would be outside of an existing village. I therefore consider that the proposal would be inappropriate development in the Green Belt as described in the Framework (paragraph 89). This is harmful, by definition, as indicated in the Framework (paragraph 88).

Openness

14. Openness is an essential characteristic of the Green Belt. It means freedom from development and is only partially concerned with visibility. Although the development proposed would be situated within a line of existing dwellings, the existing site is currently an open field. The effect of the appeal scheme would be to add to the volume of built development on the appeal site and along Chapel Lane thereby depleting the openness of the Green Belt. This adds to the harm which I have identified above.

Character or appearance

15. The appeal site is situated within the Quatford Conservation Area (CA). Chapel Lane itself is a single track road which slopes steeply upwards. The small collection of dwellings which line the lane largely front directly onto the highway. In combination with the narrow width of the lane, this gives the area an enclosed feel close to the junction with the A442. As one travels further up the lane, the topography rises and gaps in between buildings introduce a more spacious pattern of development into the streetscene. These gaps allow views from the highway of the countryside beyond the dwellings and contribute positively to the open, rural setting of the area.
16. The appeal site is currently an open field located in a prominent position immediately next to the highway. Views across the site to the countryside beyond can be seen from the lane. In particular, views of the land rising steeply up from the appeal site to a line of trees beyond which follow the ridge of the hill which runs parallel to Chapel Lane are important in establishing a sense of place. This is because views across the site reveal the steep topography of the area and the open fields and established vegetation contribute positively to the spacious rural setting.
17. I acknowledge that the appeal proposal would have a traditional appearance and would reflect the design details of historic cottages close by. As such, I

understand that the Council's heritage officer commented positively in this particular regard. However, its construction would result in the loss of the existing open field which would result in a loss of spaciousness in the streetscene and would restrict public viewpoints in the highway to the countryside beyond.

18. Accordingly, I conclude that the development proposed would be harmful in that it would neither preserve nor enhance the character or appearance of the area. The proposal would therefore conflict with policies CS6 and CS17 of the CS which, together, seek to ensure that all development conserves and enhances the built and historic environment and is appropriate taking into account the local context and character.
19. As the development proposed would be relatively small in scale, I consider that the harm to the CA's significance as a heritage asset would be less than substantial, as defined in the Framework (paragraph 134). I shall consider whether there are any other matters which would amount to a public benefit for the purposes of paragraph 134 as part of my reasoning below.

Other considerations

20. The appeal proposal would result in one additional dwelling. There is some dispute between the parties as to whether the Council is able to demonstrate a five year supply of housing land as required by the Framework. However, even if I were to accept the appellant's case, the Framework is clear that the presumption in favour of sustainable development does not apply where specific policies, including land designated as Green Belt, indicate that development should be restricted (paragraph 14, including footnote 9). This is not therefore a matter which weighs in favour of the proposal.
21. There is a completed Unilateral Undertaking which was submitted with the appeal documents which intends to make a financial contribution to the Council for the provision of affordable housing in the area. However, given the scale of the development proposed, I attach limited weight in favour of this consideration.
22. The appeal proposal would result in some jobs being created during the construction phase. Although, by definition, these jobs would be of relatively short duration. This is also a matter to which I attach limited weight in favour.
23. I appreciate that, due to the steep topography of the appeal site, it is not considered suitable to be used by horses. However, this is a matter to which I attach limited weight.
24. Although I note the appellant's reference to the development of chalet sites and overnight caravan trade within Quatford, there is little specific information before me as to the reasons why those schemes may have been granted permission by the Council. I have therefore assessed this appeal scheme on its own merits and with regard to the particular circumstances of the case before me.

Conclusion

25. Drawing matters together, I have found that whilst the appeal scheme could be considered as a 'limited infill' proposal, given the circumstances I have described, the appeal site is not within an existing village for the purposes of

paragraph 89 of the Framework. Accordingly, by reason of the proposed construction of a new building outside of an existing village, the proposal is inappropriate development in the Green Belt. Substantial weight should be given to any harm to the Green Belt according to the Framework (paragraph 88). The proposal would also materially impact upon the openness of the area and would be harmful to the character and appearance of the CA.

26. On the other hand, I have noted that the appeal site is considered unsuitable to be used by horses. I have also acknowledged that the proposal would result in one additional dwelling, that a financial contribution towards the provision of affordable housing would be provided and that some jobs would be created during the construction phase of the proposal. However, for the reasons given above, I consider that limited weight can be attached to these considerations.
27. For the same reasons, I also consider that these matters would not amount to a public benefit that would outweigh the harm that I have found in relation to the effect of the proposal on the character or appearance of the CA for the purposes of paragraph 134 of the Framework.
28. Accordingly, I conclude that these other considerations do not clearly outweigh the totality of harm I have identified. Accordingly, very special circumstances necessary to justify the development do not exist and the proposal would therefore conflict with paragraphs 88 and 89 of the Framework.
29. For the reasons given above, I conclude that the appeal should be dismissed.

Victoria Lucas-Gosnold

INSPECTOR

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