



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

Date: Monday, 24 March 2014

Committee:
South Planning Committee

Date: Tuesday, 1 April 2014

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

David Evans (Chairman)
Stuart West (Vice-Chair)
Charlotte Barnes
Nigel Hartin
Richard Huffer
John Hurst-Knight
Cecilia Motley
William Parr
Madge Shingleton
Robert Tindall
VACANCY

Substitute Members of the Committee

Gwilym Butler
Lee Chapman
Tracey Huffer
Heather Kidd
Christian Lea
Vivienne Parry
Dave Tremellen
Leslie Winwood
Michael Wood
Tina Woodward

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 - 14)

To confirm the minutes of the South Planning Committee meeting held on 4 March 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 Application to Register Land known as The Green, Dunval Road, Bridgnorth as a Town Green (Pages 15 - 22)

6 Land at Rhea Hall, Rhea Hall Estate, Highley, Shropshire (12/02334/OUT) (Pages 23 - 42)

Outline application for residential development with all matters reserved.

7 North of Sydnall Farm, Middleton Priors, Bridgnorth (13/03126/FUL) (Pages 43 - 76)

Erection of two wind turbines (45m overall height); associated infrastructure and access track.

8 Land south-east of Aston Rogers, Westbury, Shropshire (13/03847/EIA) (Pages 77 - 106)

Construction of four poultry sheds and feed bins, ancillary works, alterations to existing vehicular access, installation of solar photovoltaic panels and associated landscaping.

9 Cricket Ground, Quatt, Bridgnorth, Shropshire, WV15 6QW (13/04962/COU) (Pages 107 - 118)

Change of use of land from agricultural to cricket square and construction of access drive.

10 Land at Woodberry Close, Bridgnorth, Shropshire, WV16 4PT (14/00199/FUL) (Pages 119 - 128)

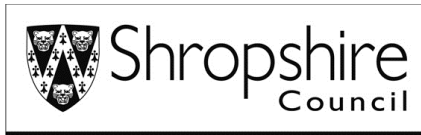
Formation of additional parking bays (from 6 to 19) to include bollard security and landscaping.

11 Schedule of Appeals and Appeal Decisions (Pages 129 - 132)

12 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, 29 April 2014 in the Shrewsbury Room, Shirehall.

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<u>Committee and Date</u>	<u>Item</u>
South Planning Committee 1 April 2014	2 Public

Minutes of the South Planning Committee meeting held on Tuesday, 4 March 2014

2.00 pm – 3:58 pm

Responsible Officer Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk

Telephone: 01743 252738

PRESENT

Councillor D A Evans (Chairman)

Councillors Mrs C A Barnes, N J Hartin, R M Huffer, J Hurst-Knight, Mrs C M A Motley, W M Parr, Mrs D M Shineton, R Tindall, S J West and Mrs T Woodward (Substitute).

129. APOLOGIES

There were no apologies for absence.

130. MINUTES

RESOLVED:

That the amended set of Minutes of the South Planning Committee held on 7 February 2014, circulated prior to the meeting, be approved as a correct record and signed by the Chairman.

131. PUBLIC QUESTION TIME

There were no public questions.

132. 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 13/03126/FUL, Councillor W M Parr declared that members of his family resided adjacent to the application site.

With reference to planning application 13/04309/EIA, Councillor D A Evans declared that, although being in the poultry business himself, this application would not impact on his business and he would have no dealings with this contract in the future.

133. APPLICATION TO REGISTER THE GREEN AT MILSON AS A VILLAGE GREEN

The Commons Registration Officer introduced the report of the Head of Legal and Democratic Services (Monitoring Officer) for an application to register The Green at Milson as a Village Green. He stated that the application had been made by Milson and Neen Sollars Parish Council by way of voluntary dedication under Section 15(8) of the Commons Act 2006. Shropshire Council was obliged to accept the application as long as there was sufficient evidence of ownership of the land and there were no leases or relevant charges attached to the land. Both these requirements had been met.

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 Mrs D M Shinton, as the local Ward Councillor, made a statement in support of the proposal, took no part in the debate and did not vote.

RESOLVED:

That the application to register The Green at Milson as a village green be accepted and the land shown edged red on the plan, as attached to the report, be added to the Register of Village Greens for the reasons as set out in the report.

134. THE HILLS, THE DOWN, BRIDGNORTH, WV16 6UB (13/02194/FUL)

The Special Projects and Minerals Manager introduced the application and confirmed that Members had undertaken a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area. With reference to the drawings and photomontages displayed, he drew Members' attention to the layout, location, elevations and noise levels. It was proposed to erect a single wind turbine with a maximum tip height of 77m, a hub height of 50m and a rotor diameter of 53m. A new 180m track would link the site to an existing farm track. The turbine would produce 500kW, sufficient for about 230 homes, reducing the farm's annual carbon dioxide emissions by up to 860 tonnes. Cabling would be laid underground to the point of grid connection. Construction would last 12-18 weeks. The turbine would supply electricity to power a poultry feed mill located at the farm with surplus electricity utilised within the farm or exported to the National Grid. He explained that the tip and rotor heights had been

reduced from 86.5m and 60m respectively following recent discussions with Shropshire Council Officers, and he explained that supplementary photomontages provided by the applicant demonstrated the effect of this change. The turbine would also be re-positioned so that it was situated further from the Jack Mytton Way long distance footpath / bridleway. The applicant had also agreed to make a voluntary commitment to contribute to a local community fund throughout the lifespan of the development at significantly above the industry recommended level.

Location – The Special Projects and Minerals Manager explained that the proposed site was located on a hillside to the south of the Mor Brook Valley 2.6km south west of Bridgnorth. The farm buildings were 350m north-west. The closest private residential dwelling was 550m south east and there were six properties within a 1km radius, including the applicant's. The Jack Mytton Way long distance bridleway was located 235m to the south west and followed a minor road at this location. Thatchers Wood a Site of Special Scientific Interest (SSSI) was located 320m to the north east.

Consultations - The Special Projects and Minerals Manager explained that the application had attracted objections from Chetton Parish Council, three adjacent Parish Councils, the CPRE and a Shropshire Equestrian organisation. No objections had been received from other planning consultees. 257 objections and 26 representations in support had been received from members of the public and were as listed in the report. The main objections related to concerns about visual amenity, tourism and leisure, highways, ecology, heritage, noise, equestrian interests, cumulative impacts, precedent for further development and questioning renewable energy benefits. The Stop Bridgnorth Wind Farms campaign group had produced a consultant's report which criticised the methodology used in preparing the application and had asserted that impacts had been underestimated. The applicant had responded to this.

The Special Projects and Minerals Manager explained that the National Planning Policy Framework (NPPF) advised that renewable energy proposals should be permitted where the effects of the development were or could be made acceptable. The benefits of renewable energy should be given significant weight, but this should not automatically outweigh environmental considerations. The Core Strategy promoted a low carbon Shropshire. The proposals would assist in achieving renewables targets whilst also providing more stable profitability for the farm.

The Special Projects and Minerals Manager explained that the Core Strategy Policy CS17 protects landscape quality. A visual appraisal, compliant with relevant methodology, assessed the appearance of the proposed turbine from locations surrounding the site. The appraisal recognised that there would be some significant changes to views within a 1km radius and the turbine would potentially be visible within the wider area. However, the applicant's photomontages support the conclusion that the proposed turbine would be seen as a small part of a wider panorama from a distance of 2km and beyond and would have a very limited impact. A heritage appraisal looking at 20

heritage assets in the surrounding area found that there would be no unacceptable impacts on these assets. This conclusion was supported by the Historic Environment section and they had not raised any objections. Other turbine sites were proposed in the surrounding area but an appraisal found that these would be sufficiently distanced so as not to give rise to cumulative effects.

The Special Projects and Minerals Manager stated that Public Protection had raised no objections with respect to noise. An appropriate condition had been recommended. The nearest privately owned property would be beyond the range of any shadow flicker effects. A Construction Management Plan was being recommended to manage traffic during the temporary construction period. There had been no objections from Natural England or the Council's Ecologist. Relevant separation guidance to vegetation had been adhered to. The turbine had been moved further from the Jack Mytton Way. Whilst it remained within the British Horse Society's recommended separation distance it would be screened or filtered behind topography and vegetation and would be perpendicular to rather than in front of the direction of travel as seen from most views. No objections had been received from the MOD or the civil radar operator NERL.

In conclusion, the Special Projects and Minerals Manager explained that the proposed facility would be a large structure in the countryside and had attracted public and parish council objections. The proposals had however been improved through re-alignment and height reduction, there were no objections from technical consultees and it was considered that there would be no unacceptable adverse impacts. The NPPF advised that the ability to generate renewable energy was a significant material consideration. The proposals also offered benefits in terms of farm diversification and the proposed community contribution would also be welcomed. It was concluded on balance that the development would be sustainable and the proposals would be capable of being accepted in relation to relevant policies and guidance, subject to the recommended conditions and legal obligation.

Mr H Trevor-Jones, representing 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:

- The turbine, if erected, would be as tall as a 68-storey building and higher than the Lord Hill statue and would dominate the landscape;
- The proposal would have a significant visual impact on 25 properties and a further 62 would have a lesser but noticeable impact;
- In total, 257 objections had been received and only 26 in support. Of those, 132 of the objections had been received from residents within a 2 km distance of the site and only two in support;
- Town and Parish Councils, Shropshire Riding and Carriage Driving Forum, National Trust and other bodies had all raised objections;
- He raised concerns with the accuracy and quality of data provided by the applicant; and

- He urged the Committee to refuse the application, to take into consideration the high number of objections and to take localism seriously.

In response to questions from Members regarding concerns relating to the accuracy and quality of data, Dr Chris Douglas speaking on behalf of the objectors, provided clarification and drew Members' attention to information detailed in the report commissioned by 'Stop Bridgnorth Wind Farms'.

Councillor Mrs S Bayliss, representing Chetton 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:

- This had proved to be a very contentious issue in the parish and had attracted a high number of objections;
- The proposal would have a negative impact on the surrounding area;
- Noise would impact on residents;
- Other Parish Council from the surrounding area had raised objections;
- Birds and raptors would fall foul of the blades; and
- Despite the Government promoting localism the views of the Parish Council were often ignored.

Mr H Richards, speaking on behalf of the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Shropshire Council Officers had assessed all the information provided by the applicant and were recommending approval;
- Appropriate conditions would be attached to any permission;
- Granting permission would not set a precedent;
- The scheme had been amended to take account of local views and the number of objections referred to related to the initial application; and
- This was an opportunity for Shropshire to make a contribution to the national drive to provide green energy.

In response to questions from Members, the applicant explained why he had chosen to go with one turbine rather than two. Mr Richards drew Members' attention to conditions (13a, 13b and 14) which would address noise issues and explained that the turbine would be fitted with appropriate lighting in line with appropriate requirements.

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 R Tindall, as the local Ward Councillor, made a statement against the proposal, took no part in the debate and did not vote.

In the ensuing debate, Members welcomed sources of renewable energy, but expressed serious concerns with regard to the scale and location of this turbine, the incremental impact on the surrounding area and the detrimental

impact on leisure and tourism. They further commented that it would be abligh on the landscape, would have 360° visibility, be seen from far afield and would have a negative impact on the setting of the Area of Outstanding Natural Beauty and Site of Scientific Special Interest.

RESOLVED:

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

- The scale and location of the proposed turbine would have an unacceptable adverse effect on the character and scenic quality of the local landscape and neighbouring amenities and also on leisure and tourism interests.

135. NORTH OF SYDNALL FARM, MIDDLETON PRIORS, BRIDGNORTH (13/03126/FUL)

The Special Projects and Minerals Manager introduced the application and confirmed that Members had undertaken a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area. With reference to the drawings and photomontages displayed, he drew Members' attention to the layout, location and elevations. It was proposed to erect two 250kw wind turbines and an associated access track. The turbines would be 3-blade models with a hub height of 30m and a blade diameter of 30m, giving a total maximum height above ground level of 45m. The turbine would produce 500kW, sufficient for about 230 homes. Cabling would be laid underground to the point of grid connection 130m south. Construction would last 12-18 weeks. The applicant had made a voluntary commitment to contribute to a local community fund throughout the lifespan of the development.

Location – The Special Projects and Minerals Manager explained that the application site was located 8kms to the west of Bridgnorth off the B4634 Bridgnorth to Ludlow road, on agricultural land to the northwest of Sydnall Farm. The turbine locations would be over 50m from any field boundary and the nearest privately owned property, was 530m to the west.

Consultations – The Special Projects and Minerals Manager explained that Ditton Priors Parish Council had not objected subject to a number of reassurances. An adjacent parish had objected, as had 29 members of the public and the Campaign for the Protection of Rural England (CPRE), one public letter of support had been received and no objections had been received from other planning consultees. The main objections related to concerns about visual amenity and scale, highways, residential amenity, cumulative impacts, precedent for further development and questioning renewable energy benefits.

The Special Projects and Minerals Manager explained that the renewable energy benefits of the proposals were a significant material consideration. The proposals would also assist in achieving more stable profitability for the farm in accordance with Core Strategy Policy CS5 and the site had been chosen because of the high wind speed and the capacity of the site to absorb the development.

The Special Projects and Minerals Manager further explained that a visual appraisal, compliant with relevant methodology, had assessed the appearance of the proposed turbine from surrounding locations and had concluded that, whilst there would be significant change near to the site, the landscape of rolling hills and mature vegetation had a good capacity to absorb the development. Most sensitive receptors would be more than 1.5km away and the turbines would not be out of scale with the surrounding landscape. Photomontages accompanying the visual appraisal support this conclusion. A heritage appraisal had concluded that the setting or significance of designated heritage assets would not be affected. The proposed turbines may be seen in relation to the St Giles' church tower at Chetton in wider panoramic views but the proposals would not detract from its overall prominence in the landscape. This conclusion was supported by the Historic Environment section who had raised no objections. Other turbine sites were proposed in the surrounding area but an appraisal had found that these were sufficiently distant so as not to give rise to cumulative effects.

The Special Projects and Minerals Manager drew Members' attention to the comments of Public Protection Officers who had raised no objections with respect to noise. The nearest privately owned property would be beyond the range of any shadow flicker effects. A Construction Management Plan was being recommended to manage construction traffic. Natural England had not objected and no objections had been received from the Ministry of Defence or the civil radar operator NERL. Rights of way had requested that the western turbine was micro-sited further from the nearest public footpath and a condition covering this had been recommended.

In conclusion, the Special Projects and Minerals Manager explained that the proposed facility would be a large structure in the countryside and had attracted a number of public objections. However, there had been no objections from technical consultees and it was considered that there would be no unacceptable adverse impacts. The ability to generate renewable energy was a significant material consideration. The proposals also offered benefits in terms of farm diversification and the proposed community contribution was to be welcomed. It was concluded that, on balance, the proposals could be accepted in relation to relevant policies and guidance, subject to the recommended conditions and legal obligation.

Mrs S Bury, representing the CPRE, 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 CPRE objected to the proliferation of turbines, whether in or out of the Area of Outstanding Natural Beauty (AONB);
- Approval of this application would set a precedent;
- She drew Members' attention to the Planning Practice Guidance for renewable and low carbon energy which indicated that the need for renewable energy should not automatically override environment protections and the planning concerns of local communities; local topography should be taken into account; careful consideration should be given to proposals in National Parks and in the AONB and in areas close to them where there could be an adverse impact on the protected area; and the protection of local amenity was an important consideration and should be afforded proper weight;
- The proposal would have a detrimental impact on the Shropshire hills, the Cleve Hills which were rich in archaeology, AONB and tourism; and
- Was contrary to planning guidance.

Mr S Bate, 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 contribute to climate change and renewable targets;
- Any conflict with policy would be outweighed by the benefits of the scheme;
- Would aid diversification of the business;
- The turbine would be absorbed and integrated into the landscape and would not cause any detrimental harm or adverse impact to the surrounding area, leisure, aviation or tourism; and
- The proposal was in accordance with national and local policies, the applicant had engaged with consultees and worked with Officers prior to submission.

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 R Tindall, as the local Ward Councillor, made a statement, took no part in the debate and did not vote.

In the ensuing debate, Members expressed differing views. The majority of Members expressed concerns regarding the incremental impact on the surrounding area, the scale and location, particularly with the close proximity to the AONB, bridleways and footpaths and considered that it would significantly impact on the landscape. Other Members supported the application and considered the proposal to be sustainable and that it would not unduly impact on the landscape and surrounding area. A Member commented that, if approved, a precedent would not be set and each application was considered on its merits.

RESOLVED:

That the Officer's recommendation to approve the decision be rejected on the basis of concerns about the scale and visual impact of the proposed turbines and their proximity to the Area of Outstanding Natural Beauty.

(Following the meeting and on legal advice this application will be returned to the next meeting for a formal decision to be taken.)

136. PROPOSED DWELLING ON SOUTH SIDE OF BENTHALL LANE, BROSELEY (13/03406/FUL)

The Principal Planning Officer (Bridgnorth) introduced the application and drew Members' attention to the additional information as detailed in the Schedule of Additional Letters circulated prior to the meeting. He confirmed that Members had attended a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area. With reference to the drawings displayed, he explained and drew Members' attention to the layout, elevations, topography, access and parking arrangements.

The Principal Planning Officer (Bridgnorth) explained that to preserve the amenity of neighbouring properties some windows would be obscured glazed; the site was outside the development boundary of Benthall and had not been identified in the current Local Plan; and drew Members' attention to the National Planning Policy Framework (NPPF) which stated that relevant policies should be considered as being out-of-date if a five year land supply had not been identified.

Councillor P M Whiteman, representing Barrow 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:

- Both Broseley Town Council and Barrow Parish Council were opposed to the application;
- It would be outside the development boundary and the land had never been considered as being appropriate for housing;
- It was not and never had been a brownfield site;
- A letter written by the local MP suggested that this application for open market housing should be resisted;
- The property would overlook the neighbouring property; and
- An affordable dwelling, as per the nearby Tiffany Cottage, would be more preferable than an open market dwelling.

Mr T Rowlands, 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 NPPF deemed policies to be out-of-date if a five year land supply had not been identified;
- The house had been designed to fit the space and would provide the elderly applicants with an appropriate dwelling;
- A blanket objection had been produced. There had been an unbalanced number of objections – 11 objections had been received but the majority of these objections had been made by the same family; and
- The impact on the neighbouring property would be reduced by suitable screening and vegetation.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor D Turner, as local Member, participated in the discussion and spoke against the proposal but did not vote.

In the ensuing debate, Members expressed differing views. Members commented that an affordable dwelling would be more preferable to an open market dwelling; and expressed their annoyance with regard to the current situation regarding the five year land supply. They acknowledged and welcomed the condition relating to the access onto Benthall Lane and stated that it was important that this condition be strictly imposed and enforced.

RESOLVED:

That, subject to a Section 106 Legal Agreement relating to the affordable housing contribution and the conditions as set out in Appendix 1 to the report, planning permission be granted as per the Officer's recommendation.

137. BRADELEY FARM, BOURTON, MUCH WENLOCK, TF13 6JN (13/04309/EIA)

The Special Projects and Minerals Manager introduced the application and confirmed that Members had undertaken a site visit that morning and had assessed the impact of the proposed development on neighbouring properties and the surrounding area. With reference to the drawings and photomontages displayed, he drew Members' attention to the layout, location, elevations, topography, drainage and access. The proposal was to build a four-shed poultry unit to replace the existing pig production enterprise. The poultry sheds would have associated feed bins, control rooms and a service yard area. Two of the existing pig rearing buildings would be removed and one would be converted for ancillary use. The sheds would each measure 98 metres long, 25 metres wide and 4.84 metres to the ridge and would be fitted with high-speed extractor fans. Feed bins 9.2m high would be positioned on concrete plinths between the sheds. A biomass boiler housed in an existing building would heat for the poultry sheds. A sustainable water management

scheme would be provided. Improvements were also proposed to the existing farm access onto the Much Wenlock road. The site would employ four people. Planting would be undertaken to the north, east and west of the site to screen the development. The proposal fell within schedule 1 of the Environmental Impact Assessment Regulations and in accordance with Shropshire Councils Scheme of Delegation had to be referred to this Committee for decision.

Location - The Special Projects and Minerals Manager explained that the site was an established pig and arable farm located to the south west of Bourton and 5km south of Much Wenlock. The proposed poultry units would be located to the immediate northwest of existing farm buildings

Consultations – The Special Projects and Minerals Manager explained that Much Wenlock Town Council had not objected provided the site was properly screened and landscaped and there were no outstanding objections from planning consultees. The applicant had provided further information on odour and noise in response to comments from the Environment Agency. A local resident had not objected but had highlighted the limitations of the local road network. However, Shropshire Council's highways section had raised no objections.

The Special Projects and Minerals Manager explained that the Core Strategy policy CS5 supported rural diversification on appropriate sites. It was recognised that the proposals would help to deliver economic growth, rural diversification and improved food security and would be a replacement for an existing use. It was necessary therefore to assess their effects in relation to the effects of the existing pig rearing use. In terms of traffic, there would be a marginal increase, but with less intensive manure removal. In terms of odour and noise there would be improvements relative to the current situation as the buildings would be further from the two agricultural workers cottages at Bradeley Farm. The Environment Agency had confirmed that the poultry units would be regulated under the Environmental Permitting system (unlike the current pig unit) and this would incorporate noise and odour management plans. Appropriate conditions had been recommended to provide added reassurance. In terms of visual impact the proposed site was set down in a valley over 900m from the nearest privately owned residential properties. The proposed planting scheme would mitigate views from the nearest public footpath 50m to the east. The site was 2.5km from the nearest part of the Shropshire Hills AONB and was not visible due to distance and the intervening topography. The sheds would be of a 'low profile' design, would be located in a topographic depression adjacent to existing agricultural buildings, would generally be viewed only from a distance and the proposed landscaping measures would further assist in integrating the site into its surroundings. The pig farm produced one million gallons of pig slurry and around 1200 tonnes of pig manure per year; this would be replaced with approximately 250 tonnes of poultry manure. The applicant farms sufficient land area to spread the poultry manure within its own ownership and suitable storage locations were available away from ground and surface water sources. None of the land fell within a Nitrate Vulnerable Zone.

In conclusion, the Special Projects and Minerals Manager explained that it was considered that the proposals represented an appropriate form of diversification for the existing farm business. It would assist in securing the future of the business whilst continuing to contribute to the local economy and employment. It would also provide locally sourced food, supplying a strong national demand for poultry meat. It was considered that the Environmental Impact Assessment accompanying the application demonstrated that the environmental impacts of the proposed development would not be significant and were capable of being effectively mitigated. The recommended conditions would also be supplemented by detailed operational controls under the Environment Agency's permitting regime. It was concluded that the proposals were capable of being accepted in relation to relevant development plan policies and guidance.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor D Turner, as local Member, participated in the discussion and spoke for the proposal but did not vote.

RESOLVED:

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

- Condition No. 5 being amended to ensure that the colour of the roof sheets shall be BS18B29.
Reason: To ensure the materials are appropriate in the landscape.
- Condition No. 11 being amended to ensure no construction works take place on Sundays and Bank or Public Holidays.
Reason: To safeguard the amenities of the area.
- Condition No. 12 being amended to ensure that lorries when transporting birds for depopulation shall not leave the site outside of 23.00 and 2.00 hours.
Reason: In the interests of residential amenity

138. SCHEDULE OF APPEALS AND APPEAL DECISIONS

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 4 March 2014 be noted.

139. DATE OF NEXT MEETING

RESOLVED:

That the next meeting of the South Planning Committee be held at 2.00 pm on Tuesday, 1 April 2014 in the Shrewsbury Room, Shirehall.

CHAIRMAN.....

DATE.....

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Committee and date

South Planning Committee

1 April 2014

Item

5

Public

APPLICATION TO REGISTER LAND KNOWN AS THE GREEN, DUNVAL ROAD, BRIDGNORTH AS A TOWN GREEN

Responsible Officer Claire Porter, Corporate Head of Legal and Democratic Services/ Monitoring Officer
Telephone: 01743 252763
Email: Claire.porter@shropshire.gov.uk

1. Summary

This report relates to an application made under section 15(2) of the Commons Act 2006, ("the Application") to register land known as The Green, Dunval Road, Bridgnorth as a town green.

2. Recommendation

That the Application land as shown edged red on the plan, (Appendix 1), attached to the Application should be registered as a town green for the reasons set out in this report.

Report

3. Background

Introduction

- 3.1 This report concerns an application for the registration of land adjacent to Dunval Road, Bridgnorth as a town green under section 15(2) of the Commons Act 2006 ("the 2006 Act").
- 3.2 As the Commons Registration Authority it falls to the Council and this committee, under the scheme of delegations, to determine the Application.

The Application

- 3.3 On 10 April 2013 the Council, as Commons Registration Authority, received an application for an area of land in Bridgnorth, known as The Green, Dunval Road to be registered as a town green under section 15(2) of the 2006 Act. The Application, which claims that the land has been used as of right by local people for lawful sports and pastimes for at least 20 years, was submitted by Mrs Karen Wardle and Miss Ina J Roberts both of whom live in Dunval Road. The Application was given reference number VG(A)93.

The Law

- 3.4 The relevant parts of section 15 of the 2006 Act state:
- (1) *Any person may apply to the commons registration authority to register land to which this part applies as a town or village green in a case where subsection (2), (3) or (4) applies.*
 - (2) *This subsection applies where-*
 - (a) *a significant number of inhabitants of any locality, or neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years; and*
 - (b) *they continue to do so at the time of the application.*

Preliminary Consideration of the Application

- 3.5 The Application was deemed to have been duly made in accordance with The Commons (Registration of Town or Village Greens)(Interim Arrangements) (England) Regulations 2007, ("the 2007 Regulations").
- 3.6 The Application was advertised in accordance with the 2007 Regulations and no objections were received.
- 3.7 The Landowner, Bridgnorth Town Council, has been given notice of the Application in accordance with the 2007 Regulations and has raised no objections.

Consideration of Application

- 3.8 The main issue that the Application raises is whether sufficient evidence has been received to show that the criteria set out in section 15(2) of the 2006 Act have been met.
- 3.9 The Application must be determined on its own merits by applying the law in relation to the registration of town and village greens. Members must consider only whether on the balance of probabilities, the applicant has satisfied the requirements of section 15(2) of the 2006 Act.

Neighbourhood/ locality

- 3.10 Taking each of the elements of section 15(2) in turn, the neighbourhood/locality relied upon in the Application is shown edged red and coloured yellow on OS Sitemap attached to the Application. The neighbourhood within the locality to which the claimed green relates is stated to Queensway Estate which is edged in thick red on Map A attached to the Application.
- 3.11 A “locality” must be some administrative division known to law, for example a borough, parish or manor. A “neighbourhood” need not be a recognised administrative unit, for example a housing estate can be a neighbourhood. However, a neighbourhood cannot be any area drawn on a map; it must have some degree of cohesiveness.
- 3.12 In the current case Queensway Estate is the name given by the original builders of the estate and is a neighbourhood within the electoral ward of Bridgnorth West. As such it can be relied upon by the applicant as the relevant locality.

Significant number of inhabitants

- 3.13 Once the relevant locality or neighbourhood has been identified the applicant must show that a significant number of its inhabitants have used the land for the required purpose. It has been held in the case of *R (McAlpine) v Staffordshire CC* [2002] EWHC 76 (Admin) that “significant” does not mean a considerable or substantial number of people, what is important is whether the number of people using the land in question is sufficient to indicate that the land is in general use by the local community for informal recreation, rather than occasional use by individuals as trespassers.
- 3.14 45 signed statements from residents of the locality evidence use by 54 people and their families of the green over the period 1965 to 8 April 2013.

There would appear to be sufficient evidence to demonstrate use by a significant number of the inhabitants of the locality or neighbourhood within a locality.

Lawful sports and pastimes

- 3.15 It is necessary for the applicant to prove that the Application land has been used for lawful sports and pastimes. The activities specifically mentioned in the Application and the witness statements in support include children's games, running, kite flying, football, cricket, rounders, sledging, snow men building, bonfire parties, jubilee street parties, jogging, cycling, go-karting, model aircraft flying, bird of prey flying, nature study, leisure and dog walking.

As of right

- 3.16 The 'lawful sports and pastimes' must have been enjoyed "as of right". This is a requirement that
- (a) the activities claimed must have been carried on without force, without secrecy and without permission. 'Force' would involve, for example, accessing the land by climbing over a locked gate or cutting barbed wire.
 - (b) the activities claimed must not have been done in exercise of any other legal right, for example a right of way
 - (c) the use must have the appearance to the landowner of the exercise of a legal right

There has been no claim by any person or any indication in the evidence lodged with the Application or contained within the letters of support that the activities were done by force, secretly or with either express or implied permission and therefore this requirement appears to have been met.

Use for 20 years, continuing as at the date of the Application

- 3.17 The final requirement is that the activities claimed have been carried on for at least 20 years and that the use is continuing as at the date of the application.
- 3.18 From the evidence supplied at least 54 persons have used the land over the past twenty years and there is no evidence to suggest that this use is not ongoing.
- 3.19 There is sufficient evidence that a significant number of inhabitants of the relevant neighbourhood have used the land for the relevant 20 year period.

4. Conclusion and Recommendation

- 4.1 Having considered each of the criteria in s15(2) of the 2006 Act, there is a relevant locality or neighbourhood within the locality; lawful sports or pastimes have taken place on the application land; and on the balance of probabilities a significant proportion of local inhabitants have used the land for the whole of

the 20 year period ending on the date of the Application and continue to do so.

- 4.2 Members are recommended to accept the application to register The Green, Dunval Road, Bridgnorth as a town green for the reasons set out in this report.

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

Application for registration by Mrs Karen Wardle and Miss Ina J Roberts.

Communications from Bridgnorth Town Council

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights Act 1998. The landowner in this case has been consulted and the Application has been publicised in accordance with the relevant legislation.

Environmental Appraisal

The procedure for considering this application will have no environmental implications.

Risk Management Appraisal

This Report deals with the processes to be followed to fulfil the Council's statutory duty. Risk management has been appraised as part of the consideration of this Report.

Community / Consultations Appraisal

Statutory advertisement is required. The Applicant and respondents to the advertisement have been consulted throughout the application process.

Equalities Appraisal

The contents of this report do not raise any equalities issues.

Financial Implications

The matters contained in this report do not give rise to any financial implications for the Council.

Cabinet Member

Councillor Keith Barrow

Local Members

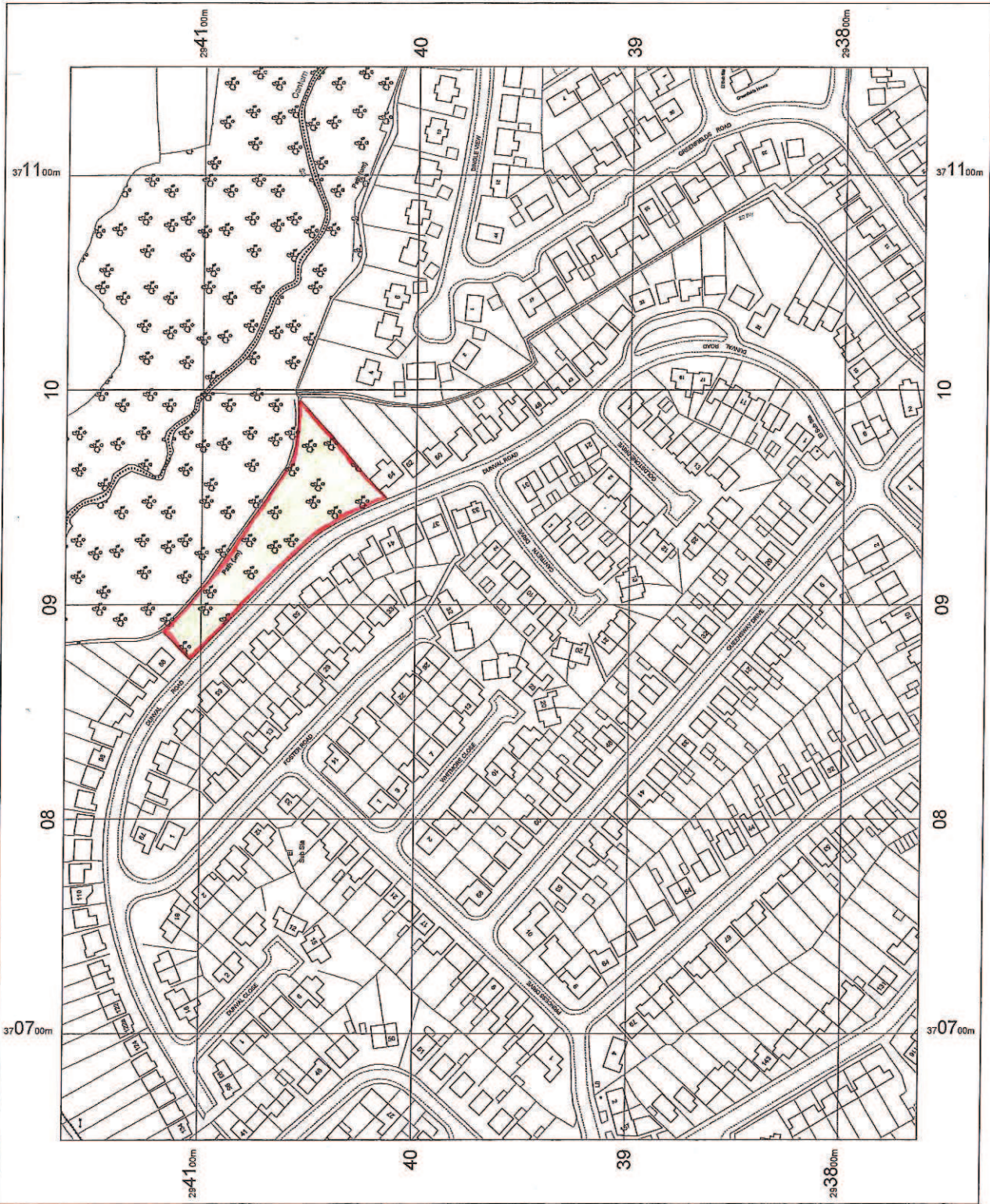
Councillor Les Winwood and Councillor John Hurst-Knight

Appendices

Appendix 1 – Plan of the Application Land and neighbourhood.

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O.S. MASTERMAP 1:2,500 SCALE



MAP A
 QUEENSWAY ESTATE
 BRIDGNORTH
*Registration of
 The Green
 Dunwal Road.*



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The Map Shop
 Upton upon Severn
 www.themapshop.co.uk

TEL: 01684 593146
 FAX: 01684 594559
 themapshop@btinternet.co.uk

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Committee and date

South Planning Committee

1 April 2014

Item

6

Public

Development Management Report

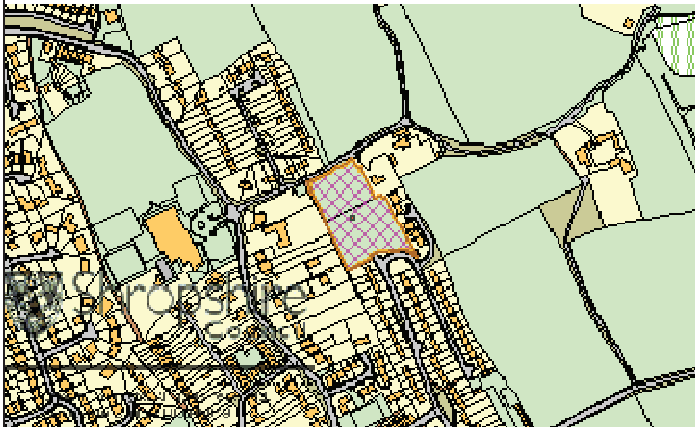
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 12/02334/OUT	Parish:	Highley
Proposal: Outline application for residential development with all matters reserved		
Site Address: Land At Rhea Hall Rhea Hall Estate Highley Shropshire		
Applicant: Shropshire Council		
Case Officer: Richard Fortune	email: planningdmse@shropshire.gov.uk	

Grid Ref: 374088 - 283879



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Recommendation:- Grant Permission subject to Section 106 Agreement relating to affordable housing and the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application relates to some 0.8 hectares of land which is allocated for residential development by saved Bridgnorth District Local Plan policy HIG 1. The allocation of this land for residential development, with an approximate capacity for 30 units, has been carried forward in the Shropshire Council SAMDev Plan at all stages of its production so far.
- 1.2 The application which has been submitted is solely for outline planning permission with all matters (layout, scale, appearance, access and landscaping) reserved for later approval. The Design and Access Statement submitted explains that the land is owned by Shropshire Council at the time the application was lodged in 2012. (It is now owned by the Council's HRA (Housing Revenue Account)). The site would be for Shropshire Towns and Rural Housing to progress with either the development or disposal. The proposal has to be considered therefore as one for general (open market) housing with the option for the amount of affordable housing to exceed the minimum prevailing rate for affordable housing that would be in force at the time of any reserved matters submission, should outline consent be given.
- 1.3 Two illustrative site layouts have been submitted with the application, both with vehicular access from the southern site boundary, off Rhea Hall Estate, and retaining the hedge and bank adjoining Vicarage Lane, in accordance with the notes to site allocation HIG1. The first scheme shows a straight cul-de-sac, terminating in a shared surface square which would provide a vehicle turning facility. Off the eastern side of this road a row of bungalows is shown, with two storey housing along the western side. Around the western and northern sides of the turning area would be a combination of bungalows, dwellings and two storey flats: It would provide a total of 22 dwelling units with two parking spaces per dwelling. Trees and hedges would be retained along the western site boundary and adjacent to The Stone Manor which is adjacent to the northern portion of the eastern site boundary, along with a section of the hedgerow which currently divides the site. The second layout, for 21 units shows a shorter cul-de-sac contained within the southern field, again with bungalows on the eastern side and two storey dwellings on the western side. A private drive would then lead through a gap in the hedge separating the two fields to serve a parking court, along the northern side of which would be bungalows and houses. Trees and hedgerow would be retained along the western site boundary and adjacent to The Stone Manor..

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated within the Highley Development boundary shown in the Bridgnorth District Local Plan. It is currently subdivided into two fields by a hedgerow. The northern field contains a number of self set trees, with the southern field having dense cover of undergrowth. There are some substantial trees and hedges to the western and northern site boundaries. There is a gentle fall across

the site in an easterly direction. The site is bounded by the rear gardens of dwellings off Bridgnorth Road to the west, Vicarage lane to the north, a dwelling accessed off Vicarage Lane and the bungalows off Park View to the east and the Rhea Hall housing to the south.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application is one made by the Council in relation to land 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

Where consultees have made several comments, the latest comment is listed first below to demonstrate where concerns have been addressed through negotiations.

- 4.1 Highley Parish Council – comment that vehicular access to the site should not be off Vicarage Lane as per SamDev. Access via Rhea Hall is unsuitable due to narrow roads and vehicle parking.
- 4.2 SC Highways Development Control – No Objection:
The existing highway infrastructure in the area is adequate to cater for a small residential development with minimal disruption though there may be some conflict with the numbers of parked vehicles on the roads and it may be necessary to consider the introduction of Traffic Regulation Orders to reduce this. Consideration should be given to the provision of a pedestrian only access onto Vicarage Lane; on no account should vehicular access to this lane be permitted.

Concerns have been raised with regard to the level of parking along Coronation Street, and the Rhea Hall Estate and emergency access to the proposed development and surrounding properties. It is acknowledged that a number of vehicles park on the Highway network within the vicinity of the site due to the restricted amount of off street parking.

It is recommended that further consideration is given to introducing Traffic Regulation Orders, within the vicinity of the site to formalise parking and improve safety. The introduction of any Traffic Regulation Orders within the vicinity of the site would be subject to Statutory Consultation and introduced in consultation with the local community. It is recommended that a Highway Contribution is sought to cover the cost of introducing any Traffic Regulation Order, and associated works to improve safety within the vicinity of the site.

- 4.3 SC Ecology (03-01-14) – No Objection:
I recommend that retention of the woodland area on the site and the two trees with bat potential is secured through a condition on the outline planning consent. One hedgerow across the centre of the site will require removal. To ensure no net loss of hedgerow, an equivalent length of native species hedgerow should be required to be planted.

Condition

1. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
 - a) Planting plans, including wildlife habitat and features (e.g. hibernacula)
 - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
 - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate
Native species used to be of local provenance (Shropshire or surrounding counties)
 - g) Details of trees and hedgerows to be retained, which shall include all mature trees on the northern and western site boundaries, and measures to protect these from damage during and after construction works
 - h) Implementation timetables**Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design.**

Slow Worm

The Reptile Mitigation Strategy and Precautionary Method Statement submitted December 2013 sets out that the Severn Valley Country Park is a suitable receptor site for the slow worms to be translocated from the application site and the approach to be adopted. The following condition is recommended to require compliance with this strategy/statement.

Condition

2. The first submission of reserved matters shall include submission of a scheme of mitigation for slow worms which complies with the REPTILE MITIGATION STRATEGY AND PRECAUTIONARY METHOD STATEMENT dated December 2013 attached as an appendix to this planning permission, unless otherwise agreed in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To ensure the protection of slow worm, protected under the Wildlife and Countryside Act 1981 (as amended)

Bats

The retention of the two trees with bat potential should be secured by condition as recommended above. If their removal is proposed then trees should be assessed in line with The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* by a licensed bat ecologist and if deemed necessary activity surveys should be undertaken.

A scheme of bat box provision suitable for common native bat species should be put together for the site with the guidance of an experienced ecologist.

Condition

3. Bat boxes and building features suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the buildings hereby permitted, in locations and to details agreed with the local planning authority. All boxes must be permanently retained.

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 Wild Birds

The site has nesting wild birds present according to the Protected Species Survey by EcoTech (2010). A scheme of artificial nest box provision for the site should be put together with the guidance of an experienced ecologist at the reserved matters/full planning application stage.

Condition

4. Prior to the first occupation of the buildings hereby approved details for the provision of nesting opportunities for small birds 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.

Badgers

Although the 2010 ecological survey found no signs of badgers on the site, the dense scrub in places means it is important that the site is checked prior to work commencing in case the species has moved in.

Condition

5. The site must be subject to a further inspection for badger setts by an experienced ecologist immediately prior to the commencement of works on the site.

Reason: Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

SC Ecology (10-10-13) Comment: A reptile mitigation strategy and precautionary method statement should be submitted with this outline application.

The additional information from EcoTech clarifies that the two priority habitat types present on the site are Broadleaved semi-natural woodland and hedgerow. The Protected Species Survey by EcoTech (2010) states that these priority habitats should be incorporated into the site design and maintained where possible. I recommend that retention of the woodland area on the site and the two trees with bat potential is secured through a condition on the outline planning consent.

One hedgerow across the centre of the site will require removal. To ensure no net loss of hedgerow, an equivalent length of native species hedgerow should be required to be planted.

Conditions

A condition should ensure that the existing woodland on the site shall be retained, in order to preserve biodiversity at the site.

Slow Worm

Slow Worm is present within the site according to the Protected Species Survey by EcoTech (2010). EcoTech (2010) recommend that either suitable habitat is maintained on the site for slow worm or that a translocation program be undertaken to clear the site of slow worm prior to the development occurring.

At the meeting on the 7th October 2013 it was agreed that retention of sufficient and suitable habitat for slow worms on the site is not a viable option for the site. A small number of slow worms have been found at the site but a full slow worm survey and population class estimate has not been carried. Such surveys are not recommended between November and February and best undertaken between April and June or in September. Ecotech are of the opinion that as slow worms have been shown to be present and the extent of their possible habitat known, a translocation can be proposed and made a condition and other restriction on the

outline planning permission. A population class estimate is not included in the Protected Species Survey by EcoTech (2010) and this information should be provided before details of the translocation can be approved. This can be required at the reserved matters/full planning application stage.

A reptile mitigation strategy and precautionary method statement should be submitted with this outline application. The following matters should be included:

- ☐ That a reptile survey should be carried out of the application site by an experienced ecologist using the methods set out in the Herpetofauna Workers' Manual (JNCC 2003) at the reserved matters/full planning application stage.
- ☐ Identification of a receptor site, ideally not currently have a slow worm population but capable of improvement to provide slow worm habitat, and demonstrate that it is under the long term control of the applicant.
- ☐ The receptor site should be subject to a written, agreed and funding pre and post-translocation management agreement and monitoring programme.
- ☐ The slow worm habitat will need to be created and ready for occupation prior to the translocation taking place.
- ☐ The proposed methodology for translocation including timescale, capture methods etc.

SC Ecology (31-07-12): Additional information required relating to priority habitats and slow worms. In the absence of this additional information recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

4.4 SC Trees – No Objection:

Mature trees and established hedgerows should be considered and respected during site layout and design. To this end I would recommend attaching the following reserved matters conditions to any approval:

Prior to the commencement of any development related activity on site, a tree survey and arboricultural implications assessment shall be submitted to the written satisfaction of the Local Planning Authority (LPA), in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. The survey shall accurately plot and identify all trees and hedges on and adjacent the site, evaluating their condition and suitability for retention. A Tree Protection Plan shall be submitted to the written satisfaction of the LPA, detailing those trees and hedges to be removed and those retained, along with their root protection areas and the measures to be taken for their protection. An Arboricultural Method Statement shall be submitted to the written satisfaction of the LPA, for any development works that could affect retained trees and hedges and their root protection areas, as defined on the tree protection plan.

Reason: To protect during development trees and hedges that make a contribution to the character of the scheme and the neighbourhood.

Tree and hedge protection measures shall be erected or installed to the written satisfaction of the LPA, prior to commencement of any development related activity on site, as detailed within the Tree Protection Plan.

Reason: To protect from damage during development trees and hedges that make a contribution to the character of the scheme and the neighbourhood.

4.5 SC Rights of Way - Comment:

Footpath 16-1 is partly contained within the curtilage of the development site as shown on the block plan, heading in a SSE from GR 740-839 to GR 740-838 to turn NE to meet Rhea Hall Estate at GR 741-838.

With regard to the development itself, please ensure that the applicant adheres to the criteria stated below:

The design and access statement states: The Public Right of Way FP16 will be retained without the need for diversion within any development scheme. If the developer decides to fence off the path while development is taking place, the Outdoor Recreation Team would ask that a width of approximately 2.5 metres be allowed as this is the width indicated for the path on the GIS mapping system, The alignment of the right of way must not be altered. The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged. No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation as mentioned above.

If it is not possible to maintain public access along the footpath at all times while building works take place, the applicant should apply to the Outdoor Recreation Team for a temporary closure of the path. (Fees apply)

4.6 SC Public Protection – No Objection:

I have reviewed the Phase I Desk Study submitted in support of this outline planning application and the report has not identified any potential contaminated land issues that would impact on the proposed development. Accordingly, Specialist Pollution do not have any comments to make in respect of this planning application.

4.7 SC Drainage – No Objection:

No details of the proposed surface and foul water drainage have been supplied. Full details of the proposed surface water drainage should be submitted for approval. This should illustrate how the development will comply with PPS25, Environment Agency Standing Advice for the particular flood zone / site area and Shropshire Councils Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

Surface water soakaways (Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure.)

Infiltration basins
 Attenuation ponds
 Water Butts
 Rainwater harvesting system
 Permeable paving on any new driveway/paved area
 Attenuation
 Greywater recycling system
 Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner. This will also serve to minimise flood risk as a result of the development.

4.8 Shropshire Fire and Rescue – Comment on the access requirements for emergency fire vehicles; water supplies for fire fighting and the benefits for sprinkler systems.

4.9 -Public Comments

14 Objections:

-2 storey buildings would affect light.

-Seek single storey properties by existing bungalows, which have very small back gardens.

-Development should be single storey only.

-Rhea Hall Estate houses have no driveways, leading to cars parking on road and being barely passable by 2 way traffic.

-Access difficult for emergency vehicles.

-Increased traffic dangerous for old people and children; will lead to accidents.

-Access not suitable for more traffic.

-Access on hairpin bend a danger.

-Would become a very congested area.

-Access should come from Vicarage Lane.

-Parish Plan states that large housing developments are not wanted in Highley; no more than 50 houses should be built between now and 2026.

-Only housing which should be built on this land is for elderly people from Highley which would then free up properties for younger members of the community.

-Village infrastructure unable to cope.

-Foul drains at this end of Rhea Hall get blocked when there is heavy rain, due to road gullies going to foul drains, causing smells.

-Harm peace and quiet, but no objections if the development is for the elderly.

-Noise and pollution from extra traffic.

-Harm neighbour amenity; overshadowing.

-More litter.

-Loss of property values.

-Loss of privacy.

- Impact upon several mature trees and wildlife.
- Slow worms found on site.
- Harm view of village from Severn Valley Country Park.

- Query proximity of electricity sub station to proposal.

- Site includes the well used footpath between Rhea Hall estate and Vicarage Lane.

5.0 THE MAIN ISSUES

Principle of development
 Ecology
 Visual impact and character
 Residential Amenity
 Highway safety
 Drainage
 Affordable Housing
 Open Space
 Contamination

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Highley is identified by Shropshire Core Strategy policy CS3 as a key centre where there is no in principle planning policy objection to residential development on suitable sites within the development boundary of that settlement. Saved Bridgnorth District Local Plan policy H3 also identifies Highley as a settlement appropriate for house building. The application site is an allocated housing site in the Bridgnorth District Local Plan, reference policy HIG1, which is a policy allocation that remains in place following the adoption of the Shropshire Core Strategy. It is part of the Development Plan which has been through a full public consultation process and examination in public before adoption, and the housing allocation is binding on Shropshire Council.

6.1.2 The Council currently cannot at this time demonstrate that it has a 5 year supply of housing land as required by the National Planning Policy Framework (NPPF). This means that the Council's housing policies cannot be considered up to date and the NPPF states that in such circumstances a Local Planning Authority should grant planning permission for housing developments unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or unless specific policies in this Framework indicate development should be restricted." In this particular case the site has already been included within the Council's 5 year housing supply figures, due to it being an allocated housing site in the Bridgnorth District Local Plan. The principle of the proposed development is therefore acceptable.

6.2 Ecology

6.2.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. An Protected Species Survey was submitted with the application. This assessment identified that slow worms were present on the site. The Council's Planning Ecologist requested that further information be gathered on the likely size of the slow worm population, about the possibility of retaining suitable habitat on site and, if translocation is proposed, details of that site and how the developer would find, survey, secure and manage the slow worm translocation site. Further information on the possible site layout in relation to the current habitats on the land and in relation to badgers was also sought. The production of this additional ecological information has been the reason for the long delay in bringing this application before the South Planning Committee. A Reptile Mitigation Strategy and Precautionary Method Statement has now been provided. This document explains that a receptor site for slow worms has been identified at the nearby Severn Valley Country Park. The Strategy explains:

"It is understood that the Country Park area does already have a slow worm population but it can be confirmed that an additional area is capable of improvement to provide a further enhanced slow worm habitat. The land is under the ownership and long term control of Shropshire Council, as the applicant

Alternative receptor sites may be considered prior to commencement of any development, but such revisions to the Mitigation Strategy would need to fully satisfy the Local Planning Authority in line with an agreed statement and translocation plan of proposals and timings for the mitigation strategy

- ☐ The receptor site will be subject to a written, agreed and funding pre and post-translocation management agreement and monitoring programme in line with the approval of reserved matters and its associated conditions.
- ☐ The slow worm habitat will be created and ready for occupation prior to the translocation taking place.
- ☐ Full details of the proposed methodology for translocation including timescale and capture methods will be submitted to and approved by the Local Planning Authority prior to commencement of any works
- ☐ Given the suitable habitat at the Rhea Hall site amounts only to some 0.3ha (approx. 55x55m), it is considered that more than an equivalent area can be created or enhanced in the nearby extensive Severn Valley Country Park. Verbal confirmation has been obtained from the site manager that a) slow worms are already present in several areas and b) that there is scope for this extent of creation/enhancement."

The Council's Planning Ecologist has now raised no objection to the proposed development, recommending that the layout of the development retains some of the woodland area on site; retention if possible of two trees with bat potential and the planting of native species hedgerow to replace any equivalent lengths removed during the course of development. She recommends conditions requiring the development to be carried out in accordance with the Reptile Mitigation Strategy and Precautionary Method Statement; the provision of bat boxes and a scheme of artificial bird nest boxes and a check for badger setts immediately prior to the commencement of works on site. The precise details of the landscaping and the

protection of Environmental Networks 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 planning permission issued.

6.3 Visual impact and character

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. All matters are reserved for later approval in this case and it would be in these submissions, in the event of outline planning permission being given, that detailed design issues would be assessed. However, in terms of landscape impact it is considered that development of the form indicated in the supporting documents would not detract from the landscape setting of Highley. The landscaping reserved matters would give full details of existing trees and hedges proposed for retention, along with new additional planting proposed. Measures for tree protection during site works and the submission of an arboricultural method statement can be covered by condition on any outline planning permission that is issued.

6.4 Residential Amenity

6.4.1 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. The positioning of the existing bungalows at Park View close to the eastern site boundary are factors that would be taken into account at the detailed planning stage and would not be a reason to refuse the principle of residential development. It is noted that the illustrative site layouts show bungalows close to the eastern edge of this site, which would ensure no unacceptable overbearing impacts and no undue harm to the privacy of the existing properties.

6.4.2 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere through 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 or Bank Holidays); to mitigate the temporary impact. This matter could be conditioned on any approval issued. The noise and emissions from vehicle movements associated with the dwellings after completion would not impact upon the amenity of the area to an extent that would justify a refusal of planning permission.

6.5 Highway Safety

6.5.1 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 whether:
“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. 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.

- 6.5.2 The allocation of this site for housing in the Bridgnorth District Local Plan has established that the vehicular access to the site off Rhea Hall and local road network is adequate to accommodate the amount of traffic likely to be generated by a development of around 30 dwellings on this land. The notes to the Local Plan policy housing allocation make no reference to the need for any off site highway works. The Council's Highways Development Control remains content that the proposal would not be detrimental to highway safety. The issue of parking on the adjacent access roads, and the possibility of a traffic order to address any local congestion which may arise, is a matter for the Council, as landowner, to consider separate from this current application.

6.6 Drainage

- 6.6.1 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 allocation of this land for residential development (Policy HIG1) established that there are no drainage constraints to the development of this land for residential purposes. The comments of the Council's Drainage Team are noted, but it would not be reasonable to require the submission of full drainage details with this outline planning application. The precise drainage details would be the subject of a planning condition on any approval issued.

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 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.

6.8 Open Space

- 6.8.1 The precise form and extent of the open space would be a matter for consideration at the reserved matters stage, should outline planning permission be given, and regard would be paid to the Council's Open Space Interim Planning Guidance adopted in January 2012. The equipping of open spaces with any formal play equipment would have to be through the use of Community Infrastructure (CIL) receipts.

6.9 Contamination and Land Stability

6.9.1 Core Strategy policy CS6 seeks to secure safe development. The NPPF, at paragraph 120 advises that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It continues at paragraph 121 that planning decisions should ensure that account is taken of these matters and that adequate site investigation information, prepared by a competent person, is presented. The Coal Authority report referred to in the Land Contamination Assessment advises that the site is in the likely zone of influence from workings in one seam of coal at 290m to 330m depth. The seam was last worked in 1930 and any ground movement from these workings should have stopped by now. The report also states that the property is not in the likely zone of influence of any present underground coal workings. The Council's Public Protection team have considered the Land Contamination Assessment submitted and concur with the findings that there are no potential contaminated land issues relating to this site.

7.0 CONCLUSION

7.1 This outline planning application relates to an allocated housing site in the adopted Bridgnorth District Local Plan, which forms part of the Development Plan, and this designation is binding on Shropshire Council. The site is already included in Shropshire Council's five year land supply calculations as an existing commitment. With all matters relating to the layout, scale, appearance, access and landscaping reserved for later approval (the details supplied being for illustrative purposes only) no reasons relating to these matters would be sustainable reasons to refuse this outline planning application. Drainage and ecology matters can be the subject of conditions on the outline consent. The provision of an element of affordable housing would be the subject of a section 106 Agreement.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework
Technical Guidance to the National Planning Policy Framework

Shropshire Core Strategy and Saved Bridgnorth District Local Plan Policies:
CS1 Strategic Approach
CS3 The Market Towns and other Key Centres
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions

CS10 Managed Release of Housing Land
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
S1 Development Boundaries
D6 Access and Car Parking
H3 Residential Development in Main Settlements
HIG1 Rhea Hall allocated housing site

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

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
Protected Species Survey
Land Contamination Assessment
Reptile Mitigation Strategy and Precautionary Method Statement

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Dave Tremellen

Appendices

APPENDIX 1 - Conditions

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

1. Details of the layout, scale, appearance, access and landscaping (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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 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 to which this permission relates must be begun no later than whichever is the later of the following dates: (i) the expiration of five years from the date on which this permission is granted; or (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:
The foul and surface water drainage of the site.

Reason: To ensure the development is of an appropriate standard to safeguard amenity and the water environment..

5. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying this application (as such details which were included on the plans accompanying the application are intended for illustration purposes only).

Reason: To define the permission and to retain planning control over the details of the development.

6. The first submission of reserved matters shall include submission of a scheme of mitigation for slow worms which complies with the Reptile Mitigation Strategy and Precautionary Method Statement dated December 2013, unless otherwise agreed in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To ensure the protection of slow worm, protected under the Wildlife and Countryside Act 1981 (as amended)

7. Bat boxes and building features suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site in accordance with a schedule which has been agreed in writing with the local planning authority prior to the first occupation of a dwelling on this site. The schedule shall include details of the locations and types of bat boxes and form of building features, and all boxes must be permanently retained.

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

8. Nesting opportunities for small birds shall be provided on site in accordance with a schedule which has been agreed in writing with the Local Planning Authority prior to the first occupation of a dwelling on this site. The schedule include details of the location and form of nesting opportunities, which shall be permanently retained.

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

9. The site must be subject to a further inspection for badger setts by an experienced ecologist immediately prior to the commencement of works on the site.

Reason: Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

10. Prior to the commencement of any development related activity on site, a tree survey and arboricultural implications assessment shall be submitted to the Local Planning Authority (LPA), in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. The survey shall accurately plot and identify all trees and hedges on and adjacent the site, evaluating their condition and suitability for retention. A Tree Protection Plan shall be submitted to the LPA, detailing those trees and hedges to be removed and those retained, along with their root protection areas and the measures to be taken for their protection. An Arboricultural Method Statement shall be submitted to the LPA for approval in writing, for any development works that could affect retained trees and hedges and their root protection areas, as defined on the tree protection plan. The development shall be carried out in accordance with the approved arboricultural method statement and the tree and hedge protection measures shall remain in place for the duration of the construction works.

Reason: To protect during development trees and hedges that make a contribution to the character of the scheme and the neighbourhood.

11. 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.

12. 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.

13. 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 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: To ensure the long term maintenance of landscaped areas, in the interests of visual and neighbour amenity.

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. 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.
4. 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.
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.



<u>Committee and date</u>
South Planning Committee
1 April 2014

<u>Item</u>
7
Public

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> 13/03126/FUL	<u>Parish:</u>	Chetton
<u>Proposal:</u> Erection of two wind turbines (45m overall height); associated infrastructure and access track		
<u>Site Address:</u> North Of Sydnall Farm, Middleton Priors, Bridgnorth		
<u>Applicant:</u> Hallmark Power Ltd		
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmse@shropshire.gov.uk	

Recommendation:- That Members note this report prior to determining the application.

1.0 BACKGROUND TO THE REPORT

- 1.1 This application was considered at the previous meeting of this committee on 4th March. The officer appraisal report considered at the time by Members is attached as Annexe 1 to this report.
- 1.2 After a detailed debate during which Members also heard speakers for and against the proposals the Committee resolved not to accept the officer approval recommendation. This was on the basis of concerns about the visual impact of the proposed development and the associated implications for local amenities and leisure / tourism interests.
- 1.3 Some members of the Committee indicated they were minded to refuse the application and discussions took place on the wording of a refusal reason. However, there was no subsequent vote on the day and therefore no decision to refuse has yet been taken. Accordingly, the application is being reported back to the committee for members to make a formal decision.

2.0 DECISION TAKING PROCESS

- 2.1 As there have been no further representations at the time of writing or other significant developments in relation to the application since the previous committee meeting the Officer recommendation remains to approve the application as per the original report. However, if additional information is received in advance of the Committee officers will inform the Committee and advise members if this affects the officer recommendation.
- 2.2 It is suggested that the following or an amended wording to reflect any additional information considered by the Committee may form the basis of any decision to refuse the application on any specific grounds identified by members:
- The proposed turbines would be located in an area of high scenic quality in the vicinity of the Shropshire Hills Area of Outstanding Natural Beauty and would be visible from surrounding locations, including from nearby public footpaths. It is considered scale and location of the proposed turbines would have an unacceptably adverse effect on the character and scenic quality of the local landscape and also on local amenities and leisure and tourism interests. This would be contrary to the objectives of Core Strategy Policies CS5, CS6, CS13, CS16, CS17 and sections 28 and 109 of the National Planning Policy Framework.
- 2.3 As no formal decision has yet been taken the Committee could also choose to make a different decision on the application if it was so minded.

3.0 CONCLUSION

- 3.1 The proposals are being reported back to committee so that Members can reach a formal decision on the application. A refusal reason has been suggested in the light of Members' comments made at the previous meeting of the Committee. Members will be informed if any new information is subsequently received and advised if this affects the officer recommendation of approval if appropriate.

4.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

- 4.1 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.

- 4.2 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.
- 4.3 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.

5.0 FINANCIAL IMPLICATIONS:

- 5.1 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.

6.0 Additional Information

List of Background Papers: Planning application reference 13/003126/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Robert Tindall, Brown Clew
Appendices: Annex 1 – Officer report to 4 th March Committee including Appendix 1 – Conditions

ANNEX 1 – OFFICER REPORT TO 4TH MARCH COMMITTEE:



<u>Committee and Date</u>
South Planning Committee
4th March 2014

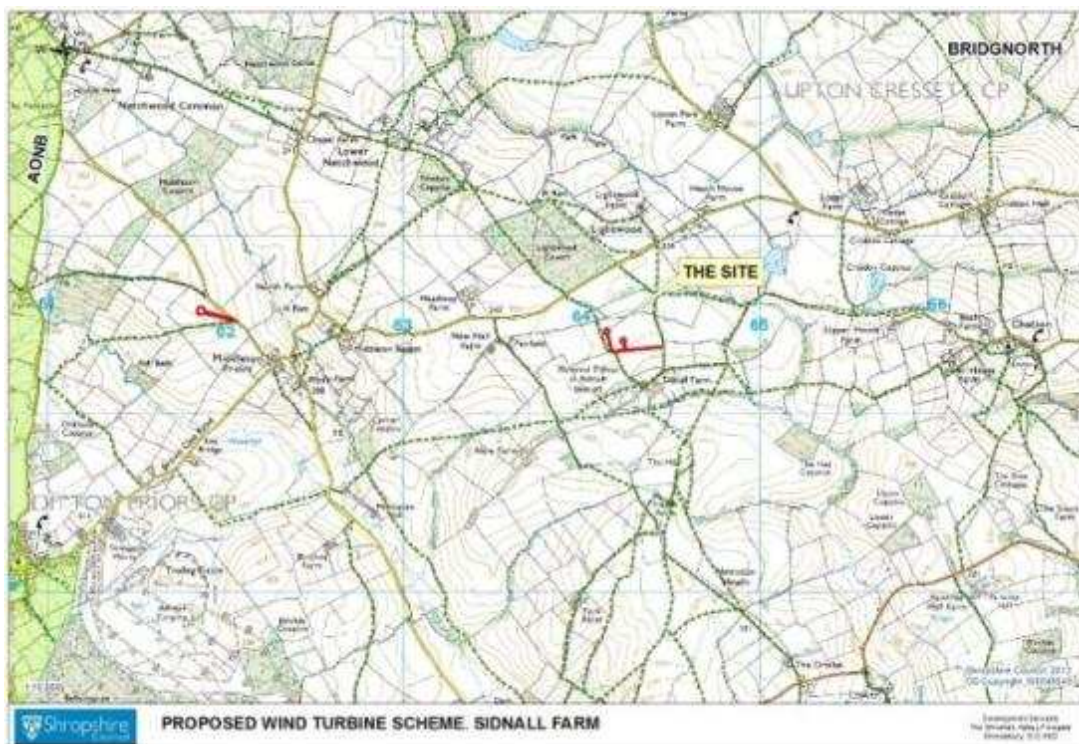
<u>Item/Paper</u>
Public

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> 13/03126/FUL	<u>Parish:</u> Chetton
<u>Proposal:</u> Erection of two wind turbines (45m overall height); associated infrastructure and access track	
<u>Site Address:</u> North Of Sidnall Farm, Middleton Priors, Bridgnorth	
<u>Applicant:</u> Hallmark Power Ltd	
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmse@shropshire.gov.uk



Recommendation:- Grant Permission subject to the conditions and legal agreement set out in Appendix 1.**1.0 THE PROPOSAL**

- 1.1 It is proposed to erect two 250kw wind turbines and an associated access track. The turbines would be 3-blade models with a hub height of 30m and a blade diameter of 30m, giving a total maximum height above ground level of 45m. The turbines construction would require square concrete foundations, having dimensions of 8.7m, to a depth of 1.5m. Construction would be completed from a temporary working area (approx 60m x 60m) and storage areas in the vicinity of the turbines site. These temporary uses are considered to be “permitted development” and do not form part of this application.
- 1.2 Access to the turbines would be via the lane between Lightwood and Middleton Baggot, then utilising the existing farm track / public footpath to Sidnall Farm. From the farm track a new access track would be constructed. This would be a permanent construction, to allow access for maintenance over a 20 year period. The new access track would utilise an existing field entrance then follow the existing hedge line, to the south of the proposed turbines, to service both turbines and a new substation. The track would be constructed from imported 40mm limestone hardcore.
- 1.3 The turbines would be connected by underground cabling to the to the existing 11kV electricity line, which runs east-west, some 130m south of the nearest turbine. The footprint of the entire development, including access track and foundations, would be approximately 0.29 ha. The access track, constructed of 40mm imported limestone hardcore, would remain for the life of the project, and would be allowed to grow-over, to give a rural feel.
- 1.3 The applicant has made a voluntary commitment to make an annual payment for local community benefits throughout the lifespan of the development based on the power rating of the proposed turbine. This would be delivered through a legal agreement.

2. SITE LOCATION / DESCRIPTION

- 2.1 The application site is located 8kms to the west of Bridgnorth and is accessed by the B4634 Bridgnorth to Ludlow road. It is located on agricultural land, to the immediate northwest of Sidnall Farm and south of the lane between Lightwood and Middleton Baggot. The application site itself is located in a south-east sloping arable field with deciduous, boundary hedgerows at the centre of the landowner’s holding. The northern field boundary comprises tall, mature trees. Lightwood Covert, a small woodland, is located 350m to the northwest. The turbine locations are over 50m from any field boundary and will be relatively central to the field, with no surrounding buildings and minimal vegetation.
- 2.2 The nearest residential properties are within the landowner’s holding (Thornhill House 210m to the east and Sidnall Farmhouse 220m south). The nearest

privately owned property, Fairfield bungalow, is located 530m to the west. The Shropshire Hills AONB extends to within 3.3km to the west of the site.

3. REASON FOR COMMITTEE

- 3.1 An adjacent Parish Council, the CPRE and a number of local residents have objected to the proposal, and following consultation with the Development Manager the application is referred to the committee for determination.

4. CONSULTEE RESPONSES

- 4.1 Ditton Priors Parish Council – No objection to the principle of this application. However the Parish council ask Shropshire Council to ensure the following issues are correct and appropriate for this sort of development.

- i. There is no mention of a community contribution within the application. The Parish Council would like to see a contribution to the community of Ditton Priors Parish Council to compensate for the loss of visual amenity.
- ii. That the visual impact is as stated in the application. (The turbines will be considerably higher than the trees and the impact will be greater in the winter months when there is no foliage on trees.) The Parish Council would like to see the turbines painted a relevant colour to help with visual impact.
- iii. That the noise levels can be confirmed as correct for two turbines. (We understand that there have been no tests carried out to establish the existing level of background noise in the surrounding area, to assess the impact of the noise from the turbines. The area is quite rural and therefore quiet, therefore any constant noise throughout the day and night will have more of an impact)
- iv. That the footpath near the site is not comprised and that the turbines are situated far enough away that they will not fall onto the footpath. (Any trees or hedgerows should remain unaffected by the application.)
- v. That the shadow flickering that may occur will not affect neighbouring properties.
- vi. There should be a condition that the site is decommissioned at the end of the wind turbines life. (What happens if the company has gone bust before the end of the life of the turbine?)
- vii. that the cumulative effect of turbines in this area is considered. (There are a number of applications in the pipeline in addition to the ones already granted permission and there will be an a cumulative effect on the environment.)
- viii. Any damage to the roads, bringing the equipment on site will be made good.

- 4.2 Neenton Parish Council (adjacent PC): Objection. There are various proposals for industrial-sized wind turbines in neighbouring parishes, including those that are the subject of the following planning applications:

- Upton Cressett (13/01983/FUL)
- The Down (13/02194/FUL)
- Upper House Farm, Chetton (13/0253/SCR)
- Middleton Priors (13/03126/FUL)
- Upton Park Farm, Upton Cressett (13/0319/SCR)

The Parish Council discussed these proposals at its meeting on 27th August. There was real concern and a unanimous view that such developments would be highly prejudicial to both quality of life and the economy of the local area of which Neenton

is a part. In particular, the siting of these turbines in prominent positions on high ground would destroy the unspoiled character of the local landscape, ruining its appeal both for local people as well as for tourists looking to this part of Shropshire as a place of escape from the modern built environment. Such turbines sited on local hills as proposed would not only deter the many visitors who approach the area from the east by blighting the landscape in front of the Shropshire Hills AONB, they would blight the AONB itself. The AONB was designated in part in recognition of the outstanding panoramic views from places such as Brown Clee Hill, the highest point in Shropshire. The proposed turbines would sit in the middle of the view north-east across the midland plain, obscuring it and destroying its appeal and thus seriously diminishing the qualities of the AONB. Neenton is presently engaged on an ambitious project to regenerate the village and our surrounding area and the ability to attract visitors and tourists is critical to the success of that endeavour. We urge you in the strongest possible terms to reject these proposals, and any others of a similar ilk that may appear, because of the damage even one of them would do to the character and quality of the landscape that the Shropshire Core Strategy recognises to be Shropshire's greatest asset.

- 4.3 Ministry of Defence - No objection. The proposal will not adversely affect defence interests.
- 4.4i. CPRE: Objection. CPRE campaigns to protect the landscape of Rural England, whilst accepting the need to provide energy from sustainable sources. The recent Planning Practice Guidance for renewable and low carbon energy, July 2013 directs local planning authorities to recognise:
- the need for renewable or low carbon energy does not automatically override environmental protection.
 - Proposals in National Parks and Areas of Outstanding National Beauty and in areas close to them where there could be an adverse impact on the protected area will need careful consideration.

Both of these two new guidance notes are relevant to all the applications which are being put forward on the slopes of the Brown Clee Hill and Wenlock Edge. Even in areas outside the AONB they affect the views and character of the AONB, a designation which Shropshire Council have always valued and which has guided many of their planning policies. It is essential that we retain the character of the Clee Hills which are the first point of entry into the Shropshire Hills from the West Midlands, a phalanx of turbines on the approach to our hills would be a landscape disaster which could deter visitors both from the nearby conurbations of the West Midlands and from further afield.

- ii. Following the Foot and Mouth outbreak of 2001, it became very apparent that Tourism was one of the most important industries in rural Shropshire. More people were employed in tourism than in agriculture. This tourism depends on the attraction and amenities of our countryside. The Clee Hills are not only beautiful, they are also rich in cultural association, heritage and archaeology from the Iron Age Fort of Nordy Bank to the many historic houses and gardens which are open to the public. In short I do think that in this case the need for protection of this environment overrides the need for renewable energy. It would also have an

adverse impact on the AONB. Therefore the CPRE maintains it would be contrary to the new Planning Guidance.

Internal Comments:

- 4.5 SC Archeology: No objection subject to a recommended condition covering an archaeological watching brief.
- 4.6 Public Protection: No objection. The details of the original proposals and the additional submitted noise information have been inspected. As the predicted noise levels at non-finacillay involved residential receptors do not exceed 35(dB) current guidance indicates that a simplified approach that does not require the undertaking of a background noise survey is appropriate. Given the turbine type, location and predicted noise emissions, it is not considered that significant noise disturbance is likely to arise from the installation. There are therefore no objections to the proposals. However, conditions covering noise and complaints procedures are recommended (and have been included in Appendix 1).
- 4.7 SC Drainage: No objection.
- 4.8 Highways Development Control – No comments received.
- 4.9 SC Rights Of Way: No objection subject to the following comments:
- i. No public rights of way will be affected by the development itself however using the location plan provided, the Outdoor Recreation Team is concerned that turbine 1 appears to be approximately 44m to the east of footpath 22a Ditton Priors Parish which is within the fall over distance of the turbine. With regard to the separation distance from public footpaths, paragraph 57 of the Wind section of the Technical Annex to the Companion Guide to PPS22 states:
'There is no statutory separation between a wind turbine and public rights of way (footpath). The PPS22 Companion guide states that fall over distance is often considered an acceptable separation and that the minimum distance is often taken to be that turbine blades should not be permitted to oversail a public right of way'. The Outdoor Recreation Team would ask the developer to consider siting turbine 1 further away from footpath 22a so that the footpath sits outside the fall over distance of the turbine. There are no footpaths within the fall over distance of turbine 2.
 - ii. Footpath 21a runs from the county road to the north of Sydnall Farm and appears to the route that could be used by contractors etc. to access the site?
 - iii. It also appears that an underground cable will be sited alongside footpath 22a south of the proposed location of the turbines. The Outdoor Recreation Team has included advisory notes covering these matters which are included in Appendix 1.
- 4.10 SC Ecology: No objection subject to the following comments:
- i. Bats - The proposed wind turbines are located over 50m from the nearest hedge, tree or building with bat roost potential. Detailed bat activity and breeding bird surveys will not be required.

- ii. Great Crested Newts - There are no ponds within 100m of the proposed wind turbines. A great crested newt survey is not required to support this planning application.

4.11 Councillor Robert Tindall has been informed of the application.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The application has been advertised in the press and by site notice and the nearest properties have been individually notified. The application has attracted 29 objections and one letter in support. The main concerns of objectors can be summarised as follows:

- i. Scale: I feel that wind turbines of this size are too large to fit in our naturally beautiful countryside. There is great concern that the turbines are too high and prominent which will be detrimental to the surrounding undulating landscape that is carefully managed.
- ii. Visual impact: Yes, we need renewable energy but not at the expense of local residents well-being or our naturally beautiful countryside. It would destroy the beauty of the surrounding countryside which brings in a lot of tourists to this part of England. I object to the installation of these wind turbines as they will destroy previously unspoilt views of the South Shropshire countryside. I live in Morville and feel that the siting of such high, moving industrial structures would be visually disturbing to the serenity of this area - an area in close proximity to the Shropshire AONB. To permanently scar the beautiful rural landscape with two turbines which are an unproven, uneconomic form of energy for generations is unacceptable. These turbines will dominate the skyline and have a negative effect on both those living close to them and those who visit the area to enjoy the beautiful countryside as I do. Will have an obtrusive visual impact on the surrounding countryside which includes AONB. Although not as large as the two previous applications for turbines west of Bridgnorth, they will still have a detrimental visual impact on the area. These wind turbines will, if the application is successful, be situated on a high stretch of land easily visible from large areas of the approaches to Bridgnorth as well as the Shropshire Hills A.O.N.B. especially from Titterstone and Brown Clee, as well as the hinterland between. Landscape is a major factor in the tourism industry and a large number of wind turbines can only have a detrimental effect, in this area. The hills around Bridgnorth provide the gateway to Shropshire for visitors from the north, south and east and these towering structures would spoil what is presently the beauty of the outstanding natural landscape that is Shropshire. Although windmills only turn a third of the time, when they are moving they distract the eye and they become even more pronounced than their already massive size would suggest. The documents produced by the applicant show that this turbine would be visible from the AONB areas of the Long Mynd, Wenlock Edge and of course Brown Clee and Clee Hill.
- iii. Highways / traffic safety: It will increase traffic along a rural road & bring heavy traffic along a road which is supposedly for light traffic only. The council have maintained the roads very poorly along this part of the road, recently only patching

up an area of road where the road surface has completely broken down rather than resurfacing which was what was needed. The roads are narrow in places and there are steep banks which will mean that increased traffic will cause problems for local people trying to go about their daily business.

- iv. Amenity: The potential noise levels; the potential blade flicker nuisance; the compromising of the nearby footpath; and the damage that would be done to the locality during their construction. I remain to be convinced that wind turbines are not damaging to mental and physical health of the population within the surrounding area.
 - v. Cumulative impact: There are now five applications for eight turbines in the hills to the west of Bridgnorth, with more being considered. The approval of just one application will open the door to the others, resulting in a devastating cumulative impact on the local countryside.
 - vi. Precedent for further development: To allow this application will simply encourage more individual applications and within a short time there would be many turbines erected at great public cost and damage to the local area.
 - vii. Questioning renewable energy benefits: The meagre yield from the proposed turbines does not weigh up against the overall environmental cost both at source and to the local area. It is clear that we allow even one turbine it will create demand for more in the area, how many turbines is too many? What makes this proposal worse is that the energy which would be generated is so insignificant and variable. Only biased subsidies make it worthwhile for the applicant. Other more efficient practical and environmentally friendly forms of green energy are available - for instance solar panel farms. The turbines will barely provide enough energy for the turbine warning lights, let alone energy for the community. The little energy produced will be horrendously expensive and benefit no one. Why do you think that the Prime Minister has issued an edict (Last Week) that no further subsidies will be granted for wind turbines. We simply cannot afford to keep pumping billions of pounds into these useless machines. If the landowner wishes to help his farming enterprise, he should adopt a smaller less intrusive scheme serving the needs of the farm and not wishing to cash in on subsidies at the expense of the lives of others living in the area.
 - viii. Other: The government has realised that local people should have a larger voice in influencing the siting of these turbines and the fact that there is no large community near this site should not lessen the weight given to the comments made
- 5.2 Support: I live on the Brown Clee Hill and have a beautiful and diverse view from my window. There is a wind turbine at the base of the hill and this imposes no noise, no vibrations and had very little impact on its erection. I have been to Wales and seen the large wind farms which I feel are beautiful modern architecture. I also feel that as a nation we need to embrace green energy and realise something has to be done to be more eco friendly and this will affect us all in some way. I would much rather see a wind turbine than re-start coal mining or build a nuclear power plant!

5.3 Bridgnorth & District Tourist Association: Objection. As an association we put an awful lot of voluntary time and effort, now without any Council funding support, in promoting the natural unspoilt rural beauty of this lovely part of Shropshire. Although technically outside the AONB taken together with other wind turbine applications nearby this proposal will have a significant detrimental impact on the area as a whole. Bear in mind also that all through the Corvedale is extensive helicopter training from RAF Shawbury to a beacon near Ludlow. These turbines could well pose a real danger of collision.

6. THE MAIN PLANNING ISSUES

- i) The justification for the proposals in relation to sustainability, climate change, energy policy and agriculture;
- ii) Whether the site is an appropriate location for the proposed development and other off-site impacts are acceptable including with reference to:
 - Landscape, visual and heritage impacts;
 - Noise and vibration;
 - Shadow flicker;
 - Ecology;
 - Access and traffic;
 - Tourism and leisure;
 - Equestrian interests;
 - Archaeology;
 - Aviation;
 - Process efficiency;
 - community benefits.

7.0 OFFICER APPRAISAL

7.1 Justification – general: The NPPF advises (s98) that planning authorities should:

- 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.

Notwithstanding this, the applicant has stated that the proposals would:

- i. help the UK to meet its renewable energy targets;
- ii. help to combat climate change by reducing emissions of greenhouse gases;
- iii. help to secure the future of the farming enterprise by providing stable profitability.

- 7.2 Justification – Energy and climate change: The UK Renewable Energy Strategy (July 2009) requires the UK to provide 14% of its final energy production from renewable sources by 2020. The government has stated that on-shore wind energy will have a major role to play in achieving this. The proposed facility would produce equivalent electricity to that used by around 300 residential properties. It is accepted that this would contribute locally to the objective of achieving the UK Renewable Energy Strategy target and providing more secure and diverse sources of energy supply. This is a significant material consideration.
- 7.3 Objective 9 of the Shropshire Core Strategy seeks to promote a low carbon Shropshire, mitigating the effects of climate change by promoting, among other things, the generation of renewable energy. The proposals would also assist in helping to address the effects of climate change by replacing energy from fossil fuels and associated greenhouse gas emissions. This is also in accordance with the climate change objectives of the NPPF (section 10).
- 7.4 Justification – location: The applicant advises that the proposed location was chosen for the following reasons:
- The on-site wind speed at 25m measures 6.5 m/s;
 - The availability of space on site, with an adequate separation distance from residential properties, ecology issues and other interests of acknowledged importance;
 - The ability of the surrounding landscape and built environment to have the capacity to absorb the development, in terms of visual and noise impact.
- 7.4 Agricultural justification - The proposals must be assessed against Core Strategy policy CS5 (Countryside and Green Belt), which advises that in the open countryside, new development will be strictly controlled in accordance with national planning policies. Development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate amongst other matters to small-scale new economic development diversifying the rural economy, including farm diversification schemes.
- 7.5 The proposals comprise a form of farm diversification and would improve the sustainability of the farm. The NPPF advises (s98) that renewable energy should be accommodated where technology is viable and environmental, economic and social impacts can be satisfactorily addressed. The wider environmental and economic benefits of renewable energy projects, whatever their scale, are material considerations that should be given significant weight. The saved companion guide to the former PPS22 states that “If the (renewable energy) targets are to be met, a greater diversity of renewable energy schemes will need to be developed in a wider variety of locations than in the past.” and “a step change will be required in order to achieve the targets”. The Government expects each authority to contribute to meeting the targets. Given the importance attached by planning policy and guidance to renewable energy and addressing climate change it is considered that although the current proposals would involve development in the open countryside,

there would be no conflict in principle with Core Strategy policy CS5. This is provided however that the proposals are also capable of satisfying other development plan policies with respect to environmental and other land-use issues.

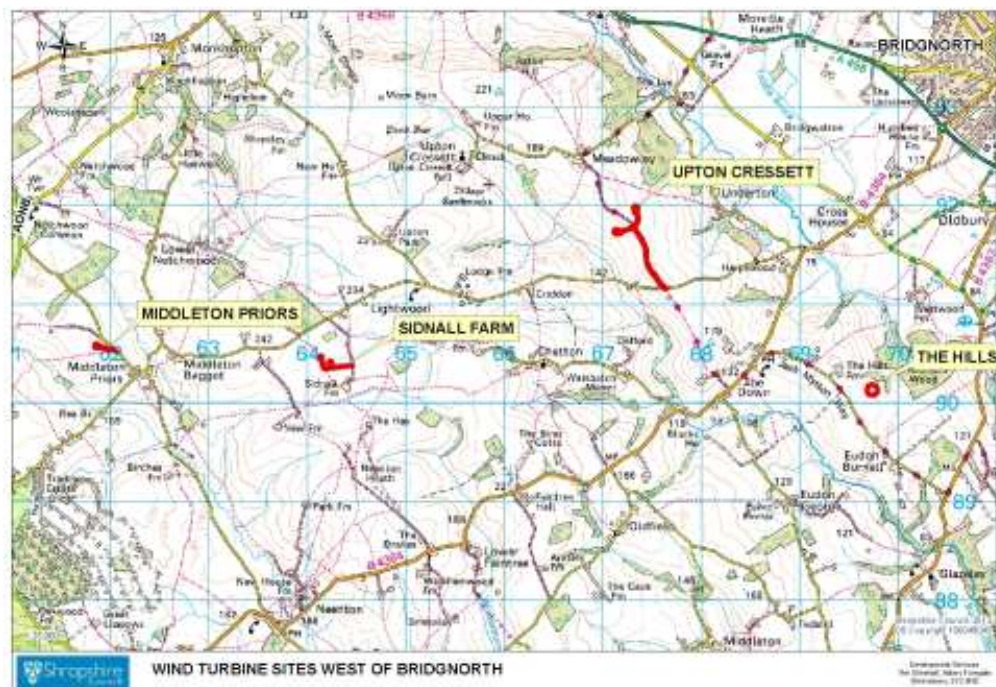
- 7.6 Farming in Shropshire is undergoing significant change. The current proposals would assist in providing a more stable profitability for the farm enterprise, including through providing an additional source of income to the farm through the sale of surplus electricity to the national grid.

The NPPF and Core Strategy Policy CS5 advise that local planning authorities should be supportive of well-conceived farm diversification schemes that contribute to sustainable development objectives and help to sustain the agricultural enterprise. It is considered that the proposals would comply with this objective by facilitating a sustainable and diverse farming business supporting the rural economy. It is therefore considered that the need for the proposals and the associated benefits in terms of renewable energy, climate change and farm diversification are capable of being supported in principle. This is provided however that the proposals are also capable of complying with other relevant development plan policies, guidance and other material considerations.

Landscape and visual impact

- 7.7 Landscape policy: Core Strategy Policy CS17 seeks amongst other matters to conserve, enhance and, where necessary, restore the quality, diversity and distinctiveness of Shropshire's landscape character. The saved guidance in the PPS22 companion guide advises that local planning authorities should recognise that landscape and visual effects will only be one consideration to be taken into account in assessing planning applications and that these must be considered alongside the wider environmental, economic and social benefits that arise from renewable energy projects.
- 7.8 The site does not lie within any designated landscape areas and falls within the Timbered Plateau Farmlands landscape type. A landscape and visual assessment (LVIA) reviews landscape character and evaluates a range of viewpoints around the proposal site, including through the use of photomontages and a Zone of Theoretical Visibility (ZVT) map. It is considered that the LVIA has been carried out to an appropriate standard and in accordance with relevant methodology. In terms of landscape the LVIA concludes that, at a local level the landscape comprises medium scale agricultural fields enclosed by hedgerows with relatively tall hedgerow trees. Woodlands to the south west of the proposed site provide enclosure and break up distant views from within the Shropshire Hills AONB. The local villages and associated vegetation provide features within the landscape. The relatively high level of vegetation tends to limit views across the landscape. The turbine would inevitably have an effect on the immediately surrounding area. The area within approximately 1.5km of the proposed site is considered to have a medium susceptibility to landscape change, and a medium landscape value. It does not have a particular recreational value.

- 7.9 In terms of visual impacts the LVIA states that the effects on visual amenity vary depending on distance from the proposed turbine and the degree of natural screening provided by the topography and vegetation. Views from surrounding village are restricted because of landform and vegetation. There would be a minor visual effect on a handful of views from the eastern edge of Ditton Priors but visual effects within the village are unlikely. There would be no views from Upton Cressett or Chetton because of the intervening topography and woodland. The LVIA states that the proposed wind turbines would be located within a large arable field with a character capable of accommodating them. Overall, the LVIA concludes that while the turbines are large structures, they are not out of scale with the surrounding landscape. They would be simple structures set within a relatively simple rural environment whose sensitive receptors are mostly beyond 1.5km. The LVIA accepts that there will be a degree of local visual impact but considers that the development would respect the scale and composition of the landscape. Therefore the significant effects would be very localised and the proposed development would be acceptable in this location. It is further stated that treating the turbines in a matt colour would reduce the distance over which they are visible, especially in dull or low light conditions.
- 7.10 The LVIA acknowledges that there would be some localised visual impact to some properties in the surrounding area. However, it is stated that none would have their outlook so affected that living conditions for their occupants would be unacceptably degraded. Whilst some views would be changed the LVIA considers that this does not necessarily equate to harm. It is stated that none of the properties would be so close that any views could reasonably be seen as oppressive or overbearing.
- 7.11 The applicant's photomontages generally validate the conclusions of the LVIA by highlighting the extent to which views are filtered / screened by intervening vegetation and topography and attenuated by distance. Whilst some views towards the site would be subject to change it is not considered that the extent of any such change would result in any unacceptably adverse visual impacts. Whilst therefore the concerns of objectors in relation to visual amenity are noted it is not considered that the level and extent of any visual impacts would be sufficiently adverse to justify a planning refusal, having regard also to the significant local and national policy support for renewable energy.
- 7.12 Visual Impact - Cumulative Impact: The Renewable and low carbon energy guide (DCLG 2013) advises of the need to consider cumulative impacts in considering onshore wind developments. The proposed wind turbine is located adjacent to a number of existing, in planning or proposed wind turbines (See plan 2). It is therefore necessary to consider the potential for cumulative impact.



Plan 2.

7.13 The details and status of the individual wind turbine developments in the local area are listed below:

- 13/03126/FUL (The current application) - Erection of two wind turbines (45m overall height, 0.5MW total); associated infrastructure and access track. North Of Sidnall Farm, Middleton Priors, Bridgnorth;
- 13/02194/FUL - The Hills, The Down, 77m, 0.5MW (also on this agenda, officer approval recommendation);
- 13/01983/FUL Upton Cressett - Erection of 2 no. wind turbines up to a height of 80.0m to tip and associated infrastructure including new access tracks, one control building, underground cabling, turbine foundations and crane hardstandings. Criddon Hall Farm, Criddon, Upton Cressett, Bridgnorth (1.5MW - pending consideration);
- 12/02160/FUL - Erection of a single 50KW Wind Turbine at Home Farm House Brown Clee Road, Middleton Priors Turbine (permitted 18/07/12). (2.3kms west of the application site).
- 12/00741/FUL - Erection of one wind turbine, tip height 27 metres at Oakridge Farm Ashfield Road, Ditton Priors (5kms southwest of the site).

7.14 Regarding cumulative impact, the LVIA advises that, “Beyond approximately 0.5km to 1.5km the scale of the turbines would reduce, becoming a much less significant visual element in the landscape, which because of its characteristics has a medium capacity to accommodate this type of feature”. The nearest other approved turbine, at Middleton Priors, is over 1.5kms away and there is intervening higher land. The LVIA therefore considers it unlikely that there would be any adverse cumulative impact. The approved turbine at Ditton Priors is 5kms away and would be a much less significant visual element in the landscape. The LVIA concludes that the

proposed turbines would not lead to any adverse cumulative visual impact on the landscape character.

- 7.15 This committee will also consider a proposal for a single 77m high turbine at The Down 5.3km to the east. It is considered that the applicant's photomontages demonstrate that views of the Sidnall development, if approved, would be sufficiently attenuated at this distance that there would be no potential for cumulative visual impact. Some sequential views may be afforded of turbines on the B4354 Bridgnorth to Ludlow road if all the proposed schemes proceed. However, the applicant notes that this is a hilly road with many bends and substantial roadside vegetation. The applicant states that given the distance between the proposed schemes and the limited nature of any views it is not considered that this would create a journey dominated or influenced by wind energy schemes. It is considered that the applicant's photomontages support this conclusion.
- 7.16 Visual impact – conclusions: The proposal is for two relatively tall structures in a countryside setting with a high scenic quality. However, the applicant's visual appraisal indicates that the site has been well positioned within the landscape and this is reinforced by the heritage appraisal (below). Cumulative impact must be assessed on the basis of the current situation. National planning guidance recognises that there is a need to balance the visual impact of onshore wind proposals against the renewable energy benefits of a scheme. In this particular case it is not considered that the effects of the proposals on the local landscape and views would be sufficient on their own to justify planning refusal, having regard also to the renewable energy benefits of the scheme (Core Strategy Objective 9, Policy CS5, CS17).
- 7.17 Heritage and archaeology: A heritage report assesses the potential impact of the proposed wind turbines on the and archaeological remains within the site and on the setting of the designated heritage assets within a 5km radius. The report advises that the undulating topography of the area means that the principal heritage assets are not particularly prominent landmarks in the surrounding rural landscape. The report concludes that setting or significance of designated heritage assets will not be affected. The proposed turbines may be seen in relation to the St Giles' church tower at Chetton in wider panoramic views but the proposals will not affect any key views of this church or detract from its overall prominence in the landscape. Consequently any effects will fall within the 'less than substantial' threshold referred to in the NPPF [p132]. The remaining churches and archaeological sites within the search area will be unaffected by the proposed development. It is considered that the applicant's photomontages support this conclusion.
- 7.18 A number of non-designated archaeological remains have also been identified within a 2km radius of the site, however the overall archaeological potential of the site is considered to be low to moderate. As the proposed development covers a relatively small area, with limited areas of ground disturbance the report concludes that the proposals are unlikely to cause any harm to any important extant below-ground archaeological deposits. The report concludes that the proposed

development complies with the heritage objectives of the NPPF. The historic environment section has not objected to the proposals but have recommended that an archaeological watching brief condition is imposed on any planning permission. Subject to this it is considered that the proposals are compliant with relevant heritage policies and guidance including Core Strategy Policy CS17.

- 7.19 Noise and vibration The nearest residential properties to the application site are Thornhill House and Sidnall Farm, both with financial involvement in the proposal. The nearest non-owned property is Fairfield, approx 543m to the west of the nearest turbine. The surrounding area is very sparsely populated. The main guidance on turbine noise comes from ETSU-R-97: "The Assessment and Rating of Noise from Wind Farms". This sets daytime noise limits for individual properties of 5dB(A) above the background or 35 dB LA90, whichever is the greater and nighttime limits of 43 dB LA90 or 5dB(A) above the background, whichever is the greater. An acoustic report advises that at a worst case the 35dB limit would be reached nearer than 350m to the turbines. As the nearest non-owned property to the application site is 543m to the west of the nearest turbine the report concludes that there should not be any unacceptable noise nuisance from the proposed turbines. Public Protection have not objected on this basis, subject to the imposition of standard noise conditions and the affecting residential amenities. In any respect, the applicant is content to have a standard condition imposed, setting a minimum rating level of noise emissions from the turbines and requiring complaints to be properly investigated and mitigated against.
- 7.20 The applicant has confirmed however that engineering solutions will be incorporated into the foundation design to maintain engineering compliance if abnormal ground conditions are encountered. A study of low frequency noise and vibration around a modern wind farm found that vibration levels from wind turbines, as measured at 100m from the nearest machine, were well below the criteria recommended for human exposure. At greater distances from turbines vibration levels will be even lower. Hence, there is no possibility of humans sensing the vibration and no risk to human health. Public Protection has not objected subject to imposition of appropriate noise conditions. These are acceptable to the applicant and are included in Appendix 1. It is considered that this would provide sufficient protection to the nearby residents and that an objection on noise could be sustained, given also the distance of the proposed site from the nearest private properties.
- 7.21 Shadow flicker and Reflective Light: With respect to potential shadow-flicker nuisance, relevant guidance in BERR (2007) advises that this only occurs within 10 x rotor diameters of a turbine. Furthermore, only properties within 130° either side of north, relative to the turbine, can be affected at UK latitudes, as turbines do not cast long shadows on their southern side. For the proposed turbines, with 30m diameter blades, there are no occupied properties within the shadow-flicker zone (ie. within 300m of the turbine).
- 7.22 Ecology An ecological appraisal advises that the site is not affected by any significant ecological designation or habitat. The nearest designated sites are at Derrington Meadow SSSI (3.3kms to the west) and Devil's Hole SSSI (3.6kms north east). The distance between these sites and the proposed turbines means that they are unlikely to be adversely affected. Natural England recommends maintenance of a 50m buffer

between bat habitats and wind turbines and the proposals comply with this. The ecology report also advises that there is a sufficient separation distance to avoid any direct impact on bird species. The survey makes a number of recommendations with respect to protected species and an appropriately worded condition has been included in Appendix 1. SC Natural Environment has not objected and has advised that Bat and Great Crested Newt surveys will not be required in this case. It is considered that the proposals can be accepted on this basis in relation to relevant ecological policies including Core Strategy Policy CS17.

- 7.23 Access and traffic: The temporary construction period would involve visits to the site by standard HGVs and not abnormal load vehicles. The site is easily accessible by highway, utilising the A458 and B4364, as far as Harpswood Bridge and then the Middleton Baggot road. The applicant advises that the nearest turbine would be located over 300m from this highway and does not consider therefore that the proposal would cause any adverse distraction to motorists. This conclusion is generally accepted subject to the imposition of a construction management plan condition to allow management of temporary construction traffic. It is concluded that the proposals are capable of being accepted in highway terms subject to the recommended condition.
- 7.24 Tourism and leisure: Objectors have expressed concerns that the proposed turbine would deter visitors from the area by adversely impacting on visual amenities, heritage assets and the visitor's appreciation of leisure assets. Tourism forms an important component of Shropshire's economy and Core Strategy Policy CS16 recognises that this is sensitive to Shropshire's intrinsic natural and built environment qualities. The effect of the proposals on landscape / visual and heritage interests is discussed above. The effects of the proposal upon the enjoyment of the countryside by members of the public must also be considered, including those using the lanes and public footpaths in the vicinity of the site.
- 7.25 There are a number of public footpaths and bridleways in the surrounding area, the closest footpath is located about 50m to the west of the site. The turbines would be visible locally across the adjacent fields from these rights of way, but most views would be mitigated by vegetation, including mature tree planting. From many footpaths, the proposed turbines would appear within the periphery of the rider's / walker's vision due to the direction of travel. Views from the Jack Mytton Way would be minimal due to the distance from the turbines. The LVIA acknowledges that there would be a significant but local effect on the nearest right of way, but effects on rights of way which are further away would be negligible. The AONB is over 3kms from the application site and the LVIA concludes that any deterrence to recreational usage of the area would be marginal in these circumstances and should be weighed against the benefits of the proposals.
- 7.26 As no rights of way would be impeded by the proposals the Outdoor Recreation section has not objected. Available evidence indicates on balance that the proposals would not result in a significant visual intrusion within the wider landscape or give rise to significant / widespread impacts on heritage or leisure assets. It is not considered that refusal on grounds of tourism / leisure effects could be justified. (Core Strategy Policy CS17)

- 7.27 Footpath separation distance: The outdoor recreation service advise that the western turbine is located within the potential topple distance of the nearest public footpath and has asked the applicant to consider micro-siting the turbine slightly further to the east. The applicant has confirmed that this is acceptable and an appropriately worded condition covering micro-siting is included in Appendix 1.
- 7.28 Equestrian interests: The DCLG renewable and low carbon energy guide advises that 'Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances (16)'. The nearest proposed turbine would be located over 300m from the public highway. This is significantly beyond the recommended safe minimum separation distance of 4 times the overall height recommended by the British Horse Society. One right of way is located within this distance, but is not a bridleway. It is not therefore considered that refusal could be justified for equestrian reasons.
- 7.29 Aviation: An aviation report concludes that objections from the MOD regarding Shawbury radar and NATS/NERL regarding Clee Hill radar are unlikely. The proposed wind turbine is located within a low priority military low flying area where concerns are less likely to be raised and is within uncontrolled airspace". The report recommended reducing the tip height of the originally proposed scheme to avoid radar line of sight issues with Shawbury. As a consequence, the proposed turbine was replaced by two smaller models, which are considered to be out of the Line of Sight to Shawbury. The MOD has not objected to the proposals. The nearest licensed airfield is at Wolverhampton/Halfpenny Green, over 18kms to the east, and therefore outside the consultation zone. There is an unlicensed airfield at Bridgnorth, approx 3km to the east, however, its distance from the proposal is considered sufficient not to cause any aviation issues. It is therefore considered that the proposed turbines would not have an adverse impact on aviation interests.
- 7.30 Community benefits: In June 2013 the Government announced that the community benefit payment associated with major on shore wind development would change from £1000 per installed Megawatt per annum to £5,000. This has been reflected by the wind turbine industry in the document 'Onshore Wind: Our Community Commitment - A commitment by the onshore wind industry to local communities. Renewable UK - October 2013). The company has indicated that it wishes to share the benefits of the development with the local community and mitigate any perceived impact. It proposes to do this by making a financial contribution to Ditton Priors Parish Council towards ongoing community projects. We are in negotiation with the Parish Council, to explore the possibility of a payment. The Parish Council has indicated that it will give further consideration to this offer. Any payment would be based on the current industry standards. The applicant has expressed a wish that any contribution should be done by way of a private contract with the Parish Council but has indicated that it would be happy to submit a Section 106 Unilateral Undertaking, should that be considered more appropriate. Officers have welcomed this offer and have indicated that it would be appropriate to express this in the form of a Unilateral Undertaking.

- 7.31 Electro-Magnetic Interference: The applicant has indicated that this proposal is not for not for a large wind farm. There will be no properties within the “interference shadow” of the proposed turbine and many properties will already benefit from digital or satellite reception. In the circumstances, the applicant considers that it is highly unlikely that any properties will be adversely affected through television interference. An Ofcom Search, centred on the application site has identified a single fixed EE/Ericsson telecom link within 500m of the site. It is understood that this link runs approx 250m southeast of the nearest turbine and should not be affected. Clarification has been sought from Ericsson. Furthermore, research has confirmed that there are no Joint Radio Company fixed links in the vicinity of the site. The terrestrial digital TV signal is less susceptible to interference. Nonetheless, it is considered that an appropriate planning condition should be imposed to employ standard mitigation measures in the event that there is any loss of TV reception quality following any commissioning of the development.
- 7.32 Process efficiency: In order for the proposed development to maximise use of the available wind speeds in the area the proposed turbine would be sited perpendicular to the south west. Assumed wind speeds in the area according to the NOABL database are 6.5 m/s at 25m and above. Such wind speeds should allow the turbines to consistently generate electricity at the anticipated combined power level of 500kw, providing good commercial returns which justify the investment.
- 7.33 Other issues: In terms of ice throw, the westernmost turbine would be micro-sited slightly further to the east and would be sufficiently far from public footpaths that this is not considered to be an issue. Whilst house prices are not a planning matter, studies on this subject conclude that there is no correlation between property prices and proximity to wind turbines.
- 7.34 Environmental Impact Assessment: The development exceeds the relevant height threshold under Schedule 2 of the EIA Regulations. A screening opinion request has not been submitted by the applicant. Officers are however satisfied that the proposals would be unlikely to give rise to any significant adverse environmental effects or particularly complex or cross-boundary effects which would indicate the need for EIA. It is considered that the information submitted in support of the proposals is sufficient to allow the effects of the development to be adequately defined without the need for EIA.
- 8.0 CONCLUSION
- 8.1 The proposed turbines would be tall structures in the countryside and they have attracted a number of objections from local residents. The surrounding landscape is generally natural in character and is not dominated by man-made features. However, it is considered that the applicant’s visual appraisal demonstrates that proposed turbine has been carefully sited and is capable of being integrated into the landscape without causing an unacceptable visual intrusion. Available information also suggests that there would be no unacceptably adverse impacts on any other interests of acknowledged importance, including with respect to residential amenity, leisure, tourism, economy, ecology, aviation and telecoms operators.

8.2 The benefits of the proposals with respect to renewable energy, climate change and supporting the rural economy are recognized, as is the applicant's willingness to make an annual community payment. The NPPF advises that the ability to generate renewable energy is a significant material consideration. Objective 9 of the Core Strategy also expresses an intention for Shropshire to be a leader in renewable energy technology. It is concluded on balance that the development is sustainable and the proposals are capable of being accepted in relation to relevant development plan policies, guidance and other local considerations. It is therefore recommended that planning permission is granted subject to the conditions and legal obligation set out 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 1970.

9.0 FINANCIAL IMPLICATIONS:

9.1 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.

10.0 BACKGROUND:

10.1 Relevant guidance

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

10.1.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012. The Framework replaces most former planning policy statements and guidance notes and is a key part of Government reforms to make the planning system less complex and more accessible. The NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can be approved without delay. One of the core planning principles is to ‘support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy)’. The NPPF expands further on this principle in paragraph 97: “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;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative and visual impacts;
- 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 areas that are 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.

10.1.2 Paragraph 98 advises that when determining planning applications, local planning authorities should:

- Not require applicants for energy developments 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...”

10.2 Relevant planning policies:

10.2.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth during the period to 2026. The strategy states, “Shropshire will be recognised as a leader in responding to climate change. New development which has taken place within Shropshire will be acknowledged by others as being of high quality sustainable design and construction that promotes safer communities, is respectful of local character, and planned to mitigate, and adapt to, the impacts of climate change.”

10.2.2 The Core Strategy has 12 strategic objectives, the most relevant is Objective 9 which aims “To promote a low carbon Shropshire 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”. Policies of relevance include:

Policy CS5 - Countryside and the Green Belt:

New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:

- Small-scale new economic development diversifying the rural economy, including farm diversification schemes;
- Dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and Policies CS11 and CS12;

With regard to the above two types of development, applicants will be required to demonstrate the need and benefit for the development proposed.

Policy CS6 - Sustainable Design and Development Principles

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment, which respects and enhances local distinctiveness and which mitigates and adapts to climate change. And ensuring that all development:

- Is designed...to respond to the challenge of climate change
- Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate
- Makes the most effective use of land and safeguards natural resources including

high quality agricultural land.

Policy CS8 – Infrastructure provision positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

Policy CS13 Economic Development, Enterprise & Employment - recognises the importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular it focusses on areas of economic activity associated with agricultural and farm diversification.

Policy CS16 - Tourism, Culture and Leisure

To deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities

Policy CS17 - Environmental Networks seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

- 10.3 The Shropshire and Telford and Wrekin Joint Structure Plan There are no relevant saved policies in this plan.
- 10.4 Bridgnorth Local Plan - The site is not affected by any other specific designations in this Plan. Formerly relevant policies have been superseded by the Core Strategy.
- 10.5 Site Management and Allocation of Development Document (SAMDEV) – The site is not subject to any specific designations within the emerging SAMDEV. Draft policies are being prepared. Whilst these cannot yet be accorded any weight it is considered that the proposals are in general compliance with the objectives of this emerging planning policy.
- 10.6 Other Relevant Guidance
- 10.6.1 The UK Renewable Energy Strategy (July 2009) - The UK Government published the Renewable Energy Strategy in July 2009. The strategy explains how it intends to “radically increase our use of renewable electricity, heat and transport”. It recognises that we have a legally binding commitment to achieve almost a seven-fold increase in the share of renewables in order to reach our 15% target by 2020. It suggests that the amount of electricity produced from renewables should increase from 5.5% to 30%.
- 10.6.2 Planning practice guidance for renewable and low carbon energy (DCLG, July 2013). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice has specific relevance to onshore wind energy:

Do criteria based policies have a role in planning for renewable energy?

14. Policies based on clear criteria can be useful when they are expressed positively (i.e. that proposals will be accepted where the impact is or can be made acceptable).

In thinking about criteria the National Policy Statements⁶ published by the Department of Energy and Climate Change provide a useful starting point. These set out the impacts particular technologies can give rise to and how these should be addressed.

15. In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:

- the need for renewable or low carbon energy does not automatically override environmental protections
- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- protecting local amenity is an important consideration which should be given proper weight in planning decisions

Energy development and other land uses

16. Local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does the local context including factors such as topography, the local environment and near-by land uses. This is why it is important to think about in what circumstances proposals are likely to be acceptable and plan on this basis.

What are the particular planning considerations that relate to wind turbines?

29. The following questions should be considered when determining applications for wind turbines:

30. The report, 'The assessment and rating of noise from wind farms' (ETSU-R-97)¹³ should be used by local planning authorities when assessing and rating noise from wind energy developments. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97. It is available on the Department of Energy and Climate Change's website.

Is safety an issue when wind turbine applications are assessed?

31. Safety may be an issue in certain circumstances, but risks can often be mitigated through appropriate siting and consultation with affected bodies:

- Buildings - Fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. This is often less than the minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and due to visual impact
- Power lines - National Grid, and/or the relevant Distribution Network Operators will be able to advise on the required standards for wind turbines being separated from existing overhead power lines
- Air traffic and safety - Wind turbines may have an adverse affect on air traffic movement and safety. Firstly, they may represent a risk of collision with low flying aircraft, and secondly, they may interfere with the proper operation of radar by limiting the capacity to handle air traffic, and aircraft instrument landing systems. There is a 15 kilometre (km) consultation zone and 30km or 32km advisory zone around every civilian air traffic radar, although objections can be raised to developments that lie beyond the 32km advisory zone. There is a c.15km statutory safeguarding consultation zone around Ministry of Defence aerodromes within which wind turbine proposals would be assessed for physical obstruction. See the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002. Further advice on wind energy and aviation can be found on the Civil Aviation Authority¹⁵ and National Air Control Transport Services websites¹⁶
- Defence - Wind turbines can adversely affect a number of Ministry Of Defence operations including radars, seismological recording equipment, communications facilities, naval operations and low flying. Developers and local planning authorities should consult with the Ministry of Defence¹⁷ if a proposed turbine is 11 metres (m) to blade tip or taller, and/or has a rotor diameter of 2m or more
- Radar - In addition to air traffic radar, wind turbines may affect other radar installations such as weather radar operated by the Meteorological Office
- Strategic Road Network - The Highways Agency / Department for Transport¹⁸ have produced advice for siting wind turbines safely in relation to the strategic road network.

Is interference with electromagnetic transmissions an issue for wind turbine applications?

32. Wind turbines can potentially affect electromagnetic transmissions (e.g. radio, television and phone signals). Specialist organisations responsible for the operation of electromagnetic links typically require 100m clearance either side of a line of sight link from the swept area of turbine blades. OFCOM acts as a central point of contact for identifying specific consultees relevant to a site.

How can the risk of wind turbines be assessed for ecology?

33. Evidence suggests that there is a risk of collision between moving turbine blades and birds and/or bats. Other risks including disturbance and displacement of birds and bats and the drop in air pressure close to the blades which can cause barotrauma (lung expansion) in bats, which can be fatal. Whilst these are generally a relatively low risk, in some situations, such as in close proximity to important habitats used by birds or bats, the risk is greater and the impacts on birds and bats should therefore be assessed. Advice on assessing risks is available from Natural England's website.

How should heritage be taken into account in assessing wind turbine applications?

34. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.

Is shadow flicker and reflected light an issue for wind turbine applications?

35. Under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.

36. Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at a specific property or group of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of conditions.

37. Although problems caused by shadow flicker are rare, where proposals for wind turbines could give rise to shadow flicker, applicants should provide an analysis which quantifies the impact. Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it.

How to assess the likely energy output of a wind turbine?

38. As with any form of energy generation this can vary and for a number of reasons. With wind turbines the mean wind speed at hub height (along with the statistical distribution of predicted wind speeds about this mean and the wind turbines used) will determine the energy captured at a site. The simplest way of expressing the energy capture at a site is by use of the 'capacity factor'. This though will vary with location and even by turbine in an individual wind farm. This can be useful information in considering the energy contribution to be made by a proposal, particularly when a decision is finely balanced.

How should cumulative landscape and visual impacts from wind turbines be assessed?

39. Cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

40. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site,

the proposal will not create any cumulative impacts.

What information is needed to assess cumulative landscape and visual impacts of wind turbines?

41. In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

42. In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change.

43. The English Heritage website provides information on undertaking historic landscape characterisation and how this relates to landscape character assessment.

44. Guidance is provided on Information to inform landscape and visual impact assessments

Decommissioning wind turbines

45. Local planning authorities should consider using planning conditions to ensure that redundant turbines are removed when no longer in use and land is restored to an appropriate use.

10.6.3 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.

10.6.3 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.

11.0 RELEVANT PLANNING HISTORY:

11.1 No previous applications relate directly to the current application site.

12.0 Additional Information

List of Background Papers: Planning application reference 13/003126/FUL and plans.
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Cabinet Member (Portfolio Holder): Cllr M. Price
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Local Member: Cllr Robert Tindall, Brown Clew

Appendices: Appendix 1 – Conditions

APPENDIX 1

CONDITIONS AND LEGAL AGREEMENT

1. LEGAL AGREEMENT:

- 1.1 Agreement by the applicant to make an annual payment for a period of 20 years towards a local community fund at a level equivalent to that indicated by the wind farm industry body Renewable UK in October 2013.

2. CONDITIONS:

Commencement of Development

- 1a. The development to which this planning permission relates must be begun not later than the expiration of three years from the date of this permission.
- b. Not less than fourteen days prior notice shall be given of the intended date for the commencement of any development under the terms of this permission, including Site preparation and construction works. Such date shall be referred to hereinafter as "the Commencement Date".
- c. Not less than seven days prior notice shall be given in writing of the intended date for the commencement of electricity generation operations at the site, hereby referred to as the "Commissioning Date".

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a), to define and provide appropriate advance notice of the Commencement Date (1b) and to facilitate proper monitoring of Site operations linked to the commencement of the use hereby approved (1c).

Definition of Site and Development

2. This planning permission shall only relate to the area edged red on the approved planning application boundary plan (Drawing No. M5398-01), hereinafter referred to as "the Site".

Reason: To define the area to which this planning permission relates.

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 22nd July 2013 and the accompanying design and access statement.
- ii. The supporting documents, namely:

- Planning Statement, incorporating Design and Access Statement (revised 14 August 2013);
 - The Heritage Statement by Trig Point Conservation & Planning Ltd dated July 2013;
 - The Landscape and Visual Impact Assessment by FPCR Environment and Design Ltd dated 17th July 2013;
 - The Ecology Appraisal by Avian Ecology dated 12th August 2013;
 - Wind turbine Noise Performance Assessment by MLM Acoustics dated 4th November 2013;
 - Turbine Technical Specification sheet.
- iii. The permitted drawings, namely:
- General Location Plan;
 - Site Location Block Plan;
 - Wind Turbine Elevations Plan;
 - Foundations Plan;
 - Cabling Plan (1:1250);
 - LVIA Viewpoint Locations Plan;
 - Landholdings Plan.
- v. The following supplementary documents:
- The letter from Hallmark Planning dated 15 October 2013;
 - The emails from Hallmark Planning to Shropshire Council dated 25th October 2013 and 29 November 2013.

Reason: To define the permitted development.

Micro-siting

- 4a. The turbines may be micro-sited within 20 metres of the position shown on the approved location plan.
- b. The westernmost turbine shall be micro-sited at least 5m to the east of the position shown on the approved location plan in order to provide greater separation between the turbine and the public footpath which runs to the 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 reasons (4a) and to place the tople distance of the western turbine beyond the public footpath which runs along the western boundary of the turbine field.

Access and construction

5. No access to or egress from the Site shall take place other than by means of the approved internal farm track linking to the site as shown on the approved block plan.

Reason: In the interests of highway safety.

6. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the following:
 - i. The management of vehicles using the minor road between the B4364 and the site at times when deliveries of machinery are being made.
 - ii. Works, planned or remedial, to be undertaken to the highway to permit deliveries to be carried out on the minor road between the B4364 and the site.

Reason: In the interests of highway safety and protecting the integrity of the highway structure.

- 7a. The hours of work during the construction phase of the development and any traffic movements to or from the site associated with the construction of the development shall be to 0730 to 1900 hours on Mondays to Fridays and 0730 to 1400 hours on Saturdays other than as allowed for under condition 7b.
- b. Notwithstanding the provisions of condition 7a, delivery of turbine and crane components may take place outside the hours specified subject to not less than 24 hours prior notice of such traffic movements being given to the Local Planning Authority and such deliveries first being approved in writing by the Local Planning Authority.

Reason: In the interests of general and residential amenities (7a) and to provide some flexibility with respect to delivery of specialist components (7b).

- i. *Note (Rights of Way) - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the rights of way at all times. Building materials, debris, etc. must not be stored or deposited on the rights of way. There must be no reduction of the width any right of way. The alignment of the right of way must not be altered without a legal order. The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged. No additional barriers such as gates or stiles may be added to any part of the rights of way without authorisation. If the applicant feels the safety of the public is at risk while development is taking place, they should contact the Outdoor Recreation Team to apply for a temporary closure of either the footpath or bridleway, or both.*

Surface Treatment for Turbine and Hard Surfaces

8. Prior to the commencement date a scheme detailing surface treatments for the turbine and hard surfaces within the Site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall confirm the following:
 - i. The finish and colour of the wind turbines;
 - ii. Confirmation of the exact extent and nature of concrete and other hard surfaces within the Site.

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 (8i) and final restoration (8ii).

Archaeology

- 9a. 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 by the applicant and approved in writing by the Local Planning Authority advised by the appropriate member of Shropshire Council's Historic Environment Team'.
- b. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow the archaeologist to observe excavations and record items of interest and finds.

Reason: To safeguard any archaeological remains which may be present at the Site.

Vegetation and ecology

10. All existing hedgerows, shrubs and trees on the margins of the Site and the internal access track from the public highway which are not allocated for removal as part of the development shall be protected from damage during construction period.

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

11. Work shall be carried out strictly in accordance with the Ecological Assessment conducted by Avian Ecology (12th August 2013).

Reason: To ensure the protection of Terrestrial Mammals.

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

12. Prior to the commencement date a scheme to secure the investigation and alleviation of any electro-magnetic interference to terrestrial TV caused by the operation of the turbine shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for alleviation of any electro-magnetic interference to terrestrial TV attributable to the wind turbine hereby approved. This shall include, if necessary, funding by the applicant for engineers to visit to any affected properties within an agreed timescale to rectify any identified problems.

Reason: To provide satisfactory mitigation for any electro-magnetic interference to terrestrial TV which is attributable to the wind turbine hereby approved

Noise

- 13a. The noise emissions from the wind turbine (including the application of any tonal penalty) shall not exceed a sound pressure level LA90 10min of 35dB 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) at wind speeds up to and including 10 m/s-at rotor centre height.
- b.. 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.

- 14 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 and shall not resume until the reason for the exceeding the noise limit has been rectified.

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

Time Limits / Decommissioning

15. Subject to condition 16b the 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 to agriculture 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 to agriculture within an acceptable timescale following the end of the planned design life for the facility in accordance with Government advice in the Renewable and Low Carbon Energy Guide (DCLG, July 2013).

- 16a. The developer shall notify the Local Planning Authority if the wind turbine fails to produce electricity to the grid for a continuous period of 12 months within the period referred to in Condition 15 above. Such notification shall be given to the Authority within one month of the end of the 12 month period.
- b. Notwithstanding Condition 15, within 12 months of any notification under Condition 16a above and unless otherwise directed by the Local Planning Authority the wind turbine and its associated ancillary equipment shall be removed from the Site. The Site shall then be restored to agriculture in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. Restoration in accordance with this Condition shall be completed by not later than 12 months following any notification under Condition 16a. The restoration works shall be undertaken in full accordance with the approved details.

Reason: To facilitate decommissioning and restoration of the Site to agriculture within an acceptable timescale in the event that electricity production at the Site ceases prior to expiry of the period referred to in Condition 15 above.



<u>Committee and date</u>
South Planning Committee
1 April 2014

<u>Item</u>
8
Public

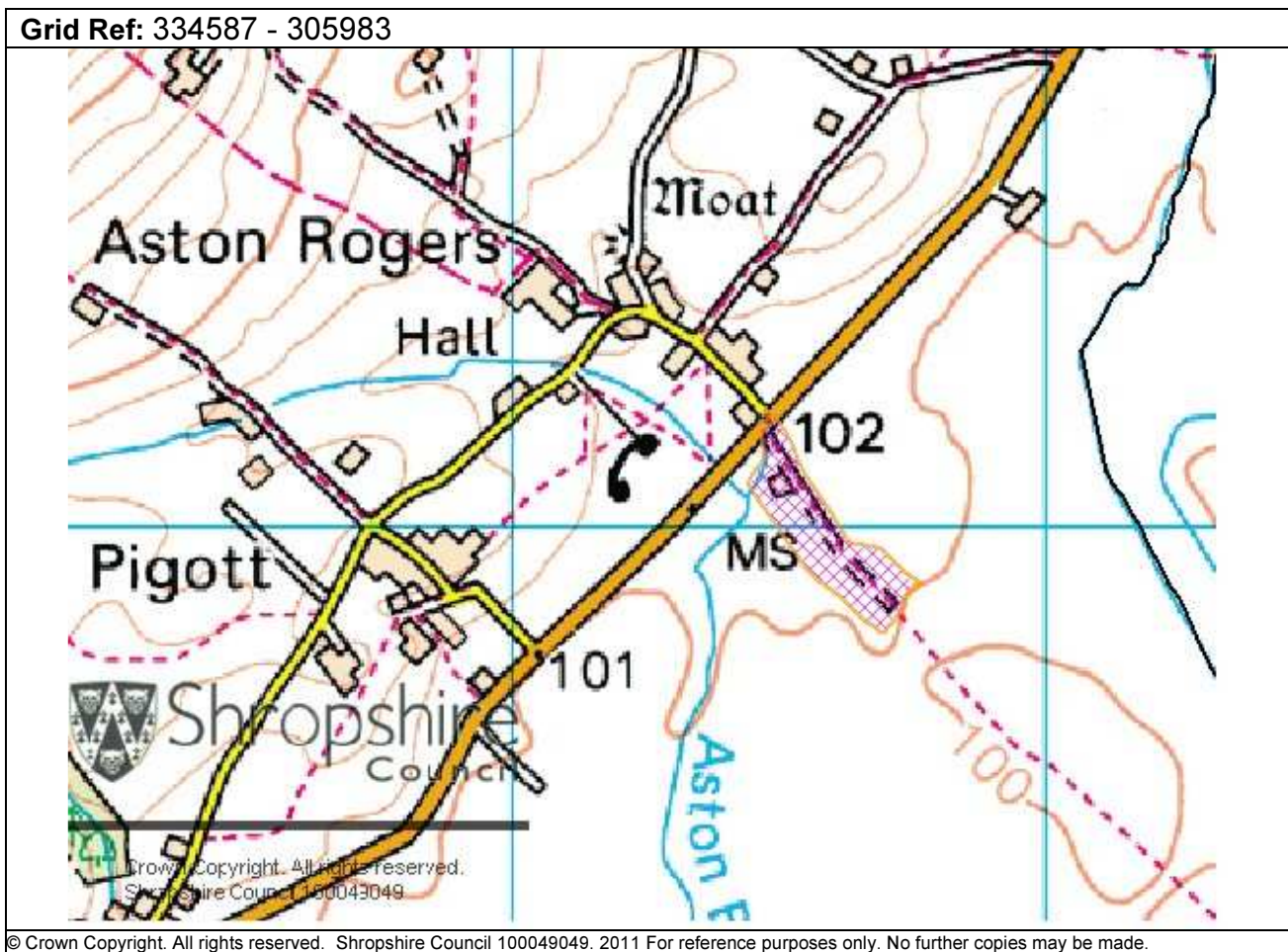
Development Management Report

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

Summary of Application

Application Number: 13/03847/EIA	Parish:	Worthen with Shelve
Proposal: Construction of four poultry sheds and feed bins, ancillary works, alterations to existing vehicular access, installation of solar photovoltaic panels and associated landscaping		
Site Address: Land south-east of Aston Rogers, Westbury, Shropshire		
Applicant: JS Jones and Son		
Case Officer: Peter Walker	email:	planningdmsw@shropshire.gov.uk

Grid Ref: 334587 - 305983



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

REPORT

1.0 THE PROPOSAL

- 1.1 The application proposes the development of a new intensive poultry rearing unit, comprising four poultry houses with feed bins and associated works, on land south-east of Aston Rogers, 2 miles south of Westbury and some 10 miles west of Shrewsbury. As a proposed large development for intensive poultry rearing, the application is accompanied by an Environmental Impact Assessment as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

2.0 SITE LOCATION & DESCRIPTION OF DEVELOPMENT

- 2.1 The application site is located on the south side of the B4386 road immediately south of the hamlet of Aston Rogers, which lies 2 miles south of Westbury on the road to Worthen and Brockton. The site comprises an approximately rectangular field measuring some 330 x 100m, and surrounded by established field boundary hedges. The site is essentially level and lies within an almost flat landscape of large fields in the approximately one mile wide valley of the Rea Brook.
- 2.2 The application site is accessed via an existing track suitable for vehicular traffic, which emerges on to the B4386 road opposite the minor road leading into Aston Rogers. A public footpath runs along this track through the field, and continues south-eastwards across the valley towards Minsterley. There is a single portal-framed agricultural storage barn at the north-west end of the field, and this would be unaffected by the proposed development. The application site is 1.25 miles from the nearest part of the AONB.
- 2.3 The proposed poultry unit development would occupy the majority of a broadly rectangular field extending approximately south-eastwards from the south side of the B4386 road south of Aston Rogers. The development would comprise four large poultry rearing houses, arranged in pairs towards the south-eastern end of the field, and aligned so that their narrow ends face towards the road. The poultry houses would each measure 97.5 x 24.4m, with a small control room measuring 8.5 x 3m at the end of each building. The shallow pitched roofs of the poultry houses would rise from 2.4m high at the eaves to 4.6m high at the ridge.
- 2.4 The poultry houses would be of steel portal frame construction, and would be clad throughout in profiled steel sheeting, coloured slate blue. Small ventilation cowls would be located at intervals along the roof slopes, and the majority of the south-west facing roof slope of one of the buildings would be covered by solar PV panels to generate electricity for the development. Between the pairs of poultry houses would be a total of 8 cylindrical feed bins some 7.5m in height, and a concrete surfaced area allowing access for vehicles delivering feed, and stocking and emptying the buildings.

- 2.5 The site would be accessed via the existing track which runs along the north-east edge of the field, but at the point where this meets the B4386 road a new section of entrance drive (some 50m long) would be constructed on a new alignment, to provide an entrance with a recessed gateway some 15m south-west of the existing field gate. This would provide a more conveniently aligned and safer point of access to the site for HGV traffic.
- 2.6 To the north-east side of the group of poultry houses a swale would be formed to attenuate surface water run-off from the buildings' roofs and adjacent hard surfaces; the capacity of the swale would be sufficient to hold the anticipated run-off from a 1 in 100 year rainfall event, plus an additional allowance for climate change. The submitted Flood Risk Assessment indicates that the site is at a very low risk of flooding, and that rainfall run-off collected by the proposed swale would be subsequently dispersed to watercourses in the valley, without adding to flood risk further downstream.
- 2.7 The total floor internal area of the four sheds, including the control rooms, would amount to some 9,500 sq m, and the total number of birds expected to be housed within the whole development at any one time would be up to 180,000. The proposed development would follow the typical design for new intensive poultry units, and the scheme aims to follow best practice for the design and operation of such units. The development would require an environmental permit from the Environment Agency to regulate its operation. This provides a system for regulating poultry operators based on the general principle that operators should take all appropriate preventative measures against pollution, in particular through the application of Best Available Technique (BAT) enabling improvements in environmental performance.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation' this application is required to be referred to the South Planning Committee for determination because the scheme falls within Schedule 1 of the Environmental Impact Assessment Regulations.

4.0 COMMUNITY REPRESENTATIONS

4.1.0 Consultee Comments

- 4.1.1 **Worthen with Shelve Parish Council** – confirms that it supports the proposal, with a recommendation that the access to/from the road to the site be improved and not just the first 15 metres as agreed with Highways Agency [*sic*]. The feed silos should be kept to a minimum height in accordance with the needs of the business.

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- 4.1.2 Public Protection Officer – Having considered the application I am satisfied that it is unlikely that odour will have a significant effect on the locality. Sufficient land is available for spreading manure and space away from nearby residential properties is available for any stockpiling of manure prior to spreading. I therefore have no further comment on this aspect of the operation as the Environmental Agency regulated permit will control aspect of odour from the

buildings. However, I would remind the applicant that if unsuitable storage areas are used which result in an unreasonable odour being perceived at residential receptors in the area that there is legislation to investigate this and legal notice could be served requiring the removal of manure from a particular location(s). As a result careful thought should be given when choosing where to stockpile manure to avoid both odour and fly nuisances at nearby residential dwellings.

- 4.1.3 With regard to noise from the development the Environmental Agency permit will place controls on aspects relating to the operation itself, however vehicle movements fall outside of the remit of the permit. However, there are no residential properties within close proximity of the junction where the most noise will be created by vehicles accelerating and decelerating. As a result it is my opinion that noise from vehicle movements will not have a significant detrimental effect and I therefore have no comments in relation to noise from this source or indeed on this application as a whole.
- 4.1.4 Flood and Water Management Team – 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 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. (Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.)
- 4.1.5 The applicant should submit details of how the contaminated water in the yard from spillages or cleaning of sheds will be managed / isolated from the main surface water system. (Reason: To ensure that pollution does not enter watercourses or groundwater.)
- 4.1.6 As the development is within Flood Zone 2, the Environment Agency should be consulted on this application. The applicant should consider employing measures such as the following: Water butts / Rainwater harvesting system / Permeable surfacing on any new driveway, parking area or paved area / Grey water recycling system.
- 4.1.7 Highways Development Control Officer – The highway authority raises no objections to the granting of permission. If permission is granted a condition should be imposed requiring construction of the approved access works prior to the development being first brought into use (see recommendation).
- 4.1.8 The application contains details of the existing and anticipated vehicle movements from the site and I am able to concur with the logical process that has been used to arrive at these figures and hence would accept them to be a realistic representation. I am however unable to verify the existing vehicle movements and must assume these to be correct. The presented figures suggest an average daily increase in mixed vehicle movements of 6 above the current movements; however it is the nature of broiler units to generate more intense movements at specific points in the crop cycle and then have periods of very little activity.

- 4.1.9 The access to the site leads directly onto the B4386 which is a Class 2 highway that I consider to have the capacity to accommodate the level of additional traffic proposed and carry this to the wider highway network without any adverse highway effects. There is an existing access here which emerges onto a relatively straight section of derestricted speed limit carriageway where vehicle speeds appear to often be approaching that limit. The carriageway undulates in parts, limiting visibility along it for drivers but I consider that the design and associated works proposed to improve this access will maximise visibility for emerging drivers along the highway and produce a layout suitable to accommodate the types of additional vehicle movements generated by the scheme.
- 4.1.10 It is assumed in the access design that all major HGV movements will be to / from the Shrewsbury direction. Although this cannot be guaranteed, as commercial conditions in the future may result in a change in the processing plant used, I concur with the applicant's reasoning to limit the lengths of hedge requiring removal by the design proposed.
- 4.1.11 Rights of Way Team – Based on the plans provided, it appears that no public rights of way will be affected by the development itself; however it should be noted that footpath 79Y Worthen with Shelve Parish appears to run along the access track being used to serve the development itself. It would appear that the farm driveway/track could be used for access and egress to the site. If permission is granted an informative should be added regarding the protection of the public right of way at all times (see recommendation).
- 4.1.12 Senior Archaeological Advisor - The proposed development site is located between Minsterley and Aston Rogers and approximately 0.45 kms north-west of a slightly elevated platform within an area of low lying land of the Rea Brook floodplain. A discreet area of peat deposits is located adjacent to the development site. The surrounding area contains a number of non-designated heritage assets including Hem Ring (HER PRN 00646) thought to be a medieval 'ringwork' but which may have earlier origins. Recent aerial photography has revealed a single ditched sub-circular enclosure 650m north-west of Lower Hogstow (HER PRN 28741) which may have a co-joined extension.
- 4.1.13 In a wider context issues of setting may affect a number of designated and non-designated heritage assets including the scheduled monuments of Caus Castle: a small multivallate hillfort, a motte and bailey castle and a medieval borough (National Ref: 1020147), Hawcocks Mount ringwork castle 200m north east of Hawcocks Farm (National Ref: 1013494), Moated site at Leigh Hall (National Ref: 1019010), Small enclosed Iron Age settlement at Leigh Wood, 180m south of Leigh Hall (national Ref: 1021276) and Grade I, II* and II listed buildings.
- 4.1.14 No specific Heritage Impact Assessment, recommended in a scoping opinion submitted in June 2013, is included as part of this EIA. However, a Landscape and Visual Impact Assessment (LVIA) contains a section 5.8 (Heritage Assets in the Local Landscape) that comments on the contribution those heritage assets make to the landscape character but not on the significance of the assets. Those comments take into consideration all known heritage assets, both in the

immediate vicinity and in a wider landscape context and conclude that any impact would be minor and not significant. It supports this conclusion with a reasoned understanding of the inter-connectivity of monuments of a similar period and how those monuments would have been viewed in their landscape setting. I concur with these findings in respect of issues of setting and visual impact and offer no further comments in that respect. The LVIA acknowledges the presence of buried archaeology in the surrounding area, some of which was only recently observed through aerial photography, but makes no comment on the potential for buried remains within the proposed development boundary.

- 4.1.15 In view of the above and in line with National Planning Policy Framework (NPPF), it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development that made provision for a watching brief during groundworks (see recommendation).
- 4.1.16 Conservation Officer – It is necessary to consider the impact of the proposals on the setting of listed buildings in accordance with the 1990 Planning (Listed Buildings and Conservation Areas) Act and the significance of designated and non-designated heritage assets in accordance with the NPPF. There are a number of listed buildings which could potentially be affected by the proposals. I have therefore considered the impact of the proposals on these buildings.
- 4.1.17 No Heritage Assessment has been submitted, however, the Landscape and Visual Impact Assessment which has been submitted identifies the listed buildings and from the information provided and my site visits I am satisfied that given the location of the proposed poultry farm and the proposed landscape mitigation, the proposals will only have a minor impact on the setting and significance of the listed buildings at Aston Rogers and even less impact on the listed buildings at Aston Piggott. They will have no significant impact on any listed buildings further away from the proposed site or on any non-designated heritage assets.
- 4.1.18 The minor impact on the listed buildings at Aston Rogers can be balanced against the benefits of the proposals and I do not therefore object to the proposals on these grounds. The Landscape and Visual Impact Assessment does however suggest that there may be wider impacts on the surrounding landscape and on both close and distant views of the site that may need to be taken into consideration. I suggest that the advice of a qualified landscape professional is sought in assessing these impacts.
- 4.1.19 Planning Ecologist – I have read the above application and the supporting documents including the Extended Phase 1 Habitat Survey conducted by John Champion Associates Limited (July 2013); Ammonia Screening Assessment Sheet provided by the Environment Agency (dated 13 March 2014); Natural England formal comments (dated 21 October 2013).
- 4.1.20 Natura 2000 Sites: - Shropshire Council has received detailed ammonia screening from the Environment Agency, which they have produced when screening this application under the requirements of the Habitats Regulations. Shropshire Council and Natural England understand and agree with the

assessment undertaken by the Environment Agency, a competent authority. The Environment Agency has stated that emissions resulting from the proposal will be within acceptable levels for statutory nature conservation sites and that further modelling is not required. As such Shropshire Council has concluded that the proposal will not have a likely significant effect on designated sites within 10km of the proposed application. A Habitat Regulation Assessment matrix has been completed and must be included in the Planning Officer's report for the application and be discussed and minuted at any committee at which the planning application is presented.

- 4.1.21 SSSI: - Natural England has been formally consulted on this application. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which SSSI sites have been notified. They therefore advise that the SSSIs identified do not represent a constraint in determining this application.
- 4.1.22 Local Sites: - There is one Ancient Woodland Local Site within 2km of the application site. The Locally Designated Sites screen out and it can be assumed, based on the EA modelling, that there will be no significant effects at these sites.
- 4.1.23 The site has the potential to support foraging and commuting bats, and to support nesting birds. In the event of permission being granted, appropriate conditions and informatives should be attached (see recommendation).
- 4.1.24 Tree & Woodland Amenity Protection Officer – confirms that no objection is raised to this proposal.
- 4.1.25 **Natural England** – The application site is in close proximity to a Midland Meres & Mosses – Phase 1 RAMSAR site as well as The Stiperstones & The Hollies Special Area of Conservation (SAC), areas that have been identified for inclusion in the Natura 2000 network. The National Planning Policy Framework (paragraph 118) applies the same protection measures (i.e. those set out in Regulations 61 and 62 of the Habitats Regulations) to any listed or proposed Ramsar sites, sites formally proposed as European wildlife sites, and sites identified or required as compensatory measures for adverse impacts on European site interest. Natural England therefore advises that, in accordance with the National Planning Policy Framework, Shropshire Council as competent authority should follow the steps set out within Regulations 61 and 62, to undertake a Habitats Regulations Assessment for Midland Meres & Mosses – Phase 1 RAMSAR site as well as The Stiperstones & The Hollies Special Area of Conservation (SAC).
- 4.1.26 No comment is given on landscape impact - from the information available Natural England is unable to advise on the potential significance of impacts on the Shropshire Hills AONB. We therefore advise Shropshire Council to seek the advice of the Shropshire Hills AONB Partnership.

- 4.1.27 No objection is raised regarding impact on Sites of Special Scientific Interest. This application site is in close proximity to Minsterley Meadows, Betton Dingle & Gulley Green, Hope Valley Meadows, The Stiperstones & The Hollies, Pennerley Meadows and Marton Pool - Chirbury. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise Shropshire Council that these SSSIs do not represent a constraint in determining this application.
- 4.1.28 Protected Species - It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect any European protected species.
- 4.1.29 Domestic species - We have not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.
- 4.1.30 Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.
- 4.1.31 **Environment Agency** – The proposed development would be subject to the Environment Agency’s environmental permitting regime, and an Environmental Permit for the project has been applied for. Lengthy and detailed comments on the application have been received from the Environment Agency, and these can all be viewed in the submitted representations on the Council’s on-line planning register. Additional information has been requested from the applicant by the Agency regarding issues such as noise, odour, dust and ammonia emissions, storage and spreading of manure, water management (clean surface water and dirty water), fluvial flood risk, and pollution prevention. Following the receipt of various additional information, the Environment Agency indicates that it is broadly satisfied on all the issues examined, and that it is likely to be able to grant an Environmental Permit, based on the information provided.
- 4.1.32 **English Heritage** – does not wish to comment
- 4.1.33 **Shropshire Hills AONB Partnership** – no comments received
- 4.1.34 **Shropshire Wildlife Trust** – no comments received
- 4.1.35 **Ramblers Association** – no comments received

4.1.36 Open Spaces Society – no comments received**4.2.0 Public Comments**

4.2.1 The public consultation period ended on 8 October with numerous representations received from members of the public about the application. The occupiers of two properties in Aston Pigott (some 600m north-west of the application site) have expressed support for the proposal on the following grounds:

- Aston Rogers is in an agricultural area and it is farmers such as the applicants who maintain and preserve the countryside. The proposed development would be for agriculture, not industry, and it is agriculture that sustains the economy of the valley.
- The proposed development would be sited in an appropriate location with convenient access from a main road, avoiding any need for heavy goods vehicles to enter the nearby villages to reach the applicants' land.
- The proposed development would be sufficient distance from local dwellings to avoid causing any odour or noise nuisance.
- More home-grown chicken production is required to feed the population of Britain.
- The applicants have demonstrated that they take care of the land and their farm and they can be expected to operate the proposed poultry unit responsibly.

4.2.2 Objections to the application have been received from 24 households, 6 being within Aston Rogers, one from Aston Pigott (0.5 miles west of the site), one from Yockleton (4 miles north-east of the site) and the remainder from more distant locations in Shropshire (Shrewsbury, Ellesmere, Oswestry, Wellington, Craven Arms, Ludlow), Herefordshire, Powys and Cheshire. The grounds of objection (full details of which can be viewed in the submitted representations) are as follows:

- The proposed development would be of an industrial scale and would be out of keeping with the character of farming in the local rural community. If permitted, the development would set a precedent for the area and any similar developments would then prove difficult to resist.
- The proposed development would have an adverse impact on the natural beauty of the surrounding countryside and it would be an entirely unsuitable type of development in this location.
- The impact of the development on the rural landscape could adversely affect tourism, a major industry in Shropshire, thereby adversely affecting other local businesses and generally decreasing wealth and the number of jobs. However, the employment generated locally by the proposed development would be minimal.
- The proposal would give the site and surrounding area an industrial character which would represent a blot on the landscape throughout the Rea Brook valley, which is an extensive area. The proposed development would be clearly visible from public footpaths in the vicinity. This landscape should be left for future generations to see and enjoy.
- The proposed feed bins could be expected to be significantly higher than the poultry sheds, thus adding to the visual intrusiveness of the development. Proper clarification and accurate details should be submitted regarding this

point.

- Existing hedging around the application site would not provide effective screening of the proposed development, and no effective tree planting is proposed.
- The proposed development would be visible from the grounds of a Grade II Listed Building and would therefore adversely affect its setting. Many historic properties in the vicinity are on higher land than the site and would therefore have views of it, to the detriment of the character of those properties.
- Views from dwellings in the vicinity would be significant and adversely affected by the scale and unsympathetic, intrusive appearance of the development.
- Glare from sunlight on the solar panels would be intrusive in views of the poultry unit.
- The proposed development would generate pollution through noise, odour, ammonia, contamination of ground water and watercourses, and would be harmful to wildlife and their habitats. The proposed development would also give rise to huge numbers of HGV movements each year, with consequent pollution through fumes and noise.
- The polluting emissions from the development and related HGV traffic would have a significant adverse impact on the amenities of nearby residents, and at times the smell would be intolerable.
- The noise generated by the numerous ventilation fans in the poultry unit (as well as that of the thousands of chickens) would be well above existing background noise levels, which are low in this open countryside location. The noise of vehicle movements would be even higher, and complaints regarding noise nuisance would be likely.
- The high levels of increased HGV traffic that would result from the proposal would affect not only nearby residents but also those all along the B4386 road to Shrewsbury, resulting in sleep disturbance and deprivation, to the detriment of residents' health and well-being.
- It is totally unreasonable that the applicants' wish to increase profits should take precedence over the need of numerous residents in villages along the poultry HGV route to have regular and undisturbed sleep to sustain good health. This contravenes Article 25 of the UN Declaration of Human Rights and would be contrary to national and local policies promoting good health.
- The spreading of large quantities of fresh manure on the surrounding land would give rise to smell and lead to pollution of watercourses with bacteria, dangerous organisms, and chemicals such as growth hormones.
- There is already an unacceptable growth in the number of large intensive poultry rearing facilities of industrial scale and character in this part of Shropshire. The number of such units is now beyond the levels that should be tolerated by local residents, whose amenities suffer as a result.
- The value of all residential properties in the vicinity would suffer as a result of the development.
- The HGV traffic associated with the operation of the poultry unit would represent a highway hazard, due to the site access being opposite a junction and on a section of road where traffic speeds can be very high. A local school bus stops at the road junction opposite the site and this would add to the potential highway hazards.

- There are many places along the B4386 road where the HGVs generated by the poultry unit would create highway hazards, as currently evidenced by numerous accidents or 'near-misses'. The Winsley bends only one mile north-east of the application site are particularly dangerous.
- Flooding could occur on neighbouring land, as a result of water run-off from the proposed development. Flooding is a major problem in the Rea Brook valley and is becoming worse, exacerbated by the lack of money being spent on cleaning out the river. The applicant has in past years spent money trying to deal with flooding on the land.
- The applicants' consultation with the local community about the siting of the proposed development was inadequate. Agricultural development such as this proposal could be supported by some local residents if it was only in the right place. A more suitable alternative site would be in a small valley on the applicants' land immediately west of Aston Rogers, where it would be much more hidden from view. This site would require a new access road directly to a safe point on the B4386 road.
- The proposals would contravene many criteria of Shropshire Core Strategy policies CS5, CS6, CS17 and CS18 and would be an inappropriate development within the countryside which cannot be regarded as sustainable development.
- Intensive poultry units are overcrowded, filthy, inhumane and barbaric, causing intolerable pain, suffering and stress to the many thousands of birds that would be in the units.
- Intensive poultry production is ethically wrong and insupportable, and the Council should oppose such developments on principle and set an example to the rest of the country.
- The exploitation of birds to provide intensively produced chicken also has a very damaging impact on the rural landscape and this should also be regarded as unacceptable on principle.

5.0 THE MAIN ISSUES

- 5.1
 - Purpose and principle of the proposed development
 - Planning policy context
 - Impact on rural landscape
 - Impact on heritage assets
 - Impact on highway safety
 - Impact on water resources
 - Impact on wildlife
 - Impact on residential amenities

6.0 OFFICER APPRAISAL

6.1 Purpose and principle of the proposed development

- 6.1.1 The proposed poultry unit is intended to diversify the applicant's existing agricultural business, and to contribute to the production of chicken meat within Britain in order to reduce the growing reliance on imported meat. The proposed development is also expected to provide an employment opportunity at the farm for one full time manager for the unit. It would also contribute to the local rural economy through feed contracts, building contracts and veterinary employment.

- 6.1.2 Demand to build large poultry houses, for either free range or intensive poultry production, is increasingly common at present in the local agricultural economy. Increasingly rigorous livestock welfare requirements are contributing to a need for new and larger poultry buildings in order to maintain production capacity. In principle such buildings required for agricultural purposes can be considered acceptable in the rural area, where agriculture is the primary commercial activity, subject to their design, size and siting being suitable and their impacts on the local area being acceptable. These issues will be considered in detail later in this report. In recent years a number of such poultry buildings have been permitted within the County, including within the Shropshire Hills AONB. The NPPF supports the principle of such agricultural diversification, whilst recognising the need to conserve and enhance the natural and historic environment.
- 6.1.3 As an intensive poultry production unit with a capacity of over 85,000 birds (the proposed development would accommodate more than twice that number) the proposal falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and therefore the required Environmental Impact Assessment is submitted as part of the application. This analyses in detail the various potential environmental impacts of the development, and has been supplemented by additional information during the processing of the application.
- 6.2 Planning policy context**
- 6.2.1 The principal Government planning guidance and development plan policies having a bearing on this case are addressed below. The National Planning Policy Framework (effective from March 2012) replaces all previous Planning Policy Guidance and Statements, and some sections are of particular relevance to this proposal. The NPPF is supportive of sustainable economic development (including agricultural and rural development in appropriate locations) whilst emphasising that the desirability of economic development must always be balanced against other relevant environmental considerations such as ecological, historic, landscape protection and neighbour amenity factors.
- 6.2.2 The National Planning Policy Framework refers to the need for planning decisions to be in accordance with the development plan unless material considerations indicate otherwise (paragraph 11). It states that the Government is committed to securing economic growth (18) and that the planning system should support and encourage sustainable economic growth (19). The NPPF emphasises its presumption in favour of sustainable development, i.e. approving without delay development proposals that accord with the development plan, unless their adverse impact would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole (14). Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise (196) and should apply the presumption in favour of sustainable development (197).
- 6.2.3 The NPPF is supportive of a prosperous rural economy, including supporting the sustainable growth and expansion of all types of business and enterprise in rural areas (including through well designed new buildings), and promoting the development and diversification of agricultural and other land-based businesses

(28). The need to conserve and enhance the natural environment is highlighted (109, 113, 117-8).

- 6.2.4 The NPPF states that the Government attaches great importance to the design of the built environment (56) and refers to the integration of new development into the natural, built and historic environment (61). The importance of weighing the impact of new development on designated heritage assets and their settings is highlighted (65), as is the need to conserve and enhance the historic environment (126, 128-9, 131-5).
- 6.2.5 Other significant paragraphs in the NPPF with relevance to the current application include references to proposals which would generate traffic (32 & 34), and to pollution control, noise and amenity issues (120, 122-3), and principles relating to planning obligations (203-4).
- 6.2.6 The Shropshire Core Strategy (effective from March 2011) contains various policies having a bearing on the current application and the most significant are referred to below.
- 6.2.7 Policy CS5 concerns the countryside and Green Belt, and states that development proposals on appropriate sites, which maintain and enhance countryside vitality and character, will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. Among the types of new development which would be considered appropriate is agricultural development, although proposals for large-scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts.
- 6.2.8 Policy CS6 sets out sustainable design and development principles to be applied to new proposals. These relate to issues such as the safeguarding of residential and local amenity, high quality design of appropriate scale and pattern (which takes into account local context and those features which contribute to local character), accessible location, and appropriate landscaping.
- 6.2.9 Policy CS7 refers to issues of transport and sustainable development, whilst Policy CS13 relates to supporting business development in Shropshire, and recognises the continued importance of farming for food production and the need to support rural enterprise and the land-based sector, including food production. Policy CS16 refers to the economic importance for tourism, culture and leisure of Shropshire's landscape, cultural and historic assets.
- 6.2.10 Policy CS17 relates to environmental networks of natural and historic assets, and (among other points) emphasises that all development should protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and should not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

- 6.2.11 Policy CS18 sets out design principles for the integration within new developments of measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within Shropshire, including groundwater resources, and provide opportunities to enhance biodiversity, health and recreation.
- 6.2.12 The above policies indicate that there is strong national and local policy support for well conceived agricultural diversification proposals, which can provide employment to sustain and enhance the vitality of rural communities. It is also recognised that the current proposals would support local food production which is a key business sector in Shropshire. It is also necessary, however, to assess the extent to which the proposals would satisfy policies relating to other relevant material considerations (for example the natural environment, heritage assets, highways, impact on residential amenities) in order to judge the overall level of sustainability of the proposals. These matters are considered in succeeding sections of this report.

6.3 Impact on rural landscape

- 6.3.1 The application site lies within the largely level landscape of the Rea Brook valley, with the rising land of the lower slopes of Long Mountain immediately to the north, and the lower slopes of the hills over one mile to the south. The landscape of the valley floor, which is not subject to any protective landscape designation, is characterised by fields of varying sizes and shapes with boundary hedges. Within this generally level area it is considered that long, low buildings like the proposed poultry houses would be relatively well screened by the field hedges, with hedgerow trees providing additional filtering of views. Whilst the proposed feed bins would be some 60% higher than the poultry houses themselves, they would be concentrated at one point near the centre of the development and it is not considered that they would be unduly prominent in their own right.
- 6.3.2 The existing field boundary hedges would be retained all around the proposed development, with additional hedge planting being implemented to close gaps and strengthen some sections of hedging. The hedges surrounding the site would be maintained at a height of 4.5m, this being approximately the roof ridge height of the poultry houses, and hence when grown to this height the hedges would provide effective screening of the buildings from views within the valley floor. New individual native trees would be planted within the existing hedges at intervals to break up views of the poultry houses, and two small groups of new trees would be planted immediately to the north-west and east of the buildings in order to provide more substantial screening. As a result, once established these new trees would be effective in screening views of the development, and particularly through breaking up views of the full length of the buildings.
- 6.3.3 Although blocks of woodland are not common in this part of the valley floor, the proposed new tree planting would be in sufficiently small groups that it is considered that they would not appear incongruous in their landscape context. From the adjacent road the proposed new copse at the north-west end of the poultry houses would be effective in obscuring views of the gable ends of the buildings through the access gateway to the site. For users of the road the

largely continuous roadside hedges would prevent distant views of the proposed poultry unit, whilst the new individual trees and copses would break up any closer views.

- 6.3.4 There would inevitably be views of the development from rising land around the valley, particularly from public footpaths climbing the slopes of Long Mountain from behind Aston Rogers, but in such more distant views the poultry unit would be seen in the context of the wider landscape and thus would be somewhat less prominent. Again, from this direction the proposed small copse at the north-west end of the poultry houses would be effective in screening the potentially prominent gable ends.
- 6.3.5 As with many public rights of way passing through farms, there would be very close views of the poultry unit from the public footpath sharing the access track through the site. However the close views of the proposed development would be confined to a section of some 600m along the footpath, and beyond 200m south-east of the site the buildings would be largely unseen from the footpath when the hedges have grown higher and the new trees planted.
- 6.3.6 Having regard to the present character of the valley floor and the existing and proposed hedging and tree planting, it is considered that the proposed development could be integrated satisfactorily into the surrounding landscape and that it would not be an unduly prominent built feature. Its visual impact on the rural landscape can therefore be regarded as acceptable in this case.
- 6.3.7 The application site lies within the Principal Settled Farmlands landscape type area of the Shropshire Landscape Typology. The key characteristics of this landscape type are identified by the Landscape Typology as mixed farming land use and a varied pattern of sub-regular hedged fields. The typical characteristics of this landscape type are described as 'creating medium scale landscapes with predominantly filtered views'.
- 6.3.8 A Landscape and Visual Impact Assessment (LVIA) has been submitted, which analyses in great detail the landscape within which the application site lies and assesses the potential visual impact of the scheme. The conclusions of the LVIA bear out the analysis above, namely that the field hedges and trees of the existing landscape, as augmented by the additional intended planting, would provide effective screening and filtering of views of the proposed poultry unit. The LVIA therefore concludes that whilst the potential visual impact of the proposed development would vary from the wide range of viewpoints (both public and private) in the surrounding area, in general terms the adverse visual impacts of the scheme would be minor and not significant. The study recognises that as the proposed new tree planting and the management of the height of boundary hedges progressively screen the new buildings, the visual impact as seen from many viewpoints after 10 years would be negligible.
- 6.3.9 Several alternative sites within the applicants' ownership were considered for the poultry unit, although these were largely on land adjacent to the application site and some were nearer to Aston Rogers. Hence in terms of their impact on the local landscape or on the amenities of nearby residents there would have been

relatively little difference between the alternative sites. However in terms of the combination of its proximity to and direct access from the B4386 road, and its distance from dwellings in and adjoining Aston Rogers, the selected site is considered to be a logical and sensible choice which represents an appropriate balance between the various potential impacts and issues of local concern.

6.4 Impact on heritage assets

- 6.4.1 The relevant historic environment consultees indicated that the proposed development would have no significant impact on Listed Buildings, protected archaeological sites, or any other non-designated heritage assets. The nearest Listed Buildings are in Aston Rogers at a distance of some 600m, and those in Aston Pigott at a distance of 600 to 800m. There is no Conservation Area in Aston Rogers or Aston Pigott.
- 6.4.2 The nearest scheduled ancient monument is over a mile away to the north, although there are two non-designated sites of possible archaeological interest within 0.5 mile of the site. A precautionary archaeological WSI is therefore recommended as appropriate in case of any archaeological evidence or remains being on the site.
- 6.4.3 Because the proposed development would be well screened by existing hedges and new tree planting it is considered that it would have no adverse impact on the immediate setting of any historic buildings or sites. There would be a limited impact on the wider landscape context of such historic sites, but it is not considered that this would be unacceptable.

6.5 Impact on highway safety

- 6.5.1 The traffic flows to and from the proposed poultry unit would vary, whilst following a fixed routine, throughout the 48 days of each 'crop cycle' (the term used for the whole period between stocking the poultry sheds with new chicks, removal of the fully grown birds and the cleaning of the empty buildings). As the poultry unit would operate continuously throughout the year the number of crop cycles annually would be 7.6. The most intensive traffic movements would occur at the time of the stocking, emptying and cleaning of the sheds. Throughout the rest of the crop cycle traffic movements would be very light, comprising deliveries of feed, removal of dead birds, and routine monitoring of the poultry unit.
- 6.5.2 The applicant's agent has calculated the current vehicle movements (with all types of vehicles e.g. HGVs, tractors and trailers, and smaller vehicles) typically using the access gate to the application site and adjacent fields, and compared them with the anticipated number of vehicle movements during the operation of the proposed poultry unit. The increase in the number of vehicle movements into or out of the site as a result of the proposed development is estimated to average 5.8 movements per day throughout the year (i.e. almost 3 vehicle visits to the site per day).
- 6.5.3 Whilst recognising that this average disguises a wide variation in traffic flows according to the poultry production cycle and other agricultural activities on the surrounding fields, the Council's Highways Officer considers that the traffic

figures provided appear realistic. He is satisfied that the capacity and alignment of the B4386 road is suitable to accommodate the additional traffic without adverse impacts on highway safety. The proposed formation of a new access to the site would make manoeuvring of agricultural traffic at this point in the road safer and more convenient than at present. The probable time of most intensive vehicle movements (when emptying the sheds of grown chickens) would normally occur at night, when there would be very little other traffic on the road. The application states that the emptying of the sheds would take place on 4 nights (2 pairs of consecutive nights approximately a week apart), using 8 HGVs on each occasion.

6.5.4 Since the site would be accessed directly from the B4386 road and not via minor local roads, there is considered to be no need for any traffic routing arrangements to be specified if permission is granted for the development. It is assumed that the majority of the HGV traffic related to the poultry unit would travel towards and from the Shrewsbury direction (and thence via the A5), although travel in the opposite direction on the B4386 (towards Welshpool and Newtown) would also be considered acceptable. In order to ensure safe arrangements for the movement of construction traffic related to the scheme, standard conditions relating to the management of this traffic are recommended.

6.5.5 Worthen with Shelve Parish Council has recommended that the entire access road to and from the site is improved and not just the first 15 metres. This has however not been requested by highway officers. The Rights of Way team also note that a public footpath runs along the length of the access road. It is considered on balance that the proposed access improvement would allow a satisfactory standard of access to the public highway to be maintained for the development. This is provided that a standard condition is imposed requiring appropriate maintenance of the access track and other circulation areas. Subject to this it is considered that the access upgrade would represent an improvement on the current situation and that the proposals can be accepted in highway terms.

6.6 Impact on water resources

6.6.1 The application site includes some areas within Flood Zone 2 (medium probability of flooding i.e. between 1 in 100 and 1 in 1000 annual probability) but the proposed buildings are outside of the flood plain. The submitted Flood Risk Assessment indicates that the site is at a very low risk of flooding, and that the rainfall run-off collected by the proposed swale would be subsequently dispersed to watercourses in the valley, without adding to flood risk further downstream. The Environment Agency has confirmed that it has no objections in relation to flooding issues. The Council's drainage section has recommended a condition covering surface water, soakaways and measures for dealing with dirty water and these are included in Appendix 1. Subject to this it is concluded that the proposals are compliant with the relevant drainage policy (Core Strategy Policy CS18).

6.7 Impact on wildlife

6.7.1 An ecological report concludes that no features of ecological interest would be adversely affected in this existing field area and the proposed landscaping works would provide a biodiversity enhancement. The potential impact of ammonia emissions from the development on protected species has been assessed by Natural England and the Environment Agency, who have concluded that the proposal would have no likely significant effect on European Designated Sites. Accordingly, Natural England and the Council's ecologist raise no objection to the proposal, subject to the use of a condition relating to external lighting and appropriate informatives.

6.7.2 This application must be considered under the Habitat Regulation Assessment process in order to satisfy the Local Authority's duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations). The Planning Authority therefore has a duty to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision. In this case the Council's ecologist advises that Natural England has been consulted and has not objected to the proposal, and that the Habitat Regulation Assessment concludes that this proposal would have no likely significant effect, either alone or in combination with other developments, on any European Designated Site or on its integrity. Consequently there is no legal barrier, under the Habitat Regulation Assessment process, to planning permission being granted in this case. (The Habitat Regulation Assessment matrix document is attached as an appendix to this report.)

6.8 Impact on residential amenities

6.8.1 Whilst the concerns of nearby residents in Aston Rogers and Aston Pigott about potential noise and odour generated by the proposed poultry unit are understandable, it is the considered view of the Council's Public Protection Officer that, on the basis of experience gained at other comparable sites, the proposal would have little or no adverse impact on residential amenities. The fact that no precautionary conditions are recommended relating to such issues indicates that the Public Protection team considers that, given the distance of the proposed development from the nearest dwellings (some 400m) the expected impact of noise or odour would be limited and acceptable. However, the detailed operation of the proposed poultry unit would be regulated by the Environment Agency through the necessary environmental permit.

6.8.2 Manure cleared from the poultry houses at the end of the poultry production cycle would be stored in a field 400m south-east of the buildings, prior to being spread on the applicants' land. It is the view of the applicant's agent that at the distance of some 800m from the nearest dwellings (to the east), and 950 - 1300m from those in Aston Rogers and Aston Pigott, this manure storage area would be less likely to give rise to odour than the existing manure stores of other farms nearer to local dwellings. At present the applicants already import substantial amounts of poultry manure from elsewhere in Shropshire in order to spread it on their land, and hence it is considered that this potential source of odour would be little changed from the current situation. However, it would lead to a reduction in the number of large farm vehicles travelling to the site to import

poultry manure sourced from elsewhere. The absence of objections from the Public Protection team would support this conclusion, whilst the recommended amenity complaints procedure condition would provide added reassurance in relation to this matter.

- 6.8.3 Regarding traffic noise from heavy goods vehicles travelling to and from the application site, particularly those HGVs used to empty the poultry houses at the end of the production cycle, it is recognised that this would represent a transient noise audible on occasion to residents along the B4386 in villages such as Westbury and Yockleton. However, this road is available for use by agricultural or other commercial traffic at any time and it is considered unreasonable to regard its use by HGVs associated with this proposed development as unacceptable. During the approximately 7-week interval between the emptying of the poultry houses it is unlikely that there would be any night time HGV traffic associated with the poultry unit. It is not considered that the level of night time vehicle movements during the temporary depopulation period would be sufficient to justify a planning refusal. It is recognised also in this respect that the nearest dwellings in Aston Rogers are located 130-200m from the B4386 (and in some cases further from the access to the site).
- 6.8.4 Regarding the potential views of the new development from local dwellings, such changes in outlook from individual properties would not be an issue material to the determination of the planning application. Likewise the perceived threat to property values would also not be a material planning consideration.

7.0 CONCLUSION

- 7.1 This proposal has attracted a number of objections from local residents in relation to amenity issues. These have been carefully evaluated, having regard to the comments of relevant consultees. It is considered on balance that appropriate control and mitigation measures are available to fully address these concerns, through the use of the recommended planning conditions and the Environment Agency's permitting process. It is not considered that there would be any unacceptably adverse impacts which would justify refusal of permission, after available mitigation and control measures are taken into account.
- 7.2 The proposed new intensive poultry rearing unit would comprise large functional structures, but these would be of a scale and design typical of modern agricultural buildings in lowland rural areas. It is considered that their visual impact can be mitigated through new planting and the management of existing established field boundary hedges. The drainage arrangements for the scheme would guard against risk of flooding or pollution of watercourses.
- 7.3 By reason of the site's distance from historic properties in Aston Rogers and Aston Pigott, it is considered that the proposal would not adversely affect the immediate setting of any Listed Buildings, or have an unacceptable impact on their landscape setting. The application site is considered to be sufficiently distant from local dwellings, in Aston Rogers and Aston Pigott and in the adjoining countryside, that odour and noise from the poultry houses and from its related traffic would not significantly impact on the amenities of nearby residents.

- 7.4 The B4386 main road giving access to the site is considered to be suitable for the type of traffic which would be generated by the proposal, and the proposed new access arrangements would have the benefit of ensuring safer manoeuvring of vehicles into and out of the site. Whilst the noise of HGV traffic related to the development would be audible at properties close to the routes used, this would be transitory and would not occur sufficiently frequently to be regarded as unacceptable on a main rural road such as the B4386. An appropriate condition covering night time depopulations has been recommended to provide additional reassurance regarding the amenity of local roadside properties.
- 7.5 Against the environmental concerns raised by the objectors to the scheme must be balanced its economic benefits. The proposal would assist the diversification of the applicants' business, with the creation of one full-time job for a manager of the poultry unit. It is considered that there would also be a wider economic benefit in terms of the scheme's contribution to increasing the availability of home-produced food and reducing dependence on imported food. The encouragement of agricultural development and diversification is supported by both the National Planning Policy Framework and the Shropshire Core Strategy. However, the ethical concerns of some objectors regarding intensive poultry production are not an issue material to the determination of this planning application.
- 7.6 In conclusion, it is considered that the economic benefits of the proposal to the agricultural economy should be accorded greater weight than the concerns expressed about the environmental impacts of the scheme. On balance, it is considered that the proposal can be regarded as sustainable development which can be supported, and permission is recommended, subject to appropriate conditions and informatives.

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 - written representations, a 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 intervene 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 for making 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.

10.0 BACKGROUND

Relevant Planning History

None of relevance at this application site

Relevant Planning Policies

Central Government Guidance: National Planning Policy Framework (March 2012)

Shropshire Core Strategy: CS1 - Strategic approach; CS5 - Countryside and Green Belt; CS6 - Sustainable design and development principles; CS7 - communications and transport; CS13 - Economic development, enterprise and employment; CS17 - Environmental networks; CS18 - Sustainable water management

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

Planning application 13/03847/EIA

Cabinet Member (Portfolio Holder): Cllr M Price
--

Local Member: Cllr H Kidd

APPENDIX 1**Planning Conditions****STANDARD CONDITIONS**

- 1 The development hereby permitted shall be commenced 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 hereby permitted shall be implemented strictly in accordance with the approved plans and drawings as specified in this decision notice. Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

- 3 The development hereby permitted shall not be commenced until full details of the materials and colours to be used on the exterior of the new poultry houses and feed bins have been submitted to and approved by the Local Planning Authority. Reason: To ensure that the appearance of the new buildings is appropriate in this rural location (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 4 The development hereby permitted shall not be commenced until full drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved drainage details. Reason: To ensure that the development is provided with a satisfactory means of surface water drainage, and also to reduce the potential risk of flooding (and in accordance with Policy CS18 of the Shropshire Core Strategy).
- 5 The development hereby permitted shall not be commenced until the applicants have secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation (WSI) which should make provision for a walkover survey and a watching brief during any ground works. This written scheme of investigation shall be approved in writing by the Local Planning Authority prior to the commencement of the development works. Reason: The application site is within an area of archaeological importance, and it is therefore important that any archaeological features and finds are properly recorded (and in accordance with Policy CS17 of the Shropshire Core Strategy).
- 6 The development hereby permitted shall not be commenced until a Construction Management Plan for traffic has been submitted to and approved by the Local Planning Authority; this Construction Management Plan shall be fully implemented in accordance with the approved details for

- the duration of the construction period. Reason: In the interests of highway safety (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 7 The development hereby permitted shall not be commenced until a scheme has been submitted to and approved by the Local Planning Authority for (a) parking of vehicles of site personnel, operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development. Each of the above facilities shall be maintained throughout the course of construction of the development, free from any impediment to its designated use. Reason: In the interests of highway safety (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 8 The development hereby permitted shall not be commenced until details of measures to prevent mud being deposited on the public highway (from vehicles leaving the site during the construction works) have been submitted to and approved by the Local Planning Authority. The approved measures shall be implemented and retained throughout the duration of the construction period. Reason: In the interests of highway safety (and in accordance with Policy CS6 of the Shropshire Core Strategy).

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

- 9 Prior to the development hereby permitted being brought into use, the operator of the poultry unit shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This scheme shall include: (a) Investigation of the complaint; (b) Reporting the results of the investigation to the Local Planning Authority; (c) Implementation of any remedial actions agreed with the Authority within an agreed timescale. Reason: To put in place agreed procedures to deal with any verified amenity related complaints which are received during the operation of the poultry unit (and in accordance with Policy CS6 of the Shropshire Core Strategy).

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

- 10 Construction works on the application site shall not take place outside the hours of 06:30 to 19:00 on Mondays to Saturdays and at no time during Sundays and bank or public holidays. Reason: To protect the amenities of nearby properties (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 11 The development hereby permitted shall not be brought into use until the new vehicular access serving the site has been constructed in full accordance with the approved access design drawing no. SP003. The access and circulation areas within the site shall thereafter be maintained in an even and pothole free condition throughout the lifetime of the development. Reason: In the interests of highway safety and general amenity (and in accordance with Policy CS6 of the Shropshire Core Strategy).

- 12 No external lighting shall be installed at the development hereby permitted until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved lighting shall be retained thereafter for the lifetime of the development. The submitted lighting 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, which are a European Protected Species (and in accordance with Policy CS17 of the Shropshire Core Strategy).
- 13 All plant and machinery within the application site shall be installed in accordance with the specifications and data within the application, and shall be maintained thereafter in accordance with the manufacturer's recommendations. Reason: To protect the amenities of nearby properties (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without modification), no development shall be carried out under Schedule 2 Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority. Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.
- 15 The removal of poultry manure shall not take place outside the hours of 07.00 to 18.00 hours on Monday to Friday, 08.00 to 13.00 hours on Saturday and at no time during Sundays and bank or public holidays. Reason: To protect the amenities of nearby properties (and in accordance with Policy CS6 of the Shropshire Core Strategy).
- 16 Within the first planting season following the completion of the new poultry buildings hereby permitted, a scheme of new tree and hedge planting of native species, together with protection measures for the new planting, shall be implemented on and adjacent to the boundaries of the application site, in accordance with the submitted landscaping details (as indicated on landscaping plan no. RAL/192-01). Reason: To ensure that an appropriate scheme of new tree and hedge planting is implemented, in order to enhance the appearance of the site and mitigate the visual impact of the development on the adjacent rural landscape (and in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy).
- 17 Any new trees and hedging planted as part of the approved planting scheme which, during a period of five years following implementation of the planting scheme, are removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species

and size as the Authority may specify. Reason: To ensure as far as possible that the approved planting scheme is fully effective (and in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy).

Informatives

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 should if possible be carried out outside the bird nesting season, which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active birds' nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' 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.

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

The applicant should consider employing measures such as the following: Water butts / Rainwater harvesting system / Permeable surfacing on any new driveway, parking area or paved area / Grey water recycling system.

It will be necessary to provide adequate access to the site for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of each building. This issue will be dealt with at the Building Regulations stage of the development; however, the Fire Authority advises that early consideration is given to this matter. The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5 provides details of typical fire service appliance specifications.

During the construction period, measures should be implemented to minimise impacts on the amenities of nearby properties. It is therefore recommended that site preparation and construction works should not take place outside 07:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 on Saturdays, and at no time on Sundays, bank or public holidays. Airborne dust from site preparation and construction operations on site should be minimised by spraying with water or by carrying out other such works that may be necessary to suppress dust. Waste materials generated as a result of site preparation and construction operations should not be burnt on site, and all refuse should be disposed of by alternative approved methods of waste disposal.

A public footpath runs through the application site and the applicants are advised as follows:

- If damage is caused to the public right of way by contractors' or other vehicles they would be expected to make good the surface to the standard it was prior to development having taken place.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
- If the safety of the public cannot be guaranteed, the developer should apply to the Shropshire Council's Outdoor Recreation Team for a temporary closure of the footpath (fees apply).
- Building materials, debris, etc. must not be stored or deposited on the right of way.
- There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered unless amended by way of a legal order (i.e. as a result of a diversion application).
- The surface of the right of way must not be damaged, nor must it be altered without prior consultation with the Council's Outdoor Recreation Team.
- No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation by the Council's Outdoor Recreation Team as mentioned above.

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 paragraph 187 of the National Planning Policy Framework.

APPENDIX 2**Habitat Regulation Assessment (HRA) Screening Matrix
& Appropriate Assessment Statement**

Application name and reference number:

13/03847/EIA**Land South East Of Aston Rogers, Westbury, Shropshire**

Construction of four poultry sheds and feed bins, ancillary works, alterations to existing vehicular access, installation of solar photovoltaic panels and associated landscaping.

Date of completion for the HRA screening matrix:

13th March 2014

HRA screening matrix completed by:

Nicola Stone, Assistant Biodiversity Officer 01743-252556

Table 1: Details of project or plan

Name of plan or project	13/03847/EIA Land South East Of Aston Rogers, Westbury, Shropshire Construction of four poultry sheds and feed bins, ancillary works, alterations to existing vehicular access, installation of solar photovoltaic panels and associated landscaping.
Name and description of Natura 2000 site	The Stiperstones and the Hollies SAC The Stiperstones and the Hollies SAC (601.46ha) represents a nationally important area of dry heath and also hosts a significant presence of sessile oak woodlands with <i>Ilex</i> and <i>Blechnum</i> . Annex I Habitats that are a primary reason for selection of site: <ul style="list-style-type: none"> • European dry heaths Annex I Habitats present as a qualifying feature but not a primary reason for selection of site: <ul style="list-style-type: none"> • Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Midland Meres and Mosses (Ramsar phase 1) Marton Pool Marton Pool Midland Meres and Mosses Ramsar Phase 1 (17.21ha) is a natural lake of moderate fertility, somewhat detached from the main series of Shropshire meres. There are extensive areas of reedswamp and carr. It is included within the Ramsar Phase for its Open Water, Swamp and Carr habitats.
Description of the plan or project	Construction of four poultry sheds and feed bins, ancillary works, alterations to existing vehicular access, installation of solar photovoltaic panels and associated landscaping

Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No Natural England, Shropshire Council and Environment Agency have identified that the proposed broiler units, application reference 13/03847/EIA, do not have the potential to impact upon the European Designated sites within 10km via the effect pathway of aerial emissions.
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Appropriate Assessment Statement

The 4 poultry sheds covered by application reference 13/03847/EIA house up to 180,000 broiler units in total.

The Environment Agency's pre-application advice, reference EPR/FP3637ZV/A001, covers a total of 180,000 birds on the site.

There are 2 European Designated Sites within 10km of the proposed development:

- The Stiperstones & The Hollies SAC
- Midland Meres & Mosses Phase 1 Ramsar

There are 7 SSSI's within 5km

- The Stiperstones & The Hollies
- Betton Dingle & Gulley Green
- Snailbeach Mine
- Hope Valley Meadows
- Hope Valley
- Minsterley Meadows
- Granhams Moor Quarry

There is 1 Local Site within 2km:

- Ancient Woodland Local Site

Ammonia emissions at these sites have been assessed by Natural England and the Environment Agency.

A precautionary critical level of 1 µg/m³ has been used for all sites. All sites screen out below the thresholds advised by Natural England and Environment Agency. The threshold used has been based on there being no combination effect. The thresholds are 4% of critical level for SAC and Ramsars, 20% of critical level for SSSI and 100% of critical level for local sites.

The proposed applications therefore 'screens out' below the threshold and can be screened out of the Habitat Regulation Assessment process. Natural England and Environment Agency recommend that where an installation screens out below the threshold then an in-combination effects test is not required.

There is no likely significant effect on a European Site and no likely effect on integrity of a European Site and so an Appropriate Assessment is not required.

Shropshire Council is relying on the evidence and reasoning of Environment Agency and Natural England under Regulation 65 of the Habitats Regulations in completing this Habitat Regulation Assessment and Appropriate Assessment.

The Significance test

There is no likely significant effect alone, or in combination, from development proposed under planning application references 13/03847/EIA for a total of 180,000 broiler bird places in 4 units at Land South East Of Aston Rogers, Westbury, Shropshire.

The Integrity test

There is no likely effect on the integrity of any European Designated Site from planning application references 13/03847/EIA for a total of 180,000 broiler bird places in 4 units at Land South East Of Aston Rogers, Westbury, Shropshire.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.



<u>Committee and date</u>
South Planning Committee
1 April 2014

<u>Item</u>
9
Public

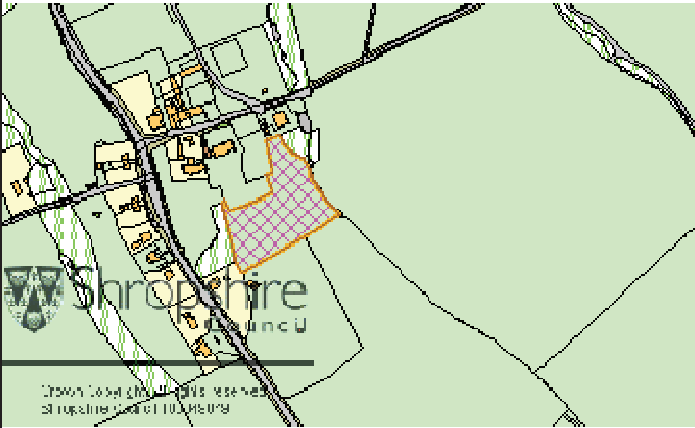
Development Management Report

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

Summary of Application

Application Number: 13/04962/COU	Parish:	Quatt Malvern
Proposal: Change of use of land from agricultural to cricket square and construction of access drive		
Site Address: Cricket Ground Quatt Bridgnorth Shropshire WV15 6QW		
Applicant: Mr A Evans		
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk	

Grid Ref: 375715 - 287996



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**REPORT****1.0 THE PROPOSAL**

1.1 This application proposes the change of use of agricultural land to form new cricket square with one artificial and three natural wickets and the construction of an access drive from Wootton Lane via the existing field gate.

1.2 In support of the application the Quatt Cricket club have confirmed the following:

For a number of years the Clubs Third team have played all their home matches at Burwarton Cricket Club, utilising a shared cricket pitch and generally poor facilities. Burwarton CC has recently confirmed that their cricket activities have folded and their facilities will not be available for use by QCC in 2014 and beyond.

1.3 A pre-requisite for any Birmingham League CC is that each club has to run three mens teams. Provisionally the mens Third team will play at its home matches at Highley CC sharing its ground for 2014. QCC's current status as one of the leading village cricket clubs in the Midlands is a risk unless a long terms solution is found.

1.4 A shared ground is not a long term solution as any growth in Highley CC's membership could displace QCC. In order to provide a sustainable platform for continued growth and development QCC need to provide an extra cricket square at its existing ground.

1.5 The application therefore proposes the creation of a new cricket square incorporating an artificial cricket wicket and a new three wicket grass square to the north of the existing club house and south of St Andrews Church wall boundary.

1.6 In parallel with the planning application QCC is preparing a series of grant funding applications and the indications from the ECB and sport England are good that funding would be forthcoming to provide the playing pitch facilities in this area of need.

1.7 At present all vehicular traffic uses the existing access directly onto the A442 opposite "Old Faithfuls farm Shop & Deli". The existing access drive follows the north west boundary of the cricket clubs existing site. Once adjacent the club house vehicles pass in front of the club house onto the grassed area and vehicles park east to west along the northern boundary of the cricket club site. The proposal is that all vehicular traffic (except delivery vehicles and disabled users) would enter the site from Wootton Lane using the existing field gate and tarmac cross over.

- 1.8 The proposed access drive would follow the existing boundary hedgerow and enter the CC site via the existing field access gates and park to north to south along the eastern boundary of the site. The proposed parking would be accommodated within the clubs existing ground i.e. not within the land subject of the change of use application.
- 1.9 The proposed access drive would follow the existing field hedgerows and the current field gates would remain and would be locked out of core hours (match days and training days.)
- 1.10 The information submitted with the application confirms that the access drive would be surfaced by a layer of terram overlain by red "Forest of Dean" road stone to the first internal field gate.
- 1.11 The applicant has confirmed that the preparation of the proposed new cricket square and wickets would involve a shallow plough and a small amount of regarding and levelling. The proposal would not involve any soil being imported or removed from the site (cricket loam would be brought in in bags which comply with the manual handling guidance). The artificial wicket is proposed to be installed in early summer 2014 with the other wickets and outfield seeded in late summer with a view to being able to play at the start of the cricket season 2015 and the natural wickets in 2016.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposal involves a site of approximately 0.84 hectares of rough pasture land which lies within the Quatt Conservation Area. The proposed a new cricket square incorporating an artificial cricket wicket and a new three wicket grass square would be located on land to the north of the existing club house and south of St Andrews Church wall boundary.
- 2.2 It is understood that the land in question is owned by the National Trust who have indicated to the applicant that they are content to grant them an additional lease to be co-terminus with its existing 25 year lease and that this would be triggered by the granting of planning permission for the change of use.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Application requested to be referred to South Planning Committee by the Local Member as the matters raised by the Parish Council are not matters that can be addressed through planning conditions.

4.0 Community Representations

- Consultee Comments

- 4.1 Quatt Malvern Parish Council – Recommend Refusal. Support and welcome the provision of the cricket square but object to the proposed new additional access arrangements on highway safety grounds as it would lead to significant numbers of vehicles using Wootton Lane which has a speed limit of 40mph.

Requests consultation between the Cricket club Committee, residents of the parish and Shropshire Highways.

4.2 SC Highways – No objections.

4.3 SC English Heritage – Recommends that as the development site is in the vicinity of known archaeology, the advice of the local authority's archaeological advisor is sought.

4.4 SC Archaeology – Recommend condition.

4.5 SC Ecology – No objections.

4.6 SC Conservation – No comment.

- Public Comments

4.7 Advertised 24.12.2013. Expired 14.01.2014. Site notice displayed/dated 24.12.2013. Expired 14.01.2014. Re-advertised Site Notices A458 and Wootton Lane displayed/dated 17.02.2014. Expired 10.03.2014.

4.8 Ten representations received – Nine of which were objecting to the application.

-Highway safety concerns with respect to the use of Wootton Lane.

-The lane at this point is too narrow for extra access.

-There are 2 blind summits at either side of the proposed gateway.

-Properties are directly accessed from the road, there is no footpath.

-The lane is often used by horse riders and pedestrians following Dudmaston's pathways particularly at weekends.

-Church services, which will clash with activities at the cricket club, involve increased traffic and parking issues.

-The Cricket Club's previous planning application in April/June 2010 (ref: 10/01342/FUL) the Design and Access statement proposed 3.4 The Final phase 3 of the project will then see new dedicated parking provision alongside the hedge running along the South West boundary of the ground. The vehicles will not be visible from the A442 as they will be well below the top of the well established hedge. The principal advantage of this third phase of the project is that it will remove parked vehicles from the grassed area along the Northern part of the ground, thus enabling an unobstructed view of the Church as well as removing the potential hazard of vehicles and spectators in the same locality.

-The continued development and growth of the club inevitably means increased vehicular access and on a more regular basis.

-During the cricket season, the club is in almost constant use during the evenings and most weekends suggest the opening hours stated in section 20 of the application are inaccurate.

-As well as the training and match day traffic, the Club offers it's facilities for social events in the evenings. Therefore the proposal would lead to increased noise for the residents in Wootton Lane late at night as people leave an event.

-Increased traffic would change the character of the village around the Church.

4.9 One representation received supporting the proposals for the following reasons:

-Would allow for a much safer access off the A442 as the traffic would be turning at an existing and clearly signposted junction.

-There have been numerous occasions where accidents have been narrowly avoided by cars turning into the current entrance and vehicles travelling at speed have not anticipated the manoeuvre.

5.0 THE MAIN ISSUES

Principle of development – Green Belt
Visual impact and Historic Environment
Highway Safety
Residential Amenity
Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development – Green Belt

6.1.1 The National Planning Policy Framework (NPPF) emphasises that the planning system can play an important part in “facilitating social interaction and creating healthy, inclusive communities”. It acknowledges that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well being of communities.

6.1.2 Further the NPPF indicates at para. 81 that local planning authorities should plan positively to enhance beneficial use of the Green Belt, giving as an example “to provide opportunities for outdoor sport and recreation”.

6.1.3 Saved Bridgnorth District Local plan policy S3 reflects the guidance set out in PPG2 which has been replaced by the guidance set out in the NPPF and therefore has limited weight.

6.1.4 In terms of the construction of the access drive the NPPF confirms that such types of development i.e. engineering operations; constitute appropriate development provided that they preserve the openness of the green belt and do not conflict with the purposes of including land in the green belt. The NPPF identifies that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.1.6 Given the fact that the proposal utilises the existing field access arrangements and the scale and character of the works proposed it is considered that the provision of the driveway would not conflict with the purposes of the green belt identified above.
- 6.1.7 Shropshire's Core Strategy policy CS5 and CS16 reflects the guidance set out in the NNPF supporting recreational development which requires a countryside location and acknowledges the benefits that such development has for local communities.
- 6.2 Visual impact and Historic Environment
- 6.2.1 Core Strategy policy CS5, CS6, CS16, and CS17 seek to ensure that all development protects and enhances the natural, built and historic environment and is appropriate in taking into account the local context and character of the area.
- 6.2.2 In this case it is noted that the proposed development lies within the Quatt Conservation Area adjacent to the scheduled monument of Medieval cross in Quatt churchyard (National Ref: 1015710) and the Grade II* listed Church of St Andrew, Quatt (National Ref: 1367569). Additionally there are non-designated heritage assets recorded on Shropshire Councils Historic Environment Record that are located in the vicinity of the development boundary.
- 6.2.3 It is noted that English Heritage have raised no issues regarding the possible impact of the proposals on the setting of the Grade II* listed Church of St Andrew and its associated scheduled Medieval cross.
- 6.2.4 Given the scale and nature of the proposals it is not considered that the development proposed would harm the character or appearance Quatt Conservation Area or the existing setting of the designated heritage assets.
- 6.2.5 The proposals do however involve some ground disturbance in the vicinity of the above monuments and others in the immediate area as such there may be some potential to disturb un-recorded archaeological remains. Accordingly the Councils Archaeological Officer recommends an appropriate condition to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that makes provision for a watching brief during any ground disturbance.

6.3 Highway Safety

- 6.3.1 The cricket club has an existing access from the A442 directly opposite the village shop known as “Old Faithfuls Farm Shop & Deli”. The applicants state that this has three main disadvantages, namely:

All cars have to pass in front of the club house to park – interrupting the spectators view of the cricket.

Young children tend to play in close proximity of the club house which causes potential conflict.

When vehicles are parked they can quite easily be seen by traffic heading north along the A442 which interrupts the view of St Andrews Church.

- 6.3.2 Concern has been expressed by the Parish Council and local residents regarding the proposed new additional access arrangements on highway safety grounds as it would lead to significant numbers of vehicles using Wootton Lane.

- 6.3.3 Currently access the cricket club ground is via their existing access onto the A442. Accordingly traffic has to make turning movements on the A442 and although the Councils Highway Development Control Officer considers the present access layout to be satisfactory, the proposal would reduce such vehicle movements and transfer them to the Quatt House junction and then onto the unclassified road running passed the former Dower House School. The road junction is clearly visible and passing drivers on the A442 would expect traffic to be turning in/out of it. The Councils Highway Development Control Officer advises that the Quatt House road junction is satisfactory to accommodate the likely addition vehicle movements and that such vehicle movements would not present an undue conditions detrimental to highway safety.

- 6.3.4 The road from the A442 junction and the proposed access point is wide enough to accommodate two-way traffic, up to a point in the vicinity of the former Dower House School. Beyond this it is restricted over relatively short sections between some wide entrance points that could facilitate the passing of vehicle travelling in opposite directions. Although the restricted carriageway width is of concern with intensified vehicle movements, it is considered that the additional traffic would only be over a relatively short period of time at the start and finish of cricket matches/practices and the frequency of such occurrences is not excessive and is only seasonal.

- 6.3.5 Concern has been expressed regarding the potential increase in the numbers of vehicles using Wootton Lane travelling from the direction of the A458 and the conflict with other road users such a horse riders and walkers. It is considered that it is unlikely that the majority of people would travel to the cricket club from that direction and that whilst some may do this as it may be more convenient for people travelling from the West Midlands Conurbation they would be doing that in any event to use the existing access off the A442. Between the A442 junction and proposed entrance it is unlikely that any reasonable person would

travel above 20mph as they would only be going a short way and be looking out for the entrance. In this rural location pedestrians are relatively few and the original school has been converted to residential use.

6.4 Residential Amenity

6.4.1 Core strategy policy CS6 seeks to ensure that all development contributes to the health and wellbeing of communities, including safeguarding residential amenity. As noted above concern has been expressed that the new access arrangements would lead to increased noise for the residents in Wootton Lane late at night as people leave an event. As discussed above those members and visitors who travel through the lanes to access the cricket club from the A458 would do so in any event. It is also noted that the replacement club house is subject of a condition restricting its use to club members and their guests only. Traffic generated would be seasonal and evening events would be occasional. As such it is considered that the proposed new access arrangements would unduly harm the existing residential amenity of the area.

6.4.2 Turning to the proposed new cricket pitch this is associated with the existing historic cricket club and as such it is considered that the extension of the use to incorporate this land would not significantly harm the existing residential amenity of the area.

6.5 Ecology

6.5.1 The proposals would not result in the removal of trees or hedgerows. The Councils Planning Ecologist has considered the proposals and raises no objections.

7.0 CONCLUSION

7.1 The use of the land as an extension to the existing cricket pitch would provide a permanent solution to the lack of sufficient pitches and enable the sustainable development of this successful community asset. The construction of the access drive constitutes appropriate development in the Green Belt as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land in the Green Belt. The proposals would not detract from the character or appearance of the Quatt Conservation Area, the rural character of the locality or the setting of designated heritage assets. The proposed new access arrangement would be acceptable in highway safety terms and the residential amenities of the area would not be unduly harmed by the proposed development.

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

Central Government Guidance:
National Planning Policy Framework

Saved Local Plan Policies:

S3: Green Belt

D6: Access and parking

Core Strategy:

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS17: Environmental Networks

RELEVANT PLANNING HISTORY:

10/01342/FUL Erection of a cricket club house with changing facilities following demolition of existing pavilion; provision of additional car parking facilities and relocation of cricket playing field GRANT 23rd June 2010

List of Background Papers
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Tina Woodward
Appendices APPENDIX 1 - Conditions

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

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

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

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

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

3. This permission relates to the amended plans received 10.02.2014.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) that makes provision for a watching brief during any ground disturbance. This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The area is of archaeological potential and it is importance that any archaeological features and finds are properly recorded.

5. Before the development hereby approved commences a sample of the proposed stone to be used to surface the access drive shall be submitted to and approved in accordance with the approval details.

Reason: To protect the visual amenity of the area.

6. Details of the means of access, including the layout, construction and sightlines, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

Informatives

1. POLICIES MATERIAL TO THE DETERMINATION OF THE APPLICATION:

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

Central Government Guidance:
National Planning Policy Framework

Saved Local Plan Policies:
S3: Green Belt
D6: Access and parking

Core Strategy:
CS5: Countryside and Green Belt
CS6: Sustainable Design and Development Principles
CS17: Environmental Networks

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. 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.



Committee and date
 South Planning Committee
 1 April 2014

Item
10
 Public

Development Management Report

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

Summary of Application

Application Number: 14/00199/FUL	Parish:	Bridgnorth Town Council
Proposal: Formation of additional parking bays (from 6 to 19) to include bollard security and landscaping		
Site Address: Land at Woodberry Close Bridgnorth Shropshire WV16 4PT		
Applicant: Shropshire Council		
Case Officer: Sara Jones	email: planningdmse@shropshire.gov.uk	

Grid Ref: 370761 - 293488

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application involves alterations to the existing communal parking spaces increasing the existing parking spaces for local residents from 6 to 19 spaces and includes the installation of bollard security to stop vehicular encroachment onto the existing large grassed verge. The scheme includes additional soft landscaping to address the corner of the grassed area.
- 1.2 It is noted that the proposed to include a collapsible bollard system to allow grounds maintenance vehicles access to the area.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site refers to a large area of grass located within an established residential estate in Bridgnorth.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the Council Constitution applications made by the Council or in relation to land owned by the Council which are not in-line with statutory functions shall be determined by the relevant committee.

4.0 Community Representations

- Consultee Comments

- 4.1 Bridgnorth Town Council – Recommend refusal. Access should be improved to the properties on the other side of the road and the green area retained.
- 4.2 SC Highways – No objection – represents a highways benefit as it reduces the obstruction of the highway and improves access for all highway users, particularly emergency vehicles into all parts of this cul-de-sac.
- 4.3 SC Drainage – Recommends details of “grasscrete” should be identified on submitted drawing.

- Public Comments

- 4.4 Site notice displayed/dated 28.01.2014. Expired 18.02.2014. Eighteen letters sent 22.01.2014. Expired 12.02.2014.
- 4.5 Four representations received objecting on the following grounds:

-Block access to existing drives - Access to drives on Woodberry Close is historical, therefore surely to deny access to these drives goes against our residents rights?

-Woodberry Close is a cut through from one estate to another and of recent times there have been criminal activity. Extension of communal parking would make those who would be denied vehicular access would be made more vulnerable to crime.

-People using the proposed car parking spaces would have to cross a road in order to access the public footpath.

-Inadequate lighting in the area.

-If there are inadequate parking spaces on Woodberry Close, this will cause conflict within the estate. Leading to neighbours falling out over parking spaces, putting neighbour against neighbour and even family against family.

-The proposed plans are causing anxiety amongst the local people, particularly as they are contrary to what was discussed in the consultation last March.

-Occupier of No.7 Woodberry Close relies heavily on her disabled mother to provide childcare throughout the summer. If parking on her drive is denied, she would no longer be able to access this support.

-Sense of vulnerability as, as the proposal would mean that those denied use of their frontages to park would need to walk some 100 feet, in the dark to their front doors.

-The area needs to work for the people that access it as a productive and positive feature, creating a safe environment for all the residents in Woodberry Close.

-The safety and well being of all residents on Woodberry Close is paramount. Therefore the plans first proposed in March 2013 I feel would be a positive way forward. The drop-in session in March 2013 was welcomed and the suggested solution at that meeting was to both increase the number of communal parking bays whilst also providing suitable access (which would protect the grass verge) to the houses numbered 6-11. This seemed to be a workable solution that would greatly improve the situation for everyone involved by increasing parking and also keeping and preserving the grass verge. The current application is a very disappointing and pointless watered down version of the original suggestions presented at the consultation last March.

-There are to be houses built where there are currently garages in two separate areas on Woodberry Close. This will lead to not only more cars from the people whose garages are to be removed but also a significant increase in cars needing somewhere to park from the residents of the new houses.

-The current communal car park has 6 spaces which at the moment are always full in the evenings and at weekends. The proposed increase to 19 spaces, an increase of 13 spaces is completely inadequate, this would only be a workable solution if access to driveways at numbers 6-11 was also provided. If bollards are put up preventing access then an additional 8 spaces (at least) would be filled by those displaced from their own driveways. This would then leave 5 parking

spaces for not only the people whose garages have been taken away but also for the new residents in these houses yet to be built.

-Concern that the spaces would be wide enough to accommodate people with young children getting them and their car seats in and out of the car.

-The proposed use of concrete bollards will be an eyesore on Woodberry Close.

-Question the point in having a consultation if the wishes of the residents affected are to be cast aside. It is exactly this sort of occurrence that makes people less likely to engage with the Council in the future on any issue and provokes a complete lack of confidence and trust in the Council.

-Lead to an increase in car insurance for those losing their drives.

-Issues with refuse bin storage and collection blocking footpaths.

-Suggested solution would be to put in an access/feeder road directly in front of numbers 6, 7, 8, 9, 10 and 11 allowing the residents to utilise drives that are already built and that are currently helping to stop congestion in the close. As traffic would be for access to frontage only it could be built of the same construction material as proposed for the bays.

5.0 THE MAIN ISSUES

Principle of development
Visual impact and landscaping
Highway Safety

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy Policy CS6 seeks to ensure development is designed to a high quality using sustainable design principles. All new development should achieve applicable national standards; be in accessible locations and protect, restore, conserve and enhance the natural, built and historic environment and be appropriate in scale and design taking into account local character. New development should also contribute to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. This reflects the guidance set out in the National Planning Policy Framework which seeks to promote healthy, safe, inclusive communities.

6.1.2 It is noted that residents over time have created drives that would not have originally existed and have used the green to access the drives, without highway permissions or easements. This has caused and continues to cause damage to the grass and requires drivers to drive across pedestrian footways. In addition vehicles parking on the grassed also cause an obstruction and interfere with maintenance operations (grass cutting). In addition it is noted that there have been complaints to local ward Councillors over a period of time regarding the mud

caused by the vehicles covering both footways and carriageway causing health and safety concerns for users locally.

6.1.3 The proposal would increase the number of communal parking spaces available for all local residents from 6 to 19 spaces and as a consequence of the installation of bollard security stop vehicular encroachment onto the green space. Whilst it is acknowledged that the proposal would disadvantage the occupiers of those residents who have benefited from unauthorised access to the frontages of their properties the proposal would make a positive contribution to the overall residential amenity of the area by providing additional communal parking spaces available to all on a first come first served basis.

6.2 Visual Impact and Landscaping

6.2.1 As stated above this area of grass has suffered from extensive damage and problems with its maintenance as a consequence of the unauthorised vehicles driving across and parking on it. It is accepted that the introduction of the parking spaces would reduce the overall size of the grassed area but it is considered that the formal arrangement and restrictions on access would have an overall benefit to the visual amenity of the area. Concern has been expressed regarding the appearance of the bollards and in particular the use of concrete. This issue has been raised with the applicant and they have stated that the material used may be reviewed however given the challenging economic climate the costs of the project are a significant consideration. The detailed design of the bollards may be the subject of an appropriately worded condition; however it is considered that the use of concrete may not necessarily be inappropriate in the context of this location.

6.3 Highway Safety

6.3.1 The Highways Development Control Officer has been consulted and considers that the proposal would represent a highways benefit as it would reduce the obstruction of the highway and improve access for all highway users, particularly emergency vehicles into all parts of this cul-de-sac.

6.4 Other Issues Raised

6.4.1 As summarised above the proposal has generated a number of additional concerns. In particular concern has been expressed regarding the safety of people using the proposed car parking spaces having to cross a road in order to access the public footpath. With respect to this it is noted that the proposed parking bays would be situated along the same edge of the Green as the existing ones. Further Woodberry Close is a cul-de-sac within an established residential estate and, whilst planning permission has been granted for an additional four dwellings (with 8 on site parking spaces) on two existing garages courts, the traffic use in the area is not considered to be a significant risk to pedestrians using the parking bays, if exercising the normal duty of care for themselves.

6.4.2 In terms of refuse collection, bin collection and storage the applicant has confirmed that the refuse collectors would still be required to collect and return the wheeled bins to and from the curtilage of properties.

6.4.3 Concern has also been expressed that the submitted scheme is different to that which was discussed previously with residents. The applicant has clarified that the draft proposal to allow residents to access drives using a “grasscrete” material was put forward initially as an idea, however, cost projections were in excess of what was expected. Notwithstanding this, a financial contribution from ST&R housing for the works, aligned with a new increased housing build, dovetailed ideally into the aim of the proposal to return the space back to residents as amenity land. Project members also felt that by utilising this approach it would condone the use of green amenity grass for vehicular use and set a precedent for other areas with similar problems.

6.4.4 Turning to the concern that the spaces would be wide enough to accommodate people with young children getting them and their car seats in and out of the car. With respect to this the applicant has confirmed that it is envisaged that a number of the parking bays to the left of the footway will be left wider than the rest to assist child seat removal etc.

7.0 CONCLUSION

7.1 It is considered that the proposal would make a positive contribution to the overall residential and visual amenity of the area by providing additional communal parking spaces and protecting the amenity space from unauthorised access which serves to damage its surface. As such the proposal would meet the aims of Core Strategy Policy CS6.

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

Central Government Guidance:

NPPF: National Planning Policy Framework

Core Strategy:

CS6: Sustainable Design and Development Principles

CS17: Environmental Networks

CS18: Sustainable Water Management

RELEVANT PLANNING HISTORY:

None

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

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

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

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

3. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of landscaping in accordance with the approved designs and to protect the visual amenity of the area.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

Hard surfacing materials (Grasscrete or similar)

Planting plans

Written specifications (including cultivation and other operations associated with plant and grass establishment)

Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate

Implementation timetable

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

5. No development approved by this permission shall commence until details of the bollards, including material, design and finish, 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.

Informatives

1. POLICIES MATERIAL TO THE DETERMINATION OF THE APPLICATION:
In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
NPPF: National Planning Policy Framework

Core Strategy:
CS6: Sustainable Design and Development Principles
CS17: Environmental Networks
CS18: Sustainable Water Management

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. Any alterations to the highway kerbing or footway, required to facilitate vehicular access to the parking areas, shall not commence until the applicant has obtained a Highways Act, Section 184 licence issued by the Highway Authority to undertake the works. Details of how to obtain this licence, the fee charged and the specification for the works are available on the Councils web site.
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.

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<u>Committee and date</u>
South Planning Committee
1 April 2014

<u>Item</u>
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Public

Development Management Report

SCHEDULE OF APPEALS AND APPEAL DECISIONS

AS AT COMMITTEE 1st April 2014

LPA reference	13/04207/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	K Pemberton
Proposal	Erection of detached garage and store with ancillary accommodation above
Location	96 Damson Lane Weston Heath Shifnal TF11 8RU
Date of appeal	10/03/2014
Appeal method	Written Reps
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/00041/OUT
Appeal against	Non Determination
Committee or Del. Decision	N/A
Appellant	Taylor Wimpey UK Ltd
Proposal	Outline (access) application for residential development (up to 58 dwellings) with formation of access (from Jubilee Drive); formation of allotments; earthworks; balancing pond; site remediation; structural landscaping; car parking; and other ancillary works
Location	Land West Of Jubilee Drive Highley Shropshire
Date of appeal	28/10/2013
Appeal method	Public Enquiry
Date site visit	N/A
Date of appeal decision	06.03.14
Costs awarded	
Appeal decision	Withdrawn

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Customer Services: 0303 444 5000
e-mail: robert.cook@pins.gsi.gov.uk

Claire Richardson (Oswestry)
Shropshire Council
North Team
Castle View
Oswestry
Shropshire
SY11 1JR

Your Ref: 13/00041/OUT
Our Ref: APP/L3245/A/13/2206364
Date: 6 March 2014

Dear Ms Richardson

Town and Country Planning Act 1990
Appeal by Taylor Wimpey UK Ltd
Site at Land West Of Jubilee Drive, Highley

The inquiry arranged for 8 April 2014 has been cancelled because the appeal APP/L3245/A/13/2206364 has been withdrawn.

Please tell anyone you informed of the arrangements about the cancellation. I recommend that a notice of the cancellation is displayed at the inquiry venue. If you have displayed a notice of the arrangements at the appeal site, please overwrite the notice.

Yours sincerely

Robert Cook

Robert Cook

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You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

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