

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

Date: Monday, 8 June 2015

Committee:
South Planning Committee

Date: Tuesday, 16 June 2015
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

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

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

Members of the Committee

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

Substitute Members of the Committee

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

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 - 10)

To confirm the minutes of the South Planning Committee meetings held on 14 May 2015 and 19 May 2015.

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 Royal George, High Street, Shifnal, Shropshire, TF11 8BL (15/00321/FUL) (Pages 11 - 22)

Extension and alterations to existing public house to facilitate conversion to Class A1 convenience store with ATM and associated servicing, refuse, plant and parking areas.

6 Proposed Residential Development East of Church Road, Alveley, Shropshire, WV15 6NP (15/00535/FUL) (Pages 23 - 42)

Erection of three affordable dwellings to include formation of new access (amended description).

7 Land at Whitton, Caynham, Shropshire (15/01238/FUL) (Pages 43 - 78)

Erection of ground mounted solar farm along with associated infrastructure, landscaping and ancillary structures on agricultural land.

8 Schedule of Appeals and Appeal Decisions (Pages 79 - 80)

9 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, 14 July 2015, in the Shrewsbury Room, Shirehall.



<u>Committee and Date</u>
South Planning Committee
16 June 2015

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 14 May 2015 in the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

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

Present

Councillors Andy Boddington, David Evans, Nigel Hartin, Richard Huffer, John Hurst-Knight, Madge Shingleton, Robert Tindall, David Turner, Stuart West and Tina Woodward

1 Election of Chairman

RESOLVED: That Councillor David Evans be elected Chairman for the ensuing municipal year.

2 Apologies

An apology for absence was received from Councillor Cecilia Motley.

3 Appointment of Vice-Chairman

RESOLVED: That Councillor Stuart West be appointed Vice Chairman for the ensuing municipal year.

4 Date of the Next Meeting

RESOLVED: That it be noted that the next meeting of the South Planning Committee be held at 2.00 pm on Tuesday, 19 May 2015 in the Shrewsbury Room, Shirehall, Shrewsbury.

Signed (Chairman)

Date:

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Committee and Date

South Planning Committee

16 June 2015

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 19 May 2015

2.00 - 5.01 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

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

Present

Councillor David Evans (Chairman)

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

5 Apologies for Absence

There were no apologies for absence.

6 Minutes

RESOLVED:

That the Minutes of the South Planning Committee held on 10 March 2015, be approved as a correct record and signed by the Chairman.

7 Public Question Time

There were no public questions.

8 Disclosable Pecuniary Interests

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

With reference to planning application 14/01874/FUL, Councillor John Hurst-Knight declared that some of the speakers were known to him and he would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 15/00371/FUL, Councillor David Turner declared that he was acquainted with one of the Directors of this company and he would leave the room and take no part in the consideration of, or voting on, this application.

9 **Brian Mear (Bricks) Ltd, Former Burway Abattoir, Bromfield Road, Ludlow, Shropshire, SY8 1DN (14/00563/FUL)**

With reference to Minute No. 133, the Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, proposed pedestrian improvements, layout and landscape plan. He confirmed that Members had undertaken a site visit on a previous occasion and had viewed the site and assessed the impact of the proposal on the surrounding area.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Andy Boddington, as local Ward Councillor, made a statement and then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He supported the revised scheme and welcomed the proposed pedestrian improvements; and
- He welcomed 24 hour opening for the petrol station and store but expressed the view that alcohol sales should be restricted and controlled by licence.

In the ensuing debate, Members considered the submitted plans and, in particular, noted the additional condition set out in Appendix 1 to the report, which would prohibit non-fuel sales between 24:00 hrs and 06:00 hrs and would require a monitoring and mitigation scheme to be submitted to and approved by the Local Planning Authority should the applicant wish to vary these times.

RESOLVED:

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

- The conditions set out in Appendix 1 of Annex 1;
- The additional condition set out in Appendix 1; and
- A Section 106 Legal Agreement to deliver off-site pedestrian improvement works.

10 **Grindle House, Grindle, Shifnal, TF11 9JR (14/01874/FUL)**

In accordance with his declaration at Minute No. 8, Councillor John Hurst-Knight left the room during consideration of this item.

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

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from neighbours.

Mrs B Henley, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr M Dady, representing Ryton and Grindle Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr P Jones, representing Kemberton Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Ms E Atwood, representing Sutton Maddock Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr G Manton, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members, Mr Manton provided clarification on the ownership and the present and future management of the site.

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

- There had been many objections to this retrospective application;
- Would be contrary to the National Planning Policy Framework (NPPF);
- There were currently 30 informal passing places on the route to the site from the B4379 compared to the five passing places now being proposed;
- B8 usage on this site would not be appropriate; and
- The large vehicles using the lanes made it impossible for walkers and horse-riders to coexist harmoniously.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. In response to questions from Members, the Technical Specialist Planning Officer drew Members' attention to the S106 Legal Agreement which would be enforceable if breached and advised that Apley Estates would have full control over the future occupation of the site. The Solicitor explained that as Highways had raised no objections there would be a risk of costs on appeal.

RESOLVED:

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

- The application site is not an acceptable location for a Class B8 Storage or Distribution use of the scale in operation, by reason of the long, narrow, single track routes, with tight bends and junctions, to/from the Class A and Class B road network which are unsuitable for use by large articulated heavy goods vehicle movements generated by the use. It is considered that the resulting

conflict between heavy goods vehicle movements and other road users would not be overcome by the proposed provision of passing places and a traffic routing agreement. The local road network and access to the site is not capable of safely accommodating the type and scale of traffic generated and the resulting adverse impacts upon highway safety are considered to be severe, contrary to Shropshire Core Strategy policy CS6 which seeks to secure safe developments, to saved Bridgnorth District Local Plan policy D6 and paragraph 32 of the National Planning Policy Framework. There are no other material considerations of sufficient weight to outweigh this harm.

11 Hazeck, The Mines, Benthall, Broseley, TF12 5QY (14/05212/FUL)

The Principal Planner introduced the application and with reference to the drawings and photomontage displayed, he drew Members' attention to the location, layout, elevations and previously refused plans.

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from neighbours and Barrow Parish Council.

Mrs E Morgillo, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr M Harris, the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees. In response to questions from Members, he explained that plans had been submitted in accordance with local policies.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Turner, as local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He reminded the meeting that this was one of four planning applications outstanding on this property and one of nine applications submitted in the last twenty months and expressed sympathy with the owners of neighbouring properties. He drew the meeting's attention to the refusal reasons for a previously refused application on this site;
- He spoke on behalf of Barrow Parish Council and reiterated their objections (as set out in the Schedule of Additional Letters);
- The proposal would not contribute positively to making the place better for people, reflect the local character, history and the identity of the local surroundings and materials and promote or reinforce local distinctiveness so would be contrary to paragraphs 56, 58 and 60 of the NPPF; and
- Would be contrary to paragraph DS2 of the adopted Broseley Town Plan.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members held mixed views and some considered that the proposal would have a detrimental impact on the character and appearance of the surrounding Conservation Area and should be refused. In response to concerns and questions from Members, the Principal Planner provided clarification on what elements fell within the remit of this planning application and what could be built under previous permissions.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report.

(At this juncture, the meeting adjourned at 3.44 pm and reconvened at 3.49 pm.)

12 Development Land West of Coppice Green Lane, Shifnal, Shropshire (15/00089/REM)

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from Shropshire Council's Highways Development Control.

Councillor Stuart West, as an adjoining local Ward Councillor, made a statement and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He supported the proposal; and
- To avoid further congestion in the town he recommended that a construction traffic route be agreed prior to any development.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members supported the proposal and noted that a Construction Management Plan would be submitted prior to the commencement of any works and the S106 would ensure the future maintenance of the open space. In order to address any concerns regarding flooding, a Member encouraged the use of permeable materials.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report.

(At this juncture, Councillor Stuart West left the meeting and did not return.)

13 **Bridgnorth Aluminium Ltd, Factory And Premises, Stourbridge Road, Bridgnorth, Shropshire, WV15 6AU (15/00371/FUL)**

In accordance with his declaration at Minute No. 8, Councillor David Turner left the room during consideration of this item.

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from Bridgnorth Town Council.

Members considered the submitted plans and unanimously supported the proposal, subject to the exhaust stack being painted in an appropriate colour.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report.

14 **Proposed Development Land West of Watling Street, Craven Arms, Shropshire (15/01054/REM)**

By virtue of the Chairman being the local Ward Councillor and in the absence of the Vice Chairman, it was **RESOLVED:** That Councillor David Turner be elected Chairman for this item.

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

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from the agent. Members noted that the schedule should refer to Plot No. 13 and not 3 as stated.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor David Evans, as local Ward Councillor, made a statement in support and then left the room, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- Given the locality and proximity to the setting of Stokesay Castle and the Area of Outstanding Natural Beauty boundary, he requested that the applicant work

with the local people to ensure agreement to an appropriate landscaping scheme.

Mr M Trafford, representing Sibdon Carwood Parish Meeting, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

Mr S Thomas, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Some Members expressed disappointment with regard to the design and size of the dwellings; welcomed the affordable dwellings; and requested that consideration be given to appropriate landscaping.

RESOLVED:

That, as per the Officer's recommendation, planning permission be granted, subject to the conditions as set out in Appendix 1 to the report.

(The Chairman returned to the meeting and resumed the chair.)

15 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 19 May 2015 be noted.

16 Date of the Next Meeting

RESOLVED:

That it be noted that the next meeting of the South Planning Committee would be held at 2.00 p.m. on Tuesday, 16 June 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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Committee and date

South Planning Committee

16 June 2015

Development Management Report

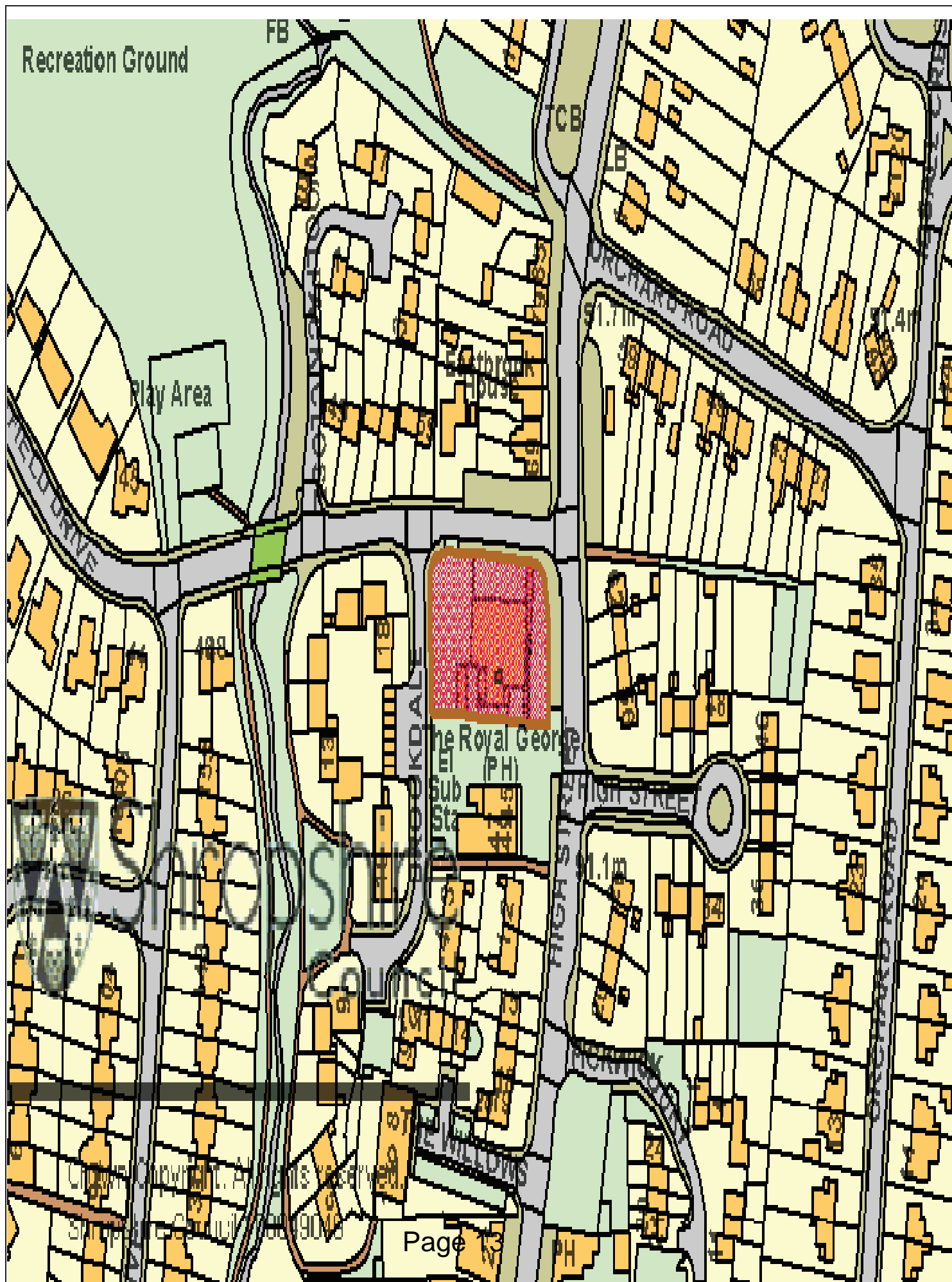
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 15/00321/FUL	<u>Parish:</u>	Shifnal
<u>Proposal:</u> Extension and alterations to existing public house to facilitate conversion to Class A1 convenience store with ATM and associated servicing, refuse, plant and parking areas		
<u>Site Address:</u> Royal George High Street Shifnal Shropshire TF11 8BL		
<u>Applicant:</u> New River Retail Property Unit Trust No.4		
<u>Case Officer:</u> Thomas Cannaby	<u>email:</u> planningdmse@shropshire.gov.uk	

Grid Ref: 374907 - 308303



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

- 1.1 The proposal is for the erection of an extension to the public house building to facilitate its conversion to Class A1 convenience store, including ATM and parking areas.
- 1.2 The change of use of a public house to retail is not what is being applied for, as this falls within permitted development rights, albeit these have been recently amended so that anyone wanting to change the use of a public house to another use cannot do so if the building is on the register of community assets, or been nominated to that register. In this case the Royal George is not a registered community asset, and has not at this time been nominated as such.
- 1.3 The application is for the demolition and reconstruction of 70sq.m of existing floor space and the construction of a 24sq.m extension to “square off” the currently L-shaped single storey section of the building. The new frontage will include a glazed shop front and new entrance, with the existing entrances to the public house being closed off.
- 1.4 As part of the development, but not requiring consent, the timber decking and seating area will be removed and the line of bollards across the car park removed to allow greater circulation of vehicles.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Royal George Public House is a detached building situated within a corner plot with the High, Street, Wheatfield Drive, and Brookdale. The building is set back from the road at the front by a grassed beer garden, which runs alongside the High Street. A car park runs along the rear of the site, with the area predominately residential properties, with a small number of commercial and retail units in the vicinity.
- 2.2 The application documents state that the application is part of the Co-op’s intention is to close the existing store adjacent to the application site and relocate the store to the converted Royal George, with the new location allowing for a more extensive range of goods to be sold. The application documents state the extension is “desirable but not essential” to the retail use of this premises.

3.0 REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION

- 3.1 This application is referred to Committee for determination as the Town Council has expressed a view contrary to the Officer recommendation that permission be granted, and following discussions between the Case officer and the Chair of the

Committee the application is referred to Committee for determination in accordance with the Council's adopted scheme of delegation.

4.0 Community Representations

- Consultee Comments

Shifnal Town Council – Objects

1. The plans detailed by New River for the development are based on an 18 foot fixed base lorry. However, articulated delivery lorries are currently seen at least twice a day at the current Coop store.
2. A written petition by local residents was received by Shifnal Town Council at the Full Council meeting on 19.2.15 with currently 152 names on it.
3. With the proposed housing development at Haughton Road, there will be an increase in vehicles using the High Street, thus resulting in potential traffic problems.
4. The Royal George is used as a community facility including the local football team and darts team.
5. The Royal George is the only public house in Shifnal that has specified wheelchair access.

SC Drainage – No objections.

SC Conservation – No comments to make on application.

SC Archaeology – No comments.

SC Highways – No objections subject to conditions.

- Public Comments

The comments received are summarised below and the full text of the comments may be read on the Council's web site.

20 Objections

- ☒ No requirement for another convenience store
- ☒ Would negatively impact on existing retail in the town
- ☒ If new supermarket in town, should not be another coop.
- ☒ Loss of community pub
- ☒ Inappropriate design
- ☒ Insufficient parking
- ☒ Negative impact of traffic in area
- ☒ Loss of pub with disabled access
- ☒ Disturbance to nearby properties from in house bakery and long opening hours

8 Support comments:

- ☒ Enough pubs in Shifnal
- ☒ Another store would be more convenient to many people in this location
- ☒ Store accessible by pedestrians from surrounding residential areas
- ☒ New housing developments in area create need for another store
- ☒ Larger store will create new jobs
- ☒ Building already has dedicated car parking

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Highway Issues

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The application is for the extension to the building and associated works, and not the change of use from a public house (A4) to retail store (A1) which is dealt with under a separate procedure under the General Permitted Development Order (2015). Therefore, whilst a number of objection comments, and comments of the Town Council relate to issues regarding the change of use of the public house to a convenience store and the implications and impacts of this, such as on the highway network and loss of community facilities, unless these issues can be directly related to the building works applied for under this application (rebuild of 70sq.m and a 24sq.m extension), these issues are not material to the application under consideration.

6.1.2 In terms of the principle of the application, the erection of extensions to commercial properties is generally accepted by the Council's adopted policies, subject to appropriate design and being in keeping with the character and appearance of the area as set out in Core Strategy Policy CS6. The principle of an extension to a commercial unit can legitimately raise issues such as impact on highway safety, neighbour amenity, etc if these can be directly related back to the additional impacts arising from the extension and increase in operational activity as a result of this. In this case, the actual extension to the building is 24sq.m in scale, which is a relatively minor increase in floor area, and it is not considered that such a modest extension can reasonably be considered to result in an increase in activity at the site that would be so significant so as to warrant refusal of the application.

6.2 Siting, scale and design of structure

6.2.1 The extension proposed is a relatively minor addition to the property in terms of increase in floor area. The proposal would replace the existing single storey sections with a new extension, with a modern shop front appearance, with large glazed sections. The site is not located within a conservation area, and is not a listed building. The resultant extension would have a uniform roof height to replace the staggered height of the existing single storey sections, and a cohesive appearance across the extension which provides a more uniform appearance than the present extensions. In the context of the site the proposed extensions are not considered to detract from the appearance of the property, they replace existing extensions and make minimal alterations to the main building of the Royal George.

The extensions are located away from any residential properties, facing onto the high street and side onto the car park area, and so would not have a direct impact on the amenities of any residential properties.

6.3 Highways issues

6.3.1 The Royal George Public House is currently 520.2sq metre, net gross floor area (GFA) with a permitted Class A4 usage. Under permitted development rights, a change of use to A1 (Retail) classification is permitted without the requirement for

planning permission. The application under consideration therefore is for additional 24sq metres of floor space to provide an extension to the existing public house building, in order to facilitate the change of use to A1 to provide total 544.2sq metres. It is worth noting that the above mentioned GFA are higher than figures used within the submitted Transport Statement, which assumes a GFA of 320sq metres with a proposed total GFA of 331sq metres. This is assumed to be incorrect, for the purpose of this analysis.

6.3.2 The Council's highways officers have considered the application and have made the following comments with regards to the proposed development:

Access

As outlined within the submitted Transport Statement, it is proposed that the existing access off the B4379 and Wheatfield Drive are used for deliveries, and visibility requirements are in accordance with appropriate design criteria set out in the Department for Transport, Manual for Streets. It is noted that the proposed access to the site off the B4379 is outside the site boundary; however it is assumed that a right of access is permitted and will be retained for the duration of the development.

Impact on the surrounding road network

The submitted Transport Statement provides an indication of likely trip values for a GFA of 350sq. m. However, as outlined within the submitted Transport Statement, the proposed change of use is permitted under the Town and Country Planning Act and in view of the proposed scale of the development under consideration and the impact is considered minimal. In addition, it is also noted that the existing food store located adjacent to the site has operated for a number of years and will be closing and relocated to the proposed site.

Parking

The submitted application form indicates that the existing level of parking is 37 spaces; with 3 disabled parking spaces, it is assumed that this includes parking outside of the site boundary. Section 3.6 of the submitted Transport Statement calculates the proposed level of parking based on the GFA 331sq.m of 17 spaces. Based on the GFA of 544sq.m the recommended level of parking should be 27 spaces, it is therefore considered that the level of parking needs to be increased.

Disabled Parking

The level of proposed Disabled parking is also incorrect. Section 3.6.3 states that the standards identify for car parks used for shopping and with up to 200 bays a provision of 3 bays or 6% of the total capacity, whichever is greater. Therefore it is considered that 3 disabled parking bays should be provided, not the proposed one space.

Deliveries

Swept path analysis has been submitted to demonstrate that service vehicles will enter and exit the site in a forward gear. Due to the existing use of the site, and existing food store to be relocated, it is assumed that a

number of deliveries are already made to the site.

As outlined above, it is noted that the proposed access to the site is outside the site boundary; but it is assumed that a right of access is permitted and will be retained for the duration of the development

6.3.3 The National Planning Policy Framework (NPPF) considers the acceptability of developments in terms of highway and transport matters. Paragraph 32 states that; *'All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *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'.*

6.3.4 The Council's highways officers consider that in terms of the proposed additional GFA, in comparison to the permitted development of the existing site, it is considered that the proposed extension will not result in a significant amount of traffic movement. However, whilst the recommended parking standards are maximum standards it is recommended that the number of allocated parking spaces are increased to take into account the proposed GFA.

6.3.5 It is recommended that should permission be granted, conditions requiring the submission and approval of car parking details and on site construction methods are attached to any decision notice in order to ensure that an adequate parking scheme is provided and that construction and development on the site does not have an adverse impact on the amenities of the area.

7.0 CONCLUSION

7.1 The change of use of the building, and the loss of the public house and any impacts and implications of this are not the subject of this application, as these matters are dealt with under a separate procedure under the Town and Country Planning (General permitted development) Order 2015. The only considerations that can be taken into account are those that relate directly to this application which consists of the replacement of 70sq.m of existing single storey extensions and the erection of a 24sq.m extension to the front of the property.

7.2 The extension is a relatively minor addition to the dwelling, which would result in a more cohesive appearance across the frontage of the property onto the High Street and which would not detract from the character or appearance of the area. And given its location and single storey nature, would not have a detrimental impact on the amenities of any nearby residential properties. As such is it considered that the application accords with the requirements of Policy CS6 of the Shropshire Core

Strategy and it is recommended the committee permit the application on this basis.

7.3 As the application relates solely to the extensions any conditions would only apply to these sections of the building, and so it is not considered reasonable to attach conditions limiting the use or operation of this small section of the building which would not apply to the property as a whole. Suggested conditions are therefore limited to approval of materials to ensure a satisfactory appearance of the property, along with conditions to ensure adequate parking is provided and to limit the impact of disturbance resulting from the development to nearby residential properties. Any signage proposed would require a separate application for advertisement consent if it exceeds the limitations for deemed consent set out in the Town and Country Planning (Control of Advertisements)(England) Regulations 2007, as amended.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Policies material to the determination of this application:

National Planning Policies:

- National Planning Policy Framework
- National Planning Practice Guidance

Shropshire Core Strategy:

- CS6 Sustainable Design and Development Principles
- CS8 Facilities, Services and Infrastructure Provision

RELEVANT PLANNING HISTORY:

BR/APP/FUL/09/0022 Erection of outside drinking and smoking shelter GRANT 25th February 2009

BR/APP/FUL/07/0969 Retention of outside drinking area and smoking shelter REFUSE 25th January 2008

BR/APP/ADV/03/0011 Retention of non-illuminated and externally illuminated signs GRANT 4th March 2003

BR/APP/FUL/02/0628 Erection of single storey extension and new doors GRANT 13th September 2002

BR/97/0075 CONSTRUCTION OF A PLAY AREA SURROUNDED BY A 1.8M HIGH FENCE REF 27th March 1997

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

Planning Statement

Transport Assessment
Cabinet Member (Portfolio Holder) - Cllr M. Price
Local Member - Cllr Kevin Turley
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. Before the construction of any above ground works, all details of all external materials, including hard surfacing, shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. No development shall take place until details for the parking of vehicles have been submitted to and approved by the Local Planning Authority. The approved scheme shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

5. 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:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities

- measures to control the emission of dust and dirt during construction 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

Informatives

1. 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.
2. Policies material to the determination of this application:
National Planning Policies:
NPPF, NPPG

Shropshire Core Strategy:
CS6, CS8
3. The applicant should consider employing measures such as the following:
Surface water soakaways (Designed to BRE Digest 365)
Water Butts
Rainwater harvesting system
Permeable surfacing on any new driveway, parking area/ 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.
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.



Committee and date

South Planning Committee

16 June 2015

Development Management Report

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

Summary of Application

Application Number: 15/00535/FUL	Parish:	Alveley And Romsley
Proposal: Erection of three affordable dwellings to include formation of new access (amended description).		
Site Address: Proposed Residential Development East Of Church Road Alveley Shropshire WV15 6NP		
Applicant: Mr Jason O'Donoghue		
Case Officer: Sara Jones		email: planningdmse@shropshire.gov.uk

Grid Ref: 376139 - 284301

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

- 1.1 The proposal originally involved the erection of 3 No. two storey houses, one open market house and two affordable houses for rent. During the course of the application however the proposal has been amended to involve the erection of three affordable dwellings.
- 1.2 The mix of housing has been identified using Shropshire Home Point and are houses with private gardens.
- 1.3 The housing type and need has been established by Shropshire Town & Rural Housing using Shropshire Home Point. This shows that while there is also a need for 1 bed units none of these live locally however half of those requiring 2 bed units do live locally. The need for affordable housing has increased substantially in the last 6 months.
- 1.4 The proposed dwellings would be arranged in a terrace of three stepping down the slope in a similar fashion to the surrounding development. They are proposed to front onto an access road off Church Road and have been designed to sit back from the pavement to facilitate off street parking (two spaces per dwelling) to the front of the dwellings.
- 1.5 Each dwelling has its own rear garden access and the scheme includes the erection of a 1.8 metre high boarded fence around the site and between the proposed dwellings. Where as a consequence of the ground levels small areas of retaining walls are required these are proposed to be faced in brick. The rear gardens would be some 10 – 11 metres in depth and would vary in width the narrowest being some 4.5 metres. The smallest garden would therefore have an area of some 49.5 square metres. Bin storage areas for each property have been shown on the amended scheme to be positioned to the rear of the gardens access to which for the collection vehicles would be via the cul-de-sac off Chapel Lane.
- 1.6 The dwellings have been designed to include a pitched gabled roof design and simple fenestration (large paned, casement windows), the main window walls being to the front and rear elevations. The amended scheme proposes the use of white Upvc window frames, through colour render (cream) for the walls of the middle dwelling and the walls of the dwellings either side are proposed to be faced in red brick which would distinguish the properties. The front doors are proposed to be made of coloured GRP composite (glass reinforced plastic). The roofs of the dwellings are proposed to be tiled with fibre cement slates.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site refers to a grassed area of approximately 682 square metres in area located behind existing housing. The application site is currently a grassed area

behind the existing housing development. It appears that when the original planning permission was granted (69/2541 Nov. 1969) this area was envisaged as a play area although no play equipment has been installed. The surrounding area is predominantly characterised by two storey housing. The housing immediately adjacent is family housing with gardens, and to the north west by older person's bungalows.

2.2 The access to the site is from Church Road via a driveway which currently serves an area used for informal parking and an electricity sub-station. The site may also be accessed on foot from Arden Way and Chapel Road.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposed development does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to land owned by the Council.

4.0 Community Representations

- Consultee Comments

Alveley Parish Council – Objects for the following reasons:

The site is the only green area at the top end of the village available for younger children to play on and this amenity should not be lost.

The road leading from Church road is too narrow and steep for cars to move in and out safely.

The proposed density of the housing is too great.

The design of the houses in terms of their exterior appearance is poor and is not appropriate in the location given the style of the surrounding houses and bungalows.

There do not appear to be any particular energy reducing features.

Alveley Parish Council – Notified amendments. Comments awaited.

SC Affordable Housing - As this site is providing 2 affordable homes on this this is an over provision in this area. The size and type of the affordable housing has been agreed and will meet the identified need in the area.

Re- consulted – Confirmation that there is a need for 2 bed houses for rent in the area but would be content with either 3 for rent or 2 for rent and 1 low cost home ownership.

SC Ecology – Recommend informative.

SC Drainage – Concern that the surface water from the proposed development would be disposed of directly to a main sewer as it can result in increased flood risk

elsewhere.

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 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. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval.

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

If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

A plan should be submitted for approval showing exceedance flow routes to ensure that the design has fulfilled the requirements of Shropshire Councils Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12, where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site.

If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway.

Consent is required from the service provider to connect into the foul main sewer.

SC Highways – No objection recommend condition.

SC Parks & Recreation – Given the need for safe open spaces for recreation for the community and especially local children the loss of this space is not supported.

SC Public Protection – No objection - Confirm that contaminated land conditions will not be required should this application be approved.

- Public Comments

Site notice displayed/dated 06.03.2015. Expired 27.03.2015. Eleven letters sent 24.02.2015. Expired 17.03.2015. Additional letter sent 26.02.2015. Expired 19.03.2015.

Nine representations and a petition signed by 39 local residents received objecting to the application which may be summarised as follows:

Inappropriate location – detrimental impact on the character of the area

Loss of rural view

Loss of safe place for children to play - This small area of green land is an excellent community space for the elderly who are less mobile and for local children to play away from main roads, one of which is an arterial bus route.

The recreational area at the other end of the village is too far and too dangerous for children to travel to without an adult. It allows the children to socialise and exercise together in a safe area where parents can keep a close eye on them.

The children play on the green [years ago the council had plans for play equipment on this land] Children make their own games and activities.

This will also adversely affect the health and mental wellbeing of the surrounding elderly residents; of which there are many.

Elderly residents are less likely to be able to object these plans due to representations having had to be made either personally at meetings (many are unable to leave their houses without assistance) or online (the majority are without internet facilities).

All new builds all over the country incorporate safe green areas for children to play . With the proposed building of these dwellings this would be the exact opposite taking away the only safe area for young children to play.

Additional vehicles and loss of existing parking facilities will exacerbate existing parking problems in the area. Parking in the area is already difficult due to many residents not being able to use their steep drives.

The road is not wide enough and traffic flow is not wide enough to accommodate two cars passing one another and will lead to noise pollution and parking issues.

Going to use the un named road between Arden Way and Church Road as a service road for the new build properties bins. Road has never been used by HGV for services so why are you trying to start now? This is a cul-de-sac and is not suitable.

A small development such as this incurs maximum cost to build and, a build of 10 properties or more will be much more cost effective and then may fall into affordable housing.

There will also be building noise and pollution with this development.

The area would become over populated and would slowly become an urban area instead of a rural village.

We believe that the welfare and health of the community is not being considered in this application as opposed to financial gain.

All applications should have government crime prevention advice to new developments and, after looking at the plans this I feel has not been done satisfactory

1) Rear of the properties need to have at least 10 foot steel lockable gate to prevent undesirables loitering.

2) Perimeter fences need to be minimum of 10 foot for privacy and to prevent the scaling of them

3) Unit 1 & 3 require fencing at the side and front elevation all to be gated and locked

The properties need the above to be done so it is not a rat run where undesirables could escape from police etc.

There are far better areas for the building of properties and I believe that the parish council have all ready recommended at least 10 sites that they feel are suitable for building on.

Layout is poor, design bears no resemblance to any other property in the whole of Alveley.

Totally against the plaster rendering and split roof line, and positioning facing north.

If built , should be all brick and straight roof line, for Alveley people only.

No environmental benefits.

Sam/Dev Plan shows 5.43 years supply for Shropshire, so why do we need these tatty boxes?

Recycling bins: no way can the refuse lorry reach this area. Occupants will have to be strong to drag their bins to Church Road for collection or down to Arden Way and back again. In the meantime, if they are out for any length of time the bins will cause a hazard.

The doctor's surgery is already over-subscribed and cannot cope with anymore patients. The possible loss of the village post office in the near future is a further problem.

Water pressure is regularly poor. The sewage system was never designed for the number of houses it has to cope with, any more added to the present system will cause complicated expensive problems.

The manner in which this submission is being dealt with is discriminative against persons whom do not have internet facilities or are not computer literate. This is clearly an equality and diversity issue when considering the average age of the residents surrounding this site of whom it will effect. I am confident that should a council representative seek a moment with each resident the answer would be a strong objection to the proposed plans.

The local community have not been considered within these planning proposals.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The area east of the River Severn lies in the Green Belt, in which Core Strategy policy CS5, Saved Bridgnorth District Local Plan policy S3 and emerging SAMDev policy MD6 applies. The exceptions are the villages of Claverley, Alveley and Worfield which are inset (i.e. not included) in the Green Belt, and are treated as countryside in which Core Strategy policy CS5, Saved Bridgnorth District Local Plan policy H4 and emerging SAMDev policy MD7 applies. Under Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions (of Heritage assets) and housing for essential rural workers will be permitted.

6.1.2 The Parish Council as part of the Place Plan (Bridgnorth) has identified a need for affordable housing including:

- Smaller bungalows,
- 3 bedroom family homes
- 2 bedroom initial/starter homes to be rented/shared ownership/for sale.
- Warden aided accommodation for the elderly.

Further with respect to the Parish Councils representation to the SAMDev they have stated that residential development shall be infill within the development area.

6.1.3 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.4 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable

sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

- 6.1.5 As stated above this site is identified as being treated as countryside. As such any new housing development in the area would be strictly controlled as defined in policy CS5 of the Shropshire Core Strategy. Therefore on the basis of the above the construction of affordable dwellings within the village boundary which is accepted as a sustainable location would be considered acceptable. It is considered that unlike rural exception sites the development does not need to demonstrate the need and benefit for the development proposed and acknowledged that there is clear evidence of high levels of need for affordable housing throughout Shropshire.
- 6.1.6 Core Strategy policy CS6 "Sustainable Design and Development Principles" seeks to ensure that all development protects those features which contribute to local character and the health and well being of communities. Further proposals resulting in the loss of existing facilities, services or amenities is also resisted. The NPPF also confirms that Local Planning authorities should guard against the unnecessary loss of valued facilities and that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.1.7 Concern has been expressed about the loss of the "green space" at this end of the village. The importance of well designed open space is acknowledged as it delivers a number of social benefits, including improved health and wellbeing, as well as providing environmental benefits.
- 6.1.8 With respect to this case it is accepted that the grassed area would appear to have been used as an informal recreation area. It is however a relatively small un - equipped play area and which does not add significantly to the visual amenity of the area. The site is adjoined largely by existing housing which has private gardens and the area is not well surveilled as it is situated to the rear of the surrounding properties whose private gardens lie between them and the site. Further it is noted that there is a landscaped play area some 800 metres to the north and access to the Severn Valley Country Park approximately 0.5 miles from the site and also other green spaces in the vicinity of the site at the northern end of the existing development.

- 6.1.9 In response to the concerns raised, the applicants have drawn attention to an existing area of open space that will remain (end of Arden Way towards Chapel Road) which has better surveillance.
- 6.1.10 Given the above Members need to consider whether the loss of this informal recreation/open space area is outweighed by the benefits to the local supply of affordable housing.
- 6.2 Siting, scale and design of structure/visual amenity
- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.2.2 The area is generally characterised by conventional two storey dwellings and single storey bungalows to the north west. The predominant material is brick, although this is supplemented with areas of UPVC cladding and the older properties to the west of the site are a variety of local stone, brick and render. Roof materials are generally interlocking concrete tiles of a variety of patterns, consisting of dark browns and greys but again the older properties have more variety including rose tiles and slate roofing. The window pattern is generally simple, large paned, casement windows, mostly white UPVC.
- 6.2.3 The site slopes gently down towards the east. The dwellings are proposed to be arranged in a terrace which would reflect the similar arrangement of properties in the vicinity and ensures that the existing parking area which lies opposite the site would be unaffected by the development.
- 6.2.4 Originally the scheme proposed only the middle dwelling having a brick finish, the properties either side being faced with a cream through coloured render. Subsequently the scheme has been amended with two out of the three dwellings having a facing brick finish and the middle unit being rendered in order to visually break up the terrace. The roofs are proposed be tiled with fibre cement slates which it is considered would be more representative of the traditional roof treatments of the area.
- 6.2.5 In terms of boundary treatments it is noted that 1.8m close boarded fences are proposed to be erected around the site and between the units. Where small areas of retaining wall are required these are proposed to be faced in a red brick. These treatments would not be out of keeping with the surrounding properties.
- 6.2.6 New residential development should provide for adequate space between dwellings relative to their scale and achieve a satisfactory relationship to existing development.

- 6.2.7 The submitted drawings indicate that the proposed dwellings would be positioned set back from the pavement to allow off street parking with some planting and bin stores where required. The properties have been designed so that the main window walls are to the front and rear elevations and that the only first floor window would be on the side elevation of plot 1 and would serve the proposed bathroom which would be obscure glazed to avoid any undue loss of privacy. The rear gardens would be some 10 – 11 metres in depth and would vary in width the narrowest being some 4.5 metres. The smallest garden would therefore have an area of some 49.5 square metres.
- 6.2.8 Plot 1 would be set to the east and approximately 4.60 metres off the mutual boundary with the existing dwellings which front Church Road. Further Plot 3 would be set to the west and some 2.80 metres off the mutual boundary with the rear garden of No.14 Arden Way.
- 6.2.9 Given the above it is considered that sufficient space would be maintained between the existing buildings and the proposed development so as to ensure that the visual amenity of the area is not unduly harmed.
- 6.2.10 There are a number of trees, including a young multi-stem Whitebeam, a young (pole stage) ash and two early-mature Norway maples, located in the eastern corner of the site. The group of trees is shown to be retained and is located as far away from the proposed housing as it could be within the site. The Councils Arboricultural Officer raises no objection to the proposal but states that there is still the potential for damage to be caused to the trees by construction related activities. It is therefore recommended that a suitably worded condition be attached to any grant of planning permission to ensure that submission and approval of a Tree Protection Plan to show how retained trees are to be protected during implementation of the development.
- 6.2.11 The levels across the site would largely remain as existing with the proposed dwellings following the slope of the ground. An appropriate worded condition to submit the finished floor levels in relation to the existing ground levels would ensure that the proposed buildings would not appear unduly prominent or detrimental to the existing character of this established residential area.
- 6.3 Residential Amenity
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy seeks to safeguard residential amenity.
- 6.3.2 As noted above the proposed dwellings would be surrounded by existing residential development. The juxtaposition of the proposed dwellings to the existing dwellings would mean that there may be some overshadowing for part of the day however it is considered that given the size of the existing plots this would not be so harmful as to justify refusal of the application on those grounds. With respect to privacy the scheme has been designed to ensure that, subject to an appropriate condition requiring the installation of obscure glazing/fixed light there would be sufficient separation distances to avoid any undue loss of privacy as a consequence of the development. Further it is considered that the scale of the development and separation distances would ensure that there would be no undue loss of residential

amenity by virtue of over bearing impacts. Given the above it is considered that no undue loss of residential amenity would ensure.

6.4 Highways

6.4.1 The scheme indicates the provision of two on site parking spaces for each unit. As noted above there is an area of informal parking that forms part of the access to the site. The proposal would not infringe on this area and as such the proposal would not lead to any loss of existing parking provision.

6.4.2 The site is within a residential area proposing a satisfactory provision of on-site parking without impacting on the existing parking provision in the locality. Whilst the development would result in an increase in vehicular use of the existing access onto Church Road, these movements are not considered to unduly impact on the adjoining highway and the Highway Authority therefore raises no objection to the proposal.

6.4.3 Concern has been expressed regarding the adequacy of the width of the access road. Whilst it is accepted that the access road is in part not wide enough for two cars to pass this is a relatively small stretch of road, the visibility is good and it is already used to access the parking area. As such it is considered that the modest scale of development proposed would be acceptable.

6.5 Drainage

6.5.1 The flood zone area that the site is classified under according to the Environment Agency is Flood Zone 1. This would indicate little or no flood risk and are areas where there is a less than 1 in 1000 years 0.1% chance of flooding from either river sources or from the sea in any one year.

6.5.2 The information submitted with the application states that the surface water drainage from the proposed development would be disposed of directly to a main sewer. The SC Drainage Team has raised concern regarding this and recommends the use of soakaways in the first instance. However the ground investigation report submitted with the application confirms that the ground conditions are not suitable for soakaways, therefore, an attenuated storm water connection to the mains sewer would be required. As such it is recommended that an appropriately worded pre-commencement condition requiring full details to be submitted would be an acceptable way of dealing with this issue in this instance.

6.6 Ecology

6.6.1 Core Strategy policy CS17 requires development not to adversely impact upon ecological interests. In this case the development has been reviewed in accordance with the SC guidance notes and ecological triggers. The conclusion is that the site would not meet the trigger which requires an ecological survey.

6.6.2 The SC Planning Ecologist has reviewed the information submitted and raises no objection subject to appropriate informatives with respect to nesting birds.

6.7 Affordable Housing

6.7.1 As noted above the scheme proposes 3 affordable homes. The applicant has been requested to confirm the tenure split, and these details are awaited however it is

noted that SC Affordable Housing Team would be content with either 3 affordable rented properties or 2 rented and shared ownership dwelling.

6.8 Other Issues

6.8.1 Concern has been expressed regarding the appropriateness for emergency and refuses vehicle access. With respect to this it is noted that the site can be accessed from three sides and that amended plans have been submitted which indicate a bin collection point off Chapel Road where there is a suitable turning area.

6.8.2 Concern has also been expressed regarding the boundary treatments and security. With respect to this the scheme has been designed to achieve Secured by Design. In accordance with 10.7.5 of the SBD New Homes 2014 requirements rear and side boundaries are proposed to be 1.8m high close boarded timber fencing, with lockable gates, these return on the frontages just behind the building line.

6.8.3 The lack of visible energy reducing features has also been commented on. In response to this the applicants have stated that the units are designed with a fabric first approach, as this is considered to be best practice in terms of minimising energy use in dwellings. This involves increasing the thermal performance of walls, windows, doors, roofs etc, minimising thermal bridges in the construction and improving air tightness to reduce the amount of energy needed to heat the building in the first place. Rather than compensating for a larger energy requirement with the addition of energy generation add-ons. They note that the investment is in getting the building right to minimise the energy requirement through the fabric which is also lower maintenance and does not break down.

7.0 CONCLUSION

7.1 The proposal is for residential development on a site within the development boundary of the settlement of Alveley. As stated above this site is identified as being treated as countryside and as such any new housing development in the area would be strictly controlled as defined in policy CS5 of the Shropshire Core Strategy. Therefore on the basis of the above the construction of affordable dwellings within the village boundary which is accepted as a sustainable location would be considered acceptable. Planning policies seek to protect the unnecessary loss of valued facilities including existing open space and recreational land. Members must therefore consider whether the loss of this informal recreation/open space area is outweighed by the benefits to the local supply of affordable housing.

7.2 The layout, scale and design of the scheme are considered acceptable for the application site taking into account the surrounding built form and features of the area without detriment to the amenities of the existing or future residents. Access is acceptable, sufficient space is provided for parking and turning and it is not considered to result in a detrimental impact on the wider highway network. Overall the proposed development complies with the adopted Shropshire Core Strategy, specifically policies CS5, CS6, CS11, CS17 and CS18. 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.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ② 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.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of

defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and saved Local Plan policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
H4 Residential development small settlements
D6 Access and parking

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

None

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 13.04.2015. and 30.04.2015.

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

4. The tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development. They shall not be moved or removed, even temporarily, without the prior permission of the Local Planning Authority. Within the area defined by tree protection measures there shall be no excavations or alterations of ground levels, no storage of materials, soil or equipment, no passage or fuelling of vehicles, no washing of machinery or equipment, no mixing or discharge of materials toxic to tree health, no site office or welfare facilities and no lighting of fires.

Reason: To protect trees that contribute to the appearance of the site during implementation of the development.

5. No construction and/or demolition work shall commence outside of the following hours: Monday to Friday 07:30 - 18:00, Saturday 08:00 - 13:00. No works shall take place on Sundays and bank holidays.

Reason: To protect the health and wellbeing of residents in the area.

6. No burning shall take place on site including during clearance of the site.

Reason: To protect the amenity of the area and protect the health and wellbeing of local residents.

7. Details of all the materials to be used externally on the dwellings and hard surfacing hereby approved, shall have been first submitted to and approved by the Local Planning Authority in writing before being used in the development. The development shall be carried out in accordance with the approval details.

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

8. If non permeable surfacing is used on the new driveway and parking area and/or the driveway slopes toward the highway, the developer should submit in writing for approval by the Local Planning Authority a drainage system.

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

9. 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
 - viii. the routing of construction traffic on the local highway network

Reason: To avoid congestion in the surrounding area and to protect the amenities of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

10. Prior to commencement of development a Tree Protection Plan shall be provided and implemented to the written satisfaction of the Local Planning Authority. The Plan shall show the location and provide the specification for the measures to be taken to protect retained trees from damage or harm during implementation of the development.

Reason: This information is required prior to the commencement of the development as it relates to the protection of trees that contribute to the appearance of the site during implementation of the development as such the details need to be confirmed before the development proceeds in order to ensure a sustainable development.

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

Reason: To ensure satisfactory drainage of the site and to avoid flooding. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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

Means of enclosure

Hard surfacing materials

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

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 timetables

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

This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

13. Before the obscure glazing is installed in the first floor bathroom window to Unit 1 hereby approved, details of the glazing including the level of obscurity shall be submitted to and approved in writing by the Local Planning Authority. The approved glazing shall be implemented before occupation of the dwelling and shall be maintained in perpetuity.

Reason: To ensure that the residential amenity of the occupiers of the neighbouring dwelling and prospective occupiers of the resultant dwelling is not unduly harmed as a consequence of a loss of privacy.

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

14. The development hereby permitted shall not be brought into use until the car parking areas shown on the approved plans have been provided, properly laid out, hard surfaced and drained, and the spaces shall be maintained thereafter free of any impediment to their intended use.

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

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

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

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- hard surfacing
- fences, gates or walls
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

17. The dwellings shall not be let or occupied other than either:-
- a. under a tenancy in accordance with the normal letting policy of a Registered Provider;
 - or
 - b. by way of a Shared Ownership lease or equity share arrangement whereby the occupier cannot progress to achieve a greater than 80% of the whole.

Reason: To ensure compliance with the requirements of Shropshire Core Strategy Policy CS11 to ensure affordability in perpetuity.

18. In addition to the requirements of the Shropshire Affordable Housing and Allocation Policy and Scheme, all lettings by Registered Providers shall meet the local connection and/or cascade requirements set out in the Shropshire Type and Affordability of Housing SPD or any policy guidance that may from time to time replace it.

Reason: To ensure compliance with Shropshire Core Strategy Policy CS11 with regard to local needs and prioritisation for local people.

Informatives

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

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and saved Local Plan policies:

CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
H4 Residential development small settlements
D6 Access and parking

SPD on the Type and Affordability of Housing

2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
3. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

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

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

4. You are obliged to contact Shropshire Council's Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the residential unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://www.shropshire.gov.uk/streetnamingandnumbering>, including a link to the Council's Street Naming and Numbering Policy document that contains information

regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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

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

6. In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided. An independent 32 amp radial circuit isolation switch should be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.



Committee and date

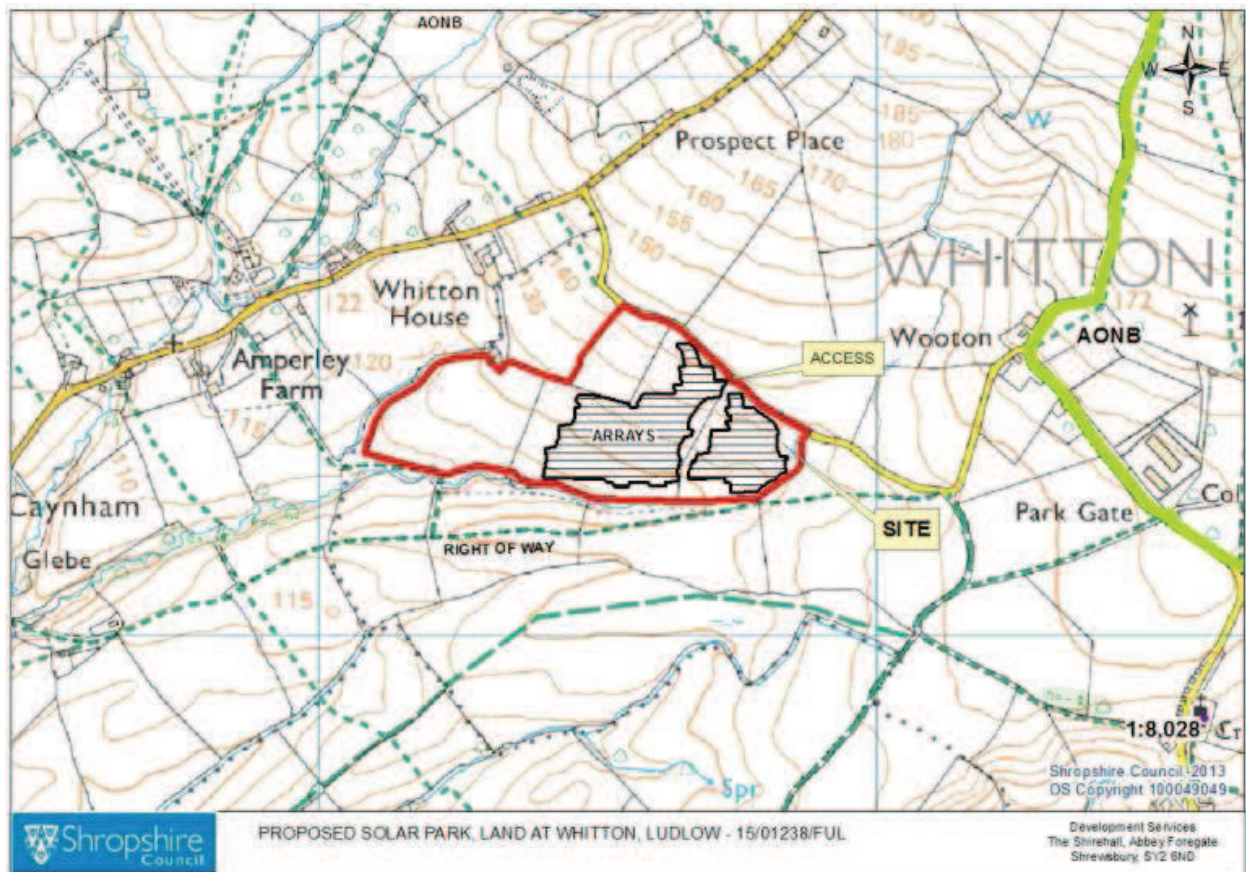
South Planning Committee

16 June 2015

Development Management Report

Summary of Application

Application Number: 15/01238/FUL	Parish: Adj. to Caynham PC
Proposal: Erection of ground mounted solar farm along with associated infrastructure, landscaping and ancillary structures on agricultural land	
Site Address: Land at Whitton, Caynham, Shropshire	
Applicant: EBS Energy LLP	
Case Officer: Grahame French	email: planningdmc@shropshire.gov.uk



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

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

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

REPORT

1.0 THE PROPOSAL

- 1.1 Background: Submission of the current planning application follows refusal of an application for an 8.6MW solar park on the same site area by the Committee in October 2014 (reference: 14/02873/FUL). The refusal reason was:

The development site is in close proximity to the Shropshire Hills Area of Outstanding Natural Beauty and would have a detrimental and visual impact upon the environment, character and landscape of the area. Accordingly, the proposal would be contrary to Core Strategy Policies CS5 and CS17 whereby the adverse impacts would significantly and demonstrably outweigh the benefits.

- 1.2 The revised scheme is roughly half the size of the original application and includes a significantly extended scheme of landscape and biodiversity improvements (both onsite and offsite). This would be delivered via a Landscape and Biodiversity Management Plan. The revised scheme has been reassessed by the applicant's landscape, ecology and heritage experts.
- 1.3 The Development: The applicant is proposing to establish a solar photovoltaic (PV) park on 17.4 hectares of pasture farmland at Whitton. The application area is the same as the original site but the area of panels within the site occupy a much reduced area of 5.72ha. The proposed facility would generate up to 4.3 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1,050 homes. Following construction, the site would be seeded with an appropriate grassland mix and would become available for grazing. Construction would take 4 months. The site would have an operational life of approximately 25 years, after which it would be decommissioned and arable potential would be reinstated.
- 1.2 The solar park would consist of approximately 13,668 individual photovoltaic panels measuring 1.799m by 1m. These would be mounted on non-reflective aluminium frames and laid out in rows running from east to west across the site and secured by shallow piles driven 1.5m into the ground. The panels would be oriented south and angled at 17.5 degrees to the horizontal with a maximum height of 2.2m (minimum 0.7m). Individual rows would be 4m apart.

- 1.3 The proposed development will require the construction of three inverter and transformer kiosks towards the centre of the array area in order to convert the electricity to a form suitable for export to the electricity distribution network at the appropriate voltage. The kiosks would be pre-fabricated structures on concrete bases with a matt dark green finish measuring 6.1 metres long, 2.4 metres wide and 2.6 metres high (from ground level) and mounted on metal legs to raise the kiosks off the ground. The applicant has applied to the network operator Western Power Distribution for preliminary connection information, and it has been confirmed an on-site connection is feasible.
- 1.4 Switch gear would be located within a purpose built substation at the eastern end of the site, designed in accordance with Western Power Distribution's standard specification. This would be constructed with a pitched roof and would be 11.7 metres long by 5.7 metres wide with a 1.8 metre by 2 metre lean-to extending from the side elevation that will house the meter.
- 1.5 A 2.2m high deer fence would be installed around the site margin with wooden posts at 3m intervals. The fence would be constructed inside the agricultural field boundaries. A gap would be retained along the base of the fence to allow small animals access. At regular intervals a small security camera will be positioned at the same height as the top of the security fencing. As a result of community responses regarding the inward-looking CCTV cameras located around the site, EBS Energy will use instead an infra-red photoelectric beam security system which is being widely used on solar farms across the UK as an alternative to CCTV Cameras. This security system emits no visible light, no noise and is considerably less intrusive and less incongruous than CCTV cameras. Furthermore the beam posts will be lower than the panel arrays so will be more discrete than the previously proposed CCTV cameras.
- 1.6 A Landscape and Biodiversity Management Plan involves the following provisions:
- All existing hedgerows around the site and the adjoining fields to the west are to be retained and reinforced with new planting where necessary. These hedgerows will be managed generally at a height of 3.0m+ to improve the screening of the development.
 - The southern boundary hedgerows will be managed at a height of 3.5m+.
 - Hedgerow trees will be incorporated into the hedgerows in suitable locations where the trees will not overshadow the solar panels as they grow.
 - A new hedgerow will be planted in two of the fields to the south along the line of a field boundary shown on the historical maps (see Heritage Impact Assessment for details). This hedge will be managed at a height of 2.0m+ once established.
 - New tree and scrub planting will be carried out alongside the watercourse in the third field to the south. The scrub planting will be managed at a height of 5.0m+ once established.
 - Appropriate indigenous species will be used for all the new tree and hedgerow planting in order to respect the character of the surrounding countryside and to maximise wildlife potential.

- Existing grassland and soils will be protected from avoidable damage during the construction phase. Any disturbed ground will be re-seeded as soon as practical.
 - Appropriate native wildflower plugs will be planted in the grassland areas to help to improve biodiversity.
 - Bat boxes and bird boxes will be mounted on existing mature trees around the site.
- 1.7 No permanent lighting is proposed. The proposed development would be accessed via an existing field gate entrance located midway along the northern unclassified highway. A temporary marshalling area surfaced in compacted stone would be provided during the construction phase at the existing entrance point, which would be removed immediately upon completion of construction.
- 1.8 The construction phase would result in the temporary generation of construction traffic over a period 10 weeks. The construction phase would be managed with a construction management plan to determine the timing of deliveries and the proposed route to the development from the principle road network. The most intense period would be likely to equate to 3 HGV deliveries per day (6 individual movements). Wherever possible deliveries of materials would take place between 7am and 6pm Monday to Friday and between 8am and 1pm on Saturdays. There would be no deliveries on Sundays or Bank Holidays.
- 1.10 After commissioning, there would be around 2 visits to site per month by a van for maintenance. In addition there will be a need for periodic visits during year moving to sheep on and off the site and for general landscaping and ground maintenance.
- 1.11 No upgrade to the grid network is required for the Proposed Development to connect to the Grid.
- 1.12 Decommissioning: The operational lifespan of the solar park is stated to be 30 years. After this all equipment and tracks would be removed from the site and arable productivity could be resumed. The lease agreement with the landowner includes the requirement to provide sufficient funds for the decommissioning of the site.
- 1.13 Community benefits: Whilst not forming an integral part of the current application the applicant has agreed as a separate voluntary commitment to fund appropriate local community initiatives. This is which is equivalent to the level of benefit offered voluntarily by other recent solar park schemes and would be delivered by means of a legal agreement (unilateral undertaking).
- 2.0 SITE LOCATION / DESCRIPTION
- 2.1 The proposed site is located in a rural situation approximately 1 km to the north-west of the hamlet of Whitton and 1.1km to the east of Caynham (Grid Reference 356500 273400). The site comprises four fields with a combined area of 17.4 hectares which generally slope gently to the south. Land use in the locality is agricultural with fields bounded mainly by banked hedgerows with significant tree cover. There is loose knit development throughout the area including a number of farmsteads, agricultural buildings and residential properties.

2.3 The site lies outside of a flood plain and beyond the margins of the Shropshire Hills Area of Outstanding Natural Beauty ('AONB'). There are no Tree Preservation Orders or designated sites. A watercourse is located to the south of the site. A footpath also runs in the field to the south. The country lane between Caynham and Whitton is located to the immediate north. The site is located in a natural fold that lies within an area of undulating landscape with higher ground to the northwest which rises towards Clee Hill and lower ground to the south-east which falls towards the Teme Valley.

3.0 REASONS FOR COMMITTEE DECISION

3.1 The application has been referred to the committee by the local member, Richard Huffer, and this decision has been ratified by the Area Development Manager.

4.0 COMMUNITY REPRESENTATIONS

4.1i Caynham Parish Council (adjacent parish): No comments received. The Parish Council objected to the previous proposals on the basis of visual impact, noise, protection of the countryside and tourism.

4.2 Natural England: No objection overall subject to the following comments:

- i. SSSI - No objection – no conditions requested. This application is in close proximity to Cornbrook Dingle Site of Special Scientific Interest (SSSI). 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 the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.
- ii. AONB - No comment. The development however, relates to the Shropshire Hills Area of Outstanding Natural Beauty (AONB). We therefore advise you have regard to the advice of the AONB Partnership. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.
- iii. Other advice - No objection – We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:
 - local sites (biodiversity and geodiversity);
 - local landscape character;
 - local or national biodiversity priority habitats and species.Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape

characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

- iv. Other advice - We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

- v. Protected Species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.
- vi. 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. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- 4.3 AONB Partnership: Objection. Though the site lies outside the AONB, its closest point is around 500m from the AONB boundary. We do not accord with the judgements regarding impact on the AONB set out in the application's supporting documents. In addition, we believe the development would have a substantial direct impact on the countryside between the AONB and Ludlow, which is valuable

to the setting of both. The Shropshire Hills and Ludlow are of great importance to tourism in the county, and through our involvement in sustainable tourism in the area, we believe this development could have a detrimental effect, as evidenced by the comments of others. We would draw attention to the letter of 27 March 2015 from Brandon Lewis MP, Minister of State for Housing and Planning at DCLG to the Planning Inspectorate highlighting the importance of landscape character and the intrinsic beauty of the countryside, both within and outside designated areas. This comes in addition to recent Ministerial guidance not favouring large ground-mounted solar developments.

The AONB Partnership cites Core Strategy Policy CS17 and emerging SAMDEV Policy MD12 in support of their objection.

4.4. Historic England: No objection. The application is a reduced layout to that proposed in an earlier application 14/02873/FUL which we assessed by site visits on 24th and 30th July 2014. Of the designated heritage assets in the area Caynham Camp, a large prehistoric hillfort, has a commanding landscape presence. This rural setting is important to understanding the agricultural, communication and security concerns of the Iron Age people who lived in the area. We concluded (in our consultation response of 1st August 2014) that whilst there would be some impact upon heritage assets including the hillfort, the development would not be significantly damaging to the hillfort, or other designated heritage assets in the area. In the case of the current application the footprint of the proposed solar farm has been considerably reduced from that of the earlier application, and so the overall impact upon the environment in which the hillfort is experienced is also lessened. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.5 CPRE South Shropshire: Objection:

1. Land Use...Grade 3 prime agricultural land is planned to be removed from food production for a minimum of 25 years. Only the poorest land should be considered for solar farm use.
2. Visual Impact...13,668 large solar panels cannot be hidden by any amount of 'screening', nor can their ugly associated 135 inverters, 3 transformers, hut, substation and 2.2m surround fencing. This is a major development that threatens to change a green, agricultural landscape into 45 acres of industrial blight. The site borders the Shropshire Hills Area of Outstanding Natural Beauty and threatens a beautiful and much visited area with thousands of alien man-made, ugly panels set out in serried ranks.
3. Detrimental Impact...this application, if allowed, would have a seriously detrimental and visual impact upon the environment, character and landscape of tranquil green fields that lie close to the SHAONB. The proposal would be contrary to Para 116 of the NPPF, together with Core Strategy policies CS6 and CS 17 – whereby adverse impacts would significantly and demonstrably outweigh any proposed benefits.
4. Localism...local residents have already unanimously objected to the original application on this site. There is no proposed local benefit, no proposed local employment, strong parish council objections and, once again, this re-application is causing local worry, anger and disillusionment over the planning process.

5. Tourism...increasingly small Shropshire settlements in lovely areas are having to rely on visiting walkers, horse riders and tourists to boost their local economies. Visitors who come to these small settlements do so to escape modern estates and ugly industrialism. This application threatens the area.
6. Access...via a narrow, winding country lane that is in constant use by local villagers is completely unsuitable for the large lorries needed to transport the materials for this application. There are few passing places and lorries will present considerable dangers to one another, motorists and walkers.
7. Habitat...mechanical control of thistles, briars and grass will be difficult; an ancient hedgerow will be under threat if access to the site is to be improved; the panels, infrastructure, noise and increased run-off would spoil biodiversity; a buried perimeter fence would stop free movement of wild life.
8. Terrain...Solar factories like this one should be sited on roofs, motorway embankments, disused airfields, in old quarries, and on brownfield land – NOT on prime agricultural fields in beautiful countryside.

For all these reasons I would urge members of the South Shropshire Planning Committee to protect this lovely part of Shropshire and reject this greedy application.

4.6 Environment Agency: No comments received.

Internal Comments:

- 4.7i. S.C.Archaeology: No objection. The application for the proposed development is supported by a Heritage Impact Assessment (Castlering Archaeology Report No. 459-2 February 2015) and a Landscape and Visual Impact Assessment (LVIA) Parts 1-4 (Alan Moss Associates Ltd March 2015 Revision). A Zone of Theoretical Visibility has been undertaken as part of the LVIA and clarifies that the Scheduled Monument, Caynham Camp (National Ref: 1010313), falls partly within the Zone of Theoretical Visibility based on OS Terrain 5 DTM data. The LVIA confirms that there are distant fragmented views of the application site from the edge of Caynham Camp.
- ii. In their consultation response of the 10th April 2015, Historic England state that in their previous consultation response of 1st August 2014 in relation to planning application 14/02873/FUL, that whilst there would be some impact upon heritage assets including the hillfort, the development would not be significantly damaging to the hillfort, or other designated heritage assets in the area. For the current application, Historic England acknowledges that the footprint of the proposed solar farm has been considerably reduced, and so the overall impact upon the environment in which the hillfort is experienced is also lessened. We fully concur with Historic England's comments with regard to the impact of the proposal on the setting of the scheduled monument, Caynham Camp (National Ref: 1010313).
- iii. In terms of direct impact on known and unknown archaeological remains, the Heritage Impact Assessment acknowledges that it is not possible to fully assess the potential for buried archaeological remains, and concludes that the site is of low (but not negligible) archaeological potential. It makes no recommendations for mitigation.

- iv. The conclusions of the Heritage Impact Assessment could not rule out the potential for archaeological remains of low significance within the development boundary. The impact of the ground disturbance from piling, cable trenching, access tracks and other infrastructure installations is likely to be significant on any below ground archaeological remains. In view of the above, and in relation to Paragraph 141 of the NPPF, it is recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development.
- 4.8 S.C. Drainage: No objections. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable. Informative notes on drainage are recommended.
- 4.9 S.C. Highways: No objections.
- 4.10 S.C.Arboriculture: No objection subject to the following comments:
- i. The proposal as indicated in plan Q14-00186-01PL Rev. C has no significant direct impact on retained trees and reflects the layout and landscape outcomes arrived at during negotiations on a previous application (ref. 14/02873/FUL). Part of which was the retention of a group of mature oak trees in the field south of the barn, it is noted that the applicant has an extant felling licence on these trees but appears to have waved the intention to fell them by including them for retention in the landscape proposal for this application. The existing mature tree stock is important for the screen that it provides for views into the site from the local area and from the surrounding countryside this has been acknowledged through measured discussions and is underlined by the landscape and biodiversity plan showing the remaining trees within the development boundary for retention.
- ii. Whilst the tree service has no objection to this application we consider that it is expedient to raise a Tree Preservation Order on the trees identified for retention for the following reasons:
- (a) There is an extant felling licence on trees identified for retention in this planning application, this could lead to confusion in the future and a TPO is considered a reasonable control to ensure that any final approved scheme retains the trees. This position is supported on the felling licence with the following statement: 'If a 'Tree Preservation Order is placed on these trees after this licence has been issued, you must also get the consent of the Local Authority before felling the trees.'
- (b) On the basis that the land use and amenity of the area will be significantly changed by the presence of the solar farm and that it will be a number of decades before the new plantings start to make any significant contribution to the areas amenity the tree service considers that it is expedient to ensure the long-term retention of these trees (where practicable) whilst the solar farm remains operational.
- iii. The Tree Service have concerns that this proposal has some potential to impact upon the trees and hedgerows at this site during the erection and establishment of the arrays and associated structures. On the plan the site layout appears to provide a reasonable distance between the arrays and key landscape features, but elements of the plan that have not been discussed in detail could impact upon retained trees (E.G. the route of cables linking the arrays to transformers, storage

of materials during construction, road construction and the erection of the safety and boundary fences).

- iv. Taking into consideration the above points the Tree Service would need to see that any approved application had taken into consideration the arboricultural implications. This could be addressed through the provision of a basic tree protection plan and a generic arboricultural method statement (AMS) for working in the proximity of trees, a key element of which would be that all site workers (during construction) would need to be made familiar with the AMS before commencing work. (NB we are not asking for a basic tree survey but an informative method statement to be used when working in the proximity of trees) road construction fence rejection etc.
- v. The applicant indicates on the site plan that part of the site security measures will be re-enforced with additional planting, this needs to be supported with a landscape proposal indicating planting mix, numbers, planting method, protection from grazing and after care (Inc. measures to replace losses). (Recommended conditions are included in Appendix 1)

4.11 S.C.Ecology: - No objection subject to the following comments:

- i. Protected Sites: There are no statutory designated wildlife sites within 2km of the central point of the site. A number of local Wildlife Sites lie within 2km, the nearest being just over 1km. However, the only site that could be affected by the proposed development is Ledwyche Brook, about 1.5km to the west. The streams flanking the site feed in to this Local Wildlife Site. Measures should be in place to prevent any pollution or sediment runoff from the development site, both during construction and operational phases and these should be conditioned.
- ii. Improved Grassland – The application site consists of 4 fields of intensively grazed, improved grasslands of low ecological value. The extent of habitat loss will be low under ancillary development, the majority of the rest will be temporarily disturbed during construction and then returned to sheep grazing.
- iii. Hedges - Many of the fields support hedgerow boundaries, the majority containing at least one hedgerow tree. The hedgerow along the lane at the north (TN10 in the Churton Ecology report) is an 'important' one under the Hedgerow Regulations.
- iv. Bats - There are many mature trees in hedges, fields and flanking the streams, all of which were mapped and recorded in the Ecological Appraisal. The Ecological Appraisal states:
'Potential bat roost features were noted in several of the mature site trees, but heavy Ivy-cladding frequently made the assessment difficult and such trees were assigned to an 'age and type' that may or may not support a bat roost. The isolation of some of the in-field trees might render them less likely to support the roosts of certain bat species. The improved grassland fields support low quality foraging habitats; however, the hedgerow boundaries and stream corridors (which link to more extensive but similar habitats) offer moderate to good foraging habitats. In addition the boundaries and streams provide good commuting routes. There will be no (significant) direct loss of bat foraging or commuting habitats since all (semi-) natural habitats will be retained, with only minor hedgerow removal

perhaps required (if at all). If there is a requirement to lop or fell trees identified as having potential to support bat roosts, roost sites could be damaged or destroyed and individual bats disturbed, injured or killed. Such activities undertaken near the roost may also result in the disturbance and deterioration of the roost site (by affecting roost microclimate). These impacts could have legal implications under UK and EU legislation.'

The second Ecological Appraisal (February 2015) notes that some mature trees have been felled, including some with bat roost potential as identified by the ecological consultants. Should planning permission be granted it should be conditioned that no further tree or hedge removal will take place unless with prior agreement of the local planning authority. Bat surveys are likely to be required for any future tree works.

- v. Birds – An informative note is recommended.
- vi. Badgers - No badger burrows or surface nests, territorial marking latrines etc. were noted within at least 30m of the site and there is very little woodland in the 1 km surround that might support a main sett. A few lightly-marked trails were noted crossing into the site but no other indications of badger were found indicating a low level of badger use. The improved permanent pasture does offer moderate to good foraging habitat for this species. Ground level fencing could have an impact on Badger and other mammal species if the fencing obstructs continued access to the site. Churton Ecology provide details of fencing that would allow such access in the Ecological Appraisal ("Peripheral fencing (at ground level) should be of such a mesh size so as to allow Badger and other mammals continued free access to the site. A mesh size of 20+cm (up) and 30+cm (wide) would be an adequate minimum for Badger and other species."). However, Drawing No. Q14 00186_03 Rev A of the security fencing does not show provision of access for badgers and other wildlife. In view of the above I would recommend the following condition and informative is added to any permission granted.
- vii. Landscape and Biodiversity Management Plan Drawing 1420.04 Rev A
The above plan dated 04.03.15 details planting schemes and establishment maintenance, long term landscape management, additional biodiversity measures (including retention of trees and hedges and the provision of bird and bat boxes) and proposed monitoring. A suitable buffer zone is shown to the stream corridor, maintaining the ecological network through the site. The solar panels are tightly packed on the site. If grassland maintenance proves difficult due to shading, a more shade tolerant seed mix may be required. The specifications and recommendations of the Management Plan should be conditioned.

Conditions and informatives covering these matters are included in Appendix 1.

- 4.12 S.C.Public Protection: – No comments received.
- 4.13 S.C.Rights of Way: – No objection. Footpath 6A Whitton passes through the development site but is not affected by the proposal.
- 4.14 Councillor Cecelia Motley has been informed of the proposals.

Public Comments

- 4.15 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. 173 objections have been received and 2 supporting comments. The main issues of concern can be summarised as follows:
- i. Visual impact: Effect on footpaths. Screening would not block the view from public footpaths, bridleways, or vantage points. The visual impact this industrial development would have on these wonderful views would be unthinkable, it would be a blot on the rural landscape which no one with any interest in rural matters should condone. It will be impossible to adequately screen this development given the hills and slopes that these panels would sit on. If it goes ahead this development will have a negative impact on the landscape and natural environment and the Shropshire Hills Area of Outstanding Natural Beauty. The degrading in quality of the fine rural landscape and, in particular, its proximity to the AONB. The visibility of the rather unattractive incongruous site from various vantage points within the vicinity and further afield, for example, from the Clee Hill-Caynham road which residents from nearby villages and visitors to the area will necessarily and frequently have to travel along, a hideous scar on the landscape from the vantage point of Clee Hill.
 - ii. Leisure / Tourism: There would be no benefits to the local community. In fact, the development would be expected to have a negative impact on local tourism through a major impact on local countryside character. As a regular visitor and walker in this beautiful part of Shropshire I urge you to stop and think before you make a decision that will not just impact this particular application but also potentially many more across rural England. It is the very rural nature of South Shropshire and the beautiful landscape that attracts visitors to the area. These visitors bring significant income to the local economy and support many jobs, directly and indirectly, for local residents. Granting this application would have a negative effect on tourism and the economy whilst the proposed development would bring no economic benefits to the locality and create no local jobs. As a keen walker who has visited this area on many occasions, I have no doubt that the installation will be an eyesore and detract from the natural beauty of the area. For many in our community, tourism is an important source of income and this could be adversely affected if this development were allowed to go ahead.
 - iii. Heritage: This factory will be seen for miles around, especially Caynham camp an ancient hill fort dating B.C.. the view from here hasnt changed for over 2000 years.If this goes ahead it will be tragic
 - iv. Agricultural impacts: Allowing this development would mean not only the loss of agricultural land, good cattle grazing land, but it would adversely impact the very traditional rural landscape in this part of Shropshire. The loss of valuable high grade farm land. This site is good agricultural land Grade 3A and therefore not appropriate to be used for such a development. The proposal to install a power generation facility near Whitton is a misuse of agricultural land; the application is inappropriate. Despite the Developer's claims, there must be plenty of brownfield opportunity for this kind of development elsewhere, including outside Shropshire. At a time when farmers are struggling to feed an ever growing population and we

are increasingly relying on imports it seems crazy to be sacrificing good agricultural land. The suggestion that sheep could be grazed amongst the panels seems a bit of a token gesture. Grass does not grow in the shade and the agricultural potential of the land would inevitably be severely compromised. The scheme will not bring job opportunities to the area. It is ridiculous to suggest that tourism will be encouraged because of the enhanced 'green' credentials of having a solar farm in the area. There is an often quoted argument that farmers need to diversify in order to survive as businesses. This may well be true, yet why is it that the applications for solar farms are always from larger, more successful landowners, and not from smaller, struggling farmers? If the agricultural use of the land for grazing and its reversion of the land to agricultural use after 25 years is a credible promise, think again and examine the solar site near Wellington (Salop) station, visible from the railway. There is not a blade of grass or any flora visible between or under the panel arrays and could not support a single sheep. It is a brown-field site in the making and is harbinger of the fate of the land in Whitton under consideration.

- v. Questioning benefits: There are almost no benefits to the community or the council. Nearly all the benefits will be enjoyed privately by the landowner and applicant, and all the social and amenity costs will be borne by the community. The focus on uneconomic renewable sources through incentive and subsidy distorts the underlying economics, diverts capital from strategic projects (wave, tidal, nuclear) and perpetuates minor localized inputs that are fundamentally un-sustainable (bio-fuel, wind and solar). That a project, supported by government subsidy and encouraged by its rhetoric, is attractive to the applicant, does not mean that the project is in the best interest of the nation, the tax-payer or the host community, and deserves proper scrutiny by elected representatives, properly informed of its true merits. The focus on uneconomic renewable sources through incentive and subsidy distorts the underlying economics, diverts capital from strategic projects (wave, tidal, nuclear) and perpetuates minor localized inputs that are fundamentally unsustainable or erratic and unreliable (wind and solar). That a project, supported by government subsidy and encouraged by its rhetoric, is attractive to the applicant, does not mean that the project is in the best interest of the nation, the tax-payer or the host community, or will be in the least effective and deserves proper scrutiny by elected representatives, properly informed of its true merits.
- vii. Ecology: This would be a destruction of habitat for all kinds of wildlife when we are constantly being told that many species native to this country are in severe decline. It now appears that the applicants are continuing in their plan to ignore CS17 as they have a current felling licence issued by the Forestry Commission to fell multiple trees. If any of these trees have bat roost potential surely a bat survey would now be essential. The mitigation planned to replace these trees and habitats is to be frank, pathetic and insulting. It will take more than a hundred years for the kind of maturity that existed to be replaced. Wildlife will be affected. The ecological survey uses some old information. The Atlas of breeding birds is nearly 25 years old. I have seen a barn owl recently on a gatepost on the site. A pair of red kites have been present in the last few weeks. There is a bird list of some 70 species for the area. Great crested newts are about. Two were found on the road this year.
- ix. Construction: Possible traffic impacts/hazards associated with the site in its neighbourhood. Does EBS really think that the construction can take place, involving lorries using a narrow, single track lane, without massive disruption to

existing traffic? If a lorry meets a tractor with trailer on that lane, who will be able to reverse safely? Will the lorry driver be able to see what is behind him? Will the tractor driver?

- xi. Policy: The government has been very clear as to prioritising brownfield and roof top sites over high quality agricultural farmland we should follow their guidance, particularly as the UK is already leading the way globally in terms of numbers of industrial scale solar parks. cOntrary to government policy on the siting of solar "farms". The development is clearly contrary to Shropshire Councils core strategy CS5 and CS17. This industrial project would be completely at odds with the landscape and will stand out from the surrounding green fields and be a negative focal point detracting from the views along public footpaths; the adverse effect on these views is considered significant. This proposal would be contrary to Core Strategies CS5 and CS17. Para. 115 and 116 of the The National Planning Policy Framework applies. Although the site is outside of the AONB it is within the 'setting' of the designation. Interpretation of paragraph 115 (paragraphs 25 and 26 of the judgment)..... Paragraph 26 explains that great weight must be given to the conservation of beauty in the AONB and "of land viewed in conjunction with the AONB from the AONB" but that this consideration does not encompass land from which the AONB can be seen'. The key phrase is in para. 116 is 'exceptional circumstances'. Does this application pass the exceptional circumstances test? Planning Minister Brandon Lewis has commented on the importance of the landscape in planning decisions and noted that whilst National Parks and Areas of Outstanding Natural Beauty (AONBs) enjoy the highest degree of protection, 'outside of these designated areas the impact of development on the landscape can be an important material consideration'. This is, I think, the case for Whitton.
- xii. Other: I cannot believe that this application has been re-submitted. It appears to me that all of the arguments against the first application still apply, the only difference being the size of the installation - which is still completely disproportionate to the area. In other words: half as much electric generated - but still the same amount of disruption, upheaval and visibility. The previous application was refused by the Planning Committee on the grounds that it was contrary to the Core Strategy Policies CS5 and CS17. This application differs only in that it is half the size, and there has been some attempt to mitigate its visual impact by wild flower, hedge and tree planting and the provision of bird and bat boxes. Industrialisation of the countryside at an unacceptable level. Four similar proposals have already been kicked out by the Planning Committee. Indeed one of them was on this very site. Why has this proposal reached this stage at a time when the Shropshire planning officers are so badly overloaded with work. I wholeheartedly support and understand the need for solar energy but want to see it put on brownfield sites and on roof tops such as Bromfield Pit and Fishmore Hall which are both respectful of government guidelines and planning. Several mature trees have been destroyed and felled that were detailed on their own ecology report. It appears that their ecologist has not recently visited the site and is unsure which trees have been removed and which trees are standing, which make the report very out of date. The trees that have been felled were important features of the landscape and would have helped in screening this application. The habitats these trees contained have now been destroyed, many of these trees were noted as having potential for bat roosts. I am unaware of any bat survey being undertaken before the trees were felled which was contrary to the advice given by the

applicants own ecologist. Has EBS any concerns over the loss in property values which would result if the plan were to go through? One house in particular stands to lose a third of its market value, over £200,000, as a result of being next to a solar farm. Will EBS compensate the owners for this loss?

- 4.16 Support comments: Solar Farms have lower visual and environmental impacts than other forms of power generation. The farm will be surrounded by hedgerows and trees which themselves will provide significant ecological benefits to the local environment and wildlife. It is a great example of a sustainable development. It helps the agricultural industry to diversify and the land can also remain in production as sheep can still graze the land. It will provide an important and needed contribution to our national renewable energy targets

5.0 THE MAIN ISSUES

- Policy context;
- Principle of the development;
- Justification for location;
- Landscape and Visual impact;
- Existing land use;
- Other environmental issues;
- Timescale / decommissioning.

6.0 OFFICER APPRAISAL

6.1 Policy context:

6.1.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations suggest otherwise. Relevant Development Plan policies and other material considerations including national guidance are listed in section 10 of this report.

6.1.2 The National Planning Policy Framework (NPPF) is a key material planning consideration providing the strategic framework for development plan policies. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development whilst Paragraph 98 emphasises that “even small scale (renewable energy) projects provide a valuable contribution to cutting greenhouse gas emissions”, therefore planning authorities should not require applicants to demonstrate the need for renewable energy and should approve the application if its impacts are (or can be made) acceptable. It follows that the NPPF requires that planning permission should be granted for renewable energy development (paragraph 98) unless:

- The level of harm would “significantly and demonstrably outweigh benefits” when assessed against the requirements of the NPPF as a whole, or
- If specific policies in the NPF indicate the development should be restricted (paragraph 14).

- 6.1.3 In terms of visual impact the DCLG planning practice guide on renewable and low carbon energy advises that *“the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”*. The guide encourages use of previously developed land or allows for continued agricultural use with biodiversity enhancements around arrays. It recognises that solar farms are temporary structures. There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation through landscape planting and the energy generating potential of a particular site.
- 6.1.4 The Shropshire Core Strategy ‘has the principle of sustainable development at its heart’ and a key objective is ‘responding to climate change and enhancing our natural and built environment’. The Core Strategy seeks to protect the countryside and Green Belt (CS5) whilst positively encouraging infrastructure, where this has no significant adverse impact on recognised environmental assets that mitigates and adapts to climate change (CS8). Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, including in rural areas where the importance of farm diversification is recognised. Policy CS17 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.
- 6.1.6 In considering the current proposals therefore it is necessary to assess:
- The characteristics of the site and the nature of any impacts to the local environment, landscape and amenities;
 - Whether any identified impacts are capable of being satisfactorily mitigated including by any community benefits offered by the applicant (e.g. CS5);
 - Whether relevant policies and national guidance can be met with respect to the AONB.

If there are no unacceptably adverse impacts after mitigation has been applied and relevant policy tests can be met then the development would be ‘sustainable’ under the NPPF as a whole and the renewable energy application should be approved (NPPF para. 98). If however any unacceptably adverse effects remain after mitigation and/or relevant policy tests cannot be met then the development would not be sustainable and refusal would be appropriate. The issues raised by the proposals are assessed in succeeding sections.

6.2 Justification for the development:

- 6.2.1 Justification for choice of site: Whilst Section 98 of the NPPF does not require applicants for renewable energy developments to demonstrate the need for the development, the recent planning practice guide on renewable and low carbon energy advises that planning authorities should consider ‘the energy generating potential (of a solar PV site), which can vary for a number of reasons including, latitude and aspect’. In this respect the site generally slopes gently to the south, is un-shaded and is unaffected by any environmental designations. The Landscape

and Visual Assessment accompanying the application concludes that the site benefits from a high degree of screening, being located in a natural fold in the landscape and surrounded by existing vegetation. Appropriate stand offs have been provided to water courses. In addition, the site is available for the proposed use, is of appropriate size, can be easily accessed from the public highway and a connection to the electricity grid is possible without any upgrades being required.

- 6.2.2 Choice of site – agriculture: Paragraph 112 of the National Planning Policy Framework seeks to protect best and most versatile agricultural land and expresses a preference for use of poorer in preference to higher quality land where significant areas are affected by a development. An agricultural land classification report advises that the soils are medium to heavy textured and moderately well drained. A plan accompanying the report indicates that the fields proposed for the arrays are Agricultural Grade 3 which is split evenly between grade 3a (best and most versatile) in the north-west and 3b in the south-east. About 45% of the arrays would be located on grade 3a land.
- 6.2.3 Some residents have objected that good quality land would be taken out of agricultural production. The land within the site has been in pasture for many years. The proposals would however involve reintroducing sheep to the operational solar park site. Grazing is advocated for solar PV sites in the Government's low carbon and renewable energy and there are many examples of this being successfully implemented and managed across Europe and the UK. Full agricultural use would be returned at the end of the operational lifespan. The applicant advises that the land has been in permanent grassland use for more than 15 years, so the landowner would be required to consult Natural England to obtain consent to plough.
- 6.2.4 The proposed method for emplacing the solar panel frames would involve auger drilling without the use of any concrete foundations. Concrete surfaces within the site would be limited to the bases of the proposed inverters and the substation and would occupy less than 1% of the total site area. Such surfaces would all be removed at the end of the design life of the site. The proposed track would be formed with stone chippings which would be removed at the end of the design life.
- 6.2.5 The proposals would also support the economic viability of the farming business, ensuring its longevity and progression as a local employer. Furthermore, it is intended to stock the site margins with a wildflower seed mix which would provide a source of food for pollinating insects, benefiting other agricultural areas. A landscaping condition covering this matter has been recommended in appendix 1. It is considered that there is no evidence therefore that the proposal will result in significant (or permanent) loss of the best and most versatile agricultural land or harm the agricultural industry. This conclusion is supported by a recent appeal decision which found no evidence of a loss of best and most versatile land in similar circumstances (*APP/D0840/A/14/2213745 Lanyon Farm, Gwinear, Hayle, Cornwall TR27 5LA*).
- 6.2.6 Choice of site – conclusion: Notwithstanding section 98 of the NPPF it is considered that the justification for this location of the proposed development is capable of being accepted in principle, provided there would be no other

unacceptably adverse land use impacts and relevant AONB policy tests can be met.

6.2.7 Climate change and economic benefits: The proposed facility would generate 4.3 Megawatts of renewable electricity which is equivalent to the annual power consumption of 1050 homes. Over the lifetime of the facility over 50,000 tonnes of Carbon Dioxide emissions would be saved. This is compliant with section 97 of the NPPF and related policies and guidance, including strategic objective 9 of the Core Strategy. Friends of the Earth have supported other solar photovoltaic developments in Shropshire as preferable to other forms of renewable energy such as large scale biomass burning. Solar installations reduce the dependence of local economies on energy imports. The installation and maintenance of these facilities can also generally be provided by local workers. The proposals are also capable of contributing in principle to the sustainability of rural communities by bringing local economic and community benefits, including through farm diversification and delivering sustainable economic growth and prosperous communities. (Core Strategy Policies CS5 and CS13).

6.3 Environmental considerations:

6.3.1 Landscape and visual impact: A Landscape and Visual Impact Assessment (LVIA) provides a comprehensive appraisal of surrounding viewpoints and finds that the site is well screened by intervening ridges and surrounding vegetation. To the south lies a ridge which screens the site from the lower ground to the southeast. Mature planting of hedgerows and trees around the perimeter of the site screens it from the west and east and the higher ground to the north. Additional planting is proposed to further enhance this containment.

6.3.2 The main publicly accessible views of the site are from Footpath 0564/16 which runs in an east-west line along a parallel ridge 30-90m to the south. The proposed solar farm would be visible through breaks in the perimeter vegetation from this footpath in the short term. However, the development would be screened from most of the length of this footpath once the existing hedgerows and new planting reach their proposed heights. The LVIA advises that whilst walkers along this footpath have been treated as having Medium/High susceptibility, the views from the footpath are only of local level value. The scale of visual effect would be Medium/High adverse over a Medium geographical extent along this footpath in the short term. This would however reduce to a Low/Medium adverse scale of effect Low geographical extent in the short/medium and longer term. This is given the proposal to allow existing field margin hedgerows on this boundary to increase in height and to plant a new hedge along the ridge line to the immediate north of the footpath, along the line of a former field boundary. Whilst visibility of the site from the footpath to the south is a relevant local issue it is not considered that the localised visibility of the reduced site from the footpath would be sufficient grounds for refusal, having regard to the proposed mitigation measures.

6.3.3 There are Bridleways in the surrounding area (0564/15 and 0529/4) with potential views 340m from the south east. The LVIA concludes that the overall level of visual effect on users of these Bridleways is also Minor/Moderate adverse. Whilst these routes would benefit less from the proposed mitigation measures, they are more distant from the application site. Footpaths 0565/6A & 0514/6A pass 190-400m

west of the proposed arrays but the scale of visual effect would be low and the LVIA advises that views from this route are only of local level value. The overall level of visual effect is considered to be Minor adverse.

- 6.3.3 Views from Caynham Camp 1.8km to the east of the arrays are considered to be of District level value and users of the footpaths leading to Caynham Camp (0514/18A 7 19A) have been treated as having High susceptibility to change. However the scale of visual effect at these locations will only be Low over a Low/Medium geographical extent. The overall level of effect on visual amenity is therefore considered to be Minor adverse. All the other visual effects identified in the LVIA are considered to be of Negligible adverse overall effect, including the view from the edge of the AONB along Whitewayhead Lane and potential views from dwellings in Caynham.
- 6.3.4 Overall the LVIA advises that would be some impact to the close range outlook from some of the public rights of way immediately adjacent to the site. However, the scale of the site has now been significantly reduced and is now restricted within the better contained eastern fields. Additional landscape planting is now proposed including a new hedgerow along the line of the footpath which runs to the south of the site. The height of existing hedges will also be allowed to grow up to provide further containment at an earlier stage. The LVIA concludes that the combined visual effects of the proposed solar farm constitute a slight adverse visual impact upon the landscape as a whole. It is stated that this is not at a level that will cause material harm to the AONB. The LVIA concludes that the limited harm will be substantially outweighed by the climate change, ecological and other, benefits offered by the solar park.

Photograph 5 (January 2014): View from Footpath 0564/16 to east of site.



Photograph 5 (June 2014): View from Footpath 0564/16 to east of site.



Photograph 6 (January 2014): View from Footpath 0564/16 to south-west of site.



Photograph 9 (January 2014): View from Whitewayhead Lane to north-east of site (edge of AONB).



Photograph 11 (January 2014): View from Bridleway 0564/15 to south of site.



Photograph 20 (February 2015): Line indicating proposed height of hedge.



Photograph 23 (February 2015): Line indicating proposed height of hedge & planting.

- 6.3.4 Visual impact – glint and glare: In terms of glint and glare this can potentially occur in the summer when the sun is low and the sky is clear. There are no properties to the immediate east or west of the site in orientations which could potentially be affected. Much of the site is surrounded by mature vegetation which would be protected and enhanced. It is possible that there may be some localised effects encountered on the footpath to the south of the site in summer mornings or evenings. However, it is not considered that any such potential effects would be sufficient to justify planning refusal.
- 6.3.5 Visual impact – conclusion: The applicant's LVIA is comprehensive and fully compliant with relevant methodology. It is considered that the photovoltaic panels have been positioned sensitively so as to limit their visual impact on the surrounding landscape and would not represent an unacceptable visual intrusion in terms of their scale and design (NPPF s28). The amendments in the current re-submission have resulted in a significantly improved scheme.
- 6.3.6 The site benefits from a high degree of visual containment. There would be some adverse impacts on footpaths near to the site but these would be minor, reversible, localised and further attenuated by the proposed landscaping measures. The potential for longer distance views, including from the AONB have been assessed. It is considered that the supplied visual information supports the conclusion that the site would represent a very minor component of a wider panorama as seen from any such viewpoints. It is concluded on balance that the majority of visual impacts of the proposals would be minor, given the well contained nature of the site. Whilst the objections on visual grounds of some consultees are noted, it is not considered that refusal on the grounds of landscape and visual impacts would be justified when the renewable energy and climate change benefits of the proposals and available mitigation measures are taken into account. (Core Strategy Policy CS5, CS6, CS17; NPPF s98, s116)

- 6.3.7 Heritage: Section 128 of the NPPF advises that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. An archaeological appraisal concludes that there is no above ground evidence of structures or earthworks or any obvious potential for buried archaeological remains that may be impacted on by the proposed application. The assessment concludes that, allowing for the proposed mitigation in the form of landscaping, the development will have limited adverse impact on the immediate landscape and negligible adverse impact on the heritage resource.
- 6.3.8 The only identified heritage asset from where the application site is potentially visible is Caynham Camp. The amendments to the scheme move the arrays a further 300m from this scheduled ancient monument to within hedgerows with mature trees which provide visual containment for the site from this direction. Historic England and the Council’s Historic Environment team have not objected to the revised submission. It is concluded that the site is compliant with relevant heritage policies and guidance. (NPPF s128; Core Strategy Policy CS17).
- 6.4 Other environmental issues:
- 6.4.1 Noise: A condition requiring the submission of a Construction Management Plan has been recommended in Appendix 1 and this would control hours of operation and noise limits. It is not considered however that there would be any significant noise or vibration impacts within the 4 month construction period. Construction traffic during the 4 month construction period would be closely managed under a construction management plan. Larger loads would be decanted into tractor and trailer loads to negotiate the Whitton road. The only noise source during the operational phase would be the inverter extraction fans which do not work at night when the panels are not generating electricity and would be located further away from the nearest properties in the reduced site. Public Protection has not commented on the proposals but has not objected to other similar recent solar photovoltaic proposals which are nearer to residential property. A noise condition has however been recommended in Appendix 1 to provide added reassurance.
- 6.4.2 Access / traffic and construction: Access to the site would be obtained via the unclassified road to Whitton. A temporary marshalling area surfaced in compacted stone will be provided during the construction phase at the existing entrance point, which will be removed immediately upon completion of the development’s construction. The construction of the solar farm would result in approximately 3 HGV deliveries (6 return movements) per day spread over a 10 week construction period. HGV loads would be decanted to smaller tractor and trailers to negotiate Whitton Lane. A swept path analysis confirms that the size of vehicle proposed would be able to negotiate the access into the site.
- 6.5.3 Highway officers did not object to the original larger proposal. Hours of working during the construction phase have not been specified but are likely to be 7am - 6pm Monday to Friday and 8am - 1pm on Saturdays. The construction phase and associated traffic would be managed under the terms of a Construction Management Plan and an appropriate condition has been recommended in

Appendix 1. Subject to this it is concluded that the proposals can be accepted in relation to highway, access and construction considerations. Core Strategy Policy CS5, CS6, CS7, CS8).

- 6.5.1 Ecology: An ecology report advises that the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species. The Application Site comprises open, grazed, improved grassland bordered by mature trees and hedgerows. The ecological value of the site overall is considered to be low. It does not form part of any statutory or non-statutory designated site and no protected or notable species were observed during survey. Precautionary measures are recommended to protect habitats and species during the construction phase of the development, including Reasonable Avoidance Measures for reptiles and amphibians. Boundary hedgerows, field margins and hedgerow trees would be predominantly retained as part of the proposed development and appropriate buffers applied within the project design. A number of recommendations are made to protect ecological interests.
- 6.5.2 A Landscape and Biodiversity Management Plan provides comprehensive scheme of habitat improvements for the wider site area. Implementation of the proposed measures will lead to a net biodiversity gain at a local level. The report concludes that with appropriate layout and design measures in place, it is considered that adverse effects on protected / notable species and habitats can be avoided.
- 6.5.3 Local residents have expressed concerns about the potential for the proposals to affect bats in hedgerow trees. However, the applicant has advised that the proposals would protect retained trees within the site. The Council's ecology section has not objected subject to imposition of recommended conditions. The Trees section has also not objected subject to the imposition of an arboricultural method statement condition. Appropriate conditions and advisory notes covering ecology and trees have been recommended and are included in Appendix 1. Subject to this it is concluded that the proposals can be accepted in relation to ecological considerations. (Core Strategy CS17).
- 6.5.4 Drainage / hydrology: A Flood Risk Assessment (FRA) advises that the site is located in Flood Zone 1 therefore at low probability of flooding from fluvial sources. The FRA advises that the existing surface water regime would not be affected by the proposed development. The Council's drainage team has not objected to the proposals. It is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).
- 6.5.5 Timescale and decommissioning: Current solar photovoltaic arrays have a design life of approximately 25-30 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to normal agricultural use, as stated in the application. This would ensure that arable productive capacity is protected (NPPF s112) and the sense of openness of the countryside in this area is not permanently affected. An appropriate condition covering decommissioning has been recommended in Appendix 1.
- 6.5.6 AONB: The site is located 430m west of the Shropshire Hills AONB at its closest. Objectors contend that the site should be treated the same as the AONB. However,

the AONB is a statutory designation with a management plan. Policy CS17 requires that new development should take account of landscape character assessment which grades landscapes according to their sensitivity. The applicant's landscape and visual appraisal complies with this requirement and concludes that the reduced site would not result in any unacceptable adverse visual effects on the AONB.

6.6 Other matters:

6.6.1 Community benefits: Whilst not considered essential in order to deliver a sustainable development the applicant company has advised that it is willing on a voluntary basis to make funding available for local community uses in order to provide a benefit to the local community. It is envisaged that this would take the form of a legal agreement (Unilateral Undertaking) with payment into a community fund at a level consistent with that of other recent solar park schemes which the Council has dealt with. This supports the overall NPPF objective of facilitating social sustainability and is therefore to be welcomed.

6.6.2 CCTV and privacy: The applicant has confirmed that CCTV would not be used at the site. Instead it is proposed that infrared sensors would be deployed. These would be less visible and would not emit visible light.

6.6.3 Recent Government statement: Objectors have referred to recent ministerial statements from DECC establishing a general preference towards the use of brownfield sites for solar photovoltaic schemes. It is understood that one of the concerns of Government in this respect is the relatively high proportion of the available renewables subsidy budget which is currently directed towards greenfield solar schemes. These statements are noted, but do not alter adopted planning guidance set out in the NPPF and the associated low carbon and renewable energy practice guide and referred to in section 10 of this report. In this respect the NPPF requires (s98) that if the effects of a renewable energy scheme are or can be made acceptable then the development should be approved. It should also be recognised that Shropshire is a predominantly rural county and there is insufficient suitable brownfield land with suitable power connection potential and sufficiently remote from residential properties to deliver the progress in renewable development expected by policies and guidance.

7.0 CONCLUSION

7.1 The proposed amended scheme represents a significant improvement relative to the original proposals. The western fields have been omitted and there is a further extension to the comprehensive landscaping scheme, including some off-site planting and vegetation management.

7.2 With regard to energy efficiency and climate change, the proposals would contribute to the diversity of sources of energy supply and hence the security of supply and would therefore be consistent with the objectives of the national energy strategy. The proposal would make a valuable contribution to cutting greenhouse gas emissions in accordance with Section 10 and Paragraph 98 of the NPPF and strategic objective 9 of the Core Strategy. The proposals would also provide an additional revenue stream for the estate, providing cost savings and a diversified

income that would help to ensure the longevity of the associated farming business and retention of existing jobs.

7.2 Whilst there would be some localised effects on views from the nearest right of way these would be mitigated substantially by the proposed landscaping measures. No other longer-distance visual impacts have been identified in the applicant's detailed LVIA. It is considered that the proposed development would not give rise to any other unacceptably adverse impacts on the environment, local amenities or other interests of acknowledged importance including amenity, ecology, hydrology, archaeology, drainage, agriculture, access and traffic. This is provided appropriate conditions are imposed, including the requirement for a construction management plan and decommissioning at the end of the design life. Subject to this, the proposal is in general accordance with the development plan. The applicant has also offered voluntarily to provide benefits to the local community and these are to be welcomed.

7.3 The NPPF advises that the production of renewable energy is a major material consideration and that sustainable development proposals which accord with the development plan should be approved without delay. It is concluded that the proposal can be accepted, subject to the recommended conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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

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

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 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 Shrewsbury and Atcham 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, companion guide to the NPPF). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice is provided specifically with regard to the large scale ground-mounted solar photovoltaic farms:

‘The deployment of large-scale solar farms can have a negative impact on the rural

environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- *Encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;*
- *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use ;*
- *The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *The need for, and impact of, security measures such as lights and fencing;*
- *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. 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 large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *The energy generating potential, which can vary for a number of reasons including, latitude and aspect’.*

11.0 RELEVANT PLANNING HISTORY:

11.1 A significant number of planning applications have been granted with respect to development at the adjacent agricultural buildings within the past 10 years, including the erection of potato storage buildings (09/02004/FUL; 09/0205/FUL) and a nearby in vessel composting facility (NS/03/00700/DEEM). No applications relate directly to the current application site.

12.0 Additional Information

<http://planningpa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NLF918TDJ6U00>

List of Background Papers: Planning application reference 15/01238/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Richard Huffer, Clee
Appendices: Appendix 1 – Conditions.

APPENDIX 1**CONDITIONS**Commencement of Development

1. The development hereby approved shall be commenced within 3 years of the date of this permission. Such date shall be referred to hereinafter as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 and in recognition of the part-retrospective nature of the development.

Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with:-
 - i. The application form dated 25th June 2014 and the accompanying planning statement;
 - ii. The supporting documents and appendices, namely:
 - Planning Statement;
 - Landscape and Visual Impact Appraisal, Alan Moss Associates (03/15);
 - Transport Statement, SCP (02/15);
 - Ecological Appraisal, Churton Ecology (02/15);
 - Flood Risk Assessment and Drainage Strategy (03/15);
 - Heritage Impact Assessment, Castlering Ecology (02/15);
 - Landscape and Biodiversity Management Plan, Alan Moss Associates (03/15).
 - iii. The permitted plans accompanying the application comprising:
 - Q14 00186_04 (Rev B); Location Plan
 - Q14 00186_01 PL (Rev C); Proposed PV Layout;
 - Q14 00186_03 (Rev A); PV Array Elevations, Section and Security Fence;
 - Q14 00186_02; (Rev A); Typical Buildings;
 - 1420/04 (Rev A); Landscape and Biodiversity Management Plan.

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Q14 00186_04), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Construction Management Plan

4. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in which the route along the highway for the delivery of materials and plant shall be stated along with measures to minimize the impact on the local highway network.

Reasons: In the interests of highway safety

Note: Appropriate advice should be obtained from a soil scientist to prevent damage to the soil resource during the construction phase.

Access

5. The sole access to the site during the construction and throughout the subsequent operational phase shall be by means of the route shown on the approved location plan reference 'Construction access and maintenance access routes'.

Reason: In the interests of highway safety and to protect the amenities of the area.

Landscaping

- 6a. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with the details shown on the approved landscaping plan reference 1420.03.
- b. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.
- c. In the event that the applicant determines in consultation with the Local Planning Authority that variation to the approved grass seeding specification and management provisions is required in order to achieve maximum ground cover then the applicant shall submit an amendment for the approval of the Authority. Any such amendments shall be implemented in accordance with the approved details.

Reason: To provide effective containment of the Site in the interests of visual amenity (6a) to allow for a review of screening requirements following the erection of the solar arrays (6b) and to allow for amendments to the seeding specifications if required in order to maximize ground cover within the Site.

Note: Trees and shrubs proposed for planting should comprise native species of local provenance.

7. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including weeding and replacement of failures

Reason: To secure establishment of the landscaped area in the interests of visual amenity and ecology.

Arboriculture

8. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the Local Planning Authority Tree Officer. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work is carried out in such a manner as to safeguard existing trees and hence to protect the amenities of the local area.

Ecology

9. No development hereby permitted, including ground disturbance, siting of plant, equipment, buildings or bunds, shall take place within 2 metres of any hedgerow, without the prior written approval of the Planning Authority.

Reason: To protect existing hedges and associated wildlife habitat from damage.

10. No trees or hedges are to be removed without the prior written approval of the planning authority.

Reason: to protect potential bat roosts, foraging routes and the landscape.

11. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting plan will identify how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications). The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats (European Protected Species) and other wildlife.

12. Work and monitoring shall be carried out strictly in accordance with the Landscape and Biodiversity Management Plan as shown on Drawing 1420.04 Rev A, dated 04.03.15 attached as an appendix to this planning permission This includes all planting specifications and schedule, timetable, establishment maintenance, long term landscape management and additional biodiversity measures for the lifetime of the development, unless otherwise approved in writing by the planning authority,

Reason: To ensure retention and management of important landscape and biodiversity features, including mitigation and enhancements for bats, badgers, birds and other wildlife.

13. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with the details shown on the approved Biodiversity and Landscape Management Plan reference 1420.04. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed. In the event that the applicant determines in consultation with the Local Planning Authority that variation to the approved grass seeding specification and management provisions is required in order to achieve maximum ground cover then the applicant shall submit an amendment for the approval of the Authority. Any such amendments shall be implemented in accordance with the approved details.

Reason: To deliver biodiversity enhancements within the site in accordance with Structure Plan Policy CS17.

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. Operations shall 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.*
- ii. *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. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site. 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.*

Fencing

14. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference Q14 00186_03.

Reason: In the interests of visual amenity (fencing).

15. Details of the site security system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date.

Reason: In the interests of privacy and visual amenity.

Drainage

16. There shall be no new structures (including gates, walls and fences) or raising of ground levels within 6metres of the top of bank of the watercourse inside or along the boundary of the site.

Reason: To prevent any impact on flood flows and flood risk elsewhere. A 6m wide easement from the top of the watercourse bank is required for maintenance purposes.

Notes:

- i. *For the transformer installation, the applicant should consider employing measures such as the following: Surface water soakaways; Water Butts; Rainwater harvesting system; Permeable surfacing on any new driveway, parking area/ paved area; Greywater recycling system.*

Archaeology

- 17a. 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). The programme of works should make provision for geophysical survey prior to construction commencing onsite with targeted evaluation trenching if necessary depending on the results of the geophysical survey.
- b. Non-intrusive construction methods (concrete shoes and above ground cable trays) or realignment of the arrays to avoid archaeological remains shall be applied in all areas where significant archaeological remains are identified and tested by evaluation. This shall be in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works in any affected areas of the site.
- c. An archaeological watching brief shall be maintained in areas of discreet ground disturbance associated with excavations for construction compounds, access roads, sub-stations/transformers. The applicant shall notify the Council's Archaeologist not later than 4 working days prior to the commencement of any operations involving ground disturbance within the site and shall provide sufficient time for inspection and recording of any archaeological remains which may be uncovered.

Reason: To allow any potential archaeological interest within the site to be properly assessed.

Noise

- 18a. The site shall be designed to avoid the possibility of noise attributable to the development exceeding a level of 5dBA above existing background noise at the ground floor level of any existing property.
- b. Notwithstanding the approved site layout plan, a scheme considering the potential to relocate the inverter unit nearest to Whitton House so that it is further from that property shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.

Amenity complaints procedure

19. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise 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 shall include:
- i. Investigation of the complaint;
 - ii. Reporting the results of the investigation to the Local Planning Authority;
 - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

Final decommissioning

- 20a. No re-placement of any solar panels within the Site at the end of their planned design life shall take place under the terms of this permission.
- b. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within one year of the end of their design life and the Site shall be reinstated as an agricultural field. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

Reason: To allow the site to be reinstated to an agricultural field capable of full productivity at the end of the planned design life of the development and to afford the Local Planning Authority the opportunity to record and monitor decommissioning.

Note: The typical design life of modern solar panels is up to 25 years. Any proposal to re-power the Site at the end of its planned design life would need to be the subject to a separate planning approval at the appropriate time.



Committee and date

South Planning Committee

16 June 2015

Development Management Report

SCHEDULE OF APPEALS AS AT COMMITTEE 16th June 2015

LPA reference	14/03444/FUL
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Lightsource SPV 39 Limited
Proposal	Installation and operation of a solar farm and associated infrastructure
Location	Proposed Solar Farm To The West Of Sheriffhales Shropshire
Date of appeal	12/05/2015
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

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