



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

Date: Monday, 3 August 2015

Committee:
South Planning Committee

Date: Tuesday, 11 August 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 2577716
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 **Apologies for Absence**

To receive any apologies for absence.

2 **Minutes (Pages 1 - 8)**

To confirm the minutes of the South Planning Committee meeting held on 14 July 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 **Proposed Residential Development Land at Hemford Bromlow, Minsterley, Shropshire (14/03447/OUT) (Pages 9 - 26)**

Erection of one dwelling with detached domestic garage, and formation of vehicular access (outline application to include access, layout and scale, but with matters of appearance and landscaping reserved).

6 **Hazeck, The Mines, Benthall, Broseley, TF12 5QY (14/05209/FUL) (Pages 27 - 38)**

Proposed side kitchen extension.

7 **Land to the west of Squirrel Lane, Ledwyche, Ludlow, Shropshire (15/01472/FUL) (Pages 39 - 84)**

Construction of solar park with attendant infrastructure including centre station, inverters, cameras, fencing and associated landscaping.

8 **Proposed Residential Development Land North of Haughton Road, Shifnal (15/01741/REM) (Pages 85 - 106)**

Reserved matters application for the erection of 216 dwellings pursuant to outline permission reference 12/04646/OUT.

9 **Fox Studio, King Street, Much Wenlock, Shropshire, TF13 6BL (15/01850/FUL) (Pages 107 - 126)**

Proposed extension and conversion of existing studio building to form two residential units and one commercial unit.

10 **Schedule of Appeals and Appeal Decisions (Pages 127 - 162)**

11 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, 8 September 2015, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

11 August 2015

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 14 July 2015

2.00 - 4.02 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 2577716

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

27 Apologies for Absence

There were no apologies for absence.

28 Minutes

RESOLVED: That the Minutes of the South Planning Committee held on 16 June 2015, be approved as a correct record and signed by the Chairman, subject to Minute No. 22, paragraph 11 being amend to read:

“In response to further questions from Members, the Principal Planner explained that his recommendation followed an exercise of consultation with the applicant and a review of the information/evidence submitted by technical consultees. In the ethos of the NPPF and as set out in his job description, he had worked with the applicant in a positive and pro-active manner prior to submitting his recommendation. He advised caution when citing the loss of agricultural land as a reason for refusal.”

29 Public Question Time

In accordance with Procedure Rule 15, the following public question was received from Mr P van Duijvenvoorde:

“Planning Application 15/01366/FUL - Proposed Solar Farm to the west of Sherrifhales

Why did chairman of South Planning Committee agree that this controversial application should be approved without reference to planning committee members?”

In the absence of Mr P van Duijvenvoorde, the Principal Planner read out the question and provided the following response:

“The scheme of delegation was applied in accordance with the constitution and the Chairman agreed with officers that the decision on this application could be delegated to officers.

As part of his consideration the Chairman was aware that a scheme for a much larger solar farm had been refused by Committee. The revised scheme was significantly smaller than the original scheme (44% of the original size) and of that, none of the panels would be placed on land considered to be best and most versatile in terms of its classification. This in effect addressed the reason for refusal previously put forward by planning committee in relation to the previous scheme. Objectors comments were also reviewed and considered against the greater level of community support and the support of the local member.”

30 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 15/00535/FUL, Councillor John Hurst-Knight declared that he was a Director of Shropshire Towns and Rural Housing (STaR Housing) and would make a statement and then leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/03594/VAR), Councillor David Turner declared that the site fell within close proximity to his Ward and reserved his right to speak on the application.

31 The Fish Shop, High Street, Broseley, Shropshire, TF12 5ET (14/03594/VAR)

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, he drew Members' attention to the approved and as built plans and elevations. He confirmed that Members had undertaken a site visit the previous day and had viewed the site and assessed the impact of the proposal on the surrounding area.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting which detailed comments from the Case Officer, letter from members of the public to Phillip Dunne MP and further public representations.

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

- This proposal would be out of keeping and detrimental to the surrounding Conservation Area;

- The people of Broseley wanted and welcomed the rebuilding of the local chip shop but not to the detriment of the surrounding area;
- Broseley Town Council had raised many objections/concerns;
- Materials used had not been as originally specified and the slope of the land had not been taken into account and had resulted in a raised roofline and floor levels;
- The suggested ramp to the front of the building would be unsightly and would encroach onto land maintained by the Town Council. The steps to the side of the building would permit entry to the side door but would encroach onto the neighbouring property;
- The proposed flue would be detrimental to the street scene and could be accommodated within the existing chimney; and
- To permit would be damaging to the environment and surrounding area, would undermine the integrity of the planning system and would be inconsistent with other permissions granted in Broseley.

Members considered the submitted plans and noted the comments of all speakers. During their discussions, Members commented that the site fell within the Conservation Area and as such the local architecture should be respected; materials used had not been as agreed; changes in the ground floor level would necessitate the provision of an access ramp and steps at the entrances; the external facing materials used were more visually prominent than those previously approved; an external flue was proposed and had not been specified in the previously approved scheme; a step on the floor plan from the south elevation relative to the previously approved scheme had been omitted; and the proportions of the proposed shop front window differed from the previously approved scheme.

RESOLVED:

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

- The building as constructed and as proposed to be completed would detract from the character and appearance of the Broseley Conservation Area due to the combined effect of the following changes in design relative to the permitted scheme:
 - (i) Changes to the ground floor level of the building necessitate the provision of an access ramp and steps at the entrances;
 - (ii) The external facing materials used are more visually prominent and discordant in the street scene compared to those previously approved;
 - (iii) The external flue would be visually prominent, detracting from the appearance of the building and streetscene;
 - (iv) A step in the floor plan to the south elevation of the permitted scheme has been omitted, with a consequent adverse impact upon the proportions of the side elevation and rear component of the building; and
 - (v) The proportions of the proposed shop front window differ from the approved scheme, providing the single pane with a row of more heavily framed top hung lights above door head height.

The proposed variation of conditions 2 and 4, and removal of conditions 3, 5 and 7 on planning permission 09/03161/FUL would therefore be contrary to Shropshire Core Strategy Policies CS6 and CS17; Policies DS1, DS2, DS5 and DS8 of the Broseley Town Plan 2013-2026 and paragraphs 56-58, 60, 64 and 137 of the National Planning Policy Framework.

32 Proposed Residential Development East Of Church Road, Alveley, Shropshire, WV15 6NP (15/00535/FUL)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location and the amended plans and elevations. 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 Tina Woodward, 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 her statement, the following points were raised:

- She considered the amended design to be more in keeping with the surrounding area;
- She welcomed the condition to include obscure glazing which would protect neighbour amenity; and
- The area had originally been designated as a play area and should remain as a play area. It would not be surplus to requirements and the loss of this site as open space might well lead to children playing in less safe areas.

By virtue of his declaration at Minute No. 30, Councillor John Hurst-Knight made a statement in support of the proposal and drew Members' attention to paragraphs 1.4 to 1.8 of the report. He left the room, took no part in the debate and did not vote on this item.

In the ensuing debate, Members considered the submitted amended plans and noted the comments of all speakers. Some Members continued to express the view that the design could be improved upon and considered that a stepped roofline rather than the proposed flat horizontal roofline would be more preferable. Some Members continued to express their frustration that solar panels would not be installed.

RESOLVED:

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

33 Proposed Residential Development Land North of Haughton Road, Shifnal, Shropshire (15/01390/REM)

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location and layout. He verbally reported the apologies and comments of local Ward Councillor, Kevin Turley, who had considered the green space allocation to be low and had questioned the need to include attenuation pools given the wet summers.

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

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

In response to comments, the Principal Planner confirmed that a condition requiring a Landscape Management Plan had been attached to the outline planning permission; and a condition to cover lighting matters could be added to this application.

RESOLVED:

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

(At this juncture, the meeting convened at 3.18 pm and reconvened at 3.23 pm.)

(NB: It was agreed at the meeting that an additional Condition to cover lighting matters would be added to any permission; however, following the meeting it was found that Condition No. 2 attached to 15/01390/REM and Condition No. 18 attached to 12/04646/OUT would cover this matter and subsequently there would be no need to attach a further condition.)

34 Proposed Dwelling Rear of 4 Church Street, Cleobury Mortimer, Shropshire, (15/01976/FUL)

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Madge Shinton left the room during consideration of this item, took no part in the debate and did not vote on this item.

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

Mr P Baldwin, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees and circulated photographs showing the context of the property with the neighbouring property. In

response to questions from Members he confirmed that there were other barbers and hairdressers in Cleobury Mortimer and the pharmacy store had never been a dwelling.

Councillor Geoff Hainsworth, representing Cleobury Mortimer Parish Council, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In the ensuing debate, Members considered the submitted amended plans and noted the comments of all speakers. In the ensuing debate, Members questioned if the loss of the retail storage facility would impact on the ability of the remaining unit to accommodate a range of uses in the future and requested that a retail assessment of the local area be carried out (to include reference to space available locally for other A1 uses); and requested further confirmation of land ownership.

In response to comments from Members, the Principal Planner confirmed that the porch had now been omitted from the application; there would be no impact on the Perry Pear tree and any pruning of the tree would require TPO consent; and 25.5 sqm including 12.5 sqm for storage and welfare use would remain.

RESOLVED:

That this application be deferred to a future meeting in order for the applicant to submit a retail assessment and further information, drawings and photographs providing confirmation of land ownership, separation distances of this site and adjoining properties, and the context of this property with neighbouring properties.

35 Proposed Dwelling Rear of 4 Church Street, Cleobury Mortimer, Shropshire, (15/01977/LBC)

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Madge Shinton left the room during consideration of this item, took no part in the debate and did not vote on this item.

The Principal Planner introduced the application.

RESOLVED:

That, for the reasons as set out in the resolution at Minute No. 34, this application be deferred to a future meeting.

36 Diddlebury Village Hall, Diddlebury, Craven Arms, Shropshire, SY7 9DJ (15/02047/FUL)

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15.1) Councillor Cecilia Motley, as local Ward Councillor, made a statement in support of the proposal and then left the table, took no part in the debate and did not vote on this item.

(At this juncture, Councillor Nigel Hartin left the meeting and did not return.)

In the ensuing debate, Members considered the submitted plans and unanimously expressed support for the proposal.

RESOLVED:

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

37 Schedule of Appeals and Appeal Decisions

(At this juncture, Councillor David Evans left the meeting and did not return. The Vice Chairman took the chair for the remainder of the meeting.)

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 14 July 2015 be noted.

38 Date of the Next Meeting

That it be noted that the next meeting of the South Planning Committee would be held at 2.00 pm on Tuesday, 11 August 2015 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed (Chairman)

Date:

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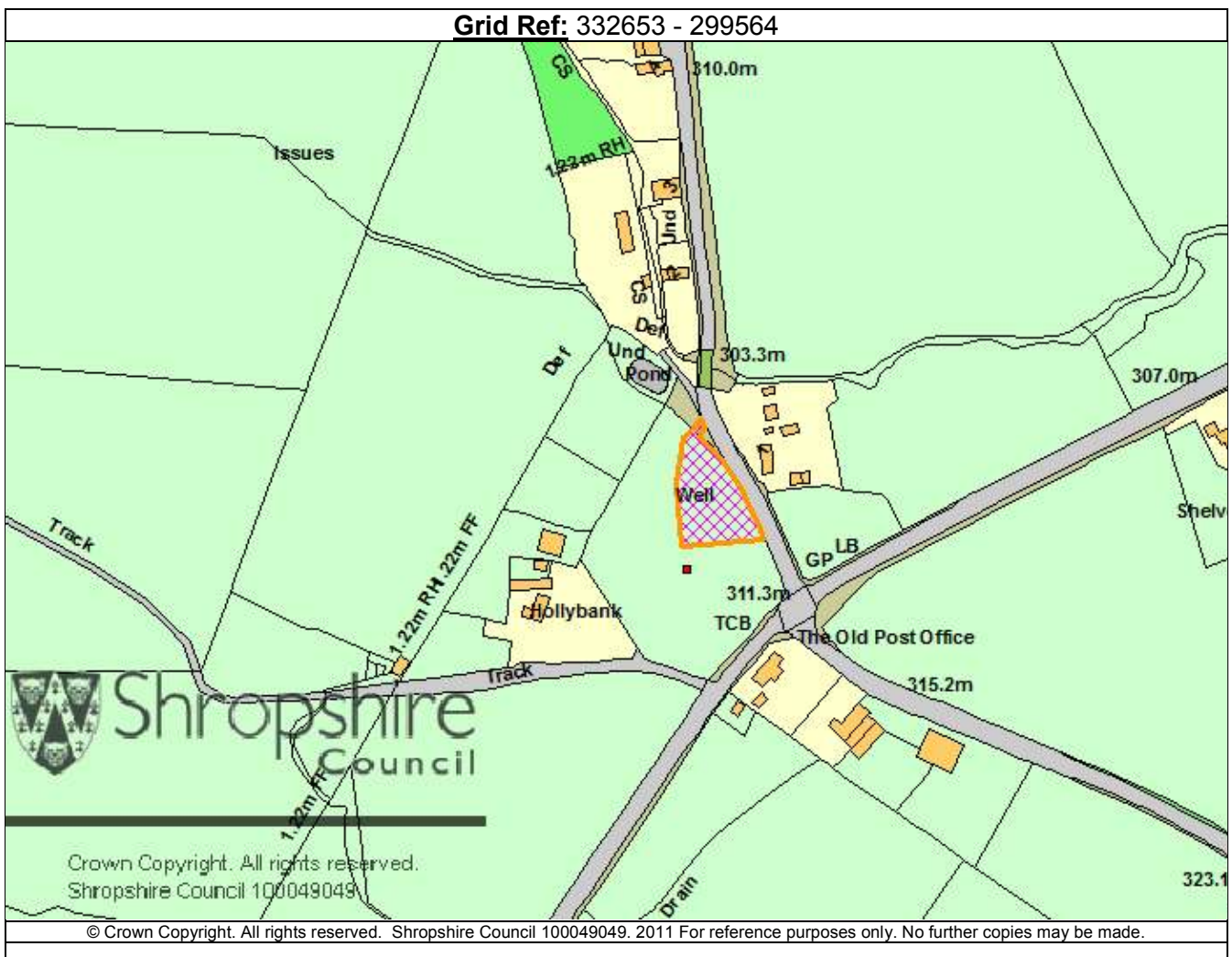
Committee and date
 South Planning Committee
 11 August 2015

Development Management Report

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

Summary of Application

| | | |
|---|--|---------------------|
| Application Number: 14/03447/OUT | Parish: | Worthen With Shelve |
| Proposal: Erection of one dwelling with detached domestic garage, and formation of vehicular access (outline application to include access, layout and scale, but with matters of appearance and landscaping reserved) | | |
| Site Address: Proposed Residential Development Land At Hemford Bromlow Minsterley Shropshire | | |
| Applicant: Mrs J Harrison | | |
| Case Officer: Trystan Williams | email: planningdmsw@shropshire.gov.uk | |



Recommendation: Refuse

Recommended reason for refusal:

1. On account of its elevated and prominent situation, and the need for substantial level changes and hard landscaping as a result of the topography, the development would appear stark and incongruous by comparison with the scatter of established dwellings in the vicinity. Consequently it would detract from the scenic quality and essentially open character of the Shropshire Hills Area of Outstanding Natural Beauty, contrary to the National Planning Policy Framework and Policies CS6 and CS17 of the Shropshire Council Local Development Framework Core Strategy.

REPORT

1.0 THE PROPOSAL

- 1.1 This application, as amended, seeks outline planning permission to erect a single open-market dwelling with detached garage. Also sought at this stage is approval of details of access, layout and scale, which would be as per the latest revised plans. However, matters of appearance and landscaping are reserved for consideration under a separate application, and in these respects the plans should be regarded as indicative.
- 1.2 Originally the proposal was for two dwellings across a larger area, with all matters reserved except for the means of access.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Hemford is a scattered hamlet in the valley between Shelve Hill and Bromlow Callow, within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The revised application site comprises the northeast quadrant of a paddock which rises from north to south. Along the southeast boundary runs the A488 Bishop's Castle – Shrewsbury road, with a red brick house formerly the local post office opposite. To the east the site is bounded by the local road to Bromlow, beyond which is a rendered cottage named 'Brooklyn'. There is also a loose ribbon of roadside properties beyond a brook to the north, and to the west a smallholding named 'Hollybank'. In general the area is characterised by small hedged pasture fields interspersed with forestry plantations and unenclosed moorland on the higher ground.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Although the Parish Council has classified its comments as neutral, the Local Member for Shropshire Council feels the application raises significant material considerations. Accordingly, in line with the Council's adopted Scheme of Delegation, the application is referred to the planning committee for determination.

4.0 COMMUNITY REPRESENTATIONS

4.1 Consultee comments

4.1.1 Shropshire Council Flood and Water Management – comment:

Full details of the proposed surface water soakaways, to include percolation test results, sizing calculations and a layout plan, should be submitted for approval. A silt trap or catch pit should be installed upstream of the drainage fields. Since the site is identified as being at moderate to high risk of groundwater flooding the level of the

water table must also be established if infiltration techniques are to be used, and details for the management of groundwater will need to be provided.

- 4.1.2 If soakaways are unfeasible details of a suitable attenuation system should be submitted instead. Additionally if driveways or parking areas would have non-permeable surfaces measures to intercept run-off should be detailed, and in any case the incorporation of other sustainable drainage systems (SuDS) is encouraged.
- 4.1.3 Regarding foul drainage, full details of the proposed septic tank and its drainage fields should be submitted.
- 4.1.4 All of the above details could be secured by condition for approval at the reserved matters stage.
- 4.1.5 Shropshire Council Rights of Way – no objection:
A public footpath follows the track along the southwest boundary, but would be unaffected by the proposal.
- 4.1.6 Worthen with Shelve Parish Council:
26/8/14 – comment:
No objection, given that the development appears to accord with the Parish Plan and Local Implementation Plan. However, clear visibility should be ensured at the access point, both for emerging vehicles and passing motorists, who seem to exit the A488 and cross the road bridge to the north at high speed.
- 4.1.7 3/10/14 – comment:
No further comments.
- 4.1.8 5/11/14 – comment:
The Parish Council maintains its original comments, and reiterates its concerns regarding visibility and vehicle speeds at the access point.
- 4.1.9 30/6/15 – comment:
The Parish Council maintains its original comments.
- 4.1.10 Shropshire Council Historic Environment (Archaeology) – no objection:
No comments in respect of archaeological matters.
- 4.1.11 Shropshire Council Ecology:
7/11/14 – objection:
In the absence of additional information in respect of great crested newts there can be no certainty the development would not cause an offence under the Conservation of Habitats and Species Regulations 2010. Natural England advises that ponds within 500 metres of development sites should be assessed for their suitability for great crested newts. In this case there has been no full search of a pond located on the site boundary. It is unclear whether the ecological consultant was denied access to this pond, but if so the Council would require written evidence of this.

- 4.1.12 The consultant has suggested the pond may be dry, but again no evidence has been provided to support this statement. Indeed there is some ambiguity within the ecologist's report, which further on advises care in implementing and maintaining drainage systems in order to avoid any significant impacts on what it refers to as wetter habitats adjacent to the pond and stream.
- 4.1.13 Other ponds within 250 metres should be assessed for their broad suitability for great crested newts using a Habitat Suitability Index. If any ponds are found suitable it may be necessary to carry out a presence/absence survey, and, if newts are found, a population size class estimate. The ecologist should then make recommendations on whether a European Protected Species Licence, mitigation scheme and/or precautionary method statement will be needed.
- 4.1.14 10/2/15 – objection:
The updated ecological assessment has now been reviewed, along with objectors' comments. Additional information is required in relation to the site's botanical interest.
- 4.1.15 The ecological report now considers the approximate areas of more species-rich grassland identified during the Phase 1 survey. It advises that the eastern side of the site has some botanical interest and should be retained/protected during and post-development. However, this is not reflected by the current layout plan. Alternatively if the current plan is considered more acceptable for other reasons it is recommended that another area of the paddock should be retained and managed for its botanical interest. This should be shown on an updated plan.
- 4.1.16 Regarding great crested newts, Council ecologists have now visited the adjacent pond and confirmed that its suitability for breeding newts is low. A fast flowing stream separates this pond from the wider environment and would act as a dispersal barrier for newts. As a precaution, however, adherence to the ecological consultant's recommendations should be ensured by condition, and an informative regarding the legal status of great crested newts should also be included on any planning permission. Further informatives should address the operation of trenches and storage of building materials.
- 4.1.17 A neighbour has recorded badgers in close proximity. The applicant's ecologist did not identify any badger setts within 50 metres of the site boundaries, but has proposed reasonable avoidance measures to ensure the protection of mammals which may use the site for foraging/dispersal. An informative regarding the legal status of badgers should be attached.
- 4.1.18 Having visited the site, the Council's ecologists have assessed its potential to support curlew and lapwing. Given its location and current management regime this is considered to be limited, and so the development is unlikely to have a detrimental impact on ground-nesting bird species. An informative regarding the legal status of nesting birds should be included as a precaution.
- 4.1.19 The site does have potential for foraging and commuting bats. Conditions should be used to control external lighting and secure provision of bat boxes.

- 4.1.20 The additional hedge planting referred to on the amended layout plan is welcomed. Precise details should again be secured by condition.
- 4.1.21 15/6/15 – no objection:
The latest amended plans show the development area reduced. This will help retain botanical interest on site. Previous comments on great crested newts, badgers, ground-nesting birds, bats and landscaping are reiterated.
- 4.1.22 Shropshire Council Highways Development Control:
7/11/14 – objection:
There are concerns over visibility for drivers emerging from the proposed access. The submitted layout plan indicates visibility splays of 2.4 x 43 metres can be provided. However, 43 metres is the minimum distance acceptable for 30mph restricted zones under the Department for Transport's *Manual for Streets*, whereas the proposed access would emerge onto a section of single carriageway road with a derestricted speed limit. If the application is to be supported further justification for the reduced visibility splays should be sought.
- 4.1.23 Objectors refer to the potential impact of additional vehicle movements on the surrounding highway network, and on the A488 Shelve crossroads in particular. The highway authority recognises that the site is close to the crossroads, and that this has been identified previously as an accident cluster. However, given the numbers of vehicle movements and turning manoeuvres which occur already at the junction it would be difficult to demonstrate that the additional traffic likely to be generated by the development would have so significant an impact on highway safety as to sustain an objection on these grounds.
- 4.1.24 11/2/15 – no objection:
Whilst it is acknowledged that the proposed visibility splays do not meet the minimum standards desirable for the speed limit applicable here, given the alignment of the highway carriageway the speed of approaching vehicles is in fact likely to be constrained. On account of this, and bearing in mind the scale of the development, it is unlikely that a highway authority objection could be sustained on the grounds of insufficient visibility. No objection is therefore raised, subject to precise details of the layout, construction and sightlines of the new access being secured by condition. The information submitted should also include details of any additional passing place to be provided alongside the entrance, as outlined in the agent's correspondence dated 20th November 2014.
- 4.1.25 Shropshire Hills AONB Partnership – comment:
The local planning authority has a statutory duty to take into account the AONB designation, and National Planning Policy Framework (NPPF) policies give the highest level of protection to AONBs. The application also needs to conform to the Council's own Core Strategy policies and emerging Site Allocations and Management of Development (SAMDev) plan, whilst the Shropshire Hills AONB Management Plan is a further material consideration. The lack of detailed comments by the Partnership should not be interpreted as suggesting that the application raises no landscape issues.

4.2 Public comments

4.2.1 Prior to the latest revisions where the number of dwellings proposed was reduced from two to one, the application attracted objections from five separate households. The following issues were raised:

- Greenfield agricultural land within AONB unsuitable for housing. Development of open countryside adjacent to farms and smallholdings would not constitute infill.
- Under the NPPF isolated new homes in the countryside should be avoided, and recent appeal and High Court decisions indicate lack of a defined five-year housing land supply need not dictate approval of inappropriate development in AONB.
- General political consensus that brown field sites should be used for housing in preference to greenfield land.
- No current need for more housing in Hemford area. In August 2014 there were 47 properties for sale within a three mile radius, 17 of them three-bedroomed like those proposed. Additionally the Old Post Office directly opposite has stood empty for five years and is owned by the applicant's family. Preference should be given to reusing empty properties such as this.
- Applicant's agent claims a pressing need for bungalows in the area, but provides no evidence to support this. Open-market detached 3-bedroomed bungalows tend to be more expensive than open-market detached 3-bedroomed houses, and may well be beyond reach of most local families.
- In November 2014 a property website listed 42 dwellings for sale within a 3-mile radius of the site, 16 of which were 3-bedroomed houses or bungalows. This suggests a surfeit of demand and a need to reuse empty properties instead of building more. Findings were similar in February and May 2015.
- Scheme would not address local need for affordable housing
- No public/social facilities or amenities in close proximity, so development would be unsustainable and of no benefit to local community
- Local amenities referenced by supporters not easily accessible on foot, and some lack public transport connections.
- Occupiers likely to rely on private transport since local bus service very limited (five trips per day at two hourly intervals, with none in evenings or on Sundays, and not all journeys serving the Royal Shrewsbury Hospital)
- Limited communications – internet connections are slow and unreliable, and mobile phone reception is poor
- Houses would appear prominent from all directions on account of their position on top of slope alongside A488.
- Modern houses on small plots would undermine established pattern of development, with existing housing largely comprising linear development of mid-19th Century miners' cottages built in quartzite, or smallholdings in substantial grounds.
- Hemford does not have an obvious concentration of properties around adjacent road junction, and neither would development nestle discreetly amongst wider scatter of outlying cottages
- Agent's 'Visual Landscape Appraisal' does not consider cultural/historical elements of landscape character, omitting views from well-known historic sites and landmarks such as Bromlow Callow and Stapeley Common, and downplaying the site's visibility from Ladywell Engine House. No representation of how development would appear in situ, and no consideration of views from

adjacent dwellings. Development would also be highly visible from the A488, the road from Bromlow, and the adjacent footpath. A range of alternative photographs is provided.

- Landscape impact of increased light pollution
- Modern development would be detrimental to conservation of local mining heritage, including the Ladywell Engine House scheduled monument which looks down on the site, and other archaeological remains. Application includes no assessment of the significance of these heritage assets, including the contribution made by their setting.
- With regard to impacts on wider historic environment, English Heritage document *Enabling Development and the Conservation of Significant Places* suggests outline planning permissions may be inappropriate where development's appearance is crucial to its acceptability. Impacts of cumulative change should also be considered.
- Site's imposing elevation would result in overlooking of neighbouring properties, particularly since boundary vegetation is mainly deciduous.
- Loss of natural light to opposing property, Brooklyn
- Neighbours would suffer glare from headlights of cars entering or leaving site
- Access would be onto a single-track road with poor visibility in both directions on account of curvature, gradient and high verges, and which is treacherous in ice or snow. An extra driveway (the opposing entrance to Brooklyn is not shown on the plans) and additional motorists would only increase risk of accidents.
- Agent's suggestion that a 2.4 x 75-metre visibility splay could be achieved to the south is incorrect since view would be obscured by curvature of high embankment and hedge. Additionally applicant has no control over highway verge.
- Agent's assumption of average vehicle speeds closer to 30mph at point of new access is questionable. Vehicles travelling southwards will have followed a straight section of road for approximately ½ mile, ample distance to reach 60mph before having to decelerate to negotiate the bridge and bend, whilst those approaching from the A488 crossroads will already have started to accelerate by the time they are within the 43-metre splay visibility splay and could easily be exceeding 30mph when they reach the entrance.
- Although existing access points to adjacent properties are undoubtedly substandard, these properties predate planning legislation. The proposed development would worsen the situation.
- The road to Bromlow is well used by agricultural and forestry traffic, and already is often obstructed by delivery vehicles etc.
- Only space available for new passing place in vicinity of proposed access would be a short section of verge which, if used for parking, would obstruct visibility for emerging drivers.
- Difficulties in negotiating a steep access drive would increase numbers of vehicles left stranded on roadside in icy conditions
- Increased risk to walkers – no pavements in this location
- Increase in traffic using adjacent crossroads on A488, which offers poor visibility and is an accident blackspot. Further accidents have occurred here since application submitted
- Highways Development Control Officer's comments are based on number of reported accidents as opposed to actual numbers.

- Other junctions with the A488, at Hope and The Gravels, are on comparatively level ground and hence safer.
- Unclear why Highways Development Control Team withdrew its initial objection
- Ecological report submitted is uncomprehensive, relying on survey conducted on one afternoon in prolonged dry period and failing to take in adjacent land. Survey occurred after curlew and lapwing breeding/nesting period, and report makes no mention of butterfly or dragonfly species.
- Although development site may be 600 metres from closest site known to support great crested newts, this species has a wide terrestrial range of at least 1km. The adjacent stream would not necessarily impede their roaming given presence of low wooden bridges and the lack of fast-flowing water across Black Marsh to west.
- Recent curlew and lapwing survey by Upper Onny Wildlife Group observed these declining bird species using development site for feeding. It must not be discounted as a potential breeding site.
- Pipistrel bats fly around and cross the site daily.
- Evidence of badgers accessing site from surrounding area
- Surrounding area provides conditions for pine martens, one of which was observed entering site in 2012
- Otter have been filmed entering site
- Site identified as an environmentally sensitive area (ESA)
- Shropshire Wildlife Trust should be consulted
- Development of already marshy field would create impermeable surfaces, so increasing run-off and risk of flooding and ice on adjacent road as well as further downstream
- Percolation tests and drainage calculations need to be completed.
- Scheme may set precedent for future development of remainder of field
- Land presented for sale in 2012 on understanding it would not be developed
- Site appears as common land on 1838 tithe map, and legal action has previously been taken over misappropriation of land adjacent to Hollybank. Documentary evidence of applicant's title to the land should be sought, along with confirmation that commoners' rights no longer apply.
- Trees and hedges along south and west boundaries belong to Hollybank. Any felling or pruning works would result in a complaint of criminal damage.
- Mains stop valves for adjacent properties are situated in northeast corner of field, necessitating access rights for affected householders
- Increased demand on mains water supply could affect water pressure in neighbouring properties.
- Parish Council has objected to other similar proposals nearby on the grounds of an over-proliferation of housing applications in the same ward, visual impacts on the AONB, impact on historic character, poor access etc. All of these issues apply equally to the Hemford site.
- Letters of support appear to be written by family, friends and associates of the applicants who would not be affected directly.

- 4.2.2 The latest amended plans have attracted objections from three separate households, who make the following additional points:
- Building a single dwelling on greenfield land in AONB still undesirable when there are more suitable brownfield sites in close proximity
 - Old Post Office remains vacant and should be returned to use by applicant before new house is approved.
 - Revised plan unclear whether new dwelling would be affordable or open-market. Recent policy changes mean a single open-market dwelling would no longer trigger affordable housing payment
 - Number of bedrooms unknown. Parish Council has objected to other outline applications on this basis, given local need for smaller dwellings.
 - Amended plans show single much larger dwelling but fail to confirm its measurements. Statement that it would be no higher than opposing cottage implies it could be a two-storey house rather than a bungalow as shown.
 - Hemford not a cluster of residential properties as stated in the agent's latest email, but a linear development of established miners' and smallholders' properties, each within its own substantial grounds, in a dispersed pattern. Proposed dwelling would have adverse impact on area's visual amenity and character
 - Proposals still detrimental to historic environment. Council's Archaeology Team should review its comments to take into account features such as Hoar Stone Bronze Age round barrows on Black Marsh, which form part of the prehistoric landscape of Stapeley Common, as it has with another scheme less than a mile away.
 - Dwelling now closer to Brooklyn, worsening overlooking, overshadowing and noise impacts
 - No revisions to access arrangements. Retention of large area of paddock means entrance would also be used by agricultural vehicles.
 - Revised plan does not greatly reduce ecological impacts since development area contains some less common plant species, and is home to ground-nesting birds and rare mammals. Remaining paddock area would need to be managed as nature reserve rather than used for agriculture.
 - Forming a level platform to allow the dwelling to sit no higher than the opposing house involves more extensive excavations and building substantial retaining walls on three sides. This will increase surface water run-off, and may destroy old well situated immediately in front of property. This should be reviewed by Council's Flood and Water Management Team.
 - A single dwelling could still set a precedent for further development.
- 4.2.3 Three separate households supported the original scheme for the following reasons:
- All essential amenities available within reasonable distance (e.g. shop/post office – 1.5 miles; primary school – 1.9 miles; pub – 1.3 miles; doctors' surgery – 4.1 miles). Further facilities at larger villages of Minsterley (5.4 miles) and Pontesbury (6.8 miles) which, like Bishop's Castle, are accessible by bus. These facilities and businesses would benefit from additional patronage.
 - Mains electricity and water are available.
 - Small-scale developments such as this would meet local housing needs, since existing properties at Hemford are all owned and occupied by older people and would command prohibitively high prices if marketed.

- Applicants have lived and worked locally all their lives
- Small paddocks such as this can no longer be farmed viably.
- Houses would be tucked away out of site
- Density of development sympathetic, with large gardens and generous distances between proposed dwellings and those existing, and with large area of paddock to remain undeveloped.
- New entrance would be better than those serving many existing dwellings
- Adjacent crossroads safer than steep junctions with A488 at Hope and The Gravels
- Local road towards Bromlow is maintained during adverse weather conditions since it is used by local school bus.

4.2.4 Following submission of the amended plans for a single dwelling, one household has reiterated its support.

4.2.5 A local ornithologist has made 'neutral' comments. He notes that lapwing, curlew and snipe breed on fields nearby and believes the application site is part of their foraging area, but confirms it is not a known breeding site. However, he also suggests that if the development might cause known breeding sites to dry out it should be opposed until a full hydrological assessment is made.

5.0 THE MAIN ISSUES

- Principle and sustainability of development
- Layout, scale and design/landscape impact
- Impact on historic environment
- Residential amenity
- Access and highway safety
- Ecology
- Flood risk and drainage
- Other matters raised in representations

6.0 OFFICER APPRAISAL

6.1 Principle and sustainability of development

6.1.1 A key objective of both national and local planning policy is to concentrate new residential development in locations which promote economic, social and environmental sustainability. Specifically, Core Strategy Policies CS1, CS3, CS4, CS5 and CS11 seek to steer new housing to sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters') as identified in the Council's emerging SAMDev plan. Isolated or sporadic development in open countryside is unacceptable unless there are exceptional circumstances.

6.1.2 Hemford is not a settlement designated for housing development under any *current* planning policy (i.e. 'saved' Policies SDS3 and S1 of the former South Shropshire Local Plan). However, its inclusion as a component of a proposed 'Community Cluster' under Policies MD1 and S2 of the SAMDev Pre-Submission Draft can now be afforded some weight since this plan is at an advanced stage in the process towards formal adoption (the Secretary of State Inspector has recently confirmed the proposed main modifications following the public examination sessions, and any plan content not included in the modifications schedule may be considered sound in principle in accordance with NPPF Paragraph 216). Policy S2.2 (vii) gives a guideline

of approximately 15 additional dwellings across this particular Cluster, and besides conversion projects the intention is for these to comprise infill development on suitable small-scale 'windfall' sites within the named settlements.

- 6.1.3 Since it is not proposed to designate development boundaries around the Cluster settlements the question of whether or not specific schemes would constitute infilling is a matter for judgment in each case. Hemford is no more than a hamlet with a dispersed development pattern, and as such identification of logical infill plots is difficult. Although the proposed site is not bounded tightly by existing dwellings it lies at the end of the ribbon to the north, and, as described in Section 2.0, is loosely encircled by outlying cottages and smallholdings to the east, south and west. The development would generally be seen in the context of this scattered group, and so on balance could be regarded as infill. However, that is not to say its landscape impact would necessarily be acceptable (see Section 6.2).
- 6.1.4 With regard to housing land supply the Council's Planning Policy Team now claims to have identified sufficient (i.e. five-year) provision, although this relies on allocated sites and designations within the SAMDev Plan. Until the latter has been formally adopted it cannot be given *full* weight, and in the interim the NPPF presumption in favour of sustainable development and its specific aim to boost the supply of new housing may be held to take precedence. For this reason local perceptions of a lack of housing demand and concerns over multiple planning applications having effectively used up the SAMDev allowance for the Hope ward can be given little weight at present.
- 6.1.5 Whilst it is difficult to argue that Hemford is sustainable in the conventional sense there is a comparatively frequent bus service along the A488 adjacent to the site, and the Community Cluster concept acknowledges the provision of 'shared services' in neighbouring settlements. One of the scheme's supporters lists various facilities available in the area (Section 4.2.3), although it should also be noted that not all of these are accessible by public transport and that a lengthy walk is unlikely to prove an attractive proposition to many. On balance it is suggested that these factors, combined with the hamlet's emerging status as a Cluster settlement, are sufficient to conclude that the location is broadly sustainable in terms of access to services, and that open-market development would therefore be acceptable in principle. However, officers also consider that this small-scale development's modest economic and social benefits (in terms of supporting existing services and increasing housing supply, as well as in providing limited short-term employment during construction) would fail to outweigh the significant and lasting environmental harm which would result from its impact on the landscape, discussed in detail below. In this respect the application fails to comply with all three dimensions of sustainability as summarised in Paragraph 7 of the NPPF.
- 6.1.6 With reference to objectors' claims that the proposed dwelling would fail to meet local housing needs on account of its scale and tenure, the provision of smaller properties has, quite understandably, been identified as a community aspiration through the Parish Plan. However, the lack of affordable provision on-site would not be sustainable as a reason to refuse permission since this is not a requirement of any adopted planning policy, or indeed the emerging SAMDev plan. On the other hand the applicant's local connections should not be given any weight.

6.1.7 Regarding the issue of a financial contribution towards affordable provision elsewhere, the recent Ministerial statement advising against the use of planning obligations to secure tariff-style payments is a material consideration and has been afforded significant weight in a number of recent appeal decisions, notably in the case of a development at 'Vashlyn', Copthorne. However, the latter does not necessarily set a binding precedent since in that case the appellant had agreed to make the contribution and was not challenging the Council on this issue, and consequently the Council did not provide detailed evidence or reasoning to support its position. Subsequently, therefore, the Council has maintained its stance that an affordable housing contribution should continue to be sought. This accords with adopted Core Strategy Policy CS11, which is based on evidence of housing need presented to an independent planning inspector and tested through the examination process, and which has been applied consistently since 2011 with no compelling evidence to suggest any adverse effect on the delivery of smaller housing sites. Indeed the policy was formulated in conjunction with a developer panel to establish a dynamic viability rate relevant to Shropshire. Consequently, if members are minded to approve the current scheme this should be subject to prior completion of a legal agreement to secure the appropriate payment.

6.2 **Layout, scale and design/landscape impact**

6.2.1 The NPPF and Core Strategy Policies CS5, CS6 and CS17 all acknowledge the importance of achieving quality and sustainability of design, particularly in terms of reinforcing local distinctiveness and conserving and enhancing the character of the built, historic and natural environment. Meanwhile NPPF Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in AONBs which, along with National Parks and the Broads, have the highest status of protection in this respect.

6.2.2 This site is highly visible from the A488 and also particularly prominent when approaching along the local road from the north, where it appears directly ahead as an exposed facing slope beyond the tree-lined stream. Although Shelve Hill provides a backdrop to the longer-range views officers were nevertheless concerned that two dwellings as proposed originally would have involved developing the highest part of the site, and furthermore that the houses would have appeared to 'float' randomly within the open paddock as opposed to reflecting the prevailing pattern of vernacular cottages clinging tightly and reasonably discreetly to the roadsides. A subsequent revision showed the properties set closer to the northeast and southeast boundaries, but again they would have appeared unduly prominent on account of the site's elevation, and because significant level changes would have been necessary to form level platforms.

6.2.3 The applicant's agent has now sought to address these issues by proposing a single dwelling on the lower part of the site, and by providing further details of layout and scale. Clearly, since appearance remains a reserved matter, the detailed design would be subject to change, although conditions could be used to specify a single-storey building and/or maximum height. Even so the development would undoubtedly be exposed to view, more so than the adjacent properties on account of its situation, elevation (even a bungalow as shown would be almost level with the ridgeline of the two-storey cottage opposite) and the site's steep gradient. The agent's

landscape/visual appraisal includes a photographic survey, but officers would tend to agree with objectors that this omits a number of key public views, particularly at close range. Furthermore the large footprint shown contrasts with the scale and form of the neighbouring cottages, and could result in a more bulky and less traditional appearance.

- 6.2.4 The plans also confirm the need for considerable excavation and hard landscaping works. These in themselves would introduce stark and distinctly urban elements at odds with the rustic and essentially agricultural character of the surroundings.
- 6.2.5 Officers consider that the above changes would demonstrably harm the character and appearance of the local area by detracting from the established settlement pattern and intrinsic beauty of the landscape, contrary to the identified policies.
- 6.2.6 In terms of light emissions, it is unlikely that one further dwelling in an existing (albeit loose-knit) settlement would impact significantly on visual amenity.

6.3 **Impact on historic environment**

- 6.3.1 Part 12 of the NPPF requires local planning authorities to have regard to the desirability of sustaining and enhancing the significance of both designated and non-designated heritage assets, and indeed to give “great weight” to the former’s conservation. Paragraph 128 advises local planning authorities to require applicants to describe the significance of any heritage assets which would be affected by their proposals, and to have them assessed using appropriate expertise *where necessary*. Paragraph 132, meanwhile, recognises that an asset’s significance can be harmed or lost through development within its setting. This guidance is reinforced at the local level by Core Strategy Policies CS6 and CS17.
- 6.3.2 In this case objectors suggest the proposal would harm the setting of a number of heritage assets, notably the scheduled monument of Ladywell Engine House which stands elevated some 350 metres to the southeast. However, although the development may be discernible in long-range views from and towards the monument, it would not feature prominently on account of the distances involved, the difference in levels and the intervening vegetation. It is therefore considered there would be no significant impact on the monument, and that it would be unreasonable to require the applicant to undertake a more detailed assessment beyond that included in the landscape appraisal. Similarly there is no sound reason why an outline application should not be entertained.
- 6.3.3 The archaeological potential of the site itself is considered lower than in the case of the other planning application referred to by one of the objectors since it is further from and less directly connected with known historic sites. Accordingly the Historic Environment Team has not recommended an archaeological inspection in this instance.

6.4 **Residential amenity**

- 6.4.1 Clearly the development would be visible from some of the neighbouring properties, particularly Brooklyn, whose occupants would likely perceive some loss of outlook. However, given that the two dwellings would not directly oppose each other and that their rooflines would be roughly level, there would be no significant loss of sunlight

or direct overlooking and the development should not appear unduly oppressive or overbearing. It should also be noted that there is no legal right to a private view across another's land, whilst occasional disturbance by domestic noise or glare from car headlights would be no more problematic than in countless other locations where a one property opposes another. It is therefore considered unlikely that the scheme would cause demonstrable harm to residential amenity in planning terms.

6.5 Access and highway safety

6.5.1 Vehicular access would be onto the outside of a bend in the Class C road running north from the A488 crossroads towards Bromlow. This position in fact provides a *better* (as opposed to equal) measure of visibility than many of the existing entrances serving the neighbouring properties, and whilst the splays would fall short of those recommended in *Manual for Streets* where the speed limit is derestricted, the Highways Development Control Officer accepts the agent's reasoning that traffic speeds are likely to be closer to 30mph given the road's narrowness, curvature and gradient. It is these points which were clarified in November 2014, hence the highway authority's revised comments. If members are minded to grant permission precise details of the new access should be secured by condition, whilst works on the highway verge would be subject to the requisite licensing.

6.5.2 It is acknowledged that access may be difficult during inclement weather conditions. However, in recent harsh winters this has been true of many properties, and not just those served by minor roads. Similarly many roads in the area are used by agricultural traffic, whilst urban routes can also be obstructed on occasion. These arguments are therefore unsustainable as reasons to refuse consent.

6.5.3 It is not disputed that the nearby crossroads on the A488 is an accident cluster site, hence the highway authority's efforts to reduce traffic speeds here through appropriate signage. However, the additional traffic generated by one further dwelling would be unlikely to increase the risk of accidents significantly, again meaning this cannot be sustained as a refusal reason.

6.6 Ecology

6.6.1 As summarised above the Council's Ecology Team has considered in detail potential impacts on biodiversity and protected species. This has involved the ecological consultant's report being revised, and the Council's own ecologists visiting the site and establishing that the adjacent pond has low potential for great crested newts. Whilst it would not be impossible for newts to access the development area from a known breeding site further afield, officers are satisfied there is no reasonable likelihood of adverse impacts. Similarly, although lapwing and curlew are known to breed nearby, the evidence suggests the application site is used only for foraging. With regard to the local ornithologist's comments precise drainage details could be secured by condition in order to avoid affecting the drainage characteristics of land further downstream.

6.6.2 No badger setts or bat roosts were recorded on site, but otters and pine martens have been observed by a neighbour. Again measures to protect and/or enhance the potential for these and other mammal species could be secured by condition.

6.6.3 With regard to objectors' other comments, the purpose of ESA designations was to offer incentives to encourage farmers to adopt sympathetic agricultural practices in areas of particularly high landscape, wildlife or historic value. However, ESAs have no planning status and cannot be used as a reason to refuse planning permission. Meanwhile there are no designated local wildlife sites in close proximity, hence the Shropshire Wildlife Trust has not been consulted.

6.7 **Flood risk and drainage**

6.7.1 The Council's Flood and Water Management Team is satisfied that full drainage details could be secured by condition. The aim would be to ensure that soakaways and/or other SuDS would mimic the greenfield run-off rate and hence avoid exacerbating flooding elsewhere. The amended plans and the presence of the well (which is not recorded as a private water supply) would not alter this requirement.

6.8 **Other matters raised in representations**

6.8.1 Disputes over land ownership, grazing/access rights or other easements are civil matters outside the local planning authority's remit, as would be damage to vegetation on neighbouring land. Meanwhile the adequacy of the water supply is a matter for the utility provider.

6.8.2 It is noted that one of the objectors feels the Parish Council has been inconsistent in its approach to this and other similar proposals nearby. This would need to be pursued with the Parish Council, but ultimately the planning issues raised by both parties have been considered above. Meanwhile the provenance of the public support letters is irrelevant; rather it is the points they make which must be taken into account.

7.0 **CONCLUSION**

7.1 Although the settlement of Hemford is not currently designated for residential development, provision for this is made within the emerging SAMDev plan. Weight can also be attached to the NPPF presumption in favour of sustainable development and increasing housing supply, and thus on balance the principle of the scheme is considered acceptable. However, on account of its elevated and prominent situation, and the need for substantial level changes and hard landscaping as a result of the topography, the development would appear stark and incongruous by comparison with the scatter of established cottages in the vicinity. Consequently it would detract from the scenic quality and essentially open character of the AONB. In these respects the proposal is contrary the relevant development plan policies and it is therefore recommended that planning permission is refused.

8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

8.1 **Risk management**

8.1.1 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**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst 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.

8.2.2 Article 1 also requires that the desires of landowners must be balanced against the impact of development upon nationally important features and on residents.

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

8.3 **Equalities**

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

10.0 **BACKGROUND**

Relevant Planning Policies:

National Planning Policy Framework:

Part 6: Delivering a wide choice of high quality homes

Part 7: Requiring good design

Part 10: Meeting the challenge of climate change, flooding and coastal change

Part 11: Conserving and enhancing the natural environment

Part 12: Conserving and enhancing the historic environment

Shropshire Local Development Framework:

Core Strategy Policies:

CS1: Strategic Approach
 CS4: Community Hubs and Clusters
 CS5: Countryside and Green Belt
 CS6: Sustainable Design and Development Principles
 CS11: Type and Affordability of Housing
 CS17: Environmental Networks
 CS18: Sustainable Water Management
 Supplementary Planning Documents:
 Type and Affordability of Housing

‘Saved’ South Shropshire Local Plan Policies:
 SDS3: Settlement Strategy
 S1: Housing Development

Relevant Planning History:

None

11.0 ADDITIONAL INFORMATION

View details online:

<http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N9L9PITDLTZ00>

| |
|--|
| <p>List of Background Papers: Application documents available on Council website</p> |
| <p>Cabinet Member (Portfolio Holder): Cllr M. Price</p> |
| <p>Local Member: Cllr Heather Kidd</p> |
| <p>Appendices: Appendix 1 – Informatives</p> |

APPENDIX 1 – INFORMATIVES

1. In arriving at this decision the Council has endeavoured to work with the applicant in a positive and proactive manner, as required by Paragraph 187 of the National Planning Policy Framework, by discussing the relevant planning issues and allowing additional time for the preparation and consideration of revised plans and supplementary information. However, it has not been possible to reach an agreed solution in this instance, and as it stands the proposal is considered contrary to policy for the reason set out above.



Committee and date

South Planning Committee

11 August 2015

Development Management Report

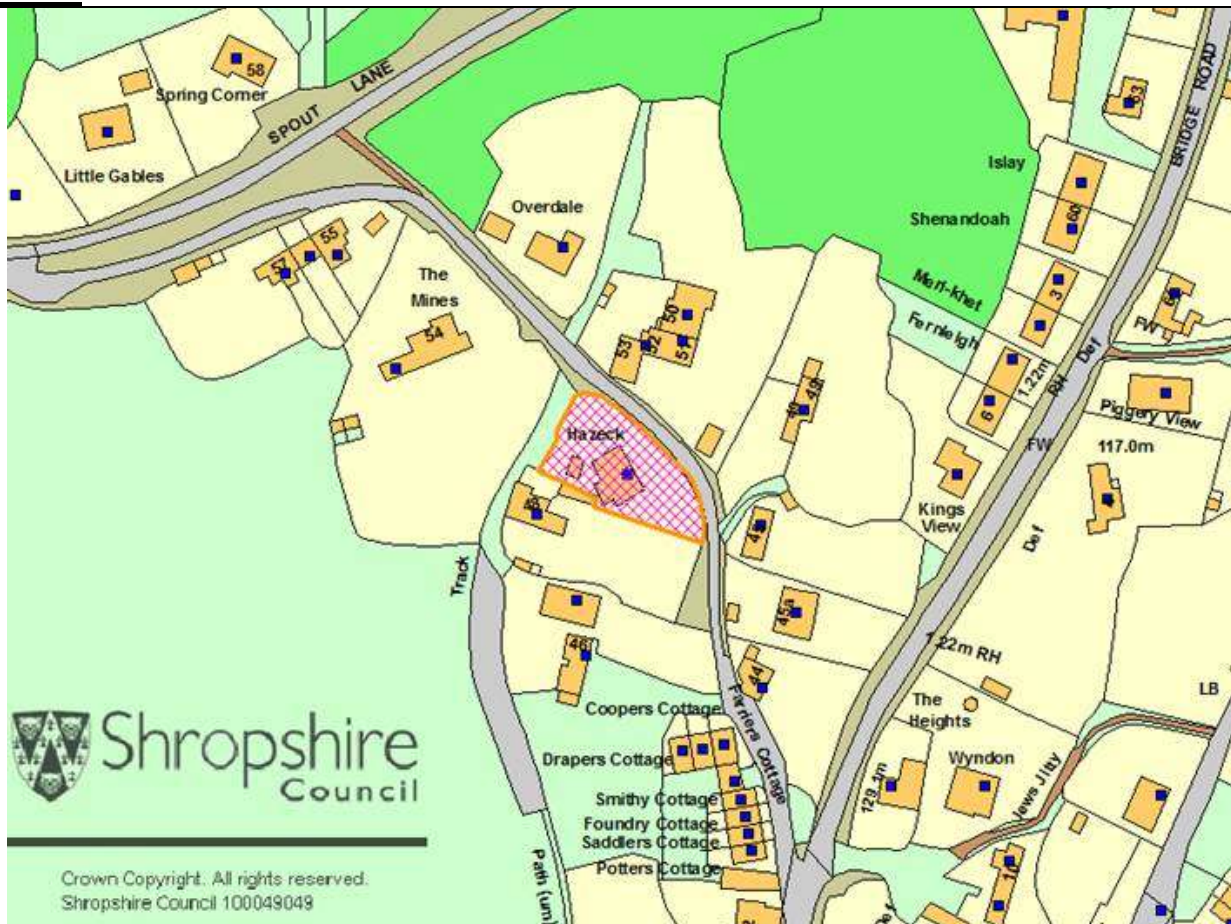
Responsible Officer: Tim Rogers

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

Summary of Application

| | | |
|--|--|--------|
| Application Number: 14/05209/FUL | Parish: | Barrow |
| Proposal: Proposed side kitchen extension | | |
| Site Address: Hazeck The Mines Benthall Broseley TF12 5QY | | |
| Applicant: Mr Paul Craven | | |
| Case Officer: Lynn Parker | email: planningdmse@shropshire.gov.uk | |

Grid Ref: 366960 - 302719



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for the erection of a single storey extension to the south east facing side elevation of the dwelling at Hazeck, The Mines, Broseley. It is proposed to provide an enlargement of the kitchen/dining area and will measure 3.5m wide x 2.9m in depth x 2.7m high, 2.4m to eaves. The extension is designed with a single pitched glazed roof, brick walls to the front and rear elevations, and glazing to the side (southeast facing) elevation. Doors into the garden are located on the north-east facing front elevation inserted into the brick wall. The proposed extension shares the position of a single storey, tiled roof sun room with storage area within the roof space proposed as part of the development refused under Planning Ref: 14/01341/FUL. The extension now proposed is of a slightly smaller scale and 'sits' under the Juliet balcony already approved under Planning Ref: 13/02940/FUL.
- 1.2 Facing brick is proposed to match that of the existing dwelling, the roof, south east elevation and openings are indicated to be glazed. There are no alterations to accesses or parking. An adjacent mature Norway Spruce would be retained.
- 1.4 During the course of the application at officers' request, an Arboricultural Impact Assessment, Tree Constraints Plan and Tree Protection Plan have been submitted in relation to the adjacent Norway Spruce tree.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the Key Centre settlement of Broseley and is located to the north of the main service area. The dwellings in this part of Broseley are largely older stone and brick dwellings of historic merit associated with the Industrial Revolution period, hence the site falls within Broseley Conservation Area. However, the dwelling at Hazeck was a latter half 20th Century bungalow with accommodation in the roof. Apart from the historical buildings, the area is characterised by steep winding narrow streets off which access is directly gained.
- 2.2 The extensions and alterations approved under Planning Ref: 13/02940/FUL are already virtually completed, the upper portions are clearly visible to neighbouring properties as well as from across the Benthall valley to the east. Landscaping works have also already been carried out at the site including the erection of boundary fencing retrospectively approved under Planning Ref: 13/03694/FUL on 6th January 2014, and removal and replanting of trees at the site. A retained tall, prominent Norway Spruce tree is visible from some distance away, positioned as it is on the south east boundary of the site where the land falls away steeply below it. The land is level around the dwelling and access, however, it rises up to the west and slopes more steeply down to the south east. Thus the gardens are landscaped to reflect the change in ground level and there is a lower lawn to the south east of the dwelling which is itself positioned above the road. There are wide views from this side of the dwelling across the valley. Access is gained into the site from a track which also serves a number other properties, however, it is close to its junction with the road.

2.3 There are adjacent dwellings on all sides of the property, but no rational patterning is formed. The dwelling to the north west at no. 54 is approximately 35m away, its rear garden sharing a boundary with the access track. Dwellings across the road at nos. 51, 52 and 53 directly face towards the application property, however, the frontage of Hazeck is angled to face north east towards garaging and front gardens. To the south east no. 48 is approximately 10m away but set at a higher level and there is brick outbuilding between the two properties. The rear elevation of Hazeck faces towards the north west corner of no. 48 whose main garden area slopes gradually down to the south east. No. 47 to the south is approximately 20m away beyond the garden of no. 48 and faces directly east so that its side gable is closest to Hazeck. There are also dwellings beyond the road to the east, but these are set at a much lower level and only their roof tops are clearly visible from Hazeck.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications requested to be referred, by the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Barrow Parish Council - We object to this application.

The proposed changes to the existing permitted building would add to the over-development of the site. The existing footprint of the permitted building is already too large for its position within the Conservation Area and for its impact on neighbouring properties. The style of the proposed development is not in sympathy with the Conservation Area.

In view of the number of applications submitted for this property, we would request that when decisions are made, the changes due to previous successful applications are taken into account and that in addition the new applications are all considered at the same time.

4.1.2 SC Conservation – No Conservation objections.

4.1.3 SC Archaeology - No comments to make on this application with respect to archaeological matters.

4.1.4 SC Trees (14-01-15) – It is noted that the application form states in response to question 7 that there are no trees or hedges within falling distance of the proposed development. This is inaccurate and misleading. There is a mature Spruce located within a few metres of the south-eastern elevation of the existing dwelling. This tree (protected by virtue of being located within a Conservation Area) and its root system are likely to impose a severe constraint to the proposed development and the submitted material makes no reference as to how the extension is to be designed and constructed so as to avoid causing damage or harm to the tree.

Therefore an arborists report should be provided in order to assess the constraints posed by the tree and the implications of the proposed development upon it. An understanding of the arboricultural constraints should influence design and construction, entailing the use of specialist techniques as necessary to enable implementation without harm or damage to the tree.

As the application currently stands refusal would be recommended on the grounds of insufficient information to properly assess the arboricultural impacts of the proposed development and the likely damage to the existing mature, protected Spruce tree.

SC Trees (08-06-15) – A site visit has been carried out and the arboricultural information submitted reviewed, notably the Arboricultural Impact Assessment (Eden Arboriculture, 08/02/15).

The major arboricultural consideration with this application relates to the Norway Spruce (T1), located in close proximity to the proposed kitchen extension. It is not agreed with the report's classification of this tree as category 'C1' i.e. trees 'of low quality with an estimated life expectancy of at least 10 years – unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories'. It is a prominent tree visible from near and across the valley and it has recently been made subject to a Tree Preservation Order, following receipt of a Section 211 notice to fell it. SC Trees consider it to be a category 'B1' ie trees of moderate quality with an estimated remaining life expectancy of at least 20 years – trees lacking the special quality necessary to merit category 'A' designation'.

Although the Spruce tree is in apparently reasonable health and condition, SC Trees agree with the report's statement (Appendix 3 – Tree Survey, p16) that it does not relate well to the locality and is somewhat out of context with the character of the Conservation Area. However, local residents' have submitted comments expressing contrary opinions as to the amenity value of the tree and its removal was cited amongst the reasons for refusal of a previous application at the site (ref: 14/01341/FUL): *'The proposed development, by reason of its massing and inappropriate design and the loss of trees would result in overdevelopment of the site, would detract from the character and appearance of the built and historic environment and would have an adverse impact on neighbouring amenities'*.

In these circumstances it is considered appropriate to attempt to retain the tree and protect it from damage during construction, should the current application be approved. In this regard, although the report expresses a preference for removal of T1 (with appropriate replacement planting), it also states in section 4.1.1 – Option 2 (p8) that a condition could be used to 'Install the extension on a specialist tree friendly foundation such as housedeck. The specification of such a foundation would need to be provided by a competent person.'

This eventuality would require the Tree Protection Plan to be amended, to reflect the retention of Spruce tree T1. An Arboricultural Method Statement will also be required, to address the times listed i – xii in section 4.3.1 (p10) of the Eden Arboriculture Report.

Tree protection conditions are therefore recommended to be attached to any permission for this application.

4.2 - Public Comments

4.2.1 Eight letters of public representation have been received from six different addresses expressing objection. These can be viewed in full online, however are summarised as follows;

- o The proposed extension was at one point refused as a sun room under a sit on balcony – are we to receive a further application in future for a first floor room?
- o Extensions to the existing development have already been refused on the grounds that the 'bungalow' (now a 5 bedroom house) is not in keeping with its surroundings and too large for the site. I fail to see how this proposed extension would not be rejected on the same grounds.
- o When Hazeck was a small single storey bungalow with a room in the roof accessed by a ladder and surrounded and screened by greenery, it was of a scale not to impact on its setting.
- o The residents have had to endure nearly 3 years of constant change of plans for this property with disruptions in the lane by big lorries delivering ever more materials to cater for Mr Craven's grandiose plans. Surely there must be a limit to what can be accommodated on this site.
- o This construction is completely inappropriate in the Conservation Area.
- o Its modern design is incongruous in a small rural hamlet surrounded by mainly cottage style properties.
- o The proposal shows an unpleasant lean-to of poor architectural quality when compared with the existing building.
- o We are of the opinion that no further building should take place on this site.
- o There are 3 other planning applications in for this site and the overall impact of each or all applications would add to the problems of an already overdeveloped site.
- o This will require the removal of the Norway Spruce.
- o The plans do not show the Norway Spruce which was previously proposed to be removed. There is no mention of it in this application.
- o The loss of the Norway Spruce would constitute the loss of a tree that is very prominent in views up The Mines and from many vantage points on the east side of the valley.
- o As such extreme site clearance including removal of boundary hedging has already taken place. The remaining trees have become considerably more significant.
- o We have concerns that over the impact that the removal of the Spruce tree will have on our lower garden area including retaining wall, summer house and orchard.
- o My property will be overlooked by these new extensions.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character and impact on conservation area
- o Impact on neighbours/residential amenity
- o Norway Spruce tree

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built and historic environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's historic environment and does not adversely affect the heritage values and function of these assets. The principle of residential extensions is acceptable in this location.

6.2 Design, scale and character and impact on conservation area

6.2.1 This proposed extension increases the footprint of the dwelling by a further 10.15m². Taken together with the amount of extension already constructed and/or approved, it is considered that the plot is of a size capable of absorbing this minor increase without significant loss to the level of outside amenity space afforded to the property and projects under 3m into a smaller section of the garden to the south east side of the dwelling. The simple monopitch form of the proposed extension would be subservient to the dormer bungalow and the proportions and extensive use of glazing would be in character with the existing dwelling.

6.2.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to have regard to the desirability of the preservation and enhancement of the character or appearance of Conservation Areas and their setting in carrying out statutory functions. It is considered that the proposed extension, by reason of its form, scale and positioning would not have a detrimental impact on the Conservation Area setting of the dwelling in this case, preserving the character and appearance of the area. It is noted that SC Conservation have no objection to the proposed extension.

6.3 Impact on neighbours/residential amenity

6.3.1 It is not felt that the proposed single storey extension of 10.15m² footprint will not result in any additional overbearing or overlooking impacts. Glazing has been carefully located on elevations facing towards neighbouring properties of at least 23m away from the proposed extension, and the addition is small scale in relation to the impact of the existing property. There will be no more potential for overlooking than the minimal which could be achieved from the Juliet balcony already approved under Planning Ref: 13/02940/FUL.

6.3.2 Whilst the concerns of the neighbours are noted, issues raised relating to the design of the extension and disproportionate amount of development are discussed in paragraphs 6.2.1 and 6.2.2 above. The matter of the prominent Norway Spruce tree is discussed below.

6.4 Norway Spruce tree

6.4.1 Under Planning Ref: 15/01952/TCA relating to the proposed felling off 1no. Norway Spruce and 1no. Apple Tree within Broseley Conservation Area which was

determined on 2nd June 2015, a split decision was made. It was determined that the apple tree may be felled, but objection was made to the felling of the Spruce tree as it is considered to be of reasonable health and condition and of high public visibility. The case was not proven that it is causing damage to a nearby timber retaining wall. A Tree Preservation Order has been raised to prevent its removal as a result of this decision.

- 6.5.2 It is acknowledged that local residents' consider that the Spruce tree has amenity value. Additionally its removal was cited amongst the reasons for refusal of Planning Ref: 14/01341/FUL. It is therefore considered that appropriate to retain the tree and protect it from damage during construction which can be achieved through installing the extension on a specialist tree friendly foundation noted under Option 2 within the submitted Arboricultural Impact Assessment. It is considered that this construction method can be successfully managed through pre-commencement conditions which have been recommended by SC Trees.

7.0 CONCLUSION

- 7.1 It is considered that this proposal is not contrary to adopted policies and will not adversely affect the existing building, the site, the amenities of adjacent neighbours, or the surrounding Conservation Area. Additionally, it is felt that the prominent Norway Spruce tree adjacent to the site and on which a temporary Tree Preservation Order has been raised, can be successfully retained during construction with careful management through 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 1990.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

Core Strategy and Saved Policies:
CS6 Sustainable Design And Development Principles
CS17 Environmental Networks
Broseley Town Plan 2013 - 2026

RELEVANT PLANNING HISTORY:

15/01952/TCA - To fell 1No Norway Spruce and 1No Apple Tree within Broseley Conservation Area. Split Decision 2nd June 2015

14/05212/FUL - Revisions to existing planning approval for side extension. Granted 20th May 2015.

14/05210/FUL – New chimneys to existing roof. Granted 11th February 2015.

14/01341/FUL - Erection of two single storey extension to side elevations; increase in roof height to allow for first floor accommodation to include insertion of dormer windows and rooflight to front and rear roofline (amended description). Refused 29th October 2014.

13/03694/FUL – Application under Section 73a of the Town and Country Planning Act 1990 for the erection of close boarded perimeter fencing. Granted 6th January 2014.

13/02940/FUL – Erection of single storey extension to include balcony; replacement of existing roof to include dormer windows. Granted 21st November 2013.

Pending decision:

14/05211/FUL – Erection of a new double garage with external staircase to room above.

11. Additional Information

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

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

Arboricultural Impact Assessment by Eden Arboricultural dated 8th February 2015

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Turner

Appendices

APPENDIX 1 - Conditions

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

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. Prior to commencement of development a final Tree Protection Plan shall be provided to the written satisfaction of the Local Planning Authority, providing details of those trees to be felled and those to be retained and protected during implementation of the approved development. The tree protection measures shall be installed as specified on the plan to the written satisfaction of the Local Planning Authority, prior to delivery of materials or access of construction vehicles onto the site. Thereafter they shall be maintained in a satisfactory condition throughout the duration of the development.

Reason: This information is required prior to the commencement of the development to avoid causing damage or harm to a significant retained tree during implementation of development. As such the details need to be confirmed before the development proceeds in order to ensure a sustainable development.

4. Prior to commencement of development a final Arboricultural Method Statement shall be provided to the written satisfaction of the Local Planning Authority, addressing the following items:
 - i. Site construction access
 - ii. The intensity and nature of construction activities.
 - iii. Contractor's car parking.
 - iv. Phasing of on-site operations.
 - v. Welfare facilities (requirement and siting)
 - vi. Storage and mixing areas.
 - vii. Tree Protection (barriers and ground protection)
 - viii. Tree Protection Plan (final version)
 - ix. Installation of specialist foundations if required.
 - x. Removal of materials, facilities, and protective measures for the final phase
 - xi. Post construction tree works and landscaping.
 - xii. Monitoring

The development shall not be implemented unless and until item ix above - 'specialist foundations' has been expressly addressed to the written satisfaction of the Local Planning Authority, so as to ensure that the approved development is implemented without causing harm to the nearby protected Norway Spruce tree. Thereafter the development shall be implemented strictly in accordance with the approved Arboricultural Method Statement.

Reason: This information is required prior to the commencement of the development to avoid causing damage or harm to a significant retained tree during implementation of development. It is necessary to ensure that foundation construction of the extension will prevent damage to the protected Norway Spruce tree. As such the details need to be confirmed before the development proceeds in order to ensure a sustainable development.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

5. The external materials shall be as specified on the submitted application form to match those of the existing building and there shall be no variation.

Reason: To ensure that the works harmonise with the existing development.

6. No windows or other openings shall be formed in the south west facing side elevation without the prior consent of the Local Planning Authority.

Reason: To preserve the amenity and privacy of adjoining properties.

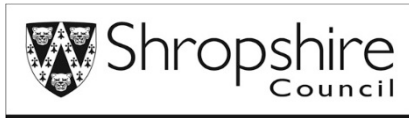
Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. 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.

3. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.

4. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

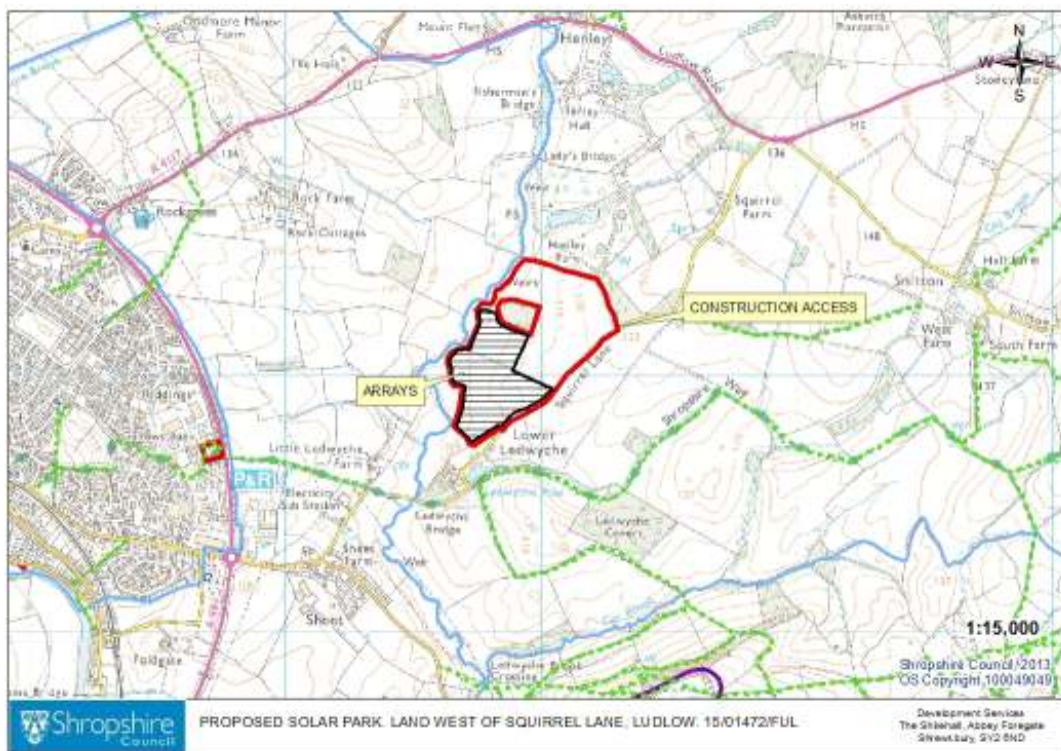


Committee and date
 South Planning Committee
 11 August 2015

Development Management Report

Summary of Application

| | | |
|--|--|--------------|
| Application Number: 15/01472/FUL | Parish: | Bitterley PC |
| Proposal: Construction of solar park with attendant infrastructure including centre station, inverters, cameras, fencing and associated landscaping | | |
| Site Address: Land to the west of Squirrel Lane, Ledwyche, Ludlow, Shropshire | | |
| Applicant: KS SPV 39 Ltd (Kronos Solar) | | |
| 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 Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant 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 The applicant is proposing to establish a solar photovoltaic (PV) park on 13.5 hectares of Grade 3b field south of Henley Hall near Ludlow which is currently in arable use. The proposed facility would generate up to 5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1,250 homes. Following construction, the site would be seeded and would become available for grazing. Construction would take 4 months. The site would have an operational life of up to 30 years, after which it would be decommissioned and the pasture field would be reinstated.

1.2 The solar park would consist of 21,956 photovoltaic modules 1.68m wide and 2.9m long, mounted on frames and laid out in rows running from east to west across the site. They would be oriented south and angled at 30 degrees to the horizontal with a maximum height of 2.3m and 2.7m depending on ground levels (minimum 0.8m). The mounting frames would be matt finished galvanised steel with 200mm diameter steel posts. The posts for the panel frames would be driven into the ground up to a depth of 1.5m. The positioning of the strings of modules takes into account the applicants ecological, arboricultural and the flood risk reports.

1.3 The development also involves construction of a centre station at the southern end of the site and four inverter substations throughout the site. The centre station comprises 3 buildings grouped together:

- A 50 kVA transformer nominally 1.5m (w) x 1.5m (l) x 2.85m (h)
- A Switch Gear Unit nominally 2.5m (w) x 4.1m (l) x 2.85m (h)
- A power distribution cabinet nominally 5.33m (w) x 4.83m (l) x 4.8m (h) with
- adjoining section 2.4 m (w) x 1.85 (l) x 3.4m (h)

The inverter substations are made up of three items of plant contained within a single building measuring 2.5m (w) x 6.9m (l) x 3.7m high (of which only 2.89m is above ground level). This plant item will be placed on a concrete pad. All associated cabling between the module rows and the inverter/transformer stations would be underground.

- 1.4 Deer fencing (wire mesh and wooden post, 3m high) would be constructed around the site, inside the existing field boundaries. A gate would be provided where the access track enters the site on the northern perimeter. CCTV security cameras mounted on free standing support poles (height 2.7-3m) are also proposed in a number of locations around the site perimeter. A gravelled track would be provided within the site to allow access for construction and maintenance.
- 1.5 The proposed cable route off-site connecting to the existing overhead lines would be installed by the energy company Western Power Distribution under permitted development rights. As such, it does not form part of the current application.



- 1.5 Access to the site would be gained from Squirrel Lane which connects directly with the A4117. Following construction, there would be periodic visits to the site for occasional repair work. A construction management plan would determine the timing of deliveries and the proposed route to the development from the principle road network. 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.
- 1.6 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.

1.7 Community benefits: Whilst not forming an integral part of the current application the applicant has agreed as a separate voluntary commitment to establish a community benefit fund at an appropriate level which would be managed by a steering group.

2.0 SITE LOCATION / DESCRIPTION

2.1 The proposed site is located on a gentle west facing slope between the minor road known as Squirrel Lane to the east and the Ledwyche Brook to the west. The western boundary is defined by the limits of the associated floodplain. The site lies at 115m Above Ordnance Datum (AOD) at its highest point and 95m AOD at its lowest. It is enclosed by dense hedgerows with a variety of tree species. The A49 Ludlow By-Pass is located 1km to the west.

2.2 The site is not located within any environmental designation. The Shropshire Hills AONB is located 1.4km to the north. The main structures of Henley Hall including 5 listed buildings are located approximately 670m to the north. The park which is itself Grade II listed is located 100m north of the proposed arrays and is separated from the site by a mature tree belt.

2.3 The nearest residential property (Acorn Cottage) is located 55m to the south. The small settlement of Ledwyche with a group of 6 properties is located 175-220m to the south. Three further properties at Little Ledwyche Farm are located 350m to the south west. Properties on the north side of Sheet Road, The Sheet, Ludlow are located 690-750m south-west of the site.

3.0 REASONS FOR COMMITTEE DECISION

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

4.0 COMMUNITY REPRESENTATIONS

4.1 Bitterley Parish Council: Objection. To be reported verbally.

4.2 Ludford Parish Council (adjoining parish): To be reported verbally.

4.3i. Ludlow Town Council (adjoining parish): Objection. Representations reflect serious concerns expressed by the residents and business owners of Ludlow. Members object to the proposal because the location of the site is unsuitable and will have a detrimental effect on the countryside & wildlife, recreation, and the heritage assets that, as stated in Shropshire Local Development Framework Adopted Core Strategy, make Ludlow is a 'nationally important heritage asset' and 'Ludlow will provide a focus for development, whilst respecting its historic character.' 'The historic town centre is set largely on a ridge above the River Teme, with fine streets of historic buildings running down this central spine. Ludlow is an important tourist destination and has achieved international renown as a centre for quality local food and drink and Michelin starred restaurants.' The proposed solar farm will have a significant detrimental impact in with regard to:

- ii. CS5 Countryside and Green Belt, which states: - 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.
- Agricultural/horticultural/forestry/mineral related development, although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts;
- The proposed site will be visible from Whitcliffe Common, St Laurence's Church, The Shropshire Way (public footpath 0539/8/1), Squirrel Lane, Rocks Green, which will be detrimental for residents and tourism in Ludlow. The area surrounding Henley Hall is an important easy access route into the countryside for local residents and visitors to Ludlow and a large scale solar farm will detrimentally change the character of this area. The rural location and the readily identified industry specific problems of significant loss of power through transportation through the national grid infrastructure undermine sustainability arguments and there are no identifiable local community benefits because the work and revenue will benefit only Kronos.
- iii. CS6 Sustainable Design and Development Principles. Specifically in relation to this application, the proposal does not meet requirements to:
- Protect, restore, conserve and enhance 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;
 - Contribute to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities.
 - Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water;
- CS 17 Environmental Networks: Specifically in relation to this application, the proposal does not meet requirements to:
- Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors;
 - Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets
 - Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites;
- With reference to the National Policy and Planning Framework 2012, the following paragraphs are particularly pertinent to the site and application and the town council supports the concerns raised by Historic England in their letter dated 4 June 2015 recommending that the application is refused or differed until such a time as the requirements of para 128 of the NPPF have been met. For reference National Policy and Planning Framework 2012:

Para 115: Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty..

Para 128: 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..

- 4.3ai. Historic England: (Comments 4th June 2015). Objection. The application site is situated directly adjacent to the grade II Registered Park and Garden Henley Hall. The proposed development of approximately 22,000 ground mounted solar panels could potentially impact and cause harm to the significance of designated heritage assets. Whilst the application does contain a Historic Environment Assessment we not consider it to contain a sufficient analysis of the significance of the park or the designated assets within. We recommend that the application is refused or differed until such a time as the requirements of para 128 of the NPPF have been met with the required additional information and our further advice sought.
- ii. Historic England Advice: The application site is situated directly adjacent to the grade II Registered Park and Garden Henley Hall, which itself contains a number of listed structures including the Grade II* Henley Hall and the Grade II listed Park House. The Hall, Park and Garden and its other structures represent a surviving country estate with clear origins going back to the medieval period. The proposed development of approximately 22,000 ground mounted solar panels could potentially impact and cause harm to the significance of designated heritage assets in particular the Registered Park and Garden and Park House. Whilst the application does contain a Historic Environment Assessment we not consider it to contain a sufficient analysis of the significance of the park or the designated assets within. The Assessment of the assets' setting is also lacking in an understanding of the relationship both historic and present with the surrounding landscape. In particular we disagree with the assessment's conclusions regarding indirect impacts and are particularly concerned that the application fails to recognise the significance of the deer park and Park House nor the potential impact the proposals may have upon them. The application is lacking any visual montages of views from within the parkland and the listed structures.
- iii. Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (para.17 NPPF). Para 128 of the NPPF states "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affect, 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. As s minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary". The Historic Environment Good Practice in Planning Note 3: The setting of Heritage Assets provides a staged approach to the assessment of impact upon setting and we would advise the use of this document in preparing a settings impact assessment. Given the application's

failure to identify and address fully the potential impact of the proposals upon the designated heritage assets, we are unable to support this application.

- iv. Recommendation: We recommend that the application is refused or deferred until such a time as the requirements of para 128 of the NPPF have been met with the required additional information and our further advice sought. We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted.
- 4.3i. Historic England (30/07/15): No objection. We have received amended proposals for the above scheme. These amended proposals included an 'Addendum to Historic Environment Assessment' prepared by AC Archaeology (July 2015). The proposed development of ground mounted solar panels is situated south of the Grade II Registered Park and Garden of Henley Hall, which includes a number of structures listed in their own right. The revision to the scheme which would remove the area of development directly from the registered park and garden boundary is an improvement on previous iterations of the scheme. Further mitigation measures could reduce the impact of the scheme on the historic environment and these include the introduction of semi-mature hedging and standards and the gapping up of parts of the Park boundary. We recommend that the application is determined in accordance with national and local policy guidance.
- ii. Historic England Advice: The significance of designated assets affected by the proposal for this solar farm has been outlined in our previous consultation responses to Shropshire Council, most recently on 25 June 2015. In that letter we set out our view that the application did not contain sufficient information to meet the requirements of paragraph 128 of the NPPF, and therefore to judge the impact of the scheme on the Historic Environment. The additional information contained within the 'Addendum to Historic Environment Assessment' addresses our concern regarding the assessment of impact on the setting of the Grade II registered park and garden and also of Park House (Grade II). We also acknowledged that there was a proposed revision to the scheme which would remove the area of development directly from the registered park and garden boundary, and we saw this as an improvement on previous iterations of the scheme.
- iii. We believe that there will some impact on the setting of the heritage assets and in turn their significance, and greater than that outlined in the Addendum, in that the development will add an industrial element to an otherwise agricultural landscape. This will constitute less than substantial harm with regards to the NPPF, and could be mitigated further by applying planning conditions on the following matters:
- proposed new hedges should contain semi-mature plants and standards, to reduce the length of time it will take to screen the development;
 - the tree belt between The Colonel's Plantation and the Ledwyche Brook should have a mix of species so that it is less prominent in landscape terms when seen in relation to the plantation and the riverside planting, and again this should contain semi-mature plants and standards to reduce the length of time it will take to screen the development; and

- the eastern gap in the Park boundary (north of the Field Viewpoint) should be infilled, so that the park retains the sense of enclosure and the solar panels on the rising ground are only seen in very restricted views. The opening associated with the latter avenue should however, be retained as this illustrates the evolving story of Henley Hall, the park and its associated landscape.
- iii. Recommendation: 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.
- 4.4 Environment Agency: No comments received.
- 4.5 Natural England: No objection. Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response.
- 4.6 Shropshire Wildlife Trust: - We welcome the proposed environmental enhancements such as additional linking hedges, enlarged grassland buffer to stream, etc. and feel that this is in keeping with industry guidance. We also accept that there is unlikely to be any significant ecological risk to the development site itself and that within the site a positive ecological result is possible. However we do have concerns relating to the access route along Squirrel Lane. The applicant accepts that damage is likely and has committed to make appropriate repairs. The Squirrel Lane access route was not however included within the ecological assessment and so the possible impacts are not fully understood. The survey report by Arbor Vitae does however identify that hedgerows in the area are likely to be of value to bat and breeding bird populations. It is possible that damage to roadside trees and hedgerows along the lane could impact on legally protected species and that the verges may support notable botanical interest. Shropshire Wildlife Trust would recommend further assessment of the access route and/or a switch to smaller vehicles to ensure that no damage will result from the movements of construction traffic.
- 4.7 The Garden Historic Society: Objection. The proposed development would negatively impact on the setting of the Grade II Registered Park and garden at Henley Hall and in particular upon its former deer park, which lies immediately adjacent to the proposed development and is clearly visible from it. The proposed development may also impact negatively on the setting of the Grade II listed park house which is situated in the deep park as described above.
- 4.8 SC Public Protection: Having considered the information supplied on noise I have no further comment and agree that noise is not likely to be an issue should this development be approved.
- 4.9i. SC Trees: No objection subject to recommended landscaping / tree protection conditions. We would suggest that for the sake of a securing a genuinely sustainable design and delivery of this large development a better and more detailed single landscape and habitat mitigation plan is necessary. The applicant has taken measures to assess the existing trees and hedgerows and has indicated that mitigation will comprise primarily of the retention of these existing features with

reference but no real detail made on further opportunities to expand and enhance the existing tree, hedgerow and habitat features. In addressing CS17 in the Design and Access Statement (pp16) the applicant has focused on not impacting upon the existing trees and habitat as mitigation but offers no real detail on the further aspirations that the natural environment will be enhanced and expanded, other than to suggest that the proposal offers an opportunity to convert and expand a number of habitats.

- ii. The Landscape and Visual Impact Assessment broadly discussed natural environment mitigation / enhancement in sections 3.3 & 3.4 and appendix A figs 3a & 3b, but no specific detail for time scales species mixtures measures to ensure full establishment and aftercare is given. Section 6 of the Phase 1 Habitat Survey indicates that a lack of any significant impact on habitats renders mitigation unnecessary (the tree service has no comment on this statement) the document then offers some indicative opportunities for habitat improvements including new species rich hedgerows but again no specific detail for time scales species mixtures measures to ensure full establishment and aftercare is given.
- iii. Section S9 of the NPPF suggests that the pursuit of sustainable development involves seeking positive improvements in the quality of the natural environment, moving from a net loss of bio-diversity to achieving net gains for nature. Given the industrial scale of this proposal it is not unreasonable for the Local Authority to seek the very best in sustainable design and delivery for the Natural Environment in terms of the protection restoration and enhancement of the tree hedgerow and habitat features on site. From an arboricultural perspective if this application is to be granted full planning permission the planting of new trees and the consolidation of the existing hedgerows needs to be secured as a pre-commencement agreement through binding conditions and a comprehensive single point of access landscape and habitat mitigation and enhancement plan.

4.10 SC Rights Of Way: No objection. No rights of way affected

4.11 SC Highways DC: To be reported verbally.

4.12 SC Drainage: No objection. 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. An informative note on drainage is recommended.

4.13a. SC Ecologist: No objection subject to conditions.

- i. Badgers: No badger setts were recorded during the Ecological Assessment however there is potential for badgers to currently access the land. Perimeter security fencing is proposed to secure the development. As this may interfere with badger and other mammals as they transverse the site the fencing must have badger/mammal access gates. This should be at regular intervals and should be clearly shown on a landscape plan.
- ii. Landscape: The proposed solar panels will cover 13.2 hectares of the existing arable field. It is unclear from the plans what specific area is being set aside for biodiversity. This should be provided to SC Ecology detailing area (ha) which are to be lost, retained, and enhanced and what the enhancements are going to be. The ecological

report has recommended re-seeding. It is crucial that the seeds used are native and of a local variety. Shropshire Council encourages the use of green hay and has got a draft list of where the applicant can acquire local green hay if this is deemed suitable (please contact Dan Wrench 01743 -252529). Sheep grazing has been proposed to manage the grassland under the solar panels. A minimum height of 0.8m will allow access for grazing. SC Ecology is eager to ensure that the land on site is managed in order to enhance biodiversity, this is because the proposal does have the potential to secure a net gain for wildlife. The current HLS buffer along the watercourse is between 6-12m. SC Ecology would suggest that a minimum buffer of 8m is retained along the watercourse. Ideally a minimum of 12m would be requested however SC Ecology can see that this may be impractical. SC Ecology is pleased to see the proposed reinstatement of the hedgerow from the existing hedge to the oak tree. In order to further enhance the site and create connectivity through it SC Ecology would recommend that the new hedge planting continues to the watercourse. If this is not practical SC Ecology would suggest a minimum of one more new half hedge is planted through the site to increase connectivity.

- iii. Great Crested Newts: The power generated will pass by underground cable through the inverter stations to the centre station with its transformer and switching cabinets in the south of the scheme, and by underground cable to the substation 500m south of the Solar Farm. There will be trenches dug causing potential places where newts can be trapped/killed/injured. Works on site will also inevitably create areas of rest/shelter during construction. The applicant has confirmed that the route cable is to be installed by Weston Power Distribution via permitted development. The current planning application does therefore not include the laying of the cable, it is for the installation of the solar panels and associated cabinets only. There is no development within 100m of the ponds and there is no hedge removal. A simple GCN method statement should be submitted and approved by Shropshire Council prior to the commencement of works on site. The method statement should be prepared by an ecological consultant. The site must be maintained as low terrestrial habitat prior to commencement of works and the method statement should include a toolbox talk to contractors, and covering over trenches at night.
- iv. Otter: A probable otter spraint was observed near to the watercourse during the ecological assessment. In order to enhance the site for otters the ecologist has recommended the creation of two artificial otter holts and planting of dense scrub near to the river. This should be included in the landscape plan. A condition has been recommended.
- vi. Nesting birds: The site has the potential to support nesting birds. A condition and informative has been recommended.
- vii. Bats: Shropshire Wildlife Trust has provided formal comments for the above application. They have highlighted that the survey report by Arbor Vitae identifies that hedgerows in the area are likely to be of value to bat and breeding bird populations. In order to construct the solar farm Squirrel Lane will be used by HGV Lorries. The applicant has predicted that there will be 6 passes a day for 78 days. This could potentially cause temporary disturbance to bats. SC Ecology is satisfied that providing the following conditions are on the decision notice the application will have low potential to impact upon bats;

- There is to be no tree removal
- All trees are to be retained in line with British Standard
- External lighting will be controlled (or restricted completely)
- Work on site will be excluded between one hour before sunset and one hour before sunrise.

If the scheme requires the removal, or lopping, of any trees on the site, and therefore it is not possible to put the above condition on the decision notice, then further bat surveys will be necessary prior to a planning decision being made. Any trees proposed for felling would need to be subject to up to 2/3 dusk/dawn emergence surveys during May to September (optimum May to August) and with at least one survey to comprise dusk and dawn in a single 24 hour period. If evidence of bats is found in the trees then a European Protected Species Licence with respect to bats may be necessary from Natural England along with a mitigation scheme and method statement. The bat surveys should be carried out by an experienced, licensed ecologist and in accordance with The Bat Conservation Trust's Bat Surveys – Good Practice Guidelines. The surveys, any necessary mitigation schemes and method statements should be submitted to the Local Planning Authority prior to a planning decision being made.

Appropriate conditions and informative notes have been recommended.

- 4.14a SC Historic Environment (Initial comments 5th June 2015, Objection, further information is required)
- i. Direct Impacts upon Heritage Assets: The development proposal involves a single parcel of land to the east of Ludlow within which there are no known heritage assets. The northern edge of the development boundary is adjacent to Henley Hall Grade II registered garden (National Ref: 1001124, GD2127) which contains a number of listed buildings including the Grade II* Henley Hall and attached walls, balustrades and steps (National Ref: 1383667) and Grade II Park House (National Ref: 1383672). A number of non-designated heritage assets relating to prehistoric and later activity are located within the immediate area.
 - ii. The application for the proposed development is supported by a Historic Environment Assessment (AC Archaeology Report No. ACW693/1/1 October 2014). The assessment identifies the former presence of medieval cultivation remains on the proposed development site, visible as slight earthworks in 1947 and subsequently ploughed level. Whilst the assessment acknowledges the potential for subsoil traces of medieval agricultural remains, it concludes the archaeological potential for unknown archaeological remains to be present on the proposed development site is deemed to be low. The assessment makes no recommendations for mitigation, although suggests further evaluation in relation to the sub soil traces of ridge and furrow is not required.
 - iii. It should be noted, however, that this potential remains untested at present and that the proposed development would involve considerable ground disturbance from piling, cable trenching, access tracks and other infrastructure installations. It is therefore recommend that if planning permission were to be granted for the proposed development that a programme of archaeological work, to comprise an

archaeological evaluation should be made a condition of any consent. This should take the form initially, of a geophysical survey of the site followed by further mitigation (including by design) as appropriate. An appropriate condition has been recommended.

- iv. Indirect Impacts upon Heritage Assets: The proposed development is situated directly adjacent to the Grade II Registered Park and Garden Henley Hall, which itself contains a number of listed structures including the Grade II* Henley Hall and the Grade II listed Park House. The proposed development falls within the setting of Grade II Henley Hall Park. We consider that given the extent and nature of the proposed development, and its location immediately adjacent to the boundary of the Registered park, the proposed development would cause harm to the significance of the heritage asset as a consequence of development within its setting. In consideration of the degree of harm, we consider that the Historic Environment Assessment does not contain sufficient analysis of the development and significance of the park and its setting, particularly in relation to the southern deer park and Park House, and the potential impact the proposals may have upon it, to enable us to provide a final view on this. However, in line with recent case law, our provisional view, subject to the submission of more detailed information to clarify the matter, is that this would amount to 'less than substantial harm'. The proposed development may also affect the setting of Grade II Park House; however the information provided by the applicant is again not sufficient to enable us to provide a final view on this.
- v. Following recent case law and appeal decisions, and with regard to the tests contained within Section 12 of the NPPF (see section 2 below), and in particular to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, we would advise that Paragraphs 132 and 134 of the Framework should be read in conjunction and thereby 'great weight' afforded to the conserving the significance of these heritage assets, including any contribution made by their setting, when considering the planning balance. It is also noted that the assessment states 'The study does not attempt to provide a detailed assessment of impacts of development on the identified and potential heritage assets, nor provide any detailed mitigation proposals at this stage. A provisional overview of possible impacts of development on the principal heritage assets, however, does form part of this report.' (Section 3.4). We would therefore agree with Historic England in their consultation response of 4 June 2015 that the requirements of paragraph 128 of the NPPF have not been met, and that additional information should be submitted by the applicant to address these issues. The Historic Environment Good Practice in Planning Note 3: The setting of Heritage Assets provides a staged approach to the assessment of impact upon setting and we would advise the use of this document in preparing a settings impact assessment. Additional visual montages of views from within the parkland and the listed structures should also be included with this assessment.
- vi. Taking account of the above considerations, we recommend that the application is refused or deferred until such time as the requirements of paragraph 128 of the NPPF have been met with the required additional information. Given our provisional assessment of the current proposals, based on the information submitted to date, additional measure to reduce the impact of proposed development should be considered, including reducing the size of the solar farm by removing the area between the boundary of the Registered Park and The Colonel's Plantation from the

development, and improving the landscaping provisions, particularly on the western and northern side of the development boundary.

- 4.14b SC Historic Environment (comments 30/07/15) No objection:
- i. Further to our advice of 5 June 2015, and Historic England's of 4 June and 25 June 2015, the applicant has now submitted a revised site layout plan and an Addendum to the Historic Environment Assessment. The following comments provide a joint response from the Historic Environment Team. They are additionally informed by a site meeting and visit undertaken jointly with Historic England, the planning officer, and the applicant's heritage consultant on 17 July 2015. Consideration has also been given to Historic England's advice of 30 July 2015.
 - ii. Recommendation: We are now of the opinion that together the Historic Environment Assessment and Addendum to the Historic Environment Assessment provide sufficient information in relation to the requirements of Paragraph 128 of the NPPF. We therefore withdraw our previous holding objection on this basis. With regard to direct impacts on the archaeological interest of the proposed development site, the applicant has indicated that they accept the need for the previously advised archaeological mitigation measures and the associated planning condition. Whilst this will not therefore be considered further below, the previously advised condition is included in the suggested conditions below.
 - iii. With regard to impacts on the settings of heritage assets, and having now considered the above information and conducted a site visit, we consider that the principal potential 'receptors' to be the Grade II Listed Building of Park House (NHLE ref. 1383672) and the Grade II Registered Park and Garden of Henley Park (NHLE ref. 1001124). In terms of Park House, the site visit confirmed that the development as previously proposed would have been partially visible from within the immediate environs of the building. However, the amendments to the development mean that the solar arrays would no longer be visible in this way. With regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraphs 132 – 134 of the NPPF, we therefore do not consider that the proposed development would impact on the setting of this Listed Building in the medium to long term, with any short term effects from the site temporary access/ construction areas being minor and reversible.
 - iv. With regard to Henley Park, and with reference to Historic England's guidance document 'Historic Environment Good Practice Advice in Planning: 3 – The Setting of Heritage Assets' (hereafter GPA note 3), we would broadly agree with the summary of the significance of the park and its setting as summarised in paragraph 2.4 of the Addendum to the Historic Environment Assessment. Where we would depart from this, however, is that in our opinion the parks setting remains rural and largely agricultural in character, and predominantly free from other large scale or overly intrusive forms of modern development. In this sense we consider that it contributes to the significance of the heritage asset by enabling the estate land context of the park to be readily appreciated and experienced.
 - v. With regard to the effect of the proposed development on the setting of the park, the Addendum to the Historic Environment Assessment states that, due to topography and tree cover, there are no significant designed views into or out of the park from

the land to the south, including the development. Further, whilst the proposed development would be visible from some points on the southern boundary of the park, this would be limited in nature and is capable of being mitigated through the proposed planting. From our site visit, we confirm that we would agree with this assessment, and that in this respect we consider the visual impact of the proposed development on the setting and thereby the significance of the park to be very slight.

- vi. GPA note 3 indicates (in the Assessment Step 3 checklist on pg. 11), however, that effects on setting can include a range of other factors beyond visual impacts, including changes to general character and land use. In this respect, we consider that the proposed development would introduce a change to the character and land use within a limited part of the setting of the park through the introduction of solar arrays and associated infrastructure. However, the amended scheme would now maintain a tract of agricultural land and a plantation between the park and the proposed development. In this sense we consider that whilst the proposed development would have an impact on the setting of the park, it would only be a very minor adverse effect on the ability of people to experience and appreciate the significance of the asset. With regard to paragraphs 132 and 134 of the NPPF, we therefore consider the harm the proposed development would cause falls at the lower end of 'less than substantial harm', and as such is likely to be outweighed by the other public benefits the scheme would deliver. On balance, therefore, we do not object to the proposed development on this basis. We would, however, advise that an appropriate landscaping scheme is put in place to mitigate the visual impact of the proposed development. We would suggest that a more mixed species planting, with species selected to match those in the established plantations, might be more appropriate to the estate land character of the area. It should also include strengthening the screening afforded by southern park boundary through appropriate additional planting in the eastern gap, and the planting of semi-mature shrubs and standards within the new hedge lines to reduce the time it takes for them to become established.

4.15 Councillor Richard Huffer (Clee) has been informed of the proposals.

Public Comments

- 4.16 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. 115 representations have been received, 116 against and 1 neutral. The main issues of concerns of objectors can be summarised as follows:
 - i. Visual impact: The field proposed for the Solar Farm is vast and larger than the Eco Park and Industrial Estate put together. The visual impact from Ludlow, St. Laurence's tower, Clee Hill, High Vinnalls, Whitcliffe, Caynham Camp and the Shropshire Way will be High. Also, the centre station will be erected only 30 metres from 2 properties and 100m from Brook House from where alpacas are farmed in the adjacent field. The whole solar farm will be visible from this property. Ludlow is highly dependent on its' tourist industry and one of the main attractions to tourists is the beauty of the area. Tourists do not come to Ludlow for Theme Parks. Above us the field that would house the 22,000 x9? high solar panels all facing directly at and up to us as we are directly south of the site. I would experience the full effect of all

construction disturbance and noise, then suffer the relentless glint and glare every time I walked onto the land adjoining our house. Although we have a boundary line of trees it is thin and requires renovation. Planning consultants, Kronos, see no need to help with any mitigation of view and dismissed my concerns immediately. Apparently because I cannot see the view from the ground floor of my house then it's not their problem! A large 5 metre high building is planned for immediately behind our boundary and CCTV and high deer fencing will complete the boundary vista. The CCTV required is not going to enhance the countryside character and neither will the various buildings to be erected. The proposal states that there is already another solar farm under consideration in a 5km radius but "the visual and cumulative effects if both schemes were constructed would be insignificant". I disagree strongly with this and in fact there are three solar farm applications around Ludlow. This is not insignificant and each should be carefully considered for their effect on the tourist trade and the general ambiance of the Ludlow area. Due to the topography of the land the solar panels will be clearly visible from many points in Ludlow and the surrounding area. The field is clearly visible from our property being approx. 300m away. Screening the site with trees will be virtually impossible as the field slopes upward significantly and the majority of panels will be visible above the tree line. The visual impact of the scheme is significantly mis-stated in the proposal and is contrary to Core Strategy Policies 5 and 17. Other objectors have provided photographic evidence that clearly refutes the proposer's claims of a minimal impact. The site will be clearly visible from a wide area, particularly in Autumn and Winter and the addition of high security fencing, 21 three meter high CCTV camera installations and buildings will add to this adverse impact. I have just visited view points on Clee Hill, Whitcliffe, Caynham Camp, hazel coppice and Mortimer's forest and the visual impact will be devastating. Although less scenic, you can see it from A49 and the EcoPark (and therefore the Park & Ride, which visitors are encouraged to use, especially during the festival etc). You can clearly see the tower at St Laurence's church from most of the site, which means you can clearly see most of the site from the top of the tower at St Laurence's church. Whilst not in it, the site is near the Shropshire Hills Area of Outstanding Natural Beauty and visible from it. The field gateway to the site is not wide enough for large trucks to turn into. It would be scandalous if the ancient hedgerow was destroyed to allow access. The visibility of the site would be increased from the road. An industrial style set of security gates will be situated a few metres inside the field gate, highly visible to all passing on the road; but no details of these gates are provided by the applicant.

- ii. Glint and glare: Driving any vehicle over the land will become extremely dangerous as glint and glare is at its worst in close proximity. Personnel carrier Chinooks, especially, fly at very low levels and I would have assumed a glint and glare assessment would have been required.
- ii. Leisure / Tourism: The local economy is dependent on tourism and these visitors are attracted by the historic, unchanged rural beauty and rich variety of flora and fauna to be found in the surroundings of Ludlow. A bed and breakfast is just down the road from this site and would surely suffer if the application were successful. The proposed site is not hidden away from public view but can be seen clearly from miles around, and most importantly from many places frequented by visitors to the area attracted to Ludlow by its historic Church, Castle, beautiful countryside and woodland walks, The Shropshire Way and landmarks such as Caynham Camp and

the views from Clee Hill. As we have recently been granted permission for holiday lets we feel that the view of over 20,000 solar panels, associated noise and light pollution can only have a negative impact on our fledgling business. We already have a campsite popular with tourists - a vital part of Ludlows economy - many of whom comment on the spectacular views of Clee Hill from the camping field. A solar farm in the direct line of sight will only be a blot on our beautiful landscape. Squirrel Lane provides many vantage points for views of the surrounding countryside and ANOB and is regularly photographed and painted. This rural ambiance that attracts visitors interested in the great outdoors would be significantly damaged by both the solar installation itself and the associated security fencing and screening which will significantly restrict the current extensive views. Ludlow is known as the 'heart of Shropshire', a town famous all around the globe for its agriculture and picturesque setting, to name but two. This disgusting solar farm would completely destroy the Ludlow known and loved by millions; it would be able to be viewed from many of the famous spots in Ludlow that people flock to see. Visitors come from all over the Country to visit Shropshire for its natural beauty and historic hill fort. School parties are regular visitors to this area. In the last 5 days i have spoken to many dog walkers and hikers and have found that none of them were aware of the proposed solar farm which would be constructed only metres from where they were walking. The vast size of this industrial looking installation will completely change the character of the land between the market town of Ludlow and the Clee Hills area of outstanding natural beauty for locals and visitors. We have two major sources of income in this area, tourism and agriculture and both of these would be compromised if this application is allowed. If these proposals are accepted there will be a significant change in the character of the area which at the moment draws much of its income from tourism. People are drawn to this area to rest and recuperate from busy and stressed lives. In that sense we provide a service to the wider community. I talk to many tourists in the town, I sit on the seats around the castle and the many people on the day trips/mystery tours all say the same "Its so great to see there are still fields and beautiful countryside". You cannot put a price on that. Ludlow is known as the Food Capital of England and visitors come to our town to appreciate both the food on offer and to enjoy the beautiful South Shropshire countryside. They will not come to look at countless acres of glass panels and this will be seriously detrimental to our local tourism industry that is a major source of employment in the area.

- iii. Heritage: I object to the construction of a solar farm to the West of Squirrel Lane because of its proximity to Caynham Camp, an iron age hill-fort and a National Monument under English Heritage. Caynham Camp is also on The Shropshire Way which is popular with visitors to South Shropshire, who have come here to enjoy its unspoilt countryside. The proposed solar farm will be visible from Caynham Camp and will mar the magnificent views from its high, 360 degree vantage point. I am also concerned about the impact on the historic Ledwyche Bridge of cabling works to link the plant to the electricity sub-station.
- iv. Agricultural impacts: The 1:250,000 ALC series for the West Midlands clearly shows land to the East of Squirrel Lane (opposite the site) to be Category 2 and that to the West of Squirrel Lane (including the site) to be category 3. There seems no obvious reason for the difference since most of both fields are on the same plane and separated only by the lane itself. The report on Agricultural Land Classification is an unreliable and internally inconsistent report which makes unsubstantiated or illogical

claims to down-grade the site occupied by solar panels to category 3b. Henley Hall has, for years, been a fine sporting estate, and well husbanded for farming on good agricultural land. Good agricultural land is getting harder and harder to find for our local farmers in this area, taking out another 33 acres will only exacerbate the situation. The fact that this field has been used for oil seed rape, corn and other cereal crops for as long as anyone I have spoken to can remember and is clearly farmed using agricultural machinery makes a complete mockery of the applicant's claim that the land is 3b and of poor soil quality, with a gradient that makes it unsuitable for farming / food production.

- v. Questioning benefits: There appear to be limited benefits to the local economy. If any jobs are created these will be short term in nature and once the panels are completed, no further work will be available. There are no local employment opportunities attached to this development and as I have said it can only have a negative impact on the local B&B and camping activities in the area, and would certainly deter any more. This is unnecessary as there are an endless supply of brownfield sites not to mention industrial roofs which would be far more suitable than agricultural land. It provides no economic benefit for the local community, with the money going to one local landowner and a German developer. There would be zero jobs created, and many jobs in tourism threatened. I am a passionate supporter of solar farms and renewable energy but I cannot support them in this location. They should be on brownfield sites, the roofs of factories etc not beautiful and productive countryside or good agricultural land which can be used for food production.
- vi. Drainage: With regards to the proposed flood mitigation from run off -even a small change may cause increase run off causing the brook to flood taking lengths of bank and removing swathes of the very rare wild native Monkshood that is found on the Ledwyche Brook banks. Having seen how close the brook can get to breaching the banks and therefore flooding my pasture fields I cannot see that it is a sensible course of action to place vast swathes of panels and attendant buildings on it and expect no flooding.
- vii. Ecology: In the proposed field skylarks, which are red listed, nest on the ground. There are also barn owls, song thrushes and red kites. I am concerned that they will be deterred from nesting by the solar panels, which will also reduce the hunting area for owls. Has a survey been carried out to establish the Great Crested Newts in the area? With regards to general environmental concerns, there are brown hare in the field and the siting of panels will cause loss of their habitat being above-ground nesting animals again sporting excellent eyesight to identify danger, panels will block this ability. Sky Larks also make use of this large open arable field and panels will prevent their ability to nest. The plans talking of channeling badgers onto neighbouring land: most of which is grazing for either cattle or alpacas, neither of which would welcome the arrival of channeled badgers, and the associated threat of TB.
- ix. Construction / Traffic: We would expect the Highways Report to recognise the complete lack of fitness of Squirrel Lane a single track winding minor road with very limited passing places to the purpose of delivering 22,000 panels and associated plant by 40 ton trucks over a period of at least 14 weeks. The Traffic Management Plan is an ill-considered document proposing 468 trips by 40 ton HGVs over a 14

week period with draconian proposals to restrict residents' and delivery traffic through a crude banksman and traffic light system ill-suited to this tiny rural lane. These are narrow country lanes, in constant use by residents of Wooton, Whitton and Hope Bagot. Opening up the roads for access by large vehicles as far as the site will permanently change the character of the road and encourage large vehicles to attempt to use the unsuitable road beyond the site entrance, notably the bend at Wooton.

- xi. Policy: Will not “maintain and enhance countryside vitality and character and bringing local and economic community benefits”. The Government Guidelines state that solar farms should no longer be built on agricultural land and instead should be built on brown field sites and roofs of existing buildings e.g. industrial sites, barns. There are to be no new subsidies granted for solar farms after New Year 2015 and existing subsidies will cease at the end of June 2015 and thus helping taxpayers. The government states, as of GOV.UK press release dated 19th October 2014, that “farmers will lose their right to claim subsidies for fields filled with solar panels under new plans to ensure more agricultural land is dedicated to growing crops and food. The move will help rural communities who do not want their countryside blighted by solar farms”. This proposal is not a good site compared to the Bromfield gravel site. The use of solar panels there makes sense. Here it does not. The government is looking for local community involvement to make them self reliant and self sustainable. Bypassing the local community to feed into the national grid achieves neither of these goals. Shropshire council and planning system should be making use of best policy and placing panels on roof structures and look to new technology with the new developments of storage batteries etc which may make solar farms become obsolete technology. It is yet another encroachment on green field land. This is unnecessary as there are an endless supply of brownfield sites not to mention industrial roofs which would be far more suitable than agricultural land. Core Strategy 17 says “any development should Protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets”. I fail to understand from the application how this is achieved in this instance. On 25th March 2015 Mr Eric Pickles stated that the, ‘solar photovoltaic strategy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land.’ The land that is being proposed is good agricultural land that has been farmed for generations. The South Shropshire Planning Committee have been doing a fine job of rejecting the applications that breach Core Strategies but is it fair to always pass the responsibility to them? Why doesn't the Planning Officials only put forward those schemes that meet the guidelines? Core Strategy 5 indicates ‘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’. This new application does the opposite. It is not in line with The National Planning Policy Framework. The policy states, ‘Meeting our energy goals should not be used to justify the wrong development in the wrong location,’ and ‘Protecting the global environment is not an excuse to trash the local environment.’ Brown field sites, such as the one at Bromfield are the right development in the right location and should be encouraged whereas the Henley Hall Estate is simply the wrong site and this development would ‘trash it.’

- xii. Procedural: Questioning the level of community consultation. None of the nine most affected residents were informed by Kronos or the parish council of the pre-consultation meeting on March 31st.
- xiii. Scale: The industrial scale of the proposed development is out of keeping with a quiet rural area in the environs of a much loved market town. The site is significantly larger than the local industrial estate and eco-park and makes no concessions to sympathetic integration into the surrounding countryside.
- xiv. Other: Proposals to restore the site after 25 years are highly speculative and probably impractical. The introduction of new vehicular access close to Acorn Cottage and crossing a historic sunken lane will further damage the unique environmental quality of Squirrel Lane. No amount of additional planting will remedy this damaging visual and environmental impact. Children's geographical, scientific and historical knowledge can be increased from visiting areas such as this, as well as their social skills from having a natural wonder right in front of them. This live learning environment should not be taken away from us and all children should be allowed the opportunity to learn in different ways and achieve. If this application goes through other developers will surely take the hint and further applications will follow. If this is approved then the flood gates will surely open and there is no safe guarding any of our countryside. The noise associated with the panels would be heard by nearby residents and any visitors to the area and would replace the current peace and quiet and birdsong.

4.17 CPRE South Shropshire: Objection:

1. This application is centred on a site located in an apparently 'visually contained valley location'. It has been an agricultural field for decades and this application, if allowed, would be an isolated major development, an out of scale industrialisation of a tranquil greenfield which, in turn, is surrounded by Grade 11 Listed Parkland that includes ancient woodland and important heritage assets. This would be in non-compliance with CS 5.
2. The site has been and still is an agricultural field - covering 13.50 hectares of good arable/pasture farmland of Grades 2, 3A and 3B – best and most versatile. As such it should continue to be farmed & not industrialised. By allowing this application it would be taking this good farmland out of production for at least twenty five years.
3. The visual impact on this area would be considerable. The site is in a valley and can clearly be seen from Caynham Camp hill fort to the south and from elevated areas that include Mortimer Forest, many parts of the A49, Henley Deer Park, from Squirrel Lane itself, Rocks Green, and from parts of the Shropshire Hills Area of Outstanding Natural Beauty border just over a kilometre to the east.
4. The character of the land would be changed from peaceful pasture to serried ranks of 22 thousand man-made solar panels forming an industrialised factory of electrical production surrounded by a 2m high security fence.
5. The solar factory would have a negative impact on local tourism-based businesses, recreation, walking along the Shropshire Way, and would introduce noise pollution, glint and glare, negative effects on local biodiversity and would be non compliant with CS 17.

6. Government policy now wants to remove support for any proposed new solar factories on greenfield sites, and to enforce protection for the natural and historic environment – especially to support our best and most versatile agricultural land.
7. The applicant makes considerable claims about successful community engagement. These do not seem to bear much scrutiny when it comes to informing & engaging with many local residents: the claim is mostly based on a single public meeting at which 45 people attended. Other attempts seem cursory at best.
8. Community benefits seem to be less than generous considering the profits from a successful application. A ‘community fund’ would be established OR free rooftop solar panels would be provided on parish council buildings.
9. CPRE supports the use of solar energy... but only when located in the right place. We have approved applications in Shropshire when sites have been on old airfields and in quarried land... but have always strongly opposed applications on fertile and tranquil farmland, in areas of outstanding natural beauty, and where the visual impact of large solar factories would negate rural tourism and recreation.

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 Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a key material planning consideration. Paragraph 14 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).

- 6.1.2 The NPPF 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 advocates continued agricultural use with biodiversity enhancements around arrays and 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.
- 6.1.3 One of the strategic objectives of the Shropshire Core Strategy (objective 9) is ‘responding to climate change and enhancing our natural and built environment’. Policy CS8 supports ‘positively encouraging infrastructure, where this has no significant impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation..’. Policy CS5 advises that <development> ‘proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits’.
- 6.1.4 Policy CS8 positively encourages infrastructure that mitigates and adapts to climate change, ‘where this has no significant adverse impact on recognised environmental assets’. 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. 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. The proposals would respond to climate change, but it also necessary to protect the rural environment.
- 6.1.5 In considering the current proposals 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);
- 6.1.6 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’ when taken under the NPPF as a whole (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.
- 6.2 Justification for the development:
- 6.2.1 Justification for choice of site: Section 98 of the NPPF does not require applicants for renewable energy schemes to demonstrate the need for the development. However, the NPPF practice guide 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 has an open aspect and slopes gently to the west, which is favourable for solar development. It is not affected by any environmental designations. The Landscape and Visual Assessment accompanying the application concludes that the site is capable of being effectively screened from most viewpoints. The scheme has also been amended to reduce the arrays and increase landscaping. The land is available for the proposed use, is of appropriate size, is capable of being accessed and a connection to the electricity grid is possible. It is considered on balance therefore that relevant operational suitability criteria can be met.

- 6.2.2 Choice of site – agriculture: Paragraph 112 of the National Planning Policy Framework advises that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'. The applicant's agricultural consultant advises that the site is ALC Grade 3b (i.e. not of best and most versatile quality), with the classification being limited by wetness and flooding risk. Some objectors have questioned these findings and expressed concerns that good quality land would be taken out of agricultural production. They advise that the site is in arable use and has a history of such use. Therefore, in accordance with NPPF112 the developer should demonstrate that the use of this particular site is necessary and that there are no alternative sites of poorer quality. In response the applicant has commissioned an independent assessment which has validated the original conclusions.
- 6.2.3 The main thrust of NPPF112 as stated in the first sentence is to protect 'best and most versatile agricultural land' and the site has been shown not to be of best and most versatile quality. The second sentence of NPPF112 refers to 'agricultural land' generally. However, this needs to be read in conjunction with the first sentence which refers specifically to best and most versatile land. As the land is not of best and most versatile quality officers consider that the need for the applicant to demonstrate that there are no alternatives with less agricultural impacts is weakened.
- 6.2.4 Notwithstanding this, as noted above, the applicant has advised that the site benefits from particular a combination of circumstances which render it suitable for solar development and which are not present in the immediate surrounding area (grid connection, access, screening etc). There are no equivalent brownfield areas available and in the vicinity. It is possible that sites with suitable characteristics are available on poorer quality land in the wider area. By definition however, this would not result in the production of renewable energy in the local area, using the specific capacity available in the local electrical supply grid.
- 6.2.5 The field has been in arable use for some time although the surrounding farmland is mainly pasture, with the exception of the fields to the south east of Squirrel Lane. The proposals would involve reintroducing sheep to the operational solar park site. Grazing is advocated for solar PV sites in the NPPF practice guide on low carbon and renewable energy and there are many examples of this being successfully implemented. Full agricultural use would be returned at the end of the operational lifespan. 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 and would be removed when the site is decommissioned. The proposed track would be formed with stone chippings which would also be removed at the end of the design life. The proposals would support the economic viability of the farming business by providing a separate source of revenue, ensuring its longevity and progression as a local employer. 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 has been recommended.

- 6.2.6 Choice of site – alternatives: While the solar development could theoretically be developed elsewhere, much of the district is within the AONB and there are few alternatives that do not have greater constraints. The possible existence of other potential sites in the wider surrounding area does not amount to an alternative. This is given that the site has been proposed to utilise capacity to export renewable energy to the electricity grid which is only available in this particular area and via a connection at this specific location. There are no plans, through the duty to cooperate or otherwise, for neighbouring districts to produce equivalent renewable energy at a different site.
- 6.2.7 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. It is considered that there is no evidence that the proposal will result in significant or permanent loss of agricultural productivity. Some recent appeals support this conclusion (e.g: *APP/D0840/A/14/2212340 - Burthy Farm, Newquay, Cornwall*; *APP/D0840/A/14/2212325 - Kellygreen Farm, Cornwall*; *APP/X1118/A/14/2211328, Bommertown Farm, South Molton, Cornwall*).
- 6.2.8 Climate change and economic benefits: The proposed facility would generate 5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1,250 homes. Over the lifetime of the facility over 60,000 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. This is provided there would be no unacceptable impacts in relation to other interests such as the leisure / tourism economy (Core Strategy Policies CS5 and CS13).
- 6.3 Environmental considerations:
- 6.3.1 Landscape and visual impact: The site is not within a protected landscape designation and is 1.4km to the south of the nearest part of the Shropshire Hills

AONB. It forms part of the Estate Farmlands Landscape Character Type within the Shropshire Landscape Character Typology and is to the immediate west of the Principal Settled Farmlands Character Type. The main landscape characteristics are therefore agricultural.

6.3.2 The application is accompanied by a landscape and visual appraisal (LVIA). This assesses the visual and landscape context of the site with reference to a number of viewpoints in the surrounding area. The main conclusions of the LVIA are:

- The proposed development would have some landscape impact in the area, but that adverse significant effects are limited to during the construction phase.
- At post-completion, the mitigation measures would not only be beneficial to the landscape, but would go further to enhance the local character of the area.
- The vast majority of the landscape receptors have been assessed to have 'Negligible' significant of effect.
- There are judged to be no adverse significant effects on the landscape at the post-completion stage of the development.
- The few receptors that have been assessed as having some landscape impact are all beneficial effects. The largest significance of effect assessed is 'Moderate-Minor (beneficial)'.
- The assessment concludes that the visual impact of the development would be limited to the immediate vicinity of the site where the highest assessment of significance of effect has been 'Moderate-Minor'. There would be 'Negligible' significant effect on viewpoints and receptors further afield.
- There would be no appreciable cumulative effect given the limited number of other developments within the 5km study area and further afield.

The siting of the arrays has been designed / amended to avoid the higher areas of the field and the area adjacent to the deer park. Additional hedgerow planting has also been proposed. Some localised views would remain, including after the proposed planting becomes established.

6.3.3 The site is just visible as a distant feature from Titterstone Incline 5.3km to the east-north-east

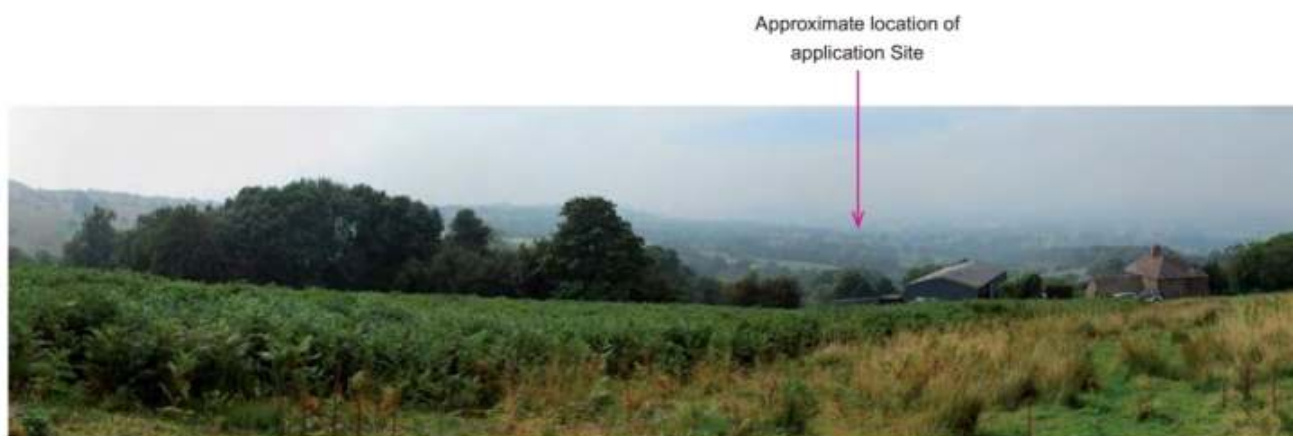


Figure 13: View 3: Tittersone Incline

6.3.4 The application site is visible locally from the Scheduled Ancient Monument at Caynham Camp 1.3km to the south but is shielded by an intervening wooded ridge and forms a very minor part of a wider panorama. It is not considered that there would be any material impact on landscape character of the setting of the ancient monument.

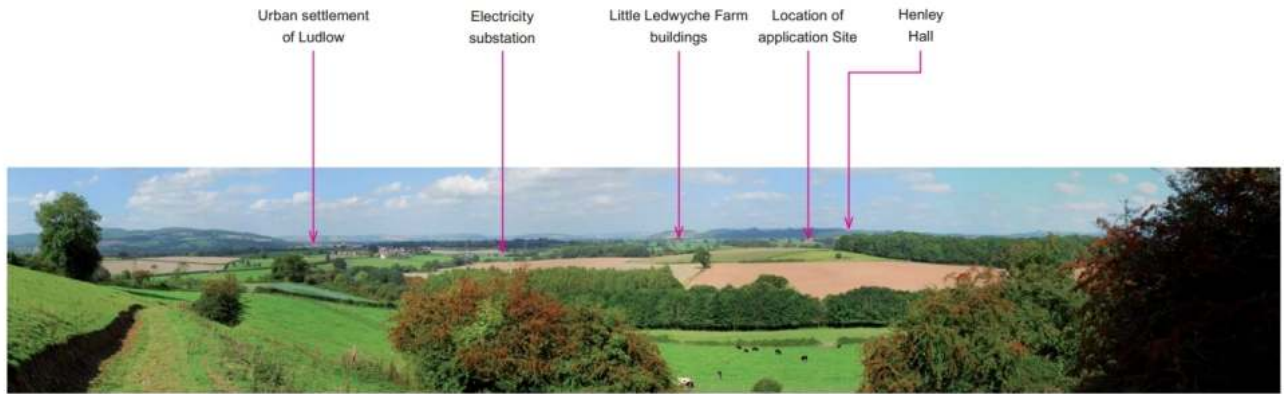


Figure 13: View 5: Caynham Camp



Plate 2: The application area viewed from Caynham Camp, looking west

6.3.5 The site is not visible from the Shropshire Way 530m to the south west due to the intervening buildings of Little Ledwyche Farm 350m to the south west.

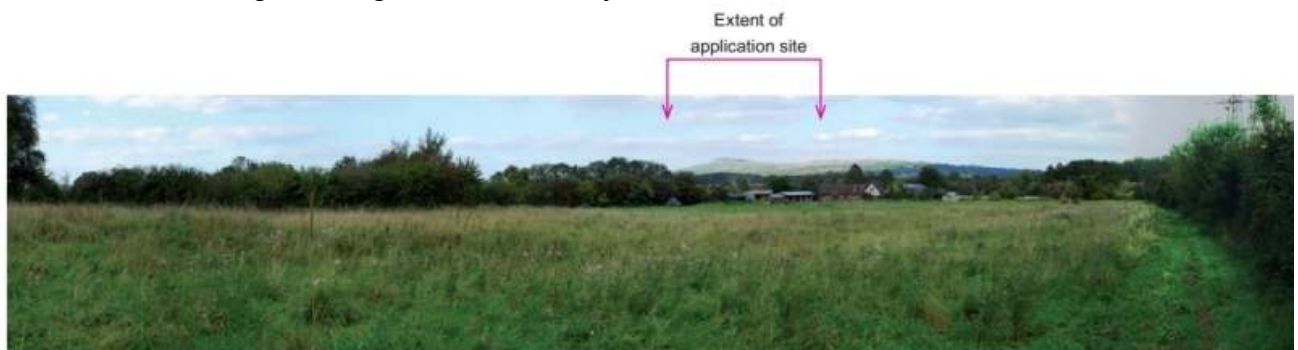


Figure 13: View 6: Shropshire Way Little Ledwyche Farm

6.3.6 The site field is visible locally from Ludlow Park & Ride 790m to the south west as a light area below the woodland of Henley Park. However, there would be no panels

on the top 12m of the field. Any view of the panel arrays would therefore be seen end-on, filtered through mature vegetation and behind existing overhead lines.



Figure 13: View 7: Ludlow Eco-Park/ Park and Ride Car Park

- 6.3.7 The LVIA indicates that there is a theoretical possibility of some views from surrounding areas including elevated area on the eastern side of Ludlow 1-1.5km west of the site. Officers have inspected this area and conclude that in practice such views from publicly accessible locations in Ludlow are very limited due to the effect of intervening buildings and vegetation. Where visible from Ludlow west of the A49, the solar arrays would be seen 'end-on' and against the backdrop of the wooded area of Henley Park and an intervening power line. At this distance and in this orientation it is not considered that there would be any material adverse visual effects.
- 6.3.8 Objectors have questioned the LVIA conclusions. They claim that the proposals would be widely visible from the surrounding area and, as such, would impact adversely on leisure and tourism interests. This conclusion is not supported by officer inspection of the site and its environs. It is recognised that some additional views towards the site are potentially available which have not been specifically assessed in the LVIA. However, nationally adopted LVIA methodology requires that views are representative as opposed to comprehensive. The applicant's LVIA contains representative viewpoints and is fully compliant with relevant methodology.
- 6.3.9 The proposals have been amended since the application was submitted in response to responses received from heritage consultees (see 'Heritage' below). The amendment removes the arrays from the northern part of the site, creating a minimum separation distance of 200m to Henley Park and meaning that the arrays would be separated from the park by the line of Colonel's Coppice. Additional hedgerow planting is proposed along the north and west margins of the arrays. The effect of this is to further improve screening of the site and reduce the potential for any adverse visual impacts.
- 6.3.10 The applicant's visual appraisal and officer assessment confirms that there are no significant views from any nearby rights of way. The area of Squirrel Lane adjacent to the site is defined by mature hedgerows and areas north of the site on Squirrel Lane are separated from the arrays by distance and the slope of the land. The elevated land within the Ludlow by-pass 1.1-1.4km to the west does not afford any significant public views of the site given the screening effect of distance, intervening

structures and vegetation. Objectors have referred to the effect on views from St Laurence's church tower 2.4km to the west. No evidence has however been presented to support the conclusion that the site would be visible or prominent from this location, given the elevation of the site 100-115m AOD and the presence of an intervening 125m high ridge at Gallows Bank and associated trees.

6.3.9 Visual impact – glint and glare: An assessment of glint and glare advises that there would be no negative impacts from light emissions of direct sunlight reflections or diffused light reflection. From most parts of possible emission spots, lines of sight on the module surfaces are broken either by ground level or existing natural cover. For the existing data provided on inter-visibility no solar altitudes were identified, that could trigger glare in the given situation. The report advises that there is a chance of some light reflections at certain times from Rock Farm / Rock Cottages (860m to the north-west) and the buildings along the A4117, but this would not give rise to any glare effects. However, subsequent removal of the array area to the north of Colonel's Coppice further reduces the potential for reflection.

6.3.10 Visual impact – conclusion: The LVIA produced by the applicant is compliant with relevant methodology. It is considered that the photovoltaic panels have been positioned sensitively within the landscape. There would be some visual impacts in the areas nearest to the site but these would be localised and mitigated by landscaping. Beyond this it is considered that any observable effects would be minor adverse once mitigation and intervening vegetation are taken into account. Views towards the site from 1km and beyond would be generally form small parts of the wider landscape. The panoramas accompanying the LVIA indicate that the site would represent a very minor component of wider views as seen from more distant locations including the AONB. Whilst the comments of objectors are noted it is not considered that refusal on the grounds of landscape and visual impacts would be justified. This is when the proposed mitigation measures and the benefits of renewable energy are taken into account. (Core Strategy Policy CS5, CS6, CS17; NPPF s28, s98, s116)

6.3.11 Heritage appraisal: 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. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness. (NPPF 131).

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. (NPPF 132). Where a development proposal will lead to less than substantial harm to the significance of

a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. (NPPF 134).

- 6.3.12 A Heritage Appraisal concludes that the development will have limited adverse impact on the landscape and negligible adverse impact on the heritage resource. There are no designated assets within the application area, and 12 within the 1km study area. These comprise one Registered Park and Garden, two Grade II* Listed Buildings and nine Grade II Listed Buildings. The Heritage assessment advises that the proposed development will not affect the settings or significance of these assets. The significance of more distant assets is also not affected. The hedgerows within, or forming boundaries to, the application area are all considered to be historic hedgerows; one of which is a parish boundary. The principal archaeological interest identified in the application area is the presence of medieval cultivation remains. The heritage report advises that there is a low potential for the presence of previously unrecorded heritage assets within the application area.
- 6.3.13 The application area shares a wooded boundary with the Registered Park, Henley Hall. Views out of the registered park are well screened by mature trees and stands of woodland. Due to the topography there is no inter-visibility between the principal building, Henley Hall, a Grade II* Listed Building, and the southern extent of the park (the former deer park). The northern park and pleasure grounds appears to have been designed to encompass the house in a landscape separate from the agricultural one beyond. The principal views through the park lead to the Park House, and west and south from the terraced walk. The application area is not visible in any of these views. The heritage report indicates that the park has been designed to be experienced from within its boundaries as opposed to being seen from outside. Hence, the park is contained by tree planting, including along the southern boundary adjoining the application site. The park appears as a line of trees immediately above the site in any more distant views where both can be seen together. It is not considered that the development would result in any significant adverse effects on the setting of the listed park.
- 6.3.14 Historic England and the SC Historic Environment objected to the scheme as submitted on the basis that the applicant had failed to demonstrate that there would not be an adverse impact on the listed park. The Garden History Society has also objected on this basis and also refer to concerns about the visibility of the site from the Eco Park and Titterstone Clee Hill. Since this time a site meeting has taken place between heritage consultees and the applicant's heritage consultant and the scheme has been amended. A 200m stretch of proposed arrays in front of the deer park has been removed. Additional planting has been proposed between the site and the deer park and the proposed maintenance access has been moved 250m to the south, away from the deer park. The heritage report has been updated and 2 additional photomontages have been produced from agreed viewpoints:



Bypass view, before proposed hedge planting is established



View south from gap in deer park hedge before this is closed by proposed planting

- 6.3.14 On the basis of the proposed amendments SC Historic Environment and Historic England have withdrawn their objections. They have requested that certain details are incorporated as part of a landscaping scheme and a condition covering this has been recommended in Appendix 1 (Cond. 6).
- 6.3.15 Caynham Camp, a hillfort and Scheduled Monument, lies 1.2km to the south east of the application area (see photos in preceding section). The heritage report advises that a significant contribution to the setting of this asset is its inter-visibility with other associated monuments and its strategic topographic location. There may be some glimpsed views of the proposed development, particularly during winter, when the screening provided by the existing deciduous woodland is reduced. Although

the asset has extensive views across the landscape, the proposed development will not interrupt the lines of sight between Caynham and Titterstone Clee Hill, a contemporaneous monument to the north east. The report does not consider that development within the application area could affect the setting or significance of either of these assets.

- 6.3.16 The pictures shown in the previous section (views 3 and 7) demonstrate that the site forms a very minor part of the wider landscape from the locations referred to by The Garden History Society. The heritage report assesses other designated assets of high significance, within 5km and concludes that none of these are likely to have visual settings which could be adversely affected by the proposed development.
- 6.3.17 In conclusion, there would be some change to the wider setting in which the registered park is located. However, it is not considered that this would amount to substantial harm given the amendments and mitigation proposals. As any harm is 'less than substantial' the NPPF requires that it should be weighed against the public benefits of the proposal (NPPF 134). The public benefits are of a wider nature and include the ability of the proposals to assist in combating climate change, providing a more secure and diverse supply of energy and supporting the agricultural economy, as referred to above. Objectors have argued that these would be outweighed by the dis-benefits of the scheme, including to leisure and tourism interests and this is discussed further in a succeeding section. It is concluded however that on balance that the public benefits of renewable energy are sufficient to outweigh any less than substantial harm to the setting of the heritage asset (NPPF s128, 134; Core Strategy Policy CS17).
- 6.3.18 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 would be closely managed under a construction management plan. 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. Public Protection has not objected and there is no reason to suspect that there would be any unacceptable noise impact, given also the separation distance to the nearest properties and fact that inverter units would be contained in acoustically attenuated buildings. It is however recommended that any planning permission should include an appropriate noise control condition.
- 6.3.19 Access / traffic and construction: The development would be accessed via a 1.7 km stretch of Squirrel Lane via a short stretch of Sheet Road near its junction with the A49 Ludlow By-Pass. Objectors have advised that this road is too narrow to accommodate the construction traffic. However, the applicant has submitted a Construction Management Plan covering the 14 week construction period. This would control the access and egress of lorries to the site from the minor road during the construction phase. 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.

- 6.3.20 A maximum of up to 50 construction workers are forecast to be on site during peak times during the construction period. The construction workers would arrive by minibus, thereby significantly minimising the impact on the local highway network. The application states that construction of the Solar farm would result in a total of up to 468 HGV traffic movements (arrivals and departures), equating to an average of approximately 6 HGV movements (3 arrivals and 3 departures) per day. This level has been reduced slightly by the subsequent omission of the northern area from the site.
- 6.3.21 After commissioning, there would be around 3 to 4 visits to site per year for maintenance and these would be made by van or 4x4 type vehicles. In addition there would be a need for periodic visits during year to move sheep onto and off the site and for general landscaping and ground maintenance. Highway officers have not objected. It is considered that the proposals can be accepted in relation to highway and access considerations. Core Strategy Policy CS5, CS6, CS7, CS8).
- 6.3.22 Ecology: An ecology report advises that there will not be any impact on protected species or any valuable habitats. The proposal offers the opportunity to provide several ecological gains such as the conversion of arable land into species rich grassland and planting of additional scrubland. Ecological protection and enhancement measures would also be put in place by way of a planning condition. The Council's Ecology section has not objected. Detailed conditions and advisory notes are included in Appendix 1. It is considered that the Proposals comply with Policy CS8 (encouraging infrastructure that mitigates and adapts to climate change) and Policy CS17 (protecting and enhancing Shropshire's natural environment).
- 6.3.23 Drainage / hydrology: A Flood Risk Assessment (FRA) advises that the site is located in Flood Zone 1 and therefore is 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. A sustainable urban drainage (SUDS) scheme accompanies the application. It is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).
- 6.4 Timescale and decommissioning:
- 6.4.1 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 future arable productive capacity is protected (NPPF s112). A condition covering decommissioning has been recommended in Appendix 1. A decommissioning clause would also be included in the applicant's tenancy agreement and the value of the solar equipment at the end of its design life would provide a further incentive for decommissioning.
- 6.5 AONB

6.5.1 The site is located 1.4km from the Shropshire Hills AONB, a statutory landscape designation. The area between Ludlow and the AONB in which the site is located has no statutory landscape designation but is protected by Core Strategy policy CS5 which protects the open countryside but also supports sustainable development to diversify the rural economy. 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. It is considered that the visual information submitted in support of the application indicates that the AONB is located too far away to be materially affected by the proposed development and that this is supported by the applicant's visual appraisal.

6.6 Leisure and Tourism

6.6.1 Core Strategy Policy CS16 (Tourism, Culture and Leisure) seeks to deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy. Amongst other matters the policy seeks to promote connections between visitors and Shropshire's natural, cultural and historic environment. Objectors have expressed concern that the proposals could impact adversely on leisure and tourism interests, based on concerns that the proposals may appear visually intrusive and out of keeping in the local area.

6.6.2 These concerns and the level of local opposition to the scheme generally are recognised. However, the applicant's visual appraisal supports the conclusion that the site is capable of being effectively screened and would not give rise to any unacceptable visual impacts. No detailed evidence has been presented to support the conclusion that any residual views of the site would be prominent from or have a significant impact on any local leisure / tourist interests.

6.6.3 A number of solar park schemes are now operational in other parts of Shropshire. There have been no reports of impacts on leisure / tourism interests from operation of these sites which, once installed, are passive, have no emissions and require minimal maintenance. Solar parks and tourism are not incompatible. In 2011 Hendra Holiday Park, one of Cornwall's biggest holiday facilities switched over to their new 10-acres solar farm, built adjacent to the park, providing 75% of the park's power requirements.

6.6.4 South West Research Company was commissioned by renewable energy supplier Good Energy to research the effects of wind and solar this and conducted face-to-face interviews with more than 1,000 visitors during August 2013. A recent internet search did not identify any equivalent survey on tourism effects by objectors to solar development. The study concluded that for the majority of visitors, the presence of wind and solar farms in Cornwall had no impact on their holiday. Crucially, more than nine out of ten visitors (94%) said the farms would make no difference to their decision to visit Cornwall again. The survey confirmed that the risk of poor weather and value for money were far more important factors in determining people's choice of holiday destination than was the presence of wind and solar farms: www.goodenergy.co.uk/visitor-impact-research-Nov2013.

- 6.6.4 It is not considered that there is any clear evidence that the current site would result in unacceptable impacts on leisure / tourism interests. Officers do not consider therefore that refusal on grounds of Core Strategy policy CS16 could be sustained.
- 6.7 Other matters:
- 6.7.1 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.
- 6.7.2 CCTV and privacy: It is proposed that CCTV would be used at the site for security reasons. Cameras would however sensitively positioned and would point away from the nearest residential properties in the interests of privacy.
- 6.7.3 Animal welfare: The owner of an adjoining field farms Alpacas and has expressed concerns that these sensitive animals will be disturbed by the solar arrays. Construction works would be subject to a Construction Management Plan (CMP) and would last 4 months during normal daylight hours. Animal welfare during the construction phase can be addressed as part of the CMP. No evidence has been provided that the solar development would impact on animal welfare following the construction phase and this would not be expected due to its passive nature of operation.
- 6.7.4 Recent Government statement: Objectors have referred to recent ministerial statements establishing a general preference towards the use of brownfield sites for solar photovoltaic schemes. These statements are noted and are material considerations. However, they do not alter adopted planning guidance set out in the NPPF and the associated low carbon and renewable energy guide and referred to in section 10 of this report. Shropshire is a predominantly rural county and there is insufficient brownfield land to deliver the progress in renewable development expected by policies and guidance.
- 7.0 CONCLUSION
- 7.1 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. They would therefore be consistent with the objectives of the national energy strategy. The proposal would also make a valuable contribution to cutting greenhouse gas emissions. (NPPF 97, 98, Core Strategy strategic objective 9, Policy CS8). In addition, the proposals would provide a diversified income for the farm that would help to ensure the longevity of the business and retention of existing jobs (CS5, CS13). The applicant's proposed voluntarily local community contribution, whilst not material to the application, is also to be welcomed.

- 7.2 It is considered that the proposed development would not give rise to unacceptably adverse impacts on the environment, local amenities, leisure / tourism or other interests of acknowledged importance. Subject to mitigation, there would be no significant harm to the landscape and scenic beauty of the area, or to heritage and nature conservation interests. The extent of any change to the setting of the Grade II listed park has been mitigated by amendments to the proposal and heritage consultees have withdrawn previous holding objections. (Core Strategy Policy CS6, CS16 & CS17).
- 7.3 Appropriate conditions have been recommended, including the requirement for a construction management plan and final decommissioning. Subject to this it is considered that the proposal also meets the criteria for development in the countryside as set out in Core Strategy Policy CS5. The proposal is therefore in general accordance with the Development Plan.
- 7.3 The NPPF advises that the production of renewable energy is a material consideration which should be given significant weight and that sustainable development proposals which accord with the development plan should be approved without delay (S98). It is concluded that the proposals are sustainable and can therefore 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 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...”

11.1.5 Paragraph 117 of the NPPF sets out the general requirement to 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'. Section 126 states 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Section 128 identifies the need to take the settings of listed buildings into account. Section 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

11.1.6 Paragraph 28 advises that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas...;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages...

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. 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 mitigate and adapt to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

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

Policy CS16: Tourism, Culture and Leisure - To deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities, emphasis will be placed on: Supporting new and extended tourism development, and cultural and leisure facilities, that are appropriate to their location, and enhance and protect the existing offer within Shropshire.

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 South Shropshire 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.
- 10.4 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.
- 10.5 Other Relevant Guidance
- 10.5.1 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 .
- 10.5.2 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 There is no planning history associated with the application site.

12.0 Additional Information

List of Background Papers: Planning application reference 15/01472/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 the application form dated 1st April 2015 and the accompanying planning statement and supporting documents and plans.

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Site Boundary 1:10,000), 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. Account should also be taken of animal welfare interests.

Access

5. The sole access to and from the site during construction and throughout the subsequent operational phase shall be by means of the route shown on the approved location plan reference 'Site Boundary', 1:10,000.

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

Landscape and Ecological Mitigation Plan

- 6a. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in full compliance with the approved plan, schedule and timescales.
- b. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with a scheme which shall be submitted for the approval in writing of the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. 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. The scheme required by this condition shall also put forward measures for filling in localized gaps in the hedgerow defining the boundary between the site and the Henley Deer Park and ensuring a robust visual screen for the duration of the development hereby approved.

Reason: To provide effective containment of the Site and establishment / maintenance of a reasonable standard of landscape in the interests of visual amenity (6a,b,c) and to protect the setting of the Grade II listed deer park to the north of the site (6c).

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

- 8a. All trees on the site should be retained throughout the development phase and should be protected through the development works in accordance with BS5837: Trees and Development. 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.
- b. 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.
- c. The approved measures for the protection of the trees as identified in the agreed tree protection plan (Tree report ref. 2069-24-A TSE) shall be implemented in full prior to the commencement of any development related activities on site, and they shall thereafter be maintained for the duration of the site works. No material variation will be made from

the approved tree protection plan without the written agreement of the Planning Authority's Tree Officer.

Reason: To ensure that permitted work is carried out in such a manner as to safeguard existing trees and hedges and hence to protect the amenities of the local area (8a,b). To safeguard retained trees and/or hedgerows on site and prevent damage during building works, and to protect the natural features and amenities of the local area that are important to the appearance of the development (8c).

Ecology

9. Prior to the commencement of works an ecological management plan shall be submitted to and approved in writing by the local planning authority. The submitted plan shall include the following:
- i. The corridor/buffer strip along the length of the watercourse clearly showing distance separating the development to the watercourse.
 - ii. measures to allow connectivity through the site for wildlife (i.e. additional new hedge planting, access points for terrestrial mammals along the fence line),
 - iii. a management plan using grazing to increase species diversity,
 - iv. planting plans, including wildlife habitat and features,
 - v. written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment),
 - vi. schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. native species used to be of local provenance (Shropshire or surrounding counties) in the wildlife areas,
 - vii. details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works,
 - viii. ecological trends and constraints on site that may influence management;
 - ix. aims and objectives of management;
 - x. a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be reviewed every 5 years);
 - xi. personnel responsible for implementation of the plan;
 - xii. monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

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

10. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone. The fencing shall be as shown on a site plan submitted and approved in writing by Shropshire Council.

Reason: To protect features of recognised nature conservation importance

11. Prior to the commencement of development, demolition or site clearance procedures, Reasonable Avoidance Method Statement with respect to Great Crested newts shall be obtained and submitted to the local planning authority for the proposed work. The method statement should be prepared by an experience licensed ecologist. Work shall be carried out strictly in accordance with the approved scheme.

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

12. A minimum of 10 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site prior to first use of the proposed solar farm hereby permitted.

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

- 13a. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK. Work on site will be excluded between one hour before sunset and one hour before sunrise.

- b. A minimum of 5 woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the development hereby permitted. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained.

Reason: To ensure the provision of roosting opportunities for bats which are European Protected Species (13a). To minimise disturbance to bats, a European Protected Species (13b).

Notes:

- i. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- 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).*
- iii. *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. 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.

- iii. 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 work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active 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.*
- iv. If the scheme requires the removal, or lopping, of any trees on the site then further bat surveys will be necessary. Any trees proposed for felling would need to be subject to up to 2/3 dusk/dawn emergence surveys during May to September (optimum May to August) and with at least one survey to comprise dusk and dawn in a single 24 hour period. If evidence of bats is found in the trees then a European Protected Species Licence with respect to bats may be necessary from Natural England along with a mitigation scheme and method statement.*

Fencing

- 14. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference TGC/PV001; 2.0m Deer Fencing (amended plan).
 - b. Site security shall be provided in accordance with the specifications detailed in the approved drawing reference TGC/PV004 (CCTV System).

Reason: In the interests of and visual amenity and privacy.

Archaeology

- 25a. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

Noise

16. 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 in the area surrounding the site.

Reason: In the interests of residential amenity.

Amenity complaints procedure

17. 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

- 18a. 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 30 years of the date of this permission 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.

Notes:

- i. *The typical design life of modern solar panels is up to 30 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.*
- ii. *For the transformer installation, the applicant should consider employing the following measures To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner:*
 - *Surface water soakaways;*
 - *Water Butts;*
 - *Rainwater harvesting system;*

- *Permeable surfacing on any new driveway, parking area/ paved area;*
- *Greywater recycling system.*



Committee and date

South Planning Committee

11 August 2015

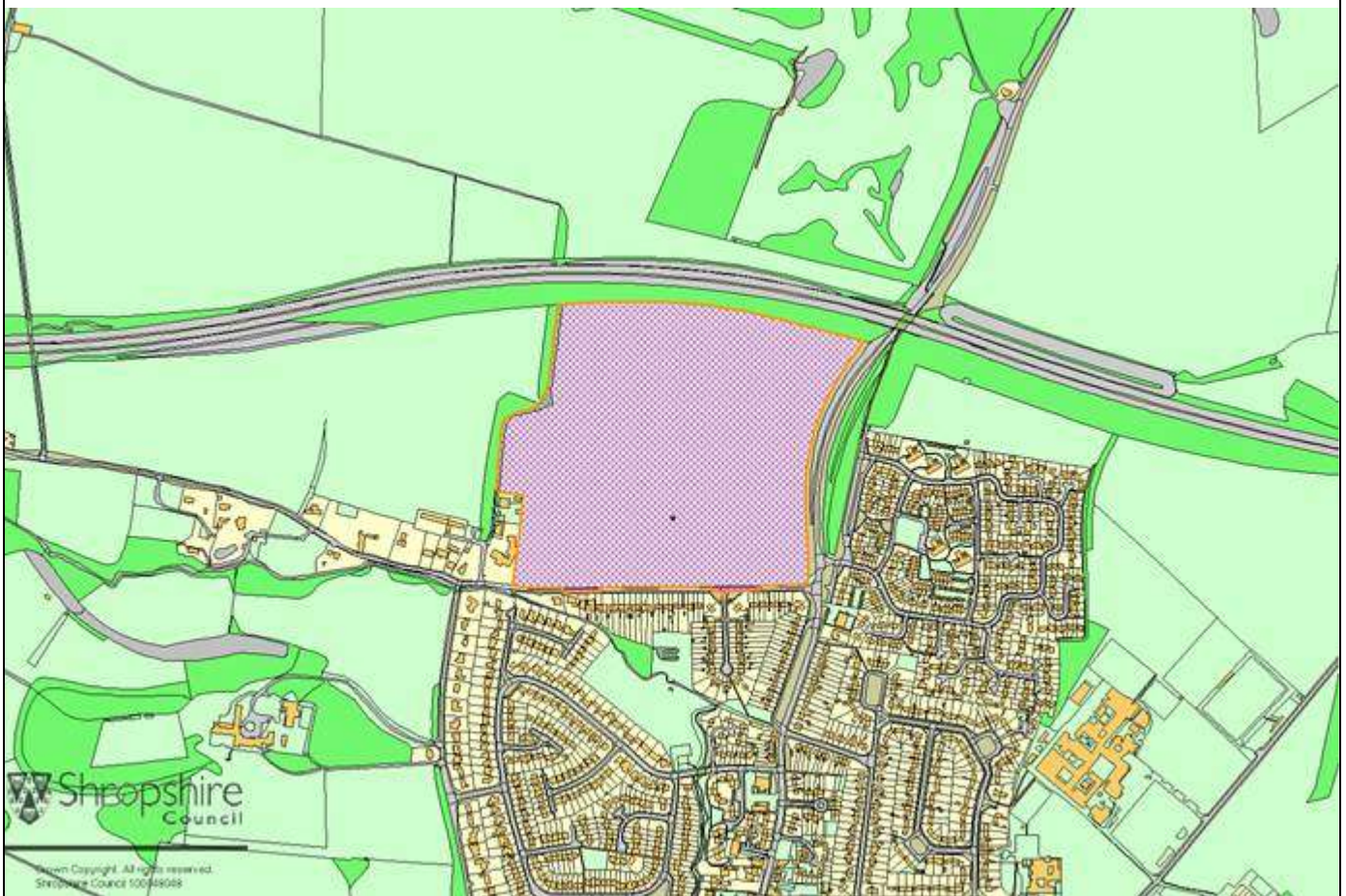
Development Management Report

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

Summary of Application

| | | |
|---|----------------|--|
| Application Number: 15/01741/REM | Parish: | Shifnal |
| Proposal: Reserved matters application for the erection of 216 dwellings pursuant to outline permission reference 12/04646/OUT | | |
| Site Address: Proposed Residential Development Land North Of Houghton Road Shifnal | | |
| Applicant: Bovis Homes Ltd | | |
| Case Officer: Richard Fortune | | email: planningdmse@shropshire.gov.uk |

Grid Ref: 374773 - 308704



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

- 1.1 This proposal relates to some 8.8 hectares (21.74 acres) of land immediately to the north of the bulk of the current built up area of the town. The application site extends northwards to the M54 boundary, is bordered by agricultural land to the east which benefits from the same outline planning permission for residential development as the application site (and is the subject of reserved matters application 15/01390/REM approved at the 14th July 2015 South Planning Committee meeting), by Haughton Road to the south, and agricultural land and a residential/nursing home to the west, immediately beyond which is the Haughton conservation area
- 1.2 The South Planning Committee resolved to grant outline planning permission for residential development on some 18 hectares of land, of which the current reserved matters submission forms part, at the February 2013 meeting, subject to a Section 106 Agreement relating to Affordable housing provision; the provision of community land to allow the opportunity for a group nominated by the Council to construct public swimming baths within a specified period and a financial contribution towards a proposed swimming baths (ref 12/04646/OUT). That outline planning permission was issued on the 22nd March 2013 following completion of the Section 106 Agreement. Subsequently reserved matters approvals have been granted under officer delegated powers (on the 23rd December 2014) for the siting, design, appearance and landscaping of four areas of the site under references 14/00691/REM; 14/00692/REM; 14/01519/REM and 14/01520/REM. Areas of the site not covered by these reserved matters approvals are the south east corner, which is reserved at present for a possible medical centre, and the north eastern portion of the site which is the 'community land' referred to in the Section 106 Agreement where the swimming pool building and allotments would be located.
- 1.3 This proposal is for an alternative scheme of reserved matters to cover essentially the same part of the site as the extant reserved matters approvals 14/01519/REM and 14/01520/REM for the western half of the site. These approvals together contain 216 dwellings, which is the same number proposed in this alternative scheme. The principle of residential development cannot be re-visited in the consideration of this reserved matters application.
- 1.4 The layout of the proposed development follows the principles of the indicative master plan submitted with the outline application and that accepted with the grant of reserved matters approvals 14/01519/REM and 14/01520/REM.
- 1.5 Along the eastern side of the site, outside of the land covered by this reserved matters submission, would be an area of public open space containing two attenuation basins which would form part of the surface water drainage system for the application site and the remainder of the land covered by outline planning permission 12/04646/OUT. These works are included in the Taylor Wimpey reserved matters approval (ref. 15/01390/REM) and the surface water drainage system would be jointly used by both reserved matters schemes.

- 1.6 The main access route into the site would have a carriageway width of 5.5m, with footpaths either side, and would be designed to connect with the road in the eastern half of the development site to form a loop linking the two accesses onto Haughton Road already approved as part of the outline planning permission. It would have a curving alignment to close off views, to provide traffic calming and create focal points at junctions to cul-de-sacs, seven of which would extend from this road in a westerly direction and four in an easterly direction, together with a private drive on the western side and two private drives on the eastern side. The junction areas would be reinforced as focal points by block paved surface treatment. From the ends of the cul-de-sacs would be short private drives serving small groups of dwellings. The proposed development off the western side of the main access route, would be of a higher density, containing groups of semi-detached and terraced dwellings in addition to detached properties. The proposed dwellings at the northern end of the site would be on the southern side of the main access road and a cul-de-sac, which would run along the northern site boundary, a would provide passive surveillance of a large area of public open space within the application site and extending up to the bank of trees on the northern site boundary with the M54. The properties at the southern end of the site would be separated from Haughton Road itself by a landscaped space and the proposed private drives cul-de-sacs to access those properties.
- 1.7 The proposed dwellings would be predominantly two storey, although there would also be three terraces each containing three dwellings which would be of 2.5 storeys, with second floor accommodation lit by a dual pitched roof dormer on the front elevation and a rooflight on the rear elevations of these properties (These would be situated on two cul-de-sacs which extend from the western side of the main access road). 12 two bedroomed flats would be in groups of four within two storey buildings. There would be 17 different house types in the proposed scheme, providing a mix of two, three, four and five bedroomed accommodation. Integral and detached garages are included in the proposals. There would be a variety of design features in the dwellings, including some with two storey short gable front projections; single storey monopitched elements to some house designs; full gabled roofs with variations in ridge heights to elements within larger properties; dual pitched, mono pitched and flat roofed canopy porches; bay windows; dormer peaks over some windows; arched and flat brick window heads and sills. There would be chimneys to 76 plots at key focal points within the development, including at junctions, overlooking the public open space to the east and north, agricultural land to the west, Haughton Road to the south and in the vicinity of turning heads on cul-de-sacs. External wall finishes would comprise of four types of main facing brick, a smooth red detail brick, an ivory render finish to some properties or parts of their elevations, brick plinths, brick corbelling to eaves and gable verges or bargeboards, tile hanging to some bays and gables. There would be three types of main roof tile, with small plain tiles used on all porches or single storey elements of properties.
- 1.8 Most properties would have two parking spaces in addition to garages (where provided). The exception would be 11 plots which would have a single parking space in addition to a garage space; 4 two bedroomed semi-detached dwellings and 4 one bedroomed flats would form a group each with a single parking space

and sharing four visitor spaces; and one group of 7 one bedroomed flats would each have a single space each and would share three visitor spaces. Where garden boundaries would be adjacent to the public realm they would be enclosed by 1.8m high brick screen walls, with close boarded fencing or fence panels used less public locations. A 450mm high timber knee rail fence would separate one private drive from an adjacent footpath close to part of the western site boundary.

Tree planting is proposed throughout the development, including within the open space fronting Haughton Road where existing hedging would be retained apart from the section to be removed for the approved vehicular access, to the edges of the eastern site boundary, adjacent to the footpath along the western edge of the site, and with a substantial amount of the proposed new planting to the edges of and within the area of public open space at the northern end of the site. There would be trees in the front gardens and to the side of selected properties which would front the main access road, cul-de-sacs and private drives, hedge planting to some front and side garden boundaries adjacent to roads within the development. The tree planting would include a mix of extra heavy standard, heavy standard and standard trees. The tree species which it is proposed to use include field maple, silver birch, crab apple, wild cherry, oak, field maple, alder, hornbeam, plum, pear, white beam and lime. Hedge planting would include hazel, hawthorn, guelder rose and hornbeam.

- 1.9 The layout of the site provides for carriageways with adjacent footways to clearly delineate between vehicular and pedestrian routes. Private drives would be shared surfaces where traffic levels and speeds would be low. There would be a clear hierarchy of routes and pedestrian connections through to the open space areas and the residential development land to the east. The application is accompanied by tracked drawings showing how refuse vehicles could manoeuvre through the development and identifies bin collection points for dwellings which would be situated off private drives.
- 1.10 A Design and Access Statement accompanies the application.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site comprises part of a single agricultural field, located on the northern side of Shifnal. The site is bounded by Haughton Road to the south, which has existing residential development along its southern side, and to the west is a farm track associated with Haughton Village Farm, agricultural land and, adjacent to the south western corner of the site, existing dwellings (including a nursing home) and the Haughton village conservation area. To the north is the tree lined boundary with the M54, which is in a cutting. The whole field is bounded by Newport Road to the east, beyond which is the Admirals Farm housing development. The current field gate access is in the south eastern corner of the field, at the junction of Haughton Road with Newport Road, and outside of this reserved matters application site boundary.
- 2.2 The land is generally level, but there is a gentle slope down to part of it to the north western corner of the site. The site is enclosed by hedgerows, with close boarded fence in the south west corner adjacent to the nursing home, and a low stone wall

supplementing the hedging along part of the southern boundary. There are trees along the northern boundary with the M54 which are outside of the application site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Town Council has submitted a view contrary to the Officer recommendation and the Division Member has requested that this application be determined by Committee. The Committee Chairman in consultation with The Area Planning Manager has agreed that the application is one to be determined by Committee.

4.0 Community Representations

- Consultee Comments

(Please note that where consultees have made several comments the latest comments are listed first, as these record the outcome of discussions and demonstrate whether any concerns raised earlier have been addressed).

4.1 Shifnal Town Council – Object:

Councillors expressed concern regarding the proposed development and these concerns are noted below:-

1. Any residential housing provided should include more one bedroom properties for single occupancy and detached bungalows for the older population of Shifnal.
2. There must be adequate green space allocation for youngsters to use.
3. The parking provision for each property must be satisfactory in order that the road infrastructure does not become overburdened by parked vehicles.
4. The erection and installation of a leisure centre incorporating a swimming pool on the site must be agreed by public consultation.
5. The area allocated for the development of a medical practice to be gifted to Shifnal Town Council in order that a full consultation with the residents of Shifnal may be carried out.

(Officer Comment: Items 4 and 5 in the above list relate to land not under the control of the applicants in this case)

4.2 SC Highways Development Control – No Objection:

Access

Vehicle access to the development has been established at outline planning stage, prior to commencement of works on site, a Section 278 Agreement under the Highways Act 1980 should be entered into prior to cover all proposed works on the existing highway.

Design and Layout

Shropshire Council as Highway Authority does not raise an objection in principle to the overall layout of the development, the majority of initial comments have been taken on board. However, we would raise concerns with regard to localised areas of grass verge within the proposed highway.

It is desirable from a highways perspective if a continuous footway is provided on one side of the carriageway. The proposed landscape arrangements indicate that section of grass verge will be provided on the side/access roads. An example of the proposed arrangement is access between Plot 163 to 168. It would be desirable from a highways perspective a proportion of the landscaping is removed to ensure a continuous footway is provided in sections.

Phasing Plan and Construction.

Submitted Phasing Plan Shif-02-006A provides details of proposed phasing of development. It is unclear from the submitted plan, the extent of the road construction to facilitate the phasing of the development. It is therefore recommended details of phasing and any proposed temporary turning facilities should be submitted as part of the relevant Construction Management Plan, conditioned as part of the outline application to be submitted prior to commencement of works.

Recommendation

It is recommended that the following planning condition is attached to any permission granted;

1. Prior to the commencement of development full engineering details of the new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway markings/signs shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details with the estate roads, footways, vehicle manoeuvring and turning areas completed to at least base course macadam level and made available for use before the dwellings they serve are first occupied.

Reason: To ensure a satisfactory access to the site and dwellings, in the interests of highway safety.

4.3 SC Drainage – Comment:

The following drainage details, plan and calculations should be submitted for approval prior to the approval of the Reserved Matters as per Drainage Condition 7 on Outline Application 12/04646/OUT

The Flood Risk Assessment submitted for planning application 12/04646/OUT should be reviewed and the drainage design amended accordingly to take account of layout revisions, including:

1. Confirmation is required of the surface water drainage layout and the outfall location. Drainage calculations for the final layout to limit the discharge rate from the site equivalent to a greenfield runoff rate, or as agreed with the Severn Trent Water, 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. Details of the attenuation pond including side slopes are also required. The construction phasing of the attenuation ponds and the piped surface water drainage network should be provided.

2. 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.

3. If non permeable surfacing is used on the driveways and parking areas, a drainage system should be proposed to intercept water prior to flowing on to the public highway.

4. Information on the proposed maintenance regime for any sustainable drainage system proposed, including details of who will take responsibility should be submitted for approval.

(Officer Comment: These matters can be addressed adequately through consideration of the discharge of condition application, as was accepted in the consideration of the adjacent Taylor Wimpey reserved matters 13/01390/REM.)

4.4 SC Ecology – No Comments on this application.

4.5 SC Trees – Comment:

The tree and hedge works should be carried out and tree protective fence installed in accordance with the Tree Protection, Retention and Removal Plan (03-081, Bovis Homes, 14.04.15). Once the fence has been satisfactorily installed I would be able to recommend approval of this element of the reserved matters.

I am happy with the tree and hedge planting information in terms of species choices, size of stock and planting locations / mixes and also the specifications and schedules for the planting operation itself. I would recommend approval of these elements of the landscape details.

However, I note that condition 21 to the outline permission (ref: 12/04646/OUT) required a landscape management plan to be submitted thus:

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

I could not see in any of the submitted drawings and schedules any information relating to post-planting maintenance of the trees, hedges, shrubs and other soft landscape features. For example items such as: weeding / watering as required to ensure successful establishment and growth of the newly planted vegetation; replacement of any losses during the maintenance period; re-firming of plants and straightening of tree stakes, ties and guards if required; loosening and eventually removal of tree ties and shelters at the end of the maintenance period; and so on.

I suggest this information, along with details of routine on-going operations such as grass cutting, hedge trimming, litter picking etc, should be provided in the form of a maintenance schedule and timetable, in order to fully meet the requirements of the landscape condition attached to the original application.

(Officer Comment: The above are matters for a separate discharge of condition application).

4.6 Environment Agency (05-05-15) – No comments to make.

4.7 SC Public Protection (18-05-15) – Comment:
Having considered the information I would advise that details of the glazing to be provided particularly in dwellings closest to the M54. The specification should ensure that internal noise levels are capable of achieving noise level targets specified in the World Health Organisation Guidelines on Community Noise document with windows open or proposing alternative ventilation where windows will need to remain closed.

(Officer Comment: The above matters have been addressed by conditions 5 and 6 on the outline permission and the reserved matters submitted in terms of layout conforms to these requirements. It is not possible to condition or require the submission of further mitigation measures in assessing the reserved matters application.)

4.8 SC Learning and Skills (12-05-15) – Comment:
Shropshire Council Learning and Skills reiterates that this development, in aggregation with others in the town, will cause capacity pressures at the local primary schools in the near future. It is therefore essential that the developers of this and any other new housing in the town contribute towards the consequential cost of any additional places/facilities considered necessary at the schools.

(Officer Comment: This is a CIL matter and not one for the reserved matters stage of a development).

4.9 SC Conservation (19-05-15): No comments to make from a conservation perspective.

4.10 Shropshire Fire and Rescue (20-05-15) – No comments.

4.11 SC Archaeology (21-05-15) – No comments:
We have no comments to make on this application with respect to archaeological matters, only to reiterate the archaeological conditions applied to application 12/04646/OUT. Archaeological condition 20 pertaining to application 12/04646/OUT took the form of.

20. No development approved by this permission shall commence until a programme of archaeological work has been secured based on a specification (written scheme of investigation) submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work shall thereafter be

carried out in complete accordance with the approved specification.

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

- 4.12 SC Waste Management (20-07-15) – Comment that the waste collection contractor considers the tracked vehicle details look fine, provided that no one parks in the turning areas.

SC Waste Management (21-05-15): Copy of updated guidance supplied.

- 4.13 West Mercia Constabulary (29-05-15) – No Objection:
The applicant should aim to achieve the Secured By Design (SBD) award status for this development. SBD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment, the scheme has a proven track record in crime prevention and reduction. The opportunity for crime to occur can be reduced by up to 75% if Secured By Design is implemented. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at www.securedbydesign.com

Finally may I draw your attention to Section 17 of the Crime and Disorder Act 1998 which clearly states. It shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions of, and the need to do all that it reasonably can to prevent crime and disorder in its area.

- 4.14 Severn Trent Water (29-05-15) – No Objection.

(Officer Comment: Their recommended drainage condition forms part of the conditions on outline planning permission 12/04646/OUT).

- 4.15 Highways England – No reply received.

- 4.16 SC Affordable Housing – No objection to affordable housing layout and size of units..

The affordable housing prevailing target rate for the application site is 15%; therefore for a development comprising 216, 32 affordable units are required together with a financial contribution for the remaining fraction. The affordable housing provision as outlined on plan reference SHIF-02-008 indicates 32 affordable units. The location and size of the affordable units is considered to be acceptable and will assist in meeting part of a high and growing need for affordable dwellings. The issue that requires adjustment is the split between rented and low cost home ownership, which is required to be a 70:30% split between rented and low cost home ownership. The plan indicates a higher than 30% of the low cost home ownership tenure (4 units). Otherwise the provision is acceptable.

- 4.17 -Public Comments
1 Objection:

-Impact of additional traffic on the Haughton Road/ Haughton Lane junction; have seen no proposals to reduce the severity of these problems.

-The sustainable (SUDS) design and maintenance plan is not fit for purpose.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structures
Landscaping and Ecology
Open Space
Residential Amenity
Highway Safety
Affordable Housing and Housing Mix
Sustainability

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The principle of residential development on this site has been accepted with the grant of outline planning permission 12/04646/OUT. The issue of access onto Haughton Road, junction designs and the associated highway improvements/traffic calming measures was considered at the outline stage and these details are controlled through conditions on the outline consent. The precise foul and surface water drainage details, noise reduction measures to be incorporated in dwellings, the content of a Travel Plan, archaeological investigation, the provision of a landscape management plan, external lighting, provision of bat boxes and artificial birds nests are all matters covered by conditions on the outline consent requiring the approval of details by the local planning authority. Discharge of condition applications to cover the phasing of the development (ref 15/01899/DIS), ecology (ref 15/02833/DIS) and access/junction design (ref 15/02836/DIS) are currently under consideration, and further application(s) will need to be made to cover the other details controlled by conditions. The matters for consideration in this reserved matters application are solely those relating to the layout, appearance, scale, landscaping and access arrangements within the application site.

6.2 Siting, scale and design of structures

6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. It cautions at paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It adds however that it is proper to seek to promote or reinforce local distinctiveness. The themes of the NPPF are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also sees to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment.

6.2.2 The proposed house types would be well proportioned and appropriate for this location. The predominant use of brick and tile, but with some units having rendered elements, and the brick detailing would reflect features found in and around Shifnal. The inclusion of short projecting front gables to some dwellings, in a variety of forms and styles, bay windows, canopy porches, full gabled and hipped roofs, and chimneys on plots at focal points within the development would provide variety and interest to the street scenes. There would be variations in the depth of set back of dwellings from the roads. The block paved surface treatment to some road junctions and road sections within the development and the curving alignment of road sections would also enhance the street scenes. The proposed walls and fences to garden areas, along with the hedge and tree planting would create an attractive public realm within the development. It is considered that the network of footpaths along the southern boundary, through the western area of open space and connections to the east into open space contained within the Taylor Wimpey reserved matters approval would create an attractive, accessible environment. The proposed layout would not prejudice the achievement of satisfactory drainage arrangements under the discharge of condition applications.

6.2.3 There is a requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 for local authorities to have a specific duty to have special regard to the desirability of preserving listed buildings or its setting or any features of special architectural or historic interest which it possesses in the carrying out of statutory functions. The same Act requires special regard to be paid to the preservation or enhancement of the character or appearance of conservation areas and their setting by local authorities in the exercise of statutory functions. The nearest listed building is the grade 2 Haughton Grange, which is situated some 225 metres to the west of the current application site, with a group of existing properties in the intervening gap. The proposals would have no adverse impact upon the setting of that listed building. Haughton Hall is listed grade 2* and is set within extensive grounds some 450 metres to the south west of the application site. The combination of this separation distance, the relatively level topography and existing development ensure that the proposals would have no detrimental impact upon the setting of that building. The Haughton Conservation Area is some 50 metres from the application site at the closest point and it is considered that the setting of that area would not be harmed by the details contained in this proposal. It is noted that the Conservation Officer has no adverse comments to make on the proposals.

6.3 Landscaping and Ecology

6.3.1 Core Strategy policies CS6 and CS17 seeks to ensure developments do not have an adverse impact upon protected species, and accords with the obligations under national legislation. At the outline stage the Council's Planning Ecologist was content that the development would not harm ecological interests and she has no comments to make on these detailed proposals.

6.3.2 Core Strategy policies CS6 and CS17 also seek to protect and enhance those features which contribute to local character, which includes the hedgerows around the application site. The County Arboriculturalist has no objection to the tree and hedge planting proposals within the landscaping scheme, and they are considered appropriate for this location.

6.3.3 It is considered therefore, for the reasons explained in Section 6.2 of this report and paragraphs 6.3.1 and 6.3.2 above, that the proposed development would be appropriate in scale, density, pattern and design as required by Core Strategy policy CS6 and would not detract from the quality of the built environment and landscape setting to this part of Shifnal, satisfying also Core Strategy policy CS17.

6.4 Open Space

6.4.1 The Council adopted in January 2012 Open Space Interim Planning Guidance. This guidance has been updated and is being incorporated into the emerging Site Allocations and Management of Development Plan (SAMDev) in policy MD2 which advises that the amount of public open space to be provided by a residential development should be calculated on the basis of 30 sqm per bedroom. The existing and emerging guidance allows for sustainable urban drainage (SuDS) areas to be counted as part of the open space in a development where they are shown to be capable of dual use. For example a SuDS pool which does not hold water permanently and has gentle gradients to its banks can function as part of the public open space. In this particular case there would be 783 bedrooms in the development, which would generate a requirement for 23,490 sqm of public open space. (In the Lioncourt Homes applications the 2011 Census data showing occupancy levels in the Shifnal North Ward of 2.4 persons per dwelling were accepted in the analysis which, if averaged with the bedroom calculation, result in a requirement for 15,552 sqm. The basis for this approach to calculating the open space is the expression of the standard as 3 hectares of space per 1000 population as set out in the IPG).

The public open space areas within the site area covered by this reserved matters submission comprise primarily of the large area adjacent to the northern site boundary, the green corridor along the western side of the site containing a foot path, a linear strip adjacent to Haughton Road and some parcels adjacent to the eastern site boundary that would join with the public open space in the Taylor Wimpey approval of reserved matters. In addition there are small areas of amenity land throughout the proposed layout adjacent to parking areas and the highways. Considered in isolation from the remainder of the land which is included in outline planning permission 12/04646/OUT this proposal, and the approved Taylor Wimpey scheme (ref. 15/01390/REM), would fall below the target for the amount of public open space in the interim planning guidance. However, when the area of 'Community Land' is taken into account, and allowing for the land take likely for a swimming pool building and allotments, then the development of the land with outline planning permission as whole could meet the target, in line with the illustrative layout submitted with the outline planning application.

6.4.2 This same issue arose in the consideration of the set of four reserved matters applications which have been approved, which did not include the community land area, but at that time there was no issue with parts of the outline permission site being in different ownerships to secure delivery of the open space for the whole development. The agent was asked to comment on the amount of open space provision with this reserved matters submission and, in response, has submitted detailed plan showing the open space calculations.

6.4.3 In addition, it is considered relevant to take into account the open space addendum report in connection with the adjacent Taylor Wimpey reserved matters approval, reported to the July 2014 South Planning Committee meeting, which did address open space provision for the whole outline permission site. That report notes that for the approved Lioncourt Homes reserved matters application the open space assessment for the whole site showed that those proposals generated a requirement for some 2.88 hectares of open space and the schemes exceeded that figure by providing some 3.5 hectares comprising of 1.6ha of amenity open space, 1.0ha of recreational open space and 0.9ha of natural and semi natural open space. An overlay of the open space plan produced for the Lioncourt schemes with that of the Taylor Wimpey scheme and this application proposal shows that the attenuation basins are reduced in size in the current scheme, creating more amenity space. The comparative open space areas are some 34,149 sqm for the Lioncourt scheme compared to 34,200sqm for the combined Taylor Wimpey/ Bovis schemes. The detailed breakdown open space review in that document advises that:

16,842 sqm of amenity open space would be provided within the central spine of the site and in areas surrounding residential development, which follows the same approach undertaken with the Lioncourt Homes reserved matters approvals.
7,762 sqm of natural and semi-natural open space would be provided in the vicinity of attenuation areas and on the northern border of the site, again following the approach with the Lioncourt Homes reserved matters.

9,556 sqm of recreational open space is provided to the north of and in the Bovis Homes scheme and 400 sqm of recreational open space would be provided within the central open space corridor to accommodate a play area funded by CIL.

The above totals approximately 3.5ha, which matches the provision in the Lioncourt Homes approvals.

6.4.4 Other factors to be taken into account in relation to open space is the area that would contain the allotments and, potentially, a swimming pool as the former would have a potential area of some 2075 sqm based on the masterplan with the outline permission, and the latter a land take that would still enable to Community land area to deliver some 7478 sqm to come forward as open space (incorporating the proposed allotment land).

6.4.5 The current proposal would deliver some 19,417 sqm of public open space, with the smaller areas of amenity land contributing some 1900 sqm. The total provision with the current reserved matters approval site would therefore be in the order some 21,317 sqm of open space directly within the application area, against an IPG target of 23,490 sqm. The applicants comment that the short fall of some 2,173 sqm would equate closely to the indicative area for the allotments shown in the outline consent 12/04646/OUT. The above context, taking account of the full extent of the land with outline planning permission; the extant reserved matters approval comparisons, and the likelihood that the development proposals for the whole site will be constructed even with the splits in land ownership of the outline permission site between developers, is considered sufficient to demonstrate that the proposal would deliver an appropriate amount of open space in accordance with Core Strategy policy CS6 and the guidance in the Interim Open Space SPD.

6.4.6 Measures to secure the future maintenance of the open space are through condition 21 of the outline consent.

6.5 Residential Amenity

6.5.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The nearest existing residential properties to the site are those on the southern side of Haughton Road. The nearest for these dwellings would be some 20 metres from the application site boundary, where an area of linear public open space and a cul-de-sac road would run parallel to Haughton Road and the southern end of the open space along the western side of the application site, which would contain the attenuation pools, would abut Haughton Road located. The nearest dwellings in the proposed development would be the Netherwood residential home immediately adjacent to the south west corner of the site, and the dwellings on the opposite side of Haughton Road, which would be some 35 metres from the proposed dwellings at the closest point. It is considered that the layout of the proposed development relative to the residential home and the separation distances to the dwellings opposite would not result in any undue harm to residential amenity. The location of the open space areas would not significantly impact on the living conditions of nearby properties.

6.5.2 There would be no residential amenity conflicts in terms of unacceptable overbearing or privacy impacts within the development itself. The positioning and orientation of the proposed dwellings along the northern side of the site, and condition 5 of the outline consent that requires the incorporation of noise reduction measures in accordance with the approved Noise Assessment Report, would ensure there would be no undue harm to the residential amenities of properties in the proposed site layout.

6.5.3 It is almost inevitable that building works anywhere cause some disturbance to adjoining residents. This issue has been addressed by a condition (15) on the outline permission restricting hours of working to 07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays, Public or Bank Holidays, and condition 16 requiring the approval of a construction method statement to mitigate the temporary impact.

6.6 Highway Safety

6.6.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:

“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

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

the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. It is acknowledged that there are concerns about the impact of development on the traffic situation within Shifnal and this aspect of the proposal was fully appraised in the consideration of the outline application. All details of the accesses onto Haughton Road and off site improvements to accommodate traffic generated by the development of this site have been under planning permission 12/04646/OUT. The highway considerations in this reserved matters application relate solely to the road and parking layouts within the site.

6.6.2 Highways Development Control are content that the proposed highway layout within the site is acceptable on highway safety grounds and would allow for adequate access by service vehicles. The amount of car parking proposed for the dwellings would satisfy the parking standards of the former Bridgnorth District Council which are still in force in the south east Shropshire area. The issue of a continuous footway being provided to one side of some cul-de-sacs is being raised with the applicants and the outcome of these discussions will be reported at the Committee meeting. The phasing plan is the subject of a separate discharge of condition application.

6.7 Affordable Housing and Housing Mix

6.7.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards the provision from all residential development. With regard to provision linked to open market housing development, Core Strategy policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. In this particular case the applicants are prepared to deliver affordable housing at the 15% prevailing rate applicable at the time the application for reserved matters was submitted. The mechanism to secure this delivery of affordable housing and for it to be affordable in perpetuity is included in the section 106 agreement which forms part of the outline planning permission. 32 affordable dwellings would be delivered on site with the 0.4 fraction of a dwelling resulting from the 15% calculation being in the form of a financial contribution.

6.7.2 Throughout the whole development there would be 27 two bed roomed properties; 67 three bed roomed properties; 82 four bed roomed properties and 40 five bed roomed properties. The Council's Affordable housing team are content with the affordable housing mix (27 two bed split between 12 flats and 15 semi/terraced houses and 5 three bed houses within the above housing totals), and the positioning of the 32 units of affordable housing within the proposed development. (The applicants propose that the tenure of 18 of these affordable dwellings would be for rent, with 11 two bed roomed dwellings and 3 three bed roomed dwellings for shared ownership and this tenure matter is for discussion through the Section 106 Agreement that forms part of the outline consent). With regard to the Town Council's comments on the mix of properties the applicants have responded that they have carefully considered the proposed mix before submission; the housing policy does not set out an explicit requirement for bungalows. They consider that the proposed mix represents an appropriate balance of house typologies and

tenures (having regard to the affordable housing provision). The precise open market dwelling mix is a marketing decision for the applicant. While Lioncourt Homes decided to include 5 three bedrooed detached bungalows in their scheme, it is considered that the mix of development proposed here in the Shifnal context with existing and proposed developments would be in accordance with Core Strategy policy CS11, which seeks to achieve mixed, balanced and inclusive communities. The lack of bungalows would not be a sustainable ground for refusal of this reserved matters submission.

6.8 Sustainability

6.8.1 Core Strategy policy CS6 seeks to ensure that sustainable design and construction principles are incorporated within new development. The applicants have advised that Bovis Homes proposes the adoption of a fabric first strategy which delivers a 10% reduction in energy consumption; such a strategy has been labelled by the Zero Carbon Hub as a “fit and forget” strategy and addresses the key policy objectives of sustainable construction of:-

- 1) Reduced CO2 emissions to combat climate change.
- 2) Reduced energy consumption, thereby lessening the developments appetites on imported fossil fuels.

This fabric first strategy incorporates enhanced thermal elements within the fabric of the building, by way of a larger depth cavity wall construction, and offers a lifetime of energy saving due to the ‘fit and forget’ nature of it being built within the envelope of the dwelling. The method means that no future maintenance is required, which in other methods can be detrimental to the energy saving elements if not maintained properly for the lifetime of the property and also this method is not reliant on the behaviour or life style habits of the occupants to deliver these CO2 reductions.

6.8.2 It is considered that the above measures are sufficient to satisfy this element of Core Strategy policy CS6 and the components of the environmental dimension of sustainability set out in the NPPF, relating to the use of natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

7.0 CONCLUSION

7.1 The principle of a residential development of up to 400 dwellings on the land with outline planning permission, of which this reserved matters submission for 216 dwellings forms part, along with the access arrangements off Haughton Road has been accepted with the grant of outline planning permission 12/04646/OUT. The proposed scheme in terms of layout, scale, appearance and landscaping would not detract from the wider landscape setting of Shifnal, and would not harm the setting of the Haughton Conservation Area and the heritage assets within the locality. The amount of public open space within the development, in the context of the whole outline permission site, would be satisfactory in relation to the Council’s interim planning guidance on open space. The design of the internal road network would not be detrimental to highway safety and the amount of off road parking would accord with the standards of the former Bridgnorth District Council which still apply to south east Shropshire. The design of the proposed development would have no significant impact on neighbour amenity. The reserved matters scheme would deliver affordable housing at the current prevailing rate for Shifnal.

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
National Planning Practice Guidance

Shropshire Core Strategy and saved Local Plan policies:
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
CS18 Sustainable Water Management
D6 Access and Parking

SPD on the Type and Affordability of Housing
Open Space IPG

RELEVANT PLANNING HISTORY:

12/04646/OUT Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works GRANT 22nd March 2013
13/00273/OUT Outline planning application (all matters reserved) for the development of 3,000sqm office floorspace, with associated parking, earthworks and other ancillary works REFUSE 5th June 2013
14/00691/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 83 properties; associated highway works; ancillary works (Phase 1 of residential development) GRANT 23rd December 2014
14/00692/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 101 properties; associated highway works; ancillary works (Phase 2 of residential development) GRANT 23rd December 2014
14/01519/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 97 properties; associated highway works; ancillary works (Phase 3 of residential development) GRANT 23rd December 2014
14/01520/REM Approval of reserved matters (siting, design, appearance, landscaping) pursuant to permission 12/04646/OUT for the mixed residential development of 119

properties; associated highway works; ancillary works (Phase 4 of residential development) GRANT 23rd December 2014

15/01390/REM Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to 12/04646/OUT for the mixed residential development of 184 dwellings GRANT 15th July 2015

15/01399/DIS Discharge of conditions 7 (Drainage), 8 (Phasing Plan), 9 (Location of Affordable Housing), 11 (Visibility splays), 13 (Travel Plan), 16 (On-site Construction), 17 (Ecology), 19 (Nests), 20 (Archaeology), 21 (Open Space) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works. PCO

15/01741/REM Reserved matters application for the erection of 216 dwellings pursuant to outline permission reference 12/04646/OUT PDE

15/01899/DIS Discharge of Condition 8 (Phasing Plan) relating to outline planning permission 12/04646/OUT

15/02017/ADV Erection of non-illuminated freestanding Land Acquired promotional board PCO

15/02833/DIS Discharge of conditions 9 (Affordable Housing Layout), 17 (Ecology) and 19 (Nests) on planning permission 12/04646/OUT for outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works PCO

15/02836/DIS Discharge of Condition 11 (Access) and 12 (Roundabout Detail) relating to planning permission 12/04646/OUT -Outline application (access) for residential development; erection of a community swimming pool, a medical centre and community allotments, with associated parking, public open space, including balancing pond, and associated earthworks and other ancillary works PCO

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

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 shall be carried out strictly in accordance with the approved plans and drawings Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
2. The new access roads, footways, parking areas, highway surface water drainage, street lighting and carriageway marking/signs shall be fully implemented in accordance with details to be approved in writing by the Local Planning Authority, with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings that they would serve are first occupied.

Reason: To ensure the provision of adequate means of infrastructure and access prior to occupation, in the interests of highway safety.

3. All hard and soft landscape works shall be carried out in accordance with the approved details 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.

Informatives

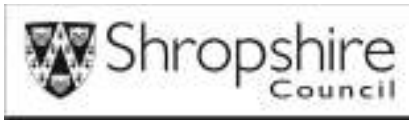
1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 187.
2. The land and premises referred to in outline permission 12/04646/OUT are the subject of an agreement under Section 106 of the Town and Country Planning Act 1990.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from

www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

4. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.

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Committee and date

South Planning Committee

11 August 2015

Development Management Report

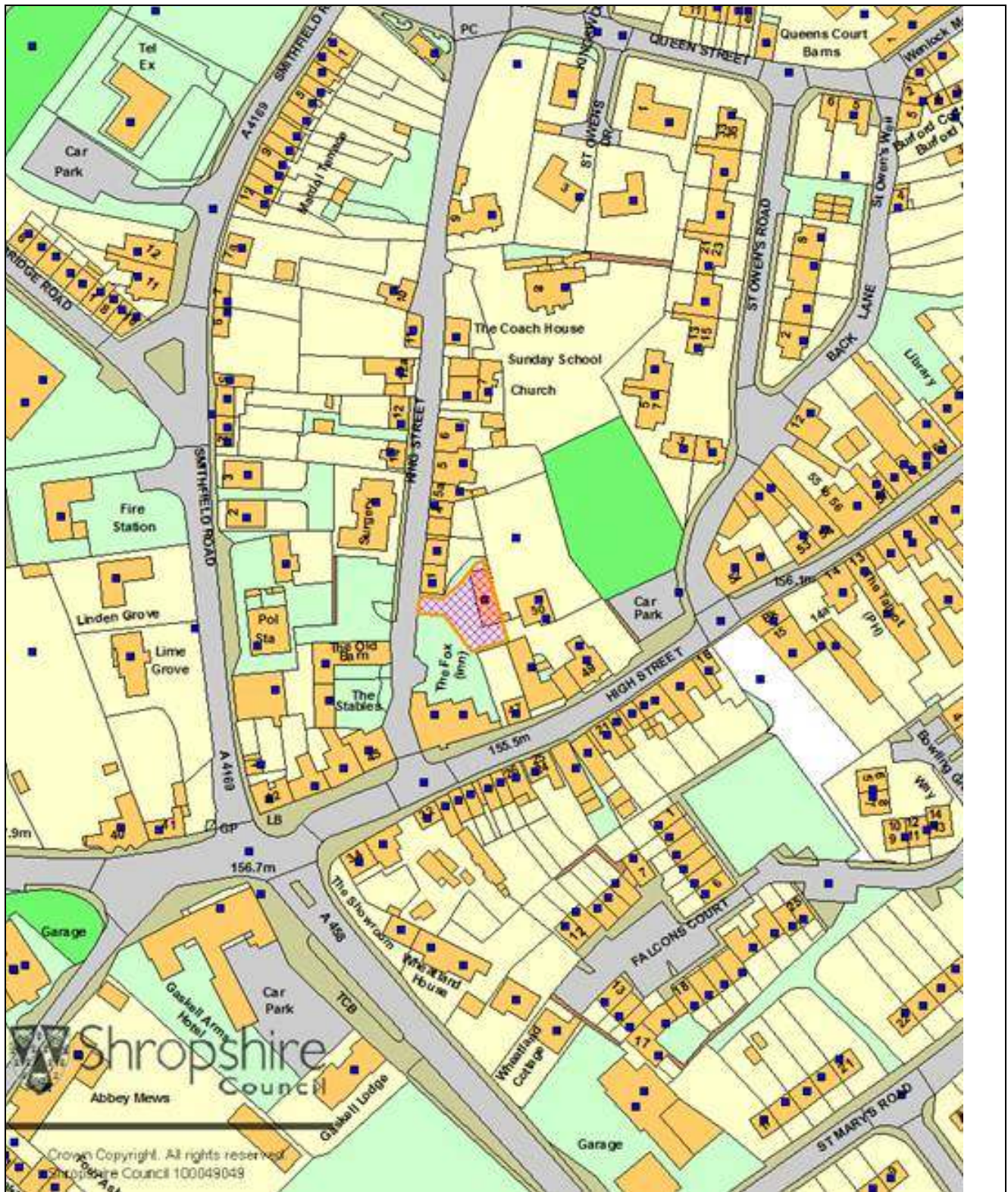
Responsible Officer: Tim Rogers

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

Summary of Application

| | | |
|---|---|--------------|
| <u>Application Number:</u> 15/01850/FUL | <u>Parish:</u> | Much Wenlock |
| <u>Proposal:</u> Proposed extension and conversion of existing studio building to form two residential units and one commercial unit | | |
| <u>Site Address:</u> Fox Studio, King Street, Much Wenlock, Shropshire, TF13 6BL | | |
| <u>Applicant:</u> Mr & Mrs Myers | | |
| <u>Case Officer:</u> Thomas Cannaby | <u>email:</u> planningdmse@shropshire.gov.uk | |

Grid Ref: 362175 - 299856



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Recommendation:- Grant Permission subject to the completion of a Section 106 Agreement in respect of an affordable housing contribution, and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for the extension to and conversion of the existing commercial building at Fox Studio, King Street Much Wenlock to form 2 apartments and an office unit. The units are proposed to be allocated as follows:

Fox Studio

Ground Floor

- Apartment 1 – lounge/kitchen, bathroom, 2 bedrooms
- Apartment 2 – Lobby and stairs up to first floor
- Office – lobby extension at front and office area and kitchenette

The Ground floor extension to the office would project out in line with the side elevations of this section of the building, and have a length of 2m past the line of the existing front elevation.

First Floor

- Apartment 2 – lounge/kitchen, bathroom, 2 bedrooms
- Office – two separate office rooms, and wet room.

The ground floor extension to the office would continue up to first floor level, expanding the larger office room and have a front window facing out over the parking area. Externally this would involve the increase in the ridge height of the existing roof of what is currently the garage section, with a front gable projection being added to accommodate the new floor area. The existing ridge would have a small hip added in the upper area near the ridge to slope away from the boundary. Amended plans have been submitted which show hidden guttering to be used so as not to overhang the boundary. Other changes to the building include the insertion of roof lights on the front and rear roof slopes, and the insertion of two new first floor windows in the front elevation, located in the gaps between the existing windows.

- 1.2 Materials are proposed to match those of the existing building and white painted windows. Foul sewage and surface water are indicated to be disposed of via the main sewer. No alterations are proposed to the vehicular access and parking provision for 6 vehicles is indicated. No trees or hedges are affected by the development.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the development boundary of the Key Centre of Much Wenlock on the south western periphery of the Town Centre and within Much Wenlock Conservation Area. It is accessed via King Street to the west via the High Street (B4378) to the south. The access point to the site is positioned between a single storey element of The Fox public house to the south west and a boundary wall abutting the road of Wenlock Stone approximately 3m high to the west. There are high gate piers either side of the access set back from the road, but no gate,

beyond which is a tarmacked courtyard the usage of which is split between The Fox and Fox Studio. Access into/egress from the courtyard is comfortably achievable in a vehicle if taken slowly.

- 2.2 The building itself is of a north/south linear format with a west facing frontage into the courtyard. It is constructed in red brick with red roof tiles, a centrally placed entrance door and white timber openings which are unusually larger at first floor level. The existing first floor openings on the front elevation are currently obscure glazed, there are no windows on the east facing rear elevation. Formerly an outbuilding of The Fox (then the Wheatland Fox) public house, the first floor of the building has been used for office purposes since 1969 with a stable below, and the whole building as offices and a photographic studio since 1987. A single storey extension was added to the south side elevation of the property following permission granted on 1st March 2005 under planning ref: BR/APP/FUL/05/0049, to provide a storage area with 2 garage doors to the west facing elevation into the courtyard. This extension has a dual pitched roof with a side gable facing towards and adjacent to the rear boundary of no. 47 High Street.
- 2.3 There are neighbouring dwellings and commercial properties surrounding Fox Studio except to the south west where the courtyard extends towards The Fox public house, and west where King Street lies beyond the high boundary wall. The closest dwellings are nos. 48 and 50 High Street to the south east, sections of these properties being within metres of the boundary, and nos. 1 and 2 King Street to the north west where there is a distance of approximately 6m between their rear elevations and the corner of the Fox Studio building. There is a pitched roof single storey lean to extension on the rear of no. 1 King Street which forms the boundary with the courtyard at Fox Studio and covers most of the rear elevation allowing only a doorway out into a yard which extends behind no. 2 King Street. There is a new build dwelling permitted under planning ref: 12/00240/FUL on 2nd January 2013 (amended under planning ref: 13/04730/AMP on 11th December 2013) to the north east with a south facing frontage and which is sited approximately 10 away from the existing north east corner of Fox Studio. There is a doctors' surgery across King Street to the north west which has its own dedicated car park, however vehicles also appear to park along King Street outside the site boundary wall.
- 2.4 A previous application (14/01397/FUL) for the conversion of the building was refused consent by committee on 29th October 2014, this scheme was for the conversion of the building into four residential units and one commercial units, and included the erection of a two storey extension off the north side elevation of the building, and an increase in height of the south side garage section of the building and the creation of a new pedestrian access through the stone boundary wall. The Committee refused the application on the following grounds:
1. The proposed development, by reason of increased scale through extension and the insertion of the proposed pedestrian access within the existing stone boundary wall would result in overdevelopment of the site and would have an adverse impact on the Conservation Area; neighbour amenity and public safety. The development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17, Much Wenlock Neighbourhood Plan policies H4 and GQD2 and paragraph 17 of the NPPF.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This application is referred to committee for determination on the request of the Local Ward Member in accordance with the criteria for application call in set out in the Council's adopted scheme of delegation.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Much Wenlock Town Council – supports application

This application conforms with Neighbourhood Plan policies H2, H4, and H6 in Objective 1 of the Neighbourhood Plan for Much Wenlock.

4.1.2 SC Affordable Housing –

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

The exact contribution is dependent upon the affordable housing rate applicable at the date of submission of a full planning application or reserved matters in the case of an outline application. This rate is reviewed annually. The current affordable housing contribution rate for this area is 20% and as such a proposal for 2 new open market dwellings would be liable to make a contribution equivalent to 2 x 0.20 of a whole affordable unit (2 x 20%). As this level of contribution is less than a whole unit, it is translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution used by the Council fund the delivery of affordable housing provision elsewhere in the area.

4.1.3 SC Drainage - no objection, drainage details can be conditioned if permission granted.

4.1.4 SC Conservation – No objection subject to conditions.

In considering the proposal due regard to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the extension and conversion of this existing building to form two apartments and one studio/office unit. This proposal follows a previous refusal for the conversion and extension of the building. The site lies within the Much Wenlock Conservation Area.

The proposal has been significantly reduced from the previous scheme removing the two storey side extension and reducing the number of units proposed. The proposed pedestrian gate through the boundary wall has also been omitted. These changes are considered to have alleviated the previous issues from a conservation perspective and overall it is considered that the proposal will preserve the character of the conservation area in line with policies, guidance and legislation as outlined above.

4.1.5 SC Archaeology – No objection subject to conditions

Background to Recommendation: The proposed development site lies on the edge of the Medieval urban form of Much Wenlock (HER PRN 05029) as defined by the Central Marches Historic Towns Survey and within a group of Tenement plots to north of High St, east of Smithfield Road (HER PRN 05041). More importantly it is also located immediately adjacent to the supposed site of St John's Leper Hospital (PRN 05010). An evaluation carried out on the Leper Hospital site in 2012 determined that significant archaeological features, deposits and structural remains of medieval date are present on the site. These are overlain by archaeological deposits of early post-medieval date which also have the potential to inform us about the development of this part of Much Wenlock during this period. Although the site has been built over during the Post Medieval period, the archaeological potential of the site, particularly at depth, remains moderate to high. Any below ground archaeological remains are likely to be affected by the construction of the proposed extension and any ground disturbance associated with the conversion of the existing studio.

RECOMMENDATION: In view of the above and in line with National Planning Policy Framework (NPPF), we would recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development comprising an initial evaluation of the site prior to construction commencing with further archaeological mitigation thereafter if deemed necessary. An appropriate condition of any such consent would be:
Suggested Conditions:

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). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

4.2 - Public Comments

4.2.1 10 objectors:

- ❑ Inaccurate, vague drawings give no indication of the impact the development will have on surrounding properties.
- ❑ Boundaries are false and not accurate. Boundary with 48 High Street not shown correctly, rear garden boundary is in co existence with south elevation of the proposed structure.
- ❑ North boundary stone wall, boundary in question.
- ❑ Overdevelopment of site
- ❑ No pavement along King Street, houses open directly onto street, but still

- has a 30mph speed limit. This makes street hazardous for pedestrians. Development would increase traffic along King Street.
- ☒ Traffic particularly congested at 4-6pm
- ☒ Sky lights to east roof ignore concerns over noise and disruption raised during previous application, with regards to neighbour amenity
- ☒ 2 flats inappropriate, should be two traditional two up two down cottages more in keeping with conservation area.
- ☒ Existing obscure glazed window should be retained.
- ☒ Second storey would cause light obstruction
- ☒ Loss of two garages for parking.
- ☒ No amenity space for new properties.
- ☒ Impact of raising height of garage section and extension. Neighbouring property is set at lower level which increases impact.
- ☒ Disappointed with Parish Council support for application
- ☒ Contrary to policy EJ2 of the Neighbourhood Plan.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Impact on the historic environment
- o Access/Parking
- o Drainage
- o Financial contributions

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposed site falls within the Key Centre of Much Wenlock in which the principle of erecting open market dwellings is supported by LDF Core Strategy Policy CS3 – The Market Towns and Other Key Centres, as a more sustainable form of development. Bridgnorth District Local Plan ‘Saved’ Policy H3 identifies Much Wenlock as a key settlement where residential development will be permitted provided the site is appropriate. The Market Towns and other key centres are identified in LDF Core Strategy Policy CS1 – Strategic Approach as maintaining and enhancing their traditional roles in providing services and employment and accommodating around 40% of Shropshire’s residential development over the plan period. Greater self-containment is the key objective of the Market Town revitalisation programme.

6.1.2 In accordance with the LDF Core Strategy, the Much Wenlock Neighbourhood Plan is supportive of small scale infill sites and conversions within the Parish in order to provide for a limited amount of housing to meet local needs. As Much Wenlock is a highly desirable town in which to live, it is a challenge to provide housing to meet local needs in a way that respects the quality of the town and its rural setting against generally high house prices. Policy H2 of the Neighbourhood plan states that:

Housing developments within the development boundary of Much Wenlock will be permitted where they include a range of house type, including two and three bedroom dwellings. Housing developments will

also be expected to include an element of single level dwellings and to meet the needs of the elderly and people with disabilities.

Policy H4 of the Neighbourhood plans states:

Housing infill development and the conversion of existing buildings to residential use will be supported where they contribute positively to local character and where they help to meet local housing needs. Within the conservation areas of Much Wenlock and Bourton infill development should conserve or enhance the special architectural and historic character of these settlements.

6.1.3 LDF Core Strategy Policy CS13 – Economic Development, Enterprise and Employment plans positively to develop and diversify the Shropshire Economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, placing particular emphasis on amongst other criteria, supporting the revitalisation of Shropshire’s Market Towns, developing their role as key service centres, providing employment.

6.4.4 Objective 2 of The Much Wenlock Neighbourhood Plan aims to help business create jobs by making sure that existing employment sites are kept for employment use where possible and appropriate. Policy EJ2 of the Neighbourhood plan states that:

Proposals for the use of land or buildings on existing employment sites for uses other than employment purposes will not be permitted unless:

☐ it can be demonstrated that the on-going use of the premises or land for employment purposes is no longer viable on the basis of the criteria in Appendix 1 of the Plan; or

☐ the alternative proposal would provide demonstrable employment benefits to the local community and contribute to its long-term sustainability.

Whilst this application includes conversion of part of a currently commercial building to residential, it also retains office space over 2 floors with the current business continuing to operate from the site with the business owners to move into the newly created residential units.

6.1.5 The National Planning Policy Framework (NPPF) is also committed to securing economic growth and boosting the supply of housing, two elements which are identified as contributing to ensuring the vitality of town centres. It is felt that this proposed development of mixed residential and office use will contribute positively to the vitality of Much Wenlock Town Centre and is considered to be an appropriate site due to the conversion of an existing building, its size and positioning.

6.1.4 The proposed conversion of an existing building in the town centre to a mixed residential and office use would in principle comply with policies CS1, CS3 and CS13 of the Shropshire Core Strategy, and also with policies H2 and H4 of the Much Wenlock Neighbourhood Plan, there is some conflict with policy EJ2 of the Neighbourhood Plan however the retention of the office use in part of the building and the continued operation of the business from this site if the development is

permitted is considered to comply with the objectives of this policy, even though the overall floor area of the commercial use is decreased. The benefits of providing two small units of 2 bedroom accommodation in the Town centre is considered to outweigh the reduction, but not loss of, the commercial floor area. The principle of the development is therefore considered to be acceptable in accordance with these policies.

6.2 Design, scale and character

6.2.1 Both the National Planning Policy Framework (NPPF) and LDF Core Strategy Policies CS6 and CS17 direct that a high quality development should be created whilst contributing to local character, and protecting and enhancing the built and historic environment. These considerations should benefit for the lifetime of the development and provide positive improvements in people's quality of life.

6.2.2 The proposed conversion into a mixed residential and office use is accomplished with relatively little changes to the building, with the main alteration being the addition of a 2m two storey extension to the front of what is currently the garage section (to become offices) and the increase in height of this section of the building. The form of the main section of the building is unchanged with external alterations to this section consisting of the insertion of additional openings, most notably two new first floor windows in the front elevation and a number of roof lights; amended plans show two roof lights in the front elevation and a single roof light in the rear elevation of the main building, and a single roof light in the rear elevation of the lower section of the building which will be offices. It is felt that the core form and character of the building will be retained.

6.2.3 The extension off the front of the garage section of the building to facilitate its conversion into office accommodation is considered to have a relatively minor impact on the overall character of the building, this section would remain subservient to the main building having lower roof ridges, and the character of the front elevation is not encroached upon, the building is set back from the front of the site, separated from the road by an area of car parking with views restricted by the prominent boundary wall along the site frontage which would be retained, although the building would be readily visible from users of the small garden area attached to the rear of the Fox Inn. The provision of the apartments that the extensions will facilitate is not considered to harm the character of the existing building and surrounding Conservation Area.

6.2.4 The scale of the proposal is not considered to be overdevelopment of the plot as both the number of apartments and their internal capacity with the provision of two bedrooms each, combined with the office use which will be empty overnight, will not afford excessive occupation of the site.

6.3 Impact on neighbours/residential amenity

6.3.1 Queries have been raised with regards to the position of the boundaries in third party comment, however the agent has confirmed that the applicant has full and proper title to the development, and the development is completely within the applicant's ownership. The plans have been amended to show "hidden guttering" along the south side elevation to prevent any overhang of the boundary in this

location. Building works are contained within the building envelop with the exception of the front extension off the garage section which projects directly forward in line with the existing side elevations of this section of the building, and does not encroach on the boundary of the site. Some areas of the existing structure which are to be altered, namely the side and rear elevations of the garage section which will be increased in height are located on the boundary of the development, and may require agreement under the Party Wall Act to be implemented, however this is a matter to be resolved between the applicant and the adjoining properties should permission be granted.

- 6.3.2 All new and existing first floor windows would overlook the courtyard at the front of the property, with no new windows in any side or rear elevations that face onto adjoining properties. The amended plans shows the northernmost first floor windows in the front elevation (one existing, one proposed), to be obscure glazed and fixed shut with the exception of top opening lights above eye level. This is considered to be sufficient in order to protect the amenities of number 1 King Street, which is located to the front of the applications site, and would otherwise potentially be overlooked by these windows. These details can be controlled by condition to ensure they are retained. There are no windows proposed to the north, east or south elevations. A condition can be applied to ensure that no windows are inserted into these elevations (nor further windows to the front elevation which could alter the character of the building).
- 6.3.3 The application shows a number of roof lights in the main roof of the building, and concerns have been raised over the impact of these on the amenities of neighbouring properties. The roof is sufficiently high above the floor levels of the rooms to which the roof lights would provide illumination so that there is no realistic possibility of overlooking of the neighbouring properties. The applicant has informed the Council that they would be willing to have these roof lights conditioned to be fixed shut so as to prevent disturbance through noise to the adjoining premises. Amended plans have reduced the number of roof lights from that originally proposed, with the current plans showing 2 in the front elevation roof slope, and a single rear roof light on the rear elevation roof slope of both the main building and also of the lower section to house the office use.
- 6.3.4 Whilst the proposed extensions to the southern section of the building would involve an increase in height and the extension of the building close to the boundary with the properties to the south, the adjacent properties to the south and south east of the building are unlikely to suffer from any loss of sunlight as Fox Studio is on their north side. The mass of the building along the boundary would be increased and so the impact of the development on these dwellings would be greater, however in terms of loss of amenity it is difficult to identify any harm that this impact would cause. There would be a modest loss of outlook, but no overlooking or overshadowing, and as the height increase is considered to be minor, and the new extension would have a roof pitching up away from the boundary, it is not considered that the extension would have an overbearing impact on the occupiers of these properties.

6.4 Impact on the historic environment

- 6.4.1 In considering the proposal due regard should be had to the following local and national policies, guidance and legislation has been taken; CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.4.2 The proposal has been significantly reduced from the previous scheme removing the two storey side extension and reducing the number of units proposed. The proposed pedestrian gate through the boundary wall has also been omitted. These changes are considered to have alleviated the previous issues from a conservation perspective and overall it is considered that the proposal will preserve the character of the conservation area in line with policies, guidance and legislation as outlined above. The materials and finishes of the building can be conditioned for approval to ensure no adverse impact on the conservation area.
- 6.4.3 The proposed development site lies on the edge of the Medieval urban form of Much Wenlock (HER PRN 05029) as defined by the Central Marches Historic Towns Survey and within a group of Tenement plots to north of High St, east of Smithfield Road (HER PRN 05041). More importantly it is also located immediately adjacent to the supposed site of St John's Leper Hospital (PRN 05010). An evaluation carried out on the Leper Hospital site in 2012 determined that significant archaeological features, deposits and structural remains of medieval date are present on the site. These are overlain by archaeological deposits of early post-medieval date which also have the potential to inform us about the development of this part of Much Wenlock during this period. Although the site has been built over during the Post Medieval period, the archaeological potential of the site, particularly at depth, remains moderate to high. Any below ground archaeological remains are likely to be affected by the construction of the proposed extension and any ground disturbance associated with the conversion of the existing studio. In view of these issues and in line with National Planning Policy Framework (NPPF), the Council's archaeologist have recommended that a programme of archaeological work be made a condition of any planning permission for the proposed development comprising an initial evaluation of the site prior to construction commencing with further archaeological mitigation thereafter if deemed necessary

6.5 Access/Parking

- 6.5.1 It is not considered that the level of development proposed here will significantly impact on the traffic levels in Much Wenlock more than currently exists at the site. The building is located in central Much Wenlock where public transport and everyday facilities are within easy walking distance. The development will not result in the loss of off street parking and will provide 6 parking spaces in a town centre area where access to public transport makes this provision not essential and sustainable for occupants without a vehicle.
- 6.5.2 Attention has been drawn to parking issues outside the site, however it is difficult to substantiate how the proposed development would exacerbate this problem given that generous on site parking is provided. The applicant has explained that the

delivery aspect of the business is intended to be relocated away from the site, with the business administration being retained in the offices in the building. This would mean a reduction in delivery and dispatch vehicles from the site, with the applicant stating that:

The affect of our proposals will reduce commercial vehicle (mainly vans 3.5 tonne) movements to and from the site by about 50 a week, based on current levels of business. These movements occur throughout the day and into the early hours (6am to 2am). However, if our family is able to relocate to the new development flats, a further 80 vehicle (mainly cars) movements per week will be eliminated.

Whilst these figures are unsubstantiated, it is considered to be a reasonable assumption that should the delivery section of the business be relocated to another site, and the applicants move into the units which adjoin the offices they operate their business from, the number of vehicle journeys to and from the site will likely reduce substantially. Whilst the relocation of the delivery section would require car journeys to this new location, this would be offset by the reduction in larger delivery vehicles visiting the town centre site, and having to traverse the restricted access arrangements along Kind Street.

- 6.5.3 The vehicular access to the proposed dwellings is already in situ and in regular use. The change of the building to residential is not considered to have a greater impact on the access than its current use, and is likely to result in a reduced demand on this access with regards to both number of trips and type of vehicle, and it is therefore considered sufficient for purpose.

6.6 Drainage

- 6.6.1 Advice from the Councils sustainable drainage team is that the following drainage details, plan and calculations could be conditioned if planning permission were to be granted:

1. Prior to commencement of the development, details of how the proposed surface water drainage system accords with policy RF.2 of the Much Wenlock Neighbourhood Plan must be submitted for approval.

Reason: To ensure that the development will reduce the overall level of flood risk both to the use of the site and elsewhere when compared to current use.

6.7 Financial contributions

- 6.7.1 Policy CS11 of the Core Strategy requires payment of a contribution towards affordable housing provision for all new residential units granted consent, which is secured via a S.106 legal agreement. The applicant has indicated a willingness to enter into such an agreement, should the committee resolve to grant permission for this application. The applicant has submitted an affordable housing proforma which commits to enter into a legal agreement to provide this payment, as well as pay the Council costs in drawing up this agreement.

- 6.7.2 Officers note the Ministerial statement made on 28th November 2014 and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application which indicated that such payments should not be sought for sites of less than 10 dwellings. However,

following a subsequent decision by the Cabinet of the Council, the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites (please see the public statement of the Council 'as published on the website 30/01/15').

- 6.7.3 Given the above, it is recommended that planning permission be granted only subject to the satisfactory completion of a legal agreement to secure the provision of affordable housing in accordance with the terms of the policy. Non compliance with the requirements of adopted Core Strategy Policy CS11 would mean that the proposal would be in clear conflict with the aims and requirements of the Development Plan and should therefore be refused, unless other material considerations indicate otherwise.

7.0 CONCLUSION

- 7.1 It is considered that this proposal is not contrary to adopted policies as the mixed development of office and residential is acceptable in this town centre location. The overall design and scale of the scheme would retain the character of the existing building and not harm the surrounding Conservation Area. Furthermore, the development would not adversely impact on the residential amenity of adjacent dwellings or exacerbate surface water flooding, and will provide associated parking to a level above the requirement for a town centre location.

It is recommended that the committee grant permission for the development for the reasons set out above, subject to the completion of a S.106 legal agreement to secure a payment towards affordable housing as required by policy CS11.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

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

LDF Core Strategy Policies

CS1 Strategic Approach
CS3 Market Towns And Other Key Centres

CS6 Sustainable Design And Development Principles
CS9 Infrastructure Contributions
CS11 Type And Affordability Of Housing
CS13 Economic Development, Enterprise And Employment
CS17 - Environmental Networks

Bridgnorth District Council 'Saved' Local Plan Policies:

H3 - Residential Developments In Main Settlements

D6 - Access And Car Parking

Much Wenlock Neighbourhood Plan:

H2 Housing developments

H4 Housing Infill Development

EJ2 Employment site development

GQD2 Good Quality Design

RELEVANT PLANNING HISTORY:

14/01397/FUL Proposed extensions and conversion of existing studio building to form four residential units and one commercial unit; including demolition of part of boundary wall (amended description). REFUSE 29th October 2014

BR/APP/FUL/07/0687 Construction of new vehicular access, entrance gates and boundary wall after demolition of part of existing boundary wall REFUSE 25th September 2007

BR/APP/FUL/05/0049 Erection of a single storey extension GRANT 1st March 2005

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| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) |
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| Design and Access Statement |
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| Cabinet Member (Portfolio Holder) |
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| Cllr M. Price |
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| Local Member |
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| Cllr David Turner |
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| Appendices |
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| APPENDIX 1 - Conditions |
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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. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls, and joinery details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

4. Prior to commencement of the development, details of how the proposed surface water drainage system accords with policy RF.2 of the Much Wenlock Neighbourhood Plan must be submitted for approval.

Reason: The condition is a pre-commencement condition to ensure that the development will reduce the overall level of flood risk both to the use of the site and elsewhere when compared to current use.

5. 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). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

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

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

- Means of enclosure
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, 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.

7. 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.

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

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

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

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

11. The two first floor front windows located to the north end of the front elevation (as specified on drawing no. PL-010 revision B hereby approved) shall be permanently formed as a fixed light apart from the top hung vent, and glazed with obscure glass, to a

height of at least 1.7m above the floor level of the rooms to which those windows serve, and shall thereafter be retained as such for the lifetime of the development.

Reason: To preserve the amenity and privacy of adjoining properties.

12. All rooflights installed on the eastern rear roof elevation of the property shall be fixed shut and non-opening, and shall thereafter be retained as such for the lifetime of the development.

Reason: To preserve the amenity of adjoining properties.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development relating to schedule 2 part 1 class A or Class B; shall be erected, constructed or carried out, and no windows or openings other than those specifically shown on the approved plans shall be installed/created, without the prior written consent of the Local Planning Authority.

Reason: To maintain the scale, appearance and character of the development and to safeguard residential and visual amenities of the area.

Informatives

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

Central Government Guidance:

National Planning Policy Framework

National Planning Practice Guidance

LDF Core Strategy Policies

CS1 Strategic Approach

CS3 Market Towns And Other Key Centres

CS6 Sustainable Design And Development Principles

CS9 Infrastructure Contributions

CS11 Type And Affordability Of Housing

CS13 Economic Development, Enterprise And Employment

CS17 - Environmental Networks

Bridgnorth District Council 'Saved' Local Plan Policies:

H3 - Residential Developments In Main Settlements

D6 - Access And Car Parking

Much Wenlock Neighbourhood Plan:

H2 Housing developments

H4 Housing Infill Development

EJ2 Employment site development

GQD2 Good Quality Design

2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.
3. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

4. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
5. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.
6. The applicant should consider employing measures such as the following:
 - a. Water Butts
 - b. Rainwater harvesting system
 - c. Permeable surfacing on any new driveway, parking area/ paved area
 - d. Attenuation
 - e. Greywater recycling system
 - f. Green roofs

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

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Committee and date

South Planning Committee

11 August 2015

Development Management Report

SCHEDULE OF APPEALS AS AT COMMITTEE 11.8.15

| | |
|-----------------------------------|--|
| 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 | 1.7.15 |
| Costs awarded | |
| Appeal decision | Appeal withdrawn |

| | |
|-----------------------------------|--|
| LPA reference | 14/04463/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Committee |
| Appellant | TGC Renewables Ltd |
| Proposal | Construction of a solar park comprising the installation of (circa) 14,200 ground mounted solar panels; inverter cabin; electricity sub-station; switchroom; comms building; pole mounted CCTV system; 2.4m high security fencing; associated access gates and gravelled roads |
| Location | Proposed Solar Park West Of High Point Neen Sollars Shropshire DY14 9AD |
| Date of appeal | 6/7/2015 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|---|
| LPA reference | 14/02386/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Green Switch Developments Ltd |
| Proposal | Construction of a solar farm comprising the installation of (circa) 16,082 ground mounted solar panels; 4 inverters; electricity sub-station; pole mounted CCTV system; 2.4 metre high security fencing |
| Location | High Trees Farm Proposed Solar Farm North West Of Tasley Bridgnorth |
| Date of appeal | 9/7/2015 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|---|
| LPA reference | 14/02411/OUT |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Miss M Pinches |
| Proposal | Erection of dwelling with detached garage (outline application with all matters reserved) |
| Location | Proposed Dwelling To The South Of Woodbatch Road Bishops Castle Shropshire |
| Date of appeal | 22/04/2015 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | 10/07/2015 |
| Costs awarded | |
| Appeal decision | Dismissed |

| | |
|-----------------------------------|---|
| LPA reference | 14/02129/OUT |
| Appeal against | Non determination |
| Committee or Del. Decision | |
| Appellant | Andrew Maiden |
| Proposal | Outline application for residential development to include access, layout and scale |
| Location | Development Land East Of Bridgnorth Road Highley Shropshire |
| Date of appeal | 02/02/2015 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | 13/07/2015 |
| Costs awarded | Yes |
| Appeal decision | Dismissed |

| | |
|-----------------------------------|---|
| LPA reference | 14/03768/OUT |
| Appeal against | Refusal |
| Committee or Del. Decision | Committee |
| Appellant | The Planning Group Ltd |
| Proposal | Outline planning permission for residential development to include access |
| Location | Land South Of A458 Off Oldbury Road Bridgnorth |
| Date of appeal | 15/07/2015 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

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|-----------------------------------|---|
| LPA reference | 14/01138/OUT |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Elaine Newton |
| Proposal | Erection of a Dwelling |
| Location | Proposed Dwelling NW Of Tiffany Stables Benthall Lane Benthall Broseley Shropshire TF12 5RJ |
| Date of appeal | 15/07/2015 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

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|-----------------------------------|--|
| LPA reference | 14/03279/FUL |
| Appeal against | Non-Determination |
| Committee or Del. Decision | Delegated |
| Appellant | Peter Gwilt |
| Proposal | Conversion of vacant units to 5no. self-contained flats |
| Location | Vacant Units Station Road Albrighton Wolverhampton Shropshire WV7 3QH |
| Date of appeal | 15/07/2015 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

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|-----------------------------------|---|
| LPA reference | 14/03940/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | David Nichols |
| Proposal | Erection of dwelling |
| Location | Hillrise Hazler Road Church Stretton Shropshire SY6 7AQ |
| Date of appeal | 10/07/15 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

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|-----------------------------------|---|
| LPA reference | 14/03704/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Roger Bowsher |
| Proposal | Erection of agricultural building for plant and machinery |
| Location | The Knotches Seifton Batch Shropshire SY7 9LQ |
| Date of appeal | 16/07/15 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

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|-----------------------------------|---|
| LPA reference | 14/03780/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Ben Heiron |
| Proposal | Erection of dwelling |
| Location | Land at Rowley Ridge All Stretton Church Stretton |
| Date of appeal | 16/07/15 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

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|-----------------------------------|--|
| LPA reference | 14/04841/PMBPA |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mr B Millman |
| Proposal | Application for Prior Approval under Part3, Class (MB) of the Town & Country Planning (General Permitted Development) (Amendment & Consequential Provisions) (England) Order 2014 for the Change of Use from agriculture to dwelling |
| Location | 66 Linley Brook Britons Lane The Smithies Bridgnorth Shropshire WV16 4TA |
| Date of appeal | 20/03/2015 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | 23/07/2015 |
| Costs awarded | |
| Appeal decision | Dismissed |

| | |
|-----------------------------------|--|
| LPA reference | 14/02212/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Delegated |
| Appellant | Mr Andrew Maiden |
| Proposal | Erection of two (semi-detached) dwellings with detached garage/stores; alterations to existing vehicular access; provision of driveways, parking areas and amenity areas |
| Location | Land S Of Netherton Farm Cottages Netherton Lane Highley |
| Date of appeal | 09/03/2015 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | 21/07/2015 |
| Costs awarded | |
| Appeal decision | Dismissed |

| | |
|-----------------------------------|---|
| LPA reference | 14/02184/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Committee |
| Appellant | Longville Arms Ltd |
| Proposal | Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description) |
| Location | Wenlock Edge Inn Easthope Much Wenlock |
| Date of appeal | 23/07/2015 |
| Appeal method | Written representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|--|
| LPA reference | 14/02390/FUL |
| Appeal against | Non-determination |
| Committee or Del. Decision | N/A |
| Appellant | Simon Lloyd-Jones |
| Proposal | Erection of 2 no low profile wind turbines |
| Location | Edge Renewables Lea Quarry Presthope Much Wenlock Shropshire TF13 6DG |
| Date of appeal | 06/01/2015 |
| Appeal method | Written representations |
| Date site visit | 17/03/2015 |
| Date of appeal decision | 28/07/2015 |
| Costs awarded | |
| Appeal decision | Dismissed |

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Appeal Decision

Site visit made on 29 June 2015

by Joanne Jones BSc(Hons) MA MRTPI

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

Decision date: 10 July 2015

Appeal Ref: APP/L3245/W/15/3005625

Land south of Woodbatch Road, Bishops Castle, Shropshire (grid ref 331457 288685)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss Megan Pinches against the decision of Shropshire Council.
 - The application Ref 14/02411/OUT, dated 30 May 2014, was refused by notice dated 6 November 2014.
 - The development proposed is an outline planning application for the erection of a single detached dwelling and associated garage.
-

Decision

1. The appeal is dismissed

Preliminary Matters

2. The application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis. A proposed site plan with an indicative footprint for the dwelling has been submitted, for illustrative purposes only, to which I have had regard.
3. I have used the site location details taken from the appellant's appeal form as, from what I saw on my site visit, it better reflects the site's location.
4. An executed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 was submitted as part of the appeal. I shall return to this matter in the decision below.

Main Issues

5. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and whether the proposal would constitute sustainable development within the meaning of the National Planning Policy Framework (the Framework).

Reasons

Background

6. The Framework is predicated on the principle that sustainable development is about positive growth. In terms of positive housing growth, paragraph 47 of the Framework requires a significant boost in the supply of housing by ensuring

that the full, objectively assessed housing need (OAHN) is embedded within the development plan. It also requires Council's to identify and annually update a five year supply of deliverable housing land incorporating an additional 5% buffer, to ensure choice and competition, and where there is a record of persistent under-delivery a 20% buffer should be applied. Paragraph 49 of the Framework requires housing applications to be considered in the context of the presumption in favour of sustainable development. Accordingly, where a five-year supply of deliverable housing sites cannot be demonstrated, relevant policies for the supply of housing should not be considered up-to-date. The appellant refers to the Council's inability to demonstrate an adequate supply of housing land.

7. Following the submission of the appeal, a number of appeal decisions were issued that related to housing development in the Council area. Those Decisions related, to varying degrees, to housing land supply in the District, with the Inspectors coming to different views as to whether the Council could, or could not, demonstrate an appropriate supply¹. Furthermore, the Council points to its emerging 'Shropshire Site Allocations and Management of Development Plan' (SAMDev), the main modifications of which are currently subject to public consultation, and the 'Shropshire Council: Five year supply housing land update (June 2015). The Council considers that these demonstrate that Shropshire has a 5 year supply of deliverable housing sites, particularly as the examining Inspector has not sought additional sites as part of the modification process. However, the appellant states that the Council's calculations are flawed and the delivery unachievable as they are heavily based on the SAMDev allocations.
8. I have not been provided with any unresolved objections to the site allocations, nor am I convinced that the housing targets are unrealistic or unachievable. The Council's evidence was balanced and reasonable, demonstrating a cautious approach to housing supply and an up to date knowledge of the allocated sites. Furthermore, given the advanced stage of the SAMDev I afford it considerable weight.
9. In the end some of these arguments turn on a matter of judgement, but I found no substantive evidence to say that the Council's housing land supply does not comply with advice at bullet point 2 of paragraph 47 of the Framework for a five year supply of specific deliverable sites. Therefore the provision in paragraph 49 of the Framework for considering relevant policies for the supply of housing as 'not up-to-date' does not apply.
10. In reaching this opinion I acknowledge the appellant's comment that sustainable development should not be restricted solely because a 5 year housing land supply target has been met and it is otherwise found acceptable. Sustainable development is a matter I will return to in due course.

Planning policy

11. The Framework explains, at paragraph 12, that its existence does not change the statutory status of the Development Plan as the starting point for decision making. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that

¹ APP/L3245/A/14/2228348; APP/L3245/W/14/3000672; APP/L3245/W/14/3001829; and APP/L3245/W/14/3001799

applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises of the Shropshire Local development Framework Adopted Core Strategy 2011(Core Strategy) and certain policies of the South Shropshire District Council Local Plan (Local Plan) which have been saved following a Direction made by the Secretary of State.

12. The Local Plan identifies a settlement boundary for the town. Policies CS3 and CS5 of the Core Strategy seek to protect the countryside and restrict new open market housing development to within the town's settlement boundary and on sites allocated for development.
13. The appeal site is located adjacent to, but outside, the settlement boundary to Bishops Castle defined by the Local Plan. As a result, it is located within the countryside, contrary to policies CS3 and CS5 of the Core Strategy. The location of the proposal would therefore be contrary to the development plan. In such circumstances the Framework states at paragraph 55 that new housing in rural areas should be located where it will enhance or maintain the rural vitality of rural communities and that isolated homes in the countryside should be avoided unless there are special circumstances. No such special circumstances have been advanced by the appellant.
14. The emerging SAMDev provides detail as to the development that the Core Strategy supports in Bishops Castle. The document proposes a green field site for new housing development on a different side of the town to the appeal site. No new housing is proposed on the south western side of the town where the appeal site is located.

Character and appearance

15. The appeal site is at the western extremity of the built up area of Bishops Castle. Woodbatch Road is fronted on both sides by detached and semi detached dwellings of varying age and design.
16. Due to the shape and size of the site, the proposed dwelling would result in a not inconsiderable incursion into the open countryside. Although bounded by mature trees and hedging, for the most part the site is in a prominent and exposed location in relation to the open countryside to the south and west.
17. The site is elevated in relation to the residential development to the east and separated from it by an access track. As such, it is already visually delineated from residential development at Bishops Castle. The residential use of the site would also significantly change the character and appearance of the site and its surroundings. What is presently down to rough grass or pasture would take on a domestic character. There are likely to be enclosing fences, lawns, patio area, shrub and flower bed planting, and a range of domestic paraphernalia such as washing lines, garden furniture and perhaps children's play equipment. It is likely that, once established, there would be the subsequent (and entirely reasonable) wish to introduce outbuildings such as a garage, sheds and similar structures.
18. All of this would be very incongruous and would not be in keeping with the agricultural character of this part of Shropshire. The changes to the appearance of the site and domestication of its surroundings would demonstrably harm the character and appearance of the local area, where the

Framework comments, at paragraph 17, that planning should recognise the intrinsic character and beauty of the countryside.

19. In reaching this opinion I acknowledge the recently allowed appeals² on nearby sites. However, although these permissions are a material consideration, I must consider the scheme before me on its own merits. Since the adjacent schemes relate to two developments of approximately 9 houses per site, the circumstances are not the same as those before me. In any case the existence of these permissions is not in itself a good reason to allow development which would cause harm.
20. To conclude on this main issue, the proposal would conflict, in this regard, with Core Strategy Policies CS1, CS3, CS5 and CS17, which seek to create sustainable places, development that balances environmental constraints with meeting local needs, strictly control new development which would erode the character of the countryside and ensuring that new developments protect the character of Shropshire's natural, built and historic environment. The proposal would also be at odds with the Framework which establishes, at paragraph 7, that contributing to protecting and enhancing our natural, built and historic environment is an aspect of sustainable development and, at paragraph 17, that planning should recognise the intrinsic character and beauty of the countryside.

Sustainable development

21. The Framework seeks to boost significantly the supply of housing and paragraph 49 of the Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decision taking. In combination, these two paragraphs provide the most useful context in which to examine sustainability.
22. There would clearly be economic and social benefits associated with the proposal, including: the provision of a new home and construction jobs are recognised. However, these benefits would be achieved regardless of where the new dwelling would be built.
23. I have no reason to doubt that any future occupants would play a role in the community or that they would support local services. However, the contribution one new dwelling would make to the vitality of the rural community and the support it would give to services in nearby towns and villages would be minimal.
24. Future occupiers would have convenient access to the facilities in Bishops Castle, including employment, schools, medical services and shops. Therefore, to my mind, the location of the site is broadly sustainable.
25. The benefits of the proposal are an additional dwelling where the Framework's priority to '*...boost significantly the supply of housing...*', and the support it gives to the local economy, which must carry significant weight in my decision. Nevertheless, these positive aspects of the proposal would not overcome the harm that would be caused to the character and appearance of the area. This

² Appeal references: APP/L3245/W/14/3001799 & APP/L3245/W/14/3001829

negative feature of the proposed development would continue long after the economic benefits of constructing the development have faded. I therefore conclude, based upon the overall balance of considerations, that the proposal would not be a sustainable development in the context of the Framework.

26. The appellant refers to paragraph 14 of the Framework which states that development proposals should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, I have found that the development plan is not absent, nor is it silent and the relevant policies are not out of date. Accordingly, paragraph 14 is not engaged.

Unilateral Undertaking

27. In order to create mixed, balanced and inclusive communities, Policy CS11 of the Core Strategy requires all new open market housing developments to make appropriate contributions to the provision of local needs affordable housing. In respect of developments of less than five dwellings a financial contribution is acceptable in lieu of on-site provision. In this regard a signed and dated UU has been submitted which would secure contributions towards affordable housing as required by Core Strategy Policy CS11.
28. However, a Written Ministerial Statement (WMS), issued on the 28 November 2014, sets out national policy on Section 106 obligations imposed on small scale developers, custom and self-builders. This defined the specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale developments. It states *"for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought"*.
29. On this basis I conclude that the financial contribution towards affordable housing is not required.

Conclusions

30. For the reasons set out above, the scheme conflicts with the development plan and other material considerations do not outweigh the harm I have found. On balance, therefore, the evidence in this case has led me to conclude that the appeal should be dismissed.

Joanne Jones

INSPECTOR

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Appeal Decision

Site visit made on 6 July 2015

by Alwyn B Nixon BSc(Hons) MRTPI

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

Decision date: 13 July 2015

Appeal Ref: APP/L3245/W/14/3002052

Land north-east of Bridgnorth Road, Highley, Shropshire WV16 6BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Andrew Maiden against Shropshire Council.
 - The application Ref 14/02129/OUT, is dated 12 May 2014.
 - The development proposed is the erection of 9 No. 2 bedroom bungalows.
-

Decision

1. The appeal is dismissed and planning permission for the erection of 9 No. 2 bedroom bungalows is refused.

Procedural Matters

2. The application is in outline, with some matters reserved. Access, layout and scale are indicated as matters for approval at this time; details of appearance and landscaping are reserved for later consideration. Notwithstanding the slightly contradictory reference on the application form to all matters being reserved except access and number of dwellings, I have dealt with the appeal on this basis.
3. The appeal is made following the Council's failure to determine the application within the prescribed period. Since the appeal the Council has determined that in the absence of an agreement to make a contribution towards affordable housing provision in line with the Council's adopted policies and guidance the proposal is unacceptable. On this basis it considers that the appeal should not succeed. It puts forward no other reason why permission should be refused.
4. An application for costs was made by Mr Andrew Maiden against Shropshire Council. This application is the subject of a separate Decision.

Main Issues

5. I consider that the main issues in this appeal are: first, whether the proposal is acceptable in principle, having regard to the current development plan context and the presumption in the National Planning Policy Framework (NPPF) concerning sustainable development; and second, whether the proposal is acceptable in relation to prevailing requirements concerning provision of affordable housing.

Reasons

Development plan and sustainability

6. The proposal to erect 9 dwellings relates to an area of about 0.79ha on the eastern edge of the settlement of Highley (population around 4,500). The land is mainly pasture and is bounded to the west by dwellings fronting Bridgnorth Road and to the south by residential development off Vicarage Lane.
7. I am required to have regard to the development plan in considering this appeal, and to make my determination in accordance with the plan unless material considerations indicate otherwise. In this regard the Council draws attention to policies of the Shropshire Core Strategy (adopted in February 2011) and saved policies of the earlier Bridgnorth District Council Local Plan (BDCLP).
8. Core Strategy policies seek to locate new housing on sites within and adjoining market towns, key centres and certain other settlements as identified in the emerging Site Allocations and Management of Development (SAMDev) Plan (currently undergoing examination). Highley is identified as a key centre and is seen as the focus for the development of services and facilities for the wider hinterland, with balanced housing and employment growth. The Core Strategy also, through policy CS5, strictly controls new development in the countryside. The appeal site is outside (but adjacent to) the development boundary for Highley as identified in saved policy S1 of the BDCLP, and similarly located in relation to the development boundary proposed in the emerging SAMDev Plan (policy S9).
9. The Council recognises the requirement to deliver an adequate supply of housing in order to meet existing and anticipated needs. Core Strategy policy CS3 identifies that over the 2006-2026 plan period Highley will have development that balances environmental constraints with meeting local needs and includes an indicative level of residential development of up to 500 houses. The residential growth requirement for Highley identified in the submitted SAMDev Plan is for around 200 dwellings over the same period, although this figure is at this stage subject to the conclusions of the current examination.
10. From the information provided by the Council in its appeal statement it appears that the currently-identified residential growth requirement for Highley is well on the way to being met. The proposed development would narrowly take completions, commitments and allocations beyond 200 dwellings. Nonetheless, the Council is clear that the requirement is for "around" 200 dwellings, and moreover that this is not considered a cap on development, in the light of the considerations identified in emerging SAMDev policy MD3 including the presumption in favour of sustainable development. Furthermore, the Council acknowledges that it is also necessary to have regard to the provisions of the NPPF, in particular in this case the presumption in favour of sustainable development, which should be seen as a "golden thread" running through both plan-making and decision-taking, and the aim to boost significantly the supply of housing.
11. Taking all of the foregoing into account, the Council has rightly gone on to consider the sustainability credentials of the proposed development. Highley is a key centre and focus for development. The site is adjacent to the development boundary, relates well to the existing built form and would not

represent significant encroachment into the surrounding countryside. Although the eastern settlement edge is elevated above the Severn Valley the proposed low form of development would sit comfortably alongside the existing built form and would not harm the character or appearance of the Severn Valley. The scale and density of the proposal is appropriate for the site and its edge of settlement location.

12. The site is within walking distance (about 500m) of town centre facilities and services, and is closer still to the community facilities of the Severn Centre. The development can be accommodated without adverse implications for flooding ecology or other environmental considerations; there are no significant issues in terms of access and highway safety.
13. I find no reason to disagree with the Council's overall assessment, having regard to the development plan and other material considerations, that development of the site to accommodate 9 bungalows would be acceptable in principle.

Affordable housing contribution

14. Core Strategy policy CS11 requires all new open market housing developments to make appropriate contributions to the provision of local need affordable housing having regard to the current prevailing target rate, set using the Shropshire Viability Index. For sites of 5 dwellings and above the provision of affordable housing is expected on site. As the application is outline and the Council's policy requires the number of affordable dwellings to be set at the reserved matters stage the Council's approach is to require a section 106 agreement to be entered into before planning permission is granted which establishes the commitment to provide affordable housing by reference to the formula figure. The Council adopted its Type and Affordability of Housing Supplementary Planning Document (SPD) in September 2012 as part of the Shropshire Local Development Framework, which provides detailed guidance as to the Council's requirements. It makes clear that a standard section 106 legal agreement will be required and provides model agreements in connection with this.
15. In this case the appeal is against the Council's failure to determine the application within the prescribed period. The Council says in its appeal statement that it requires the applicant/agent to complete and submit an Affordable Housing Contribution Pro-forma, which acts as an agreement to make the required contribution, albeit to be secured via a section 106 agreement. The appellant has subsequently responded by providing a completed pro-forma in March 2015 as part of the final comments on the appeal.
16. However, the completion and submission of the pro-forma at this stage does not remove any impediment to the grant of planning permission. For the commitment to contribute to affordable housing provision as part of the development to have proper effect in line with the Council's adopted policies, a section 106 obligation must be in place prior to the grant of planning permission. When determination of the application lies with the Council, it is able to make a resolution to grant planning permission upon completion of the required section 106 agreement, and then grant permission once the required legal agreement is in place. However, my decision must be either to grant or refuse permission, on the basis of the documents and evidence before me.

There is no section 106 obligation in place, either by way of agreement entered into with the Council or alternatively by way of unilateral undertaking, providing the necessary legal commitment to appropriate affordable housing provision, which would be triggered by the grant of planning permission. I find this to be a fundamental obstacle to allowing the appeal and granting permission for the development at this point in time.

17. It does not form part of the appellant's case that, in the light of the Written Ministerial Statement of November 2014 (WMS) and associated amendment to the National Planning Practice Guidance (NPPG), an affordable housing contribution should not be sought because the number of dwellings proposed is below the 10 dwelling threshold referred to in those documents. Nevertheless, I have had regard to the WMS and the NPPG, which carry significant weight, in reaching my decision. However, the Council has addressed this matter fully in its statement of case. Following these changes to national guidance the Council has reviewed how the changes would affect its ability to deliver much needed rural affordable housing in its area. In January 2015 it placed a report before the Council's Cabinet outlining the consequences of applying the 10 dwelling threshold in relation to affordable housing provision on open market developments in Shropshire. In the light of that report the Council has determined that it will continue to give full weight to Core Strategy policy CS11 and continue to apply its adopted Type and Affordability of Housing SPD.
18. Given the review which the Council has undertaken of the effect of the new guidance on affordable housing delivery in its area and in the circumstances of this case, including the scale of market housing developments likely to come forward in Highley and the marginal difference between the number of dwellings proposed here and the 10 dwelling threshold, I share the Council's view that its adopted policy approach should take precedence over the guidance in the WMS and NPPG in this instance.
19. Accordingly, I conclude on this issue that the absence of a completed legal agreement to secure appropriate affordable housing provision as part of the development in line with the Council's adopted development plan policies renders the proposal in conflict with the requirements of Core Strategy CS11 and the Type and Affordability of Housing SPD. Notwithstanding the WMS and NPPG, and despite the acceptability of the proposal and its sustainability credentials in other respects, I consider that this represents an overriding reason why planning permission should not be granted.

Other matters

20. I have considered all other matters raised, including representations by some neighbouring residents and the views of the Parish Council. I consider that the position and orientation of the proposed bungalows would be such that, given the levels of the site relative to adjoining dwellings and subject to appropriate handling of boundary screening and the design of the external elevations at the reserved matters stage, the development could be accommodated so as to avoid harm to the living conditions of neighbouring occupiers. For this reason I do not consider that the proposal would cause undue loss of privacy or overlooking. While such occupiers naturally value the existing view over an open field, and this would inevitably be lost, this does not alter my conclusion that neighbouring occupiers would continue to enjoy adequate levels of amenity.

21. The highway authority considers that acceptable access can be provided and that no harm to highway safety would result. Nor does the balance of evidence show, having regard to the responses of other statutory consultees and the Council's submissions, that there are significant objections to the proposal in terms of provision of infrastructure, adequacy of local amenities, interference with rights of way or the effects of past mining activity. I have dealt with points raised by the Parish Council concerning the site's location outside the development boundary on the east side of the settlement and its effect on the Severn Valley landscape building as part of my consideration of the first main issue above.
22. Consequently, none of these matters in my opinion comprise good reasons for refusing permission. However, this does not disturb my conclusion that the lack of a completed legal agreement concerning affordable housing provision constitutes a compelling reason why planning permission should not be granted.
23. Accordingly, and for the reasons given, the appeal fails and planning permission is refused.

Alwyn B Nixon

Inspector

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Appeal Decision

Site visit made on 29 June 2015

by Joanne Jones BSc(Hons) MA MRTPI

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

Decision date: 23 July 2015

Appeal Ref: APP/L3245/W/15/3004467
66 Linley Brook, Bridgnorth, Shropshire WV16 4SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr B Millman against the decision of Shropshire Council.
 - The application Ref 14/04841/PMBPA, dated 24 October 2014, was refused by notice dated 20 January 2015.
 - The development proposed is the conversion of agricultural unit to form residential dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development as set out above is taken from the application form submitted to the Council. As described, the proposal would involve a change of use of an existing barn to a single residential dwelling by the carrying out of various works of operational development to facilitate its conversion. I have therefore determined the appeal on the basis that it seeks prior approval for development under Class Q.(a) and (b).
3. I have also taken into account the provisions of the consolidated Town and Country Planning General Permitted Development Order (GPDO) which came into force on 15 April 2015¹. However, for the purposes of this appeal the changes primarily relate to nomenclature: for example, an application made under Class MB of the previous GPDO has effect as if it were made under the new Class Q within the consolidated GPDO.

Main Issue

4. Taking into account all that I have seen and read, I consider that the main issue in this appeal is whether the appeal building is a suitable candidate for a change of use to a dwelling under the provisions of the GPDO, having regard to impact on protected species.

¹ S.I. 2015 No 596: The Town and Country Planning (General Permitted Development) (England) Order 2015

Reasons

5. The appeal structure is a traditional brick and tile agricultural building, with stable doors to the front and a lean-to type structure to the rear. Internally the barn is divided into three stalls, with a hay loft above. Whilst the building is structurally sound, there are various cracks within the walls and gaps within the doors and roof tiles.
6. The application was refused by the Council because no ecological surveys had been provided to assess the likely impact of the proposal on protected species, which have a reasonable likelihood of being effected by the proposal. No surveys have been provided with the appeal documentation.
7. In this regard the appellant has brought to my attention an appeal decision² said to be made in similar circumstances, of which an extract is presented in the appellant's Grounds of Appeal. In that case the Inspector considered that a bat survey had no relevance and that the issue of bats would fall to be considered by other legislation.
8. Whilst I acknowledge consistency in such matters, I am mindful that although protected species are not specifically referred to in the GPDO, regulation 9 of 'The Conservation of Habitats and Species Regulations 2010' would still apply. This states that the "*competent authority must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the Directives*". Accordingly, competent authorities must consider the Directives in making decisions relating to any of their planning functions.
9. Therefore, even though there is no "reminder" in the GPDO, European protected species must still be taken into account. As I have been alerted to the Council's concerns about protected species, it is incumbent on me to consider whether there is a reasonable likelihood of protected species being present and affected by the development.
10. From what I saw on my site visit the appeal premises would offer a suitable habitat for bats and this position is supported by the comments made by the Council's Ecologist, whose professional opinion I afford significant weight. Bats are protected species and I cannot give approval without adequate evidence to be satisfied the Regulations won't be breached and subsequently being able to establish if works may be licensed.
11. In the light of the strict protection afforded to bats, and that survey information is missing, I am not satisfied that there would not be a material adverse effect on the protected species. As such, I conclude that the proposed works would fail to satisfy the requirements of paragraph Q.2(e). Accordingly, it would not be permitted development as set out under Class Q of the GPDO.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Joanne Jones

INSPECTOR

² APP/B3438/A/14/2225913

Appeal Decision

Site visit made on 12 May 2015

by I Radcliffe BSc(Hons) MCIEH DMS

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

Decision date: 21/07/2015

Appeal Ref: APP/L3245/W/15/3003552

Land south of Netherton Farm Cottages, Netherton Lane, Highley, Shropshire WV16 6NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Maiden against the decision of Shropshire Council.
 - The application Ref 14/02212/FUL, dated 15 May 2014, was refused by notice dated 31 July 2014.
 - The development proposed is the erection of 2 No. 3 bedroom semi-detached dwellings.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. One of the Council's objections to the proposal relates to the absence of a planning obligation towards affordable housing. The appellant has not submitted a section 106 agreement to address this matter. In November 2014, the Government announced changes to its Planning Practice Guidance. Further updates on 27 February 2015 make clear that the changes to the planning guidance were changes to national policy. Among other things, those changes advise that contributions towards affordable housing should not be sought from small-scale developments of ten units or less. The parties were given the opportunity to provide comments on these changes. I have taken the comments made into account in coming to my decision, as well as the amended guidance itself.
3. Following the deadline for the submission of its statement and comments sought in relation to affordable housing the Council submitted additional information. In relation to the Site Allocations and Management of Development (SAMDev) Plan the Council wrote to advise that the examining Inspector's schedule of main modifications was published on 1 June 2015. Regarding affordable housing provision, the Council made reference to a recent decision. These are material changes in circumstance that are directly relevant to the appeal. As a result, this information and the comments of both parties that were received in relation to it, has been taken into account in the determination of this appeal.

Main Issues

4. The main issues in this appeal are;

- whether the housing proposal would comply with the development plan in terms of its location and its effect on the character and appearance of the area; and,
- whether the proposal would be a sustainable development and the extent of housing land supply in the County.

Reasons

Location

5. The appeal site is on the edge of a number of buildings associated with Netherton Farm which collectively form a hamlet. Netherton and the appeal site are located a few hundred metres away as the crow flies from the development boundary of Highley contained within the Bridgnorth Local Plan. As a result, for planning policy purposes the appeal site is located within the open countryside. Policy CS5 of the Shropshire Core Strategy strictly controls new housing within the open countryside. As the proposal would not be for agricultural worker's dwellings or to provide affordable housing it would be contrary to this policy. Its location would therefore be contrary to the development plan.
6. The policies of the Local Plan that relate to new housing in rural areas were formulated 19 years ago. The National Planning Policy Framework ('the Framework') is an important material consideration. Paragraph 215 of the Framework advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The Framework seeks to promote sustainable development in rural areas whilst protecting the countryside. In identifying the limits to a settlement beyond which countryside policies will apply the approach of the Local Plan is broadly consistent with the approach of the Framework.
7. Paragraph 55 of the Framework provides specific guidance in relation to the sustainable development of new housing in rural areas. It advises that new housing in such areas should be located where it can maintain or enhance the vitality of rural communities. Planning Practice Guidance (PPG) recognises that this should be considered at a strategic level and through the Local Plan process¹. The approach of policy CS4 of the Core Strategy and the Site Allocations and Management of Development (SAMDev) Plan, identifying Community Hubs and Clusters in rural areas where development is supported and strictly controlling development in the open countryside, is consistent with this approach.
8. The SAMDev Plan is at an advance stage on the road to adoption. Consistent with the existing development plan it places the area around Highley, including Netherton and the appeal site, within the open countryside. No main modifications have been recommended by the Inspector to the SAMDev Plan in relation to Highley and the countryside that surrounds it. Taking all these matters into account, in accordance with paragraphs 215 and 216 of the Framework, I therefore attach significant weight to the development boundary identified by the Bridgnorth Local Plan and the SAMDev Plan. Both place the appeal site within the open countryside.

Character and appearance

¹ paragraph 001, Rural Housing, PPG

9. The appeal site is agricultural land located on the south eastern side of the small cluster of buildings that form the hamlet. This cluster includes dwellings, barn conversions and agricultural buildings. The surrounding countryside is attractive and characterised by rolling fields of pasture and crops. The site forms part of a field and is open and free of built development. As a result, the appeal site and the storage of agricultural machinery on it contribute to the rural agricultural character of the area and the surrounding open countryside.
10. The proposed development of a semi-detached pair of dwellings with hard standing and garaging would encroach into the countryside and urbanise the site. The domestic paraphernalia associated with occupation of these houses would add to this urbanising effect. As a result, the proposed development would adversely affect the character and appearance of the countryside and the rural setting of the farm. The harm would be readily visible in views from the public right of way that has clear views of the appeal site along its long approach from the south east. This right of way would also pass directly in front of where the proposed dwellings would be.
11. The houses would be designed to reflect the traditional vernacular and in size and form would be in keeping with the neighbouring Netherton Farm Cottages. However, these design features would be insufficient to overcome the significant adverse effects that I have described.
12. For all of these reasons, I therefore conclude that the proposed development would demonstrably harm the character and appearance of the area, contrary to the objectives of policy CS5 of the Shropshire Core Strategy which seeks to protect the character and appearance of the countryside.

Sustainable development

13. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
14. In terms of the environment, I have found that the proposed development would demonstrably harm the character and appearance of the area. In terms of its location, the appeal site and the neighbouring dwellings are in an isolated location within the open countryside. Whilst the centre of Highley and the services and facilities that it has to offer is slightly less than a mile away by road, the road has no footway, is unlit and has blind bends. As a consequence, it would be unreasonable to expect future occupiers of the proposed development to walk or cycle into Highley. As a result, they would be dependant upon the private car to access services and facilities. The appeal site is therefore in a relatively unsustainable location for development.
15. The dwellings would use renewable energy in the form of solar panels and wood burning stoves. In terms of construction, as the houses would be built to meet current building regulations they would be energy efficient. However, as compliance with building regulations is a requirement of all new housing this is not a significant factor in favour of finding the proposal sustainable.
16. Socially, the provision of two new homes would make a small contribution to addressing housing need in the County. In relation to the economy, the construction of the houses and their fitting out would generate some

employment. Post completion the rent from the proposed houses would support the appellant's farming business. Paragraph 28 of the Framework supports such a scheme if it would constitute sustainable development. The slight increase in spending power in the area as a result of two additional households would assist local businesses in small way.

17. Nevertheless, these positive aspects of the proposal would not overcome the isolated car dependant location of the development, and the harm that would be caused to the character and appearance of the countryside. Both these negative features of the proposed development would continue long after the economic benefits of constructing the development have faded. I therefore conclude, based upon the overall balance of considerations, that the proposal would not be a sustainable development. The proposal would therefore be contrary to the Framework and policy CS6 of the Core Strategy which requires that all new development is sustainable.

Housing land supply

18. Where a five year supply of deliverable housing sites cannot be demonstrated paragraph 49 of the Framework states relevant policies for the supply of housing should not be considered to be up to date. There is clear disagreement between the parties as to whether or not such a supply can be demonstrated. The evidence that has been provided to me on this matter is inconclusive. Nonetheless, even if there is not such a supply, the contribution of the two dwellings proposed towards addressing this issue would not outweigh the harm to the character and appearance of the area and the fact that the proposal would not be a sustainable development. Having regard to paragraph 14 of the Framework, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposal.

Other matters

Affordable housing

19. The change in national policy, described as a procedural matter at the beginning of this decision, is an important material consideration. Notwithstanding the Council's vigorous support for policy CS11 of the Core Strategy which supports affordable housing contributions, and reference to the recent 'Vashlyn' decision, in my view, the changes in national policy outweighs the position of the development plan and other considerations raised in relation to this matter. I therefore find that the contribution sought towards affordable housing would not be necessary to make the development acceptable in planning terms. As a result, it would fail the tests of paragraph 204 of the Framework and regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

Appeal Decision

Site visit made on 17 March 2015

by Victoria Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 28 July 2015

Appeal Ref: APP/L3245/W/14/3001167

Edge Renewables, B4371, Stretton Westwood, Much Wenlock, TF13 6DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr S Lloyd-Jones (Edge Renewables) against Shropshire Council.
 - The application Ref 14/02390/FUL, is dated 29 May 2014.
 - The development proposed is erection of 2 no. low profile wind turbines.
-

Decision

1. The appeal is dismissed and planning permission for the 'erection of one low profile wind turbine' is refused.

Procedural Matters

2. The application to which this appeal relates originally proposed two Evoco Energy Low Profile 10kw wind turbines. During the Council's consideration of the proposal, the appellant amended the application so that only one wind turbine was proposed. Revised plans were submitted on that basis. I have therefore assessed this appeal proposal on the basis of the amended application for a single wind turbine.
3. This appeal was submitted as a result of the Council failing to give notice within the prescribed period. However, in their submissions the Council have indicated that they would have granted permission for the amended scheme as they considered that their ecological concerns could be overcome via planning conditions.

Main Issue

4. The main issue is the effect of the development proposed on biodiversity, specifically bats and birds.

Reasons

Background

5. The appeal site is situated in a large former quarry within the Shropshire Hills Area of Outstanding Natural Beauty (AONB). The site is also next to Wenlock Edge which is a Site of Special Scientific Interest (SSSI), designated primarily for its geological importance.

6. There are several large industrial buildings close to the site entrance located on the B4371 road. The appeal site itself is an area of land situated to the rear of these buildings and therefore on the edge of the developed part of the site closest to Wenlock Edge.
7. The appellant, Edge Renewables, is a renewable energy company specialising in supplying biofuel boilers and associated wood chip fuel. The appellant acquired land, including the appeal site, from the former quarry company in December 2012. The Council has since granted a number of planning permissions including that for the biofuel storage and preparation area and associated uses.
8. The proposed turbine would have a hub height of approximately 12m and a rotor diameter of approximately 9.7m. It would therefore have a total height to blade tip edge of approximately 16.85m.

Policy Framework

9. For policy purposes, the appeal site is within the open countryside. Policy CS5 of the Shropshire Core Strategy (Adopted March 2011) (the CS) sets out the Council's general approach to new development in the countryside stating that it will be strictly controlled in accordance with national planning policies protecting the countryside. Although the policy makes no specific reference to renewable energy proposals, the text of the policy does go on to state, among other things, that proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities, particularly where they relate to matters which include small-scale new economic development diversifying the rural economy.
10. Policy CS6 sets out the Council's general approach to sustainable design and development principles in so far as they are relevant to development proposals. It is stated that the general aims of the policy will be achieved by a number of measures which include, that resource and energy efficiency and renewable energy generation are adequately addressed and improved where possible. The policy also lists several principles which include ensuring that all development responds to the challenge of climate change; protects, restores, conserves and enhances the natural, built and historic environment.
11. Policy CS17 relates to environmental networks and seeks to ensure that all development protects and enhances the character of Shropshire's natural environment, and does not adversely affect the visual, ecological or recreational values of these assets; contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity, such as the Shropshire Hills AONB.
12. The Much Wenlock Neighbourhood Plan (Adopted July 2014) also forms part of the development plan for the area and objective 6 sets out the approach to good quality design. This includes policy GQD1 which states that the high quality natural landscape outside the development boundary of Much Wenlock will be protected from any development which adversely affects the town's character. Of those policies which are before me, there is no specific mention of the Plan's approach to renewable energy proposals.

13. Whilst the Shropshire Hills AONB management plan 2009-2014 does not form part of the development plan, it has been formally adopted by the Council. Policy 30 of that document states that renewable energy developments in the AONB should generally be of a small scale appropriate to local use. Policy 35 also states that proposals for wind turbines and associated infrastructure within the AONB should take account of factors including landscape character, visual amenity and biodiversity. The policy goes on to set out a number of guidelines which include that within 100m of buildings, one or two wind turbines up to 12m to blade tip are more likely to be acceptable within the AONB. Turbines up to 25m to blade tip, or groups of more than two turbines, are not likely to be acceptable within the AONB. It also states that wind turbine proposals should be linked to local energy needs and energy conservation measures.
14. One of the core planning principles of the National Planning Policy Framework (the Framework) states that planning should support the transition to a low carbon future in a changing climate by, among other things, encouraging the use of renewable resources (paragraph 17). Paragraph 97 of the Framework goes on to state that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources and should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts.
15. At the same time, paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The paragraph goes on to state that the conservation of wildlife is an important consideration in these areas. Paragraph 118 also states that in determining planning applications, the aim should be to conserve and enhance biodiversity by applying certain principles, including that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
16. Planning Practice Guidance (the 'PPG') confirms that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable¹. The PPG goes on to state that evidence suggests that there is a risk of collision between moving turbine blades and birds and/or bats. Other risks including disturbance and displacement of birds and bats and the drop in air pressure close to the blades which can cause barotrauma (lung expansion) in bats, which can be fatal. Whilst these are generally a relatively low risk, in some situations, such as in close proximity to important habitats used by birds or bats, the PPG states that the risk is greater and the impacts on birds and bats should therefore be assessed². The PPG then refers to Natural England's advice on assessing risks.
17. Natural England's Technical Information Note TIN051 'Bats and onshore wind turbines Interim guidance' (third edition 11 March 2014) (NE advice) states that to minimise risk to bat populations their advice is to maintain a 50 metre buffer around any feature (trees, hedges) into which no part of the turbine intrudes. This means the edge of the rotor-swept area needs to be at least 50 metres from the nearest part of the habitat feature. Therefore, Natural

¹ Paragraph: 001Reference ID: 5-001-20140306

² Paragraph: 018Reference ID: 5-018-20140306

England's advice is that 50 metres should be the minimum stand-off distance from blade tip to the nearest feature.

18. Additionally, Circular 06/05³ states that the presence of a protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98). The Circular goes on to state, among other things, that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances (paragraph 99).
19. Drawing matters together, of those local policies which are before me, there is no specific policy which sets out the Council's or the local community's approach (as set out in the Much Wenlock Neighbourhood Plan) to renewable energy proposals. However, the general local policy approach in seeking to balance the need for certain types of sustainable development to take place in the countryside with considerations which include the effect of those proposals on landscape character, visual amenity and biodiversity is, when read as a whole, largely consistent with the Framework and the PPG.
20. In addition, the approach set out in the AONB management plan does set out some guidelines relevant to renewable energy proposals which include scale and siting. The effect of such proposals on landscape character, visual amenity and biodiversity is also referred to. Whilst this document does not form part of the development plan, as it has been formally adopted by the Council I have given it some weight in my determination of this appeal.

Biodiversity

21. Although the proposed location of the turbine is on the edge of the developed part of the wider site and close to existing buildings, the site is otherwise surrounded by the open countryside. There are several notable habitat features within the site and in the local area. These include a bank of established trees close in proximity to the appeal site. The proposed location of the turbine is also close to the notable landscape feature of Wenlock Edge, which is a large limestone escarpment and is, for the most part, densely wooded. There are also several ponds on the wider site.
22. These habitat features, particularly when found within remote countryside locations, are typically used by bats (all of which are European protected species), birds and other types of wildlife. The likely presence of birds or bats on or close to the site does not seem to be an area of dispute between the parties.
23. On the basis of the information before me, I am therefore satisfied that there is a reasonable likelihood that bats are likely to be present in the area. There are also likely to be several species of bird present which include a particular species of raptor (which is a Schedule 1 species in the Wildlife and Countryside Act). I also understand that Great Crested Newts are known to be present on the wider site.

³ 'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System'

24. The application was accompanied by an ecological survey relating to Great Crested Newts (GCN). However, no bat or bird surveys were submitted with the application. The Council's ecologist objected to the application as originally submitted on that basis.
25. Following the amendment of the application to a single turbine, the Council indicated that this ecological objection could be overcome, subject to conditions, on the basis that the turbine was required primarily for training purposes. As such, it would be continually dismantled and re-built and would not be operational for the majority of the time. Although the Council failed to give notice within the prescribed time, the Council have indicated that they were minded to approve the application subject to conditions including that the turbine be used specifically for training use only.
26. The wording of the suggested condition included a specific requirement that there shall be no unattended running (of the turbine), no running for more than an hour per day and no running other than daylight hours. A condition was also suggested which would require the default position of the turbine to be horizontal on the ground and that the turbine shall remain in the default position except for the purposes of training.
27. A note was also added that any proposal to turn the turbine shall be the subject of a separate variation application accompanied by appropriate bird and bat reports. A condition was also suggested in the Officer's report allowing for some flexibility in micro-siting the turbine to allow it to be located 10m further north-east from the main part of an identified landscape area with potential benefits for birds.
28. The effect of the Council's suggested conditions would be to severely restrict the operational use of the proposed turbine, except for allowing it to turn for a maximum of one hour per day during daylight hours. This would be so unless and until bird and bat surveys are undertaken, the results of which would presumably need to show that the proposed turbine could operate without undue risk to either birds or bats occurring to the turbine.
29. Correspondence from the appellant was submitted with the appeal which does state that the single wind turbine proposed would be erected and dismantled continuously for training purposes. There is also an email from the appellant which states that they understand the requirement for bat and bird surveys and will ensure the turbine is not normally operating until these reports have been provided.
30. However, the appellant's final comments state that in addition to training purposes, they also require the proposed turbine to be used for electrical generation so that the performance of the turbine can be proven to customers. It is also not clear from the appellant's final comments whether they therefore intend for the blades of the proposed turbine to be turning overnight.
31. As the appellant has made clear that, in addition to training purposes, they do also require the proposed turbine to generate electricity there is some uncertainty as to the extent of time in any given week that the appellant intends for the proposed turbine to be operational. The appellant has also indicated that they object to being required to maintain the proposed turbine in a default horizontal position as this may lead to damage occurring.

32. There is therefore some uncertainty as to the extent to which the proposed turbine would be operational. What is certain, however, is that no bird or bat surveys have been submitted with the application. I have considered whether requiring a bird and bat survey is a matter which could be addressed via a condition. However as I cannot be certain as to the outcome of any additional survey findings and whether or not suitable mitigation (if required) could be put in place, I consider that a condition would not be appropriate in this particular instance.
33. Given the lack of detailed surveys considering the effect of the proposal on either birds or bats, I cannot be certain that significant harm resulting from the proposal can be avoided, adequately mitigated, or, as a last resort compensated for. In such circumstances, paragraph 117 of the Framework indicates that planning permission should be refused. The Framework (paragraph 115) also confirms that the conservation of wildlife is an important consideration in AONBs.
34. Additionally, the distance between the blade tip edge of the proposed turbine and the nearest trees would be approximately 30m. This would breach the minimum separation distance advised by Natural England as being necessary to minimise the potential risk of the turbine to bats which may be using the site. This adds to my concerns.
35. I note the reasoning of the Council's officer in their report that allowing flexibility as to micro siting of the proposed turbine may reduce the risk to birds in the area. However, in the absence of specific detailed information on how birds may be using the area and whether or not they would be affected by the proposal, I am not satisfied that this mitigation measure would be sufficient to overcome the harm that I have identified.
36. I note that the appellant has stated that studies show that the risk to birds is greater from cables and moving cars. However those studies are not before me and in any event, the PPG does state that evidence suggests that there is a risk of collision between moving turbine blades and birds and/or bats.
37. With regard to GCN, the appellant has agreed to extend a mitigation strategy previously agreed with the Council for other areas within the wider site to include the site for this appeal proposal. Subject to conditions, the proposal would therefore be acceptable in this particular respect.
38. Accordingly, in the absence of further detailed information as to whether or not the proposal is likely to have a harmful impact on bats and birds in the local area, it has not been shown that unacceptable harm would not result. The proposal would therefore conflict with policy CS17, paragraph 115 and 118 of the Framework, the PPG⁴, the Circular and the NE advice.

Other Matters

Landscape character and visual amenity

39. Several third parties and local residents have raised concerns regarding the effect of the proposal on landscape character and visual amenity. I shall now go on to consider this issue. No formal Landscape Character Assessment was submitted with the application. Nevertheless, several photos were submitted

⁴ Paragraph: 018Reference ID: 5-018-20140306

which show a visual representation of the proposed turbine as it would appear in situ. I have had regard to this information in my assessment of the proposal.

40. The appeal site is within an AONB and next to Wenlock Edge, a SSSI. Therefore whilst the proposed turbine would be on the edge of the developed area of the former quarry site, it is surrounded on all sides by high quality countryside which has been recognised as such at the national level.
41. The former quarry site is a long, roughly rectangular site. It is positioned between the main B4371 road and Wenlock Edge itself, with the longest sides of the site being orientated to face these linear features. The road is situated at a lower level than the wider site. There is a thick bank of mature trees and vegetation which screens the site from the majority of viewpoints in the highway. The location of the proposed turbine would also be at the rear of the site which would increase the separation distance between the road and the proposal. The proposal would also be screened from view by the cluster of large scale industrial buildings within the site itself.
42. In terms of viewpoints along Wenlock Edge, there are two footpaths. The closest being a permissive footpath which runs along Wenlock Edge close to the boundary of the wider site. This footpath also connects with the formally designated footpath which forms part of the Shropshire Way long distance footpath. Several local residents and third party organisations have expressed concerns regarding the effect of the proposal when seen from viewpoints along these routes.
43. The permissive footpath runs close to the boundary of the wider site and, due to the topography of the area, is situated at a much higher level than the former quarry. This allows users to look down into the site and parts of it, including the appeal site itself, are visible from viewpoints along the footpath. However, closer to the site the separation distance between the escarpment edge and the path increases and there is also extensive vegetation which would effectively screen the proposal from view. From the majority of viewpoints the proposal would be seen against the backdrop of existing industrial buildings, albeit slightly taller than them. Given these circumstances, users of the footpath would therefore be likely to experience few direct views of the proposal and these would only be of limited duration.
44. Therefore, although the proposal would be sited within a high quality landscape, it would be seen within the context of the quarry site and against the back drop of the existing large scale commercial buildings. The topography of the area and the dense vegetation would also screen the proposal from the majority of public viewpoints. I take the point that some third parties have raised regarding the additional screening effect when the vegetation is in full leaf. However at the time of the site visit, the trees had yet to come into bud and I was therefore able to observe views of the area as it would appear during the winter months.
45. Accordingly, whilst I attach great weight to conserving the landscape and scenic beauty of the AONB, given the particular circumstances that I have described, and the small scale of the turbine proposed, I am satisfied that the proposal could be accommodated within the appeal site without undue harm occurring to the landscape character or visual amenity of the area. The

proposal would therefore be consistent with policies CS5, CS6 of the CS and the Framework (paragraph 115) in this regard.

Sustainable benefits and overall balance

46. In my determination of this appeal, I have had regard to the Framework's presumption in favour of sustainable development which is defined by three dimensions: economic, social and environmental. One of the Core Planning Principles of the Framework states that planning should support the transition to a low carbon future in a changing climate, and, among other things, encourage the use of renewable resources (for example, by the development of renewable energy). The Framework also states that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (paragraph 98). These are significant environmental benefits which weigh in favour of the proposal.
47. The appellant company is a local renewable energy business. The proposal is needed by the business so that their staff can become accredited installers of this type of wind turbine in order to supply them to customers. This would increase the business capacity of the enterprise and lead to the employment of at least four additional staff initially and the appellant intends to recruit from the local community. These are economic benefits which weigh in favour of the appeal proposal.
48. Some third parties have commented that were the proposal to be used for training purposes only, then the renewable energy generation benefits of the proposal should not be taken account of. However, as the appellant has confirmed that the proposal would be used for the generation of energy, I have taken account of this consideration in my decision and have attached weight to it. I note that some third parties dispute whether the energy generated would be linked to local energy needs (as set out in the AONB management plan). However as the appellant is a local company, there is nothing to suggest that the energy generated would not benefit the local area.
49. Drawing matters together, both local and national policies recognise the balance that must be struck between the benefits of renewable energy generation and the conservation of wildlife. I have found that there are environmental and economic benefits which weigh in favour of the proposal, and that the proposal would be acceptable in terms of its effect on landscape character and visual amenity.
50. However, in the absence of further detailed information as to whether or not the proposal is likely to have a harmful impact on bats and birds in the local area, it has not been shown that unacceptable harm would not result. This is a very significant disadvantage which cannot be mitigated or made acceptable. Therefore, even taking account of the sustainable benefits associated with the proposal, I consider that they do not outweigh the harm that I have identified. Overall, the proposal would therefore conflict with policies CS5 and CS17 of the CS and paragraphs 115 and 118 of the Framework, the PPG, the Circular and the NE advice.
51. I have also had regard to the changes to policy arising from the Written Ministerial Statement (18 June 2015) which, in the light of the facts in this case, does not alter my conclusion.

Conclusion

52. For the reasons given above, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Victoria Lucas-Gosnold

INSPECTOR

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