



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

Date: Monday, 16 October 2017

**Committee:**  
**South Planning Committee**

**Date:** Tuesday, 24 October 2017  
**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)  
David Turner (Vice Chairman)  
Andy Boddington  
Gwilym Butler  
Simon Harris  
Nigel Hartin  
Richard Huffer  
William Parr  
Madge Shingleton  
Robert Tindall  
Tina Woodward

**Substitute Members of the Committee**

Jonny Keeley  
Heather Kidd  
Christian Lea  
Elliott Lynch  
Cecilia Motley  
Vivienne Parry  
Kevin Turley  
Leslie Winwood  
Michael Wood

Your Committee Officer is:

**Linda Jeavons**      Committee Officer  
Tel:                    01743 257716  
Email:                [linda.jeavons@shropshire.gov.uk](mailto: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 26 September 2017.

Contact Linda Jeavons (01743) 257716.

## 3 Public Question Time

To receive any questions or petitions from the public, notice of which has been given in accordance with Procedure Rule 14. The deadline for this meeting is 5 pm on Thursday, 19 October 2017.

## 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 North Of Coronation Cottages, Lydham, Shropshire (16/03855/OUT) (Pages 9 - 22)

Outline application for the erection of 5No dwellings (to include access).

## 6 9, 10 And 11 Lower Forge Cottages, Eardington, Bridgnorth, Shropshire, WV16 5LQ (17/00298/FUL) (Pages 23 - 50)

Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings.

## 7 Proposed Residential Development Land North Of Victoria Road (40 High Street), Much Wenlock, Shropshire (17/00998/FUL) (Pages 51 - 92)

Erection of one dwelling with garage; repair to outbuilding; erection of one pair of semi-detached dwellings with attached 3 bay garage.

## 8 Russells Caravan Park, Quatford, Bridgnorth, Shropshire, WV15 6QJ (17/03179/FUL) (Pages 93 - 114)

Change of use of land to caravan park for additional 20 static holiday caravan pitches.

## 9 Woodcote Wood, Weston Heath, Shropshire, TF11 8RS (17/03661/EIA) (Pages 115 - 154)

Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site.

**10 Woodcote Wood, Weston Heath, Shropshire (SC/MB2005/0336/BR) (Pages 155 - 234)**

Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site.

**11 Schedule of Appeals and Appeal Decisions (Pages 235 - 236)**

**12 Date of the Next Meeting**

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 21 November 2017, in the Shrewsbury Room, Shirehall.

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## Committee and Date

South Planning Committee

24 October 2017

## **SOUTH PLANNING COMMITTEE**

**Minutes of the meeting held on 26 September 2017**

**2.00 - 3.18 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 257716

### **Present**

Councillor David Evans (Chairman)

Councillors David Turner (Vice Chairman), Andy Boddington, Gwilym Butler, Simon Harris, Richard Huffer, Madge Shinton, Robert Tindall, Tina Woodward and Vivienne Parry (Substitute) (substitute for Nigel Hartin)

### **43 Apologies for Absence**

Apologies for absence were received from Councillors Nigel Hartin (Substitute: Viv Parry) and William Parr.

### **44 Minutes**

#### **RESOLVED:**

That the Minutes of the meeting of the South Planning Committee held on 29 August 2017 be approved as a correct record and signed by the Chairman.

### **45 Public Question Time**

Mr David Baker had submitted a question in accordance with Procedure Rule 14 (a copy of the question and the formal response is attached to the signed minutes).

Mr Baker asked the following supplementary question:

“Firstly may I introduce myself. My name is David Baker and I live 330m from Footbridge Farm.

Thank you for your detailed reply, which repeated many of the points in the Officer's report.

I note for comparative reasons this committee's approval after appeal of the “energy from waste” incinerator operated by Veolia Environmental Services at Battlefield. This application too had many objections, 447 in total, broadly similar to the number of objections for Footbridge Farm, which included “concerns about health affects”, but this too was finally approved with condition

18, environmental monitoring for dust. I understand this monitoring was implemented, but the amounts of dust proved to be inconsequential.

I put it to you that actual dust emissions created when chicken sheds are emptied will depend on the method used and care exercised. You obviously considered the risk to people at Battlefield because you installed monitoring equipment there. But you have decided that there is negligible risk to the people of Tasley and Bridgnorth, which forces me to ask the question:

Does this committee care more about the health of Shrewsbury residents than those of Bridgnorth and Tasley?"

The following verbal response was provided by the Principal Planner:

"The two schemes referred to by Mr Baker are very different and when Public Protection Officers look at the impact of a scheme on an area they take specific things into account. Primary legislation is taken into account when the Public Protection team consider any application. In the case of a poultry farm, many other checks and balances, including the Environmental Protection Act and Regulations closely monitor noise, dust and other issues and the Public Protection Team and Environment Agency may have concluded that these issues could be adequately dealt with under the current legislation."

#### 46 **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.

Councillor Viv Parry explained that she had not commented on or pre-determined any planning application to be considered at this meeting and remained open-minded.

With regard to planning application 17/00766/FUL, Councillor Madge Shingleton declared that she was acquainted with the landowner.

#### 47 **Brian Mear (Bricks) Ltd, The Brick Library, Bromfield Road, Ludlow, Shropshire, SY8 1DN (16/04716/VAR)**

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

Members had undertaken a site visit on a previous occasion.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Andy Boddington, as local Ward Councillor, made a statement. He then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- This scheme had previously been approved after much debate and would still be tenable if tanks were installed above ground;
- This was a very sensitive site and the principle of sitting fuel tanks within a water table in a SSSI was fundamentally wrong; and
- In conclusion, he reiterated that a scheme that was viable and would work had already been approved.

In the ensuing debate, Members noted all comments and considered the submitted plans. Members acknowledged the need for a further petrol station in Ludlow; tank technology was now very different and more improved than it was; any leakage would become evident very quickly; the proposal would benefit both motorists and shoppers; and would provide more parking on site.

**RESOLVED:**

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

**48 Land West Of Water Works, Hopton Wafers, Shropshire (17/00766/FUL)**

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

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

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Gwilym Butler, as local Ward Councillor, made a statement. He then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- This was a sensitive site;
- He had no concerns regarding the rear extension but the proposed balcony would be out of keeping and may cause problems in the future if any further development in the area took place. He preferred a Juliet balcony and for the porch to remain open rather than glazed; and
- If Members were minded to approve, he suggested that delegated authority be granted to Officers to approve the application, subject to them undertaking further discussions with the applicant regarding the removal of the balcony from the proposal.

By virtue of her declaration at Minute No. 46 and in accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Madge Shinton, as local Ward Councillor, made a statement. She then left the room, took no part in the debate and did not vote on this item. During her statement, the following points were raised:

- She expressed concerns regarding access, highway safety and design.

In the ensuing debate, Members noted all comments and considered the submitted plans. Members took into account the location and context of other buildings and the close vicinity of the modern house next door and notwithstanding their concerns and reservations regarding the proposed balcony and porch, it was,

**RESOLVED:**

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

**49 Proposed Affordable Dwelling North Of Spring Vale Farm, Occupation Lane, Chelmarsh, Bridgnorth, Shropshire (17/02441/FUL)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout and elevations. He confirmed that Members had undertaken a site visit and had viewed the site and had assessed the impact of a proposal on the surrounding area. He drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting.

Councillor M Williams, representing Chelmarsh Parish Council, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees.

In accordance with the Local Protocol for Councillors and Officers dealing with Regulatory Matters (Part 5, Paragraph 15) Councillor Robert Tindall, as local Ward Councillor, made a statement. He then left the table, took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He drew Members' attention to the scattered and diverse nature of the settlement;
- The proposed dwelling would not be conspicuous nor elevated within the landscape and the positioning of it next door to a cluster of buildings and farmhouse was acceptable; and
- This provided an opportunity to grant a local couple the ability to remain in a place they came from.

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

In the ensuing debate, Members noted the comments of all speakers and considered the submitted plans. Following advice from the Principal Planner with regard to appropriate conditions which should be attached to any permission, it was:



**RESOLVED:**

That, contrary to the Officer’s recommendation, planning permission be granted, subject to:

- A Section 106 Legal Agreement to ensure the dwelling remains an affordable dwelling in perpetuity;
- That Planning Officers be granted delegated powers to attach appropriate conditions relating to materials, drainage, landscaping, boundary treatments, floor levels, maximum 100 sqm gross internal floor area and any other conditions and informatives deemed necessary;
- A condition to ensure that the section of existing shed within the application site boundary is used solely in connection with the trade or business of the occupier of the affordable dwelling; and
- Removal of Permitted Development Rights.

**50 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 26 September 2017 be noted.

**51 Date of the Next Meeting**

**RESOLVED:**

That it be noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 24 October 2017 in the Shrewsbury Room, Shirehall, Shrewsbury, SY2 6ND.

Signed ..... (Chairman)

Date: .....

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**PUBLIC QUESTION TIME**

**AGENDA ITEM 3**

**QUESTION 1**

**Question from MR DAVID BAKER:**

"Given the high levels of public concerns about dust emissions from the poultry sheds, why didn't Shropshire Council propose installing air quality monitoring equipment or filters on the chimneys of the chicken sheds?"

**RESPONSE:**

"The public concerns that were raised regarding potential dust emissions were referred to in the Committee report that was considered by Members of the South Planning Committee at its meeting on 29<sup>th</sup> August 2017. This matter was given full consideration as part of the planning application process. Paragraphs 6.8.15 and 6.8.16 of the Committee report state the following:

"6.8.15 Dust: Dust can be emitted into the atmosphere through the ventilation systems of the proposed buildings. The Environmental Statement provides an assessment of potential impacts from dust emissions. It refers to a Defra research which demonstrated that

emissions from poultry units in terms of particulate matter reduced to background levels by 100 metres downwind of even the highest emitting poultry houses. As such it considers that dust impacts would be negligible. It is understood that the Environment

Agency would only seek a risk assessment for dust where there is a sensitive receptor within 100 metres of the installation. Whilst there have been public concerns raised over dust emissions and potential health effects from the proposed facility, based upon the advice received from technical consultees it is considered that there is a sufficient separation distance between the site and receptors to ensure that the risk of such adverse effects is not significant.

6.8.16 An Environmental Permit for the operation has been issued and the Environment Agency has confirmed that, through this, issues such as odour, noise and dust will be addressed. Officers consider that this will provide an effective system for controlling

emissions from the facility. Furthermore it is concluded that the proposal is in an acceptable location and would not give rise to adverse impacts on residential and local amenity, including that of residents of Bridgnorth. As such it is not considered that the proposal would adversely affect tourism in the area."

In addition to the above the Council's Public Protection Officer provided the following additional comments that were circulated to Members in advance of the Committee meeting 29<sup>th</sup> August 2017:

"In relation to dust I think it is worth noting that particulates less than 10 microns in diameter, known as PM10s, and can have an impact on health. For this reason there

is a Local Air Quality Management (LAQM) Regime in the UK which directs local authorities to look at the potential for exceedances of PM10 concentrations set in legislation. The latest guidance and technical documentation associated with this regime is LAQM Technical Guidance Document 2016. Within this document it sets out a procedure to follow to consider if a poultry farm is likely to result in an exceedance of the legislative levels of PM10s. It states that poultry operations should be considered when there are residential properties located within 100m of the nearest ventilation point on the poultry units and the total number of birds to be housed exceeds 400,000 birds where there is mechanical ventilation. As these parameters are not met by the proposed poultry development in question I do not consider it likely that PM10s will exceed legislative levels at any residential receptor as a result of the proposed development.”

The public concerns over dust are acknowledged. However based upon a consideration of the representations and consultee response received, including those of the technical specialist bodies such as the Environment Agency and the Council's Public Protection team, it was not considered reasonable or necessary to impose monitoring or additional controls over dust emissions. The Committee report made clear that the National Planning Policy Framework states at paragraph 122 that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. On this point it should be noted that the Environment Agency issued an Environmental Permit for the operation in April 2017.

The Council's Regulatory Services team only seeks to monitor for air quality purposes where it considers there may be an exceedance of national air quality objective levels. Due to the proximity of dwellings to the proposed units it is not considered necessary to monitor as there is no evidence to suggest that national objective levels will be exceeded. In addition there is no evidence to suggest that there would be a significant increase in dusts at nearest receptors.”



Committee and date  
 South Planning Committee  
 24 October 2017

## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 16/03855/OUT	<b>Parish:</b> Lydham
<b>Proposal:</b> Outline application for the erection of 5No dwellings (to include access)	
<b>Site Address:</b> Proposed Residential Development North Of Coronation Cottages Lydham Shropshire	
<b>Applicant:</b> D, AJM, & PT JONES	
<b>Case Officer:</b> Tim Rogers	<b>email:</b> <a href="mailto:planningdmnw@shropshire.gov.uk">planningdmnw@shropshire.gov.uk</a>

**Grid Ref:** 333676 - 291402



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

## Recommended Reason for refusal

1. The application site occupies a countryside location, where open market housing provision is not supported in principle by adopted development plan policies. The development is not considered to represent sustainable development in accordance with the three dimensions of sustainable development as referred to in the National Planning Policy Framework (Economic, social and environmental). As such the proposal is considered to be contrary to Shropshire Core Strategy policies CS1, CS4, CS5, CS6, CS9, CS11, CS17 and CS18; Site Allocation and Management of Development (SAMDev), and the overall aims and objectives of the National Planning Policy Framework. Furthermore, notwithstanding the justification submitted with the application, there are not considered to be any material considerations that should be given sufficient weight to justify approval of the development as an exception to the adopted policies referred to.

**REPORT**

## 1.0 THE PROPOSAL

1.1 The application seeks outline planning permission for up to five dwellings with all matters reserved other than access, the detail of which has been provided. The application is identical to a previous application for the site which was refused for the following reason:-

‘The application site occupies in policy terms, a countryside location, where open market housing provision is not supported in principle by existing and emerging development plan policies. The development is not considered to represent sustainable development in accordance with the three dimensions of sustainable development as referred to in the National Planning Policy Framework. (Economic, social and environmental). It is further considered that the benefits of developing the site for housing are outweighed by the the unsustainable, sporadic location.

As such the proposal is considered contrary to Shropshire Core Strategy policies CS1, CS4, CS5, CS6, CS9, CS11, CS17 and CS18; emerging Site Allocation and Management of Development (SAMDev), Policy S1 of the South Shropshire District Local Plan and the overall aims and objectives of the National Planning Policy Framework.’

1.2 The agent for the application has submitted some additional information to try and overcome the previous reason for refusal and to try and justify why the application should be approved as an exception to adopted policy. This is set out in more detail in the officer appraisal section of the report below (6.1)

## 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is located into the north of Lydham, approximately 1 mile North

of Bishops Castle east of the A488. The site is a roughly rectangular shape which lies to the west of a lane running north off the eastern side the A488. A mature hedge defines the boundary between the lane and the application site. The proposal would require removal of a section of hedgerow to form the access with new hedge being planted behind the required visibility splays.

2.2 There are existing dwellings to the south of site (Coronation Cottages) and a bungalow situated to the south-west of the application site. There are open fields to the north save for one detached property ‘Lane House’ which fronts on to the lane..

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

The application contains a number of justifications by the applicants which are out of the ordinary and which the Chair and Vice Chair of Committee, in consultation with the Area Planning Manager consider warrant determination by the South Planning Committee.

4.0 Community Representations

4.1 **Consultee Comments**

4.1.1 **SC Highways**

Recommendation

No Objection – subject to the development being carried out in accordance with the approved details and the following conditions and informatives.

Observations/Comments:

The outline application has included access as a reserved matter to be determined under the outline consent. The development is proposing a new access onto a rural section of Class III road and whilst the proposal will result in additional traffic movements mainly between the site and the A488 to the west it is considered that the increase is unlikely to have a material effect on the prevailing highway conditions to justify an objection to the scheme.

The proposed visibility splays are considered to be satisfactory for the prevailing highway conditions; however, the northern splay has not been included in the red line of the application site and should be amended accordingly. It is noted that the additional land is within the applicant’s control/ownership.

Whilst the scale of the development is a reserved matter for later approval, the application has been submitted as proposing a development of 5 dwellings served by means of a private drive. The private drive junction should be a minimum width of 5 metres for the first 8 metres. In connection with the subsequent reserved matters/full application parking provision of 2 spaces for each of the proposed dwellings should be demonstrated.

Conditions:

#### Visibility Splays

The visibility splays shown on the block plan drawing no.877/14/02 June 2014, shall be provided in accordance with the approved details. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level and shall be fully implemented prior to the dwellings being occupied.

Reason: To provide a measure of visibility from the new access in both directions along the highway in the interests of highway safety.

#### New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

#### Parking and Turning

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

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

#### 4.1.2 **SC Drainage**

The proposed drainage details, plan and calculations should be conditioned and submitted for approval at the reserved matters stage if outline planning permission is granted.

1. Sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. They provide opportunities to:

- 'reduce the causes and impacts of flooding;
- 'remove pollutants from urban run-off at source;
- 'combine water management with green space with benefits for amenity, recreation and wildlife.

The proposed surface water drainage system for the site should be detailed. This should illustrate how the development will comply with Shropshire Council's Surface Water Management: Interim Guidance for Developers and the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework for the particular flood zone/ site area (any Flood Risk Assessment required should comply with this) and how SUDs will be incorporated



into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

- ' Surface water soakaways (Designed in accordance with BRE Digest 365)
- ' Swales
- ' Infiltration basins
- ' Attenuation ponds
- ' Water Butts
- ' Rainwater harvesting system
- ' Permeable surfacing on any new access, driveway, parking/paved area
- ' Attenuation
- ' Greywater recycling system
- ' Green roofs

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

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

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

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

3. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare	Change allowance % of impermeable area
Less than 25	10
30	8
35	6
45	4
More than 50	2
Flats & apartments	0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. 'Curtilage' means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

4. The proposed method of foul water sewage disposal should be identified and submitted for approval, along with details of any agreements with the local water authority and the foul water drainage system should comply with the Building Regulations H2.

If main foul sewer is not available for connection, full details, plan and sizing of the proposed package sewage treatment plant including percolation tests for the drainage field soakaways should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 4' should be used to determine the number of persons for the proposed development and the sizing of the package sewage treatment plant and drainage fields should be designed to cater for the correct number of persons.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

#### 4.1.3 **Historic England**

The outline application for 5No dwellings is within the setting of two Scheduled Ancient Monuments. These are 'Motte and Bailey Castle 100m west of Holy Trinity Church' (National Heritage List for England UID: 1013486) and 'Motte and Bailey Castle with associated remains of a medieval village and ridge and furrow cultivation, 200m west of St Peter's Church' (National Heritage List for England UID: 1019647).

The layout, design and materials of the development should seek to minimise any impact on the significance of the monument through development within its setting and how this has been achieved should be outlined within the Heritage Statement which should accompany the detailed application.

Due to the proximity to the nationally significant archaeology, other non-designated archaeology may be present within the development area and thus the advice of the Local authority's archaeological adviser should be sought and implemented in full.

#### 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, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

#### 4.1.4 **SC Archaeology**

##### RECOMMENDATION:

In relation to Historic England's comments we would recommend standard condition CC1 (Details of External Materials) be attached to any permission for the detailed application.

##### Background to Recommendation:

The proposed development site lies c.200m west of the Scheduled Monument of More Castle - motte and bailey castle with associated remains of a medieval village and ridge and furrow cultivation, 200m west of St Peter's Church, (National Ref. 1019647), and also the Scheduled Monument of Lydham Castle - motte and bailey castle 100m west of Holy Trinity Church, (National Ref. 1013486) and may affect the setting of these Scheduled Monuments, more particularly the former.

#### 4.1.5 **SC Affordable Housing**

Whilst the Council considers there is an acute need for affordable housing in Shropshire, the Council's housing needs evidence base and related policy pre dates the judgment of the Court of Appeal and subsequent changes to the NPPG, meaning that on balance and at this moment in time, national policy prevails and no affordable housing contribution would be required in this instance. This is on the proviso that the 5 dwellings do not exceed 1000 sq. metres in area; being the threshold for an affordable housing contribution.

#### 4.2 **Public Comments**

4.2.1 Representations have been received from a total of 20 individuals or households. Twelve of the submissions are in objection to the proposal and eight in support.

4.2.3 The points made in support of the application may be summarised as follows:-

- ☐ There is a lack of available housing within the village.
- ☐ The proposed dwellings will help retain a balance between the number of affordable and open market properties.
- ☐ The additional residents will help to provide support for local business' and services
- ☐ There are not many modern properties available in the local area.

#### 5.0 THE MAIN ISSUES

Principle of development  
Siting, scale and design of structure  
Visual impact and landscaping  
Impact on residential amenity

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

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

6.1.2 Lydham is not a location designated for development under current adopted policies within Shropshire Councils Core Strategy or SAMDev policies. As such the site is classed as falling within open countryside where isolated or sporadic development is not acceptable without special justification. Policy CS5 sets out the types of development which may be permitted within countryside locations, one such development is affordable housing where it meets local need and accords with CS11 or CS12. It is therefore clear that without any other material consideration which would lead to a different conclusion then the application should be refused.

6.1.3 The applicants have submitted information in support of the application that they consider should be given weight in the decision taking and which in their opinion should support approval of the application as a justifiable exception to adopted planning policies. Primarily this surrounds the fact the they intended their original application for this site which was previously refused, to be considered in conjunction with other applications relating to the provision of affordable on a nearby site and in particular the use of their land to accommodate a new treatment plant for the existing and recently approved additional affordable units, which could not be provided otherwise. The applicants always anticipated that the proposals would be considered as a package and were disappointed when this was not the case. This resubmission is intended to highlight the relationship between the developments.

6.1.4 The agent for the application has also pointed out that the village does not have a parish council but has a parish meeting instead has a parish meeting which may

not have engaged fully with the development plan making process. In their view the village is clearly sustainable as a location for new development having a range of facilities and services in its own right as well as being readily accessible to Bishops Castle.

6.1.5 In addition to the main issues raised above the agent for the application has made a number of other points in support of the application:-

- ☐ The site is located immediately adjacent to the village along a lane that already has some development.
- ☐ There have been no objections from statutory consultees.
- ☐ There has been considerable support from local people.
- ☐ There are no empty properties in the village as other than those being refurbished.
- ☐ As the final design of the proposed dwellings is not yet known it is premature to say that they will not be affordable to local people.
- ☐ Even if larger properties were built it would enable local people to upsize as required.
- ☐ The proportion of affordable dwellings in the village is significantly higher than most settlements and the proposal would help to balance this.

6.1.6 On the basis of the above the applicants consider that although the application is not clearly in accordance with the Councils adopted development plan policies it is in line with the principles of sustainable development set out in the NPPF and request that the proposal be considered accordingly and approved.

6.1.7 Details of the previous permissions referred to by the applicant will be provided at the Committee meeting. Planning permission for four new affordable dwellings at Coronation Cottages (ref14/01745/FUL) was approved on the 1<sup>st</sup> September 2014. The original outline application for up to five dwellings on the current application site (ref 15/01727/OUT) was received on the 28<sup>th</sup> April 2015 and refused on the 26<sup>th</sup> August 2015. A planning application by South Shropshire Housing Association to provide a new treatment plant and construction of layby, including repositioning of field entrance (ref 15/03072/FUL) on the current applicants land was received on the 19<sup>th</sup> August 2015 and was approved on the 20<sup>th</sup> November 2015.. The officer report for the applicants previous outline application does not make reference to the other applications being linked in any way and the previously approved treatment plant was not included in that application site.

6.1.8 Whilst it is acknowledged that the applicants did provide land to facilitate the installation of a new sewage treatment plant to serve existing and proposed affordable dwellings on a nearby development, officers consider that this is not something that should be given significant weight in the current decision. The permission for the four affordable dwellings was granted well before the current applicant's original submission (albeit that it was subject to a condition requiring foul drainage details to be agreed) and neither was it clear from the treatment plant submission that it was linked in any way to the potential development of the current

application site.

6.1.9 Colleagues in the planning policy team have confirmed that there did not appear to any submission from Lydham Parish Meeting in respect of the consultation processes for the Core Strategy and more importantly SAMDev. The fact that no submissions were made led to the settlement being excluded from allocation for any development within the settlement strategy. To the knowledge of officers this has never been queried since and the fact that no submission was made should not be taken as meaning that some development was expected. In fact the way that the SAMDev allocation was done was entirely the opposite whereby settlements were expected to positively seek development when they considered it to be appropriate or acceptable. Officers again consider that this fact cannot be given significant weight in the planning balance.

6.1.10 With regard to the other points raised in support of the application by the agent as referenced in paragraph 6.1.5 of this report, officers would make the following comments:-

- ☐ It is acknowledged that the site is adjacent to the current built form of the village but for policy purposes the whole settlement is in open countryside.
- ☐ The fact that there have been no consultee objections does not overcome the concern regarding principle.
- ☐ There have been submissions from local people both in support of and against the proposed development so the overall view is mixed.
- ☐ It is acknowledged that the final design and size of the dwellings is not known at this stage and whatever their size there is likely to be demand for them in this location.
- ☐ The village does proportionately have more affordable dwellings than most other settlements but this is simply a result of how it has evolved and should not be used as justification for new open market dwellings as social rebalancing.

6.2 Siting, scale and design of structure

6.2.1 As the proposal is in outline only no details of design, layout house types etc have been provided at this stage.

6.3 Visual impact and landscaping

6.3.1 As the application seeks outline permission with all matters other than access reserved, the design, siting and scale of the proposal have not been submitted and therefore this cannot be assessed at this time. Whilst the scheme would have the potential to have an adverse impact on the surrounding landscape and open countryside, clearly the design, siting and scale of the structure would determine whether this is the case and at this stage it is not considered that this could be a reason for refusal of the scheme in itself. It should be noted that the access would require removal and reinstatement of some hedgerow as part of the new access

6.4 Impact on residential amenity

6.4.1 A number of objections have been made with regards to the impact of the proposals on neighbouring properties. Whilst this is acknowledged that this cannot be fully assessed at this time given that the proposal seeks outline permission with most matters reserved, given the size of the site it is considered that dwellings could be designed and positioned to minimise the impact on the neighbouring properties in terms of outlook, sunlight, privacy and overbearing considerations.

7.0 CONCLUSION

7.1 Development of this site would be contrary to the Councils adopted development plan policies. Proposals that are not in accordance with up to date development plan policies should be refused unless there are material considerations that would lead the decision taker to a different conclusion. In this case, whilst there may be some sympathy for the applicants and their expectations in relation to nearby development, and whilst they might consider that there are other considerations that should be given some weight in the decision, officers believe that the weight to be given to these factors is not substantial and not sufficient to outweigh the fundamental conflict with adopted policies.

7.2 Accordingly, given the above it is recommended that the application be refused for the reason set out at the head of this report.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:



RELEVANT PLANNING HISTORY:

15/01727/OUT Outline application for the erection of up to 5 detached dwellings (to include access) REFUSE 26th August 2015

16/03855/OUT Outline application for the erection of 5No dwellings (to include access) PDE

16/03855/OUT Outline application for the erection of 5No dwellings (to include access) PDE

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=OCH8Y5TDGL100>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr R. Macey
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Local Member - Cllr Jonny Keeley
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Appendices
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Committee and date

South Planning Committee

24 October 2017

## Development Management Report

Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 17/00298/FUL	<b>Parish:</b>	Eardington
<b>Proposal:</b> Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings		
<b>Site Address:</b> 9, 10 And 11 Lower Forge Cottages Eardington Bridgnorth Shropshire WV16 5LQ		
<b>Applicant:</b> Mr And Mrs Turner		
<b>Case Officer:</b> Lynn Parker	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 373243 - 289493



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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 conversion, upgrade of and extension to the property known as no. 9, 10, and 11 Lower Forge Cottages, Eardington to form 3 no. larger dwellings. Lower Forge Cottages were originally constructed in the 18<sup>th</sup> Century to house iron workers, however are currently derelict and uninhabited following the demise of the previous owner who used them as a single property. The building requires updating to modern standards in order to make it habitable again as the current dwellings are too small for a family to live comfortably. The intention is to achieve this by:
- o Retaining as much of the original building as possible.
  - o Clearly defining extension to it by using a different materials palette.
  - o Extending to the elevations where there is available space and away from the road.
  - o Providing large areas of glazing through which the original fabric is viewable.
  - o New pathways created from the parking provision to the cottages.
- 1.2 The plans as originally submitted proposed a single storey, mono pitch roof extension across the south east facing front of the building spanning the full width of the cottages. This would measure approximately 16.5m wide x 4m in depth x 3m high, 2.25m to eaves. A front entrance door and full height large window would be provided for each of the 3 cottages.
- 1.3 Additionally, a two storey extension was proposed to the north east facing side of the dwelling in the form of a dual pitched roof wing with a south east facing gable. This would measure approximately 4.5m wide x 6.75m in depth x 6.25m to ridge height, 4.25m to eaves matching the height of the existing roof. Similar large scale windows to those indicated on the single storey extension are proposed on the south facing corner at both ground and first floor levels of the two storey extension. (Amendments subsequently made to the proposed extensions are described at paragraphs 1.7 and 1.8 below).
- 1.4 The proposed refurbishment and extension would provide the following internal accommodation:
- Nos 9 and 10  
 Ground Floor – kitchen/dining/living, bedroom 1  
 First Floor – bedroom 2, bathroom
- No. 11  
 Ground Floor – kitchen/dining/living, utility, WC, bedroom 3  
 First Floor – master bedroom with ensuite, bedroom 2, bathroom, storage.

1.5 Materials are proposed as timber cladding, render and brick for the walls, tiles to match the existing roof, timber framed double glazed and aluminium framed double glazed windows and timber doors. Vehicular access would be gained from the lane to the east and parking provision created for 2 no. vehicles per dwelling. Foul sewage is proposed to be disposed of via a septic tank and surface water to soakaway. No trees or hedges would be affected by the development.

1.6 In addition to the Design and Access Statement, the following documents have been submitted in support of the application:

Structural Condition Survey Report by Geomitre Consultants Ltd dated 24<sup>th</sup> March 2016.

This document contains observed defects and recommended works.

Ecological Appraisal by Salopian Consultancy dated 21<sup>st</sup> August 2017

Identifies that all three cottages support features that could be used by both crevice and void dwelling species of bat. During inspection, clusters of droppings were found on the first storey and at the bottom of the stair well in the middle cottage. A series of Phase 2 Bat Surveys were undertaken between May and July 2017 to determine the presence/absence of the species. A single Lesser Horseshoe Bat was observed light testing within the stair well of the first storey of no. 10. Two Soprano Pipistrelle roosts were also identified below the guttering of no. 10 and within a crevice associated with damaged brick work of no. 11. Therefore an EPS licence from Natural England would be required for any works to the building.

Evidence of nesting birds were noted in all buildings. It is recommended that works are undertaken between September and February outside of the bird nesting season.

No water bodies were identified within a 250m radius nor were any other habitats considered suitable to support protected species identified on or immediately off site.

No evidence of other protected species were identified on site. The proposal has the opportunity to provide enhancements for protected species by way of the inclusion of bat and bird boxes within the built form and a standalone structure to replace secure long term opportunities for Lesser Horseshoe Bats on site.

1.7 During the course of the application in response to officers' concerns expressed during a site meeting, subsequent meetings took place in order to discuss the design and scale of the proposed works. Amended plans and further justification documents have been submitted as a result. The Lower Forge Viability Calculations received on 12 April 2017 compares the cost of renovating with the cost of rebuilding, and a Lettings Advice Letter from McCartneys LLP dated 7<sup>th</sup> April 2017 confirms that there is a demand for two and three bedroom rural properties to rent.

1.8 The amended plans retain the internal layout for nos. 9 and 10, but re-configure that of no. 11 gaining a pantry at ground floor level and omitting the master bedroom ensuite. The single storey extension is now proposed with a flat roof containing roof lights and is reduced in depth to approximately 3.75m and height to

2.5m. Alterations to the proposed two storey extension change it to a part single/part two storey addition. The single storey element is proposed to the north east side with a single pitch roof and to accommodate the pantry and part of the kitchen. It would measure 2.15m wide x 6.5m max depth x 2.75m to ridge height, 2.25m to eaves. The two storey element is proposed to the south east facing rear and is reduced in depth to approximately 3.75m (matching that of the single storey extension across the rear). Its height and width remain as submitted, however the large scale windows are inset from the corner.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site falls within open countryside in the settlement of Lower Forge approximately 3km to the south east of the Market Town of Bridgnorth. It is accessed via an unclassified road from the B4555 to the west. Lower Forge is positioned on the west side of the River Severn set into the bank which slopes down to it. The settlement comprises mainly traditional properties of varying sizes including terraced cottages and large detached dwellings which are set either side of the road. Nos 9, 10 and 11 Lower Forge Cottages are on the north east side of a terrace which also contains nos. 5 – 8. The front elevations of the terrace face south east towards the river approximately 45m away, as the road is set closely to the north west side, in fact the corner of no. 11 at the end of the terrace is angled such to accommodate the road which it abuts. The space to the rear consists of a retaining wall preventing the steep bank up to the road from encroaching on the cottages. The amenity space for the plots is therefore in the majority located between the front elevations and a vehicular track serving the terrace which is positioned along the bank of the river. The associated land for no. 11 is significantly larger as it is the end property with a span of approximately 20m to the adjacent dwelling at Coachmans Cottage owned by the applicants.
- 2.2 The cottages are constructed in mixed brick with a tiled roof and 3 no. chimneys of varying ages. Whilst the external structure appears solid the internal space has been gutted, some of the windows are missing and it is clear that the living accommodation was fairly basic. No. 11 is essentially one room up, one down internally and is not connected through to the other properties at ground floor level. It has basically been used as storage space. The other two properties have a linear format where rooms are accessed through others and again appear to have had very limited internal space. Whilst in a poor state, the cottages can be said to have a traditional vernacular design and construction and relate to the historic use of the area.
- 2.3 No.9 is attached on its south west side to no. 8, a white painted cottage which has benefitted from a front porch and a two storey rear extension where it has more space between the north west facing rear elevation and the road than nos. 9, 10 and 11. No. 7 beyond also has a two storey rear extension and there are other front porches further along. The original completely linear format of the terrace has been permanently altered by these previous extensions to nos. 5 – 8. The front side boundary line between nos. 9 and 8 is defined by hedging, otherwise there the land on this side of the terrace is fairly open. There is a further terrace of cottages approximately 11m to the west containing nos. 1 – 4, and a neighbouring dwelling across the road approximately 32m to the north. All these properties are set at a higher level as they are further up the bank.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 The Parish Council view is contrary to the Officer recommendation. In addition the Local Shropshire Council Members has requested determination by Committee. The Principal Officer, in consultation with the Committee Chairman and Vice Chairman, consider that the material planning considerations in this case warrant consideration by the South Planning Committee.

### **4.0 Community Representations**

4.1 - Consultee Comments

4.1.1 Eardington Parish Council - Members of Eardington Parish Council have considered the amendments to the original plans at 9,10 and 11 Lower Forge Cottages and object to the proposals.

4.1.2 SC Conservation - The amended plans have taken on board previous concerns and advice and have resulted in a scheme that is felt to reach a balance between the extension of the properties to enable their functional use and the impact upon the character of the terrace. The proposed scheme is now considered to be acceptable from a Conservation perspective to enable these derelict properties to be retained.

4.1.3 SC Ecology – An Extended Phase 1 Survey was carried out on this site in April 2017 by Salopian Consultancy. This was followed by bat activity surveys between May and July 2017. Conditions and informatives are recommended in relation to the Survey content. Additionally, a European Protected Species 3 Tests Matrix must be included in the Planning Officer’s Report and discussed/minuted at nay Committee at which the application is considered.

4.1.4 SC Drainage – Informative recommended in relation to designing a sustainable drainage scheme for the disposal of surface water from the development.

4.1.5 SC Rights Of Way - The application proposes access over a route that is recorded as public footpath no 17A and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Informative recommended in relation to the use of the right of way.

4.2 - Public Comments

4.2.1 Site notice erected on 10<sup>th</sup> February 2017. Two public representations received objecting to the proposal as submitted. These are available to view in full on file, however are summarised as follows:

- o The extension has a footprint larger than the original.
- o The current footprint of the building could have been used to create 2 rather than 3 dwellings.
- o It would have a huge visual impact not just on the development site, but on the terrace as a whole, and the neighbouring properties.
- o The granting of permission for this development would set a precedent

which will see further development of a similar scale in the hamlet.

- o The extension constructed of large expanses of glass, timber cladding and render will not harmonise with the current row of cottages.
- o The materials are not appropriate for a small historic hamlet in the countryside.
- o At present the row of cottages and other properties adjacent are served by two lanes which meet and run across the frontage of the development site. These lanes are largely of soil and rubble and are often in a poor state needing regular repair by residents to deep them useable. There are approximately 12 car drivers living in or close to the cottages, the proposed 6 parking spaces will mean around a 50% increase in the sue of the lanes.
- o It will damage the open aspect and reduce the natural light to no. 8 Lower Forge Cottages.

4.2.2 Following notification of the amended plans, a further two letters of objection have been received which repeat the previous representations and add the following concerns;

- o The amendments do not address the valid informed comments made by the Conservation Officer on 24<sup>th</sup> February 2017.
- o The NPPF states that where there is evidence of deliberate neglect or damage to a heritage asset this deteriorated state should not be taken into account in any decision.
- o It is understood that the applicant wishes to off-set the renovation costs by increasing the accommodation, but in extending across the entire front, the proposals do not comply with local policy.
- o The proposed conversions will be 60cm off the neighbouring property line with the wall 3.12m high, extending out by 4.1m which will block the next door property.
- o Suggested plan provided showing very similar, but broken up, single storey flat roof extensions.

## 5.0 THE MAIN ISSUES

- o Principle of development
- o Affordable housing
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Ecology
- o Access

## 6.0 OFFICER APPRAISAL

### 6.1 Principle 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 SAMDev Plan. Sporadic new residential development in open countryside is unacceptable unless there are exceptional circumstances.

- 6.1.2 The proposed site falls within open countryside, outside of any development boundaries designated under existing local planning policies. Under LDF Core Strategy Policy CS5 – Countryside and 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 and community benefits, particularly where they relate to a list of specific types of development which includes open market residential conversions, in addition to affordable dwellings, development for agriculture and economic purposes, farm diversification and schemes for the benefit of tourism. However, open market residential conversions will only be considered where respect for a heritage asset and high standards of sustainability are achieved.
- 6.1.3 This proposal is unusual in that it concerns 3 no. cottages which have most recently been used as a single dwelling and which are now proposed to be reinstated as 3 no. properties but require extension in order to achieve modern living standards (substantial refurbishment/internal re-configuration works would also be required if the building were to be used as a single dwelling). Additionally, the cottages are considered to be Non Designated Heritage Assets worthy of protection.
- 6.1.4 Paragraphs 2.25 and 2.26 of the Supplementary Planning Document (SPD) on the Type and Affordability of housing note the following in relation to sub-divisions in the countryside:
- 2.25 Core Strategy Policy CS5 controls the countryside and Green Belt from inappropriate development whilst allowing, “development proposals on appropriate sites which maintain and enhance countryside vitality and character. . . where they improve the sustainability of rural communities by bringing local economic and community benefits”. Sub-divisions of existing residential properties can improve sustainability by helping rebalance the housing stock, particularly in the countryside where there can be a shortage of smaller dwellings.
- 2.26 Sub-divisions also enable rural communities to be adaptable and more resilient to changing economic and demographic needs. In rural areas there are fewer properties available and this can make it difficult for residents to find suitable property in their local area to accommodate their changing needs. For example if they wish to downsize, and/or accommodate the needs of other family members, sub-division is an option that avoids them having to leave the local community and its social support network. Such sub-divisions may be eligible for a nil or reduced affordable housing contribution, either as some form of “low cost ownership” or on the ground of meeting specialist housing needs, where they enable a current resident to meet their needs without leaving their home community.
- 6.1.5 The proposal would provide 2 no. two bedroom and 1 no. 3 bedroom open market dwellings as smaller properties within a rural community in accordance with the SPD as detailed in 6.1.4 above. Justification has been submitted by the agent with this application to demonstrate that provision of fewer dwellings from the cottages

would not be financially viable, and whilst extension is required to achieve 3 no. properties which offer modern living standards, it is considered that significant works would be required to the property however many dwellings resulted. The rest of the terrace has benefitted from a number of extensions, including two storey additions, which have already impacted on its original character. It is considered that the proposed plans as amended show respect for the cottages as a Non Designated Asset and which would bring these units back into a sustainable residential use, preserving the building for future generations. The principle of the development is therefore acceptable.

## 6.2 Affordable housing

- 6.2.1 LDF Core Strategy Policy CS11- Type and Affordability of Housing, requires an affordable housing contribution on all new open market residential development. For one dwelling this would equate to a financial contribution.
- 6.2.2 The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sq m), or 5 units or less in designated protected rural areas.
- 6.2.3 Reading and West Berkshire Councils sought to challenge the WMS at the High Court (Case Ref 76.2015) and on 31<sup>st</sup> July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point Shropshire Council continued to apply its affordable housing policy.
- 6.2.4 The Government challenged this decision through the Court of Appeal which overturned Mr Holgate's decision on 11<sup>th</sup> May 2016 (Case Ref C1/2015/2559). Consequently the WMS still applies and reflected in amended NPPG of the 19<sup>th</sup> May 2016. In addition to this the Housing & Planning Act gained Royal Assent on May 12<sup>th</sup> 2016 and this gives power to Government to make secondary legislation to achieve the same result – i.e. set minimum thresholds for affordable housing contributions.
- 6.2.5 At this juncture, in accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not automatically require an AHC for applications for 10 or less dwellings and less than 1,000m<sup>2</sup> floor area in the majority of cases where the site is not located in a designated rural area.
- 6.2.6 However this cannot be a blanket rule and as such there may be exceptions to this. The Court of Appeal judgement referred to a statement made by the Government's Counsel in the High Court that:-

*“(i) As a matter of law the new national policy is **only one of the matters which has to be considered under section 70(2) of TCPA 1990 and section 38(6) of TCPA 2004 when determining planning applications or formulating local plan policies (section 19(2) of PCPA 2004), albeit it is a***

*matter to which the Secretary of State considers ‘very considerable weight should be attached’;*”

The Court of Appeal agreed with this proposition and confirmed that the development plan remains the starting point for decision taking although it is not the law that greater weight must be attached to it than other considerations. The WMS is policy, not binding law and does not countermand the requirement in s38(6) of the 2004 Act or s70(2) of the 1990 Act.

- 6.2.7 The Council’s position is therefore that the WMS is a significant material consideration but it does not replace or automatically override the development plan as the starting point for planning decisions. Consequently there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.
- 6.2.8 The development plan remains the starting point for decision taking, and this includes Policy CS11 of the Core Strategy which requires an affordable housing contribution on all new open market residential development and the applicant has indicated a willingness to provide such a contribution by submitting an Affordable Housing Contribution Proforma and entering into the Section 106 Agreement process. The WMS is a significant material consideration and postdates the Core Strategy therefore can be regarded as more up to date in relation to affordable housing contributions, but does not replace or automatically override the development plan as the starting point for taking decisions. In this case, the site does not fall within a location where a significant need for affordable housing is evidenced. However, the building is already in situ as an uninhabitable single dwelling and significant work including some extension, is to be carried out in order to make it fully habitable as 3 no small scale dwellings for which there is a demand in Shropshire’s rural communities. The work required to reinstate the building to three dwellings of a smaller scale, more desirable and sustainable within their rural location, attracts some cost for the developer, and would provide a net social gain of two, with or without an affordable housing contribution. For these reasons, it is considered that greater weight can be given to the WMS than the development plan and the affordable housing contribution would not be required in this case having regard to the material change in national policy discussed above.

### **6.3 Design, scale and character**

- 6.3.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built 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. Policy MD2 of the emergent SAMDev Plan builds on Policy CS6 providing additional detail on how sustainable design will be achieved. For a development proposal to be considered acceptable it is required to contribute to and respect locally distinctive or valued character and existing amenity value by:
- i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and

- ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
- iii. Protecting, conserving and enhancing the historic context and character of heritage assets, their significance and setting, in accordance with MD13; and
- iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.

- 6.3.2 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 built, natural and historic environment and does not adversely affect the values and function of these assets. Policy MD13 of the SAMDev Plan sets out criteria by which Shropshire's heritage assets will be protected, conserved, sympathetically enhanced and restored. Policy MD12 of the SAMDev Plan sets out criteria by which the avoidance of harm to Shropshire's natural assets and their conservation, enhancement and restoration will be achieved.
- 6.3.3 The National Planning Policy Framework supports the local policy outlined above under paragraph 17, where one of the listed overarching roles of the planning system in decision taken is to always '*seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Paragraphs 58, 60 and 64 within Section 7 – Requiring Good Design, further promote the requirement for a development to respond to local character, reinforce local distinctiveness, and improve the character and quality of an area and the way it functions, not just for the short term, but over the lifetime of the development.
- 6.3.4 For this particular proposal, there is a balance to be achieved between ensuring that the building can be brought back into a use viable for both the rural community and for the developer, and doing so in a way which secures high quality design and good standard of amenity for all future occupants of the building. Detailed discussions have taken place during the course of this application in relation to the design, scale, massing and materials of the proposed extensions and amended plans have been submitted which it is considered have taken on board officers advice in these respects.
- 6.3.5 Most significantly, the projection of both the single storey and two extensions out to the front have been reduced, and the pitched roof of the single storey front extension has been exchanged for a flat roof thus allowing more of the original cottages to remain exposed i.e. the first floor under eaves windows remain unadulterated with brick walls on three sides, the upper visual proportions of the cottages therefore being retained. At ground floor level the simple, clean lined modern extension proposed across the front elevation would not compete with the traditional appearance of the cottage, and would be read as a contemporary addition in the cottages continuing story. Large areas of glazing have been included to allow reference to the original ground floor level exterior, but not so many as to impede the personal privacy of the occupiers. With regards to the proposed two

storey extension, this is by no means a precedent on this terrace as there are previous two storey extensions at nos. 7 and 8. Its shortening and widening into a single storey/two storey addition are considered to result in better proportioned structures which respect the context of the existing terrace. The single storey pantry/kitchen extension references an existing lean-to brick outbuilding located on the end of the terrace which would be removed to accommodate the proposed extension.

- 6.3.5 The location of the various proposed wall materials has been carefully thought out to best preserve and enhance the appearance of the existing building. Due to the age of the building and the brick mix used for its construction, this would be difficult to match appropriately without resulting in a pastiche look. For this reason a mix of timber cladding and render has been selected both to differentiate from and contrast with the existing brick thus highlighting its attributes. Aluminium framed double glazed windows are indicated for the larger glazing in order to retain a clean aspect. Where the roof of the proposed two storey extension integrates with the existing property the tiles will match tying it together. It is likely that large sections of the roof will in any case need replacing.
- 6.3.6 The cottages are not Listed nor are they within a Conservation Area and whilst they are regarded as Non Designated Heritage Assets, the character of the terrace as a whole has already been distorted by previous extensions, some of which are substantial two storey additions, on the cottages at nos. 5 – 8. The submitted scheme as amended is considered to reach a balance between the extension of the properties to enable their functional use now and for future generations, and the impact upon the character of the terrace.

#### **6.4 Impact on neighbours/residential amenity**

- 6.4.1 It is not considered that there will be a significant impact from overlooking, overbearing or overshadowing on neighbouring residential properties. Nos 9, 10 and 11 Lower Forge Cottages are located on the north east end of the terrace, and therefore in a location where any extension to them is highly unlikely to interfere with the daily path of the sun in relation to the remainder of the terrace to the south west. The proposed two storey extension will be located a minimum of approximately 18m from nos. 5 - 8 Lower Forge Cottages and the nearest neighbour otherwise is the applicants' property approximately 30m to the north east. Whilst the proposed single storey extension is indicated to be adjacent to the boundary at no. 8, it would only project approximately 3.75m forward and be a height of 2.5m, 0.5m above the height of fencing which could be erected under permitted development rights along the divide.
- 6.4.2 No openings are proposed on elevations which face towards nos. 5- 8 Lower Forge Cottages, and the large window on the single storey extension closest to no. 8 is inset from the boundary by approximately 2.35m. The main views from the proposed extensions will therefore be directly to the south east towards the River Severn. There is a first floor bedroom window proposed on the north east elevation facing towards Coachmans Cottage, however it is considered that the 30m distance between the properties – 20m to the boundary, is sufficient to minimise any overlooking potential.

## **6.5 Ecology**

6.5.1 As bat roosts have been identified within the building, the proposed works would need to be carried out under a European Protected Species Licence from Natural England, however this necessity is recognised within the submitted Ecological Appraisal. It is also noted within that document that the works provide an opportunity for protected species enhancements by way of the inclusion of bat and bird boxes. SC Ecology consider that an EPS 3 Tests Matrix should be included as part of this report and conditions and informatives can be applied which would appropriately manage the potential for European Protected Species at the site.

## **6.6 Access**

6.6.1 Vehicular access to the site is currently gained from the track at the end of the plots between them and the river. This track serves all the cottages in the terrace and is looped around the two terraces and Coachmans Cottage. Whilst it is likely that vehicular activity along this track would increase as a result of the proposal, the level incurred from two additional dwellings (which in any case previously existed) is not considered to result in a sufficiently adverse impact to raise concern. The area of outside amenity space allocated at the front of the dwelling is more than adequate to accommodate the 6 no. car parking spaces proposed. The cottages at nos. 5 -8 already benefit from parking spaces and garages along the track so that the new spaces proposed would continue along the same line.

6.6.2 SC Public Rights of Way have noted that the track between the plots and the river is recorded as public footpath no. 17A and does not appear to carry public vehicular rights. This is a matter which could apply to the whole Lower Forge Cottages terrace and is however one which is not a material consideration as the grant of Planning Permission would not imply the existence of any right for the benefit of the applicant to use that way with vehicles. The agent has been made aware of this, and the information will also be imparted as an informative.

## **7.0 CONCLUSION**

7.1 It is considered that this proposal is not contrary to adopted policies as it is an appropriate division of and extension to a building to form three smaller dwellings resulting in a more sustainable form of development within the countryside. The plans as amended have achieved a balance between ensuring that the building can be brought back into use and securing a high quality design and good standards of amenity for all future occupants of the building. By its scale and design the proposed scheme would respect the character of this previously altered traditional terrace and the context of the site without adversely impacting on the residential amenities of neighbouring dwelling. Any potential for European Protected Species at the site can be satisfactorily managed as described in the submitted Ecological Appraisal and by condition.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

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

LDF Core Strategy Policies:  
CS1 Strategic Approach  
CS5 Countryside And Green Belt  
CS6 Sustainable Design And Development Principles  
CS11 Type And Affordability Of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD1 Scale and Distribution of development  
MD2 Sustainable Design  
MD7a Managing Housing Development In The Countryside  
MD12 Natural Environment  
MD13 Historic Environment

Supplementary Planning Documents (SPDs):  
Type And Affordability Of Housing

### RELEVANT PLANNING HISTORY:

BR/78/0418 – The installation of a septic tank to serve a single dwelling at 9 and 10 Lower Forge. Granted 14<sup>th</sup> August 1978.

## 11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OK3E5RTDJC800>



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 dated January 2017.
- Structural Condition Survey Report by Geomitre Consultants Ltd dated 24<sup>th</sup> March 2016.
- Ecological Appraisal by Salopian Consultancy dated 21<sup>st</sup> August 2017
- Lower Forge Viability Calculations received 12<sup>th</sup> April 2017
- Lettings Advice Letter from McCartneys LLP dated 7<sup>th</sup> April 2017

Cabinet Member (Portfolio Holder)  
Cllr R. Macey

Local Member  
Cllr Robert Tindall

Appendices  
APPENDIX 1 – Conditions  
APPENDIX 2 – EPS 3 Tests Matrix

## 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.

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

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

#### CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

4. Details of the roof construction including details of eaves, undercloaks ridges, valleys and verges shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall be carried out in complete accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

5. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the area. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

6. No development shall take place until either:
- a) a European Protected Species (EPS) Mitigation Licence with respect to bats has been obtained from Natural England and submitted to the Local Planning Authority;  
or
  - b) a statement from an appropriately qualified and experienced ecologist has been submitted in writing to the Local Planning Authority explaining why a licence is not required and setting out any additional mitigation measures required.

Reason: To ensure the protection of bats, which are European Protected Species. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

7. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) An appropriately scaled plan showing 'Wildlife/Habitat Protection Zones' where construction activities are restricted, where protective measures will be installed or implemented and where ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots) will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) Requirements and proposals for any site lighting required during the construction phase;
  - d) A timetable to show phasing of construction activities to avoid harm to biodiversity features (e.g. avoiding the bird nesting season);
  - e) The times during construction when an ecological clerk of works needs to be present on site to oversee works;
  - f) Identification of Persons responsible for:
    - i) Compliance with legal consents relating to nature conservation;
    - ii) Compliance with planning conditions relating to nature conservation;
    - iii) Installation of physical protection measures during construction;
    - iv) Implementation of sensitive working practices during construction;
    - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
    - vi) Provision of training and information about the importance of 'Wildlife Protection Zones' to all construction personnel on site.
  - g) Pollution prevention measures.

All construction activities shall be implemented strictly in accordance with the approved plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with MD12, CS17 and section 118 of the NPPF. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a Landscaping Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
  - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
  - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
  - d) Native species used are to be of local provenance (Shropshire or surrounding counties);
  - e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
  - f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority. This information is required prior to the commencement of the development as it relates to matters which need to be confirmed before the development proceeds in order to ensure a sustainable development.

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

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

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

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

10. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

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

11. Prior to first occupation/use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for sparrows, starlings, swifts and/or small birds shall be erected on the site. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

12. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

**CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

13. All demolition, development and biodiversity enhancements shall occur strictly in accordance with Section 3 of the Ecological Appraisal (Salopian Consultancy, 21/08/17.), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of and enhancements for bats, which are European Protected Species.

14. No construction and/or demolition works shall take place before 09:00 a.m. on weekdays and Saturdays, nor after 17:00 p.m. on weekdays and 13:00 p.m. on Saturdays; nor at anytime on Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

15. No further windows or other openings shall be formed in any elevation of the extensions other than those hereby approved.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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, B, C, D or G shall be erected, constructed or carried out.

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

### **Informatives**

1. If your application has been submitted electronically to the Council you can view the relevant plans online at [www.shropshire.gov.uk](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
2. 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.
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](http://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 active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the buildings for active bird nests should be carried out. If buildings cannot be clearly seen to be clear of nests then an appropriately qualified and 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.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

5. Widespread reptiles (adder, slow worm, common lizard and grass snake) are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing and injury. Reasonable precautions should be taken during works to ensure that these species are not harmed.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season for reptiles (approximately 31st March to 15th October) when the weather is warm. Any reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of reptiles or amphibians are present.

6. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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 close-fitting 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.

7. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Councils Surface Water Management: Interim Guidance for Developers document. It is available on the councils website at: [www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/](http://www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/).

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

8. The application proposes access over a route that is recorded as public footpath no 17A. Please ensure that the following criteria is adhered to:
- The right of way must remain open and available at all times and the public must be allowed to use the way without hindrance both during development and afterwards.
  - Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times.
  - Building materials, debris, etc must not be stored or deposited on the right of way.
  - There must be no reduction of the width of the right of way.
  - The alignment of the right of way must not be altered.
  - The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
  - No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation.
9. You are advised that this application proposes access over a route that is recorded as public footpath no 17A and does not appear to carry public vehicular rights. The applicant is very strongly advised to satisfy themselves that they are able to demonstrate a sufficient vehicular right of access before committing further resources to the proposal. Neither the granting of Planning Permission, nor any associated obligations relating to the proposed access, either grant or imply the existence of any right for the benefit of the applicant to use that way with vehicles.
10. 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  
CS5 Countryside And Green Belt  
CS6 Sustainable Design And Development Principles  
CS11 Type And Affordability Of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

Site Allocations & Management Of Development (SAMDev) Plan Policies:  
MD1 Scale and Distribution of development  
MD2 Sustainable Design  
MD7a Managing Housing Development In The Countryside  
MD12 Natural Environment  
MD13 Historic Environment

Supplementary Planning Documents (SPDs):  
Type And Affordability Of Housing



11. 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.

## APPENDIX 2

### EUROPEAN PROTECTED SPECIES: The ‘three tests’

#### Application reference number, site name and description:

17/00298/FUL  
9, 10 And 11 Lower Forge Cottages Eardington Bridgnorth Shropshire WV16 5LQ  
Reconfiguration and upgrade of existing cottages including erection of single storey and two storey extensions to form 3 larger dwellings

#### Date:

4th September 2017

#### Officer:

Sophie Milburn  
Assistant Biodiversity Officer  
sophie.milburn@shropshire.gov.uk  
Tel.: 01743 254765

#### Test 1:

Is the development ‘**in the interests of public health and public safety**, or for other imperative reasons of **overriding public interest**, including those of a social or economic nature and beneficial consequences of primary importance for the environment’?

The building is a deteriorated set of cottages of some historic merit. The reinstatement of its residential use and the preservation of the building is therefore in the public interest by providing high quality accommodation within a Non-Designated Heritage asset. The preservation of the property can only be assured by restoring it to its functional use to warrant its continued upkeep. Additionally, the proposal would help to address the requirement for smaller residential units within the rural area.

#### Test 2:

Is there ‘**no satisfactory alternative?**’

No, the alternative is for no maintenance or extension work to be carried out on the building leaving it to deteriorate and potentially harm the character and appearance of the surrounding rural environment. A high quality refurbishment with mitigation, compensation and enhancement measures for the bats is preferred.

#### Test 3:

Is the proposed activity ‘**not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status** in their natural range’?

Bat surveys between May and July 2017 identified an individual lesser horseshoe day roost and feeding perch and two soprano pipistrelle day roosts.

EPS offences under Article 12 are likely to be committed by the development proposal, i.e. damage or destruction of an EPS breeding site or resting place and killing or injury of an EPS.

The likely offences cannot be avoided through mitigation measures secured through planning conditions as the buildings are going to be converted.

Section 3 of the Ecological Appraisal (Salopian Consultancy, n.d.) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- An Ecological Clerk of Works (ECW) will oversee the works.
- The ECW will carry out a pre-commencement walkover.
- The ECW will provide a toolbox talk to site workers.
- Two Schwegler 2F bat boxes 'will be erected on the southern eastern face of the brick shed to ensure place of refuge ... throughout the construction period.'
- Demolition will take place between October and March when bats are least likely to be present.
- 'Works on the building in areas highlighted as having the potential to support Bats, will occur under the direct supervision of the ECW. These works will be undertaken following four consecutive nights and days above 5°C.'
- If a bat is found at any stage, works will halt and the ECW will be informed. 'The Bat(s) will either be allowed to disperse naturally or the ECW will carefully lift the Bat in gloved hands and carefully place it into a Bat box or suitably dark place on the site.'
- A lesser horseshoe roost will be created 'within a stand alone structure separate to the proposed re-built.' 'The brick shed ... would provide a suitable replacement night perch/day roost for this species.'
- Crevices will be created under roofing tiles, under ridge tiles and 'under the gables onto the wall plate using ... beneath sections of barge board/soffit.'
- Integrated bat boxes will be installed on 'the east gable end and northern aspect of the proposed cottages.
- Bituminous roofing felt will be used 'to avoid the risk associated with spun-bond filaments in modern roofing membranes which are well document as causing entrapment and death of bats.'
- 'Lighting around the site will be on a short timed setting and down lighting to avoid disturbing [bats] and retain dark corridors for [bats] to forage and commute through the surrounding landscape.'

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of lesser horseshoes and soprano pipistrelles at a favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Consultee Access (dated 4th September 2017) are included on the decision notice and are appropriately enforced.

The conditions are:

- Working in accordance with protected species survey;
- European Protected Species Licence; and
- Lighting plan.

## Guidance

The ‘three tests’ must be satisfied in all cases where a European Protected Species may be affected by a planning proposal and where derogation under Article 16 of the EC Habitats Directive 1992 would be required, i.e. an EPS licence to allow an activity which would otherwise be unlawful.

In cases where potential impacts upon a European Protected Species can be dealt with by appropriate precautionary methods of working which would make derogation unnecessary (since no offence under the legislation is likely to be committed), it is not necessary to consider the three tests.

The planning case officer should consider tests 1 (overriding public interest) and 2 (no satisfactory alternative). Further information may be required from the applicant/developer/agent to answer these tests. This should not be a burdensome request as this information will be required as part of the Natural England licence application. If further information is required, it can be requested under s62(3) of the Town and Country Planning Act 1990.

Test 3 (favourable conservation status) will be considered by SC Ecology, with guidance from Natural England.

A record of the consideration of the three tests is legally required. This completed matrix should be included on the case file and in the planning officer’s report, and should be discussed and minuted at any committee meeting at which the application is discussed.

As well as the guidance provided below, pages 6 and 7 of the Natural England Guidance Note, *Application of the Three Tests to Licence Applications*, may assist the planning officer to answer tests 1 and 2.

### **Answering the three tests**

#### **Test 1**

Is the development ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment?’

**Preserving public health or public safety** must also be shown to constitute a reason of **overriding public interest**. You need to demonstrate that action is required to alleviate a clear and imminent danger to members of the general public, e.g.:

1. If an unstable structure (e.g. a building or tree) is involved, either through neglect or outside influences (e.g. severe weather or seismic events), supporting evidence from an appropriately qualified person such as a structural engineer, arboriculturalist or tree surgeon should be sought.
2. If vandalism or trespass is used as an argument, evidence of reasonable measures to exclude the general public from the site must be presented. Evidence may be provided by the local police or fire services in relation to the number of incidents dealt with.

#### **Imperative reasons of overriding public interest**

Only public interests can be balanced against the conservation aims of the EC Habitats Directive (1992). Projects that are entirely in the interest of companies or individuals would generally not be considered covered.

#### **Test 2**

Is there ‘no satisfactory alternative?’

An assessment of the alternative methods of meeting the need identified in test 1 should be provided. If there are any viable alternatives which would not have an impact on a European Protected Species, they must be used in preference to the one that does. Derogations under the EC Habitats Directive (1992) are the last resort.

Where another alternative exists, any arguments that it is not satisfactory will need to be convincing. An alternative cannot be deemed unsatisfactory because it would cause greater inconvenience or compel a change in behaviour.

This test should identify a) the problem or specific situation that needs to be addressed, b) any other solutions, and c) whether the alternative solutions will resolve the problem or specific situation in (a).

### **Test 3**

Is the proposed activity ‘not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range’?

Assessment of the impact of a specific development will normally have to be at a local level (e.g. site or population) in order to be meaningful in the specific context.

Two things have to be distinguished in this test: a) the actual conservation status of the species at both a biogeographic and a (local) population level; and b) what the impact of the proposal would be.

In such cases where the conservation status is different at the different levels assessed, the situation at the local population level should be considered first, although ultimately both should be addressed.

No derogation under the EC Habitats Directive (1992) can be granted if the proposal would have a detrimental effect on the conservation status or the attainment of favourable conservation status for a European Protected Species at all levels. The net result of a derogation should be neutral or positive for a species.

In the case of the destruction of a breeding site or resting place it is easier to justify derogation if sufficient compensatory measures offset the impact and if the impact and the effectiveness of compensation measures are closely monitored to ensure that any risk for a species is detected.

Compensation measures do not replace or marginalise any of the three tests. All three tests must still be satisfied.

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Committee and date

South Planning Committee

24 October 2017

## Development Management Report

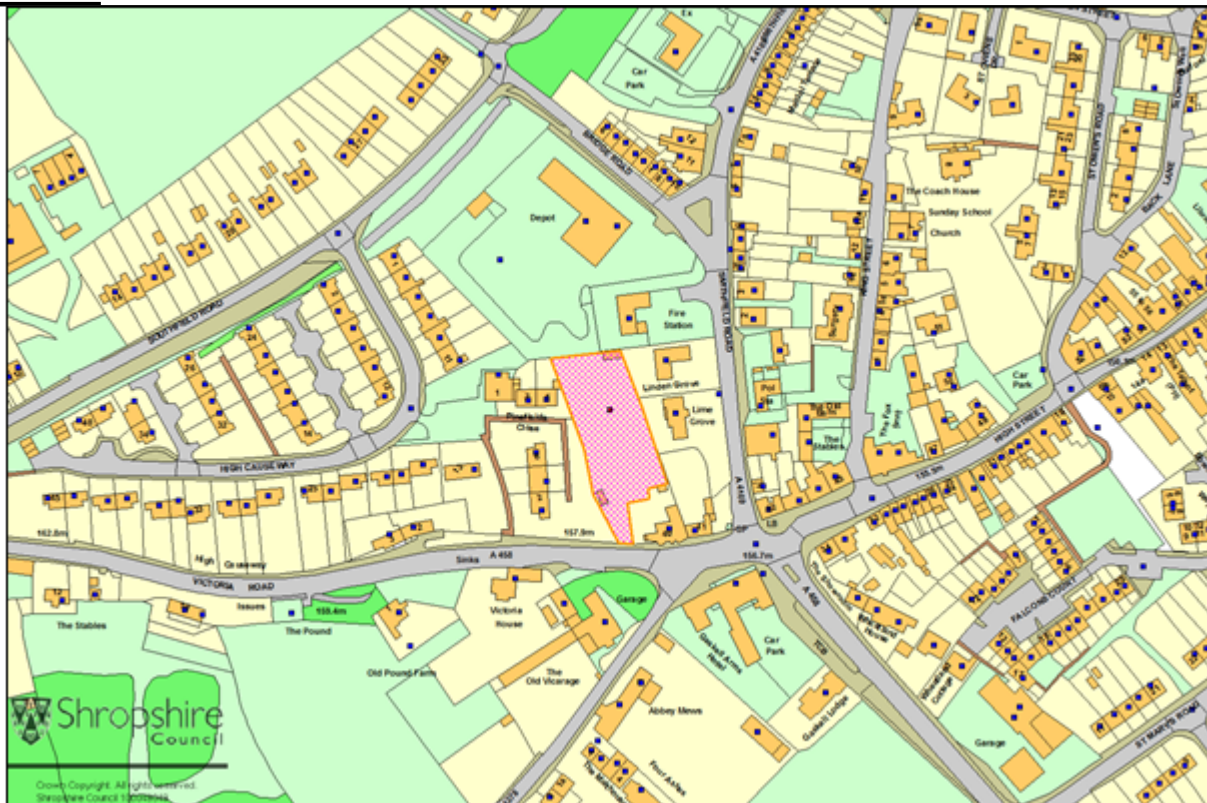
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 17/00998/FUL	<b>Parish:</b>	Much Wenlock
<b>Proposal:</b> Erection of one dwelling with garage; repair to outbuilding; erection of one pair of semi-detached dwellings with attached 3 bay garage		
<b>Site Address:</b> Proposed Residential Development Land North Of Victoria Road (40 High Street) Much Wenlock Shropshire		
<b>Applicant:</b> SBL Property Ventures Ltd		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 362050 - 299841



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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 relates to garden land at 40 High Street. This property, which is positioned on the back edge of the footpath, is a grade 2 listed building which is in a very poor state of repair. The proposal is to erect detached dwelling and a pair of semi-detached within the grounds of the property, with the supporting information with the application indicating that the proposal is 'informal enabling development' as a funding source for the costly repairs to the listed building. A previous application (ref 15/02563/FUL) to erect four detached dwellings within the grounds of the property was refused under Officer delegated powers on the 14<sup>th</sup> October 2015 for the following reasons:

1. *No information has been submitted setting out the repair works needed to the listed building, the estimated cost of those works, what funds it is anticipated would be generated by the sale of the proposed dwellings to invest in the repair of the listed building, the timescale for works to be done or of the linkage that would ensure profits from the development (or an agreed proportion of them) would be spent on this listed building. In the absence of this information little weight can be attached to the assertion the proposal would be enabling development that would justify a relaxation of other Development Plan policy requirements, including the requirement for an affordable housing contribution under Shropshire Core Strategy policies CS9 and CS11 and Much Wenlock Neighbourhood Plan policy H1.*
2. *The proposed 4 bedroomed dwellings, by reason of their scale, form, massing and site layout, would be visually discordant in this setting, at odds with the vernacular architecture of the adjacent listed building and older properties within the conservation area and out of scale with the single storey properties to the west, thereby harming the setting of the listed building and the character and appearance of the Much Wenlock Conservation Area and its setting. The proposed development is therefore contrary to Shropshire Core Strategy policies CS6 and CS17; Much Wenlock Neighbourhood Plan policies H1; H4; GQD2 and GQD4 and paragraphs 7, 58, 60, 64, 131 and 137 of the National Planning Policy Framework.*
3. *The proposed development, by reason of the layout, would result in the retained trees having a domineering and overbearing presence on the proposed dwellings casting excessive shade and causing anxiety, which would be likely to lead to requests for substantial pruning or felling of protected trees. In addition the proposed layout shows the removal of a horse chestnut tree and would not provide sufficient space for the planting of replacements for this tree, a recently felled beech tree and trees that would be removed in the vicinity of proposed plot 1 and the adjacent estate road, that would be able to grow to a similar stature. Consequently the proposed development would detract from the character and appearance of the Much Wenlock Conservation Area and its setting, and would be contrary to Shropshire Core Strategy policies CS6 and CS17; Much Wenlock*



*Neighbourhood Plan policies GQD2 and LL3; and paragraphs 7, 118 and 131 of the National Planning Policy Framework.*

4. *The application site contains mature trees, vegetation and buildings which have the potential to be habitat for protected species. No ecological assessment has been submitted in respect of the application site and surrounding land. In these circumstances it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).*
5. *The proposed development, by reason of the scale and positioning of the proposed dwellings on plots 3 and 4, would have an overbearing impact on the existing properties immediately to the west and east of the site; and the positioning and design of the proposed dwelling for plots 2 and 3 would compromise the privacy of the dwellings immediately to the east of the site. The proposals would therefore be contrary to Shropshire Core Strategy policy CS6 in failing to safeguard residential amenity.*
6. *The proposed configuration of the access and the restricted on site manoeuvring space shown on the proposed site plan drawing, particularly when all parking spaces are occupied, would be likely to result in vehicles having to reverse onto the public highway, to the detriment of highway and pedestrian safety and contrary to Shropshire Core Strategy policy CS6 and saved Bridgnorth District Local Plan policy D6.*

- 1.2 The current application seeks to address these refusal reasons. It was submitted in tandem with a listed building application (ref 17/00989/LBC) which comprised of a scheme of works for the repair and renewal of roof coverings, rainwater goods, rendering, doors, windows and internal alterations, which was approved under Officer delegated powers on the 23<sup>rd</sup> August 2017.
- 1.3 The existing access into the site comprises of two metal gates with supporting brick pillars, positioned on the back edge of the footpath. These gates would be removed and the access widened on its eastern side by the removal of the brick pillar and a section of wall to create a two vehicle width access, so that vehicles would not need to wait on the public highway to enter the site should another vehicle be waiting to leave at the same time. The group of Cypress, Holly, Laburnum and Elm trees within the gateway and close to the western site boundary (and partly within the Much Wenlock Conservation Area) would be removed to create the initial section of the drive with provision for passing and guest parking (The substantial Beech Tree immediately to the west of and outside of the application site, which is very prominent in the street scene, and an adjacent birch tree, are shown retained). The brick pillar would be reinstated in the new position and the garden area retained by the listed building enclosed by a brick wall. Part of the enclosure to the listed building's retained garden would be provided by a three car garage building, which would provide a single garage with forecourt parking space for the listed building.
- 1.4 The design of the garage building, which would be attached to the semi-detached pair of dwellings and be clad externally with horizontal black timber boarding under a dual pitched slate roof, hipped at its southern end, would be reminiscent of a traditional cart shed. The front (west) elevation would feature three pairs of side hung timber doors. It would be attached to the semi-detached pair of dwellings

which would take the form of a vernacular outbuilding range of the form and proportions associated with 1.5 storey 19<sup>th</sup> Century barns and outbuildings often associated with prestigious dwellings. The building would be constructed in two wings, creating an essentially 'L' shaped floor plan, forming a four bedroomed and a three bedroomed dwelling. The buildings would be constructed from hand made bricks, a slate roof, timber casement windows, guttering and downpipes of cast aluminium to maintain historic continuity and have conservation style roof lights. The west facing elevation, facing the internal access road, the northern end (unit 1) would feature a short projecting two storey gable with a wide, full width arched opening at ground floor level to the kitchen/dining area, with a narrower, but similarly detailed first floor opening above extending up from first floor level into the apex of the gable serving a bedroom. The remaining section of the west elevation to this unit would have a wide ground floor arched head opening to provide covered parking for this dwelling with a single roof light in the roof plane serving a bedroom above. The west elevation to unit 2 would have three ground floor openings, comprising of a small square window with arched head to a kitchen and dining area, boarded front door to the hallway and a full height window to the living room matching the size of the front door opening. A single first floor window, directly above the ground floor window and tight under the eaves, would serve a bedroom. Two areas of diamond shaped brick ventilation panels would feature on this elevation. There would be two conservation roof lights on this part of the roof to light and ventilate a bathroom and ensuite. The attached garage building would provide two garage spaces for this dwelling.

- 1.5 The rear (east) elevation to unit would feature a gable facing the existing dwellings to the east, which would contain no window or door openings and would have brick ventilation band detail to relieve the expanse of brickwork. The remaining section of the rear elevation of this unit, which is part of the same wall forming the rear elevation of unit 2, would have recessed doorway to the car parking area with a small first floor bedroom window to a bedroom over. The rear elevation to unit 2 would contain two first floor bedroom windows matching the size and form of that to unit 1 on the same elevation, with two ground floor windows of the same size, but with arched heads, serving the kitchen and utility area. A larger floor to ceiling opening with matching head detail would be infilled with glazed doors to the living room area. The diamond brick detail would be repeated in three locations at first floor level.
- 1.6 The north facing elevation of unit 1 would contain a single boarded door to the hallway of that unit, a glazed opening of matching proportions to the hall door serving the kitchen and dining area and a square window to the lounge. At first floor level there would be a single bedroom window and two areas of ventilation brick detail. Two roof lights on the north facing roof slope would serve a bathroom and ensuite bathroom. Units 1 and 2 would have walled rear gardens.
- 1.7 To the west of unit 1 the existing group of Corsican Pines and Beech tree close to the site boundary would be retained. The access road would follow a 'horse shoe' alignment, terminating in parking area for unit 1. Two turning head areas would be provided at points along this road. The area to the north of the access road would contain the proposed detached 4 bedroom dwelling (Unit 3). It would be positioned between a horse chestnut and an oak tree that would be retained. The front

elevation of the dwelling would be orientated to face in a south-easterly direction. The dwelling would be a two storey dual pitched roof building with projecting front gable creating an 'L' shaped plan. A canopy porch would sit in the 'L' over the front door. The windows would be a mix of single, two and three bay casements, with a set of French doors to the lounge on the rear elevation. A projecting chimney stack would feature on the east elevation (labelled west on the drawing). A detached single garage, with a dual pitched roof, would be positioned to the east of the dwelling. External facing materials would be handmade bricks with small clay tiled roofs, timber casement windows and cast aluminium rainwater goods. An existing brick outbuilding in the north eastern corner of the site would be retained and refurbished with matching bricks, hydraulic lime mortar, clay roof tiles and timber doors and casement windows for use as a domestic workshop/storage.

- 1.8 In response to queries raised, the agent has confirmed that the existing hedgerow planting along the eastern site boundary would be retained. Additional site section information has also been supplied north-south through the site; west-east through the detached unit and west-east through the barn units.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The approximately rectangular shaped site is bordered by the listed building and the A458 Road to the south, bungalows of the Pinefield Close sheltered housing to the west, the carpark to commercial premises and the fire station to the north, and two detached dwellings with relatively short rear gardens to the west, together with part of the garden to another property fronting High Street (no.41). The Bourton Road joins High Street/Victoria Road opposite the application site and the junction is in close proximity to that between High Street, Bridgnorth Road and Smithfield Road which is dominated by the listed Gaskell Arms Hotel.
- 2.2 The site falls within the development boundary shown in the Much Wenlock Neighbourhood Plan and in the Adopted Site Allocations and Management of Development (SAMDev) Plan. The front (southern) quarter of the site, which includes the listed building, falls within the Much Wenlock Conservation Area. The tree group which straddles the western site boundary is the subject of a group tree preservation order dating from 1962 (G1), with the beech tree outside of the application site but close to the site entrance on High Street/Victoria Road being the subject of an individual tree preservation order.

## **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The application proposals are related to the condition of a prominent listed building within the Much Wenlock Conservation Area. It is considered that the application warrants committee consideration due to the importance of this site to the setting of the listed building and the Much Wenlock Conservation Area, the public interest concerning both the principle of, and the form of, any new development here and the impact upon the listed building, trees and neighbour amenity.

## 4.0 Community Representations

- Consultee Comments

### 4.1 Much Wenlock Town Council – Comment:

- i. Clarification is required as to the meaning of an 'informal enabling development'.
- ii. The Council agrees with Statement 1 associated with refusal of planning application no.15/02563/FUL concerning repairs/development of the Listed Building.
- iii. Flood Defence Consent will be needed in accordance with the Water Resources Act 1991 and associated byelaws, since the site is within 8 metres of a main river.
- iv. The garden is too small for a 4 bedroom semi-detached property of this size.
- v. The proposed garden wall should be extended to the full width of the plot (see bullet point 6). This would enable Pinefields (no. 49) to have extra garden space.
- vi. Proposed access/egress is in a hazardous location and an alternative should be considered. The Council suggests that only no. 40 exits onto Victoria Road with a new access created for the three proposed new builds at Pinefield Close. This would be a much safer option in highways terms and would give no. 40 an enlarged parking area along with storage for wheelie bins. Therefore, only one wheelie bin would need to be left on the main road during collection days. The remaining wheelie bins from the new builds could be left at Pinefield Close.
- vii. It is essential that a detailed ecology survey is carried out since the Committee is aware of a colony of bats on this site.

The application states that a section of a mature hedgerow will be removed and replaced. The Committee is opposed to this and feels it is unnecessary and therefore asks that the existing hedgerow should be retained and maintained.

### 4.2 SC Highways Development Control (27-04-17) – No Objection:

Acknowledge that the highway visibility splays specified in the comments below may not be achievable, but the assessment of the earlier withdrawn application 15/02563/FUL established that adequate visibility could be achieved in this site context and the principal requirement is for vehicles to be able to enter and leave the site in a forward gear.

Acknowledge that previous schemes, the last being from 2001 for two dwellings, have been refused grounds which have included the additional movement of vehicles into and out of the access as a result of the proposed development would be likely to lead to conditions detrimental to highway safety.

However, present day highway considerations in the context of the NPPF where development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe and Manual for Streets would indicate that use of the access by a limited number of dwellings could be acceptable in principle, even with the road junctions in the immediate vicinity and the alignment of the principle road.

#### 4.2.1 SC Highways Development Control (18-04-17) – No Objection:

The site is the rear garden of No. 40 Victoria Road Much Wenlock. The house is also known as Pinefields and probably earlier was known as 40, High Street as

indicated by the house numbering. The house has been closed up for a great many years and the garden similarly neglected. The main house is subject of a listed building consent application 17/00989/LBC.

The proposal is for the erection of a detached four bedroomed house with detached single garage; the repair of an outbuilding and erection of a pair of barn style semi-detached houses one four bedroomed, one three bedroomed plus parking for each unit and the main house with a mixture of allocated spaces, cart shed type garaging and open parking areas which amount to more than the six stated on the application form.

It should be noted that the single garage associated with the detached four bedroomed house has a driveway leading to the vehicle doors and a pathway leading from the front door of the house to the west side of the garage where presumably the pedestrian door for the garage is expected to be located except that on Drawing No. 995-01-DT ELE GR PR Apr. 2017, the door appears to be on the east side, away from the pathway.

Where parking has been allocated to the north of the walled garden for Unit One, the four bedroomed barn style house, this should include a turning head a driver cannot be expected to reverse around the whole semi-circular driveway to the turning head located for visitor parking. With regard to the existing access, it should be noted that a shared access drive should be 4.2 m in width, maintained for the first 6m. If it is bound on either side by a wall, fence or something that acts as such then an additional 0.6m should be added for each side which is thus constrained. This is especially crucial when bearing in mind the nature of the road to which access is gained, it being the busy A458.

A visibility splay for approaching and emerging drivers is required and should be measured 2.4m back from the edge of the carriageway at a height of 1.05m and give at least 43m visibility distance. The boundary walls of the visibility splay should be no more than 600m in height to allow a view of approaching short pedestrians. Although this is an existing access, the additional buildings contribute to it being looked on as a new access and should be the best access that it can be to allow a view for and of emerging vehicles plus approaching pedestrians on the adjacent footway.

Any gates provided to close the proposed access must be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only in order to allow a vehicle to stand off the highway while gates are being opened/closed.

From the potential householders view, the length of driveway is the trip which they will have to make, weekly, to put refuse and recycling bins out for emptying. The recommended maximum distance is 25m. The more houses built off one driveway, the more, smooth, level space is required at the roadside for temporary storage of refuse bins and recycling boxes which must not be allowed to obstruct the highway or the visibility splay of the access. Collection is made from the roadside.

If the surface of the driveway is to be laid to gravel. The first few metres of the track should be given to sealed hard standing so as to prevent re-location of loose material onto the highway. This is a highway safety issue where the braking surface could be compromised.

When houses are built behind the house-line that fronts a road, some consideration should be given to those who require access to the front door, the letterboxes and deliveries in general. The installation of secure gate-side post and paper boxes should be considered. Alternatively, provide a good walking surface to the front door.

Due to the constraints of the site and it being in proximity to a busy 5 arm junction, a Construction Method Statement will be required to include a Traffic Management Plan.

Conditions:

Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access to the highway.

Parking and Turning

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

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

Gates

Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

On-site Construction

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan

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

Informatives recommended may be found at Appendix 1.

#### 4.3 SC Archaeology – No Objection, recommending planning condition:

The proposed development site lies to the rear of the Grade II Listed Building of No 40, High Street (National Ref. 1367558) and within the post-medieval urban form of Much Wenlock (Shropshire Historic Environment Record [HER] PRN 05030) as defined by the Central Marches Historic Towns Survey. The proposed development site forms part of a group of tenement plots north of Victoria Road (HER PRN 05025) and lies adjacent to the medieval and post medieval street system (HER PRN 05019 & 05030).

A desk based assessment (Castlery Archaeology, April 2015), was submitted with a previous application for this site. The assessment identified that the site lies just outside what is considered to be the extent of the medieval town, but within an area defined as post-medieval tenement plots, and indicated that there was potential for unrecorded evidence or chance finds and deposits from the late medieval to post-medieval periods within the development site. The assessment concludes the proposed development site has moderate archaeological potential relating to the late medieval to post-medieval periods and recommended a mitigation strategy to comprise a programme of archaeological investigation and recording. We concur with these findings.

#### RECOMMENDATION:

In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a phased programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise an initial evaluation of the site to comprise trial trenching prior to construction commencing, with further archaeological mitigation thereafter if deemed necessary. This may include further pre-commencement excavation and/or a watching brief during groundworks. An appropriate condition of any such consent would be: -

#### Suggested Conditions:

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

Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest.

#### 4.4 SC Conservation (04-04-17) – No Objection:

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, policies MD2 and MD13 of the Site Allocations and Management of Development (SAMDev), the National Planning Policy Framework (NPPF) published March 2012, Planning Practice Guidance and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

The application proposes the erection of 1 no detached dwelling with associated garage, 2 no semi-detached dwellings, erection of 3 bay garage and repair of existing outbuilding. The site lies adjacent to 40 High Street, Much Wenlock and is partially within and partially adjacent to the Much Wenlock Conservation Area and within the setting of 40 High Street a Grade II listed building. The proposal is linked to a listed building consent for the full renovation of 40 High Street.

The design of the proposed scheme has aimed to consider all the site constraints and provide a form and layout that refers well to the existing context. The proposed layout provides adequate separation between the new dwellings and the listed building and sufficient amenity space for the listed building which is considered appropriate. The use of barn style attached dwellings to the rear of the listed building creates a linear form of development which is considered an appropriate form of development for this rear plot. The proposed rear detached unit sits well back within this large plot and has ample amenity space. The designs of the proposed dwellings have incorporated traditional design details, appropriately detailed openings and traditional materials and are considered to be appropriate in this context. The scheme will help to enable the renovation of 40 High Street and the redevelopment of this derelict site which is considered to be an enhancement to the conservation area and the listed building and its setting.

The proposal is considered to accord with policies, guidance and legislation as outlined above and is fully supported from a conservation perspective.

Recommendation:

Recommend approval

Suggested Conditions:

External Materials, Joinery Details, Landscaping, condition relating to the completion of the renovation of 40 High Street prior to occupation of the new dwellings.

#### 4.5 SC Drainage (07-08-17) - No Objection:

The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The proposed surface water drainage proposals are acceptable in principle. Percolation tests and the sizing of the soakaways should be designed in



accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

The development lies within a groundwater Source Protection Zone 3. Surface water run-off should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

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

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total impermeable area to greater than 100%, 100% should be used as the maximum. 'Curtilage' means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

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

4.5.1 SC Drainage (05-04-17) – No Objection: The proposed drainage details, plan and calculations should 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.

2. On the planning application, it state that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection must not be made, as it can result in increased flood risk elsewhere. As part of the developments surface water drainage system, the applicant must demonstrate how measures such as the following have been considered: Surface water soakaways; Permeable surfacing on the access road, driveway and paved area; Attenuation pond; Infiltration basin; Rainwater harvesting system; Green roofs; Water Butts.

The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 35% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

The development lies within a groundwater Source Protection Zone 3. Surface water run-off should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 35% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

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

2. Urban creep is the conversion of permeable surfaces to impermeable over time e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings, creation of large patio areas.

The appropriate allowance for urban creep must be included in the design of the drainage system over the lifetime of the proposed development. The allowances set out below must be applied to

the impermeable area within the property curtilage:

Residential Dwellings per hectare Change allowance % of impermeable area

Less than 25 10

30 8

35 6

45 4

More than 50 2

Flats & apartments 0

Note: where the inclusion of the appropriate allowance would increase the total

impermeable area to greater than 100%, 100% should be used as the maximum. Curtilage means area of land around a building or group of buildings which is for the private use of the occupants of the buildings.

Reason: To ensure that the proposed surface water drainage systems for the site are designed for any future extensions of impermeable surfaces.

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

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

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

#### 4.6 SC Trees (06-04-17) – No Objection in principle:

I have reviewed the plans and information submitted in association with this application and I can report that I do not object in principle on arboricultural grounds to the proposed development. I agree in the main with the findings and recommendations of the tree report (Tree Health Consulting Ltd, THC/2017/03/03, 3<sup>rd</sup> March 2017) and the conclusion that the proposed development can be implemented without causing damage to retained significant trees, providing appropriate precautions and controls are adopted, as specified in the report.

There is one point of detail over which I have concerns and that is the garage unit for the detached dwelling, which extends a significant distance into the root protection area (RPA) of the mature oak tree T11. This has the potential to cause significant damage to the roots of this tree, which will already be impacted by the degree of remedial work and facilitation pruning required to its crown. I would therefore ask whether the garage could be shifted slightly to the south, so as to have less impact upon the RPA; although I appreciate that this would result in a foreshortening of the drive in front of the garage.

I agree that the isolated twin-stemmed horse chestnut (T10) now presents an unacceptable level of risk, given the loss of the neighbouring and sheltering mature beech (former T9). I therefore would not object to the removal of T10, subject to appropriate replacement planting, irrespective of any development at the site.

I also agree that removal of the dense group of conifers G1 from the southern part of the site will not have a detrimental effect on visual amenity. To the contrary, given suitable and appropriate replacement planting as part of an approved landscape scheme, in my opinion removal of these dark and oppressive trees will benefit the visual appearance of the site.

The poor condition of beech tree T7 is noted and it is agreed that further monitoring of the tree and inspection when in full leaf is warranted. I consider that retention of

the tree does not compromise the efficacy of the scheme as proposed and further, should its condition deteriorate further so as to require its removal at some point in the future, then the space it previously occupied would provide opportunity for planting a suitable replacement tree.

Ideally the issue over the siting of the garage should be resolved prior to determination. However, if the application is determined beforehand, I would recommend attaching the following conditions to any permission for this application:

- Tree works shall be carried out as specified in section 5.4 and Appendix 3 of the approved tree report (Tree Health Consulting Ltd, THC/2017/03/03, 3<sup>rd</sup> March 2017).

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- Where the approved plans and particulars indicate that construction work or installation of any drainage or service run is to take place within the Root Protection Area of any retained tree, woody shrub or hedge, then prior to commencement of any development-related works on site, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the LPA. The TPP shall include details on how any such retained tree, woody shrub or hedge will be protected from harm or damage during the development.

Reason: to ensure that approved work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- All pre-commencement tree protection measures detailed in the approved Tree Protection Plan (TPP) shall be fully implemented to the written satisfaction of the LPA, before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved TPP and Method Statement (Appendices 5 and 6 of the approved tree report [Tree Health Consulting Ltd, THC/2017/03/03, 3<sup>rd</sup> March 2017]).

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

- No works associated with the development will commence and no equipment, machinery or materials will be brought onto the site for the purposes of said development until a tree planting scheme, prepared in

accordance with British Standard 8545: 2014 Trees: from Nursery to Independence in the Landscape – Recommendations, or its current version, has been submitted to and approved in writing by the LPA. The approved scheme shall include:

- a) details of the trees and shrubs to be planted in association with the development, including species, locations or density and planting pattern, type of planting stock, size at planting, means of protection and support, planting period and date of completion, and measures for post-planting maintenance and replacement of losses;
- b) details as relevant of the specification and location of the barriers to be installed prior to commencement of development (and / or any other measures to be taken), for the protection of ground reserved for the planting identified in a) above.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

- The approved tree planting scheme shall be implemented as specified and in full prior to occupation of the first completed dwelling. If within a period of three years from the date of planting any tree or shrub, or any tree or shrub planted in replacement for it, dies or in the opinion of the LPA, becomes seriously damaged or diseased, another tree or shrub of a similar specification to the original shall be planted at the same place during the first available planting season, unless agreed otherwise in writing with the LPA.

Reason: to ensure satisfactory tree and shrub planting as appropriate to enhance the appearance of the development and its integration into the surrounding area.

4.7 SC Ecology (18-08-17) – No Objection: Conditions and informatives are recommended.

A Preliminary Ecological Assessment and a Daytime Bat Survey were carried out on this site in September 2015 by Middlemarch Environmental. A Protected Species Survey was carried out in June and July 2017 by Arbor Vitae Environment.

Habitats

Habitats on the site consist of dense scrub, tall ruderal vegetation, poor semi-improved grassland, hardstanding, buildings, mature and semi-mature coniferous and broadleaved trees, a species-poor defunct hedgerow, bare ground, walls and fencing.

‘Any trees and hedgerows on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 “Trees in relation to design, demolition and construction – recommendations”.’

‘Any trees that are removed should be mitigated within the landscaping design, through the inclusion of appropriate native or wildlife attracting species of adequate size.’

Middlemarch Environment recommends the planting of native seed- and fruit-bearing species, nectar-rich species, wildflower grassland margins and species which attract night flying insects.

### Bats

#### *Buildings*

The house provides potential roosting opportunities, although no evidence of roosting was observed.

The shed and stables are considered to be sub-optimal to support roosting bats. The greenhouse does not contain any potential roosting features.

#### *Trees*

Middlemarch Environment identified three mature trees on the site containing potential roosting features, two beech trees in the west of the site and an oak tree in the north-east of the site.

Arbor Vitae Environment identified five trees containing potential roosting features: the two beech trees in the west of the site, a black pine and a horse chestnut also in the west of the site and a dead cherry in the south-east of the site.

#### *Activity surveys*

Emergence surveys were carried out on 6th June and 5th July 2017. No roosting behaviour was identified. Small numbers of common pipistrelles were recorded foraging on the site and a noctule was recorded flying over during the first survey.

‘No evidence was seen from activity surveys that any of the trees were in use by bats.’

Should any works to the mature trees be required in the future (e.g. felling, lopping, crowning, trimming) then this should be preceded by a bat survey to determine whether any bat roosts are present and whether a Natural England European Protected Species Licence is required to lawfully carry out the works.

‘Visual and activity surveys conclude that bats do not use any of the buildings for regular roosting. However, the survey of the house could not be thorough due to inaccessibility and building work on this property should be guided by precautionary principles and a Method Statement.’ Section 7.1 contains the method statement that should be followed in full during the works:

- An Ecological Clerk of Works (ECW) will oversee the removal of roofs.
- ‘All contractors on site will be briefed by the ECW on the procedure to follow if an individual bat is found, including being aware of the risk of rabies.’
- ‘A pre-commencement survey will be undertaken by the ECW to ensure that no bats are inside the building before work commences.’

- 'Work to the house should be carried out in the autumn/winter to avoid peak activity periods.'
- Three Schwegler bat boxes will be erected on the house.

Should a bat be encountered while working on any of the buildings, works must immediately cease and a suitably qualified ecologist contacted for advice.

The lighting scheme for the site should be sensitive to bats and follow the Bat Conservation Trust's guidance.

### Birds

The trees, hedgerow, dense scrub and buildings provide potential nesting opportunities for birds.

Two disused blackbirds were observed in the stables in 2017.

Vegetation removal and works to the buildings should take place between September and February to avoid harming nesting birds. If this is not possible then a pre-commencement check must be carried out and if any active nests are present, works cannot commence until the young birds have fledged.

The landscaping scheme should include some tree and scrub planting.

Bird boxes should be erected in suitable locations on the site to provide replacement and additional nesting opportunities for birds. Arbor Vitae Environment recommend 10 boxes suitable for small bird species.

### Other species

No evidence of any other protected or priority species was observed on, or in close proximity to, the site.

Areas of long and overgrown vegetation should be removed in stages and in one direction, towards remaining vegetated areas (hedgerows etc.).

Site materials should be stored off the ground, e.g. on pallets or in skips, to prevent them being used as refuges by wildlife.

Trenches should be covered overnight or contain a ramp so that any animals that become trapped have a means of escape.

Hedgehog passes should be included under fences to allow small animals to move freely through the site.

### Conditions and informatives

The following conditions and informatives are recommended for inclusion on the decision notice:

### **Ecological Clerk of Works condition**

Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the bat RAMMS, as set out in section 7.1 of the Protected Species Survey (Arbor Vitae Environment, July 2017). Reason: To demonstrate compliance with the bat RAMMS.

### **Landscaping Plan condition**

No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

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

### **Bat boxes condition**

Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 3 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

### **Bird boxes condition**

Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts, sparrows, house martins, starlings, and/or small birds shall be erected. The boxes shall be sited at least 2m from the ground on a suitable tree or structure at a northerly or shaded east/west aspect (under



eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

### **Lighting Plan condition**

Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting* (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

Informatives recommended are set out in Appendix 1.

#### **4.7.1 SC Ecology (01-06-17) – Comment:**

The Daytime Bat Survey (Middlemarch Environmental, October 2015) identified potential bat roosting opportunities in the existing building and in three mature trees on the site.

Middlemarch recommended bat activity surveys of the building. These have not been submitted.

Middlemarch did not recommend surveys of the trees, unless they were going to be directly impacted by the works. However, given how close the development is to the trees (and thus the indirect impacts through disturbance and lighting during and post-construction) and the 20 months that have passed since the assessment, these trees should be surveyed and the results submitted in support of the planning application.

Please re-consult Ecology when the activity survey report has been received

#### **4.7.2 SC Ecology (13-04-17) – Recommend Refusal:**

In the absence of additional information it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010). An Ecological Assessment of the site is required and the trigger point for a bat survey is met.

#### **-Public Comments**

#### **4.8 Wenlock Tree Forum – Comment:**

Tree removals have been recommended at this stage based solely on arboricultural management. Much Wenlock Tree Forum requests that community amenity

considerations should also be taken into account including bio diversity and eco habitat. We have no objection to removal of T7, we question the assumption to remove T10 until further assessment can be considered once T9 is felled. T11 should be retained. G1 should not be entirely removed without consideration of further planting particularly if an Elm is correctly identified. Trees off site provide good amenity value and are under the control of Shropshire Council. T1 must be retained and finally the applicant must be reminded that if protected trees are felled then similar trees must be planted in the close vicinity.

4.9 Much Wenlock Civic Society – Comment:

The Much Wenlock Civic Society has lobbied for many years for the refurbishment of 40 Victoria Rd (Pinefield). The Committee is therefore pleased, in principle, to see these latest applications. We consider that refurbishing No 40 would help provide a sustainable future for the whole site, and restore an imposing house in a prominent position, within the Conservation Area, at the main entrance to the town.

As well as its architectural value, No 40 was occupied by Dean Cranage, a noted Victorian antiquarian and cleric. His magisterial study of the architecture of Shropshire's churches remains the unchallenged text for students of the subject and his tenancy of the house is fundamental to its historic importance. It was Cranage who gave it the name Pinefield.

However, to ensure the desired outcome and preserve the setting for Pinefield, we believe that the following issues need to be addressed.

1. There must be a formal tie-in between the new build and work on No 40, such that structural work and weatherproofing to No 40 must be completed and approved by Shropshire Council before the first new build can be occupied.
2. The size of the garden and the amount of allocated parking must be large enough to deliver a viable future for No 40.
3. The access arrangements seem not to recognise the potential dangers of the current access or the existence of other points of access/exit. Alternative solutions might include the following:-
  - (i) The suggestion by Much Wenlock Town Council that a brick wall could be extended across the full width of the plot to split the whole site in two. Access to No 40 would be from Victoria Rd and access to the new build from Pinefield Close.
  - (ii) Using a one-way road layout to maintain the current entrance for all properties with exit only via Pinefield Close.
4. A preliminary archaeological survey seems appropriate given that the site is on an ancient crossroads, which we understand may date from at least Roman times, and that it is built on a medieval burgage plot, as stated in the applicant's design and access statement.
5. In addition, we strongly support the comments of the Town Council and SC Flood and Water Management Team in respect of the need for flood alleviation. Requirements for flood alleviation are part and parcel of the Much Wenlock Neighbourhood Plan (MWNP), which sadly the applicant fails to mention.
6. The MWNP also covers developments with the town's Conservation Area. It states that "Developers must demonstrate in their design and access statement how their proposals... follow the guidance set out in the Much Wenlock Design Statement." Again, there is no indication that the applicant has consulted the

MWNP or Design Statement in this regard.

We are sure these concerns can be overcome so that the proposed development can be successfully completed to the benefit of Much Wenlock.

4.10 2 Comments/objections :

- Only a cross section through the detached house has been submitted for approval, and none for the two semi-detached dwellings.
- Obvious that the submitted elevations will require amendment to suit site topography, if substantial ground works are required to maintain a common ground floor level across both houses.
- Noted from the latest ecology report that alternative access via Pinefields Close is deemed undesirable by the developers partly due to existing levels problems within the site and around trees under preservation orders.
- Any planning consent should ensure the Pinefields main house priority works are commenced prior to the housing works start and completed within a short time after funding has been secured.
- Would leave the listed building with an inadequate garden area.
- Suggest that the two semi-detached houses are replaced by another (handed) 4 bedroom detached house, with its northern building line aligned with the holly tree on the eastern boundary with Lime Grove, allowing the two garages to be omitted and Pinefields garden extended.
- Most of the previous objections about adverse effects on the amenities of Lime Grove have been addressed.
- Lowest ground level would lessen impact on neighbouring properties, which would be preferable to a stepped construction at the party wall between the 3 and 4 bedroom houses.
- Tree T7 beech should not be felled
- No objections to the removal and replacement of Tree T10 Horse chestnut
- Object to the removal of the hedge along the eastern site boundary.
  
- Do not recognise term 'informal enabling development' in the Town and Country Planning Act 1990.
- Refusal reasons 2, 3 and 4 of the previous application 15/02563/FUL apply to the current application.
  
- The scale and positioning of the dwellings would have an overbearing impact on the existing properties to the west and east of the site; unit 3 in particular would compromise the privacy of dwellings to the east of the site and the application does not accord with article 8 of the Human Rights Act.
  
- An ecological survey is needed as bat colonies are clearly present.
  
- Major concern over the safety of the access onto one of Shropshire's busiest road junctions.

**5.0 THE MAIN ISSUES**

Principle of development

Siting, scale and design and impact on setting of listed building and conservation area  
 Trees and Landscaping  
 Ecology  
 Neighbour Amenity  
 Highway Safety  
 Affordable Housing  
 Drainage  
 Archaeology  
 Other Matters – Enabling Development

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted Shropshire Core Strategy, the adopted Site Allocations and Management of Development (SAMDev) Plan and the adopted Much Wenlock Neighbourhood Plan in the case of this application. .

6.1.2 The National Planning Policy Framework promotes sustainable development and states that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

6.1.3 Policy CS1 establishes a settlement hierarchy with Shrewsbury and the Shropshire Market Towns being the primary focus for new development. Other identified Key Centres will also accommodate growth with rural areas being catered for through the establishment of Community Hubs and Community Clusters. These are considered to be the most sustainable places to deliver the overall strategy of managed growth.

6.1.4 Much Wenlock is classified as a focus for development under Core Strategy policy CS3, which states that it will have limited development that reflects its important service and employment centre role whilst retaining its historic character. SAMDev Plan policy MD3 relates to the delivery of housing development and states that in

addition to the allocated housing sites set out in Settlement policies S1 – S18, permission will also be granted for other sustainable housing development having regard to the policies of the Local Plan. The SAMDev Plan Settlement policy S13 advises that the Much Wenlock Neighbourhood Plan (MWNP) sets out the development strategy for the town during the Plan period. This proposal is a windfall site within the defined settlement boundary for Much Wenlock. The MWNP Objective 1 and the associated housing policies allows for small scale infill developments and housing developments within the development boundary of Much Wenlock where they include a range of house type (policy H2). There is no in-principle planning policy objection to the erection of open market dwellings on this site and the acceptability or otherwise of the proposal rests upon the detailed consideration of the matters set out below in this report.

## **6.2 Siting, scale and design and impact on setting of listed building and conservation area**

- 6.2.1 The NPPF at section 7 places an emphasis on achieving good design in development schemes. Its themes 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 that contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev Plan policy MD2 seeks to ensure that developments respond positively to local design aspirations set out in Neighbourhood Plans, with the protection, conservation and enhancement of the historic context and character of heritage assets, their significance and setting, being sought by policy MD13. The MWNP Objective 6 seeks to secure good quality design, with policy GQD2 requiring development to reinforce local distinctiveness; have regard to the principles set out in the Much Wenlock Design Statement; to retain existing important landscape features and be of a scale and massing sympathetic to the surrounding area.
- 6.2.2 The southern part of the site falls within the Much Wenlock Conservation Area and contains 'Pinefields', which is a grade 2 listed building in a poor state of repair. Under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 there is a duty placed on Local Authorities in exercising their statutory duty to have regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Section 72 of the same Act contains a similar obligation with regard to the desirability of preserving or enhancing the character or appearance of conservation areas and their setting in the exercise of statutory functions.
- 6.2.3 There are a number of interrelated matters involving built form and trees which determine the impact of the proposed development upon the setting of the listed building and conservation area in this case. This section of the report addresses the proposed built form, with the next section looking at Tree impacts.
- 6.2.4 It is considered that the proposed site layout would retain an adequate garden/amenity space for the listed building, commensurate with the scale of that property. The linear form and orientation of the barn-style dwellings reflects the historic form of development found elsewhere in the town. The designs of the

proposed dwellings would incorporate traditional design details and materials, with appropriately detailed door and window openings that would complement the listed building and the approved restoration scheme for that property. The proposed built form would be in scale with adjacent properties, with an adequate separation distance being achieved between the proposed detached dwelling (unit 3) and the Pinefields Close bungalows to the west and the dwellings to the east, which would ensure no unacceptable overbearing impacts. The requirements of policies CS6; CS17; MD2; MD13; H2; H4; GQD2 and GQD4, in terms of the proposed built form are satisfied, with the proposed development not detracting from the setting of the listed building or harming the character or appearance of the Much Wenlock Conservation Area. The proposed development would overcome refusal reasons 2 and 5 of the decision on application 15/02563/FUL.

### **6.3 Trees and Landscaping**

- 6.3.1 Core Strategy policies CS6 and CS17 recognise the contribution that trees as part of the natural environment contribute to townscape and the value of some of the trees on this site have long been recognised by the designation of a group tree preservation order. SAMDev Plan policies MD2 and MD12 also seek to incorporate and retain natural assets such as trees where possible as part of achieving sustainable development. The MWNP policy GQD2 seeks to retain existing important landscape and natural features in developments. Policy LL3 also expects development to retain features of high nature conservation or landscape value, such as mature trees. In addition, where trees subject to a tree preservation order are removed there is a requirement to replant with tree species that would, in time, grow to achieve a similar landscape impact.
- 6.3.2 Refusal reason 3 on decision notice 15/02563/FUL related to the close proximity of retained trees having a domineering and overbearing impact on the proposed dwellings in the layout shown in the 2015 application, and the layout not providing sufficient space to allow for the planting of replacement trees to compensate for those removed. The present application positions the proposed dwellings further away from the retained trees along the western side of the site and is accompanied by a Tree Survey and Arboricultural Assessment.
- 6.3.2 The County Arboriculturalist has assessed the current application and his comments set out at 4.6 above. He agrees with the conclusion of the Tree Report that the proposed development can be implemented without causing damage to retained significant trees, providing appropriate precautions and controls are adopted, as specified in the report. The concern that he raised about the proposed position of the detached garage to unit 3 has been addressed by amended drawings which have moved the garage further south, to lessen its impact on the root protection area of the oak tree in the north eastern corner of the site.
- 6.3.3 The horse chestnut tree shown on the proposed site layout adjacent to unit 3 is accepted by the County Arboriculturalist as now presenting an unacceptable risk, as set out in the tree report, given the loss of the neighbouring and sheltering mature beech. The replacement of this tree would be a requirement of the landscaping scheme on any planning permission that is issued. With removal of the dense group of conifers in the southern portion of the site the County

Arboriculturalist see the opportunity to remove and replace these dark and oppressive trees with more appropriate planting as beneficial to the appearance of the site, and thereby the appearance of the conservation area streetscene.

6.3.4 It is considered that the conditions recommended by the County Arboriculturalist, set out at 4.6 above, would ensure appropriate long term tree planting on this site, complementary to the proposed built form, would both safeguard the character and appearance of the Conservation Area and not detract from the setting of the listed building. The agent has confirmed that the reference to the eastern boundary hedge planting being removed, referred to in the representations from neighbours, was an error and would be retained. The landscaping scheme required through condition on any approval issued will need to specify what existing planting is to be retained, as well as giving details of all new planting proposed.

6.3.5 The matters referred to in refusal reason 3 of the 2015 decision have been addressed satisfactorily by the revised proposals, which have been informed by the detailed tree survey and arboricultural appraisal.

## **6.4 Ecology**

6.4.1 Core Strategy policies CS6 and CS17, along with SAMDev Plan policy MD12, seek to ensure developments do not have an adverse impact upon protected species, and accord with the obligations under national legislation. The condition of this site, containing substantial mature trees, undergrowth and buildings in a poor state of repair, has the potential to be habitat for protected species. The Ecological Assessment submitted by the applicants identified the need for additional bat and bird survey work and this was carried out in June and July 2017. The surveys carried out found no evidence of the buildings on the site being used for regular roosting and no evidence was seen from activity surveys that any of the trees were in use by bats. The Council's Planning Team are content that ecological interests can be safeguarded satisfactorily in this case by planning conditions requiring the development to be carried out in accordance with an approved method statement, as set out in the protected species survey; the protection of trees and hedges to be retained and landscaping, bat and bird boxes to provide ecological enhancements and approval of external lighting details associated with the development.

6.4.2 The ecological survey work carried out and the recommended mitigation as a result of the analysis of the survey data, which has led to the recommended conditions and informatives, would ensure that the proposed development would not cause an offence under the Conservation of Habitats and Species Regulations (2010), address refusal reason 4 of the 2015 decision.

## **6.5 Neighbour Amenity**

6.5.1 Core Strategy policy CS6 seeks to safeguard neighbour amenity. The proposals for four dwellings in the 2015 application (15/02563/FUL) were considered, by reason of the scale and positioning of two dwellings at the northern end of the site, to have an overbearing impact on the existing properties immediately to the west and east of the site, and the positioning and design of the two dwellings close to the eastern site boundary would have compromised the privacy of the dwellings immediately to the east of the site: These matters constituted refusal reason 5 for application 15/02563/FUL. These concerns have been addressed satisfactorily in this

application by having a single two storey dwelling of a different design, with detached single garage, at the northern end of the site, positioned approximately central to the width of the plot to increase the separation distances of the two storey built form from the site boundaries. An entirely different orientation and built form is now proposed for the two dwellings at the southern end of the site, again increasing the separation distance of the dwellings from the eastern site boundary and with fenestration (Door and window positioning) which would not unduly impact upon neighbour amenity. Given the attention to detail shown in the proposals to safeguard neighbour/residential amenity, it would be appropriate to withdraw permitted development rights for alterations and extensions on any approval issued, to ensure that neighbour amenity is not unduly harmed in the future. Details of the precise ground floor levels of the dwellings and garages, relative to existing ground levels, would also be conditioned on any approval issued to safeguard both neighbour and visual amenity in the context of this site.

## **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 consequently 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. Much Wenlock Neighbourhood Plan policy H6 seeks to ensure that new housing developments provide a minimum of two spaces per dwelling and this would be achieved in the proposed development.

6.6.2 There is an existing vehicular access into the site, which the proposals would modify to form an access some 5 metres wide. The access is across a section of footpath some 3 metres wide, with visibility in both directions onto the A458. It is however at a point where the Bourton Road joins the A458 and, some 50 metres to the east, there is also the A458 junction with High Street and Smithfield Road. Highways Development Control acknowledges previous schemes, the last of which being from 2001 for two dwellings, have been refused grounds which have included the additional movement of vehicles into and out of the access as a result of the proposed development would be likely to lead to conditions detrimental to highway safety. However, it is their view that present day highway considerations in the context of the NPPF where development should only be prevented or refused on transport grounds where the cumulative impacts of development are severe and Manual for Streets would indicate that use of the access by a limited number of dwellings could be acceptable in principle, even with the road junctions in the immediate vicinity and the alignment of the principle road. The highways refusal reason 6 on application 15/02563/FUL for four dwellings on this site related to the



configuration of the access in that scheme and the restricted on site manoeuvring space being likely to result in vehicles having to reverse onto the highway, to the detriment of highway and pedestrian safety, rather than the number of traffic movements using an access at this point that the development would have generated.

6.6.3 The current application has reduced by one the number of new dwellings proposed and has addressed the issue of on-site manoeuvring space by providing a wider section of internal access road (Some 6.7m wide at the widest point) adjacent to barn unit 2 and the 'cart shed' garage, together with two turning heads on the northern, looping part of the internal access road. Visibility splays of some 2.4m by 43m are shown on the proposed site plan drawing as being available at the site access, which would be commensurate with traffic speeds on the adjacent highway.

6.6.4 The Town Council has suggested in their comments that only no. 40 should use the access direct onto the A458 and that the three proposed new dwellings should be accessed from Pinefields Close to the west. The County Arboriculturalist has commented that any new access to/from Pinefields Close would have to pass in close proximity to a mature beech tree and Corsican pine. The beech tree is already going to be impacted to some degree by construction of the internal 'no-dig' access drive across the southern side of its root protection area. He considers that the additional burden imposed by the construction of another access drive (even a 'no-dig' one) on the north/west sides of the tree would be severely detrimental to its health and condition. The Council's Highways Manager also questions whether an access at this point would be practical, requiring access through an existing car park and across the existing grass verge, impacting on the occupants of the bungalows. This suggested alternative does not need to be pursued further, given that the current application, for one less dwelling than the refused scheme, has a site layout that overcomes the highway refusal reason on the previous application 15/02563/FUL. A highway safety refusal reason in relation to the present proposals could not be sustained at appeal.

## **6.7 Affordable Housing**

6.7.1 Core Strategy policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards 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. Much Wenlock Neighbourhood Plan (Adopted 24<sup>th</sup> July 2014) policy H1 also states that affordable housing shall be provided at a rate of 20% of the total yield on site.

6.7.2 However, The Minister of State for Housing and Planning, Brandon Lewis MP issued a Written Ministerial Statement (WMS) on 28th November 2014 announcing that Local Authorities should not request affordable housing contributions on sites of 10 units or less (and which have a maximum combined gross floor space of 1,000sq m), or 5 units or less in designated protected rural areas.

- 6.7.3 Reading and West Berkshire Councils sought to challenge the WMS at the High Court (Case Ref 76.2015) and on 31st July 2015 Mr Justice Holgate quashed the WMS and the Government subsequently withdrew relevant commentary from the National Planning Practice Guidance. From this point, Shropshire Council continued to apply its affordable housing policy. The Government challenged this decision through the Court of Appeal which over turned Mr Holgate's decision on the 11th May 2016. Consequently, the WMS still applies and the National Planning Policy Guidance was amended on the 19th May 2016. In addition to this the Housing & Planning Act gained Royal Assent on the 12th May 2016 and this gives power to Government to make secondary legislation to achieve the same result i.e. set minimum thresholds for affordable housing contributions.
- 6.7.4 In accordance with the view of the Planning Inspectorate it is considered that the WMS is a material consideration. Shropshire Council therefore accepts that the WMS applies as a significant material consideration and this means that the Council will not require an Affordable Housing Contribution for applications for 10 or less dwellings (5 or less within a designated protected rural area) and less than 1,000sqm floor area in the majority of cases. However, this is cannot be a blanket rule and as such there may be exceptions to this. The Court of Appeal judgement referred to a statement made by the Government's Counsel in the High Court that (emphasis added):-  
“(i) As a matter of law the new national policy is only one of the matters which has to be considered under section 70(2) of TCPA 1990 and section 38(6) of TCPA 2004 when determining planning applications or formulating local plan policies (section 19(2) of PCPA 2004), albeit it is a matter to which the Secretary of State considers ‘very considerable weight should be attached’;”
- 6.7.5 The Court of Appeal agreed with this proposition and confirmed that the development plan remains the starting point for decision taking although it is not the law that greater weight must be attached to it than other considerations. The WMS is policy not binding law and does not countermand the requirement in s38(6) of the 2004 Act or s70(2) of the 1990 Act. The Council's position is therefore that the WMS is a significant material consideration but it does not replace or automatically override the development plan as the starting point for planning decisions. Consequently, there may still be cases where the Council considers that its adopted policy attracts greater weight in the planning balance than the WMS.
- 6.7.6 This development proposal is only for three dwellings and the total floor space would amount to some 420 sqm. Given the fact that the development proposed would be acceptable in principle with the proposed new build dwellings being within a Core Strategy policy CS3 settlement (Market Town and other Key Centres), it is considered that the WMS outweighs the Development Plan policies CS11 and H1 with respect to Affordable Housing contributions and therefore an affordable housing contribution cannot be sought: No weight should be given to this in the overall planning balance.
- 6.8 Drainage**
- 6.8.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in the existing runoff rate and not result in an

increase in runoff. The Much Wenlock Neighbourhood Plan (MWNP) also contains policies with the objective of reducing flood risk. The proposed development would have new driveways of water permeable gravel on geogrid (In line with tree protection measures) with a different colour and grade of gravel used for pedestrian access and footways, which would accord with MWNP policy RF6. The Council's Drainage Team have assessed the proposal and are content that the technical drainage matters, including details to address MWNP policy RF2, could be addressed through conditions on any planning permission that is issued.

## **6.9 Archaeology**

6.9.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, which includes areas of archaeological interest. An Archaeological Desk Based Assessment has been submitted. This report concludes that, in the absence of any recorded development on the area to the rear of no.40, the potential to uncover unrecorded evidence or chance finds and deposits from the late-medieval to post-medieval periods during any future development of this site cannot be discounted. It recommends that there be an agreed mitigation strategy that would allow for archaeological investigation and recording be undertaken, in order to negate or lessen the potential impact on the unknown archaeological resource. SC Archaeology concurs with these findings and recommended condition that a programme of archaeological work be carried out in accordance with an approved written scheme of investigation, in line with paragraph 141 of the NPPF.

## **6.10 Other Matters – Enabling Development**

6.10.1 Refusal reason 1 of application 15/02563/FUL related to their being insufficient information to support the assertion that the development would support unspecified repair works to the listed building (40 High Street) and would justify a relaxation of the requirement for new housing developments to contribute to affordable housing. There have been material changes to the planning considerations since that October 2015 refusal in that the scale of the proposed development would now no longer justify the making of an affordable housing payment (See section 6.7 above of this report) and listed building consent was issued on 23<sup>rd</sup> August 2017 for repair and renewal of roof coverings, rainwater goods, rendering, doors and windows; internal alterations at 40 High Street, Much Wenlock (ref 17/00989/LBC). There is now an approved scheme of works to secure the restoration of the listed building. The agent has described the current planning application proposals as "informal enabling development" to generate funds to carry out the restoration of the listed building. It is considered that the linkage of these proposals to the restoration of the listed can be achieved by a planning condition requiring the structural work to the fabric of this listed building and making the building weather tight, in accordance with the details of listed building consent 17/00989/LBC, to be completed before any of the dwellings is first occupied.

## **7.0 CONCLUSION**

7.1 The proposed development falls within the development boundary of Much Wenlock where there is no in-principle planning policy objection to the erection of open market housing on suitable sites. The listed building at 40 High Street, part of the grounds of which is the application site, is in a poor state of repair and in urgent need of repair works. Discussions with the owner and their agent has resulted in the submission of a listed building application for the restoration of the listed

building (ref 17/00989/LBC), which has been approved, and this application for development to provide a source of funding for those restoration works. This linkage could be achieved on any planning permission issued by a planning condition requiring the structural work to the fabric of this listed building and making the building weather tight, in accordance with the details of listed building consent 17/00989/LBC, to be completed before any of the dwellings is first occupied.

7.2 The above objective of the planning application does not override the requirement for the proposals to be acceptable in respect of other material planning considerations: These material planning considerations have been assessed in the report above. It is considered, for the reasons explained, that the proposed development would not detract from the character or appearance of the Much Wenlock Conservation Area or harm the setting of the adjacent listed building. The proposed development would allow for the retention of the significant healthy trees on the site and for the replacement of a dense group of conifers with more appropriate trees to the benefit of the conservation area street scene and the long term presence of trees on this site. Ecological and drainage interests can be safeguarded satisfactorily through planning conditions. The proposals would not unduly harm neighbour amenity and would not be detrimental to highway safety.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than 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 SAMDev Plan policies:  
CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
MD1 Scale and Distribution of Development  
MD2 Sustainable Design  
MD3 Delivery of Housing Development  
MD12 Natural Environment  
MD13 Historic Environment  
S13 Much Wenlock Area

Much Wenlock Neighbourhood Plan  
SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

15/02563/FUL Erection of four detached dwellings; creation of vehicular access and estate road to include works to, and felling of, trees REFUSE 14th October 2015

11. Additional Information

View details online:

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

<p><b>List of Background Papers</b> (This MUST be completed for all reports, but does not include items containing exempt or confidential information)                  Design, Access and Heritage Impact Statement                  Tree Impact Assessment                  Ecological Report                  Bat Survey                  Protected Species Survey</p>
<p><b>Cabinet Member (Portfolio Holder)</b>                  Cllr R. Macey</p>
<p><b>Local Member</b>                  Cllr David Turner</p>
<p><b>Appendices</b>                  APPENDIX 1 - Conditions</p>

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

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

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

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

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

3. All structural work to the fabric of the listed building (40 High Street, Much Wenlock) and making that building weather tight to halt and reverse deterioration, in accordance with the approved details of listed building consent 17/00989/LBC, shall be completed before any of the dwellings hereby approved is first occupied.

Reason: To secure the restoration of the listed building in accordance with the key objective of the development.

4. Prior to the above ground works commencing samples and/or details of the roofing materials, the materials to be used in the construction of the external walls and hard surfacing 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 safeguard the setting of the Heritage Asset and in the interests of the visual amenities of the area.

5. Prior to the commencement of the relevant work details of all external windows and doors and any other external joinery shall be submitted to and approved in writing by the Local Planning Authority. These shall include full size details, 1:20 sections and 1:20 elevations of each joinery item which shall then be indexed on elevations on the approved drawings. All doors and windows shall be carried out in complete accordance with the agreed details.

Reason: To safeguard the setting of the Heritage Asset and in the interests of the visual amenities of the area.

6. Prior to their installation full details of the roof windows shall be submitted to and approved in writing by the Local Planning Authority. The installation of the windows shall be carried out in complete accordance with the approved details.

Reason: To safeguard the setting of the Heritage Asset and in the interests of the visual amenities of the area.

7. Before development commences details of the proposed finished ground floor levels of the dwellings and garages, relative to existing ground levels, 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.

Reason: In the interests of the visual amenities of the area and to safeguard neighbour amenity.

8. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

9. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied/brought into use.

Reason: To ensure a satisfactory means of access, in the interests of highway safety.

10. The parking and turning areas for vehicles shown on the approved drawings shall be laid out and surfaced prior to the first occupation of the development and thereafter be kept clear and maintained at all times for that purpose.

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

11. Any gates provided to close the proposed access shall be set a minimum distance of 5 metres from the carriageway edge and shall be made to open inwards only.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- a Traffic Management Plan



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

13. Demolition, construction works or deliveries shall not take place outside 7.30am - 6.00pm Monday to Friday, and 8.00am - 1pm Saturdays, with no work taking place on Sundays, Bank or Public holidays.

Reason: To protect the amenities of occupiers of nearby properties from potential nuisance.

14. No development approved by this permission shall commence until a programme of archaeological work has been carried out in accordance with a written scheme of investigation (WSI) which has been approved in writing by the Local Planning Authority.

Reason: The site is known to hold archaeological interest.

15. Tree works shall be carried out as specified in section 5.4 and Appendix 3 of the approved tree report (Tree Health Consulting Ltd, THC/2017/03/03, 3rd March 2017).

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

16. Where the approved plans and particulars indicate that construction work or installation of any drainage or service run is to take place within the Root Protection Area of any retained tree, woody shrub or hedge, then prior to commencement of any development-related works on site, a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include details on how any such retained tree, woody shrub or hedge will be protected from harm or damage during the development.

Reason: to ensure that approved work within an RPA is planned and carried out in such a manner as to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

17. All pre-commencement tree protection measures detailed in the approved Tree Protection Plan (TPP) shall be fully implemented before any development-related equipment, materials or machinery are brought onto the site. Thereafter the approved tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development, until all equipment, machinery and surplus materials have been removed from the site. The development shall be implemented in strict accordance with the approved TPP and Method Statement (Appendices 5 and 6 of the approved tree report [Tree Health Consulting Ltd, THC/2017/03/03, 3rd March 2017]).

Reason: to safeguard the amenities of the local area and to protect the natural features that contribute towards this and that are important to the appearance of the development.

18. No development shall take place (including demolition, ground works and vegetation clearance) until a landscaping plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans, creation of wildlife habitats and features and ecological enhancements (e.g. hibernacula, integrated bat and bird boxes, hedgehog-friendly gravel boards and amphibian-friendly gully pots);
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works;
- f) Implementation timetables.
- g) Details of the appearance and materials for garden boundary walls, fences and gates. The plan shall be carried out as approved.

Reason: To ensure the provision of amenity and biodiversity afforded by appropriate landscape design and in the interests of the visual amenities of the area..

19. All hard and soft landscape works shall be carried out in accordance with the approved details and the timetable approved in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously 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.

20. Prior to first occupation / use of the buildings, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the bat RAMMS, as set out in section 7.1 of the Protected Species Survey (Arbor Vitae Environment, July 2017).

Reason: To demonstrate compliance with the bat RAMMS.

21. Prior to first occupation / use of the buildings, the makes, models and locations of bat boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 3 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species, shall be erected on the site. The boxes shall be sited at an appropriate height above the ground, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats, in accordance with MD12, CS17 and section 118 of the NPPF.

22. Prior to first occupation / use of the buildings, the makes, models and locations of bird boxes shall be submitted to and approved in writing by the Local Planning Authority and installed. A minimum of 10 artificial nests, of either integrated brick design or external box design, suitable for swifts, sparrows, house martins, starlings, and/or small birds shall be erected. The boxes shall be sited at least 2m from the ground on a suitable tree

or structure at a northerly or shaded east/west aspect (under eaves of a building if possible) with a clear flight path, and thereafter maintained for the lifetime of the development.

Reason: To ensure the provision of nesting opportunities for wild birds, in accordance with MD12, CS17 and section 118 of the NPPF.

23. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under separate planning conditions). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014). The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

24. 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 classes A; B; C; D or E shall be erected, constructed or carried out.

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

### **Informatives**

1. In arriving at this decision Shropshire 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. In determining this application the Local Planning Authority gave consideration to the following policies:

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

Shropshire Core Strategy and SAMDev Plan policies:  
CS3 The Market Towns and other Key Centres  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management

MD1 Scale and Distribution of Development  
MD2 Sustainable Design  
MD3 Delivery of Housing Development  
MD12 Natural Environment  
MD13 Historic Environment  
S13 Much Wenlock Area

Much Wenlock Neighbourhood Plan  
SPD on the Type and Affordability of Housing

3. 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](mailto: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.
4. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal, scrub removal and/or conversion, renovation and demolition work in buildings should be carried out outside of the bird nesting season which runs from March to August 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 or buildings cannot be clearly seen to be clear of nests then an appropriately qualified and 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.

If during construction birds gain access to any of the buildings and begin nesting, work must cease until the young birds have fledged.

5. The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be trimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be trimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

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 close-fitting 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.

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

6. All bat species found in the U.K. are protected under the Habitats Directive 1992, The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

During all building renovation, demolition and extension works there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working in roof spaces and removing roof tiles etc.

If a bat should be discovered on site then development works must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

Any chemical treatment of timbers should not take place between the beginning of October and the end of March and no pointing or repairs of any gaps or crevices which cannot be easily seen to be empty should take place between the beginning of October and the first week in April, to minimise the possibility of incarcerating bats.

If timber treatment is being used then the Natural England's Technical Information Note 092: Bats and timber treatment products (2nd edition) should be consulted and a suitable 'bat safe' product should be used

Breathable roofing membranes should not be used as it produces extremes of humidity and bats can become entangled in the fibres. Traditional hessian reinforced bitumen felt should be chosen.

7. It is a criminal offence to kill, injure, capture or disturb a bat; and to damage, destroy or obstruct access to a bat roost. There is an unlimited fine and/or up to six months imprisonment for such offences.

During all works on mature trees there is a very small risk of encountering bats which can occasionally be found roosting in unexpected locations. Contractors should be aware of the small residual risk of encountering bats and should be vigilant when working on mature trees, particularly where cracks and crevices or thick ivy covering are present. Any cracks and crevices should be visually inspected prior to the commencement of works on the tree and if any cracks or crevices cannot easily be seen to be empty of bats then an appropriately qualified and experienced ecologist should be called to make a visual inspection using an endoscope and to provide advice on tree felling.

Works on trees with high bat roosting potential (aged or veteran trees with complex crevices and areas of dead wood) should not be undertaken without having first sought a bat survey by an appropriately qualified and experienced ecologist in line with the Bat Conservation Trust's Bat Survey: Good Practice Guidelines (3rd edition). Felling and tree surgery work should only be undertaken in line with guidance from an appropriately qualified and experienced ecologist and under a European Protected Species Mitigation Licence where necessary.

If a bat should be discovered on site then development works must halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) contacted for advice on how to proceed. The Local Planning Authority should also be informed.

8. The developer is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto. No drainage to discharge to highway Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
9. This planning permission does not authorise the applicant to: construct any means of access over the publicly maintained highway (footway or verge) or carry out any works within the publicly maintained highway, or authorise the laying of private apparatus within the confines of the public highway including any new utility connection, or undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. Please note: Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

10. 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](http://www.planningportal.gov.uk) or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

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Committee and date  
 South Planning Committee  
 24 October 2017

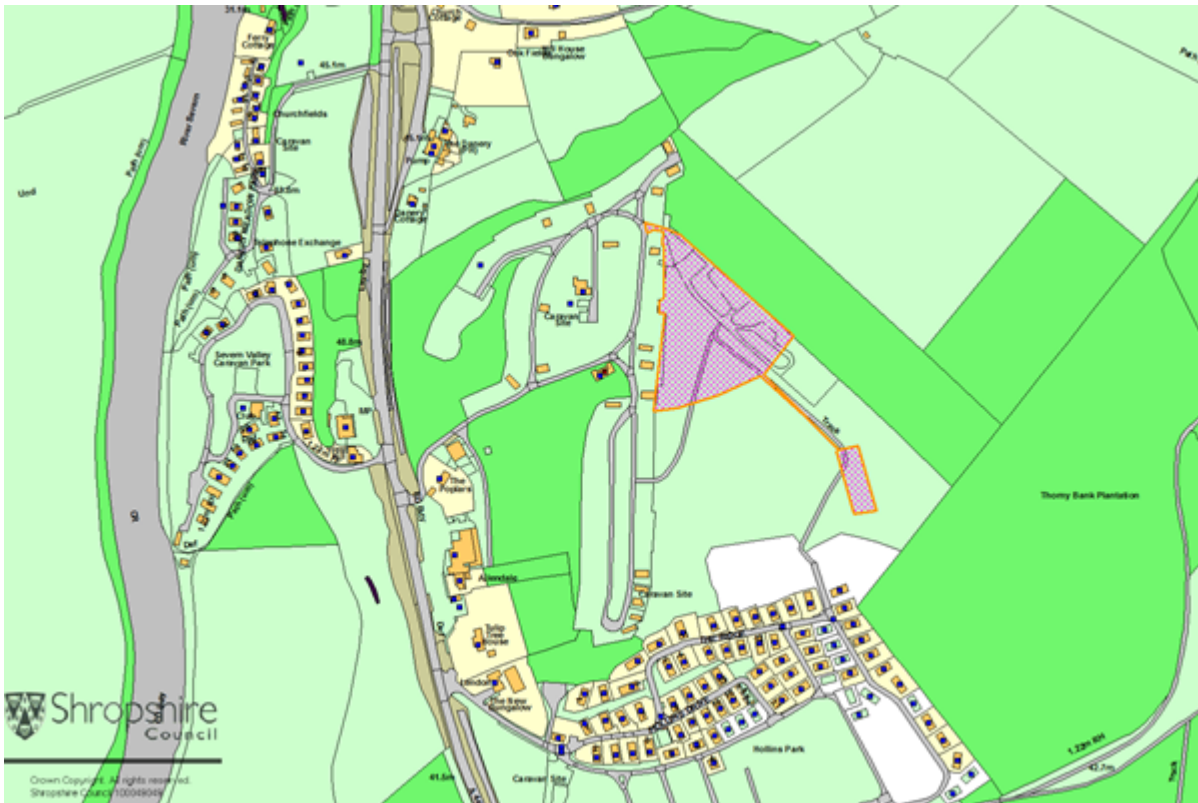
## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 17/03179/FUL	<b>Parish:</b>	Bridgnorth Town Council
<b>Proposal:</b> Change of use of land to caravan park for additional 20 static holiday caravan pitches		
<b>Site Address:</b> Russells Caravan Park Quatford Bridgnorth Shropshire WV15 6QJ		
<b>Applicant:</b> Russells Caravan Park Ltd		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 374017 - 290359



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**Recommendation:- Grant Permission subject to receipt of satisfactory update to ecological report, completion of a Section 106 Agreement to ensure no stationing of caravans on the alternative site area and a rolling programme to ensure that the area retains tree cover, to the conditions set out in Appendix 1 and any other conditions that may be required on receipt of the update to the ecological report.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This proposal relates to an area of land immediately to the east of the existing Russells Caravan Park. The extent of the red line defining the application site takes in part of the recreation area granted planning permission in 1993 to serve the caravan site which is now split into two different ownerships – Russells Caravan Park and Hollins Park (ref 93/0100). The proposed layout showed a total of 20 static holiday caravan pitches on the triangular shaped site, grouped around a central green space. Access to the site would be from the existing private roads within the Russell's Park Caravan site, with a new access driveway commencing in the north western corner of the application site and forming a loop road within the site. A septic tank associated drainage system to serve the caravans would be positioned to the south of them in the remaining part of the recreation area.

1.2 In March 2016 an application (ref. 15/03937/FUL) to change the use of part of the recreational area for an additional 30 pitches to extend the existing site, which was a larger site including the land of the present proposal, was refused under Officer delegated powers for the following reasons:

*1. The proposal would constitute inappropriate development in the Green Belt, harming openness which is the Green Belts most important attribute. It would conflict with the purpose of the Green Belt to safeguard the surrounding countryside from encroachment. No very special circumstances have been demonstrated in this case that would outweigh the harm to the Green Belt which would be caused by this development and justify a departure from adopted Development Plan Green Belt policy. The proposal is therefore contrary to Shropshire Core Strategy policy CS5, Site Allocations and Management of Development (SAMDev) Plan policy MD6 and Section 9 (Paragraphs 87 to 90) of the National Planning Policy Framework (NPPF).*

*2. The proposed development would consolidate and enlarge an existing static caravan site in the Severn Valley which SAMDev Plan policy MD11 seeks to resist, due to the cumulative impact of caravan and chalet sites harming the visual qualities of the area, eroding its rural character. In this particular case it is considered that the proposed regimented, closely spaced layout of 30 single unit static caravans, with a repeating rhythm to the layout and landscaping, and reducing and dividing up the open recreational area, would create an urban built form eroding the rural setting further, to the detriment of the rural character of the area. The proposed development would therefore be contrary to Core Strategy policies CS6, CS17 and SAMDev Plan policies MD2 and MD12, and paragraph 58 of the NPPF.*

- 1.3 An appeal against the above refusal was dismissed on the 2<sup>nd</sup> September 2016. The Inspector concluded that the siting of thirty caravans (with visitor vehicles) would not preserve the openness of the Green Belt and hence would amount to inappropriate development in the Green Belt. In addition he considered the proposed development would lead to an encroachment into the countryside. With regard to the impact on the character and appearance of the area the Inspector commented:

*“I conclude that whilst the development would not be visible from longer distance views, it would nonetheless be visible from some localised viewpoints. From these areas, the proposal would unacceptably detract from the essentially open and rural character of the area, and the linear nature of the layout of pitches would be such that the proposal would not appear as a tight extension to the existing site. Overall, and taking into account all material planning considerations, I consider that moderate harm would be caused to the character and appearance of the area.”*

The Inspector acknowledged some local economic and tourism benefits associated with the proposal, but these benefits did not outweigh the identified harm that would be caused to the Green Belt and the character and appearance of the area and the appeal was dismissed.

- 1.4 The agent has explained in the Planning Statement submitted with this application that, following the appeal decision, the applicant has been looking at options to site additional caravans within the caravan site licence boundary and on land which already has planning permission as part of the caravan site. The area where this could take place is on a wooded, sloping area to the west of the existing caravans and immediately to the east of the A442 Bridgnorth to Kidderminster Road. He comments the stationing of caravans on this land would require more extensive ground works than the application site proposal, would involve tree removal and would have a more significant landscape and visual impact on the Severn Valley than the land for which planning permission is now sought. An alternative site layout and a contour land for this area within the existing caravan site has been submitted to show how 20 caravans could be stationed on it.
- 1.5 A draft Section 106 Agreement has been submitted as part of the application which would ensure this alternative site is not developed for holiday caravans, and to retain and maintain the area as woodland, as part of a planning permission to station the same number of caravans that the alternative site could accommodate on the application site.

## **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The application site is situated within Green Belt countryside, some 2 miles to the south of Bridgnorth, on the eastern side of the River Severn. The existing caravans at Russel’s Park are positioned on the eastern side of the valley slope and along the ridge line. The application site is to the east of this ridge and is recreational land associated with the caravan park, now split between two different ownerships. The land slopes down in easterly and south-easterly directions, with the land form then rising up beyond the eastern site boundary again. The land to the east is a mix of

farmland and woodland.

- 2.2 To the south, beyond part of the amenity space for the caravan parks not within the current application site, is the Hollins Park site, where older caravans are being replaced by newer units described as ‘park homes’, but which still meet the definition of a caravan for the purposes of planning legislation and site licensing. Consequently the installation of these new, replacement units within the boundaries of the authorised caravan site has not required planning permission.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The Town Council view is contrary to the Officer recommendation. The grant of planning permission would be a departure from the Development Plan and hinges on a judgement concerning the impact on the openness of the Green Belt and the visual impact of development of the application site in comparison with the alternative within the existing caravan site boundary, and whether any greater adverse impact of the former would amount to very special circumstances to justify inappropriate development in the Green Belt. The Chair and Vice Chair of the South Planning Committee, in consultation with the Principal Officer, consider that this balance of material planning considerations is a matter for determination by Committee.

### **4.0 Community Representations**

- Consultee Comments

- 4.1 Bridgnorth Town Council – Recommend Refusal:  
The objections that had been lodged with Shropshire Council were read out at the meeting; over development and possible noise nuisance, siting of the septic tanks close to residential properties and Green Belt land.
- 4.2 SC Highways Development Control – No Objection:  
The site is the Russells Caravan Park off the A442 at Quatford near Bridgnorth. This is a well-established site. The A442 runs east to Kidderminster and west to Bridgnorth. The proposal is for the addition of 20 pitches and access road on part of what is currently a large amenity field to the rear of the current site. Vehicle access to this site is already in place.

The highway access, parking and turning areas offered are adequate.

- 4.3 SC Drainage – No Objection:  
The proposed drainage details, plan and calculations should be conditioned if planning permission were to be granted.

1. The application form states that the surface water drainage from the proposed development is to be disposed of via soakaways. However no details and sizing of the proposed soakaways have been supplied. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for

a 1 in 100 year return storm event plus an allowance of 25% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure. Full details, calculations, dimensions and location of the percolation tests and the proposed soakaways should be submitted for approval.

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

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

2. Full details and sizing of the proposed septic tank including percolation tests for the drainage fields should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form). British Water Flows and Loads: 4 should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2 Paragraph 1.18. These documents should also be used if other form of treatment on site is proposed.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2.

#### 4.4 SC Ecology - No Objection:

The proposal is for an extension to an existing caravan park. The proposed development will involve the clearance of an area of waste ground, consisting of bare earth, ruderals, scrub, young trees and piles of rubble, spoil, timber and building materials piles, and areas of semi-improved grassland and tall herb. Access will be via an existing track and the majority of uncut semi-improved grassland and tall herb vegetation will be retained and the adjacent woodland unaffected. The habitats affected by the proposals are of no significant botanical interest but do have potential to support a number of protected vertebrate species.

The following conditions and infomatives should be on a planning decision notice;

1. Development shall occur strictly in accordance with section 4.2.6 of the Ecological Assessment (Turnstone Ecology, August 2015), unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist.

**Reason: To ensure the protection of reptiles.**

2. Within the 3 weeks prior to the commencement of development on the site, a pre-commencement badger inspection shall be undertaken by an experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-

commencement survey then the ecologist should set out appropriate actions to be taken during the works, which may include precautionary methods of working, timing restrictions, restrictions of activities around any identified setts and the requirement, or otherwise, for Badger Disturbance Licences from Natural England should the closure, disturbance or destruction of setts be necessary.

**Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.**

3. No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted and approved. The works shall be carried out as approved, prior to the occupation of any part of the development, unless otherwise approved in writing by the Local Planning Authority. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. hibernacula).
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment).
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate.

3. No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted and approved. The works shall be carried out as approved, prior to the occupation of any part of the development, unless otherwise approved in writing by the Local Planning Authority. The submitted scheme shall include:

- a) Planting plans, including wildlife habitat and features (e.g. hibernacula).
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment).
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate.
- d) Native species used are to be of local provenance (Shropshire or surrounding counties).
- e) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works.
- f) Implementation timetables.

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

1. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's *Bats and Lighting in the U.K.* (2009).

**Reason: To minimise disturbance to bats, European Protected Species.**

#### **Informative**

The active nests of all wild birds are protected under the Wildlife and Countryside

Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should 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 active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place within 5m of an active nest.

#### **Informative**

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.

#### **Informative**

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.

#### **Informative**

If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31<sup>st</sup> March to 15<sup>th</sup> October) and any reptiles discovered should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.

- 4.5 SC Regulatory Services – No Objection:  
The applicant must ensure they operate under any appropriate license. The following information is therefore recommended as an informative:  
Caravan sites informative:

The applicant is advised to familiarise themselves with the following document published by the Communities and Local Government, Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 Section 5. For information in relation to caravan site licensing including an application form please visit Shropshire Councils web pages at the following link: <https://new.shropshire.gov.uk/licensing/apply-for-a-licence-or-permit/caravan-site-licence/>

- 4.6 - Public Comments
- 30 Objections (4 objectors submitting two separate letters):
- Adverse impact on the neighbouring residential park which is a full residential for older people.
  - Field creates a buffer of undeveloped natural beauty between the two sites which have very different client bases.
  - Caravan site already over-developed.
  - No benefit to Bridgnorth or Shropshire Council.
  - Questions whether current site exceeds the number of caravans allowed by the site licence.
  - No need.
  - Still an inappropriate intrusion into the Green Belt.
  - Imposing visual impact and encroachment on Green Belt area.
  - Area currently used to dismantle caravans and concerned this activity would creep closer to residential homes.
  - Loss of amenity with reduction in size of football pitch.
  - Additional burden on stretched local services.
  - Question why septic tank not positioned adjacent to proposed caravans; could lead to further infill caravans between the proposed 20 caravans and the septic tank.
  - Air pollution or waste leaching from drainage system would affect residential homes.
  - No road access to empty septic tank.
  - Need a more detailed specification and risk assessment for septic tank.
  - Connection should be made to the main sewerage system.
  - Concrete pads for caravans would impact on ability of land to drain naturally.
  - Adverse impact on privacy and security if overlooked by a mobile home park.
  - Harm view of Hollins Park residents.
  - Increased noise nuisance to the residential home owners from holiday makers.
  - Should protect lifestyle chosen by Hollins Park residents all year round who pay Council Tax and contribute to the Community.
  - Will encourage misuse of the adjacent National Trust land.
  - Ecological Assessment did not survey the whole of the current development area.
  - Erosion of natural habitat for wildlife.
  - Question accuracy of block plan; highly likely the actual development would encroach further into Green Belt.



- Has a land quality assessment been carried out to ensure any contamination caused from the previous disposal activities on the land is controlled?
- Previous refusal and appeal decision should stand.
- Encroachment onto Green Belt areas for holiday accommodation unacceptable.
- Increased traffic in area that struggles to cope with current levels of road users.

## 5.0 THE MAIN ISSUES

Principle of development  
 Visual impact and landscaping  
 Residential Amenity  
 Drainage  
 Ecology  
 Highway Safety

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

- 6.1.1 The site is situated within the Green Belt where there is a presumption against inappropriate development. In relation to the presumption in favour of sustainable development, the foot note 9 in the National Planning Policy Framework (NPPF) makes it clear that land designated as Green Belt remains an area for restrictions on development. Paragraph 79 of the NPPF advises that essential characteristics of Green Belts are their openness and their permanence.
- 6.1.2 NPPF paragraph 87 states that: “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 88 asserts that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.” Paragraph 89 establishes that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, subject to certain potential exceptions. Paragraph 90 also identifies various other forms of development that are capable, in principle, of being appropriate subject to certain conditions. This list is exhaustive. The proposed type of development (stationing of caravans) is not included in this list. Changes and clarifications (August 2015) made by the Government to Planning Policy for Traveller Sites in the Green Belt have further emphasised the principle of protecting Green Belt reasserting that inappropriate development (in this case accommodation for Gypsy and Travellers) is harmful to the Green Belt and should not normally be approved, except in very special circumstances. The stationing of static caravans is development that would harm the openness of the Green Belt.
- 6.1.3 Shropshire Core Strategy policy CS5, while pre-dating the NPPF, states that there will be additional control on new development in the Green Belt in line with Government Guidance. It’s reference to the now replaced PPG2 has been addressed with the adoption of the Site Allocations and Management of Development (SAMDev) Plan, adopted on 17<sup>th</sup> December 2015 as part of the Development Plan. Policy MD6 requires it to be demonstrated that proposals would not conflict with the purposes of the Green Belt. A clear conflict here in relation to the five purposes set out at paragraph 80 of the NPPF is “to assist in safeguarding

the countryside from encroachment.” While Core Strategy policy CS16 relates to Tourism, Culture and Leisure, and advises that in rural areas high quality visitor accommodation must be of an appropriate scale and character to their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required, this does not outweigh Green Belt considerations.

- 6.1.4 In addition policy MD11, relating to tourism facilities and visitor accommodation, recognises that static caravans, chalets and log cabins do have a significant impact upon the character and appearance of the countryside and the impact already of existing sites in the Severn Valley. At point 10 this policy states:

“New sites for visitor accommodation and extensions to existing chalet and park home sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites.”

(All land to the east of the River Severn is Green Belt).  
The supporting text at paragraph 3.104 states:

“MD11 seeks to limit the effects of new and extended sites in areas where cumulatively the impacts would outweigh any potential economic benefits. Within the Severn Valley there are a number of existing chalet developments in prominent locations which in many cases have become permanent residential dwellings. The policy seeks to limit the future development of these sites and restrict further visitor accommodation of this nature in this area of valued landscape character. The Policy also seeks to enable a ‘managed retreat’ of existing static caravan and chalet sites that are currently located in areas of highest flood risk should proposals come forward to move to areas of lower risk.”

- 6.1.5 The proposal is therefore inappropriate development in the Green Belt and contrary to Development Plan policies which seek on expansion of existing static caravan/chalet sites in the Severn Valley. In the appeal against the refusal of application 15/03937/FUL the Inspector’s conclusions, in dismissing the appeal, are summarised at paragraphs 1.3 and 1.4 above. His conclusions endorsed the planning application refusal reasons set out in full at paragraph 1.2 above.
- 6.1.6 The issue of the potential to develop the alternative site within the existing caravan site boundary for a matching number of caravans as now proposed is a new material planning consideration that was not before either the Council or the Planning Inspector when application 15/03937/FUL was under consideration. A decision has to be made as to whether this new material planning consideration is one of sufficient weight to constitute very special circumstances that outweigh the impact on the openness of the Green Belt, the encroachment into the countryside and the harm by reason of inappropriateness.
- 6.1.7 A check of the planning history for the Russells Caravan Park has confirmed that the ‘alternative site’ falls within the boundaries of the land with planning permission for use as a caravan site. Planning permission 61/630 for the use of land for the stationing of 100 caravans and planning permission 62/2520 for the extension to existing caravan site by the stationing of an additional 55 caravans have no

planning conditions restricting the number of caravans to the numbers specified in the description of development, or conditions requiring the developments to be carried out in accordance with the approved plans and thereafter maintained as such. Consequently limitation to the numbers specified in the descriptions of development could not be enforced today where layouts within the caravan site boundary would accord with caravan site licence requirements. The Council's Regulatory Services Team has advised that, in principle, the site layouts shown for the application site and the 'alternative site' would satisfy site licence requirements. From the site visit and the site contour plan submitted, it is considered that there is a realistic prospect that the 'alternative site plan' development could be carried out and that it is not a theoretical exercise.

- 6.1.8 The key consideration for the Committee here is considered to be the relative landscape impacts of developing the proposed application site in comparison with the alternative wooded hillside site. The proposed site is reduced in size compared to that which was considered at appeal, but the Inspector's conclusion that development on the eastern side of the existing caravan site would cause moderate harm to the character and appearance of the area remains pertinent. In comparison it is considered that development of the 'alternative site' would cause very significant harm to the character and appearance of the area, due to the greater visibility of this woodland area from the road, from the Severn Valley itself and from vantage points looking across the valley from a westerly direction, and the loss of woodland cover. Caravans on this part of the caravan site would add to the visual intrusion that already exists with the caravans on this site which are on the eastern crest of the Severn Valley, and detract from the setting of the Quatford Conservation Area..
- 6.1.9 The draft Section 106 Agreement submitted with the application is essential to ensure that any grant of planning permission for additional caravans on the application site ensures that no caravans would be stationed on the hillside area at any time in the future and that the woodland character of the hillside is also retained and maintained in perpetuity. At the time of finalising this report an amended Section 106 agreement was received for consideration which incorporates a rolling maintenance programme.
- 6.1.10 On balance, it is considered that the commitments contained in the proposed Section 106 Agreement that would form part of a planning permission to safeguard the character and appearance of this part of the Severn Valley, which would assist in ensuring that this static caravan site does not further erode the qualities of the Severn Valley which SAMDev Plan policy MD11.10 seeks to protect, would amount to very special circumstances sufficient to justify inappropriate development in the Green Belt and a Departure from Development Plan policies in this case.

## **6.2 Visual impact and landscaping**

- 6.2.1 Section 7 of the NPPF relates to requiring good design and this relates to matters such as landscaping and layout as well the design of individual structures. Core Strategy policies CS6 and CS17 seek to ensure developments are of a scale, density, pattern and design which take into account local context and character, and protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. SAMDev policy MD2 provides

further guidance on how developments should respond to locally distinctive or valued character. It is acknowledged that the proposed development would be less visible in the rural landscape than the part of the existing caravan site immediately to the west, which occupies a prominent, ridge line permission. The adverse visual impact of these existing caravan structures, when viewed from the west, would be unchanged by this proposal. This revised application has sought to address the appeal Inspector's comments about the linear nature of the layout and the development not appearing as a tight extension to the existing site by grouping fewer caravans (20 rather than 30) in a triangular configuration in the northern part of the recreational area. The proposed development would still have a moderate, adverse impact on more localised views, but this must be weighed against the potential more significant adverse landscape impacts discussed in Section 6.1 of the report above. No details have been supplied of the proposed external finishes of the proposed caravans which, by necessity of the proposed site layout, are shown to be of the single unit type. This is a matter, however, which could be conditioned on any approval issued. Similarly, the precise landscaping and surfacing details could be conditioned.

### **6.3 Residential Amenity**

6.3.1 Core Strategy policy CS6 seeks to ensure that developments safeguard residential and local amenity. The proposed location of the caravans relative to the existing caravan units to the west and the caravans/park homes to the south, and when the levels changes and separation distances are taken into account, would ensure no undue harm to the living conditions of these units. The precise siting of the proposed caravans within the application site would have to meet Caravan Site Licensing requirements that would address health and safety issues. There is no evidence base to substantiate the claim made by some parties that the proposal would have adverse security impacts on existing properties. The effect that a development may have on views and/or on property values can not be given any significant weight in assessing a planning application. The location of the proposed septic tank and associated drainage system been re-positioned on the amended proposed block plan to a position immediately to the south east of the proposed caravans and would not now adjoin the boundary with the recreational area associated with the Hollins Park park homes. (The drainage field is shown on the proposed block plan some 110 metres away from the boundary between the two sites at the closest point).

### **6.4 Drainage**

6.4.1 Core Strategy policy CS18 relates to sustainable water management. The Council's Sustainable Urban Drainage Team has commented that the surface water and foul drainage details can be conditioned on any approval issued. t the new access road and the areas for the caravans would be constructed of permeable materials and that this would be acceptable from a drainage perspective.

6.4.2 The location and capacity of the foul drainage system has been queried by some objectors. The agent in response has submitted the revised block plan showing a revised position of the proposed septic tank and drainage field, as described in paragraph 6.3 above. He was also asked to provide details of the system's design capacity and the number of properties it currently serves. Some of these drainage details have been annotated onto the proposed block plan drawings. It is

considered that the submission and approval of the full foul water drainage details would need to be the subject of a pre-commencement planning condition on any approval issued in order to protect the water environment and residential amenity. There would appear to be sufficient land in the control of the applicant to achieve an appropriate technical solution to foul drainage.

## **6.5 Ecology**

6.5.1 The NPPF at section 11 relates to conserving and enhancing the natural environment. Core Strategy policies CS6 and CS17 seek to protect and enhance Shropshire's natural environment and accord with obligations under National and European wildlife legislation. Further guidance on how harm to Shropshire's natural assets and their conservation, enhancement and restoration would be achieved is set out in SAMDev Plan policy MD12. A Biodiversity Survey and Report has been submitted with the application. It is acknowledged that this report covers the site area that was the subject of the earlier planning application and appeal and does not include part of the grassed open space recreational area included in the present application site where caravans would be stationed. An addendum to the Biodiversity Survey and Report has been requested to address this matter and it is hoped to receive this update in time for the Committee meeting. Subject to a review of the update, the Council's Planning Ecology Team are content that ecological interests can be safeguarded satisfactorily by conditions relating to the work being carried out strictly in accordance with the Ecological Assessment (Section 4.2.6); a pre-commencement inspection for Badgers; the submission of landscaping plans and lighting plans; and informatives relating to nesting wild birds and open trenches.

## **6.6 Highway Safety**

6.6.1 Core Strategy policy CS6 seeks to secure safe developments and, in the context of highway safety, the local road network and access should be capable of accommodating safely the type and scale of traffic likely to be generated. The Highway Authority comment that the site is currently served by an existing private access onto the A442 Bridgnorth to Kidderminster Road. It is their view that the additional 20 static caravans proposed would not increase activity at this location to an extent that would compromise highway safety, taking account of the existing premises in the immediate locality.

## **7.0 CONCLUSION**

7.1 It is accepted that there are no residential amenity, drainage, ecology (subject to review of the ecological update) or highway safety reasons that would warrant a refusal of this application. Holiday use only would have to be ensured through appropriate planning conditions. However the site lies in the Green Belt. In relation to the presumption in favour of sustainable development "land designated as Green Belt" is identified as one of the areas where the NPPF places restrictions on proposed development. This proposal would be inappropriate development in the Green Belt, eroding its openness. The proposal is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (Paragraph 87 of the NPPF). The proposal would also be contrary to SAMDev Plan policy MD11.10 which states that extensions to existing chalet and park home sites in the Severn Valley will be resisted due to the impact on the qualities of the area from existing sites.

7.2 However, it is accepted that the same number of static holiday caravans as now proposed could be accommodated within the boundaries of the existing caravan site without the need to obtain planning permission in a manner which would be significantly more injurious to the character and appearance of the Severn Valley landscape than would be the case with caravans stationed on the application site. The proposed Section 106 Agreement in connection with this application to never station caravans on the identified hillside area and to retain and maintain the woodland on it in perpetuity is a significant material planning consideration. On balance, it is considered the opportunity to safeguard this hillside area from caravan development, in order to protect the character and appearance of the Severn Valley landscape, constitutes very special circumstances sufficient to justify inappropriate development in the Green Belt and a Departure from Development Plan policy in this case.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

### 8.2 Human Rights

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

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

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

### 8.3 Equalities

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

### 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

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

Shropshire Core Strategy and SAMDev Plan policies:  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS13 Economic Development, Enterprise and Employment  
CS16 Tourism, Culture and Leisure  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
MD2 Sustainable Design  
MD6 Green Belt  
MD7b General Management of Development in the Countryside  
MD11 Tourism facilities and visitor accommodation  
MD12 The Natural Environment  
S3 Bridgnorth Area

### RELEVANT PLANNING HISTORY:

15/03937/FUL Change of use of part of recreational area for additional 30 pitches to extend existing caravan park REFUSE 4th March 2016

BR/APP/CM/08/0433 Installation of a sewage treatment plant NOOBJC 18th July 2008  
 BR/APP/FUL/01/0756 Retention of six existing static holiday caravan units GRANT 14th  
 December 2001  
 BR/APP/FUL/01/0762 Replacement of nine existing chalet units with nine static holiday  
 caravans GRANT 14th December 2001  
 BR/APP/FUL/01/0763 Replacement of two existing chalets with two static holiday caravans  
 GRANT 14th December 2001  
 BR/APP/FUL/00/0823 Construction of concrete base and siting of mobile holiday home to  
 replace existing toilet block GRANT 9th January 2001

Appeal

16/02469/REF Change of use of part of recreational area for additional 30 pitches to extend  
 existing caravan park DISMIS 2nd September 2016

11. Additional Information

View details online:

<https://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)

Planning Statement

Biodiversity Survey and Report

Visual Impact and Landscape Assessment

Unilateral Undertaking

Cabinet Member (Portfolio Holder)

Cllr R. Macey

Local Member(s)

Cllr Christian Lea

Cllr William Parr

Appendices

APPENDIX 1 - Conditions



## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).
2. The development shall be carried out strictly in accordance with the approved plans and drawings  
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.
3. No more than 20 caravans of any description shall be stationed on the land at any time.  
Reason: To define the permission for the avoidance of doubt; in the interests of the visual amenities of the area and restricting the impact of the development on the openness of the Green Belt.
4. The caravans shall comprise of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and shall not exceed the length, width and height of living accommodation limits set out in Part 3, Section 13 of the Caravan Sites Act 1968, as amended.  
Reason: To define the permission for the avoidance of any doubt and to comply with SAMDev Plan policy MD11.8.
5. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the caravans hereby permitted shall be used to provide holiday accommodation only and shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.  
Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.
6. A register shall be maintained of the names of the occupiers of the caravan units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable times to the Local Planning Authority.  
Reason: The site is outside of any settlement where unrestricted residential accommodation would be contrary to adopted Development Plan housing policy.
7. Before the caravans are first installed on the land details of their external finishes and any associated access decking/steps/ramps shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason; In the interests of the visual amenities of the area.

8. The access road and parking areas shall be constructed and surfaced in permeable material(s), which shall have been approved in writing by the Local Planning Authority, before the caravans they would serve are first occupied.

Reason: In the interests of visual amenity and public safety and to secure satisfactory surface water drainage

9. Before any caravan is first occupied details of the proposed foul and surface water drainage works shall have been submitted to and approved in writing by the Local Planning Authority and the works carried out as approved.

Reason: To ensure the proper drainage of the site, to avoid conditions which would create a public health hazard and to avoid pollution of any watercourse or underground strata.

10. The development shall be carried out in accordance with section 4.2.6 of the Ecological Assessment (Turnstone Ecology, August 2015), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of reptiles.

11. Within the three weeks prior to the commencement of development on the site, a pre-commencement badger inspection shall be undertaken by an experienced ecologist and the outcome reported in writing to the Local Planning Authority. If new evidence of badgers is recorded during the pre-commencement survey then the ecologist should set out appropriate actions to be taken during the works, which may include precautionary methods of working, timing restrictions, restrictions of activities around identified setts and the requirement, or otherwise, for Badger Disturbance Licences from Natural England should the closure, disturbance or destruction of setts be necessary.

Reason: To ensure the protection of badgers, under the Protection of Badgers Act 1992.

12. No above ground works or clearance of vegetation shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:
  - a) Planting plans, including wildlife habitat and features.
  - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment).
  - c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.
  - d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
  - e) Implementation timetables.

Any trees or plants that, within a period of five years from 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 of amenity and biodiversity afforded by appropriate landscape design.

13. 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 installation of external lighting 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's Bats and Lighting in the U.K. (2009).

Reason: To minimise disturbance to bats, European Protected Species.

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

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

15. Prior to the commencement of the development, including any works of demolition, a Construction Method Statement shall have been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

Reason: This detail is required prior to commencement to protect the amenities of the area.

### **Informatives**

1. In arriving at this decision Shropshire 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. In determining this application the Local Planning Authority gave consideration to the following policies:

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

Shropshire Core Strategy and SAMDev Plan policies:  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS13 Economic Development, Enterprise and Employment  
CS16 Tourism, Culture and Leisure  
CS17 Environmental Networks  
CS18 Sustainable Water Management

MD2 Sustainable Design  
MD6 Green Belt  
MD7b General Management of Development in the Countryside  
MD11 Tourism facilities and visitor accommodation  
MD12 The Natural Environment  
S3 Bridgnorth Area

3. The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one that is being built, containing eggs or chicks, or on which fledged chicks are still dependent. It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy and egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should 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 active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an experienced ecologist should be called in to carry out the check. No clearance works can take place with 5m of an active nest.

4. 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.
5. 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.

6. If piles of rubble, logs, bricks, other loose materials or other possible reptile and amphibian refuge sites are to be disturbed, this should be done by hand and carried out in the active season for reptiles (approximately 31st March to 15th October) and any reptiles discovered should be allowed to naturally disperse. Advice should be sought from an experienced ecologist if large numbers of reptiles are present.
7. The applicant is advised to familiarise themselves with the following document published by the Communities and Local Government, Model Standards 2008 for Caravan Sites in England Caravan Sites and Control of Development Act 1960 Section 5. For information in relation to caravan site licensing including an application form please visit Shropshire Councils web pages at the following link:

<https://new.shropshire.gov.uk/licensing/apply-for-a-licence-or-permit/caravan-site-licence/>

8. This permission should be read in conjunction with the associated Section 106 Agreement.

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Committee and date

South Planning Committee

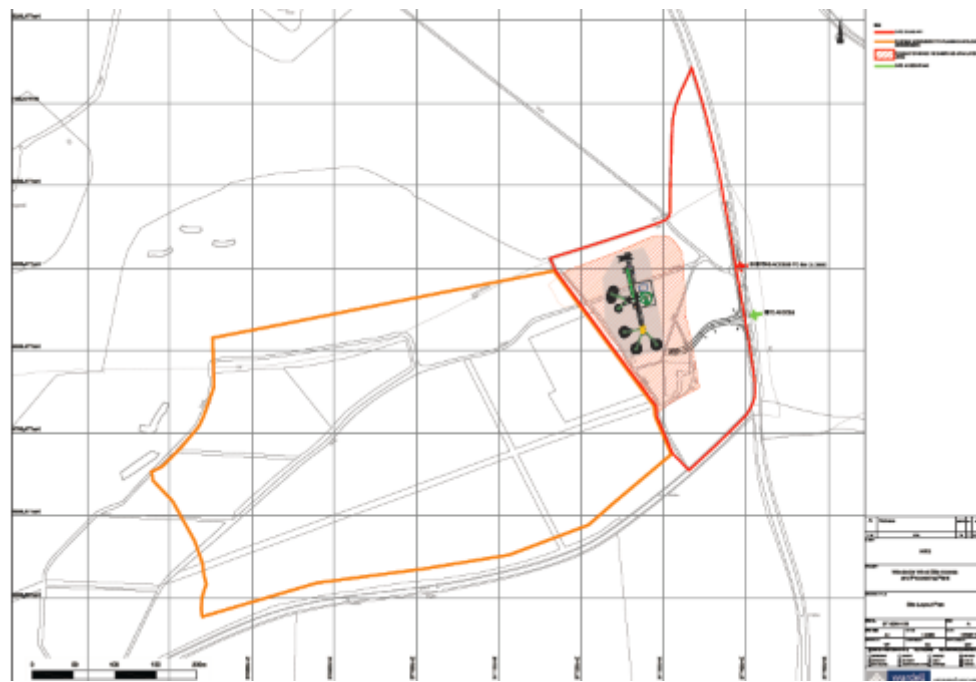
24 October 2017

## Development Management Report

### Summary of Application

<b>Application Number:</b> 17/03661/EIA	<b>Parish:</b> Sheriffhales
<b>Proposal:</b> Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site	
<b>Site Address:</b> Woodcote Wood, Weston Heath, Shropshire	
<b>Applicant:</b> NRS Limited	
<b>Case Officer:</b> Graham French	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Recommendation:- Grant Permission subject to the conditions and legal obligations set out in Appendix 1.**



### REPORT

#### 1.0 BACKGROUND

1.1 Woodcote Wood is identified as a 'preferred area' for sand and gravel extraction in the Shropshire Telford and Wrekin Minerals Local Plan (1996-2006). The policies of this plan are currently 'saved' in Telford and Wrekin and have been superseded in the

Shropshire Council administrative area by the Shropshire Core Strategy and the SAMDev plan.

- 1.2 The planning committee of the former Shropshire County Council resolved to approve proposals to extract sand and gravel at Woodcote Wood at its meeting on 25/7/06 (ref. SC/MB2005/0336/BR). The proposals involve extraction of 2.55 million tonnes of sand and gravel at a rate of approximately 200,000 tonnes per annum, giving an operational life of some 13 years. The approval resolution was subject to a legal agreement covering off site highway matters and other issues. The details of this are listed in Appendix 1.
- 1.3 The proposals involved access via a proposed new roundabout at the junction of the A41 and the Sheriffhales Road. However, the third party land required to construct the roundabout was not made available. Hence, the legal agreement remained unsigned and the permission was not issued. Since this time the feasibility of achieving an alternative access has been investigated, ultimately leading to the current proposals. The landowner Apley Estates has also selected the applicant NRS as the new developer for the site.

## 2. THE PROPOSAL

- 2.1 The proposals are for a 5.2ha easterly extension to the original site in order to accommodate a new site access directly off the A41 and re-location of the sand and gravel processing plant. Under the original scheme this was to be located at the western end of the site. The current application is interlinked with proposals to re-ratify the original approval resolution for mineral working which are considered separately.
- 2.2 The proposed development comprises the construction of a new access off the A41 and the installation of mineral processing plant and associated machinery. The processing plant would process sand and gravel which is intended to be extracted from the adjacent site directly to the west. Approximately 2.55 million tonnes of sand and gravel at a rate of 200,000 tonnes per annum would be extracted from the proposed quarry, processed through the processing plant and transported off site. The site would therefore have an operational life of approximately 13 years. The application site will also contain an area for product storage, a weighbridge and facilities area.
- 2.3 The plant would occupy an area of approximately 57 metres x 123 metres, and include: feed hopper; crusher; tanks; conveyors; and screens. The maximum height of the plant would be approximately 14 metres.
- 2.4 The proposed development would be an ancillary operation to the main proposed quarrying activities at Woodcote Wood and as such the two operations would be interlinked. The original quarrying application provided a series of phases which highlighted how mineral would be worked across the site. Although the location of the processing plant and site access is now being altered, it is not intended to alter the phasing of the current quarrying proposals.
- 2.5 Restoration: Following cessation of mineral processing activity, the site would be restored to oak and birch broad-leaved woodland, to align with the restoration



proposals outlined in the original quarry application. The access road would be retained permanently. All permanent and temporary plant and machinery would be removed from the site and restored. This would include a net gain of approximately 1.5 hectares of permanent broad leaved woodland compared to the previously plantation woodland managed as a crop.

- 2.6 It is anticipated that the construction of the processing plant and site access will begin towards the end of 2017 and will finish early 2018. The Site will be operational for 13 years, with an estimated completion date of 2031.
- 2.7 A Screening Opinion that was made by the Council on 28/6/17 (ref. 17/02645/EIA) confirms that the proposal constitutes development for which an Environmental Impact Assessment (EIA) is required. The planning application is accompanied by a formal Environmental Statement. This includes a number of detailed reports, including an Arboricultural Survey; Flood Risk Assessment; Transport Assessment; Ecology Surveys; Heritage Statement; Archaeological desk based Assessment.

## 2. SITE LOCATION / DESCRIPTION

- 2.1 The site is 5.2ha in size, and is located approximately 4.6km to the south of Newport, Shropshire. It is currently planted with a commercial plantation woodland. A portion of this woodland has already been removed as part of the commercial woodland activities. The site is bound by arable land to the north, which is currently cropped for wheat, and to the west is mainly bare ground that was previously coniferous plantation. The A41 bounds the site to the east and the B4739 bounds the site to the south.
- 2.2 An unoccupied residential dwelling known as 'The Keepers Cottage' and associated garden and outbuildings are located within the site boundary and would be utilised for operational support facilities including office accommodation during operations, after which it would return to residential use. Other properties in the area include: Woodcote Hall, a residential home approximately 610 metres to the north-west; properties along the A41 east of Woodcote Hall, approximately 300 metres to the north; properties along the A41 at Bloomsbury, approximately 425 metres to the south; and properties in and around Heath Hill to the south-west, the nearest of which are approximately 850 metres away.
- 2.3 The site straddles the boundary between the Shropshire Council and Telford & Wrekin Council areas. Most of the site lies within the former; an area of approximately 0.8 hectares at the north of the site lies within Telford & Wrekin.

## 3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

## 4. COMMUNITY REPRESENTATIONS

- 4.1 Sheriffhales Parish Council: Objection. The following comments are made:
- i. This Planning application has been given very careful consideration by the Sheriffhales Parish Council and has generated much local community concern. As part of our

response to this concern a public consultation was arranged on 14 September 2017. The meeting was attended by nearly 100 residents and interested parties. A report of the meeting was provided to the Parish Council subsequently. The views of the local community expressed at the meeting were that, firstly, a number were totally opposed to the application due to negative impacts on their residences specifically and to the environment more generally. There was, secondly, a unanimous rejection of the proposed access arrangements. All residents felt extremely strongly that the proposed T junction access onto the A41 was ridiculous and would only exacerbate traffic hazards on an increasingly dangerous section of the highway network.

- ii. The Parish Council are themselves unanimous in their objection to the submitted proposal and list specific objections later in this paper. The council has noted that 11 years ago when planning permission for Woodcote Quarry was considered the permission was subject to a road traffic island on the A41 that incorporated the B479 Sheriffhales/ Shifnal Road junction with a quarry entrance onto the island. Documents supporting the present application do not explain how Shropshire Council's assessment then, repeated in correspondence in 2013, has changed so significantly that a T junction is considered acceptable particularly with increases in traffic flows on the A41, the complexity of the traffic itself and the increasing use of the Sheriffhales B road as a shortcut to the A5.
- iii. Specific comments to Planning Application 17/03661/EIA:
  - a. Shropshire councils previous and current Position: Shropshire highways professional advisers stated in 2006 that it was an absolute requirement to provide a new roundabout and for the access to come incorporate the B4379. Shropshire Council insisted that provision of the island was included in a section 106 agreement which the developer failed to commit to. Shropshire Council's position on the requirements for a traffic island was repeated in email correspondence in February 2013. No clear reason for the change in position of the authority in this matter is given in submitted documents. Indeed, a Traffic Impact Assessment was not initially provided at all. The Parish Council notes that Shropshire council's responsibility for highway safety has not lessened in any way since taking over the responsibilities exercised by the highways agency with the de-trunking of the A41. As no 106 agreement has been signed, effectively no planning permission for the quarry exists.
  - b. Impact on B4379 Junction: The Parish Council notes that reports submitted in EIA do not consider the separate impacts of Quarry operation on safety at the already dangerous junction between the A41 and the very close B4379 junction in any significant detail at all. The B4379 has always been a dangerous junction. It is increasingly used as a shortcut to the A5 by commuter traffic and when there is congestion on the A41. The A41 itself is also increasingly used by heavy traffic when there is disruption on the M6. Visibility at the junction is poor. Being stationary on the A41 waiting to turn right across the carriageway onto the B4379 is an unsettling experience at times due to the speed of the traffic and visibility considerations. The detail on traffic flow submitted is based on 2015 data and does not reflect the increasing complexity of the traffic on the A41 at present.
  - c. Increasing agricultural activity generated locally as well as bigger and faster articulated vehicles using the road network in this area are underestimated as traffic hazards in the submitted documents. Local reports suggest it can take up to

10 to 15 minutes to safely exit onto the A41 from the B4379. We are aware from Telford and Wrekin Council reports that 59% of accidents on the A41 occur close to T junctions. From the developers 2015 data 15,000 vehicles were using this section of road then. Increased volume of traffic flow is further predicted to increase over the life of the proposed quarry.

- vi. Safety audits and related traffic assessments: In the EIA submission the developer had not undertaken an appropriate safety audit. The Highway Advice Note commissioned by the Council commented on this weakness. This report has not been available for public consultation until very recently and is a significant concern. The additional complexity of both a T junction onto the A41 and the B4379 junction and their proximity was also not evaluated in the EIA submission. There is insufficient or absent information on lighting requirements, signage and associated highway matters in any of the documentation submitted. This is a significant local concern given the nature of the road and its rural location especially in bad weather or in winter. It is unclear how effective measures to reduce traffic hazard related to the mud onto the road and other environmental impacts are to be assessed and successfully mitigated.
  - v. Other environmental impacts: There is little evidence in the submitted proposal that environmental impact, in particular of dust and noise, on local communities' infrastructure and housing have been or will be re-evaluated in line with the most recent assessments or how such disturbance should be mitigated or monitored. If the proposal is permitted substantial new screening and appropriate reinstatement will be required.
  - vi. The Parish council believes the original view of Shropshire Council that a new roundabout and appropriate access was an absolute requirement for reasons of highway safety is still the case now. A Highways solution on the above may still be possible through utilisation of land within the application boundary and existing highways land and this should be considered. But it is not possible to support this planning Proposal at present the Parish council would be grateful that this response is circulated to all members of the Planning committee prior to the meeting
- 4.2 Telford and Wrekin Council (adjacent planning authority) No response received.
- 4.3i. Environment Agency: No objection. We note that the proposed sand and gravel quarry on the adjoining Woodcote Wood site is subject to planning application MB05/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. It is understood that the original Environmental Statement (ES) has since been supplemented by an ES addendum to bring the application up to date and enable a formal decision. For completeness, our previous reply of 4 November 2005, to MB05/0336/BR, identified a number of issues which were subsequently addressed. The geology, hydrogeological setting and proximity of this site to licensed abstractions and surface water features were previously covered within the original ES. The main emphasis of the groundwater component of the ES report accompanying the application had been to illustrate that mineral extraction will not require a dewatering strategy or be groundwater consumptive. The thrust of the debate was to show that mineral extraction will only take place above natural groundwater level and therefore no active dewatering will be required. We note the current (revised) proposals are for a new site access off the A41 and the installation of processing plant, to facilitate mineral extraction.

- ii. **Water Resources:** We have previously raised water resource considerations in our response to the original application. We note Appendix 7.1 (ES) – water supply feasibility study, Wardell Armstrong. Our current position is that Groundwater and surface water abstractions over 20m<sup>3</sup>/d generally require an abstraction licence from us. In this area we have identified the Coley brook catchment as having “restricted water available for licensing”. However there are opportunities for license trading and other options. The water feasibility assessment includes water balance calculations that are based on a review of the site water requirements (Section 4.2), potential sources of water (Section 4.3) and the onsite water storage options. We note the timeframes and recommendations for further discussion. The report concludes that the required volume of start-up water (228m<sup>3</sup>) and top-up water (10,000m<sup>3</sup>/a) could be provided by a number of potential sources without significant impacts on the water environment. Based on the above, we would not anticipate a significant cause for concern at this time. The next stage would be for the applicant to submit a pre-Permit application to us outlining the proposed way forward. This will start the process of obtaining the relevant permissions needed to proceed with the licence trade. The combined approach of using several sources seems sensible. The applicant will need to consider the existing conditions on the abstraction licence and as part of the Permit pre-app this will highlight whether additional conditions are required etc.
- iii. **Water Quality:** The Site lies within the River Meese – Aqualate Mere tributaries catchment (GB109054050190), which is the catchment associated with Moreton Brook. Under the Water Framework Directive (WFD) this water body is classified as having an ecological status of Poor and a chemical status of Good within an overall WFD status of Poor. The Bolam’s Brook is a tributary of the Moreton Brook and is the closest watercourse to the Site. The Moreton Brook flows into the Aqualate Mere Lake via the Back Brook and the Coley Brook, approximately 4.6km north of the Site. The ES states that the proposed development would implement appropriate pollution prevention (best practice) measures during the construction, operation and restoration phases of the Site to help avoid impact and mitigate and manage impact accidental pollution were to occur. Such measures are identified in Table 7.13 of the ES and include lining of settlement ponds (see further comments below), appropriate bunding/secondary containment of fuel oils (see following condition); drip trays and spill kits for vehicles and incident response.
- iv. **Lagoon / silt pond settlement system:** The development proposal states: “the plant is fed clean water from a small lined lagoon, fine silt material is washed out and discharged into a silt pond settlement system”. No information is provided at this stage with regard to the proposed location of the settlement ponds. The Wardell Armstrong ‘Water Supply Feasibility Study’ puts forward a number of scenarios in section 4.5 Water Balance Calculations. Of these Scenario 1 states “the surface water runoff pond is assumed to be lined with clay rather than with a geosynthetic membrane due to the costs associated with installation of a low permeability geosynthetic liner”. Given the environmental sensitivity of the site we would not consider that this approach would be acceptable and we will expect the ponds to be lined with low permeability geosynthetic liner.
- v. The final design of containment lagoons is a matter for the applicants design engineer. The design will vary according to the geology and hydrogeology; however, the applicant should be aware that all geomembrane liners are susceptible to leakage. A

small leak allows biologically degradable material under the lagoon liner, or water to react with any organic matter in the soil. Where anaerobic conditions exist gas is evolved which inflates the liner allowing more liquid to leak and generating more gas and further inflation of the liner until failure occurs. We would recommend therefore that the design incorporates an under geomembrane drainage layer (incorporating appropriately designed cusped geosynthetic drainage) directing to a pumpable sump to allow collection of any leaked liquid; it also requires provision of mushroom gas vents to vent any small quantities of gas evolved.

- vi. An Environmental Permit (water quality) to discharge is likely to be required from us, in accordance with the Environmental Permitting Regulations (EPR). The applicant should ensure they have the relevant permit conditions in place, for the proposed works, through discussions with our Land and Water team on telephone: 02030 251674.
- vii. Other emissions: In terms of the minerals processing plant, we do not regulate that operation under the EPR. We would therefore make no comment on any emission issues (for example noise and dust assessment submitted) and advise you seek the views of your Public Protection team.
- viii. Mining Waste Directive (MWD): The MWD brought in changes to the way Mining operations are regulated. If you manage extractive waste then this activity may be a mining waste operation, which is regulated under the Environmental Permitting Regulations (EPR).
- ix. Extractive waste is defined as waste resulting from the prospecting, extraction, treatment and storage of mineral resources and the workings of quarries. In reality this means heaps / tips and ponds / lagoons used to contain and settle waste fines. There are exemptions to this which can be assessed on a case by case basis. In order for an assessment to be made on the above the applicant needs to include details of extractive material / waste that will be produced (e.g. soils, overburden etc). Information should include estimated quantities, treatment, storage and if it is to be used on site, what it will be used for. If the applicant proposes that extractive material should not be considered as 'waste' they will be required to submit an EMMS (Extractive Materials Management Statement). The applicant should contact our EPR Waste team.
- x. Flood Risk: The site is located within flood zone 1 (low risk annual probability of fluvial flooding) based on our indicative Flood Map for Planning. On this basis we make no comment on the FRA (dated July 2017 – Appendix 2.4 ES). However, we offer the following strategic comments on surface water given the nature of the proposal (EIA):
- xi. Surface Water Runoff: Table 2 of our guidance indicates the relevant increases that surface water FRA should consider for an increase in peak rainfall intensity. The following table (extract from our West Midlands area climate change guidance) is for 'peak rainfall intensity' allowance in small and urban catchments. Please note that surface water (peak rainfall intensity) climate change allowances should be discussed with the Lead Local Flood Authority (LLFA).
- x. The FRA confirms that Surface water runoff from the processing plant and hardstanding would be discharged to settlement ponds within the quarry area for retention prior to being recirculated to the processing plant. If all surface water runoff is

to be retained for use in mineral processing, approximately 1496m<sup>3</sup> of storage would be required for the 1 in 30 year storm event and approximately 2199m<sup>3</sup> of storage would be required for the 1 in 100 year (20% climate change) storm event. In 2005, we noted that “the ES has not assessed any differential in recharge to groundwater from the affected area pre and post mined state. It is however anticipated that this impact will be small and has been excluded from our further review of the report. However reducing the unsaturated zone thickness and vegetation cover will accelerate both through and overland flow. The consequence of this may be ponding at the lowest point during periods of high rainfall”. We would recommend that you seek the views of your Land Drainage (Floods team) on the above.

- xi. Habitats Regulations: We would advise you seek the comments of Natural England in relation to the potential impacts upon Aqualate Mere (SSSI and Ramsar site).
- 4.4i. 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 and so does not wish to make specific comment on the details of this consultation. The lack of case specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment. Other bodies and individuals may make comments that will help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process. In particular, we would expect the LPA to assess and consider the possible impacts resulting from this proposal on the following when determining this application:
- ii. Protected species: Where there is a reasonable likelihood of a protected species being present and affected by the proposed development, the LPA should request survey information from the applicant before determining the application (Paragraph 99 Circular 06/05). Natural England has produced standing advice, which is available on our website Natural England Standing Advice to help local planning authorities to better understand the impact of particular developments on protected or BAP species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, local planning authorities should undertake further consultation with Natural England.
  - iii. Local wildlife sites: If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.
  - iv. Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that

‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

- v. Landscape enhancements: This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.
- 4.5 SC Ecology: No objection (verbal comment).  
(Detailed comments and Habitat Risk Assessment to follow).
- 4.6 SC Trees: No objections. Having read the submitted plans and tree impact assessment I have no objection in principle given the rural situation of the site and that works being internal to the site means removal of the majority of trees from compartments C1 and C2 are commercial plantation woodland (and not woodland of public amenity or with access). I agree that impact of the tree removals is moderate, but will not have a detrimental effect on local visual amenity. Removal of trees for the access road is limited to One category 'A' tree, three category 'B' trees, four category 'C' trees, two category 'U' trees and two category 'C' tree groups which would seem acceptable for a scheme of this size. I support the management proposals to improve retained woodland and the long term restoration scheme for the site and new tree and shrub planting proposed to augment screening of the site. A full application would require that, where development proposals identify a need for working within the RPA/crown spread of retained trees, the project arboriculturist is contacted to advise and prepare an Arboricultural Method Statement (AMS) and identify appropriate stages of arboricultural supervision of the works prescribed in the method statement.
- 4.7 SC Conservation: The application relates to the installation of a processing plant and new access to facilitate sand and gravel extraction on the adjacent site at Woodcote Wood. The application has included a Heritage Statement that has assessed the impact of the proposals on heritage assets both direct and on setting. It concludes that impacts will be neutral. These conclusions are generally concurred with from a conservation perspective. Conditions should be imposed to ensure the restoration of woodland at the end of the operational period.
- 4.8i. SC Archaeology: No objections subject to a condition to require the implementation of a programme of archaeological work. The proposed development site is located within the former Park at Woodcote Hall (Shropshire Historic Environment Record No. PRN 07781), an extensive 18th century and later park associated with Woodcote Hall, a Grade II Listed Building (National Ref. 1351992). A number of features lie within the site boundary, including a boundary ditch (PRN 08634) thought to be associated with the historic Chapelry of Woodcote, a pheasantry and associated keepers cottage (PRN 31877 & PRN 08635) and a possible ironworking site indicated by the place name Bloomsbury (PRN 20688). An archaeological desk-based assessment submitted with this application (Wardell Armstrong, July 2017, report number ST16018/8.1) indicate that the proposals would cause slight adverse impacts to some of these

features, as well as to a non designated boundary wall. The assessment suggests that the effects of these impacts could be mitigated by a programme of archaeological recording. We concur with these conclusions.

- ii. In view of the above, and in relation to Paragraph 141 of the NPPF and Policy MD13 of the SAMDev component of the Shropshire Local Plan, it is advised that a programme of archaeological work be made a condition of any planning permission for the proposed development. This should comprise a measured earthwork survey of the chapelry boundary bank and a Level 2 Photographic Survey (as defined in Historic England's Understanding Historic Buildings: A guide to good recording practice, 2016) of the existing structures and features on the site, both to be carried out before development starts, and a watching brief during ground works associated with the development, to include an element of recording and sampling of the chapelry boundary feature.

4.9 SC Public Protection: No objections. Having considered the information provided in relation to noise I have no objection to the development. It is noted that the background survey is out of date (2004) however it is not considered that the noise levels in the area will have reduced over time and therefore they are considered to be generally conservative and therefore accepted as suitable for use. I would recommend that the noise levels specified as being achievable are conditioned to ensure that nearby receptors are protected from unnecessary noise. In relation to dust I do not consider there is likelihood of any significant impact on nearby receptors given the distances involved from the site to nearest residential properties. As a result I have no conditions to recommend on this aspect of the site.

4.10i. SC Highways Development Control: No Objection – Subject to the development being served by a modified access junction and improvements being undertaken to the site road frontage as detailed in the following conditions / informatives.

- ii. Observations/Comments: It is considered that the general principle of this development proposal is acceptable from a highways and transport perspective. Insofar as, the proposed 7.3m wide site access road is sufficient to avoid the potential for site traffic blocking back onto the A41. This is also supported by the submitted Transport Assessment which is considered to be sufficiently robust and acceptable in respect to the proposed traffic generation, distribution, growth and capacity assessment undertaken to support the development proposed. In addition, with the low number of HGV movements the proposed localised widening and traffic management (signing & lining) should be sufficient to manage the passing of HGV's on the 6m wide route within the site.

- iii. Notwithstanding the above, the 'ghost island' right turn lane junction, proposed to serve this site access, is considered contrary to the interests of local highway safety. On the face of it, a right turn lane junction would appear to be suitable facility, for such a development. Indeed, if this were a standalone development on a principal road away from any other road junction, the highway authority may be more supportive. However, the proximity of the adjacent A41/B4379 junction creates a specific situation which could not support a right turn facility for a private access.

- iv. It should be noted that had the developer undertaken an appropriate Safety Audit of this proposed facility, the issues with this location would have been identified and an



alternative junction arrangement could have been considered, before submission for planning consent. Specifically, the A41/B4379, junction has had an adverse history of injury accidents, of which a significant number appear to be linked to poor visibility (to the left), across the development site frontage, for drivers turning right from the B4379 onto the A41. Indeed, from experience, this is a difficult junction to turn right out of and has been of local concern many years. With development traffic only adding further complexity and confusion to all road users on the A41 and B4376.

- v. There are two principle issues with this proposed right turn facility in close proximity of the B4379 junction, along with the free flow and speeds of passing traffic. Firstly, it is conceivable that the introduction for ghost island junction would create confusion to road users, as they may assume that the right turn lane (white lining) is specific to the 'higher status' B4379 junction rather than the private access to the site. Resulting, in unfamiliar drivers moving into the ghost island lane to undertake a right turn onto what they think will be the B4379, but then requiring to merge back into the southbound lane of the A41. Only to be in conflict with another vehicle travelling legitimately on the inside of the merging vehicle, potentially within the turning vehicle's blind spot. Secondly, the presence of a waiting vehicle (HGV's particularly) within the proposed right turn lane could significantly reduce/obscure the visibility, from the B4379 of approaching traffic travelling in the southbound lane of the A41 (i.e. behind the waiting vehicles). Despite the proposed visibility splay created for the new site access (boundary wall and trees removed) which is acknowledged will provide some improvement for the left visibility from B4379. In the circumstances, it is considered that the site access should be downgraded to simple T-junction, so that it is more in accordance with the local junction hierarchy. Thereby avoiding potential confusion and conflicts, particularly given the majority of the development traffic (80% HGV's) is expect to turn left in / right out and would not benefit from the ghost island junction. However, forward visibility along the A41 as well as the junction visibility splays at the site access and the B4379 will need to be significantly improved to ensure highway safety. This could be achieved by the whole A41 frontage of the site being set back 2.4m from the nearside carriageway edge, and creating a footway/hard verge, from the B4379 to the northern site boundary.
- vi. Furthermore, consideration should be given to the developer taking the opportunity to further improve the local highway situation at this location, to increase the acceptability of the development proposed and mitigate local community concerns. These improvements could include increasing the junction visibility to the south of the B4379, and amending local highway direction signs to better inform drivers of the proximity of the quarry access in relation to the B4379 junction.
- 4.11 SC Drainage: No objection. A Flood Risk Assessment has been provided.

#### Public Comments

- 4.12 The application has been advertised by site notice and in the local press. In addition 20 residential properties in the area have been individually notified. 16 letters received objecting to the proposal and these are included in full on the Council's online planning register. The objections and comments are summarised as follows:-
- That the proposed access to the quarry site is not safe.
  - Damage to the highway caused by heavy goods vehicles

- Vehicles speeds on Highway are too high given nature of proposed use – should be reduced to 40mph
- Poor visibility from access in both directions will contribute to accidents in the vicinity of the objection.
- That 12 years ago it was deemed necessary to provide an island road junction
- Debris from lorries will make the road further unsafe
- Pollution and congestion arising from an extra 100 lorries per day
- Lorries may ignore signs and drive through Sheriffhales which is a bus route with stops for school children
- Access to the site requires land in the ownership of the Pave Lane land owner and is therefore undeliverable
- The sand and gravel contains smectite which requires an ample water supply for silt water management
- The existing resolution to permit is over a decade old
- If approved site traffic should not be allowed to use the B4379
- A roundabout junction would be acceptable, a T junction is not
- Numerous accidents and increased traffic on this road since original resolution to permit
- Quarry firm is putting profit ahead of public safety
- A41 is notoriously busy and more congested when local motorways experience holdups. This has led to fatalities as well as unreported accidents/incidents
- Proximity of proposed junction to existing junction with the B4379 which is already dangerous for residents trying to exit to the left because of the bend in the road and camber.
- Exiting quarry vehicles will be slow moving and more likely to lead to dangerous scenarios
- Conditions require site restoration when quarrying is complete but 1. Will they be held to this clause? If they have changed their minds on the road junction what will stop them changing their minds on this point? 2. What sort of extra traffic should we expect in and out of the site when the reconstruction begins? 3. How long will this take? If the new road and roundabout are not put into place how much longer will the dangerous driving conditions continue in this area?
- After hearing the original proposal in 2006 having a traffic island based on road traffic at that time, now to make a u turn and not have the island is mind boggling!!
- Large trucks will use B4379 as a short cut
- Road already treacherous
- The number of additional jobs that it is estimated will be available as result of this proposed development are few in number and are not sufficient to justify the negative impact that this development will have on the local area.
- Not all accidents are reported
- Speed and volume of traffic increasing daily
- Shropshire is a very unspoilt area of the country and this should be preserved whenever possible, the disadvantages of allowing this proposed development far outweigh and advantages.
- Always a build-up of traffic from Newport waiting to turn right
- Speed of traffic from Bloomsbury makes it difficult to turn left
- What happened to the plan for the roundabout?
- Have lived in area all my life, a member of Bridgnorth and County Planning Committees, have first-hand knowledge of the A41, junctions, lanes and increase in traffic volume over years. A41 and B4379 junctions appear to have been ignored in these proposals

- Applicants claim of 215m sight lines is overplayed – no streetlights or consideration to poor weather conditions
- Traffic leaving the A41 and entering the B4379 from both directions often blocks the claimed 215m visibility distance with stationary or turning vehicles making it impossible for traffic exiting the proposed entrance to have uninterrupted vision (especially slow moving heavily loaded lorries from a standing start).
- New entrance will significantly add to the possibility of accidents
- Due to oblique angle of B4379 junction onto the A41 most vehicles that turn left have to cross into the southbound carriageway of the A41 which is extremely dangerous
- Although the A41 has been de-trunked traffic levels have increased to over 15,000 vehicles a day with a mix of vehicle types contributing to potential danger
- Over 3,000 new properties given planning permission within 4 miles of the proposed access
- New traffic island is an essential requirement
- Sandstone wall must be conditioned to be rebuilt in its present form
- Plans for screening the site are inadequate due to age of conifers, quick growing trees and shrubs must be planted together with high earth bunding.
- Application should be considered by committee due to very significant safety matters raised.
- Impact on view from property
- A41 already overburdened with lorries
- Request 30mph speed limit and road re-alignment
- Build roundabout with traffic lights
- Provide for cleaning road
- Limit number of lorries to 4 per hour
- Contribute to Sherrifhales Parish to receive £1 per load for a Community Trust Fund
- Adequacy and timing of consultation on the application
- Absence of satisfactory Highway details such as detailed access design, both in horizontal and vertical planes, road and lane widths, design criteria for right turn facility, proposed junction visibility based on vehicles speeds in accordance with Design manual for Roads and Bridges, TD9/93 and TD42/95
- Details should show how junction design will affect B4379 junction to South.
- No details to confirm whether an existing access to north can be closed.
- X distance should be 4.5m not 2.4m which is inadequate
- Not clear that all land required is in applicants control – should be indicated on the plans
- Plans insufficiently detailed, lack information
- Aim should be to improve safety to a standard where there are no accidents.
- Junction with B4379 should be improved having regard to existing vehicle numbers, speed and movements
- No details of proposed signage
- 10% increase in HGVs will have significant effects on traffic movement and speeds
- The AADT is 13,354 two way traffic movements and currently 7.5% are HGV
- No vertical alignment details provided
- Swept path diagrams do not indicate largest vehicles.
- Council's Highway Consultation response not published but initial consultation lacked detail.
- Advise against use of Grampian conditions, resolve issues now.
- On the basis of the above, it is considered that it has not been demonstrated that a safe and satisfactory access can be provided to serve the development and as a

consequence this could lead to conditions detrimental to highway safety and free flow of existing traffic on the A41 and as submitted the Council are invited to refuse the application on a lack of detail and information.

## 5. THE MAIN PLANNING ISSUES

- i) Development context;
- ii) The justification for the development;
- iii) Highway safety;
- iv) Environmental effects (residential and general amenities - noise, dust, visual impact, ecology, hydrology, restoration and afteruse)

## 6. OFFICER APPRAISAL

### Development Context

- 6.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise material considerations include the National Planning Policy Framework (NPPF), including the accompanying Technical Guidance to the NPPF which provides additional guidance to planning authorities in relation to mineral extraction.
- 6.2 Woodcote Wood was allocated for mineral extraction in the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006. Whilst the plan has been superseded in Shropshire most of the policies have been 'saved' in Telford & Wrekin pending adoption of a new policy document. The original approval resolution was given on 25<sup>th</sup> July 2006 but an accompanying legal agreement was not completed and the permission was never issued. However, the mineral within the site has continued to be counted as a part of sand and gravel landbank for the Shropshire Telford & Wrekin sub-region.
- 6.3 Ten years has elapsed since the approval resolution and the current applicant (NRS) is now seeking to progress the site. A rival operator is proposing an alternative site at Pave Lane 1.5km to the north (in Telford & Wrekin) and has questioned the deliverability of the site on the basis that third party land required to construct the original access is not available. NRS has responded to this by submitting the current alternative access proposals and giving evidence of the intention to develop the site. The Parish Council has objected on grounds of highway safety and this matter is discussed in a succeeding section.
- 6.4 The committee is also considering another application relating to Woodcote Wood on this agenda. The application seeks re-ratification of the original 2006 committee approval resolution following the receipt of updated environmental information (SC/MB2005/0336/BR). The applicant intends that the current application area and the original site would be managed as a single quarry unit if the applications are approved. Planning conditions have been recommended in Appendix 1. These are essentially the same for both applications in order to facilitate an integrated control of the quarry site.

### Justification for the development

- 6.5 As noted above, the principle of quarrying at Woodcote Wood has already been established by the previous allocation and committee resolution. At the time the original application was being considered it was accepted that there was a justification to release the mineral in the site. Since that time other resources within the sub-region have been released / worked and have subsequently become depleted. However, the original area at Woodcote Wood has the status of a committed site and must be taken account of as such in assessing the demand for new sites.
- 6.6 Under the Managed Aggregate Supply System (MASS) Shropshire is required to ensure that sufficient permitted reserves of sand and gravel are available to allow the county to continue each year to meet its agreed proportion of the West Midlands region's overall requirements (the 'sub-regional apportionment'). The Government sets the county's apportionment on the basis of work by the Regional Aggregates Working Party of which Shropshire is a member. The county must therefore identify sites in its minerals policy documents with sufficient capacity to meet the agreed apportionment level throughout the plan period. Woodcote Wood forms one of these sites by virtue of its allocation in the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006.
- 6.7 The current proposals are for an easterly extension to the existing Woodcote Wood site in order to construct a new access and to re-locate the quarry plant site. Access issues are discussed in a succeeding section. It is accepted however that the original access cannot be achieved as the land required is not available. Therefore, it has been necessary for the current applicant to identify an alternative access arrangements. It is also accepted that re-location of the quarry plant site to a lower position which is also closer to the highway and easier to access will also yield operational benefits.
- 6.8 It is considered that the current proposals are capable of being justified as sustainable given the above considerations and the allocated status of the site. This is provided there would not be any unacceptably adverse environmental or amenity impacts after mitigation has been applied.

#### HIGHWAY SAFETY

- 6.9 Sheriffhales Parish Council and 20 local residents have objected to the proposals. The main concern is one of highway safety. It is stated that the level of traffic has increased since the original approval resolution in 2006 and a new roundabout is needed now more than ever. These concerns are acknowledged. However, the proposed roundabout is no longer achievable as the third party land required to construct it is not available. Moreover, construction of a roundabout would entail significant cost which the applicant advises would render the development unviable.
- 6.10 As the proposed roundabout is no longer an option the applicant has had to look at other access options. The preferred option is a new access onto the A41 at a location where good visibility can be achieved. The applicant's highway consultant entered into detailed discussions with Shropshire Council as Highway Authority before and the current application was submitted.
- 6.11 A Transport Assessment considers existing and potential traffic generation. The assessment notes that the site is accessible with good transport links. A review of Personal Injury Accident data for the highway network surrounding the site concluded that there are no highway safety issues that will need to be addressed.

- 6.12 The application as submitted involved access to the site via a ghost island priority junction formed within the A41 and visibility splays of 2.4m x 215m, to the left and right. Highway officers have however advised that the ghost island is not needed but that an extra 2.1m stand-off from the highway is. The applicant has agreed to this and amended plans have been submitted.
- 6.13 A travel demand analysis has been undertaken and indicates that the site is forecast to generate a total of 114 two-way vehicle movements over an 11.5-hour period (07:00-18:30), of which 70 are forecast to HGV movements. This equates to approximately 6 two-way movements per hour. This level of generated traffic is not considered to be significant and the existing local highway network is not anticipated to be adversely affected. The transport Assessment concludes that the proposed development can be accommodated within the local area without adverse highway impacts. The Highway Authority has not objected.
- 6.14 The Highway Authority has not objected to the proposals but has requested that a formerly proposed ghost island junction is removed and that a further 2.1m stand-off from the highway boundary is provided. The applicant has accepted this and amended plans have been received. Highway officers have indicated that the additional stand-off they are requesting would provide a visibility improvement for road users in the vicinity of the Sheriffhales junction.
- 6.15 A consultant acting for the promoters of the Pave Lane site has questioned the conclusions of the Highway Authority, citing accident records and other data in support of the claim that the access proposals are inadequate. However, the Highway Authority has maintained its position and the applicant's highway consultant has also written in support of the scheme. The NPPF advises that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' (NPPF Para 32). Given the advice of the Highway Authority it is considered that any residual cumulative impacts would not be sufficiently severe to justify refusal. Notwithstanding this, in recognition of local concerns the applicants have indicated that they would be prepared to enter into a legal agreement providing amongst other matters funding for off-site highway improvement works (included in Appendix 1).

## OTHER ENVIRONMENTAL EFFECTS

### Residential amenity

- 6.16 Residential amenity, noise: The site is relatively remote from residential property. The nearest privately owned properties are located 200m to the west but are set down behind a wooded ridge. A noise and vibration assessment has been undertaken, which assess both the likely noise and vibration impacts that the Proposed Development (including the quarry site) will have on the Site and the surrounding area. The assessment of noise considered both the quarry operations and noise associated with road traffic generated by the Proposed Development.
- 6.17 The noise assessment has considered the short term and long term activities at both the quarry site and the Site, in combination. These effects have been assessed at five environmentally sensitive receptors locations (ESR1 to 5). With the implementation of

mitigation measures, such as the construction of earth bunds during site preparation, the short term and long term noise effects at all five ESRs will be nil and therefore will not be significant. In terms of noise generated by road traffic, the assessment considered only four ESRs. The highest increase in noise at all four ESRs will be 1 decibel. As a consequence, the effect of road generated noise will be nil and therefore, will not be significant.

- 6.18 The operations at the quarry also have the potential to increase vibration levels at residential properties in the area surrounding the Site. The nearest residential property from the Site and the quarry site is 150m to the south west. At this distance it is unlikely that vibrations due to the quarry operations will be perceptible, and it is very unlikely that these will cause structural damage. As a consequence, the effects of vibrations will not be significant. Public protection have not objected subject to an appropriate noise condition.
- 6.19 Residential amenity – Dust / Air Quality: The Environmental Statement has considered the potential for different activities to generate dust and methods of controlling dust have been identified. This includes restricting vehicle speed and watering unsurfaced roads in accordance with a Dust Action Plan. The working scheme has been designed to minimise haulage distances. A water bowser would be retained permanently on site. A surface water run-off sump in the base of the excavation would yield water for dust suppression. The ES concludes that this approach would ensure that dust is controlled within acceptable levels throughout the life of the site. These conclusions are generally accepted. Public protection have not objected.

#### Other amenity impacts

- 6.20 Visual Impacts: A landscape and visual impact assessment has been undertaken, which assesses both the likely visual and landscape impacts that the Proposed Development (including the quarry site) will have on the Site and the surrounding area. The effect of the Proposed Development on the landscape will be limited to the Site and the surrounding area and will be predicted to be slight-moderate adverse.
- 6.21 The visual effects experienced during construction of the site access, by people travelling past the Site on the A41, will not exceed moderate adverse. During operation the Site access will become part of the road network and these visual effects will decrease. Other visual effects will not exceed the level of slight adverse. Therefore the landscape and visual effects as a result of the proposed development during both construction and operation will not be significant.

#### Assessment of other potential environmental effects:

- 6.22 Ecology - general An Extended Phase 1 Survey was undertaken for both the Site and the quarry site (also known as the 'survey area'), which identified the following habitats and species:
- Broad-leaved Plantation Woodland, Badgers
  - Recently Disturbed Ground, Bats
  - Mixed Plantation Woodland, Breeding Birds:
- 6.23 In addition, the effects of the Proposed Development on designated sites has been considered, which include the Midlands Meres and Mosses Phase 2 Ramsar (includes

Aqualate Mere) (of international value); and Greens Wood and Lynn Wood Ancient Woodlands (of national value). The Proposed Development has been designed to preserve higher value habitats within the survey area and best practice measures will be used during construction, and operation. Also, where appropriate mitigation measures are recommended.

- 6.24 The survey concludes that the proposed development will result in the loss of habitats of low importance only. With best practice measures in place, the effects of the proposed development on designated sites will not be significant. Furthermore with best practice measures and mitigation measures in place, the effects on the species within the survey area (as shown above) will not be significant. SC Ecology have not objected subject to recommended conditions. A habitat matrix will be forwarded separately.
- 6.25 Water Environment An assessment of the Proposed Development on the water environment at the Site and the surrounding area has been undertaken. There are no surface water features within the Site but there are six within 1km of the Site boundary. The Site is located within the Meese - Aqualate Mere tributaries catchment, which is the catchment associated with Moreton Brook. This water body has an overall Water Framework Directive status of Poor. The Bolam's Brook is a tributary of the Moreton Brook and is the closest watercourse to the Site. The Moreton Brook flows into the Aqualate Mere Lake via the Back Brook and the Coley Brook. There are seven licensed surface water abstractions within 2km of the Site.
- 6.26 A Conceptual Site Hydrogeological Model (CSHM) has been produced and identifies the potential sources of groundwater recharge, groundwater pathways and potential sensitive receptors. This has been used to undertake the assessment of effects. With the implementation of mitigation measures, the effects of the Proposed Development on water environment of the Site and the surrounding area will not exceed minor and therefore will not be significant. Furthermore a Water Framework assessment has been undertaken. With the implementation of mitigation measures (such as pollution prevention measures), the Proposed Development would not cause further degradation to the surrounding water environment.
- 6.27 Archaeology and Cultural Heritage: An assessment of the Proposed Development on the archaeological and cultural heritage assets at the Site and in the surrounding area. Desk based assessments have concluded that there no designated heritage assets within the Site boundary. However, there are four undesignated heritage assets (including the boundary wall, located adjacent to the A41) recorded within the Site boundary. The assessment also identified that there are four Grade II Listed buildings (Woodcote Hall, includes Keepers Cottage which is located within the site. This building will be retained and used as staff facilities) and one Grade II\* Listed building within the vicinity of the Site.
- 6.28 In terms of archaeological remains, it is highly likely that any previously unknown archaeological remains have been heavily damaged/removed by the extensive woodland and modern plantation in the Site. It is considered that the effect of the Proposed Development on archaeological remains and heritage assets (including Listed buildings), during both construction and operation, will not exceed slight adverse, and therefore will not be significant. Furthermore, these impacts are considered to be temporary and would reduce to nil after the restoration of the Site. It



has been agreed with the Senior Archaeological Advisor at SC, that a programme of archaeological fieldwork will be undertaken which will mitigate the loss of any unknown archaeological remains.

6.29 Mineral Processing The processing equipment to be chosen would be able to process the clay mineral smectite.

6.30 Cumulative Impact The Environmental Statement concludes that the current proposals would not give rise to any unacceptable cumulative impact in the local area due to their well-contained nature and available planning controls and safeguards. These would be further strengthened through the use of a S106 Legal Agreement.

## 7. CONCLUSION

7.1 In conclusion, the proposals would assist in allowing implementation of an historical permission at Woodcote Wood. This would be achieved by facilitating an amended access. The proposals would also facilitate a more comprehensive restoration scheme achieving afteruse benefits in terms of habitat creation and agriculture.

7.2 Objectors have expressed concerns particularly in relation to highway safety. They maintain that the roundabout on the A41 proposed in the original scheme should be reinstated. However, the roundabout is not deliverable as the third party land required is not available and there is insufficient land within the applicant's landholding to deliver a realigned roundabout. The Highway Authority has not objected. The requirement to provide an additional 2.1m stand-off to the highway verge is acceptable to the applicant and would result in improved visibility for all users of the Sheriffhales junction. In addition the applicant is willing to agree to a legal agreement delivering an off-site highway contribution to assist further in addressing the concerns of local residents.

7.3 The individual effects of the proposals have been assessed in detail, including through a comprehensive planning consultation process. It is considered that no issues have been identified which would be likely to give rise to unacceptable impacts on the local environment or amenities which would justify refusal. This is having regard to the inbuilt safeguards in the design of the scheme and the recommended planning conditions. It is concluded that proposed new access and plant re-location scheme can be accepted in relation to relevant development plan policies and guidance and other material planning considerations.

## 8. RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### Risk Management

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

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

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

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

#### Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the recommendation below.

#### 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. FINANCIAL IMPLICATIONS

There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

#### Additional Information

#### 10. PLANNING POLICY

##### 10.1 Central Government Guidance: National Planning Policy Framework

142. Minerals are essential to support sustainable economic growth and our quality of

life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

144. When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,<sup>31</sup> and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;
- making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- taking account of published National and Sub National Guidelines on future

- provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
  - making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
  - ensuring that large landbanks bound up in very few sites do not stifle competition; and
  - calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

### Shropshire Core Strategy

#### CS20: Strategic planning for Minerals

Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. This will be achieved by: Protecting the Mineral Safeguarding Areas (MSA's) and rail freight facilities which could contribute to the sustainable transport of minerals which are identified in Figure 10. Non-mineral development in these areas or near protected railfreight sites will be expected to avoid sterilising or unduly restricting the working of proven mineral resources, or the operation of mineral transport facilities, consistent with the requirements of national and regional policy. Encourage greater resource efficiency by supporting the development and retention of waste recycling facilities which will improve the availability and quality of secondary and recycled aggregates in appropriate locations as set out in Policy CS 19; Maintaining landbanks of permitted reserves for aggregates consistent with the requirements of national and regional policy guidance. 'Broad locations' for the future working of sand and gravel are identified in Figure 11. Sites capable of helping to deliver the sub-regional target for sand and gravel will be allocated within these areas in the Site Allocations and Management of Development DPD; Only supporting proposals for sand and gravel working outside these broad locations and existing permitted reserves, where this would prevent the sterilisation of resources, or where significant environmental benefits would be obtained, or where the proposed site would be significantly more acceptable overall than the allocated sites; Supporting environmentally acceptable development which facilitates the production of other mineral resources such as crushed rock, clay and building stone to meet both local needs, including locally distinctive materials, and to help meet cross boundary requirements. Environmentally acceptable proposals for the exploration, appraisal and production of hydrocarbon resources, including coalbed methane, will be supported as a contribution to meeting the requirements of national energy policy; Requiring development applications for mineral working to include proposals for the restoration and aftercare of the site.

Priority will be given to environmentally acceptable proposals which can deliver targeted environmental or community benefits consistent with Policies CS8 and CS17. More detailed policies against which applications for mineral development can be assessed will be provided in the Site Allocations and Management of Development DPD.

### SAMDev Plan

#### Policy MD5: Sites for Sand and Gravel Working

1. The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;
2. Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:
  - i. the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;
  - ii. the need to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in a specific area, including through the imposition of output or timescale restrictions where these are necessary to reduce the potential for market oversupply and cumulative adverse environmental impacts;
  - iii. whether the early release of the site would enhance sustainability through meeting an identified local need.
3. Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:
  - i. the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,
  - ii. the proposal would not prejudice the development of the allocated sites; and,
  - iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.

#### Schedule MD5a: Phase 1 Site Allocations:

Development of the allocated mineral sites identified on the Proposals Map should be in accordance with relevant Local Plan policies and the development guidelines set out in this schedule.

#### MD16 - Mineral Safeguarding

Transport and processing facilities will not be granted unless the applicant can demonstrate that:

1. The development proposed would not prevent or unduly restrict the continued operation of the protected infrastructure; or,
2. That the identified facilities are no longer required or that viable alternative facilities are available. MSA boundaries and protected mineral transport and processing facilities are identified on the Policies map and insets. The buffer zones which will apply to protected resources and facilities are identified in the explanatory text below.

3. Applications for permission for non-mineral development in a MSA must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development or the protected mineral handling facility (termed a Mineral Assessment). This assessment will provide information to accompany the planning application to demonstrate to the satisfaction of the MPA that mineral interests have been adequately considered and that known mineral resources will be prevented, where possible, from being sterilised or unduly restricted by other forms of development occurring on or close to the resource;
4. Identification of these areas does not imply that any application for the working of minerals within them will be granted planning permission.

MD17: Managing the Development and Operation of Mineral Sites

1. Applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. Particular consideration will be given (where relevant) to:
  - i. Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
  - ii. The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
  - iii. The cumulative impact of mineral working, including the concurrent impact of more than one working in a specific area and the impact of sustained working in a specific area;
  - iv. Impacts on the stability of the site and adjoining land and opportunities to reclaim derelict, contaminated or degraded land (Policy CS6);
  - v. Effects on surface waters or groundwater and from the risk of flooding (Policy CS18);
  - vi. Effects on ecology and the potential to enhance biodiversity;
  - vii. The method, phasing and management of the working proposals;
  - viii. Evidence of the quantity and quality of mineral and the extent to which the proposed development contributes to the comprehensive working of mineral resources and appropriate use of high quality materials;
  - ix. Protecting, conserving and enhancing the significance of heritage assets including archaeology.

Where necessary, output restrictions may be agreed with the operator to make a development proposal environmentally acceptable.

2. Mineral working proposals should include details of the proposed method, phasing, long term management and maintenance of the site restoration, including progressive restoration towards full reinstatement of occupied land and removal of all temporary and permanent works. A satisfactory approach will avoid the creation of future liabilities and will deliver restoration at the earliest practicable opportunity to an agreed after-use or to a state capable of beneficial after-use. Where the proposed after-use includes agriculture, woodland, amenity (including nature conservation) or other uses, a satisfactory scheme will need to include the following:
  - i. Proposals which take account of the site, its surroundings, and any development

- ii. plan policies relevant to the area;
  - ii. Evidence to show that the scheme incorporates best practice advice and is practical and achievable;
  - iii. A Management Plan, which should address the management requirements during each phase of the proposed development;
  - iv. A Reclamation Plan;
  - v. Provision for a 5 year period of aftercare;
- Where appropriate, a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site.
3. Proposals for the working of unconventional hydrocarbons should clearly distinguish between exploration, appraisal and production phases and must demonstrate that they can satisfactorily address constraints on production and processing within areas that are licensed for oil and gas exploration or production. Particular consideration will be given to the need for comprehensive information and controls relevant to the protection of water resources;
  4. Where relevant, applications for the winning and working of coal should include proposals for the separation and stockpiling of fireclay so that its value as a mineral resource can be captured;
  5. A flexible approach will be adopted to the duration of planning consents for very small scale, intermittent but long term or temporary working to work locally distinctive building and roofing stone consistent with the objectives of Policy MD2;
  6. Where ancillary development is proposed, proposals should include satisfactory measures to minimise adverse effects, including:
    - i. Locating the ancillary development within or immediately adjacent to the area proposed for mineral working or on an established plant site;
    - ii. Restricting the principal purpose to a purpose in connection with the winning and working of minerals at the site or the treatment, storage or removal of minerals excavated or brought to the surface at that site;
    - iii. For imported minerals, where necessary, to limit the quantities involved to control the volume and type of traffic, and the establishment of an acceptable route for the traffic to and from the site;
    - iv. The cessation of the ancillary development when working of the mineral for which the site was primarily permitted has ceased and removal of plant and machinery to allow full restoration of the site.

Where ancillary development could have an adverse effect on the local environment which cannot be mitigated to acceptable levels, a condition may be attached to the planning permission to control the adverse effects by limiting development to an established plant site, or introducing a stand off from sensitive land uses, or mitigating effects in other ways, or as a last resort, withdrawing permitted development rights so that the ancillary development can be properly controlled by the terms of the planning permission

## HUMAN RIGHTS

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

against the impact on residents. This legislation has been taken into account in arriving at the above recommendation

RELEVANT PLANNING HISTORY:

BR/02/0011/HRM Remove 3 no. hedgerows whose total lengths are approximately 240 metres.

NOOBJC 13th January 2003

17/03661/EIA Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site PCO

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

List of Background Papers:

1) Planning Application reference 17/03661/EIA and the accompanying Environmental Statement, Regulation 19 submission of further information.

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Kevin Turley

Appendices: Appendix 1 - Conditions



**APPENDIX 1****Legal Agreement Clauses:**

(to also be carried forward from application SC/MB2005/0336/BR)

- i. Traffic routing and management agreements including preventing mineral lorries from using the B4379 west of the site access as a through route, preventing lorries from waiting outside the site entrance prior to the site opening and prior notification of any major short-term contracts which might result in increased vehicle flows;
- ii. Funding by the developer (£50k) for highway improvement works on the A41 and at the Sheriffhales Junction linked to a Section 278 Highway Agreement with implementation within an agreed timescale;
- iii. Carrying out of noise monitoring at agreed frequencies at the nearest sensitive properties and implementation of a mitigation and complaints procedure;
- iv. Retention of woodland providing a screening function around site for the duration of the quarrying operations and submission of a woodland management scheme to maximise screening and establish windfirm edges in strategic areas around the site in advance of felling – written confirmation of woodland management agreement with the landowner to be provided prior to commencement;
- v. Provision for 10 years aftercare for specific habitat areas to secure the stated habitat / biodiversity benefits of the proposed afteruse scheme, including replacement of any planting failures and management of proposed woodland glades to prevent weed / shrub encroachment;

**Conditions**

1. The development to which this planning permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a), to define and provide appropriate advance notice of the Commencement Date

**DEFINITION OF THE PERMISSION**

- 2a. This permission shall relate to the areas edged red (and blue on the approved location plan accompanying the application (Drawing no. ST16018-102) hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme which comprises the following:
  - i. The application form dated 25<sup>th</sup> July 2017
  - ii. The Non-Technical Summary dated July 2017;
  - iii. The planning supporting statement dated July 2017;

- iv. The Environmental Statement dated July 2017 and the accompanying appendices.
- iv. The submitted drawings accompanying the Environmental Statement, namely:
  - ST16018-101 – Site Context Plan
  - ST16018-111 - Restoration Plan
  - ST16018-103 – Site Layout Plan
  - SA17 - 013 – Proposed Plant Layout
  - ST16018-110 – Topographical Survey
- c. The Further information entitled Regulation 19 Consultation Response prepared by David Walker Limited dated August 2011 and the accompanying appendices comprising:
  - Appendix 1 - Regulation 19 Request from Shropshire Council dated 21 July 2011
  - Appendix 2 - Copies of Relevant Consultation Responses
  - Appendix 3 - Site Conceptual Model
  - Appendix 4 - Great Crested Newt HSI Assessment

Reason: To define the Site and permission

#### TIME LIMITS

- 3a. No less than 7 days prior notice of the commencement of the first stripping of soils under the terms of this permission shall be given in writing to the Local Planning Authority. Such date shall be referred to hereinafter as 'the Commencement Date'.
- b. No less than 7 days prior notice of the commencement of mineral extraction shall be given in writing to the Local Planning Authority.

Reason: To define and provide appropriate advanced notice of the Commencement Date and the date for commencement of mineral working under the terms of this permission.

4. Unless otherwise previously approved in writing by the Mineral Planning Authority extraction of sand and gravel from the site shall cease at the site within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and

LIMITS OF MINERAL EXTRACTION

- 5. Prior to entry into each new mineral working phase the limits of that phase shall be physically defined by wooden posts or other appropriate means. The boundaries so marked shall be inspected and approved by the Local Planning Authority as being in accordance with the permitted plans, and shall be thereafter retained in position for the duration of the extraction operations within that phase.

Reason: To ensure that the limits of the extension area and of mineral extraction within the extension area are properly defined.

OUTPUT

- 6a. Mineral shall not be exported from the Site at a rate exceeding 200,000 tonnes per calendar year (commencing on 1st January and ending on 31st December).
- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

Reason: In the interests of highway safety, to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area and to provide appropriate advanced notice of any periods of more intensive output.

NOISE AND DUST

- 7a. Noise levels measured as LAeq 1h (free field) shall not exceed the following levels at the nearby noise sensitive locations during normal quarrying operations.

Location	Noise Limit LAeq (1hr)
Woodcote Hall	47
Brandon House	49
1 Chadwell Lane	50
88 Bloomsbury	46
Pine Ridge	49

- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any sensitive properties during temporary operations such as soil stripping. The increase in noise levels allowable for temporary operations shall not apply for more than 8 weeks in total in any one year.
- c. A noise monitoring scheme to demonstrate ongoing compliance with the noise limits specified in conditions 7a and 7b above shall be submitted to the Local Planning Authority prior to the Commencement Date and the approved measures shall thereafter be implemented in full.

Reason: To protect the amenities of occupants of nearby properties from the adverse impact of noise emissions

- 8a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition.
- b. All quarry plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

Reason: To assist in safeguarding the amenities of the area from noise disturbance.

9. Water shall be applied to main haul roads and other areas as necessary within the Site in order to prevent the generation of dust by vehicular/plant traffic.

Reason: To assist in safeguarding the amenities of the area from dust disturbance.

10. In the event that a complaint is received regarding noise or dust impact and is subsequently validated by the Local Planning Authority the Developer shall submit a mitigation scheme for the approval in writing of the Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or dust disturbance by implementing an agreed procedure for dealing with any complaints.

#### LIGHTING

11. No fixed lighting shall be installed at the quarry unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall comply with current best practice guidance for the control of light pollution, including preventing adverse effects on wildlife. Following its approval, any lighting shall be installed in accordance with the approved details.

Reason: To safeguard the amenities of the area from light pollution.

#### HOURS OF WORKING

- 12a. Subject to condition 12b mineral extraction and associated operations under the terms of this permission shall not take place other than between the hours of:

7.00 – 18.30 on Mondays to Fridays and 7.30 - 13.00 on Saturdays  
and such operations shall not take place on Sundays and Bank Holidays.

- b. Notwithstanding Condition 12a) above, essential maintenance works to plant and machinery on the Site may also be undertaken between the hours of 13.00 p.m. - 18.00 p.m. on Saturdays.

Reason: To safeguard the amenities of the area.

#### HIGHWAY MATTERS

- 13a. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied / brought into use.

Reason: To ensure a satisfactory means of access to the highway

14. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to the approved standard as shown on the application drawings and shall thereafter be maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

15. Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay measuring 2.4 metres to the nearside carriageway edge across the whole site frontage of the A41, shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: To ensure the provision of adequate visibility in the interests of highway safety

- 16a. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.

- b. Details of construction and surface treatment for the internal access road leading to plant site shall be submitted for approval prior to the Commencement Date. The internal access road shall be constructed in accordance with the approved details  
Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

17. A wheel wash facility shall be provided at the Site in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The approved facility shall be retained for the duration of the operations hereby permitted. Wheel cleaning shall be employed by all goods vehicles leaving the Site so as to avoid the deposit of mud on the public highway. In those circumstances where mud or dust has been transported onto the metalled access road

a tractor mounted brush or other similar device shall be employed in order to clean the road.

Reason: In the interests of highway safety.

Informative Notes:

- i. Mud on highway: The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- ii. Protection of visibility splays on private land: The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- iii. No drainage to discharge to highway: Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- iv. Works on, within or abutting the public highway: This planning permission does not authorise the applicant to:
  - construct any means of access over the publicly maintained highway (footway/verge) or
  - carry out any works within the publicly maintained highway, or
  - authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
  - undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

- v. Section 278 Agreement: No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into.  
<http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

## PLANT AND STOCKPILING

18. Within six months of the date of this permission a detailed scheme confirming the location of stockpiling areas within the site shall be submitted for the approval in writing of the Mineral Planning Authority.

Reason: In the interests of visual and general amenities.

## REMOVAL OF G.P.D.O. RIGHTS

19. Notwithstanding the provisions of Part 19a of the Town and Country Planning General Permitted Development Order (1995) or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior approval of the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area, taking account of the ability of existing vegetation to perform an acceptable screening function.

## PHASING

21. The Site including the area edged blue on the approved location plan shall be worked in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application and application reference SC/MB2005/0336/BR.

Reason: To ensure that the Site is worked in a properly phased manner.

## DRAINAGE / POLLUTION

- 22a. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

23. Details of the proposed settlement lagoon and settlement ponds shall be submitted for the approval of the Mineral Planning Authority prior to commencement of the development in accordance with sustainable design principles. The settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

- 24a. Prior to the extraction of any minerals beneath the water table a groundwater monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The scheme shall include: a groundwater monitoring dataset over a 'minimum 12 month period' and appropriate monitoring for the Boars Head Farm well. Thereafter monitoring shall be carried out and reviewed in accordance with the approved scheme throughout the remaining duration of the mineral extraction operations hereby approved.
- b. If the monitoring scheme required by condition 24a shows any adverse risk of deterioration to groundwater and surface water quality then proposals to (1) investigate the cause of deterioration, (2) remediate any such risk and (3) monitor and amend any remedial measures shall be submitted for the approval in writing of the Local Planning Authority, in consultation with the Environment Agency. The approved remedial measures shall be implemented in accordance with the approved details.

Reason: To prevent any deterioration of ground or surface waters ('controlled waters' as defined under the Water Resources Act 1991)..

#### Archaeology

25. 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 Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest

#### SOIL / MATERIAL MOVEMENT AND STORAGE

26. No waste, overburden or silt other than those arising as a direct result of the excavation and processing of mineral on the Site shall be deposited within the Site and such materials shall be used-in the restoration of the site.

Reason: To define the types of restoration material for use at the Site.

27. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. Wherever possible, both topsoil and subsoil shall be directly placed in sequence as part of restoration, following stripping. In addition, medium textured mineral soils recovered from the Site which are suitable for use as a soil shall be stored for future use in restoration of the Site.

Reason: To prevent loss or damage to soils and offset any shortfalls of soil by using geological material.

28. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to



this condition. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped. Where soils are stripped to less than 1 metre depth this deficiency shall be made up, where possible and appropriate, from soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

29. All topsoil, subsoil and soil making materials shall be stored in accordance with the provisions of the approved scheme and in separate mounds which:
- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil unless otherwise approved by the Local Planning Authority;
  - ii. shall be constructed with external bund gradients not exceeding 1 in 2;
  - iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
  - iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
  - v. shall not subsequently be moved or added to until required for restoration unless otherwise agreed by the Local Planning Authority;
  - vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed;
  - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

Reason: To prevent loss of soil and minimise damage to soil structure.

#### SITE MAINTENANCE

30. The Developer shall maintain and make stock-proof all existing and proposed perimeter hedges, fences and walls from the commencement of the development until the completion of aftercare.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land

31. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary. Spraying shall not take place in the non- agricultural areas except with prior permission of the Planning Authority.

Reason: To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas.

#### SLOPE STABILITY

32. The stability of all slopes within the Site shall be the subject of ongoing review throughout the duration of the extraction, restoration and aftercare operations hereby approved. In the event that any significant stability problems are identified following assessment by a competent person, such problems shall be notified to the Local Planning Authority within two weeks of them becoming apparent. Appropriate remedial

measures, as determined by the competent person, shall then be employed as soon as practically possible, including if necessary drainage works and/or erosion remediation and/or buttressing with indigenous fill materials to ensure the continued stability of all areas within the Site.

Reason: To ensure slope stability is maintained.

## ECOLOGY

33. Prior to the Commencement Date a scheme providing mitigation for the loss of nesting opportunities associated with any clearance of existing vegetation within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the installation of identified mitigation measures such as bird boxes within or adjacent to the site within one year of the Commencement Date.

Reason: To mitigate for the loss of nesting opportunities for wild birds on the site.

### *Note:*

- i. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.*
  - ii. *Operations shall be managed to avoid the need to commence work affecting vegetation or structures in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation or structures to commence in the nesting season then a pre-commencement inspection of the vegetation, machinery and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation or structures shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.*
- 34a. All trees, hedgerows and shrubs within the Site boundary but outside the limits of extraction shall be retained and managed and, where appropriate, protected during excavation and restoration works in accordance with the Management Plan to be submitted under Condition 30 above.
- b. No disturbance shall take place to any established trees or shrubs within or surrounding the Site until after the end of the bird nesting season (March - June inclusive), unless a supplementary ecological survey has been submitted to and approved in writing by the Local Planning Authority which shows that the affected vegetation is not being used by any nesting birds.

Reason: To preserve and protect existing vegetation within the Site which is not allocated for removal (31a) and to safeguard any nesting bird species (31b).

## RESTORATION OF HABITAT AREAS

35. Prior to the Commencement Date a detailed landscape planting scheme of shall be submitted for the approval of the Mineral Planning Authority. The submitted schemes shall provide information on the final position of benches and faces, treatment of benches, engineering specifications for drainage provisions, planting, after use and

management proposals to take place on-site. The scheme shall be implemented in accordance with the approved details and shall include:

- i. Tree and shrub species lists for mixed native hedgerow and woodland creation including use of native species of local provenance (Shropshire or surrounding counties).
- ii. Numbers and planting patterns / mixes of trees and shrubs for hedge and woodland creation.
- iii. Means of ground preparation and planting pit specification where relevant.
- iv. Measures for tree protection and support (e.g. rabbit spirals and bamboo canes, or stakes and ties, or tree guards / shrub shelters).
- v. Early year maintenance schedule (e.g. mulching and / or weeding, straightening and eventual removal of stakes and ties).
- vi. Replacement of losses as appropriate to achieve 90% survival rates after 5 years.
- vii. Timing of commencement and completion of the various phases of the scheme.
- viii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- ix. A scheme for the formation and treatment of water bodies to be established as part of the restoration of the Site including depths, gradient of banks, provision of safe and shallow shorelines, treatment of lake margins to promote the growth of appropriate vegetation and establishment of habitats and a timetable for the implementation of these works.
- x. A scheme for the restoration of the plant, stocks and lagoon areas.
- xi. Implementation timetables.

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

36. Prior to the Commencement Date a detailed habitat management plan for the site shall be submitted to the Mineral Planning Authority. The submitted scheme shall include:

- i. Description and evaluation of the features to be managed;
- ii. Ecological trends and constraints on site that may influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- vii. Personnel responsible for implementation of the plan.
- viii. Monitoring and remedial/contingencies measures triggered by monitoring.

Specific species management plans should also be provided in respect of Sand Martins, Badgers and Great Crested Newts. The plan shall be implemented in accordance with the approved details.

Reason: To protect features of recognised nature conservation importance and maintain created habitat.

37. Within five years of the date of this permission a detailed scheme of permanent fencing and final hedgerow and other planting for the Site including a timetable for the implementation of such measures, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure the full and proper restoration of the Site.

#### REMOVAL OF PLANT AND STRUCTURES

- 38a. All buildings, plant and machinery within the permitted Site which have been installed in connection with the operations authorised under this permission or any previous permission relating to the Site, shall be demolished, destroyed or removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the schemes referred to in Conditions 42 and 43 above.
- b. All access and haul roads which have not previously been approved for retention by the Local Planning Authority in connection with the approved restoration and aftercare schemes shall be removed in accordance with the provisions of the schemes required by conditions 43 and 44 above.

Reason: To assist in securing the full and proper restoration of the Site within an acceptable timescale.

#### AFTERCARE

39. Aftercare schemes for agricultural and non-agricultural areas shall be submitted for each restored section of the Site as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to bring the land to the required standard for wildlife or amenity use as appropriate. The submitted aftercare schemes shall specify in relation to each phase the steps to be taken and shall include, as appropriate:
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;
  - ii. measures to reduce the effects of compaction;
  - iv. cultivation works;
  - v. reseeded where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
  - vi. grass cutting or grazing;
  - vii. replacement of hedge and tree failures;
  - viii. weed and pest control;
  - ix. drainage including the construction/maintenance of ditches and soakaways;
  - x. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
  - xi. habitat management proposals within the aftercare period;
  - xii. track maintenance within the Site;
  - xiii. repair to erosion damage;
  - xiv. Drainage including the construction/maintenance of ditches, ponds or soakaways;
  - xv. A system of under drainage where natural drainage is not satisfactory;
  - xvi. Field Water Supplies.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

48. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 47 above shall be carried out in each stage for a period of five years following the agreement of an aftercare scheme for that stage of restoration.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

#### ANNUAL REVIEW

- 40a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Mineral Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:

- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
- ii. Drainage provisions as necessary for the restored areas.
- iii. The provision of fences, hedgerows, gates and water supplies.
- iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.
- v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
- vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.

Reason: To assist in ensuring establishment of the approved afteruses.

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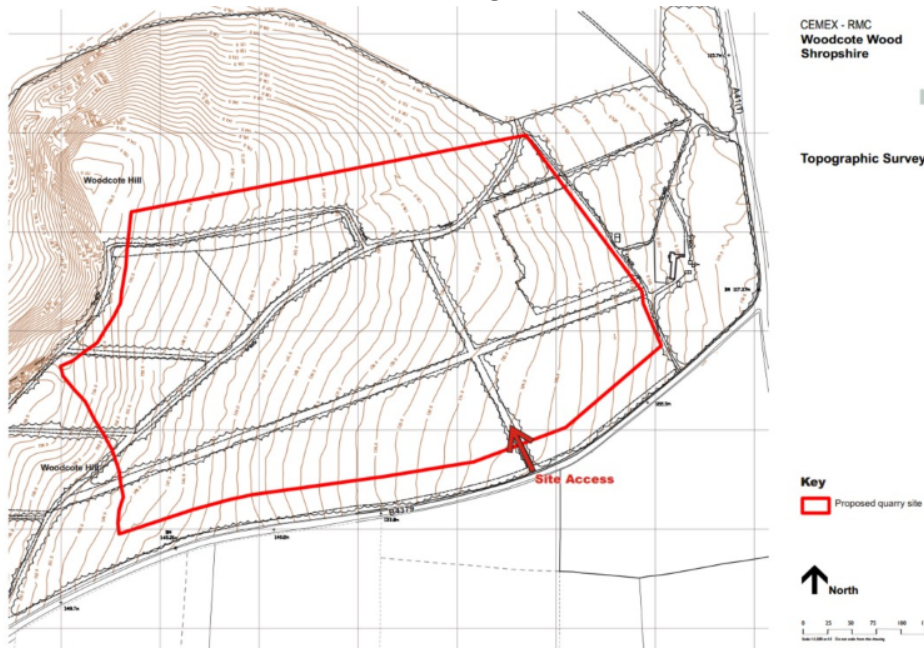
Committee and date  
 South Planning Committee  
 24 October 2017

## Development Management Report

### Summary of Application

<b>Application Number:</b> SC/MB2005/0336/BR	<b>Parish:</b> Sheriffhales
<b>Proposal:</b> Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site	
<b>Site Address:</b> Woodcote Wood, Weston Heath, Shropshire	
<b>Applicant:</b> NRS Limited	
<b>Case Officer:</b> Graham French	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

### REPORT



### Recommendations:-

1. That Members note the updated environmental information submitted in support of the Environmental Statement accompanying the application and are minded to approve the application, thereby re-ratifying the original approval resolution dated 25th July 2006. This is subject to the conditions set out in Appendix 1.
2. That subject to clause 4 below, officers be given delegated authority to issue the permission if Natural England has no objections following completion of the statutory Habitat Regulations Assessment consultation period.

3. **That the requirement for a legal agreement originally set out in the committee resolution dated 25th July 2006 is updated and transferred to planning application 17/03661/EIA which forms a separate item on this agenda on the basis that the substantive issues are more appropriately dealt with in that application than the current proposals.**
4. **That in the event that application 17/03661/EIA is not approved by the Committee both applications shall be reported back to a subsequent committee for determination.**

## REPORT

### 1.0 BACKGROUND

1.1 Woodcote Wood is identified as a 'preferred area' for sand and gravel extraction in the Shropshire Telford and Wrekin Minerals Local Plan (1996-2006). The policies of this plan are currently 'saved' in Telford and Wrekin and have been superseded in the Shropshire Council administrative area by the Shropshire Core Strategy and the SAMDev plan.

1.2 The planning committee of the former Shropshire County Council resolved to approve proposals to extract sand and gravel at Woodcote Wood at its meeting on 25/7/06 (ref. SC/MB2005/0336/BR). The proposals involve extraction of 2.55 million tonnes of sand and gravel at a rate of approximately 200,000 tonnes per annum, giving an operational life of some 13 years. The description of the development is:

*'Construction of access to B4379, extraction and processing of sand and gravel, re-profiling and restoration of the site, related highway works to B4379 and A41'.*

The approval resolution was subject to a legal agreement covering off site highway matters and other issues. The details of this are listed in Appendix 1. The Section 106 agreement has not been completed and therefore the planning permission has as yet not been issued.

1.3 The application proposed that access to the site would be from the B4379 at a point along the south side of the site, and that a new roundabout junction would be provided to the south of the existing B4379/A41 junction. The applicant has however advised that this is no longer a feasible option, as it requires third party land and the owner will not agree to sell the land.

1.6 A separate application before this committee (17/03661/EIA) proposes an alternative access directly off the A41 to the east of the site and re-location of the quarry processing plant. The current application is therefore interlinked with the application for mineral extraction which is considered separately.

### 2. THE PROPOSAL

2.1 The original planning application was accompanied by an Environmental Statement prepared under the Town and Country Planning (Environmental Impact Assessment)



(England and Wales) Regulations 1999. The applicant is seeking to re-ratify the original committee approval resolution and has accordingly submitted updated environmental reports. The updated reports have been submitted under Regulation 19 of the 1999 EIA Regulations as these were the Regulations in force when the application was submitted (Regulation 19 is replaced by Regulation 21 of the 2017 EIA Regulations for current applications).

- 2.2 The updated reports cover ecology, noise, dust, ground and surface water, archaeology, landscape and visual impact. They supersede the reports which accompanied the original Environmental Statement. The reports were provided to the Planning Authority In March 2017 but the applicant requested that consideration of the current application was deferred to allow time for it to be considered with the new access proposals (17/03661/EIA) which form a separate item on this agenda.
- 2.3 Consultations have been undertaken on this additional information. Details of the findings of these reports, the matters raised as part of the consultation process and an assessment by Officers in relation to current policies, are set out below. The original Committee report which was considered by the County Council's Planning Committee in 2006 is attached as Appendix B, and this provides details of the proposed development.
- 2.4 The applicant's consultant has identified the need for some amendments to the original site layout including an easterly extension to accommodate a revised access onto the A41 and re-location of the proposed quarry plant site. As noted above, these proposals form part of a separate planning application under reference number 17/03661/EIA. Given that the two applications are interlinked it is considered that they should be assessed together by Members.

## 2. SITE LOCATION / DESCRIPTION

- 2.1 The site is generally as described in Section 4 of the 2006 Committee report attached as Appendix A. However the site itself has been cleared of trees. It is enclosed by trees in the surrounding plantation woodland. These trees would be retained to ensure the site is screened during operation. Access would be derived via a new access directly onto the A41 to the east. This access is subject to a separate planning application, ref. 17/03661/EIA.
- 2.3 The site straddles the boundary between the Shropshire Council and Telford & Wrekin Council areas. Most of the site lies within Shropshire which accordingly is the lead authority for the application.

## 3. REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The proposals comprise Schedule 1 EIA development and the Council's Scheme of Delegation requires that such applications are determined by Planning Committee.

## 4. COMMUNITY REPRESENTATIONS

- 4.1 The representations received in relation to the original planning application are set out in the Committee report of 25/7/06, reproduced in Appendix B below. The

representations received in response to the current submission of the addendum reports are set out below.

#### 4.2 Sheriffhales Parish Council: Objection:

- i. This Planning application has been given very careful consideration by the Sheriffhales Parish Council and has generated much local community concern. As part of our response to this concern a public consultation was arranged on 14 September 2017. The meeting was attended by nearly 100 residents and interested parties. A report of the meeting was provided to the Parish Council subsequently. The views of the local community expressed at the meeting were that, firstly, a number were totally opposed to the application due to negative impacts on their residences specifically and to the environment more generally. There was, secondly, a unanimous rejection of the proposed access arrangements. All residents felt extremely strongly that the proposed T junction access onto the A41 was ridiculous and would only exacerbate traffic hazards on an increasingly dangerous section of the highway network.
- ii. The Parish Council are themselves unanimous in their objection to the submitted proposal and list specific objections later in this paper. The council has noted that 11 years ago when planning permission for Woodcote Quarry was considered the permission was subject to a road traffic island on the A41 that incorporated the B479 Sheriffhales/ Shifnal Road junction with a quarry entrance onto the island. Documents supporting the present application do not explain how Shropshire Council's assessment then, repeated in correspondence in 2013, has changed so significantly that a T junction is considered acceptable particularly with increases in traffic flows on the A41, the complexity of the traffic itself and the increasing use of the Sheriffhales B road as a shortcut to the A5.
- iii. Other environmental impacts: There is little evidence in the submitted proposal that environmental impact, in particular of dust and noise, on local communities' infrastructure and housing have been or will be re-evaluated in line with the most recent assessments or how such disturbance should be mitigated or monitored. If the proposal is permitted substantial new screening and appropriate reinstatement will be required.
- vi. The Parish council believes the original view of Shropshire Council that a new roundabout and appropriate access was an absolute requirement for reasons of highway safety is still the case now. A Highways solution on the above may still be possible through utilisation of land within the application boundary and existing highways land and this should be considered. But it is not possible to support this planning Proposal at present the Parish council would be grateful that this response is circulated to all members of the Planning committee prior to the meeting

Specific comments to Planning Application 17/03661/EIA are listed in the report for the application which forms a separate item on this Agenda.

#### 4.3 Telford and Wrekin Council (adjacent planning authority) No response received.

#### 4.4. Environment Agency: No objection. [The following comments have been extracted from the response provided in relation to the linked application ref. 17/03661/EIA]:

- i. We note that the proposed sand and gravel quarry on the adjoining Woodcote Wood site is subject to planning application MB05/0336/BR and currently has a resolution to grant, from July 2006, subject to a S106 agreement being signed on financial contributions and highway improvements. It is understood that the original Environmental Statement (ES) has since been supplemented by an ES addendum to bring the application up to date and enable a formal decision.
  - ii. For completeness, our previous reply of 4 November 2005, to MB05/0336/BR, identified a number of issues which were subsequently addressed. The geology, hydrogeological setting and proximity of this site to licensed abstractions and surface water features were previously covered within the original ES. The main emphasis of the groundwater component of the ES report accompanying the application had been to illustrate that mineral extraction will not require a dewatering strategy or be groundwater consumptive. The thrust of the debate was to show that mineral extraction will only take place above natural groundwater level and therefore no active dewatering will be required.
- 4.5 Natural England: No comments received. (Natural England has not objected to the linked application 17/03661/EIA).
- 4.6 SC Ecology: No objection (verbal comment).  
(Detailed comments and Habitat Risk Assessment to follow).
- 4.7i. SC Trees: No objections. Having read the submitted plans and tree impact assessment I have no objection in principle given the rural situation of the site and that works being internal to the site means removal of the majority of trees from compartments C1 and C2 are commercial plantation woodland (and not woodland of public amenity or with access). I agree that impact of the tree removals is moderate, but will not have a detrimental effect on local visual amenity.
- ii. Removal of trees for the access road is limited to One category 'A' tree, three category 'B' trees, four category 'C' trees, two category 'U' trees and two category 'C' tree groups which would seem acceptable for a scheme of this size. I support the management proposals to improve retained woodland and the long term restoration scheme for the site and new tree and shrub planting proposed to augment screening of the site.
  - iii. A full application would require that, where development proposals identify a need for working within the RPA/crown spread of retained trees, the project arboriculturist is contacted to advise and prepare an Arboricultural Method Statement (AMS) and identify appropriate stages of arboricultural supervision of the works prescribed in the method statement.
- 4.8i. SC Conservation: The application site for sand and gravel extraction lies within the boundary of the historic parkland associated with Woodcote Hall, which, together with its associated church – which is Grade II\* listed – and ancillary service buildings, is Grade II listed. These assets lie to the north of the site, and are well screened as a result of intervening topography and mature tree cover. The site of a former pheasantry and the extant associated keeper's dwelling, which are likely to date to the same period as the Hall and the laying out of the estate in the mid 19th century, lies in

close proximity to the east of the extraction area and within the area proposed for machinery and plant, outside this application boundary but covered by a parallel application. These would be considered to be non-designated heritage assets, together with the sandstone boundary walls along the roads to the east and south of the site.

- ii. In considering this application for planning permission, due regard to the following local and national policies, guidance and legislation is required in terms of historic environment matters: CS6 Sustainable Design and Development and CS17 Environmental Networks of the Shropshire Core Strategy, Policies MD2 and MD13 of the SAMDev component of the Local Plan, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance. Chapter 12 of the NPPF is of most relevance. Each of the above makes specific provision for the protection of the historic environment as a key element in the promotion of local distinctiveness as part of sustainable development.
- iii. As the proposal is located in close proximity to the designated heritage assets identified above, the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant, as the Act identifies the need to pay special regard to the preservation of listed buildings and their settings. Paragraph 135 of the NPPF makes provision for the consideration of non-designated heritage assets, where their significance is likely to be affected.
- iv. The Heritage Assessment provided as part of the Environmental Statement has addressed the potential effects of the extraction site on the setting of heritage assets in the immediate vicinity and within a 1km radius; wider landscape setting impacts have been assessed in the accompanying LVIA. We concur with the findings of these assessments, and agree with the mitigation measures proposed, which will result in a neutral effect on the landscape setting through the retention and replanting of woodland swathes on all boundaries. Together with the distance and form of intervening topography, the impact on the setting of the heritage assets is negligible and their significance preserved.
- v. The recent application 17/03661/EIA, to extend the site to the East for the provision of plant and processing, and provide site offices in the former Keeper's Cottage, which will be restored, has been the subject of a separate response. The use of appropriate materials in this work and re-use of stone from the boundary wall is essential to enhance the character and local distinctiveness of the surrounding built environment and historic landscape.

4.9 SC Archaeology: No comments received.

4.10 SC Public Protection: No objections. Having considered the information provided in relation to noise I have no objection to the development. It is noted that the background survey is out of date (2004) however it is not considered that the noise levels in the area will have reduced over time and therefore they are considered to be generally conservative and therefore accepted as suitable for use. I would recommend that the noise levels specified as being achievable are conditioned to ensure that nearby receptors are protected from unnecessary noise.

4.11 SC Highways Development Control: No comments received. The Council's highways team did not object to the inked application for a new access onto the A41 (17/03661/EIA). Members will be updated on any comments received from the Council's highways team.

4.12 SC Drainage: No objection. A Flood Risk Assessment has been provided.

#### Public Comments

4.13 The application has been advertised by site notice and in the local press. In addition 20 residential properties in the area have been individually notified. 16 letters received objecting to the proposal and these are included in full on the Council's online planning register. The objections and comments are summarised as follows:-

#### Public/Neighbour Representations:

- Related application (17/03661/EIA - Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site) was validated by Shropshire Council in July 2017. Referring to application SC/MB2005/0336/BR, the Supporting Statement for the July 2017 application mentions in section 1.1.2 'an ES addendum which was submitted to Shropshire Council (SC) in March 2017 to bring the application up to date and enable a formal decision to now be issued.' It is of significant concern that the ES addendum relating to application SC/MB2005/0336/BR has not yet been published online, whilst the determination schedule for the associated application 17/03661/EIA is progressing. Clearly, these interdependent applications should be determined in parallel, and this cannot proceed under effective public scrutiny without publication of the ES addendum.
- It is also unfortunate that all but one of the documents posted online in the past week (ie early September 2017) has been given a publication date of 29th March 2017.

One letter received supporting the application on the following grounds:-

- As a near neighbour of Woodcote wood I can say that there are not many properties around here. Newport has grown significantly in the last few years. People are asking for A5 to become a dual carriageway. Use of sand and gravel has been and continues to be high. Therefore we need to make a contribution to the infrastructure of the county even though it may cause a little inconvenience.

## 5. THE MAIN PLANNING ISSUES

- i) Policy Context
- ii) Geographic context;
- iii) The justification for the development;
- iv) Assessment of updated environmental information with respect to:  
Highway safety, residential and general amenities - noise, dust, visual impact, ecology, hydrology, restoration and afteruse.

## 6. OFFICER APPRAISAL

### Policy Context

- 6.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In resolving to grant planning permission for mineral extraction at Woodcote Wood in 2006 the application was assessed in relation to the planning policies in force at that time. The Development Plan at that time comprised the Regional Spatial Strategy for the West Midlands, the Shropshire Telford & Wrekin Joint Structure Plan 1996-2011, the Shropshire, Telford & Wrekin Minerals Local Plan 1996-2006 and the Bridgnorth Local Plan.
- 6.2 Since then there have been a number of significant changes to the planning policy context. The Regional Spatial Strategy has been revoked. The Joint Structure Plan, Minerals Local Plan and Bridgnorth Local Plan have now been superseded by a revised policy framework including the Core Strategy and SAMDev Plan. The National Planning Policy Framework (NPPF) was published in 2012 and, along with the accompanying Technical Guidance to the NPPF, provides additional guidance to planning authorities in relation to mineral extraction.
- 6.3 Para. 142 of the NPPF confirms the importance of the working of minerals and of maintaining an adequate and reliable supply. Para. 144 requires that mineral planning authorities give great weight to the benefits of the mineral extraction, including to the economy. It states that planning authorities should:
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
  - ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
  - provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.
- 6.4 Woodcote Wood was allocated for mineral extraction in the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006. Whilst the plan has been superseded in Shropshire most of the policies have been 'saved' in Telford & Wrekin pending adoption of a new policy document. The original approval resolution was given on 25<sup>th</sup> July 2006 but an accompanying legal agreement was not completed and the permission was never issued. However, the mineral within the site has continued to be counted as a part of sand and gravel landbank for the Shropshire Telford & Wrekin sub-region.
- 6.5 Whilst there have been changes in mineral policy the general thrust of policy remains unaffected. The Government still requires mineral planning authorities to make advanced provision for the supply of aggregate by ensuring suitable sites are allocated in planning policy documents. The same detailed considerations relating to sustainable working of minerals still apply although the individual policies have changed.
- 6.6 The National Planning Policy Framework has been published since the application was originally submitted. This has placed greater emphasis on the need to demonstrate

sustainability and the policy support to be afforded to sustainable mineral working in accordance with the development plan. However, this does not affect the fundamental thrust of mineral policy. It is concluded that there have been no material changes in mineral policy since 2006 which would suggest that the original committee approval resolution should not be re-ratified.

### Geographic Context

- 6.7 Ten years has elapsed since the approval resolution and the current applicant (NRS) is now seeking to progress the site. It is necessary therefore to consider whether there have been any changes in the local environment or development context would have a material bearing on the sustainability of the proposals. The updated environmental information is considered in succeeding sections. In addition, it is necessary to consider whether the local environment has changed in a way which could affect the sustainability of the scheme.
- 6.8 There are no material changes in relation to the geography of the site. No new houses have been constructed in the immediate vicinity of the site which would be classed as sensitive receptors. Nor has any other development has taken place in the immediate vicinity which might impact on the sustainability of the proposals. The closest property (The Lodge) is owned by the landowner and is no longer occupied. The centre of the plantation woodland was clear felled in 2016 as a consequence of normal forestry management practices.
- 6.9 A rival prospective mineral operator is proposing an alternative site at Pave Lane 1.5km to the north (in Telford & Wrekin). The Pave Lane proposals also involve landfilling with inert materials. The operator has appealed against non-determination and a Public Inquiry will be heard in early November. The officer is advising Telford & Wrekin Council who are objecting to the Pave Lane site.
- 6.10 The Pave Lane applicant has questioned the deliverability of Woodcote Wood on the basis that the third party land required for the access (namely the roundabout on the A41) is not available (the land is owned by the landowner for the Pave Lane site who is supporting that application). However, it is not considered that this amounts to a material change in context because Woodcote Wood is an allocated site with a committee approval resolution. It has also been acknowledged as a better site than Pave Lane through independent assessment, including at Public Inquiry. If Members were to accept the officer recommendations then this would be a further material consideration with respect to the Pave Lane appeal.
- 6.11 It is considered on this basis that there has been no material change to the geographic context which would suggest that the mineral allocation at Woodcote Wood should not proceed.

### Justification for the development

- 6.12 As noted above, the principle of quarrying at Woodcote Wood has already been established by the previous allocation and committee resolution. At the time the original application was being considered it was accepted that there was a justification to release the mineral in the site. Since that time other resources within the sub-region have been released / worked and have subsequently become depleted. However, the

original area at Woodcote Wood has the status of a committed site and must be taken account of as such in assessing the demand for new sites.

- 6.13 Under the Managed Aggregate Supply System (MASS) Shropshire is required to ensure that sufficient permitted reserves of sand and gravel are available to allow the county to continue each year to meet its agreed proportion of the West Midlands region's overall requirements (the 'sub-regional apportionment'). The Government sets the county's apportionment on the basis of work by the Regional Aggregates Working Party of which Shropshire is a member. The county must therefore identify sites in its minerals policy documents with sufficient capacity to meet the agreed apportionment level throughout the plan period. Woodcote Wood forms one of these sites by virtue of its allocation in the Shropshire Telford & Wrekin Minerals Local Plan 1996-2006.
- 6.14 It is considered that the current proposals are capable of being justified as sustainable given the above considerations and the allocated status of the site. This is provided there would not be any unacceptably adverse environmental or amenity impacts after mitigation has been applied.

#### Highway safety

- 6.15 The application as originally submitted proposed that access to the site would be gained from the south, onto the B4379. An alternative access point is now being proposed. This is to the east of the site, directly onto the A41. A planning application for this alternative access has been submitted (ref. 17/03661/EIA) and is being considered in conjunction with the current application. As such the current application itself does not raise highways issues.
- 6.16 Sheriffhales Parish Council have objected to the amended access proposals. It is stated that the level of traffic has increased since the original approval resolution in 2006 and a new roundabout is needed now more than ever. These concerns are acknowledged. However, the proposed roundabout is no longer achievable as the third party land required to construct it is not available. Moreover, construction of a roundabout would entail significant cost which the applicant advises would render the development unviable. As the proposed roundabout is no longer an option the applicant has had to look at another access options which forms the subject of a separate application. These issues are being considered as part of the separate planning application.

#### Other environmental effects

- 6.17 Landscape and visual impact: The Environmental Statement submitted in 2005 included a Visual Impact Assessment. The Officer assessment of this, detailed in the 2006 Committee report, concluded that provided the proposals are subject to appropriate planning conditions governing screening, restoration and planting they can be accommodated in relation to Development Plan policy relating to landscape /visual impact. The resolution to grant planning permission was subject to a condition requiring prior approval of plant and stockpile design and location and restricting the maximum height of stockpiles and plant to 10 metres above surrounding ground levels in order protect the visual amenities of the area.
- 6.18 Update to landscape and visual impact assessment: The addendum to the



Environmental Statement includes a new Landscape and Visual Impact Assessment (LVIA). It states that this has been prepared in acknowledgement that the landscape is the aspect that has most changed since 2005. The LVIA identifies that there is a Grade II Registered Park and Garden (Lilleshall Hall) approximately 1km west of the site, and a number of listed buildings within the surrounding area. It also identifies visual receptors in relation to the site. It assesses the overall sensitivity of the landscape resource to this type of development as low-medium.

- 6.19 Landscape effects for the proposed development are assessed as slight-moderate adverse, which is not considered to be a significant effect. It considers that the greatest visual effects will result from the construction of the access road. However, these effects will be temporary, and following construction of the access road, and implementation of mitigation in the form of the additional planting, visual effects will generally not exceed negligible adverse. It goes on to note that these effects will not be permanent, and following restoration of the site there will be nil to negligible beneficial residual landscape and visual effects.
- 6.20 The updated landscape assessment supports the original landscape assessment and confirms that no additional issues have come to light which would suggest any grounds for objection in visual amenity terms. It should also be noted that the recommended planning conditions and legal agreement include measures to manage peripheral vegetation and preserve and enhance screening within the site.
- 6.21 Historic environment considerations: Core Strategy policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. SAMDev Plan policy MD13 requires that heritage assets are conserved, sympathetically enhanced and restored by ensuring that the social or economic benefits of a development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset, or its setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard has to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses.
- 6.22 In the 2006 Committee report Officers stated that the only archaeological resource likely to be affected by the proposed development is a length of some 450m of the linear earthworks along the line of the chapelry boundary. No further previously unknown archaeological remains were encountered within this area and there was no evidence for metalworking activity. The Historic Environment Officer recommended that a condition is imposed on any planning permission, requiring a programme of archaeological works to be undertaken, including monitoring of all topsoil stripping, with provision for the recording of any archaeological features which may be encountered.
- 6.23 Update to archaeology matters: The applicant's agent has reviewed and re-assessed the heritage impact reports that were included in the 2005 Environmental Statement. This re-evaluation concludes that the physical impacts of the development on the assets identified in the Historic Environment Record would be no higher than a slight adverse significance, and that this impact is not considered to be significant. Officers consider that the measures that were proposed in the 2006 Committee report, i.e. to require a programme of archaeological work, remains appropriate for the proposed development.
- 6.24 Ecological consideration: Core Strategy 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. SAMDev Plan policies MD2 and MD12 require that developments enhance, incorporate or recreate natural assets. Para. 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

- 6.25 In the 2006 Committee report Officers considered that based on the results of survey and habitat quality assessment, there were no grounds to predict the presence of uncommon or important plant species or fauna. It stated that the removal of the woodland would result in the loss of a limited assemblage of common plants and fauna, the effect of which would be small and not significant. Furthermore a supplementary survey has not identified the presence of any reptiles or badgers within the site. It noted that appropriate restrictions would ensure no negative effects on nesting birds. Officers were of the view that the proposed restoration of the site to woodland would be consistent with the restoration concept set out in the Minerals Local Plan, and noted that the opportunity has been taken to introduce a more diverse range of woodland and complementary land uses (woodland glades, rides and open areas) and limited exposures of sandstone faces. It was noted that supplementary surveys of protected species would be required prior to entry into each mineral working phase, and that the applicant had agreed to undertake a newt survey. Officers concluded that subject to the above provisions and to appropriate restoration/afteruse conditions the proposals could be accepted in relation to Development Plan policy regarding ecology and wildlife.
- 6.26 Updated ecological assessment: As an update to the previous ecological assessments a preliminary Ecological Appraisal and a further assessment were undertaken in 2015. These confirm that there are no nature conservation designations within the site or its surroundings. The habitats within the site are predominantly conifer forest clear-felled with young, unmanaged natural regeneration surrounded by mature standing conifer and mixed woodland. The proposed mineral extraction would be undertaken within the clear-fell area. The ecological value of the clear fell area is low due to the long history of conifer tree cover. Species surveys undertaken comprise Great Crested Newt, breeding birds, bats and reptiles. The updated ecological assessment concludes that the protected species value of the site is relatively poor. The restoration of the site would provide opportunities to enhance biodiversity.
- 6.27 Based on the above the addendum Environmental Statement considers that the original assessment that the proposals would not result in any significant adverse ecological effects is still valid. The Councils ecologist has confirmed verbally that there are no objections. A habitat risk assessment is being prepared and will be circulated before the Committee meeting. It will be necessary to provide Natural England with 21 days' notice before a decision can be issued on the application and this is reflected in the officer recommendation. Natural England have not objected to the linked application for a new access and did not object at the time the application was originally considered in 2006.
- 6.28 Ground and surface water considerations: Core Strategy policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. Policy CS6 requires that development safeguards natural resources, including soil and water.
- 6.29 In the 2006 Committee report Officers noted that whilst there are some ponds/watercourses within 1km of the site boundary there are no surface water features within Woodcote Wood site itself. The application confirmed that a minimum freeboard of

3 metres would be maintained above the groundwater table. Officers reported that, as groundwater would not be intercepted during excavation, there would be no impact on groundwater resources. The Environment Agency had not objected to the proposals and considered that matters relating to foul drainage, discharge from settlement lagoons, and related drainage/hydrological issues area capable of being dealt with satisfactorily by appropriately worded planning conditions. Following assessment of relevant information Officers concluded that the proposals would not pose any significant risk to groundwater quality, and this was accepted by Members of the County Council's Planning Committee in resolving to grant planning permission.

- 6.30 Updated hydrological assessment: The applicant's agent has undertaken a review of the data provided in the 2005 Environmental Statement and water resources investigations of 2015. This review concludes that there have been no large scale alterations in the groundwater usages locally, and therefore the groundwater elevations are not likely to have altered significantly since the 2005 Environmental Statement was undertaken. As such the applicant's agent considers that there has been insufficient change to the baseline hydrogeology and hydrology conditions as to require an updated water features survey or assessment.
- 6.31 An investigation carried out in 2015 stated that there is an absence of suitable waterbodies and watercourses in the vicinity of the site from which a new surface water abstraction licence could be attained. The applicant's agent acknowledges that at the current time it is not clear that a suitable water source has been identified for the site. Further work on this aspect of the development is required. Officers acknowledge that water abstraction is dealt with under separate legislation. The applicant's agent proposes that a water monitoring and management plan should be developed for the site, in order to satisfy the Environment Agency to allow the issue of an abstraction licence for water management at the site. It is considered that these matters can be agreed through appropriate planning conditions.
- 6.32 Drainage considerations: The planning application submitted in 2005 proposed that a series of lagoons would be formed at the site to retain process water and allow for the settlement of silt, with this water being recycled for use in processing. The resolution that was made in 2006 to grant planning permission for mineral extraction at Woodcote Wood was subject to conditions to deal with surface and foul drainage.
- 6.33 Update to drainage strategy: As part of the addendum to the Environmental Statement, surface and foul water drainage strategies have been produced. It is proposed that surface water attenuation for any increased runoff during operational phases would be conveyed to one of a series of detention basins strategically located around the development. Surface water runoff would be allowed to infiltrate to ground and evaporate. Additional detention basins would be constructed and existing basins relocated as and when required. Following the completion of restoration works, a single detention basin will be located at the base of the restored woodland slope.
- 6.34 Treatment would be provided for runoff from vehicle maintenance and fuel storage areas prior to discharge to lagoons. Foul water is proposed to be managed on site by a septic tank and drainage field or a sealed cesspool, subject to further investigation.
- 6.35 In principle the drainage strategy that has been put forward is acceptable. However, as was the case for the 2006 resolution, it would be appropriate for detailed schemes to be

agreed as part of planning conditions.

- 6.36 Residential and local amenity considerations: Core Strategy policy CS6 requires that developments safeguard residential and local amenity. One of the core planning principles of the NPPF is that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.
- 6.37 Noise: The NPPF makes it clear that minerals planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. It further recognises that mineral planning authorities should also establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- 6.38 The Environmental Statement submitted as part of the original planning application contained a noise assessment which identified the main sources of noise within the site, predicted noise levels at four sensitive receptor locations around the site and put forward noise mitigation proposals. The noise predictions established that the 'background plus 10' limit for normal quarrying operations would not be exceeded at the four nearest properties. The study concludes that the development could proceed in accordance with the noise limits set out at each noise sensitive property. In relation to temporary soil stripping operations, which can generate more noise than normal quarrying operations, the Environmental Statement confirmed that such activities would be undertaken only occasionally at the site with typically one such episode a year lasting for a period of less than two weeks. It was acknowledged that during such periods the noise level may marginally exceed the normal working criterion of 45 dBL<sub>Aeq</sub>, but would remain well below the temporary limit for such operations of 70dBL<sub>Aeq</sub> specified by the prevailing planning guidance (MPS2) which applies for up to 8 weeks a year.
- 6.39 These noise predictions were based on a 'worst case' scenario and, in the 2006 Committee report, Officers were of the view that the predicted noise levels at the respective properties would be realised and that in reality lower noise levels will be experienced (para. 7.20). The applicant previously agreed to accept a planning condition requiring noise monitoring to be undertaken at periodic intervals in order to check compliance with the noise limits and to verify that, in practice, the noise levels are considerably lower than predicted. Officers concluded that the noise predictions in the Environmental Statement demonstrate that the proposals are capable of complying with the noise limit criteria for quieter rural areas set out in MPS2. The topography of the site relative to the nearest properties would also provide a significant amount of natural attenuation and the design of the site does not require a high intensity of plant use. The resolution of the County Council's Planning Committee to grant planning permission was subject to the imposition of conditions to ensure that noise mitigation complies fully with best practice throughout the proposed quarrying and restoration operations, and to require the submission of a scheme to monitor noise from quarrying with identification of additional detailed noise mitigation measures where appropriate. Noise control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress.
- 6.40 Update to noise assessment: The applicant has re-assessed the findings of the 2005 noise assessment as part of an addendum to the Environmental Statement. The addendum states that due to the rural location of the site, it is assumed that the baseline noise levels will not have changed. In addition, it can be assumed that the magnitude of

change in noise levels, and resulting effects, have not changed.

- 6.41 Officers acknowledge that the framework for noise assessment has been updated since the planning application was originally assessed, however it is considered that the predicted noise levels remain acceptable. The Council's Public Protection Officer has noted that the background noise survey was undertaken in 2004 and is out of date. However the Officer does not consider that the noise levels in the area would have reduced over time and that the survey data is therefore suitable for use. Officers consider that the findings of the original assessment, i.e. that the proposals would not result in any significant adverse noise effects, is still valid.
- 6.42 Dust: The NPPF makes it clear that unavoidable dust emissions should be controlled, mitigated or removed at source. The NPPF technical guidance states that a dust assessment study should establish baseline conditions, identify dust-producing activities, recommend mitigation measures, and proposed appropriate monitoring and reporting linked to effective response to complaints.
- 6.43 The 2005 Environmental Statement included a dust assessment. It identified that the main sources of dust generation were soil stripping, extraction, processing, and loading and haulage of excavated material. It concluded that the greatest proportion of dust would be deposited within 100 metres of the source, and the potential for dust deposition to extend beyond 250 metres was very low. The Environmental Statement put forward a number of dust mitigation measures.
- 6.44 In the 2006 Committee report, Officers concluded that provided the proposals were subject to appropriate dust control measures they should not give rise to any unacceptably adverse dust impact. Officers noted that the effectiveness of dust control measures would be monitored on an ongoing basis throughout the operational life of the site. Dust control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress (para. 7.25).
- 6.45 Update to dust assessment: An update to the 2005 dust assessment has been submitted as part of an addendum to the Environmental Statement. The addendum states that, as the scheme has not changed, the potential sources of dust generation identified within the 2005 assessment would remain the same. As such it considers that the potential effects would remain the same. It confirms that the recommended mitigation measures would still be implemented within the scheme.
- 6.46 The Public Protection Officer has reviewed the submitted dust assessment and does not consider there is any likelihood of any significant impact on nearby receptors given the distances involved from the site to nearest residential properties. It would nevertheless be appropriate to impose dust control conditions on the planning permission, in line with the resolution made in 2006.
7. CONCLUSION
- 7.1 In conclusion, updated environment information has been submitted in support of an historical 2006 permission for quarrying at an allocated site at Woodcote Wood near Newport. The information confirms that there have been no material changes in the environmental or geographic context of the site which would suggest that the

proposals should not proceed. This is having regard also to the inbuilt safeguards in the design of the scheme and the recommended planning conditions.

7.2 A related application for a new access at the site is a separate item on this Agenda. The inter-relationships between the two applications is addressed in the respective committee resolutions.

## 8. RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

### Risk Management

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

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

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

### Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the recommendation below.

### 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. FINANCIAL IMPLICATIONS

There are likely financial implications of the decision and/or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. The financial implications of any decision are not a material planning consideration and should not be "weighed" in planning committee members' mind when reaching a decision.

Additional Information

## 10. PLANNING POLICY

## 10.1 Central Government Guidance: National Planning Policy Framework

142. Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.

144. When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source,<sup>31</sup> and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

145. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- preparing an annual Local Aggregate Assessment, either individually or jointly by agreement with another or other mineral planning authorities, based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);

- participating in the operation of an Aggregate Working Party and taking the advice of that Party into account when preparing their Local Aggregate Assessment;
- making provision for the land-won and other elements of their Local Aggregate Assessment in their mineral plans taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;
- taking account of published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites;
- ensuring that large landbanks bound up in very few sites do not stifle competition; and
- calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

### Shropshire Core Strategy

#### CS20: Strategic planning for Minerals

Shropshire's important and finite mineral resources will be safeguarded to avoid unnecessary sterilisation and there will be a sustainable approach to mineral working which balances environmental considerations against the need to maintain an adequate and steady supply of minerals to meet the justifiable needs of the economy and society. This will be achieved by: Protecting the Mineral Safeguarding Areas (MSA's) and rail freight facilities which could contribute to the sustainable transport of minerals which are identified in Figure 10. Non-mineral development in these areas or near protected railfreight sites will be expected to avoid sterilising or unduly restricting the working of proven mineral resources, or the operation of mineral transport facilities, consistent with the requirements of national and regional policy. Encourage greater resource efficiency by supporting the development and retention of waste recycling facilities which will improve the availability and quality of secondary and recycled aggregates in appropriate locations as set out in Policy CS 19; Maintaining landbanks of permitted reserves for aggregates consistent with the requirements of national and regional policy guidance. 'Broad locations' for the future working of sand and gravel are identified in Figure 11. Sites capable of helping to deliver the sub-regional target for sand and gravel will be allocated within these areas in the Site Allocations and Management of Development DPD; Only supporting proposals for sand and gravel working outside these broad locations and existing permitted reserves, where this would prevent the sterilisation of resources, or where significant environmental benefits would be obtained, or where the proposed site would be significantly more acceptable overall than the allocated sites; Supporting environmentally acceptable development which facilitates the production of other mineral resources such as



crushed rock, clay and building stone to meet both local needs, including locally distinctive materials, and to help meet cross boundary requirements. Environmentally acceptable proposals for the exploration, appraisal and production of hydrocarbon resources, including coalbed methane, will be supported as a contribution to meeting the requirements of national energy policy; Requiring development applications for mineral working to include proposals for the restoration and aftercare of the site. Priority will be given to environmentally acceptable proposals which can deliver targeted environmental or community benefits consistent with Policies CS8 and CS17. More detailed policies against which applications for mineral development can be assessed will be provided in the Site Allocations and Management of Development DPD.

### SAMDev Plan

#### Policy MD5: Sites for Sand and Gravel Working

1. The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted sites and then from the development of mineral working at the site identified on the Proposals Map and allocated in Schedule MD5a below;
2. Where monitoring demonstrates that the further controlled release of sand and gravel reserves is required, then the subsequent development of mineral working will be considered at the sites identified in Schedule MD5b below. Applications for earlier development of these sites will be considered on their merits. In considering any such application, particular regard will be paid to:
  - i. the need for minerals development to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline;
  - ii. the need to control potential cumulative impacts associated with concurrent or sequential mineral extraction operations in a specific area, including through the imposition of output or timescale restrictions where these are necessary to reduce the potential for market oversupply and cumulative adverse environmental impacts;
  - iii. whether the early release of the site would enhance sustainability through meeting an identified local need.
3. Proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate that:
  - i. the proposal would meet an unmet need or would prevent the sterilisation of the resource; and,
  - ii. the proposal would not prejudice the development of the allocated sites; and,
  - iii. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites, and would offer significant environmental benefits.

#### Schedule MD5a: Phase 1 Site Allocations:

Development of the allocated mineral sites identified on the Proposals Map should be in accordance with relevant Local Plan policies and the development guidelines set out in this schedule.

#### MD16 - Mineral Safeguarding

Transport and processing facilities will not be granted unless the applicant can demonstrate that:

1. The development proposed would not prevent or unduly restrict the continued operation of the protected infrastructure; or,
2. That the identified facilities are no longer required or that viable alternative facilities are available. MSA boundaries and protected mineral transport and processing facilities are identified on the Policies map and insets. The buffer zones which will apply to protected resources and facilities are identified in the explanatory text below.
3. Applications for permission for non-mineral development in a MSA must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development or the protected mineral handling facility (termed a Mineral Assessment). This assessment will provide information to accompany the planning application to demonstrate to the satisfaction of the MPA that mineral interests have been adequately considered and that known mineral resources will be prevented, where possible, from being sterilised or unduly restricted by other forms of development occurring on or close to the resource;
4. Identification of these areas does not imply that any application for the working of minerals within them will be granted planning permission.

MD17: Managing the Development and Operation of Mineral Sites

1. Applications for mineral development will be supported where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. Particular consideration will be given (where relevant) to:
  - i. Measures to protect people and the environment from adverse effects, including visual, noise, dust, vibration and traffic impacts;
  - ii. The site access and traffic movements, including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail. Where opportunities to transport minerals by rail are not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Route Network;
  - iii. The cumulative impact of mineral working, including the concurrent impact of more than one working in a specific area and the impact of sustained working in a specific area;
  - iv. Impacts on the stability of the site and adjoining land and opportunities to reclaim derelict, contaminated or degraded land (Policy CS6);
  - v. Effects on surface waters or groundwater and from the risk of flooding (Policy CS18);
  - vi. Effects on ecology and the potential to enhance biodiversity;
  - vii. The method, phasing and management of the working proposals;
  - viii. Evidence of the quantity and quality of mineral and the extent to which the proposed development contributes to the comprehensive working of mineral resources and appropriate use of high quality materials;
  - ix. Protecting, conserving and enhancing the significance of heritage assets including archaeology.

Where necessary, output restrictions may be agreed with the operator to make a development proposal environmentally acceptable.

2. Mineral working proposals should include details of the proposed method, phasing, long term management and maintenance of the site restoration, including progressive restoration towards full reinstatement of occupied land and removal of all temporary

and permanent works. A satisfactory approach will avoid the creation of future liabilities and will deliver restoration at the earliest practicable opportunity to an agreed after-use or to a state capable of beneficial after-use. Where the proposed after-use includes agriculture, woodland, amenity (including nature conservation) or other uses, a satisfactory scheme will need to include the following:

- i. Proposals which take account of the site, its surroundings, and any development plan policies relevant to the area;
  - ii. Evidence to show that the scheme incorporates best practice advice and is practical and achievable;
  - iii. A Management Plan, which should address the management requirements during each phase of the proposed development;
  - iv. A Reclamation Plan;
  - v. Provision for a 5 year period of aftercare;  
Where appropriate, a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site.
3. Proposals for the working of unconventional hydrocarbons should clearly distinguish between exploration, appraisal and production phases and must demonstrate that they can satisfactorily address constraints on production and processing within areas that are licensed for oil and gas exploration or production. Particular consideration will be given to the need for comprehensive information and controls relevant to the protection of water resources;
4. Where relevant, applications for the winning and working of coal should include proposals for the separation and stockpiling of fireclay so that its value as a mineral resource can be captured;
5. A flexible approach will be adopted to the duration of planning consents for very small scale, intermittent but long term or temporary working to work locally distinctive building and roofing stone consistent with the objectives of Policy MD2;
6. Where ancillary development is proposed, proposals should include satisfactory measures to minimise adverse effects, including:
- i. Locating the ancillary development within or immediately adjacent to the area proposed for mineral working or on an established plant site;
  - ii. Restricting the principal purpose to a purpose in connection with the winning and working of minerals at the site or the treatment, storage or removal of minerals excavated or brought to the surface at that site;
  - iii. For imported minerals, where necessary, to limit the quantities involved to control the volume and type of traffic, and the establishment of an acceptable route for the traffic to and from the site;
  - iv. The cessation of the ancillary development when working of the mineral for which the site was primarily permitted has ceased and removal of plant and machinery to allow full restoration of the site.
- Where ancillary development could have an adverse effect on the local environment which cannot be mitigated to acceptable levels, a condition may be attached to the planning permission to control the adverse effects by limiting development to an established plant site, or introducing a stand off from sensitive land uses, or mitigating effects in other ways, or as a last resort, withdrawing permitted development rights so that the ancillary development can be properly controlled by the terms of the planning permission

**HUMAN RIGHTS**

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community. First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents. This legislation has been taken into account in arriving at the above recommendation

**RELEVANT PLANNING HISTORY:**

BR/02/0011/HRM Remove 3 no. hedgerows whose total lengths are approximately 240 metres.

NOOBJC 13th January 2003

17/03661/EIA Proposed new access & installation of processing plant to facilitate sand & gravel extraction on adjacent Woodcote Wood site PCO

**List of Background Papers:**

1) Planning Application reference SC/MB2005/0336/SC and the accompanying Environmental Statement, Regulation 19 submission of further information.

2) Planning Application reference 17/03661/EIA and the accompanying Environmental Statement

Cabinet Member (Portfolio Holder): Cllr R. Macey

Local Member: Cllr Kevin Turley

Appendices: Appendix 1 - Conditions

**APPENDIX 1****Legal Agreement Clauses to be transferred to application 17/03661/EIA**

- i. Traffic routing and management agreements including preventing mineral lorries from using the B4379 west of the site access as a through route, preventing lorries from waiting outside the site entrance prior to the site opening and prior notification of any major short-term contracts which might result in increased vehicle flows;
- ii. Funding by the developer (£50k) for highway improvement works on the A41 and at the Sheriffhales Junction linked to a Section 278 Highway Agreement with implementation within an agreed timescale;
- iii. Carrying out of noise monitoring at agreed frequencies at the nearest sensitive properties and implementation of a mitigation and complaints procedure;
- iv. Retention of woodland providing a screening function around site for the duration of the quarrying operations and submission of a woodland management scheme to maximise screening and establish windfirm edges in strategic areas around the site in advance of felling – written confirmation of woodland management agreement with the landowner to be provided prior to commencement;
- v. Provision for 10 years aftercare for specific habitat areas to secure the stated habitat / biodiversity benefits of the proposed afteruse scheme, including replacement of any planting failures and management of proposed woodland glades to prevent weed / shrub encroachment;

*Note: For the sake of consistency and with the exception of Condition 2 defining the permission the conditions hereby recommended are the same as those which have been recommended to be applied with respect to application reference 17/03661/EIA. This is given the inter-relationship between the two applications.*

**Conditions**

1. The development to which this planning permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 (1a), to define and provide appropriate advance notice of the Commencement Date

**DEFINITION OF THE PERMISSION**

- 2a. This permission shall relate to the approved location plan accompanying planning application reference SC/MB2005/0336/BR, hereinafter referred to as the "Site".
- b. Unless otherwise required by the conditions attached to this permission, the development hereby permitted shall be undertaken in accordance with the approved scheme which comprises the application form, supporting statement and environmental statement as updated, pursuant to application reference SC/MB2005/0336/BR.

Reason: To define the Site and permission

TIME LIMITS

- 3a. No less than 7 days prior notice of the commencement of the first stripping of soils under the terms of this permission shall be given in writing to the Local Planning Authority. Such date shall be referred to hereinafter as ‘the Commencement Date’.
- b. No less than 7 days prior notice of the commencement of mineral extraction shall be given in writing to the Local Planning Authority.

Reason: To define and provide appropriate advanced notice of the Commencement Date and the date for commencement of mineral working under the terms of this permission.

- 4. Unless otherwise previously approved in writing by the Mineral Planning Authority extraction of sand and gravel from the site shall cease at the site within 15 years of the date of this permission and final restoration shall be completed within 2 years of the cessation date for mineral extraction.

Reason: To define the permitted timescale for working and

LIMITS OF MINERAL EXTRACTION

- 5. Prior to entry into each new mineral working phase the limits of that phase shall be physically defined by wooden posts or other appropriate means. The boundaries so marked shall be inspected and approved by the Local Planning Authority as being in accordance with the permitted plans, and shall be thereafter retained in position for the duration of the extraction operations within that phase.

Reason: To ensure that the limits of the extension area and of mineral extraction within the extension area are properly defined.

OUTPUT

- 6a. Mineral shall not be exported from the Site at a rate exceeding 200,000 tonnes per calendar year (commencing on 1st January and ending on 31st December).
- b. Written records of the tonnage of mineral produced from the Site shall be provided to the Local Planning Authority upon prior request within three months of the end of each calendar year.

Reason: In the interests of highway safety, to ensure that the production and export of mineral is controlled at a level which will protect the amenities of the local area and to provide appropriate advanced notice of any periods of more intensive output.

NOISE AND DUST

- 7a. Noise levels measured as LAeq 1h (free field) shall not exceed the following levels at the nearby noise sensitive locations during normal quarrying operations.

Location	Noise Limit LAeq (1hr)
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Woodcote Hall	47
Brandon House	49
1 Chadwell Lane	50
88 Bloomsbury	46
Pine Ridge	49

- b. Notwithstanding condition 7a, noise levels shall not exceed 70dB(A) LAeq 1h (free field) at any sensitive properties during temporary operations such as soil stripping. The increase in noise levels allowable for temporary operations shall not apply for more than 8 weeks in total in any one year.
- c. A noise monitoring scheme to demonstrate ongoing compliance with the noise limits specified in conditions 7a and 7b above shall be submitted to the Local Planning Authority prior to the Commencement Date and the approved measures shall thereafter be implemented in full.

Reason: To protect the amenities of occupants of nearby properties from the adverse impact of noise emissions

- 8a. All plant and machinery used within the Site shall incorporate silencers in accordance with the manufacturers' specification and those silencers shall be maintained in good condition.
- b. All quarry plant and machinery which is required to be fitted with reversing alarms shall be fitted with attenuated or non-audible reversing alarms rather than reversing beepers.

Reason: To assist in safeguarding the amenities of the area from noise disturbance.

- 9. Water shall be applied to main haul roads and other areas as necessary within the Site in order to prevent the generation of dust by vehicular/plant traffic.

Reason: To assist in safeguarding the amenities of the area from dust disturbance.

- 10. In the event that a complaint is received regarding noise or dust impact and is subsequently validated by the Local Planning Authority the Developer shall submit a mitigation scheme for the approval in writing of the Authority which shall provide for the taking of appropriate remedial action within an agreed timescale. The mitigation scheme shall be submitted within 10 working days from the day when the Developer is notified of the complaint and the scheme shall be implemented in accordance with the approved details.

Reason: To assist in safeguarding the amenities of the area from noise or dust disturbance by implementing an agreed procedure for dealing with any complaints.

**LIGHTING**

- 11. No fixed lighting shall be installed at the quarry unless details of such lighting have been submitted to and approved in writing by the Local Planning Authority. The

submitted scheme shall comply with current best practice guidance for the control of light pollution, including preventing adverse effects on wildlife. Following its approval, any lighting shall be installed in accordance with the approved details.

Reason: To safeguard the amenities of the area from light pollution.

#### HOURS OF WORKING

- 12a. Subject to condition 12b mineral extraction and associated operations under the terms of this permission shall not take place other than between the hours of:

7.00 – 18.30 on Mondays to Fridays and 7.30 - 13.00 on Saturdays  
and such operations shall not take place on Sundays and Bank Holidays.

- b. Notwithstanding Condition 12a) above, essential maintenance works to plant and machinery on the Site may also be undertaken between the hours of 13.00 p.m. - 18.00 p.m. on Saturdays.

Reason: To safeguard the amenities of the area.

#### HIGHWAY MATTERS

- 13a. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the development/use hereby approved is occupied / brought into use.

Reason: To ensure a satisfactory means of access to the highway

14. Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to the approved standard as shown on the application drawings and shall thereafter be maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

Reason: To ensure that the development should not prejudice the free flow of traffic and conditions of safety on the highway nor cause inconvenience to other highway users.

15. Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay measuring 2.4 metres to the nearside carriageway edge across the whole site frontage of the A41, shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: To ensure the provision of adequate visibility in the interests of highway safety

- 16a. Any gates provided to close the proposed access shall be set a minimum distance of 15 metres from the carriageway edge and shall be made to open inwards only.



- b. Details of construction and surface treatment for the internal access road leading to plant site shall be submitted for approval prior to the Commencement Date. The internal access road shall be constructed in accordance with the approved details  
Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

Reason: To ensure a satisfactory form of access is provided in the interests of highway safety.

17. A wheel wash facility shall be provided at the Site in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The approved facility shall be retained for the duration of the operations hereby permitted. Wheel cleaning shall be employed by all goods vehicles leaving the Site so as to avoid the deposit of mud on the public highway. In those circumstances where mud or dust has been transported onto the metalled access road a tractor mounted brush or other similar device shall be employed in order to clean the road.

Reason: In the interests of highway safety.

Informative Notes:

- i. Mud on highway: *The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.*
- ii. Protection of visibility splays on private land: *The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.*
- iii. No drainage to discharge to highway: *Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.*
- iv. Works on, within or abutting the public highway: *This planning permission does not authorise the applicant to:*
  - *construct any means of access over the publicly maintained highway (footway/verge) or*
  - *carry out any works within the publicly maintained highway, or*
  - *authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or*
  - *undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway*

*The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details*

<https://www.shropshire.gov.uk/street-works/street-works-application-forms/>

*Please note: Shropshire Council require at least 3 months' notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.*

- v. *Section 278 Agreement: No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact: Highways Development Control, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND to progress the agreement. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 278 of the Highways Act 1980 entered into.*
- <http://www.shropshire.gov.uk/hwmaint.nsf/open/7BED571FFB856AC6802574E4002996AB>

#### PLANT AND STOCKPILING

18. Within six months of the date of this permission a detailed scheme confirming the location of stockpiling areas within the site shall be submitted for the approval in writing of the Mineral Planning Authority.

Reason: In the interests of visual and general amenities.

#### REMOVAL OF G.P.D.O. RIGHTS

19. Notwithstanding the provisions of Part 19a of the Town and Country Planning General Permitted Development Order (1995) or any re-enactment of this statute, no fixed plant, mobile processing plant, machinery, buildings, structures, or erections of the nature of plant or machinery, shall be erected without the prior approval of the Local Planning Authority.

Reason: To ensure that any proposals to erect additional plant or structures within the Site are consistent with the need to protect the environment and visual amenities of the area, taking account of the ability of existing vegetation to perform an acceptable screening function.

#### PHASING

21. The Site including the area edged blue on the approved location plan shall be worked in an orderly and progressive manner in accordance with the details of the permitted phasing scheme accompanying the application and application reference SC/MB2005/0336/BR.

Reason: To ensure that the Site is worked in a properly phased manner.

#### DRAINAGE / POLLUTION

- 22a. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

23. Details of the proposed settlement lagoon and settlement ponds shall be submitted for the approval of the Mineral Planning Authority prior to commencement of the development in accordance with sustainable design principles. The settlement lagoon and settlement ponds shall be provided in accordance with the approved details.

Reason: To prevent pollution of the water environment.

- 24a. Prior to the extraction of any minerals beneath the water table a groundwater monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. The scheme shall include: a groundwater monitoring dataset over a 'minimum 12 month period' and appropriate monitoring for the Boars Head Farm well. Thereafter monitoring shall be carried out and reviewed in accordance with the approved scheme throughout the remaining duration of the mineral extraction operations hereby approved.

- b. If the monitoring scheme required by condition 24a shows any adverse risk of deterioration to groundwater and surface water quality then proposals to (1) investigate the cause of deterioration, (2) remediate any such risk and (3) monitor and amend any remedial measures shall be submitted for the approval in writing of the Local Planning Authority, in consultation with the Environment Agency. The approved remedial measures shall be implemented in accordance with the approved details.

Reason: To prevent any deterioration of ground or surface waters ('controlled waters' as defined under the Water Resources Act 1991)..

#### Archaeology

25. 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 Planning Authority prior to the commencement of works.

Reason: The site is known to hold archaeological interest

SOIL / MATERIAL MOVEMENT AND STORAGE

26. No waste, overburden or silt other than those arising as a direct result of the excavation and processing of mineral on the Site shall be deposited within the Site and such materials shall be used-in the restoration of the site.

Reason: To define the types of restoration material for use at the Site.

27. All topsoil and subsoil shall be permanently retained on Site for use in restoration and shall be stripped to its full depth within excavation areas. Wherever possible, both topsoil and subsoil shall be directly placed in sequence as part of restoration, following stripping. In addition, medium textured mineral soils recovered from the Site which are suitable for use as a soil shall be stored for future use in restoration of the Site.

Reason: To prevent loss or damage to soils and offset any shortfalls of soil by using geological material.

28. No plant or vehicles shall cross any area of un-stripped topsoil or subsoil except where such trafficking is essential and unavoidable for the purpose of undertaking the permitted operations. Essential trafficking routes shall be marked so as to give effect to this condition. No part of the Site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of soils, mineral or overburden, until all available topsoil and subsoil has been stripped. Where soils are stripped to less than 1 metre depth this deficiency shall be made up, where possible and appropriate, from soil making materials recovered during the working of the Site.

Reason: To prevent damage to soil structure.

29. All topsoil, subsoil and soil making materials shall be stored in accordance with the provisions of the approved scheme and in separate mounds which:
- i. do not exceed 3.5 metres in height for topsoil and 5 metres for subsoil unless otherwise approved by the Local Planning Authority;
  - ii. shall be constructed with external bund gradients not exceeding 1 in 2;
  - iii. shall be constructed with only the minimum amount of compaction to ensure stability and so shaped as to avoid the collection of water in surface undulations;
  - iv. shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
  - v. shall not subsequently be moved or added to until required for restoration unless otherwise agreed by the Local Planning Authority;
  - vi. shall be seeded or hydra-seeded as appropriate as soon as they have been formed;
  - vii. if continuous mounds are used, dissimilar soils shall be separated by either hay, sheeting or such other suitable medium.

Reason: To prevent loss of soil and minimise damage to soil structure.

#### SITE MAINTENANCE

30. The Developer shall maintain and make stock-proof all existing and proposed perimeter hedges, fences and walls from the commencement of the development until the completion of aftercare.

Reason: To protect the welfare of any livestock kept within the permitted Site and on adjoining land

31. All undisturbed areas of the Site shall be kept free from weed infestation by cutting, grazing or spraying as necessary. Spraying shall not take place in the non- agricultural areas except with prior permission of the Planning Authority.

Reason: To prevent a build-up of weed seeds in the soil, whilst protecting the nature conservation value of the non-agricultural areas.

#### SLOPE STABILITY

32. The stability of all slopes within the Site shall be the subject of ongoing review throughout the duration of the extraction, restoration and aftercare operations hereby approved. In the event that any significant stability problems are identified following assessment by a competent person, such problems shall be notified to the Local Planning Authority within two weeks of them becoming apparent. Appropriate remedial measures, as determined by the competent person, shall then be employed as soon as practically possible, including if necessary drainage works and/or erosion remediation and/or buttressing with indigenous fill materials to ensure the continued stability of all areas within the Site.

Reason: To ensure slope stability is maintained.

#### ECOLOGY

33. Prior to the Commencement Date a scheme providing mitigation for the loss of nesting opportunities associated with any clearance of existing vegetation within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the installation of identified mitigation measures such as bird boxes within or adjacent to the site within one year of the Commencement Date.

Reason: To mitigate for the loss of nesting opportunities for wild birds on the site.

#### Note:

- i. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.*
  - ii. *Operations shall be managed to avoid the need to commence work affecting vegetation or structures in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation or structures to commence in the nesting season then a pre-commencement inspection of the vegetation, machinery and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation or structures shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.*
- 34a. All trees, hedgerows and shrubs within the Site boundary but outside the limits of extraction shall be retained and managed and, where appropriate, protected during

excavation and restoration works in accordance with the Management Plan to be submitted under Condition 30 above.

- b. No disturbance shall take place to any established trees or shrubs within or surrounding the Site until after the end of the bird nesting season (March - June inclusive), unless a supplementary ecological survey has been submitted to and approved in writing by the Local Planning Authority which shows that the affected vegetation is not being used by any nesting birds.

Reason: To preserve and protect existing vegetation within the Site which is not allocated for removal (31a) and to safeguard any nesting bird species (31b).

#### RESTORATION OF HABITAT AREAS

35. Prior to the Commencement Date a detailed landscape planting scheme of shall be submitted for the approval of the Mineral Planning Authority. The submitted schemes shall provide information on the final position of benches and faces, treatment of benches, engineering specifications for drainage provisions, planting, after use and management proposals to take place on-site. The scheme shall be implemented in accordance with the approved details and shall include:

- i. Tree and shrub species lists for mixed native hedgerow and woodland creation including use of native species of local provenance (Shropshire or surrounding counties).
- ii. Numbers and planting patterns / mixes of trees and shrubs for hedge and woodland creation.
- iii. Means of ground preparation and planting pit specification where relevant.
- iv. Measures for tree protection and support (e.g. rabbit spirals and bamboo canes, or stakes and ties, or tree guards / shrub shelters).
- v. Early year maintenance schedule (e.g. mulching and / or weeding, straightening and eventual removal of stakes and ties).
- vi. Replacement of losses as appropriate to achieve 90% survival rates after 5 years.
- vii. Timing of commencement and completion of the various phases of the scheme.
- viii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- ix. A scheme for the formation and treatment of water bodies to be established as part of the restoration of the Site including depths, gradient of banks, provision of safe and shallow shorelines, treatment of lake margins to promote the growth of appropriate vegetation and establishment of habitats and a timetable for the implementation of these works.
- x. A scheme for the restoration of the plant, stocks and lagoon areas.
- xi. Implementation timetables.

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

36. Prior to the Commencement Date a detailed habitat management plan for the site shall be submitted to the Mineral Planning Authority. The submitted scheme shall include:

- i. Description and evaluation of the features to be managed;
- ii. Ecological trends and constraints on site that may influence management;
- iii. Aims and objectives of management;

- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. Preparation of a works schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- vii. Personnel responsible for implementation of the plan.
- viii. Monitoring and remedial/contingencies measures triggered by monitoring.

Specific species management plans should also be provided in respect of Sand Martins, Badgers and Great Crested Newts. The plan shall be implemented in accordance with the approved details.

Reason: To protect features of recognised nature conservation importance and maintain created habitat.

37. Within five years of the date of this permission a detailed scheme of permanent fencing and final hedgerow and other planting for the Site including a timetable for the implementation of such measures, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure the full and proper restoration of the Site.

#### REMOVAL OF PLANT AND STRUCTURES

- 38a. All buildings, plant and machinery within the permitted Site which have been installed in connection with the operations authorised under this permission or any previous permission relating to the Site, shall be demolished, destroyed or removed from the Site within twelve months of completion of mineral extraction and the sites of such buildings, plant and machinery shall be restored in accordance with the provisions of the schemes referred to in Conditions 42 and 43 above.
- b. All access and haul roads which have not previously been approved for retention by the Local Planning Authority in connection with the approved restoration and aftercare schemes shall be removed in accordance with the provisions of the schemes required by conditions 43 and 44 above.

Reason: To assist in securing the full and proper restoration of the Site within an acceptable timescale.

#### AFTERCARE

39. Aftercare schemes for agricultural and non-agricultural areas shall be submitted for each restored section of the Site as soon as restoration has been completed to the satisfaction of the Local Planning Authority. The submitted schemes shall provide for the taking of such steps as may be necessary to bring the land to the required standard for wildlife or amenity use as appropriate. The submitted aftercare schemes shall specify in relation to each phase the steps to be taken and shall include, as appropriate:
- i. minor regrading works as necessary to alleviate the effects of settlement and surface ponding or minor improvements to landform in habitat areas;
  - ii. measures to reduce the effects of compaction;

- iv. cultivation works;
- v. reseeding where necessary of any parts of the area sown which do not provide a satisfactory plant growth in the first year;
- vi. grass cutting or grazing;
- vii. replacement of hedge and tree failures;
- viii. weed and pest control;
- ix. drainage including the construction/maintenance of ditches and soakaways;
- x. vegetation management proposals including as necessary firming, re-staking, fertiliser application, thinning and replacement of failures within the aftercare period;
- xi. habitat management proposals within the aftercare period;
- xii. track maintenance within the Site;
- xiii. repair to erosion damage;
- xiv. Drainage including the construction/maintenance of ditches, ponds or soakaways;
- xv. A system of under drainage where natural drainage is not satisfactory;
- xvi. Field Water Supplies.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

48. Aftercare of the Site in accordance with the aftercare schemes referred to in Condition 47 above shall be carried out in each stage for a period of five years following the agreement of an aftercare scheme for that stage of restoration.

Reason: To ensure the establishment of a productive afteruse for the agricultural area and suitable, varied wildlife habitat conditions for the non-agricultural areas of the Site in accordance with the details of the approved scheme.

#### ANNUAL REVIEW

- 40a. Before 1st February after the Commencement Date and after every subsequent anniversary of the Commencement Date for the duration of mineral working and restoration works under the terms of this permission an annual review of Site operations shall take place involving the Mineral Planning Authority and the Site operator. The Annual Review shall consider areas of working, mineral resource issues, progressive restoration and aftercare works undertaken during the previous calendar year and shall include proposals for working, restoration and aftercare for the forthcoming year. The Annual Review shall in particular review noise, dust, traffic, visual amenity associated with mineral working. It shall also detail proposals for aftercare works on all restored areas of the Site not already subject to an approved scheme, including areas of habitat management and planting, and shall take account of the need to provide the following as soon as practicable after the completion of the restoration operations:
- i. The steps to be taken and the period(s) during which they are to be taken in order to bring the land into approved afteruses, including habitat creation.
  - ii. Drainage provisions as necessary for the restored areas.
  - iii. The provision of fences, hedgerows, gates and water supplies.
  - iv. The cultivation of the land to establish a seedbed suitable for the sowing of grass seed and to facilitate the planting of trees and shrubs.



- v. The fertilizing and liming of the Site in accordance with the requirements of the land as determined by soil analysis, but avoiding raising soil fertility of the open habitats of the non-agricultural areas.
- vi. A review of the production of mineral and use of fill sand in the previous year and implications for the future working and restoration of the Site.

Reason: To assist in ensuring establishment of the approved afteruses.

## **APPENDIX 2**

**COMMITTEE REPORT DATED 25/7/06**

<u>Committee and Date</u>	<u>Item</u>	<u>Paper</u>
Planning Committee 10.00 am 25 July 2006	<b>B</b>	

**MB05/0336/BR**

**PROPOSAL: CONSTRUCTION OF ACCESS TO B4379, EXTRACTION AND PROCESSING OF SAND AND GRAVEL, RE-PROFILING AND RESTORATION OF THE SITE, RELATED HIGHWAY WORKS TO B4379 AND A41.**

**APPLICANT: CEMEX UK LTD. LOCATION: WOODCOTE WOOD NEAR SHERIFFHALES**

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**1. PURPOSE OF THE REPORT**

1.1 To enable a decision to be taken on the above planning application for the development of a sand and gravel quarry at Woodcote Wood near Sheriffhales.

**2. RECOMMENDATION**

2.1 It is recommended that subject to the completion of a Section 106 Legal Agreement to cover the issues summarised in section 2.2 below the application be GRANTED subject to conditions to include the following:

- definition of the site and the limits of mineral extraction;
- definition of permission;
- completion of mineral extraction within 15 years of Commencement Date and completion of final restoration within 2 years of completion of mineral extraction;
- no access other than by means of the proposed access onto the B4379;
- adherence to a phased sequence of working and progressive restoration which minimises the amount of operational area at any one time;
- controls on traffic entering and leaving the site to avoid waiting outside the site prior to opening;
- details of construction and surface treatment for internal access road leading to plant site to be submitted for approval prior to the Commencement Date;
- scheme for treatment of redundant carriageway to be submitted for approval prior to commencement, including blocking off access to the former road and consideration of the potential to remove redundant carriageway and re-locate services adjacent to the new road alignment;
- scheme for planting up of the triangle of agricultural land severed by the proposed new road alignment with broadleaved trees and shrubs to be submitted for approval prior to commencement, including provision to undertake planting in the first available planting season;
- No working within 100 metres of the boundary of the property known as 'The Keeper's Cottage' east of the extraction unless either (1) the property is vacated, or (2) an acceptable mitigation scheme for working in this stand-off area has been submitted to and approved by the County Planning Authority;
- submission of noise monitoring and mitigation scheme for approval prior to commencement of mineral extraction, including use of attenuated reversing

- alarms;
- the normal daytime noise levels from the proposed quarrying operations shall not exceed a level of background plus 10 dBLA<sub>eq,1h</sub> at the nearest sensitive properties;
  - all vehicles and plant operating within the site to include silencers working in accordance with manufacturer's specifications;
  - submission of a dust control / mitigation / inspection scheme for approval prior to commencement of mineral extraction, including details of availability of water for dust suppression, minimising drop heights and a complaints procedure;
  - control of illumination;
  - use of wheel wash;
  - details of plant / machinery, including crushing plant to be submitted for prior approval of the Mineral Planning Authority;
  - maximum height of fixed plant and mineral stockpiles not to exceed 10 metres above surrounding ground levels unless otherwise first approved;
  - removal of GPDO rights for erection of additional plant and machinery;
  - restricted hours of working for quarrying operations .0700 -1830hrs weekdays, 0730-1300 hrs Saturday and no working on Sundays or Bank Holidays;
  - restricted hours of plant maintenance . 0730-1830 weekdays, 0730-1700 Saturdays;
  - exact details of fencing / boundary treatment for the site during each phase of the development shall be submitted for approval prior to the commencement of each phase;
  - controls on stocking area and height;
  - 200,000 tonnes per annum maximum with output details to be provided at the end of each calendar year;
  - no importation of minerals to the site and no importation of other bulk materials, including soils;
  - scheme of soil bund construction to be submitted for approval, including detailed heights, gradients, working programme and seeding timescales;
  - controls on soil handling and storage and submission of detailed handling strategy, including maximising use of the seedbank of soils in the phase 5 area;
  - mineral shall be worked dry with no artificial dewatering;
  - measures for prevention of surface / groundwater pollution;
  - submission of schemes for surface water drainage works;
  - detailed final drainage scheme to be submitted for approval prior to cessation of mineral extraction, to include interceptor ditches;
  - submission of schemes for foul drainage works;
  - submission of scheme for the monitoring of groundwater levels;
  - submission of scheme for the provision and conservation of water for mineral washing, dust suppression, domestic use, and fire prevention;
  - condition to ensure any liquids are stored in a suitable impervious bunded compound.
  - supplementary survey of protected species, including badgers, to be submitted prior to entry into each new mineral phase;
  - Submission of scheme for consolidation of boundary wall;
  - submission of supplementary archaeological survey of the extent of the earthwork prior to commencement and programme for additional archaeological recording during development along the earthwork;
  - retention, protection and management of peripheral vegetation within the site, including shrubs adjacent to the B4379 frontage;
  - no felling during the bird nesting season;
  - submission of restoration scheme for each mineral working phase prior to entry into that phase, including details of treatment for worked out areas and anticipated timescales for soil replacement and cultivation.

- restoration schemes for each phase shall include detailed planting specifications including provision to plant native trees, shrubs and herbaceous material of local provenance and consideration of the potential to create heathland habitats;
- removal of all buildings, plant, roads and structures not required in connection with afteruse within 12 months of the completion of mineral extraction; submission of a plan defining the different aftercare areas and anticipated aftercare timescales, within one year of the Commencement Date;
- submission of habitat management / maintenance scheme to encourage development of the proposed habitats throughout the aftercare period;
- 5 years aftercare for normal restoration works with additional 5 years for specified habitat enhancement works;
- annual review of operations to include progressive restoration, noise and dust mitigation and related operational controls;
- retention of approved documents on site.

## 2.2 MATTERS TO FORM PART OF AN ASSOCIATED SECTION 106 LEGAL AGREEMENT:

- Traffic routing and management agreements including preventing mineral lorries from using the B4379 west of the site access as a through route, preventing lorries from waiting outside the site entrance prior to the site opening and prior notification of any major short-term contracts which might result in increased vehicle flows;
- Funding by the developer of the highway improvement works linked to a Section 278 Highway Agreement, including the new access and the roundabout on the A41 with completion of these works prior to the commencement of mineral extraction operations;
- Carrying out of noise monitoring at agreed frequencies at the nearest sensitive properties and implementation of a mitigation and complaints procedure;
- Triangle of land severed from agricultural field by diversion of B4379 to be planted and managed as woodland – scheme to be submitted,
- Submission of a scheme to rationalize the redundant stretch of road based upon an evaluation of services and infrastructure works within the existing carriageway, including removal and blocking off of the redundant carriageway, provision of a new low wall or equivalent boundary feature adjacent to the realigned B4379 and a proposed implementation timescale;
- Maintenance / repair of boundary wall on B4379 frontage;
- Retention of woodland providing a screening function around site for the duration of the quarrying operations and submission of a woodland management scheme to maximise screening and establish windfirm edges in strategic areas around the site in advance of felling – written confirmation of woodland management agreement with the landowner to be provided prior to commencement;
- Supplementary ecological survey for Great Crested Newts in the ponds located in the vicinity of Woodcote Hall to the north of the site to be undertaken prior to commencement, with appropriate recommendations for mitigation in the event that GCN are found to be present;
- Provision for 10 years aftercare for specific habitat areas to secure the stated habitat / biodiversity benefits of the proposed afteruse scheme, including replacement of any planting failures and management of proposed woodland glades to prevent weed / shrub encroachment;
- Management fund for local biodiversity enhancement to include provision for enhancement of wildlife habitats within restored quarry areas and consideration of the potential for strengthening links with surrounding wildlife habitats.

### 3. THE PROPOSALS

- 3.1 As background to the application the applicants have indicated that the current quarrying proposals have been submitted in accordance with the phasing principles of the Shropshire Telford and Wrekin Minerals Local Plan (MLP) 1996 – 2006. The current application relates to an area of 18.6 hectares at the centre of Woodcote Wood. Part of the site (6%) falls within the administrative area of Telford & Wrekin Council (see plan) but Shropshire County Council will determine the application as the authority within whose area the greater part of the site (94%) is located.
- 3.2 The proposed scheme would involve the phased extraction of some 2.55 million tonnes of sand and gravel at a rate of approximately 200,000 tonnes per annum, giving an operational life of some 13 years. The site would be progressively restored to broadleaved woodland and grassland at a lower level (without the use of imported fill). The majority of the site is covered by dense coniferous woodland with some mixed plantation woodland. The trees are approaching the age when felling normally commences and the current proposals are integrated into a phased felling programme. Trees would however be retained around the site to ensure that extraction operations are effectively concealed. The mineral processing plant would be located on a platform an average of 8 metres below adjoining ground levels. This measure and perimeter soil storage would also ensure that the plant infrastructure is not visible from any external vantage points.
- 3.3 Access to the site would be obtained via a new junction off the B4379, in the position of an existing forest access, which would be upgraded. The new site access would lie some 300 m to the west of the existing junction of the B4379 and A41. The proposals also include provision for a realigned junction of those highways, incorporating a roundabout. The applicant states that this would considerably improve the highway safety of the junction, providing a long-term benefit to the highway infrastructure of the area.
- 3.4 The applicant has requested hours of working of 07:00 to 18:00 Monday to Friday; and 07:00 - 13:00 Saturdays. No operations would take place on Sundays or Bank/Public Holidays.
- 3.5 The extraction operations would progress in six phases, commencing north of the plant site, and proceeding in a generally clockwise direction. Within each phase the timber would be harvested, stocked and removed off site. Soil stripping would then take place, with soils from initial phases placed in temporary storage for use as part of the restoration works, and soils from later phases stripped and used directly for the restoration of earlier phases. The extraction of the sand and gravel would create a gently sloping void, falling from west to east. The land in advance of the working phases would remain forested until required for felling and subsequent extraction. The land behind the working phase would be progressively restored to a combination of broadleaved woodland, woodland glades and species-rich grassland.
- 3.6 Dried out silt from mineral processing would be used to grade and improve the contours of the void for subsequent restoration. Where possible, restoration would start before the end of quarrying as part of a continuous programme of progressive restoration. The south eastern part of the site, where the mineral thickness is some 20m would be the deepest part of the excavation and would therefore be restored to species rich grassland with areas of wetland on lower lying land. The applicant states that deciduous woodland managed appropriately could create species diverse habitats, allow the continued use of the site for a pheasant shoot and produce a harvestable

crop of timber in the longer term. The applicant proposes that the site would be subject to 5 years of aftercare after planting, including nutrient applications, herbicide treatment or cultivation, to discourage competing vegetation from establishing. Plant failures would be replaced during the first three years. The management of the species rich grassland would aim to encourage species diversity. The area could be mown once or twice a year with the arisings removed to maintain low nutrient levels within the soil. Alternatively, the management techniques could include grazing or hay cropping in order to maintain low nutrient levels. This could be a useful part of the long term after-use, and management of the site. The applicant states that the restoration proposals would significantly enhance the site's current limited nature conservation potential.

- 3.7 The application is accompanied by an Environmental Statement (ES) which considers the environmental implications of the proposed development and puts forward measures to mitigate any impacts. This includes sections on landscape / visual amenity, ecology, noise, dust, geology / hydrology, traffic, soils and cultural heritage. The conclusion of the ES is that there is no single topic or combination of issues which is of such environmental significance to dictate that the scheme should not be allowed to proceed. The ES also concludes that the restoration of the site would result in positive long term biodiversity, landscape and amenity benefits.

#### 4. THE SITE

- 4.1 The application site (area 18.6 ha) is located in an area of woodland some 5km north-east of Telford, 2km north of Sheriffhales, and 400m north of the small settlement of Heath Hill. The woodland is bounded to the east by the A41 and to the south by the B4379 (see plan). The total area of the woodland in which the site is located is some 41 hectares in extent. The majority of the site comprises densely planted coniferous woodland plantation with some mixed plantation woodland. The trees, which have been planted in compartments divided by rides, are between 50 and 55 years old, and are being managed in accordance with conventional forestry practices.

- 4.2 The centre of Heath Hill, a settlement of some 25 properties is located 650m to the south west. The nearest residential properties at Heath Hill - Pine Ridge, Keeper's Cottage and Heath Hill Lodge are located between 220m and 380m south-west of the site, behind a ridge and just beyond the western edge of Woodcote Wood. The buildings of Woodcote Hall Nursing Home (in T&W) are located 520m to the north. A number of nearby properties are also located adjacent to or in the vicinity of the A41, including 4 at Woodcote east of Woodcote Hall, 2 at Lynn 490m north east (T&W) and 6 at Bloomsbury 4-700m to the south. Two properties are also located at Cherry Tree Farm on the minor road known as Hand Lane some 550m to the south. A further tenanted property, known as 'The Keeper's Cottage' is located within the woodland to the immediate east of the site and is in the same ownership as the site. The applicant has stated that the tenancy agreement would allow the property to be temporarily vacated as operations approach. With this exception the site is well screened from the other residential properties.

#### 5. PLANNING POLICY AND HISTORY

- 5.1 Development Plan The development plan for the site area comprises the Regional Spatial Strategy for the West Midlands, The Shropshire Telford & Wrekin Joint Structure Plan (1996-2011), The Shropshire, Telford & Wrekin Minerals Local Plan (1996-2006), The Telford & Wrekin Local Plan and The Bridgnorth Local Plan.

- 5.2 The Regional Spatial Strategy for the West Midlands (Regional Planning Guidance

for the West Midlands - RPG11) was published in June 2004 and seeks to promote the creation and development of sustainable communities across the region. The strategy includes strategic policies in relation to minerals development:

**Policy M1** advises that Development Plans should make provision for release of mineral resources in a sustainable way,

**Policy M2** states that Mineral Planning Authorities should continue to work together to make provision for land won primary aggregates throughout the plan period;

**Policy M3** seeks to reduce the reliance on primary aggregates by increasing the contribution from alternative sources such as secondary aggregates.

5.3 Structure Plan The Structure Plan contains a number of policies of relevance to the proposals, including:

**P15)** Development proposals shall minimise any adverse effects on the environment, taking account of opportunities to enhance the environment, protection/enhancement of the character of the countryside and villages, sustainable transport solutions, the capacity of the road network to accommodate the development traffic, avoiding pollution, and locating vulnerable development close to sources of pollution/hazard, conserving soils, appropriateness to surroundings and availability of the necessary infrastructure.

**P16)** Protecting air quality;

**P35)** Minimising the impact of road freight, amongst other matters by encouraging heavy vehicles to use the primary road network;

**P37)** Improving the highway network, amongst other matters to minimise the impact of heavy goods vehicles;

**P42)** Protecting countryside character, by protecting landscape, agricultural land, settlements and protecting/enhancing conservation and habitats;

**P44)** Encouraging the protection and provision of woodland and hedgerows;

**P48)** Protecting and enhancing biodiversity;

**P49)** Ensuring no adverse effect on protected species;

**P50)** Mitigation for sites of nature conservation value;

**P52)** Protection of best and most versatile agricultural land;

**P53)** Protection of water resources.

**P58)** a sustainable approach will be adopted to minerals development, achieving the best balance of social, environmental and economic costs, benefits and need for mineral, taking into account need to conserve mineral, to minimise adverse environmental impacts, to promote recycling, to prevent sterilisation and to encourage sensitive working, restoration and aftercare practices so as to preserve or enhance the overall quality of the environment;

**P59)** Mineral development will only be permitted where there would be no unacceptably adverse effects on interests of acknowledged importance including good agricultural land, people and communities, landscape character, historic environment, wildlife and water resources.

**P60)** A landbank will be maintained for aggregate minerals including sand and gravel.

**P61)** Shropshire's share of the regional aggregates apportionment will be met by the allocation of sufficient sites in the Minerals Local Plan and by maintaining a landbank.

**P69)** Proposals for mineral or waste development must incorporate a satisfactory scheme for reclamation of the site, progressively wherever possible, to a beneficial afteruse. Restoration schemes which provide new wildlife habitats, improve landscape character, enhance public access or make use of waste from mineral working will be encouraged.



- 5.4 The Shropshire Telford and Wrekin Minerals Local Plan 1996 - 2006 (MLP) aims to ensure that there is provision for a sufficient landbank of sand and gravel throughout the plan period (up to 2006) and for a period of 7 years beyond the Plan (to 2013) (Policy M12). It is intended that this would be achieved (in Policy M14) through a combination of production from existing permitted sites and from the development of three allocated sites and a further preferred area (the latter being Woodcote Wood). When determining the landbank, the MPAs will have regard to the balance of real need and real supply, in accordance with MPG6 para 80. There is a preference for extensions to existing sites (Phase 1 allocated sites) over new sites (Phase 2 allocated site and Phase 3 preferred area). Extensions generally tend to have less environmental impact than new sites.
- 5.5 In respect of the First Phase Allocated Sites, Tern Hill Extension is permitted. Negotiations are being finalized in relation to the deepening of the present permitted area of Wood Lane Quarry, linked to a consolidated approach to mineral working from a further IDO (Interim Development Order) area within the overall quarry boundaries. The Second Phase Allocated Site at Barnsley Lane near Bridgnorth was resolved to be granted permission in July 2004, subject to completion of a Legal Agreement regulating such matters as highway improvements and vehicle routing. The remaining allocated site is Woodcote Wood, which is identified as a 'Third Phase' preferred area which may be required for release at the end of the Plan period (2006). The Mineral Local Plan states that preferred areas are those areas of known resource, proven by survey information, where planning permission might reasonably be anticipated, subject to all other considerations being met. The identification of a preferred area indicates that, should it be necessary to develop a new site, then the first area of search should be within the preferred area. The full wording of policy M14 governing the future working of sand and gravel is set out below:

**M14 The future working of sand and gravel**

The supply of sand and gravel during the Plan period should be provided in the first instance from existing permitted resources and then from the development of new workings within the following allocated sites and preferred areas:-

The First Phase Allocated Sites:

- i) Wood Lane Deepening, near Ellesmere  
(*negotiations are continuing regarding a consolidated application*)
- ii) Tern Hill Extension, near Market Drayton

The Second Phase Allocated Site:

- iii) Barnsley Lane, near Bridgnorth

The Third Phase Preferred Area:

- iv) Woodcote Wood, near Sherrifhales

Applications involving the above areas will need to address a number of environmental issues which will be considered against the policies in the Minerals Local Plan. Applications for earlier working of first phase extension sites in conjunction with already consented areas may be considered where it can be demonstrated that a more sustainable approach to mineral development can be achieved (Policy M1 ).

In the event that difficulties arise with the production from sites either with planning permission or in the first phase, the Mineral Planning Authorities will consider an application for earlier development of the second phase on its merits. It is unlikely that the third phase site will be required during the Plan

period. However, should circumstances arise which prevent the required production rate being achieved from existing sites with planning permission, or those in the first and second phases, the Mineral Planning Authorities will consider a proposal to develop the third phase site on its merits.

5.6 The Minerals Local Plan contains a number of other policies which are also of relevance to the current proposals:

- M1)** A more sustainable approach to mineral development, protecting communities, amenities and environment, incorporating sensitive working practices and conserving minerals.
- M2)** Account will be taken of the need for the mineral.
- M3)** Account will be taken of the effect of the proposals on settlements/property, sensitive sites and species, the countryside and rural economy, the transport network, water resources, best and most versatile agricultural land, any cumulative impact arising from past, present and future working, derelict/contaminated land, stability, rights of way and public access.
- M4)** Account will be taken of phasing / working proposals, ancillary uses, site access and traffic, reclamation / afteruse and measures to protect people and the environment from adverse effects.
- M5)** Protecting sensitive sites and species.
- M6)** Archaeological evaluation.
- M7)** Benefits to the countryside and the rural economy.
- M8)** Planning obligations.
- M11)** Measures will be taken to protect people and the environment from any adverse effects of transporting minerals.
- M13)** The annual sub-regional apportionment agreed with the West Midlands Regional Aggregates Working Party will be considered as guidance in calculating the landbank and in determining the need to consider future development of primary aggregate resources.
- M15)** Sand and gravel working outside the allocated sites and preferred area
- M27)** Planning applications for mineral working should incorporate satisfactory schemes for restoration and afteruse including ensuring that the scheme is practical and achievable.
- M30)** Comprehensive working of mineral resources.

5.7 The MLP includes a Site Profile for the preferred area at Woodcote Wood. This identifies the following key issues:

1. The implications of the proposals for surrounding properties will need to be carefully examined (Policy M3(i)). The established woodland should ensure that the working site could be effectively screened by retaining peripheral screening belts. At the application stage, the MPAs would need to be satisfied that the proposed extent of the retained screening belts, along with any other measures put forward to minimise the impact on the surrounding properties and countryside, would be effective (Policy M3(i) and M4(i)).
2. Particular attention needs to be given to highway issues, water resources and archaeological safeguards. Consideration should also be given to general amenity and the provision of enhanced public access.
3. The after use proposals should preserve or enhance the local environment (Policy M1). An applicant will need to provide a satisfactory reclamation scheme at the application stage and must be able to demonstrate that long term management objectives have been carefully considered (Policy M27). In

this case, it would be appropriate to reinstate the woodland following mineral extraction. The applicant will therefore need to consider the standard of reclamation likely to be required by the Forestry Authority prior to drawing up detailed proposals and should consider the practical requirements specified in the Forestry Commission Guidelines<sup>28</sup>. An applicant should also discuss the wildlife implications with local wildlife groups.

- 5.8 The Plan is currently being reviewed (see sections 5.11 and 5.12). The formal review process will take into account the level of permitted reserves, production levels, the latest agreed sub-regional apportionment, Government guidelines and environmental issues.
- 5.9 Telford & Wrekin Unitary Plan There is no area designation for Woodcote Wood on the proposals maps of the adopted Wrekin Local Plan, 1995-2006 or the draft Local Development Framework for the Borough of Telford & Wrekin, 2005-2021.
- 5.10 Bridgnorth District Local Plan The site is not subject to any specific allocation in the existing Bridgnorth Local Plan (adopted 1994). Policies of relevance include CN15 and CN17 (protecting/enhancing trees and woodlands); CN18 and CN19 (nature conservation interest); CE1,CE2 and CE3 (landscape character) and D3 (protecting landscape / nature conservation features and habitats). The District Council has resolved to proceed to adopt the replacement Bridgnorth Local Plan (1996-2011) following a Council meeting in June 2006. Therefore the policies of the replacement Plan have to be accorded appropriate weight. Sites for different types of development are allocated in the Plan and the Plan also encourages and facilitates development to meet local needs, particularly for housing and employment. One of the main aims of the Plan is to ensure that development is of a high quality and that proposals are developed in such a way as to protect and enhance the quality and character of the main towns and villages of the District. The Plan also aims to protect the countryside and natural environment from unacceptable development throughout the District.
- 5.11 The Planning and Compensation Act 2004 sets out a process leading to the progressive replacement of Local Plans by Local Development Frameworks, abolition of Structure Plans and the creation of Regional Spatial Strategies. It is intended that the Shropshire Minerals and Waste Local Plans will be updated and incorporated into a new Minerals and Waste Development Framework as part of this process. Preferred options reports for the Core Strategy and Mineral Resources documents were published in February 2006. Both the Minerals and Waste Local Plans will remain as extant parts of the Development Plan until the new Development Framework is adopted (estimated 2007).
- 5.12 The Mineral Resources Development Plan Document (Draft Minerals DPD) (Feb 06) The Minerals DPD is a material consideration for the current application. A timescale has been set out leading to its adoption in late 2007, at which stage it will supersede the current Minerals Local Plan. The MLP will remain as extant guidance until that stage under the transitional provisions set out in the Planning and Compensation Act 2004. The Draft Mineral Resources DPD sets out policy objectives for sand and gravel working which are similar to those of the current Minerals Local Plan, including provision for maintenance of a 7 year sand and gravel landbank. It is proposed that the landbank calculation should be specified for the first 5 years initially, with provision to roll this forward for the next 5 years when the plan is reviewed. The landbank calculations in the Draft Mineral Resources DPD have taken account of the designation of Woodcote Wood as a preferred site in the current MLP. Draft policy M9 (Sand and Gravel Resources) is of particular relevance:

**M9) Sand & Gravel Resources** (Draft Minerals DPD - Feb 06)

The supply of sand and gravel during the Plan period should be provided from existing permitted reserves. Proposals for new sand and gravel sites outside these areas will therefore only be granted planning permission if one or more of the following exceptional circumstances apply:

- a. there is a justifiable need for the mineral to meet annual production targets derived from the sub-regional apportionment; or
- b. there is a need to provide specialised materials which cannot be supplied from existing permitted reserves; or
- c. working would prevent the sterilisation of the resource; or
- d. significant environmental benefits would be obtained as a result of the exchange or surrender of existing permissions.

Proposals for new or extended sites for sand and gravel should demonstrate that they are consistent with Policy 1: Identification and Assessment of Potential Mineral Development Sites and any other relevant policies of the Development Plan. Subject to these considerations, there will usually be a preference for extensions to existing sites rather than greenfield sites.

5.12 Other policies of relevance in the Draft Mineral Resources DPD include:

- M1)** Identification and assessment of potential mineral development sites;
- M2)** Comprehensive working;
- M4)** Ancillary development;
- M8)** Landbanks for aggregates.

5.13 Draft Core Strategy Development Plan Document (Feb 2006)

The draft Core Strategy DPD includes strategic policies relating to minerals and waste development and related environmental issues. These provide a context for the more detailed policies of the Draft Mineral Resources DPD.

- CP1)** Sustainable resource management;
- CP2)** Protecting and enhancing Shropshire's environment and communities;
- CP3)** General development control considerations;
- CP5)** Site restoration and after-use;
- CP6)** Planning obligations;
- CP7)** Reducing the impact of transporting materials;
- CP8)** Transport assessment;
- CP11)** Protecting and enhancing Shropshire's biodiversity and geology;
- CP12)** Protecting and enhancing Shropshire's air quality and soil and water resources;
- CP13)** Protecting and enhancing landscape character;
- CP14)** Protecting and enhancing archaeology and the historic environment;
- CP15)** Protecting and enhancing Shropshire's trees and woodlands;
- CP16)** Developing and diversifying the rural economy.

5.14 Minerals Policy Guidance Central government has prepared minerals planning guidance notes (MPG's) covering the main elements of mineral extraction. These will be updated as Minerals Planning Statements (MPS's) in accordance with the provisions of the Planning and Compensation Act 2004 (see 5.15 below). MPG's of particular relevance to the current application include:

- MPG1:** General considerations, (Published June 1996);
- MPG2:** Applications, permissions and conditions, (July 1998);

- MPG5:** Stability in surface mineral workings and tips (Jan 2000);  
**MPG6:** Guidelines for aggregates provision in England (April 1994);  
**MPG7:** Reclamation of mineral workings (Nov 1996).

- 5.15 Revised Guidance on Aggregate Provision In June 2003 Central Government produced revised guidance on aggregate provision. The National and Regional Guidelines for Aggregates Provision in England, 2001-2016 updates the predicted levels of demand for sand and gravel set out in MPG6. Levels of sand and gravel consumption have reduced since the preparation of MPG6 and this has resulted in an overall 17% reduction in the predicted demand for sand and gravel nationally. Shropshire County Council is a member of the West Midlands Regional Aggregates Working Party (WMRAWP) which comprises representatives from all Mineral Planning Authorities within the region. The WMRAWP seeks, through liaison with Central Government to apportion future production of aggregate within the West Midlands Region in order to secure aggregate supplies. Taking account of the revised guidance the WMRAWP has indicated that the apportionment of sand and gravel production for the Shropshire, Telford & Wrekin sub-region in the period from 2001 to 2016 will be 0.82 million tonnes per annum. This is as opposed to the level of 1.1 million tonnes per annum set out in MPG6. Central Government acknowledges that 'this reduction in the national guidelines for primary aggregates compared to those issued in 1994 should, in most cases, lead to less additional land being allocated for aggregates extraction in local authorities' Minerals Development Plans. The implications of the revised aggregate figures for the current application are discussed in section 8 of this report. The new aggregates guidance will be incorporated in the forthcoming Minerals Policy Statement 1 which will replace MPG1 and MPG6.
- 5.16 Draft Minerals Policy Statement 1 - 2005 (MPS1) Annex 1 of the draft MPS1 contains guidance on aggregates provision which is intended to replace MPG6. MPS1 contains similar guidance to MPG6, although the process of forecasting aggregate demand has been detached from the guidance. MPS1 stipulates that the minimum length of a sand and gravel landbank should be 7 years which is the same as the current MPG6 guidance. It emphasises that that the size of the landbank is a key indicator in determining an aggregate application, and that landbanks comprise the sum of all permitted reserves, including from dormant sites. MPS1 advises that steps should be taken to avoid or reduce excessive landbanks, including the following measures:
- Where landbanks are more than twice the minimum (i.e. 14 years) new permissions should only be given where it can be shown demand could not be met from the existing permitted reserves, for example, for reasons of quality and/or distance to market.
  - The industry is encouraged to agree voluntarily to the revocation of planning permissions at sites that are unlikely to be worked again.
  - In consultation with the RAWPs, MPAs should carry out, and publish the results of, regular reviews of those sites which have not been worked for 10 years to assess whether production is likely to begin again.
- 5.17 Although the length of landbank is the key indicator, other evidence and factors that may influence phasing of sand and gravel supply are:
- the actual levels of production in recent years compared to the average provision included in the development plan;
  - significant future increases in local demand that can be forecast with reasonable

- certainty; and
- constraints on the availability of the consented reserves that would significantly limit output for the period of the landbank.
- Where there is a distinct and separate market for a specific type or quality of aggregate, for example, high specification aggregate, a separate landbank calculation may be justified.”

The draft MPS states further that “the length of the landbank should be used as a guide to the phasing of provision, and not as a determinant of provision”. MPAs should review the adequacy of the landbank on an ongoing basis linked to their annual aggregates monitoring report, and should update Minerals Development Documents before the remaining provision approaches the minimum landbank.

5.18 Minerals Policy Statement 2 (March 2005) (Mitigating the environmental effects of mineral working). MPS2 is the first of a series of Minerals Policy Statements which will replace MPG’s, reflecting the new approach set out in the Planning and Compensation Act 2004. MPS2 sets out the policies and considerations in relation to the environmental effects of minerals extraction that the Government expects Mineral Planning Authorities (MPAs) in England to follow when preparing Development Plans and in considering applications for minerals development. Guidance on individual environmental effects is provided, including appendices on noise (superseding MPG11) and dust. MPS2 advises that Mineral Planning Authorities (MPA’s) should incorporate the objectives of sustainable development in minerals planning which recognise the potential conflict between the exploitation of resources and environmental aims. The need for careful mitigation is acknowledged where mineral working is in close proximity to residential properties. MPA’s should take particular care in respect of any conditions they attach to a grant of permission for working in such circumstances. Restriction or refusal of the proposal may be appropriate where it is judged that mitigation measures are not sufficient to safeguard the quality of the local environment, as experienced by neighbouring communities.

5.19 Planning Policy Guidance Notes and Statements (PPG’s and PPS’s)  
Central Government has also produced a series of Planning Policy Guidance Notes (PPG’s), some of which are of relevance to the current proposals. These are being progressively updated as Planning Policy Statements (PPS’s) in line with the provisions of the Planning and Compensation Act 2004. PPG’s of relevance include:

**PPG13:** Transport (March 2001).

**PPG15:** Planning and the historic environment (Sept 1994) (as amended by Circulars 01/2001 and 09/2005)

**PPG16:** Archaeology and planning (Nov 1990).

**PPG24:** Planning and noise (Sept 1994).

**PPG25:** Development and flood risk (July 2001).

5.20 PPS’s of particular relevance to the current application include:

**PPS1:** Delivering Sustainable Development (Feb 2005).

(Replaces PPG1: General Policies and Principles - Feb 1997).

**PPS7:** Sustainable Development in Rural Areas (Aug 2004).

(Replaces PPG7: *The Countryside* - Feb 1997).

**PPS9:** Biodiversity and Geological Conservation (August 2005).

(Replaces PPG9: *Nature conservation* - Oct 1994).

**PPS11:** Regional Spatial Strategies (Sep 2004).

(replaces PPG11: *Regional Planning*).

**PPS12:** Local Development Frameworks (Sept 2004)

(replaces PPG12: Development Plans).

- 5.21 History The site is not affected by any previous planning permissions for mineral working or other development.

## 6. FINDINGS OF CONSULTATIONS

- 6.1 The following planning consultation responses have been jointly shared by Shropshire County Council and Telford & Wrekin Council:

### Telford & Wrekin Council

- 6.2 A small part of the application site is located within the area of Telford & Wrekin Council. In its role as a Mineral Planning Authority the corporate views of the Unitary Council will be forwarded to the County Council as the as the final determining body for the whole application site. These views will be reported verbally to the Planning Committee. However, as part of the initial consultation and processing of the application undertaken by the County Council, comments were received from particular groups within Telford & Wrekin Council and these are summarised below:

- i. Ecology - If there is loss of hedgerows this should be mitigated / compensated for by the creation of at least the same length and quality of replacement hedgerow. Both the Telford and Shropshire Local Biodiversity Action Plans (LBAPs) include Hedgerows and Field Margins as Priority habitats. The ecological report lists the Common Toad as present in the Shropshire part of the site. Whilst this is not a priority species UK Biodiversity Action Plan (UK BAP) it is listed in the Shropshire LBAP as a species of concern. On a more general point the loss of woodland in the long term should be avoided and restoration/reinstatement should follow Biodiversity Action Plan guidance e.g. broadleaved, native, deciduous, etc and should include a ground/herb layer.
- ii. Landscape – In general terms Woodcote Wood is a distinctive element of the countryside in this area the loss of woodland would have an aesthetic and cultural impact. Coniferous plantations are not generally regarded as having high ecological value (although recent evidence is suggesting that some species e.g. Dormice are now using this habitat type). A restoration scheme that saw the retention of woodland and increasing the proportion of native deciduous would seem preferable. Enhancing connectivity with nearby (ancient) woodland sites such as Green's Wood (to the North West) and Lynn Wood (to the East) would be beneficial. Such measures would be supported by chapter 8 of the Regional Spatial Strategy.
- iii. Woodcote Wood lies in the "Mid Severn Sandstone Plateau" where The Countryside Agency has identified the following characteristics and objectives:
  - Part of the area lies within the Forest of Mercia which gives a high priority to landscape improvement, particularly through reclamation of derelict land and regeneration of areas of green belt and open urban land.
  - The protection and enhancement of sites for nature conservation, historic and archaeological value needs to be addressed.
  - There are excellent opportunities for the creation of heathland on marginal and reclaimed land.
  - Where conifer, plantations are reaching maturity there are opportunities for creating mixed plantations and increasing wildlife and amenity benefits.
  - Many parklands would benefit from conservation and management.
  - There is high industrial archaeological interest throughout the area and

- particularly at Ironbridge. This merits conservation and interpretation.
  - The management of intensive arable areas is increasingly likely to address nitrate pollution.
  - Links between fragmented waterside habitats along rivers, streams and canals should be considered.
- iv. The EIA has omitted to include significant horizon views of Woodcote Wood from the A518 from Swan Pit Nursery back towards Newport. The area of high land at Windmill Bank, Albrighton, upon which Hill Top House stands, also has long views on to Woodcote Wood, as have a terrace of cottages on high ground by Moreton Park. Both of these will probably overlook plant and operations in the quarry area. In the context of the visual amenity rising to a high point of Woodcote Wood as seen in the wider landscape, the shape of Woodcote Wood gives it visual impact from many directions. The impact is heightened by the dark green colour of most of most of the conifers in winter time. The highest area of Woodcote Wood is obviously the most visually significant and the proposals retain this as existing. The applicants have responded relatively sensitively to most of the potential visual problems which would be caused by quarrying Woodcote Wood. However, the restoration proposals will result in a different horizon shape to the land. The quarried area of the wood will be 16m lower at its eastern end than previously, which will give quite a dip in the tree line. The fact that the restoration proposals also propose open glades, some of significant size, will also change the visual mass of the wood and it will appear as broken woodland rather than a solid shape.
- v. With regard to the restoration proposals, sensitivity has been used in proposing replanting with native tree species, which presumably will eventually apply to the whole of the wood, through planned forestry management. The winter colour of the wood will change. There is some concern with the proposal to introduce species rich grassland in the woodland glades. Mowing twice a year will be required to retain the grassland areas which would otherwise be quickly colonised by hawthorn, willow and wild rose, which is proposed as underplanting to the tree planting. Who will inspect to check that the maintenance is being carried out during the first 5 year period? The long term maintenance of these areas needs to be assured otherwise it would just as well be tree planted.
- vi. Cultural Heritage: Woodcote Hall appears in Shropshire County Council Historic Parks and Gardens publication (1997) as a "Site of Local Importance". The Woodcote Wood EIA acknowledges the site's SMR listing but does not add any further research information. The SCC Parks and Gardens document advises that "because parkland was sometimes insulated from agricultural and other pressures, the survival of archaeological sites and features unrelated to garden history can also be significant". This has relevance for the chapelry boundary on the northern side of the wood. The EIA states that "feature is of local importance, but it is not considered to be of sufficient interest to warrant preservation in situ". It is recommended that further consultation is carried out with the County Archaeologist to establish the extent to which this conclusion can be supported.
- vii. Highway Engineer: From the proposed rate of extraction, the applicants expect up to 90 Heavy Goods Vehicles (HGVs) each way to and from the site during the working day. All HGV traffic will enter and leave from the A41 via a new roundabout with the B4379, rather than use the B4379 through Sherriffhales. There will also be employee's cars, though in terms of impact these will not be significant. The main destination of the excavated material is predicted to be Telford, as the nearest large built-up area. There are three potential routes available – the A518, the A41 south and thence the A5, and the A41 south to the M54. Each route has its merits



depending on the final destination within Telford and so traffic is likely to be spread over all three, with probably no more than 40 loaded trips daily using any individual one. These are strategic routes already carrying a number of HGVs and so the relative impact will be small. For example, the A518 carries about 750 HGV movements a day east of Trench Lock and the A5 about 500 HGVs a day at Redhill. In fact the applicant expects most movements to use the A41 south to the M54, which although the longest is the best route for HGVs. A length of approximately 4km of the A41 north of the site lies within the Borough of Telford and Wrekin. This carries about 1350 HGVs/day so again, the addition of quarry traffic should not represent a significant increase. Accordingly, it is considered there are no highway grounds on which the Borough could object to the application.

- viii. Environmental Health. The EIA makes assessments for both noise and dust. The methodologies used in the EIA have assumed stable metrological conditions with non-existent winds. Using these conditions, no allowance has been made for the effects that any wind may have on the dispersal of noise and dust. The strength of the wind in the area is unknown but the wind direction will be predominantly from the south west. It is quite feasible for wind direction to affect noise dispersal by +-3dB. Dust dispersal will also be subject to differential dispersion, being subject to wind direction. A major source of noise and dust will be from stripping of any overburden from the site. Noise during the operation can be minimised by ensuring that all plant is contained inside the area designated by the soil bunds that re proposed to be formed around the perimeter of the site.
- ix. During the initial stripping operation dust will be a major concern as it will be so close to the surrounding surfaces. Wind equipment will be the predominant source of this dust. It is suggested that this operation is only carried out as periods where the likelihood of the stripped soil containing sufficient moisture to control dust can be assured. Until consolidated of the bunds is achieved the surface drying of the bund will release dust into the atmosphere. Dust control measures are not mentioned for this stage but it can be effectively achieved by spraying at the end of each working day with a liquid which is capable of forming a crust at the surface. One of the suggested measures for the control of dust is to put the plant into the ground. This is stated to be up to 8m below the adjoining ground level. It is assumed that this 8m is the base of the plant. As most of the dust will not be generated at the base level but at some higher point up to the highest point of the plant and m/c, it is important that the top of the plant remains below the surrounding ground levels. It is suggested that the top of any plant or machinery used for sand and gravel extraction and/r grading is at a height which is at least 3m below the surrounding ground levels. Similarly, stockpiles should have a maximum height that is at least 3m below the surrounding ground levels.
- x. Vehicle movements will also be a likely source of dust arising from vehicle movements. Either road surfaces which can be swept must be employed or the surface must be constantly kept in a state (dampened) where dust is not allowed to be generated. Dust from the grading and screening operations, but not necessarily the quarrying process, will be controlled by the Pollution , Prevention and Control Act. It is important therefore that all the necessary controls for dust and noise are imposed by other means. The applicant's have suggested that the noise levels at residential properties are set at background +-10dB. The background levels move throughout the 24 hour period and unless the background at any time is known, the enforcement of such a condition will be impossible. It is suggested therefore that the background needs to be fixed and the 10dB from site activities added to this figure. The background level will be fixed at the appropriate level for the most sensitive period of the operations, probably first thing in the morning when site operations will be

commencing.

- xi. As with the dust problems, noise will not emanate from the lowest part of the machinery but at varying heights of the plant. To control the noise (like the dust) it is suggested that the top of any plant or machinery used on the site must be at least 3m below the surrounding ground levels.
- xii. Engineering Maintenance No objections.

6.3 Bridgorth District Council:

- i) Planning – This Council has concerns at the effect of the proposal on Woodcote Hall and other nearby residential properties and the loss of high quality agricultural land. The County Council should only grant permission if it is satisfied that:

- justifiable circumstances exist to warrant permission for this third phase site under policy M14 in the Minerals Local Plan;
- satisfactory mitigation measures and operational controls are conditioned to environmentally protect the public and the ecology/archaeology of the site and area;
- satisfactory concurrent restoration and after use conditions are attached; that access should be solely from the A41 and not from the B4379;
- satisfactory legal controls are in place to ensure that vehicular traffic does not go along the B4379 through Heath Hill and Sheriffhales;
- no blasting takes place.

- ii) Environmental Health – In order to ensure that noise levels from the proposed development do not exceed noise limits recommended in Minerals Planning Guidance 11: The Control of Noise at Surface Mineral Workings at the nearest noise sensitive premises it is recommended that a condition is applied to any permission requiring noise monitoring to be undertaken on a regular basis at all four sites mentioned in the applicant's report, to ensure that noise levels do not exceed the above noise limits. A condition should also be imposed to ensure that noise from the proposed activities do not exceed 10dB above the measured background level up to a maximum of 55DbL<sub>Aeq,1hr</sub>, as measured at the facade of The cock Inn, Pine Ridge and the Sacred Heart Church. This condition is in line with the proposed noise limits of chapter 5 of the environmental assessment and in accordance with MPG11.

6.4 Sheriffhales Parish Council: Concerns are expressed on the following points:

- i. Traffic The Parish Council is concerned about the traffic impact of the proposals and the potential for cumulative traffic impacts. Already there is deep concern in the Parish about the volume, nature and speed of traffic on the B4379, especially that traffic which uses the road as a short cut off Newport bypass to South Telford in busy periods. The provision of an island at the A41/B4379 junction would serve to increase the attraction to motorists of the short cut through Sheriffhales. A scheme is already drawn up for work to be carried out on the B4379 in Sheriffhales village towards pedestrian safety, and those plans include a reduction in the speed limit from 40 to 30mph. Separately, there are plans for traffic lights at the Crackley Bank junction of the A5 and B4370. The Parish Council considers that if this application were to be approved, it would be essential for both of these schemes to be carried out also, concurrent with the new A41/B4379 junction work. There is already a weight limit on the B4379 and the Parish Council takes it from the description, that the intention is for all traffic associated with the proposed working to use the short stretch of the B4379 to the A41. The Parish Council will absolutely

oppose the use of the B4379 through Sheriffhales to and from the site, even if unladen and below the existing weight restriction. The Council is alarmed that despite the description of proposed traffic movements, the arrows seem to show some mineral traffic moving from Sheriffhales towards the site.

- ii. Separately the Parish Council has deep concerns about the prospect of more HGV's on the A41 in view of the bends and undulations from the King's Street junction northwards through Bloomsbury beyond Woodcote Hall as far as New Lodge. This application needs to be viewed together with:
  - the dangerous nature of this length of the road
  - the prevailing increase in traffic, especially lorries
  - the absolute standstill that has happened from time to time recently when it seems that traffic has been re-directed here when the M6 is closed.
  - the prospect of increased traffic connected with the envisaged expansion of operations at Muller, Market Drayton.
- iii. The Parish Council wish serious consideration to be given to a scheme to improve and update this stretch of the A41 in view of the factors shown above. So far as the A5 is concerned, the Parish Council considers Red Hill completely unsuitable for traffic associated with this proposed development. What measures would be taken to ensure that such traffic using the A41 Southwards from the site would actually use the M54 to Telford and not the A5? All of the highway concerns apply equally in respect of the tree felling and removal of the trees from the site.
- iv. Working Hours The declared working hours (0700 to 1800) would involve traffic movements in the hours of darkness in winter months. What would the effect be for the neighbourhood of the associated working and traffic movements?
- v. Noise More details are requested on current and predicted noise levels, including extraction and plant and confirmation of what would be an acceptable limit. There is also concern about the nature of individual sounds, such as reversing beepers. What account is taken of this factor in considering an application, and what can the applicant do to reduce the impact of the irritation element? Will the County Council please make it a condition-of any planning consent that regular and frequent noise monitoring be undertaken in order to ensure that noise levels are within specified limits?
- vi. Dust Assurance is sought that the proposed operations would be able to proceed without dust nuisance to residents. The Parish Council wishes the County Council to consider a planning condition requiring the applicants to monitor dust levels and eliminate dust nuisance.
- vii. Light Pollution Assurance is sought that there would be no light pollution, for instance from inappropriately positioned lights.
- viii. Hydrology Assurance is sought that the proposed workings would have no detrimental effect on the surrounding area and its water resources.
- ix. Reinstatement The Parish Council wish to have absolute reassurance that if this application were to be granted, the site would indeed be reinstated according to the application and not be used for waste disposal of any description.

- x. Cultural Confirmation is requested that all references to the chapelry boundary relate to the boundary of the Parish and not to the boundary of the property of the Sacred Heart Church. The ancient Church referred to in the noise report is St Peter's Church Woodcote. Sacred Heart is the name which attached to the modern building at the back of Woodcote Hall, when it was built as a Chapel.
- xi. Plant Design The Parish Council wishes to have an opportunity to comment on the detailed design of the proposed plant.
- Xii. Redundant Carriageway The Parish Council hopes that the applicant will be required to plant the severed triangle of land as suggested.

6.5 Chetwynd Aston & Woodcote Parish Council (Telford & Wrekin) - The following observations are made:

- i. Is there a better site elsewhere?
- ii. In view of the proximity to an Old People's Home Councillors consider that the working hours should be restricted to 8-5 on weekdays, with no weekend or Bank Holiday noise.
- iii. Woodcote already has a problem with surface water from this site causing flooding at Cock Hollow. Provision must be made for the disposal of surface water from the immediate entrance and the improved Island to be routed to Bolams Brook.
- iv. Councillors would like a guarantee that the landscape will be restored. 5. Telford and Wrekin Council should strictly monitor environment issues.

6.6 Staffordshire County Council (neighbouring Mineral Planning Authority) – Staffordshire County Council has taken into account the details of the application and has noted that the proposed site is identified as a 'preferred area' for sand and gravel extraction in the Shropshire, Telford and Wrekin Minerals Local Plan 1996-2006. This site is understood to be allocated within this Plan as a 'Third Phase' preferred area and therefore should not be brought forward and developed until the end of the current Plan period (e.g. 2006). The submitted application therefore seeks the working of an allocated site in accordance with the phasing principles set out in an existing adopted development plan and therefore in respect to minerals planning policy issues Staffordshire County Council has no objections to the development.

6.7 Environment Agency – An initial holding objection has been withdrawn following the receipt of additional information from the applicant.

a. Comments in relation to initial planning consultation:

- i. There is a need to ensure adequate drainage and wash/dust suppression/domestic water for the site.
- ii. Mineral extraction will only take place above natural groundwater level and therefore no active dewatering will be required. However, reducing the unsaturated zone thickness and vegetation cover may lead to ponding at the lowest point during periods of high rainfall. There is a need to know where water will be obtained for the processing plant. There are no abstraction licences in the vicinity and the site lies within the Aqualate groundwater unit

where there is a presumption against any large new abstraction proposals. Any dewatering/abstraction proposals may need to be tied to a S106 obligation covering monitoring of existing sources and/or water features and actions to be followed if derogation outside predetermined parameters is found.

- iii. The ES has not addressed the issues of foul drainage or presented any statement regarding the refuelling and maintenance of vehicles. Due to the nature of the development, soakaways are not recommended for the disposal of foul drainage. The plans show the existence of a settlement lagoon, however no mention is made of whether any discharge to controlled waters will take place. The prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may also be required for any discharge of surface water, sewage or trade effluent.
- iv. The submitted EIA does not address the impact of the proposals on the general drainage of the site or the surface water drainage method of the roads. There must be no interruption to the surface water drainage system of the surrounding land and all existing drainage systems should continue to operate effectively. Provided satisfactory revised/amended details (possibly including legal agreement under Section 106 Town and Country Planning Act 1990) are submitted, it is unlikely the Agency would raise further objections subject to imposition of detailed planning conditions covering drainage and pollution matters.
- v. The objectives in the restoration proposal are supported. The mix of native broad-leaved woodland and species rich grassland will constitute a significant ecological improvement. However, a number of additional habitats and features could be created to further enhance the ecological value of the restoration scheme. Principle among these is the creation of wetland/pond habitats through areas of ephemeral or longer standing water. These would provide valuable habitat for aquatic flora and fauna including dragonflies, damselflies and amphibians which could potentially include Great Crested Newts. With regard to the other habitats of value, nutrient poor sandy gravelly soils often left after quarrying has finished, provide the opportunity to develop heathland and acid grassland mosaics. If the drainage is such that wet and dry heath develops this will be even more ecologically valuable. Waste materials produced from timber removal such as old stumps, and rock and stone from quarry activities, can be used to form habitat piles for hibernating amphibians and reptiles and a home to invertebrate species. Woodland edges should be maximised by use of glades and rides. A varied structure including shrubs and different tree species provides a richer habitat for woodland birds and foraging bat species. With regard to the creation of a species rich grassland habitat, there may be the potential to source seed/hay from a local Wildlife Trust Nature Reserve or a SSSI. Finally, during the working phases of the site certain species may colonise or habitats form of operational features such as the lagoons. A watching brief, and the flexibility to incorporate such features in the final design, will enable the restored sites ecology to be maximised. Species such as Great Crested Newts, wading birds may often make use of such features.

b. Comments of Environment Agency in relation to additional information:

The additional information includes a series of options which the developer could incorporate in order to satisfy the Agency's concerns. Whilst it has been demonstrated that the issues can be addressed, details will have to be agreed, which can be covered in negative conditions including the following.

- submission of schemes for surface water and foul drainage works;
- submission of a scheme for the monitoring of groundwater levels;
- submission of a scheme for the provision and conservation of water for mineral washing, dust suppression, domestic use, etc;
- submission of a scheme for dust suppression;
- condition to ensure any liquids are stored in a suitable impervious bunded compound;
- Mitigation measures in the event that Cessation of development contamination not previously identified, is found to be present at the site;
- submission of a scheme for restoration has been approved by the Local Planning Authority.

6.8 Department for the Environment, Food and Rural Affairs – No objection in view of the fact that the site is woodland. Soils should be stripped, stored and restored using low ground pressure equipment. Trees require deep, un-compacted soil and it is vital that the soil condition meets this restoration requirement. Further guidance for the handling of soil is given in the MAFF Code of Good Practice for the Protection of Soil. The sustainable use of the available topsoil, subsoil and soil making materials in the restoration of the site is welcomed. It is noted that approximately 0.245 hectares of best and most versatile agricultural land currently in agricultural production would be lost. Additionally, a triangular area will be severed from the main field. The following comments are made:

- a) The shape and size of the small triangular field north of the road realignment will limit its agricultural uses, as the use of modern agricultural field cultivation equipment in such a small awkwardly shaped area will not be practicable or viable. However, the views and preferences of the landowner of the severed land will be key to its future use and management.
- b) The topsoil from the net loss of 0.25 hectares of land could be utilised to restore new road verges and other deficient areas (subject to landownership issues and agreements). Moreover, surplus topsoil could be utilised to augment the restoration inside the quarry, particularly as soil depth is a little shallow in some areas. However, best and most versatile soil should ideally be used to restore land to this quality and maintain the principle of sustainable development. The depth of topsoil should not exceed approximately 40cm.

DEFRA have provided a schedule of detailed agricultural conditions which they request are imposed on any subsequent planning permission.

6.9 Campaign to Protect Rural England – Objection on the following grounds:

- i. Notwithstanding the status of Woodcote Wood as a Phase 3 site in the 1996-2006 Minerals Local Plan, we object to the application at this stage, believing it to be contrary to MLP Policy M1 on a more sustainable approach to mineral development and Policy M14 on the development of new workings. Policy M1 seeks to conserve minerals within the county as far as possible in pursuit of the Council's firm commitment to sustainable development, managing its resources to minimise the use of primary minerals to the level actually needed by society. There is clearly no need for the development in strict planning policy terms - the landbank of currently permitted sand and gravel reserves maintained under Policy M13 being quite sufficient to meet the county's requirements to 2013 and beyond at the agreed sub-regional apportionment of 0.82 million tonne/year.
- ii. There remains a question over the 7 million tones of already permitted reserves at

Sleap Airfield. However, we believe, it is disingenuous of the applicant (as well as extremely dangerous in sustainability terms) to suggest that this reserve can effectively be discounted from the currently available landbank. The fact remains that Sleap Airfield has been granted permission. So, unless the MPA revokes the Sleap permission (which the CPRE believe warrants serious consideration given the repeated delays in its development), it must remain a valid element of the official landbank; especially since it could be developed at any time by its owners to contribute some 0.25 tonnes of sand and gravel per year (more than a quarter of the County's annual supply requirement).

- iii. Certainly, there is no case to be made for a shortage of mineral supply within the immediate future. All the more so, as permission granted for the Barnsley Lane site adds a further 1.5 million tones to the permitted reserves, and 0.18 million tones/year to the supply from 2009. Under these circumstances, we feel it would be premature in the extreme to add a further 0.20 million tonnes of supply in the immediate future just to address a possible shortfall in the 'usable' medium-term landbank. In fact, the CPRE considers that to do so would contravene MLP Policy M14, which advises that the MPA will consider a proposal to develop the Phase III site only in the event of circumstances which prevent the required production rate being achieved from existing sites, or those in the first and second phases.
  - iv. While the applicant advances a complex of 'need' arguments based upon considerations of the extent of and prospects for the landbank (both theoretical and real) the CPRE considers that these are irrelevant to M14. The CPRE considers that there remains no problem with the production rate, nor is there likely to be within the foreseeable future. At the same time, there has been no problem with the development of either the Phase I or II sites. Under these circumstances, we feel very strongly that any issues as far as both a possible decline in production rates in the next decade and the landbank beyond it are concerned at this very late stage in the 1996-2006 Plan period are more properly addressed through the replacement Minerals Local Plan process currently underway. This will allow a full and detailed examination of the complexities of the current landbank status and supply issues in public with the accent firmly on the sustainability of County's mineral resources, so ensuring reserves are brought on stream strictly in line with agreed need rather than the commercial requirements of rival mineral operators.
  - v. We consider such an approach vital to avoid any unnecessary over-exploitation of the county's minerals, while minimising the annual impact of mineral developments on our countryside. With the priority clearly on minerals sustainability, we urge the County Council to reject the present application as contrary to important current MLP policies and defer consideration of it pending development of the new minerals planning policies covering the period over which the extraction will take place.
- 6.10 Shropshire Wildlife Trust – No objection. It is recommended that the ponds to the north of the site are assessed for the presence of great crested newts (GCN). Newts require an extensive area of terrestrial habitat around a breeding pond to forage and hibernate (they spend 2/3 of their lives on land) and therefore with regard to the proposed extraction, any newt populations close to the site would probably colonise the lagoons excavated as part of the proposed works. Therefore if GCN are identified mitigation measures would need to be included into any scheme to prevent harm to this protected species.
- 6.11 English Nature – On the basis of the information provided, English Nature has no comment to make on this application. The proposal does not appear to have an adverse effect on a Sites of Special Scientific Interest (SSSI). English Nature's

records do not indicate the likely presence of a protected species on the site but the applicant must ensure that the development does not conflict with the legal protection of species as set out in ODPM Circular 06/2005.

- 6.12 Shropshire Badger Group – No response received.
- 6.13 Health and Safety Executive - No response received.
- 6.14 Severn Trent Water PLC - No response received.
- 6.15 Government Office for the West Midlands - No objections received.
- 6.16 Chief Fire Officer - No response received.
- 6.17 Forestry Commission - No objections. The main interest of the Forestry Commission lies with the restoration proposals, which would represent a net gain in public benefit. It is assumed that the restoration to woodland would be a condition under which permission is granted. The Forestry Commission would prefer that the restoration is to 'locally native broadleaves' rather than the wider title of 'broadleaves' as this would prevent the restocking using species such as Beech and Sweet Chestnut which are not native to Shropshire.
- 6.18 The Coal Authority – No objection. According to the Coal Authority's records the property is not within the zone of likely physical influence on the 'face from past underground coal workings.

Internal Consultations:

Sustainability Group

- 6.19i. Archaeology - Comments on initial planning consultation - The archaeological assessment undertaken as part of the EIA for the application has demonstrated the existence on the site of a linear earthwork postulated as defining part of the boundary of Woodcote chapelry. An approximately 450m length of this earthwork would be removed by the proposed sand and gravel extraction. Further historical research indicates that the boundary along which the earthwork runs was, in the 11th century, the actual county boundary between Shropshire and Staffordshire and also the boundary of the administrative unit of Bradford Hundred. Therefore, in the late Anglo-Saxon period this boundary was one of considerable regional importance. This fact has been overlooked, or at least not mentioned, by the consultants in their assessment of the earthwork in the Cultural Heritage section of the EIA. This significantly alters the potential historical and archaeological importance of the linear earthwork, especially if in origin it dates to the Anglo-Saxon period, as now seems a strong possibility. Consequently, a further archaeological evaluation and assessment of this earthwork should be carried out prior to the determination of the minerals application and in accordance with PPG 16. This evaluation would seek to further clarify the date, nature and function of the earthwork in order for a fully informed assessment of its significance to be made and an informed planning decision taken.
- ii. Archaeology - Further observations - The revised archaeological evaluation report relating to the above which has now been submitted has satisfactorily addressed the weakness of the original report. In view of this, the archaeological evaluation is now considered to have been satisfactorily completed. On the basis of the information provided by the evaluation, it is not considered that preservation in situ would be essential for the section of linear earthwork to be impacted on by the proposed



quarry. Clearly though, it would be preferable if the earthwork could be retained in its entirety. If however removal of the section of earthwork is unavoidable should the quarry proceed, it would then be necessary for further archaeological work to be undertaken to mitigate the impact. Accordingly, any planning permission for the proposed extraction should be made subject to a condition requiring a further programme of archaeological work to be undertaken in accordance with an agreed scheme.

6.20i Ecology The SCC Environmental Record shows no nature conservation site designations or records of protected species within 1 kilometre of the proposed quarry site. Records of species rely on chance finds and are far from complete. Hence absence of records should not be taken to show absence of a species. Woodcote Wood is not listed as being an ancient woodland or a plantation on an ancient woodland site. The majority of the proposal area is shown as open or with scattered trees on the 15<sup>th</sup> edition OS map of 1891. However, the southern boundary adjacent to the B4379 appears to have been well wooded, as was a band along the northern edge of the proposal area, on the slopes of the hill. These older wooded areas are more likely to support a better woodland flora and ideally as much as possible should be retained for landscape as well as ecological reasons. The southern boundary is described in the proposals as being retained as a screen. The further up the slopes of Woodcote Hill the extraction progresses, the more visible the workings will be from a distance. The high proportion of conifers and even, relatively young age (50 years) of the plantation trees tend to produce a less diverse woodland habitat. The small triangle of farmland which will be isolated by construction of the access route should be planted up with native tree species of local provenance. Where possible the existing hedges should be retained and snowberry should be eradicated if possible because of its highly invasive nature.

ii. Ecology - Comments on protected species: Amphibians - There are no ponds suitable for breeding amphibians in the woodland although a toad was found under a refuge during the reptile survey. The nearest ponds are between 350 and 400m away from the closest part of the proposed quarry, on farmland to the west and in another small block of woodland to the north-west, separated by agricultural land. Great Crested Newts are the only protected amphibians. The current English Nature guidance states that a survey may be indicated when there are:

- Any historical records for GCNs on the site, or in the general area.
- A pond on or near the site (within around 500m), even if it holds water only seasonally.
- Sites with refuges (such as piles of logs or rubble), grassland, scrub, woodland or hedgerows within 500m of a pond.

iii. However, recent research commissioned by English Nature (Research Report 576) has shown that during mitigation work, by far the most captures are within 50m of ponds and few animals are captured at distances greater than 100m. The report goes on to say 'the most comprehensive mitigation, in relation to avoiding disturbance, killing or injury is appropriate within 50m of a breeding pond. It will also, almost always be necessary to actively capture newts 50 - 100m away. However, at distances greater than 100m, there should be careful consideration as to whether attempts to capture newts are necessary or the most effective option to avoid incidental mortality. At distances greater than 200 - 250m, capture operations will hardly ever be appropriate'. In view of the above, the current proposal is very unlikely to impact on any existing population of Great Crested Newts. However, under certain conditions the proposed lagoons might develop into suitable habitat for newts in the future. If permission is granted, the two ponds should be checked for

GCNs in spring of 2007 following English Nature guidelines. Should GCNs be found, before each phase of the work commences, the likelihood of GCNs being attracted to the site should be assessed and any suitable mitigation plans should be drawn up, and be submitted for the planning authority's approval.

- iv. *Reptiles* - the supplementary survey has adequately shown that there should not be a significant impact on populations of reptiles in the area.  
*Badgers* - similarly the additional badger survey indicates that the woodland is not being used by badgers to any great extent. Badgers are very mobile and free ranging animals and again there should be a resurvey before each new phase of the work.  
*Birds* - a condition should be imposed to prevent felling of trees, scrub or hedgerow removal during the nesting season (mid February to late August). Diversification of habitats during the restoration phases should increase the range of birds present.  
*Bats* - the relatively recent age of the trees make the presence of bat roosts less likely but felling contractors should be made aware of relevant legislation and, where possible, trees with cavities should be checked before felling.
  - v. Ecology - Comments on restoration: A phased approach to the work will allow restoration to begin early in the scheme and reduce negative impacts on landscape and biodiversity. The seed and bulb bank in the woodland topsoil will be extremely important for the restoration. Where possible, soil stripped to start a new phase should be spread immediately on the finished land form of the old one, to optimize the viable seed bank. Any topsoil which has to be stored should be treated according to the relevant British Standard. Native broadleaved woodland, glades and rides with species rich grassland and heathland could be created through the restoration, together with ponds if the hydrology permits. Smaller scale features such as cliffs, amphibian/reptile hibernacula, bird or bat boxes could also be installed. Any areas to be left as glades, rides or heathland should not be covered in topsoil as a nutrient poor substrate is essential. Nutrient poor soil will also reduce the management input after restoration. Topsoil should not be imported from other sites as inappropriate seeds etc may be imported with it.
  - vi. If permission is granted, a condition should be made requiring a detailed landscape and biodiversity mitigation plan to be submitted to the planning authority for approval before each phase of the work. Resurvey for particular species may be necessary due to the lapse of time and mobility of protected species. This phased approach will allow the restoration to address up to date targets in the national, Regional and Shropshire Biodiversity Action Plans. Measures should be considered to ensure management of the restored habitats beyond the ten year period as this would be essential for long term biodiversity gain.
- 6.21 Highways – The current junction between the A41 and the B4379 is poor in terms of its geometry, visibility and vertical alignment on its approach from the north direction. The proposed new traffic island on the A41 and realignment of the B4379 is considered to be a welcome feature. Given however that there is also an accident record a Stage 1 Safety Audit should be undertaken for the proposed roundabout scheme. The alignment of the new section of the B4379 to the site access should be to a minimum of 6.5 metres and kerbed and appropriately drained. The new section is relatively straight and may attract vehicles to overtake on exiting the roundabout traveling towards the site access. Given the nature of slow moving HGV's associated with the sand and gravel extraction this is a highway safety concern. Forward visibility for drivers travelling from the east to west direction could be restricted unless adequate land is acquired to provide the requisite forward visibility when approaching the junction, potentially behind a waiting right turning vehicle into the access. A Stage 1 Safety Audit is also therefore requested on the new section of the B4379. The

proposed new site access provides visibility splays of 9 x 215 metres and junction radii of 20 metres. I have reservations on a number of counts.

1. The realignment of the B4379 and site access visibility splays will attract high vehicle speeds and may induce overtaking manoeuvres to take place in the vicinity of the site access. There is some reservation about the merits of providing 20 metre junction radii. There is clearly no need to provide such a radius on the western side since no HGV's are to turn in that direction. The 20 metre radius on the eastern side together with a 9.0 metre 'X' distance may induce HGV's to exit onto the B4379 at a faster approach speed than is desirable. An 'X' distance of 4.5 metres is considered acceptable and a 15 metre radius on the eastern side should be considered.
2. A Stage 1 Safety Audit is requested for the new junction as with the new section of the B4379 and new roundabout. The audit should recognise the nature of the proposal for sand and gravel extraction and the types of vehicles associated with this activity. I would anticipate that as part of the Safety Audit, consideration would be given to any proposals for the provision of advance signing and road markings to alert drivers of the access ahead and slow moving turning vehicles.
3. The current weight restriction on the B4379 clearly would not prohibit the use of the B4379 past Sherriffhales by mineral HGV's. However the junction with the site access could be designed so as to direct HGV's to the east via kerbed islands within the junction, whilst allowing exiting cars to turn right.

Note: The applicant has carried out safety audits of the proposed highway scheme as required. The results of this exercise are considered in section 8 of this report.

6.22 County Councillor Mr S.West has been informed of the proposals.

6.23 In addition to the above the proposals have been advertised in accordance with statutory provisions and the 131 nearest residential properties have been individually notified. The County Council has received letters of objection from 14 local residents. The principal concerns are as follows:

- Traffic safety – the A41 is already dangerous – traffic will approach the proposed roundabout too fast – particularly southbound. The number of heavy vehicles on the A41 is already too high. Will speed cameras and traffic lights be employed on the approach to the roundabout?
- The increased levels of heavy traffic from the proposed quarry will have an adverse impact on noise levels, road safety and pollution;
- Traffic increases massively on the A41 when there is an accident on the M6;
- A roundabout on the A41 would be a disaster – at rush hour there would be extensive queues and slow moving lorries on the B4379 and turning onto the busy A41 would lead to accidents;
- Drivers would become impatient behind slow moving heavy quarry vehicles, leading to accidents;
- Concern that because the site is allocated in the Minerals Local Plan it will be difficult to refuse. Why cant the permitted site at Sleaf Airfield be worked instead?
- It is already impossible to gain access to the A41 at junctions north of the B4379 at certain times of the day and the addition of more slow-moving heavy traffic would make this situation worse;

- The speed of some drivers using the B4379 is excessive - what assessment has been made of this? – A speed limit should be imposed on the B4379 between Heath Hill and the A41;
- How will vehicle movements be controlled / enforced?
- Concern that vehicles will queue on the B4379 to enter the site;
- No assessment has been undertaken of the speed of traffic on the B4379 west of the proposed site entrance though the recent accident record indicates quite a problem on this stretch;
- There are regular flooding problems on the A41 at Cock Hollow which may have contributed to traffic accidents. There is concern that the quarrying proposals may exacerbate this by changing local drainage / hydrology and adding silt / mud to the highway drainage system;
- Concern about the length of the proposed hours of working (0700-18.00 weekdays, 07.00-13.00 Saturdays). No other forms of operation such as maintenance should take place outside of the specified hours;
- Questioning the need for the sand and gravel at the site at this stage rather than towards the end of the post-plan landbank. – There is a need to consider whether demand could be met from existing quarries.
- The application is premature and changes in demand should be addressed through the emerging development plan framework;
- Concern that the proposals may be linked to future quarrying proposals at Pave Lane north of Woodcote Hall;
- Will adversely affect the environment and general feel of the historic town of Newport. This quiet area is an amenity for the people of Newport and Telford;
- Invasion of greenbelt land / impact on countryside;
- Devaluation of properties – will there be compensation?
- Proposed hours of working would be an intrusion;
- Concern about health damage including respiratory problems from dust;
- Noise nuisance – will noise be monitored? The noise report has set a noise limit of background plus 10 decibels. Only by adopting this relatively high increase has the report been able to include that the development may proceed. This is an exceptionally quiet rural area and a 10dB increase will be easily heard;
- Noise from wheel cleaning;
- Dust nuisance – no specific assessment has been undertaken of the effect of dust on nearest properties – only potential sources of dust have been listed – the air is very pure in the vicinity of the site at present;
- Where will the required water come from? Many small pools providing important habitats have dried out. Mineral working could exacerbate this;
- Damage to ecology of woodland – an wildlife survey should be undertaken – has the site been surveyed for badgers – buzzards live in the trees around this area and would be upset by quarrying disturbance;
- The corner plot of trees nearest to Woodcote Hall should be retained for screening;
- The retained tree belt around the site will not have sufficient density to provide a screening function as foliage is restricted to upper branches. New tree planting should be undertaken around the site as early as possible to strengthen screening;
- Flowering trees such as rhododendrons should be replaced with the same species – rhododendrons give a beautiful display on the B4379 frontage in late spring;
- Will archaeological sites be affected (including burial mound and ice house)?
- Visual impact - the landscape would be damaged by removal of so many trees which would not need to all be felled as part of conventional forestry operations

- The estate boundary wall is looking unkempt and should be repaired.
- 6.24 A letter has been received from a consultant acting on behalf of local residents making the following observations:
- No assessment has been undertaken of the speed of traffic on the B4379 and the accident record relating to this area.
  - No assessment has been undertaken of the effect of vehicle speed and the sharp right-hand bend just north of Heath Hil when traveling along the B4379 to the A41;
  - Why has the need for a speed restriction on the B4379 not been considered given the speed of vehicles and the volume of slow mineral traffic turning onto the B4379?
  - The main potential sources of dust have been listed but there has been no assessment of the potential effects of dust deposition. In the absence of this, the assessment of effects cannot be relied upon. Dust is listed as an effect which could be controlled to an acceptable level, but there needs to be a firm commitment that such levels of control will be achieved.
  - BS4142 acknowledges that complaints are likely to arise where a specific noise source exceeds background levels by more than 10dB. In view of this, why have noise limits been set for nearby properties on the basis of background plus 10dB? Surely additional noise mitigation measures should be considered to achieve greater noise attenuation.
- 6.25 The Lilleshall Resident's Association has objected to the proposals on the following grounds:
- The Applicant has not shown that a justifiable need exists for additional sand and gravel reserves to come forward at this time. To this end, the proposed development will result in an excessive provision of land-won aggregates.
  - The over provision of primary won aggregates will discourage initiatives to promote secondary and recycled aggregates i.e. aggregate recycling facilities, and may discourage the efficient use of mineral. Both of which are fundamental facets in the delivery of sustainable mineral development.
  - The Site at Woodcote Wood represents a new extraction operation rather than an extension to an established Site. As noted in paragraph 69 of MPG6 and paragraph 6.63 of the Adopted Local Plan, extensions generally tend to have less environmental impact than new sites. To this end, the favoured approach should be to bring forward extensions to current operations in preference to new sites.
- 6.26 The owners of Woodcote Hall have objected to the proposals on the following grounds:
- This is a large proposal for a long period and needs rigorous scrutiny, notwithstanding the site's allocation in the Minerals Local Plan;
  - A lot of vulnerable people live at the nearby Woodcote Hall nursing home which is a particularly sensitive location;
  - The effect of noise and dust on Woodcote Hall needs to be evaluated scientifically before any approval;
  - The cumulative impact of noise and dust generated by the operation could mean unacceptable effects on the amenity and well-being of Woodcote Hall residents who are restricted in their movements and thus could not escape the impacts of the workings;

- Questioning need for the mineral given the opportunity for use of secondary aggregates;
- Potential ecological impacts need thorough examination.

6.27 The following objection has been received from Lilleshall Golf Club:

The Golf Club has been in its present location since 1937 and has benefited from being part of a serene countryside environment. The planning application for the extraction and processing of sand and gravel in the vicinity of our course is unacceptable for the following reasons:

- The level of noise that will be generated by mechanical equipment, safety warning devices and heavy haulage is going to have a dramatic adverse affect on the pleasure we derive from the game of golf at Lilleshall.
- The species of bird and animals that thrive in the vicinity are going to be disrupted and redistributed as a result of this action with the removal of trees and fauna in the affected area.
- Heavily laden lorries will commence their journey by way of the A41, an already busy road. This will lead to vehicles being slowed down even more and increasing the risk of traffic accidents due to higher volumes.
- Mineral traffic will give the hedgerows a dirty, grimey and lifeless appearance, not only in the immediate vicinity of the site but over a much wider area due the heavy haulage making their way to Shifnal , Telford , Newport, and Donnington.
- The dust that will be created by these workings will carry on the prevailing winds towards Lilleshall Hall Golf Club, harming and choking our environment. It can be said that there is a potential risk to health over the long term to our members.
- Elderly residents being comforted in their last years would have to endure discomfort by way of noise and dust. Why should they have to endure such conditions for the benefit of corporate profit?
- The golf course presents a facility for both members and visitors. If the plans go ahead it could have a negative effect on the revenue that we receive due to a reduction in green fees and resignations from members. Ultimately this will have an adverse effect on infrastructure and forward planning.
- As a golf club management committee we are empowered to make representation on behalf of 700 members and therefore wish to register our objection to the proposal and application that will scar our beautiful Shropshire countryside.

## 7. ASSESSMENT OF THE PROPOSED DEVELOPMENT

### PLANNING POLICY CONTEXT

7.1 Development Plan Considerations Planning applications must be determined in accordance with the policies of the Development Plan, unless material considerations indicate otherwise (Section 54A, Town and Country Planning Act 1990). The Minerals Local Plan (MLP), which forms part of the Development Plan, identifies the site as potentially suitable for mineral working. This is provided that the much greater level of detail in the current application shows that the proposals are capable of satisfactorily addressing land use issues, local factors and other material considerations. The MLP identifies the site as the Third Phase Preferred Area for mineral working (Policy M14) following the Plan's site selection and assessment process.

- 7.2 Need for the Mineral - Introduction Policy M2 of the Minerals Local Plan states that in the context of a sustainable approach to mineral development (Policy M1), where proposals for mineral working give rise to material planning objections which are not outweighed by the planning benefits, or when an Environmental Statement is necessary, the applicant will be required to demonstrate that there is a need for the mineral. Whilst recognizing that Woodcote Wood is a Preferred Site in the MLP, the applicants have provided further information to substantiate the need for the mineral from the site. They have also indicated the potential timescale for actual mineral extraction and production from the site in keeping with a managed approach. In addition, they have produced within the Environmental Statement and other supporting information details to demonstrate that any material planning objections can be satisfactorily mitigated and confirming other potential benefits arising from the overall scheme. These matters are addressed in subsequent sections.
- 7.3 The CPRE and some local residents have questioned the need and justification for working of the Woodcote Wood site at this stage. It is accepted that sand and gravel sales have reduced relative to the levels assumed in the MLP and that consequently, permitted reserves in the total landbank have not been used up at the levels anticipated. However, there are a number of factors which also have a bearing on this situation. In particular, issues related to individual sites mean that only a proportion of the total permitted landbank reserve will be available for production within the next Plan period (i.e. to 2019). At the same time reserves at some permitted quarries are becoming depleted, whilst Telford's role as a sub-regional growth centre is likely to ensure a sustained demand for local supplies of sand and gravel. All these factors will influence the need for sand and gravel in the new Plan period, including from the current application site. The following sections describe how the Shropshire, Telford & Wrekin sub-region contributes to the supply of sand and gravel for the West Midlands, including agreed output levels and the implications of this has for the current proposals. The section concludes that, based on current information, if the Woodcote Wood site were not to be released at present, with extraction operations planned for approximately 3 years time, the Shropshire, Telford & Wrekin sub-region may well encounter difficulties in achieving its agreed annual apportionment at that stage.
- 7.4 Need – Detailed Considerations Shropshire Telford & Wrekin are members of the West Midlands Regional Aggregates Working Party (WMRAWP) which takes account of recent output and production trends in order to provide guidance on the demand for aggregates (the 'apportionment') across the region. The WMRAWP is part of a national network of Working Parties providing the basis for the national guidance on aggregates provision. The apportionment determines the size of the sand and gravel landbank for individual sub-regions. The current Minerals Local Plan advises that a landbank will be maintained sufficient for 7 years supply of sand and gravel, in accordance with the guidance in MPG6. The period of the landbank reflects the lead-in times that may be involved in obtaining planning permission and bringing a site into full production.
- 7.5 The levels of sand and gravel demand assumed in the current Minerals Local Plan are based on the production levels which applied at the time of the 1989 aggregates survey. There has however been a reduction in aggregate output relative to predicted demand since the publication of MPG6, as was acknowledged by the publication of revised aggregate forecasts by central government in 2003. This reduction means that the existing sand and gravel reserves have depleted less rapidly than was anticipated, and more mineral therefore remains in the landbank. The latest published annual report of the WMRAWP (2003) states that in December 2003, Shropshire had approximately 14.8 million tonnes of permitted sand and gravel

reserves (including active and dormant sites). Sales of sand and gravel in 2003 amounted to 822,000 tonnes which was 9.0% of regional sales for sand and gravel. A similar trend has been recorded for the Aggregates Monitoring report in 2004, publication of which is imminent.

- 7.6 Since 2003, production of sand and gravel in Shropshire has averaged around 0.82 million tonnes per annum. No new sand and gravel sites have been permitted, but the County Planning Committee resolved in July 2004 to permit a 1.5 million tonne site at Barnsley Lane near Bridgnorth (the phase 2 site in the Minerals Local Plan) which will replenish landbank reserves. The planning permission will be issued when the associated legal agreement has been completed. Whilst in simple arithmetic terms, the level of reserves is significantly above that required to maintain a 7 year landbank as specified in the present MLP, a number of other detailed factors also need to be taken into account.
- 7.7 The draft MPS1 recognises that there is a need to avoid overprovision of aggregate, but also acknowledges that detailed factors may influence the supply of sand and gravel and the ability to achieve agreed apportionment levels. This includes constraints on the availability of consented reserves, significant anticipated future increases in local demand and where there is a distinct and separate market for a specific type or quality of aggregate. The current Minerals Local Plan includes a commitment to provide a landbank for 7 years beyond the current plan period extending to 2013. In the case of the Shropshire, Telford & Wrekin sub-region three significant factors which will limit the ability to achieve the agreed apportionment in the period between 2006 and 2013:
- i) One site still to commence full production (Sleap near Wem) has 7 million tonnes of permitted reserves (i.e. half the current landbank) but is limited by planning conditions to a maximum output of 250,000 tonnes per annum. The company in question already operates another sand and gravel quarry south of Shrewsbury with permitted reserves extending beyond the current Plan period.
  - ii) Available information indicates that other currently permitted sand and gravel sites are likely to have exhausted present reserves in the 2006-2013 period.
  - iii) Two dormant sites are included in the current sand and gravel landbank. The operator has indicated that there are unlikely to be any circumstances in which these sites would re-commence production in the period between 2006 and 2013.

When these factors are taken into account it is evident that there are considerable limitations in terms of the reserves in the current sand and gravel landbank which will actually be available for production of mineral in the period between 2006 and 2013. As such, the Shropshire Telford & Wrekin sub-region may have difficulty in maintaining agreed apportionment levels unless new reserves are permitted. Figure 1 illustrates this situation. A decline in output capacity is likely to be experienced in the period commencing after the end of the current Plan, as reserves at existing quarries become depleted. Output potential from the remaining quarries is likely to fall below the agreed apportionment level of 0.82 million tonnes per annum if no new reserves are permitted. The effect of Woodcote Wood site is to add up to 200,000 tonnes per annum of new production capacity, assisting in maintaining the apportionment figure attributed to Shropshire, Telford & Wrekin.





the Telford market at a time when reserves at other sites are becoming depleted. In these circumstances it is concluded that the current proposals are consistent with the advice in MPG6 and draft MPS1 and the phased release provisions of the Mineral Local Plan. (Minerals Local Plan Policy M2 (need), M14 (future sand and gravel working; MPG6).

7.10 Commencement Date The applicant has confirmed that the quarrying proposals would be associated with significant pre-development works, including:

- implementation of the highway improvement scheme to the A41/B4379;
- realignment of the B4379 from the A41 to the vicinity of the site entrance;
- construction of the site entrance and associated works to reconstruct the boundary wall along the B4379 visibility splay;
- implementation of a tree felling programme for the plant site, stockpile area and Phase 1 mineral extraction area;
- stripping of soils from initial operational areas;
- preparation of the plant site, stockpile areas and construction of the silt lagoons.

In view of this, the applicants consider it unlikely that actual mineral extraction/sales would commence for at least two years after the date of issue of any planning permission. Thus, any mineral extraction/sales would be unlikely before the summer of 2008 (i.e. outside the period of the current Minerals Local Plan).

7.11 Minerals Development Plan Document (20007-2017) The Preferred Options Draft Minerals Development Plan Document was published in February 2006. It is anticipated that this document will be adopted (and will replace the Minerals Local Plan) as part of the minerals and waste development framework by the end of 2007. The calculations of sand and gravel demand used to prepare the Draft Minerals DPD reinforce the need for the mineral at Woodcote Wood, to ensure that the Shropshire-Telford & Wrekin sub-region is capable of continuing to maintain its agreed supply of sand and gravel throughout the new plan period. These calculations take account of the allocated status of Woodcote Wood in the current Minerals Local Plan.

## CONSIDERATION OF ENVIRONMENTAL ISSUES

7.12 The extent to which the application is capable of addressing detailed technical / land use issues and offering environmental benefits is considered in the following sections. These sections take into account Structure Plan Policy P58 (sustainable minerals development) and P59 (the need to protect interests of acknowledged importance) and the policies of the Minerals Local Plan, including M1 (sustainable approach), M2 (need for minerals), M3 (development control considerations), M4 (operational considerations), M7 (benefits to countryside), M11 (transport) and M27 (Reclamation / afteruse).

7.13 Highways The Development Plan contains policies designed to ensure that proposals likely to generate significant levels of vehicle movements do not give rise to an unacceptably adverse impact on the local highway system. The quarry proposals would generate a significant number of heavy vehicle movements. The anticipated output of 200,000 tonnes per annum would equate to between 32 and 36 loads (64 – 72 movements) for 20 tonne loads assuming a working year of between 275 and 305 days. The principal market for the mineral would be the Telford area. It has therefore been assumed that some 80% of the traffic would travel south along the A41 towards the A5 and A54, with some 20% of the traffic traveling north along the A41 towards

the A518. With the exception of strictly local deliveries, all HGV traffic would be routed from the site entrance to the new A41 junction. The applicant recognises that the geometry of the existing A41 / B4379 junction has limitations and would benefit from being realigned to improve visibility and safety. Accordingly, the development includes proposals for the creation of a new roundabout junction off the A41/B4379. The applicant considers that this would more than adequately cater for the traffic generated by the development, and would be a positive benefit of the scheme which would improve the highway infrastructure of the locality.

- 7.14 The Environmental Statement includes a Traffic Impact Assessment (TIA) which considers the effect of the proposed quarry traffic on the local road system. The development would result in an increase in daily traffic of approximately 1.4% on the A41, and 9.6% on the B4379. The TIA concludes that the predicted increase in HGV traffic on the A41 would be minimal in the context of the likely day-to-day fluctuations in traffic flows on this road. The predicted percentage increase in traffic on the B4379 is greater due to the low volume of base traffic, but would be limited to a short 300m length of this road between the site and the A41. The results of the junction capacity assessments indicate that the proposed site access onto the B4379 would operate well below capacity in the morning peak hour. The proposed A41/B4379 roundabout junction would also operate below capacity in the morning peak hour of both the 2006 and 2016 assessment years, although some minor queuing delay is predicted on the A41 north arm in the 2016 design year.
- 7.15 The Highways (Development Control) team has acknowledged that in capacity terms there are no overriding objections to the anticipated level of quarry traffic. The proposal to construct a new traffic island on the A41 and to realign the B4379 junction is acknowledged as a highway improvement. The need for 20 metre junction radii as originally proposed has been questioned as this may lead to increased lorry speeds. In particular, the wider radius would not be needed on the western (Sherrifhales) side as quarry traffic would not be dispatched in this direction. The B4379 west of the site access is not considered to be suitable for use by quarry hgv's. The location of the current weight restriction on the B4379 would not prohibit this but relocation of the weight restriction to the immediate west of the site access would achieve this objective and the Highway Authority would support such a measure. It is also considered that the junction should be designed so as to direct hgv's to the east via kerbed islands within the junction, whilst allowing exiting cars to turn right. The applicant has submitted a revised junction layout which is acceptable to the Highway Authority and these matters could be covered by a Highways Legal (S278) Agreement. The applicant has also carried out Stage 1 Safety Audits on the new access and the highway improvement scheme. These Audits make recommendations regarding detailed design measures such as signage but indicate that slow moving quarry traffic is capable in principle of safely joining the B4379 and the A41.
- 7.16 Highways – Conclusion The site is well placed to serve local markets and the proposed highway improvements will allow good access links to the primary road network. It is considered that, provided the proposals are subject to appropriate planning conditions and a Legal Agreement to cover traffic management, routing and highway improvements they are capable of complying with Development Plan policy relating to highway and access considerations. (Mineral Local Plan Policy M8 (planning obligations), M3 (Development Control Considerations); M11 (Transport of Minerals); Structure Plan Policy P15 (protecting the environment), P31 (sustainable transport), P35 (Road Freight) and P37 (the highway network).
- 7.17 Redundant carriageway and agriculture The proposed highway improvements would

lead to a 220m stretch of carriageway becoming redundant along the old course of the B4379 (area 0.14ha). The new road realignment would also sever part of the existing best and most versatile quality agricultural field and produce a small triangular field (0.8 ha) to the north of the realigned B4379. DEFRA has not objected to any overall loss or severance of agricultural land associated with the proposed highway improvement, and is aware of the highway benefits of the scheme as put forward by the applicant. DEFRA do advise verbally however that the small size and awkward shape of the severed field area will limit its agricultural versatility. The applicant has agreed to plant up the severed field area as deciduous woodland to reinforce the retained woodland area of the eastern side of Woodcote Wood and would accept a condition on any planning permission requiring the submission of a woodland planting scheme for this area. The applicant has also agreed in principle to incorporate removal of the redundant carriageway into the overall scheme. Subject to the imposition of appropriate conditions it is concluded that the proposals can be accommodated in relation to the relevant development plan policies. (Structure Plan Policy P52, P59; Minerals Local Plan Policy M3)

### General Amenities

- 7.18 Noise Central Government has provided advice on the control of noise from mineral workings in Minerals Planning Statement 2 (MPS2). The guidance states that in areas with typical background noise characteristics of 45 decibels an upper limit of 55dBLA90 is appropriate for normal quarrying operations. In quieter rural areas however noise from quarrying should not exceed background levels by more than 10 decibels. The Environmental Statement contains a noise assessment which identifies the main sources of noise within the site, predicts noise levels at four sensitive receptor locations around the site and puts forward noise mitigation proposals. Background noise levels for the area around the site are measured at between 35 and 38dBLA90 and noise limits have therefore been defined on the basis of the 'background plus 10' noise criteria. This gives appropriate daytime noise limits of between 45 and 48dBLA90. The noise assessment contains predictions of noise levels associated with mineral extraction based upon factors such as the anticipated type/level of plant activity. These predictions establish that the 'background plus 10' limit for normal quarrying operations would not be exceeded at the four nearest properties. The study concludes that the development could proceed in accordance with the noise limits set out at each noise sensitive property.
- 7.19 Temporary operations such as soil stripping can generate more noise than normal quarrying operations and MPS2 allows for this by temporarily relaxing the recommended noise limits. The applicant states that such operations would however be undertaken only occasionally at the site with typically one such episode a year lasting for a period of less than two weeks. During such periods the applicant states that noise level may marginally exceed the normal working criterion of 45 dBL<sub>aeq</sub>. However, they would remain well below the temporary limit for such operations of 70 dBLA<sub>eq</sub> specified by MPS2 which applies for up to 8 weeks a year.
- 7.20 The applicant has confirmed that the noise predictions are based on a 'worst case' scenario. This assumes that all mobile plant involved in the extraction operation would be working on the surface of the land, in direct line of sight of the existing receivers (i.e. the four properties assessed as part of the noise study). In practice, whilst operations would take place on the surface for short periods during soil stripping and initial excavation, the vast majority of extraction and haulage would take place at increasing depths below ground level, and would thereby benefit from the acoustic attenuation of working at such depths. The noise calculations also assume that activities are taking place at the Woodcote Wood site boundary, rather than the

more distant extraction site boundary within the confines of the wood. In addition, the calculations of noise emissions from the processing plant assume that the plant would benefit from a barrier of only 3 metres whereas, in practice, the plant would benefit far more substantially from existing topography due to the slope of the land. There is no 'direct line of sight' to the closest property to the southeast (Pine Ridge), which is separated by an intervening ridge some 20 metres higher than the highest part of the application site. Nevertheless, even on the basis of these 'worst case' assumptions, all noise calculations are within the criteria levels which have been set at the four properties. In these circumstances, it is considered unlikely that the predicted noise levels at the respective properties will be realised and that in reality, lower noise levels will be experienced.

- 7.21 The applicant has agreed to accept a planning condition requiring noise monitoring to be undertaken at periodic intervals in order to check compliance with the noise limits, and to verify that, in practice, the noise levels are considerably lower than predicted. A number of established control measures are also available in order to minimise noise disturbance. In particular, the provision of smart reversing alarms on plant / vehicles operating within the site can reduce the noise impact of reversing sirens. Internal haul roads can also be designed for circular vehicle flow, thereby minimising the need for reversing movements. Maintenance of an even running surface can reduce 'body slap' caused when vehicles run over potholes. The applicant has agreed in principle to incorporate these and other noise mitigation provisions and such measures can be conditioned in the event of planning permission.
- 7.22 Noise & Working Hours The Environmental Statement confirms that background noise levels in all 4 monitoring locations (and particularly the 3 roadside locations) are significantly quieter at 7.00am than 8.00am, presumably as traffic related noise increases. The quieter conditions at 7.00am underscore concerns raised by local residents regarding the proposal to commence working at this time. In particular the predicted noise is close to exceeding the 'background plus 10' criteria of MPS2 at Pine Ridge between 7.00am and 8.00am. The company has indicated that it would be necessary to dispatch some vehicles shortly after 7.00am in order to supply local markets. The company has however emphasized that the noise predictions are based on the worst case scenario (see preceding section) and has agreed that measures would be employed to ensure that noise was minimised during the early morning period – such as loading vehicles the day before. The noise predictions suggest that the indicative levels set out in MPS2 would not be exceeded at 7.00am and the company's requirement to dispatch vehicles at this time to supply local markets is acknowledged. Notwithstanding this, any quarrying activity would be linked to a requirement to undertake noise monitoring at the nearest properties. If such monitoring indicates heightened noise sensitivities associated with 7.00am working then appropriate noise mitigation measures would be required.
- 7.23 In conclusion, the noise predictions in the Environmental Statement demonstrate that the proposals are capable of complying with the noise limit criteria for quieter rural areas set out in MPS2. The recorded background noise levels comply with the methodology in MPS2 and are considered to form an acceptable basis for the noise predictions. It is accepted that the noise predictions are based on realistic assumptions about the levels of plant and activity within the site. The topography of the site relative to the nearest properties will also provide a significant amount of natural attenuation and the design of the site does not require a high intensity of plant use. Conditions can be imposed on any planning permission to ensure that noise mitigation complies fully with best practice throughout the proposed quarrying and restoration operations. To provide added reassurance however, it is also recommended that any planning permission includes a requirement for submission of

a scheme to monitor noise from quarrying, with identification of additional detailed noise mitigation measures where appropriate. This is acceptable to the applicant. Noise control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress. Subject to these provisions it is concluded that the proposals can be accepted in relation to Development Plan policy relating to noise issues. (Mineral Local Plan Policies M3 and M4; Structure Plan policies P58 and P59; MPG11).

- 7.24 Dust The Environmental Statement recognises that mineral extraction has the potential for dust generation. The principal sources of dust are identified and a number of dust mitigation measures are described. The report concludes that, with the adoption of these measures the proposed mineral working is unlikely to have a significant effect on local air quality. The company states that the dust section of the ES is based upon practical experience of dust emissions and controls. The type of activities likely to give rise to dust emissions can be readily predicted based upon experience at other sand and gravel quarries, and conventional dust controls would be an integral part of day to day site management. The specific dust controls highlighted in the ES would be assisted by the overall design of the development which seeks to confine quarrying activities within the retained woodland fringe. Whilst the principal purpose of that design is to minimise/eliminate visual impact, the retained woodland fringe would assist in attenuating dust emission. The majority of the mineral workings would be set down relative to surrounding ground levels, thereby providing further attenuation. The sand and gravel strata within the site have relatively high moisture content and can therefore be worked and processed without significant dust emission. Stockpiles of sand and gravel would not contain dust or silt as this would have been removed by washing and processing. The progressive nature of the working and restoration would also minimise the areas of bare ground capable of generating dust. The Applicants have similar experience of dust control at their Rugeley Quarry in Staffordshire, which is working a similar deposit within a woodland area, and where no dust emission problems are apparent.
- 7.25 Water would be required for use in the washing and screening plant (see item 9 below), and there would therefore be a readily available supply of water for use in a bowser. The haul roads to the plant site would generally be located in the central area of the quarry and would be below adjoining ground level which would assist in controlling dust. The internal access into the processing plant would also be located towards the centre of the site. It is concluded that, provided the proposals are subject to appropriate dust control measures they should not give rise to any unacceptably adverse dust impact. The effectiveness of dust control measures would be monitored on an ongoing basis throughout the operational life of the site. Dust control would also be evaluated as part of an annual review process linked to any permission, which would allow for the implementation of any further improvements which may be identified as workings progress. Subject to these provisions and submission of a detailed Dust Management Scheme it is concluded that the proposals can be accepted in relation to Development Plan policy relating to dust issues, including Mineral Local Plan Policies M3 and M4 and Structure Plan policies P58 and P59.
- 7.26 Landscape and Visual Amenity The wooded scarp of Woodcote Hill provides a setting for the historic Woodcote Park. The landscape around the site is potentially sensitive to change as a result of mineral proposals and there are a number of sensitive visual receptors in the surrounding area, including the Woodcote Hall Nursing Home. Structure Plan policy 42 seeks amongst other matters to ensure that change is sympathetic to landscape character and quality. The Minerals Local Plan

recognises that the site's woodland setting offers screening benefits for a minerals operation and the proposals have been designed to maximise these benefits. The site is centrally located within the area of search identified in Minerals Local Plan, allowing surrounding trees to be retained for screening. Extraction would be phased to limit the amount of land subject to quarrying disturbance at any one time and would be preceded by phased woodland felling. The mineral extraction phases have been designed, where practicable, to follow existing forest rides and woodland compartments. The processing plant and stocking area would also be cut into the gently sloping topography to further enhance screening of these areas. The applicant has confirmed that the agreement with the landowner will allow woodland to be retained in the area around the site for as long as it is required in order to screen the site. It has also been confirmed that localised planting would be undertaken if necessary at the north east corner of the site to ensure that there is no visual gap in this area where mineral extraction would come close to the woodland edge. It is recommended that these provisions are incorporated as conditions in the event of planning permission being granted.

- 7.27 The Environmental Statement includes a visual impact assessment. This acknowledges that the change in landscape character from existing woodland to an area of mineral extraction would have a temporary adverse effect, notably associated with the woodland felling. However, felling would occur as part of conventional forestry operations and would take place irrespective of any minerals development. The phased nature of the felling, working and restoration proposals means that only a limited proportion of the overall site would be subject to disturbance at any one time. The changes to the topography associated with mineral working would only be slightly perceptible from outside the site, as the ground level around the periphery would not change. The visual impact assessment concludes that the site would be generally obscured from view by the retained plantation around the site. The main source of visual impact would be associated with the felling of a narrow strip of plantation on the B4379 to create the site access. With that exception, the visual impacts from the appraisal viewpoints are assessed as either slight or as no change. The extent of woodland clearance would however be minimised due to the proposed realignment of the B4379 and also the revised site access design which takes account of the comments of the Highways Authority. Whilst rhododendron is not a native species, it does provide good low-level screening on the B4379 frontage and emphasise the parkland landscape. Local residents have remarked upon the attractive roadside display when the flowers are in bloom. The applicant has agreed to conserve the rhododendron edge adjacent to the B4379.
- 7.28 The stone walls and stone piers at access points are features which contribute to the landscape character of Woodcote Wood and the surrounding area. The boundary walls would be retained intact with the exception of a short section at the proposed site access where the existing wall would be removed. New walls would be constructed to form the site access using similar style and material to existing walls. This would result in a slight adverse impact. The impact on the proposed quarry on scheduled ancient monuments would be insignificant due to their distance from the site. Woodcote Wood is a recognisable landscape element in the setting of listed buildings at Woodcote hall, Heath Hill and Chadwell Mill. There would be an impact upon the landscape setting of these listed buildings but this impact is not significantly greater as a result of the proposed quarry. The felling and re-planting of the plantation would lead to a dramatic change in the landscape with or without the proposed quarry.
- 7.29 The visual appraisal advises that positive impacts would result in the longer-term from the proposed restoration scheme which would increase the diversity of the

landscape and vegetation. In the longer term the area would be returned to woodland which it is considered would blend well with the surrounding landscape and land uses. The restoration proposals would complement the ridge feature of Woodcote Wood. The Sustainability Group has put forward suggestions regarding detailed measures for enhancing the biodiversity of the site within the overall restoration / afteruse proposals. It is concluded that provided the proposals are subject to appropriate planning conditions governing screening, restoration and planting they can be accommodated in relation to Development Plan policy relating to landscape / visual impact. It is recommended that this includes a condition requiring prior approval of plant and stockpile design and location and restricting the maximum height of stockpiles and plant to 10 metres above surrounding ground levels unless otherwise approved, in order protect the visual amenities of the area. (Minerals Local Plan Policies M1v, M3, M5Ci; Structure Plan Policies P15, P42; Bridgnorth Local Plan policy CE1).

7.30 Woodcote Hall Nursing Home The owners of the Woodcote Hall Nursing Home located 500 metres to the north of the proposed quarry have objected to the proposals. They state that the proposals are large scale and for a long period and that a lot of vulnerable people live at the nursing home. Concern is expressed that the cumulative impact of noise and dust generated by the operation could mean unacceptable effects on the amenity and well-being of Woodcote Hall residents who are restricted in their movements and thus could not escape the impacts of the workings. Rigorous scrutiny should therefore be given to the effect of noise and dust on Woodcote Hall. The noise assessment accompanying the Environmental Statement confirms that predicted 'worst case' noise levels at the Hall would remain within the 'background plus 10 decibel' recommended level set out by MPS2. The site would be screened behind the retained woodland edge and located behind a ridge of higher ground. As such, the quarrying operations should not be visible from the hall. The felling of trees may have some impact on the appearance of the ridgeline as viewed from Woodcote Hall, but such felling would need to occur in any event as part of a normal forestry management regime. Given the location of the site, the screening effect of intervening topography and vegetation and the detailed noise and dust control measures which would be applied it is concluded that the quarrying proposals would be capable of proceeding without any unacceptably adverse impact on the occupiers of Woodcote Hall. This is provided that the operations are subject to appropriate operational controls. An ongoing review of noise and dust mitigation would take place during quarrying operations, including further noise monitoring at Woodcote Hall. This would provide an opportunity to identify the scope for any further improvements to noise and dust control measures.

7.31 Lilleshall Golf Club Lilleshall Golf Club has objected to the proposals citing concerns in relation to noise, dust, heavy vehicle movements and ecology. Concerns are also cited that there will be a general negative effect on the environment which will affect the Club's revenue. The Golf Club is set in a wooded area 1km to the west of the proposed site. The quarry would be totally screened from the golf course by the intervening wooded ridge of Woodcote Hill. It is not considered that noise or dust would be an issue for the golf club, given distance, the screening effect of the ridge and intervening woodland and the detailed controls which mitigation measures which are proposed for the quarrying operations. In terms of vehicle movements it is not proposed to use the two roads nearest to the golf course for quarry traffic (the B4379 west of the proposed site access and Lilyhurst Road). Access to the golf course and the National Sports Centre is obtained via a turning off the A41 at Church Aston to the north of the site and the A41 would be used by quarry traffic. However, the Transport Assessment accompanying the environmental statement confirms that the volume of heavy vehicle traffic which would result from the quarrying proposals would



be insignificant in relation to the general levels of heavy vehicle traffic on the A41. The proposed roundabout at the B4379 / A41 junction would also represent a significant improvement to A41 in this vicinity. In conclusion, provided the quarrying proposals are subject to appropriate controls it is not considered that there would be any unacceptably adverse effect on the golf course.

- 7.32 Conclusions on general amenity Concerns have been expressed by local residents, the Parish Council and the CPRE that the proposals could lead to adverse amenity impacts in relation to traffic, noise, dust, and visual impact. These issues have been considered and it is concluded that the potential effects of working are capable of being controlled satisfactorily by good management practices and conditions controlling site operations.
- 7.33 Ecology Development Plan policies seek to protect features of ecological / habitat interest and to conserve and enhance biodiversity (e.g. Structure Plan Policy P48, P49). The application site covers approximately 16ha of plantation woodland, mainly conifers, all of which are approximately 50 years old. Much of the woodland is subject to rhododendron invasion. Based on the results of survey and habitat quality assessment, there are no grounds to predict the presence of uncommon or important plant species or fauna. The removal of the woodland would result in the loss of a limited assemblage of common plants and fauna, the effect of which would be small and not significant. A supplementary survey has not identified the presence of any reptiles or badgers within the site. The applicant states that appropriate restrictions would ensure no negative effects on nesting birds. It is proposed to restore the site to woodland and this is consistent with the restoration concept set out in the Minerals Local Plan. However, the opportunity has been taken to introduce a more diverse range of woodland and complementary land uses (woodland glades, rides and open areas) and limited exposures of sandstone faces. The applicant states that this would contribute to a number of UK and local BAP objectives and have the potential to considerably enhance the nature conservation value of the area.
- 7.34 A supplementary survey of protected species including badgers would be required prior to entry into each mineral working phase. The phase 5 area comprises beech and sweet chestnut trees which have greater potential habitat value than other coniferous woodland within the site (i.e. in terms of nesting birds and ground flora including bluebells). It is considered that an additional habitat survey should take place prior to entry into phase 5 and specific safeguards should be put in place to conserve the soil resource in this area and its associated seed bank. The Environment Agency has highlighted the potential for additional ecological benefit associated with the production of wetland or ephemeral wetland habitats using silt from settlement lagoons. The applicant has agreed to incorporate these suggestions into the detailed site design. The Agency has also highlighted the potential for establishment of heathland and acid grassland habitats through use of nutrient poor sandy soils. This has been queried by the applicant as such a habitat may not flourish as it would be divorced from other such habitats.
- 7.35 The Shropshire Wildlife Trust has requested that a survey of Great Crested Newts is undertaken in the ponds around Woodcote Hall which are located 350-500m north of the site. This is requested because GCN may forage as much as 500m away from a potential habitat, although recent research by English Nature indicates that the vast majority of foraging takes place within 50 metres of the main wetland habitat. The ponds are described as fish ponds on historical Ordnance Survey maps and fish are known to eat newt eggs. The applicant has however agreed to undertake a newt survey of the ponds prior to commencement and appropriate newt exclusion measures are capable of being imposed in principle around key areas of the site

such as silt lagoons in the event that newts are found to be present in the ponds. Subject to the above provisions and to appropriate restoration / afteruse conditions it is concluded that the proposals can be accepted in relation to Development Plan policy regarding ecology and wildlife. (Minerals Local Plan policies M1v, M3ii, M5c, M27; Structure Plan policies P44, P48, P49).

#### Technical / Operational Issues

- 7.36 Mineral Resource The current application site defines the full extent of the identified mineral resource. The site is located on Triassic sandstones and conglomerates which the applicant states are widely worked as a source of sand and gravel in the Midlands. The mineral resource which has been proven by drilling boreholes and trial pits is principally soft sandstone and gravel which can be dug by a hydraulic excavator. Silt present within the sand and derived from mineral washing would be used to restore the site. The mineral occurs below a thin soil cover with no intervening overburden and the low ratio of overburden to mineral compares favourably with the ration at other sand quarries. The site also benefits operationally from the fact that it is above the groundwater table and can therefore be worked dry. The company has provided borehole data which supports the above conclusions. The Applicants are confident that the anticipated output of 200,000 tonnes per annum will be realised. This is based upon the intention to market some 120,000 tonnes per annum to existing CEMEX batching plants within the defined market area. Cemex consider that the external market would readily consume some 80,000 tonnes per annum for concrete aggregates, concrete products and drainage gravels. In those terms the Applicants are satisfied that there will be a strong and sustained market for the aggregate from the site, and that the intended output of 200,000 tonnes per annum is a reasonable and readily achievable figure. The site is strategically well located to provide aggregate raw material to construction projects in Telford, which is identified in the Joint Structure Plan as a key location for economic growth.
- 7.37 Water Resources The site is located on the Aqualate groundwater unit, a major aquifer where there is a presumption against new groundwater abstraction licenses (Structure Plan Policy P53, Minerals Local Plan Policy M3). There are no groundwater abstraction licenses within 1km of the site but a number are located within 5km. Although there are some ponds/watercourses within 1km of the site boundary but no surface water features within Woodcote Wood itself. The applicant states that groundwater levels are between 129mAOD in the western corner and 97mAOD in the eastern corner of the site. As groundwater would not be intercepted during excavation there would be no impact on groundwater resources. The applicant has confirmed that a minimum freeboard of 3m would be maintained above the groundwater table. The Environmental Statement recommends that before starting phases 3 and 5, additional borehole installations and monitoring are undertaken to determine the exact level of the groundwater in these phases.
- 7.38 The Environment Agency have not objected to the proposals. However, the site's location on an aquifer means that particular care will be required to prevent leaks of oil / fuel associated with site plant. The applicant's boreholes confirm that the mineral would be worked dry and the nature and thickness of dry strata between the base of the working/restored area and the water table is such that silt would not be carried into the groundwater. The absence of streams / brooks within or in the vicinity of the site significantly reduces the risk of pollution to surface water resources. The phased nature of the working and restoration proposals should minimise the surface area subject to disturbance at any one time. Therefore it is not considered that the current proposals would pose any significant risk to groundwater quality. The applicant's hydrologist has provided further information in relation to a

number of detailed hydrological issues, including the source of water for washing and dust suppression, measures to prevent ponding at the lowest part of the site (Phase 5) during high rainfall, measures for dealing with foul drainage and proposals for discharge from settlement lagoons. The Environment Agency has confirmed that these and related drainage / hydrological issues are capable of being dealt with satisfactorily by appropriately worded planning conditions.

#### Restoration / Afteruse

- 7.39 Reclamation and Afteruse Development Plan policy states that proposals for mineral development must incorporate a satisfactory scheme for reclamation of the site, progressively wherever possible, to a beneficial afteruse (Structure Plan Policy P69; Mineral Local Plan Policy M27). Schemes which provide new wildlife habitats, improve landscape character, enhance public access or make use of waste from mineral working will be encouraged and restoration and afteruse schemes should be practical and achievable (SP P69). It is considered that the proposals would allow restoration to a landscape and afteruse which is complementary with the surrounding area, and would facilitate significant ecological enhancement. The nature of working and restoration proposals ensures that much restoration would be achieved progressively throughout the working timescale. This is preferable to undertaking the majority of restoration after mineral extraction has ceased, and would allow the Mineral Planning Authority to undertake an ongoing review of the progress of restoration works throughout the operational life of the proposed site. However, the largest area of restoration would be restored following the cessation of mineral working and the proposed restoration habitats will take some time to become properly established. During this timescale management will be required for instance to replace planting failures and arrest any scrub incursion into the proposed glades. It is considered that proper establishment of the proposed afteruse will necessitate a 10 year aftercare period for restored areas rather than the normal 5 year period given the nature of the proposed restoration habitats. The applicant has confirmed that this would be acceptable in principle. Any planning permission would incorporate conditions governing restoration works to ensure that progressive restoration objectives were achieved and the aftercare became properly established. It is concluded that provided the proposals are subject to appropriate planning conditions they are capable of complying with development plan policy relating to reclamation and afteruse. (Structure Plan Policy P69; Mineral Local Plan Policy M27)
- 7.40 Archaeology The only archaeological resource likely to be affected by the proposed development is a length of some 450m of the linear earthworks along the line of the chapelry boundary. No further previously unknown archaeological remains were encountered within this area and there was no evidence for metalworking activity. Those features identified such as the ice-house and the avenue etc all lie outside the extraction area and therefore would remain unaffected by the development. The Historic Environment Officer has recommended that a condition is imposed on any planning permission, requiring a programme of archaeological works to be undertaken, including monitoring of all topsoil stripping, with provision for the recording of any archaeological features which may be encountered. This is acceptable to the applicant and can be addressed by means of an appropriately worded planning condition. (SP P25).

## 8. CONCLUSION

- 8.1 The proposed site is allocated for sand and gravel extraction in the Minerals Local Plan (1996-2006), for release at the end of the Plan period. It is not considered inappropriate for the current application for the next site in line in the Plan to come

forward at this stage. Objections have been received in relation to the proposals from local residents and some planning consultees, in particular in relation to environmental and amenity matters such as noise, dust, visual impact and HGV movements. These matters have been considered in the Environmental Statement and are assessed in this report. It is concluded that appropriate safeguards are available in all circumstances to allow the effects of any impacts to be satisfactorily mitigated.

- 8.2 The location of the site on a wooded hilltop, above the water table, with good access to the principal roads and major markets offers inherent advantages in terms of technical and amenity issues, which were recognised when the decision was taken to identify the site in the Minerals Local Plan. The progressive nature of the proposals should also serve to restrict the area subject to disturbance at any one time, and would allow close control to be exercised over mineral extraction and restoration operations. A scheme of highway improvement works and management measures to accommodate the development has been agreed with the Highways Development Control Group. The afteruse proposals are also considered to be in keeping with the landscape character of the area and environmental criteria listed in Structure Plan Policy P59. Provided the proposals are subject to appropriate planning conditions and a Legal agreement to cover the matters listed in section 2 above it is concluded that the proposed development can be accommodated in relation to Development Plan policies and other relevant local considerations.

### **Human Rights Act Appraisal**

1) The application needs to be considered in the context of the Human Rights Act 1998 generally, and the provisions of Article 1 of the First Protocol, and Article 8 of the Convention in particular. These provide as follows :-

a) Article 1 - "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

b) Article 8 - "Everyone has the right to respect for his private and family life, his home and his correspondence. There should be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

2) The HRA effectively introduces a statutory obligation on public authorities such as the County Council to act consistently with the Convention rights. At the same time, it needs to be appreciated that the rights set out above are conditional rather than absolute, and that individual rights can be justifiably interfered with if this is in the interests of the public generally. In deciding whether or not private rights can be justifiably interfered with on the basis of public interests, it is necessary to reach a fair balance between private/ personal rights and the consequences for the wider public of a planning application being approved (or refused). The "fair balance" test is really another way of recognising that decisions which a public authority takes have to be proportionate.

3) In this particular case, a number of individuals and organizations are objecting to the proposed development. However, it is concluded that the individual environmental and amenity issues raised by the proposals are capable of being satisfactorily addressed in principle by detailed planning controls and that the need for the mineral in the site has been satisfactorily demonstrated. It is also considered that the proposed highway improvements and restoration proposals would result in wider benefits to the local community. On balance, it is felt that approval of the application would be consistent with the concept of proportionality, and would therefore not be contrary to the Human Rights Act.

**Financial Appraisal** This report is based on land use planning considerations in accordance with the provisions of the Town and Country Planning Act 1990 and does not include a financial appraisal.

**Environmental Appraisal** The main environmental considerations in relation to the current extension of time proposals are discussed above.

**Community / Consultations Appraisal** Included in the report.

**Local Member** SHIFNAL Mr S.J.West  
**District Council** Bridgnorth District Council

**Appendices** None

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Committee and date

South Planning Committee

24 October 2017

## Development Management Report

### SCHEDULE OF APPEALS AND APPEAL DECISIONS AS AT COMMITTEE 24 OCTOBER 2017

<b>LPA reference</b>	16/03599/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr David Griffiths
<b>Proposal</b>	Outline application (all matters reserved) for the erection of 1 no. open market dwelling and 1 no. affordable dwelling including widening of Lion Lane.
<b>Location</b>	Land Adj. Fairview 3 Titrail, Lion Lane Clee Hill, Ludlow Shropshire, SY8 3NH
<b>Date of appeal</b>	25.09.17
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	16/05371/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr and Mrs Pound
<b>Proposal</b>	Outline application (all matters reserved) for the erection of one dwelling, detached garage, alterations to existing vehicular and pedestrian access
<b>Location</b>	Proposed Dwelling To The West Of Middleton Sidings Middleton Shropshire
<b>Date of appeal</b>	25.09.2017
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	17/00888/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr & Mrs P Breakspear
<b>Proposal</b>	Outline Application for the erection of 1No dwelling and garage; alterations to an existing vehicular and pedestrian access and creation of a new vehicular and pedestrian access (all matters reserved)
<b>Location</b>	Proposed Dwelling West Of Meadowfields Caynham Woods Caynham Shropshire
<b>Date of appeal</b>	26.09.2017
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	16/05771/PMBPA
<b>Appeal against</b>	Refused Prior Approval
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Carl Huntbatch
<b>Proposal</b>	Change of use of fodder barn to one dwelling (prior notification under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015)
<b>Location</b>	Walks Farm Greete Ludlow Shropshire SY8 3BS
<b>Date of appeal</b>	04.10.2017
<b>Appeal method</b>	Written Representation
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	