

Development Management Report

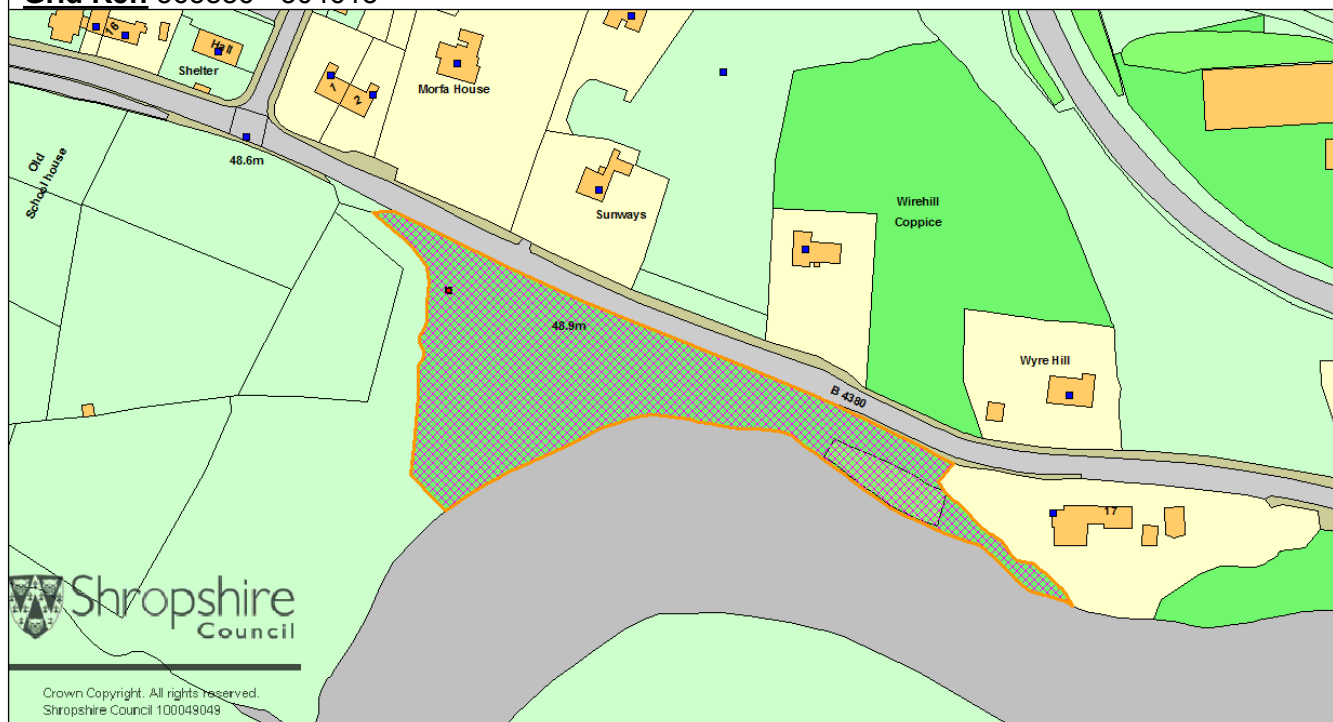
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Summary of Application

<u>Application Number:</u> 16/05379/FUL	<u>Parish:</u>	Buildwas
<u>Proposal:</u> Erection of detached building to provide two separate cabins of accommodation for overnight use by fishermen		
<u>Site Address:</u> Proposed Fishermans Cabin Buildwas Shropshire		
<u>Applicant:</u> Mr Roy Hill		
<u>Case Officer:</u> Mandy Starr		<u>email:</u> planningdmsw@shropshire.gov.uk

Grid Ref: 363886 - 304613



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

REPORT

1.0 THE PROPOSAL

- 1.1 This proposal to erect a detached building to provide 2No separate semi-detached cabins of holiday let accommodation for overnight use by fishermen in association with the existing use of this 1.30ha land with the existing 5No fishing pegs at Buildwas Glebe following the removal of two metal sheds on steeply sloping land to the south of Buildwas Road that faces onto the River Severn. This is a re-submission of 12/05157/FUL.
- 1.2 The building would be of block construction with a green flat roof and timber elevations and would be on stilts above the sloping ground. The units would be semi-detached and provide a single bedroom with two beds, a shower room and a kitchen/living area with bi-folding doors opening out onto a veranda overlooking the River Severn to serve as fishermen's bunkhouses. Inside each porch would be a storage area for fishing equipment. Foul sewage treatment would be to a package treatment plant and surface water drainage would flow into the River Severn.
- 1.3 Access to the block would be via the existing vehicular access on the south side of Buildwas Road where the existing metal and wire gates are, but these would be re-sited 5m into the site to allow for sufficient room for a car to stand clear of the highway and allow vehicles to exit the site in a forward gear. Two parking spaces will be provided adjacent to the cabins allowing for 2No more to be parked in the highway layby to the west of the site that is currently used by fishermen. The floor arrangement of the cabin have been designed with accessible thresholds, entrance doors and internal circulation widths suitable for wheel chair user.
- 1.4 The applicant submitted a Pre-application enquiry in 2011. The Council took the view that the proposal would be acceptable in principle as the proposed cabins would be appropriate to their location due to their small scale, they would not be prominent within the landscape due to their size and siting and proposed materials would be sympathetic to the surrounding environment, and such a scheme would promote opportunities for accessing and engaging with Shropshire's landscape. The scheme would also demonstrate that it is intended to utilise and enrich, rather than harm the character of the countryside and is suitably placed adjacent to an existing settlement.
- 1.5 In 2012, the applicant submitted a full planning application under 12/05157/FUL for this development and was approved on 20th June 2013 by Planning Committee. However due to personal circumstances, the applicant was not able to implement the scheme and so that permission lapsed. This application is identical to the previous planning permission.
- 1.6 The application includes a detailed Phase 1 Environmental Survey by Greenscape Environmental Ltd dated October 2016. The application site is an area of mixed woodland which is predominantly ash and oak with typical undergrowth and an invasive species (Himalayan Balsam (*Impatiens glandilufolia*)). The Survey states that the development involves the removal of two small metal sheds further into the site and the erection of a timber cabin in the north-west corner of the site. None of the metal sheds show any signs of being used by bats and none of the trees on the

site that would have the potential for bat roosts would be removed. The land where the timber cabins would be sited has been used for quarrying in the past with subsequent dumping of road planings. The Surveyor considers that the proposed development would not affect the conservation status of the protected species.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the Shropshire Hills Area of Outstanding Natural Beauty adjacent to the settlement of Buildwas and is positioned between the banks of the River Severn where it curves round to the north side of the extended floodplain and the B4380 above to the north. The area is also a SSSI designated for its geological value due to containing highly fossiliferous rocks from the Silurian age. The SSSI has a roughly rectangular shape along the river bank, but the site where the cabin itself would be sited is just outside the designated area being in the north west corner of the site.
- 2.2 The site itself is mainly covered in a thick canopy of semi-mature and mature trees and is generally quite steep near the northern half of the site with the ground steeply curving round to the east and then the ground levels out to form part of the functional flood plain below. It has a depth of some 77m and is some 90m wide along the roadside. There is an existing gated access into the site directly from the B4380 just in front of the 30mph sign. The road side boundary is post and wire netting with some shrubs and small trees in the vicinity, so during the winter months there is clear access into the site from the road.
- 2.3 At least half of the application site is within Flood Zone 3 being land liable to flood from the River Severn and detailed drawings have been submitted indicating where the highest river level locations are in relation to the site of the proposed cabins.
- 2.4 There is a property to the north of the application site, known as Morfa House, on the other side of the road that has its existing sewage/septic tank arrangements actually within the application site. A revised drawing: New Fishing Units Drainage O1 was submitted on 14th March 2017 shows the approximate location of the drainage pipe and septic tank from the property that would appear to be sited in the SSSI itself to the south of the location of the new cabin. This sewage pipe is sited below the proposed site for the cabins and the occupiers of Morfa House have rights to access this land for maintenance and access.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Application was requested to be referred by the Local Member to the relevant Planning Committee following the objection of the scheme by the Parish Council on 7th March 2017 and was agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reason.

4.0 Community Representations

- Consultee Comments

4.1 SC Affordable Housing

No affordable housing contributions required in this instance

4.2 County Archaeologist

The proposed development site is located c.60m north, and within the setting, of the Scheduled Monument of Buildwas Abbey (NHLE ref. 1015813).

The proposed development site itself has been occupied by woodland since at least the late 19th century and much of it is on a significant gradient. There is currently no known archaeological interest record on the Historic Environment Record on the site itself. Given the above factors, the potential for currently unrecorded archaeological features or deposits to be present is also considered to be low negligible.

4.3 SC Public Protection

Having considered the application I have no objections and no conditions to recommend.

4.4 County Highways

No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informatives. Details are discussed in Other Matters section below.

4.5 SC Ecology

An updated Phase 1 Environmental Appraisal was carried out on this site in October 2016 by Greenscape Environmental. Details are discussed in Other Matters section below. Recommend conditions and informatives

4.6 SC Trees

I have read the submitted plans which are a renewal of a lapsed approval. Trees were not consulted on the original application but having read that as well I am satisfied that although the site is well treed there will be no loss of amenity from the proposal. Recommend condition

4.7 SuDS

(Original comments 5th December 2016)

The following Flood Risk Statement should be submitted for approval prior to the determination of the planning permission.

The proposed dwelling slightly encroaches into Flood Zone 2 and 3.

As the development is for a single dwelling, a simple Flood Risk Assessment Statement should be submitted for approval:

Alternatively, locate the new dwelling outside the Flood Zone. The Flood Zone should be plotted on the Drainage Plan.

(Revised comments 20 February 2017)

Asked for same information but attached conditions if scheme were acceptable

(Further Revised comments following submission of detailed drainage plan 2nd March 2017)

On the Amended Site Plan, flood resilience measures have been included.

Recommend conditions and informatives. Details are discussed in Other Matters section below.

4.8 **Shropshire Hills AONB Partnership**

The Shropshire Hills AONB Partnership notes that this application affects the nationally designated area and, as such, the Planning Authority has a statutory duty to take the AONB designation into account in determining it.

Particularly important in this respect are national policies which give the highest levels of protection to AONBs, including NPPF para 14 footnote 9; para 115; and, in the case of major development, para 116. In addition to other local planning considerations, the application clearly also needs to conform with Shropshire Council Core Strategy policies CS 5, 6, 16 and 17 and SAMDev policies MD 2, 7, 8, 11, 12 and 13 that make specific reference to the Shropshire Hills AONB.

The statutory Shropshire Hills AONB Management Plan 2014-2019

(<http://www.shropshirehillsaonb.co.uk/a-special-place/management-plan/>) formally approved and adopted by Shropshire Council contains further Council policies that are material planning considerations which the Core Strategy requires should be given due weight. As a non-statutory consultee, the Partnership is not resourced to respond to all planning applications affecting the Shropshire Hills AONB, and has not in making this response studied the detail of this application. The AONB Partnership may choose to make further comments on this application, but if not, the absence of detailed consideration and comments by the Partnership should NOT be interpreted as suggesting that this application raises no issues regarding the

AONB designation. This remains a matter for the Council to take fully into consideration, fulfilling its statutory duty in respect of the AONB, in reaching a decision on the application.

4.9 **Natural England**

No objection – no conditions requested

This application is in close proximity to Buildwas River Section Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

4.10 **Historic England**

The proposal is for two cabins on the north bank of the River Severn opposite Buildwas Abbey, the site of a medieval Cistercian Abbey. The Abbey's economy made full use of the river with diverted watercourses to service drains for kitchens and reredorters, and for fishponds and industrial activities. Many of these activities are represented by earthworks, some slight, in the wider Abbey area, on both sides of the river. It is not, therefore, appropriate to develop alongside the riverbanks in this area as this would unduly affect the significance of the Abbey and ability to understand the importance of the river to the medieval economy and why the Abbey was located at this site. This application, however, is set back from the river bank and is screened from the Abbey side of the river by undergrowth. We therefore have no objection to the proposed cabins, subject to the design being small scale and having a low visual impact in the wider area.

4.11 Environment Agency

No response to initial consultation on 30th November 2016

Second consultation sent 22nd March 2017 – awaiting response

4.12 - Public Comments

Buildwas Parish Council: The initial impression is that the scheme is an over elaborate one for the needs of fishermen who have hitherto been satisfied with overnight bivouacs or in one case in thirty-something years, a campervan.

The proposed development is substantial in terms of accommodation and provides the amenities of a permanent residential dwelling. The Parish Council are wary from experience of proposed holiday-type lets within the parish which later secure a quickly granted retrospective change of use and become a home.

It is worrying, for instance, that the accompanying paperwork alludes to possible 'other' uses outside of the fishing season, especially as the fishing rights along the River Severn within the Parish are contingent ones and not necessarily secure.

These cabins should not be erected within this northern extension of the Shropshire Hills Area of Outstanding Natural Beauty, particularly as they would establish an unwanted precedent for development to the south of the B4380 on the northern bank of the River Severn. They would also be visible from the grounds of, and the land surrounding, the English Heritage site of Buildwas Abbey.

The cabins are also planned upon ground, two thirds of which, regularly floods; twice so far this month, for example. It is no accident that the Environment Agency's measuring station for flood monitoring is located at the western extremity of this site.

The septic tank and soakaways would all be located in the part of the site vulnerable to regular flooding. Furthermore, the proposed location of the cabins appear to impact upon the existing sewage / septic tank arrangements for the Old Vicarage (Morfa House, the neighbour consultee).

The principle of this development has already been granted in 2013 when 12/05157/FUL was considered at the Central Planning Committee on 20th June 2013 subject to conditions.

4.13 The application was advertised by way of a site notice displayed on the north side of the road opposite the application site and 7 local residents were notified of the scheme.

No representations have been received

5.0 THE MAIN ISSUES

- Principle of development
- Siting, scale and design of structure
- Visual Impact from Buildwas
- Visual Impact on the setting of the Shropshire Hills AONB

- Visual Impact on the setting of Buildwas Abbey Scheduled Ancient Monument
- Other Matters: Flooding, Drainage, Access & Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 The site is located outside of a development boundary and so is situated in the open countryside where Policies CS5, CS6, CS16 and CS17 of the Core Strategy and Policies MD2, MD7, MD11, MD12 and MD13 of the SAMDev apply and control the provision of new holiday let accommodation.
- 6.1.2 Adopted Core Strategy
CS5 Countryside And Green Belt. This states that new development will be strictly controlled in the countryside in accordance with National Planning Policies. Development proposals in appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve sustainability of rural communities by bringing economic and community benefits. Amongst the types of development listed in this policy as being appropriate rural developments are:
- Small scale new economic development diversifying the rural economy and
 - Sustainable rural tourism and leisure and recreation proposals which require a countryside location.
- 6.1.3 CS6 Sustainable Design And Development Principles. This policy deals with sustainable design and development principles states that development should conserve and enhance the built, natural and historic environment and be of an appropriate scale and design taking into account local character and context. It also needs to take into account the health and wellbeing of communities including safeguarding residential and local amenity and that development is designed to a high quality consistent with good practice standards including appropriate landscaping and taking account of site characteristics and ground contamination.
- 6.1.4 CS16 Tourism, Culture And Leisure. This supports development that delivers high quality sustainable rural tourism and cultural and leisure development which enhances the vital role that these sectors play in the local economy, benefits local communities and visitors and is sensitive to Shropshire's intrinsic natural and built environment qualities. Emphasis shall be placed on specific types of development which includes development of high quality visitor accommodation in accessible locations served by a range of services and facilities and which enhances the role of Shropshire as a tourist destination to stay. In rural areas, proposals must be of an appropriate scale and character for their surroundings, be close to or within settlements or an established and viable tourism enterprise where accommodation is required.
- 6.1.5 CS17 which deals with Environmental Networks is also concerned with design in relation to the environment and places the context of a site at the forefront of consideration so that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, natural and historic environment and it does not adversely affect the values and function of these

assets.

- 6.1.6 CS18 Sustainable Water Management requires that developments will need to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on the water quality and quantity including ground water resources and to provide opportunities to enhance biodiversity by ensuring that all developments include appropriate sustainable drainage systems (SUDS) to manage surface water so that all development should aim to achieve a reduction in the existing runoff rate, but must not result in any increase in runoff rate.
- 6.1.7 Shropshire Sites Allocations and Management of Development (SAMDev) Plan MD2 Sustainable Development. This requires that for a development to be considered acceptable it must achieve local aspirations for design in terms of visual appearance and how a place functions as set out in local community led plans and it must also contribute to and respect local distinctive or valued character and existing amenity value by a number of specific criteria such as responding to the form and layout of the existing development and the way it functions including building heights, lines, scale etc. It must also reflect local characteristic architectural design and details. There is also a requirement to consider the design of the landscaping which responds to the local character and context of the site.
- 6.1.8 MD7a Managing Housing Development in the Countryside.
Holiday lets are essentially residential properties in the countryside which are limited in the extent of their occupation by conditions attached to the planning permission. They encompass a wide range of building types, from chalets to barn conversions, and may have been supported, as dwelling units in the countryside, on the basis of their contribution to economic sustainability, in particular the local tourism base. The policy sets out the criteria that will be taken into consideration when applications are received to use holiday properties as permanent dwellings. It seeks to limit potential full time occupation to appropriately located, permanent dwellings meeting relevant building regulations and other housing standards.
- 6.1.9 MD11 deals with Tourism facilities and visitor accommodation. Proposals that require a countryside location will be permitted where the proposal compliments the character and qualities of the sites immediate surroundings and meets the requirements set out in Policies CS5, CS16, MD7, MD12, MD13 and other relevant local and national guidelines. All proposals need to be well-screened and sited to mitigate the impact on the visual quality of the area through the use of natural on-site features, site layout and design and landscaping and planting schemes where appropriate. Proposals which are within and adjoining the Shropshire Hills Area of Outstanding Natural Beauty will need to pay particular regard to landscape impact and mitigation.
- 6.1.10 MD12 deals with the Natural Environment which in connection with other associated policies seeks through applying guidance, the conservation, enhancement and restoration of the county's natural assets which will be achieved by ensuring that the social and economic benefits of the development can be demonstrated to clearly outweigh the harm to the natural assets where proposals are likely to have an unavoidable significant adverse effect, directly or indirectly or cumulatively on any of the following: locally designated biodiversity sites; priority

species and habitats; woodlands, trees and hedges and landscape character and local distinctiveness. In these circumstances a hierarchy of mitigation then compensation measures will be sought. There is also a need to encourage development which appropriately conserves, enhances, connects, restores or recreates natural assets particularly where this improves the extent or value of these assets are recognised as being in poor condition. Finally there is a need to support proposals which contribute positively to special characteristics such as adjacent high priority biodiversity areas.

- 6.1.11 MD13 deals with the historic environment. This requires that all of the County's historic assets should be conserved, sympathetically enhanced and restored by considering their significance in terms of a heritage asset as well as ensuring that the social or economic benefits of the development can be demonstrated to clearly outweigh any adverse effects on the significance of a heritage asset or its setting taking into account the degree of harm. There is also a need to encourage development which delivers positive benefits as set out in the community led plans.
- 6.1.12 Supplementary Planning Documents
Type and Affordability of Housing Supplementary Planning Document & Much Wenlock Place Plan
- The provision and maintenance of facilities and equipment for sport, recreation and leisure is a Priority for Buildwas as part of the Social and Community Infrastructure requirements
- 6.1.13 It is noted that the Parish Council objections are similar to the one that was submitted for the last scheme where they make the point that the development site is outside of the Parish Plan's preferred options sites under SAMDev.
- 6.1.14 The site is located adjacent to the settlement of Buildwas and with its vehicular access onto the B4380 is in an accessible location that links via the main road network to Shrewsbury, Telford and Much Wenlock and the village is supported by several different bus routes. It is therefore considered to meet the locational criteria for new tourist accommodation as set out in Policy CS16. Also as Buildwas is halfway between Shrewsbury and Ironbridge, the site provides easy access to the countryside and the nearby heritage assets and museums in both these towns. The site is within walking distance of Buildwas Abbey Scheduled Ancient Monument, the River Severn and is close to the Ironbridge Gorge World Heritage Site. It is also close to Much Wenlock and its historic Priory remains and to the Roman town at Wroxeter. There are walking opportunities in the Ironbridge Gorge and on Wenlock Edge.
- 6.1.15 The site is therefore considered to be in principle an appropriate location for new tourist accommodation being located adjacent to the settlement of Buildwas in easy reach of both a range of visitor attractions and the attributes of the surrounding AONB countryside. It is considered that the concern about the preferred option site in the SAMDev has been overcome by the appropriateness of the location for this proposal.
- 6.1.16 In this instance, it is considered that the proposed erection of a pair of semi-detached holiday cabins in support of an existing fishing enterprise would provide

an activity that requires a countryside location, it would also be appropriate as a small-scale new economic development which would demonstrate that it would result in diversification in the rural economy without any adverse impact on the visual or ecological values or functions of the rural assets present; their immediate surroundings or connecting corridors. The proposed development would therefore be in compliance with the Council's policies.

6.2 Siting, scale and design of structure

6.2.1 The proposed position of the double cabin would be the north west corner of the site which is currently a steep slope leading to the flood plain. There are several metal sheds in the vicinity of the site, but these are lower down the slope and would be removed as part of this scheme. The block would be partially sited on the ground surface itself and partly on supports but would be viewed as being level from the road. This position has been carefully chosen so as to be above the highest recorded flood level (from 1947) which was 2.84m higher than the January 2013 flood level. It is also outside of the SSSI designated area too. Therefore as a result of these topographical and geological constraints, there is only a very limited area where development would be acceptable along this stretch of the River Severn.

6.2.2 Details in the Design and Access Statement indicate that the dimensions of the proposed block would be 20.8m wide by 6m deep that would give a building of 124m², that floor area divided into two would give a floor area of some 62m² per cabin. The basic accommodation of an open plan living area and kitchen with a single two- bedded bedroom plus shower room off the bedroom clearly demonstrates that they are intended for a basic holiday let or a fisherman's bunkhouse. Indeed the limited bed space accommodation and lack of any bedroom windows would make such accommodation unlikely to be suited to the requirements of long-term residential occupation, nor would the removal of inner dividing wall result in more suitable accommodation typical of a single dwellinghouse either. As for the overall scale of the building, this is considered to be appropriate to the site being single storey in nature and with a minimal footprint that is similar to the small area of land around it.

6.2.3 The external appearance of the block is simple, clean and functional giving the appearance of a modern log cabin, but without the physical mass and more common domestic appearance of some types of traditional structures. The primary material is horizontal boarding with a turf flat roof. Such a design would be sympathetic to the partially wooded site and only the south elevations of the units would have large areas of glazing. 2No small secondary lights are also provided for the living area.

6.3 Visual impact from Buildwas

6.3.1 Although the application site is adjacent to the B4380, apart from the vehicular entrance and the top of the access track itself, much of the land is sited well below street view as the site drops away quite steeply. Indeed there is a drop in levels of some 10m from the road level to the river across the site.

6.3.2 Currently there is a post and wire chain link fence with some shrubs along the road side boundary, but it is intended to plant a new hedgerow here. This would help to

screen the site from the road and from pedestrians as it should also be noted that there is no footway on this side of the road; that is on the other side of the road. Furthermore the cabin would be sited 1.5m below the road level and sideways views of the cabin would also be obscured by the well treed aspect of the site from surrounding views.

6.4 Visual Impact on the setting of the Shropshire Hills AONB

6.4.1 There is also a need to consider the visual impact on the Shropshire Hills Area of Outstanding Beauty. There is a requirement to ensure that development should identify, protect, enhance, expand and connect to the County's environmental assets. Within the Shropshire Hills AONB, there is a requirement that development should contribute to local distinctiveness having regard to the quality of the environment. The design of this double cabin is quite simple using traditional materials that can be conditioned and it would be clearly sited below the road level. In the winter, the cabin may be more easily seen from the south from the floodplain and wider views, but it is likely that much of the time, there would only be fleeting glimpses of the development and it would allow for the current old metal sheds to be removed from the site altogether.

6.5 Visual impact on the setting of the Special Site of Scientific Interest

6.5.1 Much of the application site is within a Geological SSSI that is known as the Buildwas River Section Site of Scientific Interest (SSSI). The rock types here are Silurian in age forming part of the Buildwas Formation whose exposures span the boundary between the Llandovery and Wenlock Series which are two of the major divisions of the Silurian age. The beds here are highly fossiliferous.

6.5.2 The comments of Natural England (NE) are noted as the application is in close proximity to this SSSI. Nevertheless Natural England are satisfied that provided that the proposed development would be carried out in strict accordance with the details of the application, as submitted, they consider that the development would not damage or destroy the interest features for which the site has been notified. As such NE advises that the proximity of the SSSI does not represent a constraint in determining this application.

6.6 Visual Impact on the setting of Buildwas Abbey Scheduled Ancient Monument

6.6.1 The application site is sited c 60m north of the Scheduled Monument of Buildwas Abbey and is therefore within its setting. The site has been occupied by woodland since the late nineteenth century with much of it on a steep gradient

6.6.2 In their consultation response of 22 December 2016, Historic England state that in the medieval period the Cistercian house at Buildwas made extensive use of the river and that the associated activities are now represented by earthwork remains, some quite slight, on both sides of the river.

6.6.3 As a consequence, they state that development would not be appropriate on either riverbank at this location, since it would unduly affect the significance of the Abbey and the ability to understand the importance of the medieval economy and why the Abbey was located at this site.

- 6.6.4 However, they acknowledge that the proposed cabins would be set back from the riverbank and screened from the Scheduled Monument by existing vegetation. As such, they raise no objection to the proposed development, subject to them being small scale and having a low visual impact
- 6.6.5 The Council's Archaeologist agrees with Historic England's conclusions with respect to the effects on the setting of the Scheduled Monument, and it is therefore confirmed that there is no objection to the development. However, to prevent the urbanising effect that the subsequent incremental erection of storage sheds or other minor structures encroaching towards the riverbank might have, there would be a need to remove permitted development rights.
- 6.6.6 Under Section 12 of the NPPF, there is a requirement to assess whether the impact of the proposed development would affect the significance of the designated heritage asset of the Scheduled Ancient Monument of Buildwas Abbey. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting as is the case here. As heritage assets are irreplaceable, any harm to the setting should require clear and convincing justification. Substantial harm to the setting and also loss of designated heritage assets like Buildwas Abbey and its environs would need to be wholly exceptional.
- 6.6.7 It is clear from the Archaeological record that earthwork remains on both sides of the river are associated with Buildwas Abbey. However the actual site for the new cabin structure would be towards the top of the site near the Buildwas Road which is where there was evidence of quarrying and more recent dumping of road planings. It is considered that provided that the existing tree cover is retained and the building is constructed in accordance with the submitted drawings, that there would be less than substantial harm to the acknowledged significance of this important scheduled ancient monument.
- 6.6.8 There is also a requirement to weigh up the public benefits of the proposal including securing its optimum viable use. Firstly the removal of the two sheds as part of this scheme would be of clear public benefit to this part of the site. Secondly, the erection of a simple timber clad flat roofed structure near the north west corner of the site for purpose-built fisherman's accommodation for up to four people that would be well screened from the river and scheduled ancient monument beyond is considered to be compliant with the requirements in paragraph 134 of the NPPF.

6.7 **Other Matters:**

Flooding and Drainage Issues

- 6.7.1 As much of the application site is within Flood Zone 3, there is a requirement to provide detailed Flood Resistance Measures including reference to where the highest flood level is on the site in relation to the proposed cabin platform. The revised drawing – New Fishing Units Drainage/01 Rev A submitted on 14th March 2017 lists out the Flood Resistance Measures proposed. These include:
- ☐ The use of flood resistant external doors;
 - ☐ Non-return valves to be provided to all ground floor discharge points from toilets, sinks and white goods;

- ☐ All inlets to be sealed below the anticipated flood water level;
- ☐ Doors and windows to be manufactured from synthetic materials
- ☐ Specialist hinges to allow for the easy removal of door
- ☐ Skirting boards to be of flood resilient material
- ☐ Water resistant plaster board to be used
- ☐ Electrics to be raised in height.

6.7.2 In addition, a new driveway from the highway to the cabin platform would be constructed from a permeable stone surface to reduce rainwater run-off. This would link into the existing sloped access that leads down to the floodplain that would left as existing.

6.7.3 The proposed cabin building would also have 2No storm water butts with overflow to proposed soakaways at a minimum of more than 5m from any boundaries. These would restrict the surface water run-off to 5 litres per second per hectare. In addition 4No new soakaways are proposed to be sited to the south of the proposed cabin platform with one extending down to just below the northern boundary of the SSSI designated area. In addition a Marley Surface Water attenuation system for the storage of surface water would be sited between the siting of the two metal sheds to be removed.

6.7.4 The SuDS team originally objected to the scheme due to lack of Flood Risk Assessment. This was submitted along with the Flood Resilient Measures listed above. This is now considered acceptable subject to standard drainage conditions.

Foul Drainage

6.7.5 The application drawings indicate that a new Tricel septic tank would be installed on the site to handle the sewage from the cabin. This is shown on Drawing Drainage/01 Rev A (received 16th February 2017) as being sited just to the north of the SSSI boundary, nearby the location of the second shed.

6.7.6 However there is a further issue that has been raised by the Parish Council, that of the third party sewage pipe and septic tank for Morfa House already within the application site. It would appear that this foul drainage system has been in situ for many decades and following discussions with the agent, the location of the sewer pipe is now shown on a revised surface water drainage plan received on 14 March – Drainage 01/Rev A. This shows the location of the pipeline from Morfa House, under the B4380 apparently terminating 00.00m OD within 7m of the proposed cabin platform.

6.7.7 Normally it would not be acceptable to build over a third party sewer pipe run, but the proposed cabin would have a finished floor level of 101.750m which is would be 1.75m higher than the location of the manhole and the pipe entry would be below this. Concern is raised that the proposed fisherman's cabin would be built over the top of this pipe run, but due to the ground levels dropping away to the west, the cabin would be raised off the ground here. The finished floor level of platform supporting the cabins would be 101.750m and it would be constructed on stilts.

6.7.8 The Case Officer has re-consulted with Gavin Wong from the Suds Team and the Environment Agency regarding concerns relating to the third party sewer run that

would be sited below the proposed siting of the platform for the fisherman's cabin. Their comments are still awaited.

- 6.7.9 The Council's drainage engineer has not objected to the installation of a septic tank and has recommended that a further condition be imposed seeking full details and sizing of the septic tank including percolation tests along with the submission of Foul Drainage Assessment Form (FDA1 Form)

Highways

- 6.7.10 The proposed development is for residential overnight accommodation for fisherman in connection with the permitted use of the site. The proposed access to serve the new units is located on the southern side of Buildwas Road, B4380 just within the 30 mph speed limit.
- 6.7.11 The application site has been the subject of an earlier pre planning application PREAPP/11/01543 and full application 12/05157/FUL. The current application is a resubmission of that full application. The earlier pre planning enquiry was of a different context to the subsequent proposal which had previously proposed that there was no vehicular access to the site as fishermen would be using the nearby unofficial layby just to the west of the application site.
- 6.7.12 When 12/05157/FUL was considered in 2013, the Highway Authority noted that the vehicular access would be via the existing pedestrian gateway on the carriageway edge and this would proposed to be moved back into the site by 5m. Concerns were raised that visibility for an emerging driver may not be sufficient for them to see approaching traffic before the vehicle exits onto the highway.
- 6.7.13 The access point is very close to the boundary between the 40mph and 30 mph speed limit restriction and this would result in there been a technical requirement for different visibility distances in each direction. It is acknowledged that vehicle movements into the site are likely to be low, there is nevertheless a requirement to consider the interests of highway safety an acceptable level of intervisibility between emerging and passing traffic. Therefore in this instance between the two speed limits, drivers approaching the 30mph speed limit from the 40mph section will be slowing down and therefore a reduced standard would be acceptable here, but in the other direction, drivers would be accelerating. Nevertheless, there was no in principle objection to the scheme subject to a condition requiring specific visibility splays be provided in both directions and that all obstructions within the visibility splay should not exceed 900mm in height above the adjoining carriageway level.
- 6.7.14 Notwithstanding the clear requirement for detailed visibility splays to be shown, it would appear that current submitted drawings have not included revised the access details or taken account of the earlier highway recommendations. The actual layout of the road has not changed since 2013 and as a consequence the Highway Authority still require the visibility improvements to be sought and should be conditioned accordingly
- 6.7.15 It is also considered that once the vehicle access has been formed in accordance with the required site lines; that the on-site vehicular parking with its proximity to the fishing pegs would reduce the distance that fishing equipment would need to be

carried and as a result this may well increase the demand/use of the nearby parking facility in addition to those staying overnight.

Trees

- 6.7.16 It is noted that when the previous scheme was considered that the Council's Tree Officer was not consulted. Nevertheless, it is considered that the proposal would not result in any loss of amenity on this site due to the presence of a number of semi-mature oak and ash. It is felt appropriate that a condition be imposed to protect the existing trees from the development in accordance with the requirements of BS 5837: 2012 'Trees in relation to Design, Demolition and Construction – recommendations for tree protection.'

Ecology

- 6.7.17 The site consists of mixed woodland (containing semi-mature and mature trees), ruderals, several clumps of Himalayan balsam, 2 metal sheds, debris (logs and metal) and some planted laurel. Himalayan balsam is a non-native invasive species and is listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended).
- 6.7.18 The site lies within *Buildwas River Section* Site of Special Scientific Interest (SSSI), is adjacent to *River Severn (Cressage Bridge to Coalport)* Local Wildlife Site (LWS) and is within an Environmental Network core area. Natural England have stated in their consultation comment (dated 20 December 2016) that '*Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.*'
- 6.7.19 Given the small scale of the development, no adverse impacts on the SSSI, LWS or Environmental Network are anticipated. The removal of the Himalayan balsam and laurels would increase the ecological value of the site.
- 6.7.20 Many of the trees on the site are suitably mature so that they could support roosting bats but since none of the trees are going to be directly affected by the proposed development it is not considered necessary to condition any bat or bird boxes on this occasion. Nevertheless any lighting on the site should be sensitive to bats and follow the Bat Conservation Trust's guidance. In addition. Vegetation removal and the removal of the sheds should only take place between October and February to avoid harming nesting birds.
- 6.7.21 In addition, Natural England were also consulted due to the location next to the Buildwas River Section SSSI. They did not object to the scheme but stated that there may be possibilities to incorporate features in the design that would be beneficial to enhancing wildlife provision by providing roosting opportunities for bats or installing bird nest boxes.
- 6.7.22 The Council's Ecologist has considered the information in the Phase 1 Environmental Assessment and has recommended a condition be imposed requiring the details of a lighting plan be submitted prior to commencement of the site and informatives dealing with the Himalayan Balsam which is a notifiable

invasive species; nesting birds; reptiles and general wildlife protection. However she has taken the view that it is such a minor development that it is not necessary to impose a condition on either bat or bird boxes this time

7.0 CONCLUSION

- 7.1 The site is located adjacent to the settlement of Buildwas and is within a short distance of a range of visitor attractions and the Shropshire Hills Area of Outstanding Natural Beauty and is considered to be an appropriate location for new tourist accommodation and the development would with the criteria set out in CS5 and CS16 of the Core Strategy and MD2, MD7 and MD11 the Shropshire Sites Allocations and Management of Development (SAMDev) Plan.
- 7.2 The erection of a two semi-detached fisherman's cabins for tourist accommodation in support of an existing fishing business is a small-scale new economic development which requires a countryside location and diversifies the rural economy without adverse impact on the visual or ecological values or functions of the site; its immediate surroundings or connecting corridors and would comply with the criteria set out in CS5, CS6, CS16 and CS17 of the Core Strategy and MD2, MD7, MD11 and MD12 of the Shropshire Sites Allocations and Management of Development (SAMDev) Plan.
- 7.3 The Scheduled Ancient Monument of Buildwas Abbey extends well beyond its environs to include the fields on the southern side of the River Severn that are directly opposite the application site. Therefore had the proposed fisherman's cabin being proposed to be sited any further to the south of the site, this would have had a harmful impact on the setting of this designated heritage asset. It is clear from the submitted plans, that the new fishermen's cabin would be sited towards the north west side of the site and this would allow the canopy of mature trees to be retained intact. The proposed removal of the two metal sheds would also reduce the impact on the significance of the heritage asset. The development is considered to be compliant with the criteria set out in CS5, CS6 and CS17 of the Core Strategy and Policies MD2 and MD13 of the Shropshire Sites Allocations and Management of Development (SAMDev) Plan.
- 7.4 The building is of a scale and design that would integrate well with the natural context of the site whilst contributing positively to its visual appearance. This in combination with the topography and existing screening into the site would minimise the impact of the proposals from the surrounding environment. The increase in traffic from the proposed holiday accommodation is unlikely to have any significant impact on highway safety and the visibility of the access point onto the B4380 will be improved.
- 7.5 The proposal is considered acceptable subject to being built strictly in accordance with the submitted plans and subject to the submission of details to discharge conditions on external materials, foul drainage, surface water drainage, finished floor levels and the provision of a Flood Management Plan and external lighting details.

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

National Planning Policy Framework 2012

National Planning Practice Guidance 2014

Adopted Core Strategy

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS16 Tourism, Culture and Leisure

CS17 Environmental Networks

CS18 Sustainable Water Management

Shropshire Sites Allocations and Management of Development (SAMDev) Plan

MD2 Sustainable Development

MD7a Managing Housing Development in the Countryside

MD11 Tourism Facilities and Visitor Accommodation

MD12 Natural Environment

MD13 Historical Environment

Supplementary Planning Documents

Type and Affordability of Housing

Much Wenlock Place Plan

Relevant planning history:

PREAPP/11/01543 Proposed detached building to provide two separate cabins of accommodation for overnight use by fishermen PREAIP 27th February 2012

12/05157/FUL Erection of detached building to provide two separate cabins of accommodation for overnight use by fishermen GRANT 20th June 2013

11. Additional Information[View details online:](#)

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 M. Price
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Local Member Cllr Claire Wild

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No built development shall commence until samples of all external materials including hard surfacing have first been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. 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 i.e. for a dwelling up to 3 bedrooms, the population equivalent should be 5 and the sizing of the septic tank and drainage fields should be designed to cater for a minimum of 5 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.

5. On the Drainage Drawing, it showed 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 provided. Percolation tests and soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

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

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.

6. Visibility splays shall be provided at the access point at a point measured 2.4 metres back from the adjoining carriageway edge along the centreline of the access extending 43.0 metres in a westerly direction, and 59 metres in an easterly direction from the access along the highway. All growths and structures in front of these lines shall be lowered to and maintained at a height not exceeding 0.9 metre above the level of the adjoining highway carriageway and shall be fully implemented prior to the accommodation being occupied.

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

7. No development approved by this permission shall commence until details of the proposed finished floor levels set 600mm above the 1 in 100 year plus climate change flood level of 44.06 AOD have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the flood risk to the development is minimised

8. A Flood Management Plan utilising the Environment Agency's free Flood Warning Service shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved plan should be in place prior to the first occupation of the holiday lets hereby approved.

Reason: To ensure that the buildings can be evacuated/closed prior to the onset of flooding.

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

9. All trees which are to be retained in the approved plan shall be protected in accordance with BS5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection. The protective fence shall be erected prior to commencing any approved development related activities on site, including the removal of the two metal sheds, ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the Local Planning Authority.

Reason: To safeguard the amenities of the local area by protecting trees.

10. The access, parking and turning areas shall be satisfactorily completed and laid out in accordance with the approved block plan drawing No: GLEBE/03 prior to the accommodation being occupied. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.

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

11. The access apron shall be constructed in accordance with the Council's specification as follows; 20mm thickness of 6 mm aggregate surface course, 80 mm thickness of 20 mm aggregate binder course, 200 mm thickness of MOT type 1 sub-base and shall be fully implemented prior to the accommodation being occupied.

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

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 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 Artificial lighting and wildlife: Interim Guidance: Recommendations to help minimise the impact artificial lighting (2014).

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

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

13. Notwithstanding Classes C2 and C3 of the Schedule to the Town and Country (Use Classes) Order 1987 as amended, the development hereby permitted shall be used to provide holiday accommodation only and it shall not be occupied as permanent unrestricted residential accommodation or as a primary place of residence.

Reason: The site is in an area where unrestricted residential accommodation would not be appropriate.

14. A register shall be maintained of the names of occupiers of the units, the period of their occupation together with their main home addresses. This information shall be made available at all reasonable time to the local planning authority

Reason: General residential development in this location would be contrary to adopted local and national policy.

15. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 5.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety

16. 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, E and 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.