

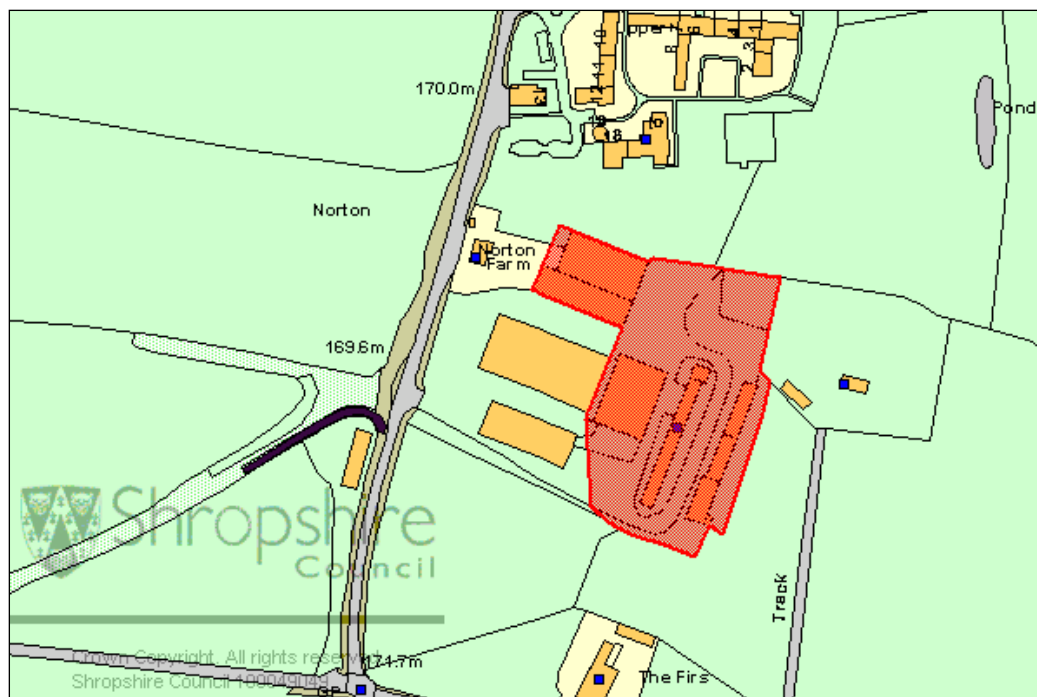
## Development Management Report

Responsible Officer: Tim Rogers  
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### Summary of Application

<b>Application Number:</b> 17/04988/FUL	<b>Parish:</b>	Culmington
<b>Proposal:</b> Conversion of farm buildings to ten holiday units and associated parking and landscaping		
<b>Site Address:</b> Barns South Of Norton Farm Norton Craven Arms Shropshire		
<b>Applicant:</b> HPB Management Limited		
<b>Case Officer:</b> Vincent Maher	<b>email:</b> <a href="mailto:planningdmsw@shropshire.gov.uk">planningdmsw@shropshire.gov.uk</a>	

**Grid Ref:** 346054 - 281557



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

## **REPORT**

### **1.0 THE PROPOSAL**

- 1.1 This application is for the conversion of two barns (including part demolition of one barn) associated with a holiday let complex in the hamlet of Norton. The proposed units would range from 40 sqm to 127.75 sqm in floor area.
  
- 1.2 The site has a number of recent permissions including one approved by the South Planning Committee in June 2013 for the conversion of one existing barn into 10 holiday units; conversion of an existing grain store to a clubhouse/ games room/ store; and conversion of an existing modern farm building into a swimming pool (reference 12/05241/FUL). This has not been implemented and the planning permission has lapsed.

### **2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is located in open countryside in Norton some 3.5km southeast of Craven Arms on a narrow lane running north from Onibury and eventually meeting the B4368 at Greenway Cross. It is just outside the Shropshire Hills Area of Outstanding Natural Beauty.
  
- 2.2 The site is home to a large complex comprising a former farmhouse and barns now converted into holiday lets, a clubhouse and associated offices which are managed by the Holiday Property Bond (HPB). Another dwelling to the southwest has recently been converted into two further letting units, and the current application relates to certain of the farm buildings behind this.
  
- 2.3 Two unrelated residential properties lie to the south and east, the latter itself a converted barn.

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

- 3.1 In accordance with the Council's adopted 'Scheme of Delegation' the application is referred to the planning committee for determination at the request of the committee chairman, due to the material planning considerations raised.

### **4.0 COMMUNITY REPRESENTATIONS**

- 4.1 Consultee comments

#### **4.1.1 Shropshire Fire and Rescue Service – comment:**

Advise on need to have regard to Shropshire Fire and Rescue Services Fire Safety Guidance for Commercial and Domestic Planning Applications. Open plan layout of flats not appropriate and poses a significant risk to the occupants in case of fire.

Although this proposal would conform to current Building Regulations if used as a single private dwelling, due to the proposed use as Holiday Let Accommodation the premises would fall within the scope of The Regulatory Reform (Fire Safety) Order and as such would not appear to comply with this legislation.

Fire Authority advise on need for means of escape arrangements including a separate fire protected means of escape from all bedrooms that do not pass

through an area of higher risk i.e. Kitchen/Diner. Advice available on [www.shropshirefire.gov.uk](http://www.shropshirefire.gov.uk).

4.1.2 **SC Highways– no objection** subject to the development being carried out in accordance with the approved plans and informatives covering works affecting public highway. It is considered that it is unlikely that the conversion of these barns into ten holiday lets here, will significantly adversely affect highway safety or local conditions.

4.1.3 **SC SUDS: comment**

The proposed surface and foul water drainage arrangements are acceptable in principle but no drainage plan has been provided. This should be submitted for approval.

4.1.4 **SC Archaeology – comment:**

The site lies adjacent to the known route of a Roman road (PRN 02613) and close to a possible burial site (PRN 03198) where a number of human skeletons were unearthed. The latter is locally supposed to be a Roman cemetery, but is more likely to be connected with the Battle of Stokesay 1645 (it may also be connected to a former chapel some 50 metres south of Upper Norton Farm (PRN 03541)). The site therefore has some archaeological potential, and as such a programme of archaeological work should be required by condition. Recommends photographic survey too.

4.1.5 **SC Historic Environment: objection**

No objection to conversion of barns. However, officer is concerned with proposed partial demolition of Barn 2. Acknowledges that principle of partial demolition was accepted under the 2013 approval (12/05241/FUL). However, greater weight should now be afforded to non-designated heritage assets with the adoption of SAMDev in late 2015. Not clear in proposal why demolition is necessary, as existing condition of the fabric (demonstrated in the submitted photos within the Design and Access Statement) shows it is generally sound, where it could easily be used as an ancillary storage areas for bins and other domestic paraphenalia etc.

4.1.6 **SC Rights of Way – comment:**

Public Bridleway 27 passes through the site but would appear to be unaffected by the proposals. There should, however, be no obstruction, diversion, realignment, resurfacing or other alteration of this right of way without the prior written agreement of the Countryside Access Team.

4.1.7 **SC Ecologist – no objection**

Has reviewed bat surveys submitted which identify a maternity roost of common pipistrelle bats, a day roost of a common pipistrelle bat, a maternity roost of brown long eared bats, and a night roost of lesser horseshoe bats. In light of this and the protection given to these European protected species, the ecologist has drafted a European Protected Species '3 tests' matrix and directs the planning officer to complete this when the application is determined. **(This is attached at Appendix 2 to this report).**

Has reviewed great crested newt studies. Seven nearby ponds have a low habitat suitability score. No need to do any further survey work. Has recommended conditions, requiring the developer to: obtain a European Protected Species mitigation licence; developing the site in accordance with the method statement for both barns; have an ecological clerk of works on site; provide bird boxes; submit a lighting plan.

Has also recommended informatives.

**Culmington Parish Council – no objection**

- 4.1.8 Require a condition that lighting is low and light and noise pollution kept to a minimum.

Councillors concerned at scale of site with the application for a further ten units following a recent application for three particularly in relation to the inevitable considerable increase in traffic along a narrow country lane which already suffers with problems when the roadside drain cannot cope with run off from the fields or blocks.

Councillors believe that at some point it was agreed to create additional passing places along the lane and consider, if not already included, essential that more passing places be created in both directions to Onibury and Greenways Cross. Drainage issues should also be addressed to improve conditions for everyone concerned.

- 4.1.9 **SC Affordable Housing - comment**

Holiday lets are exempt from the need to contribute to affordable housing.

**4.2 Public comments**

- 4.2.1 One objection received raising the following comments.

Rural area - HPB (Holiday Property Bond) already have 21 established units and another 3 which have recently been granted. A further 10 units will overdominate area and cause more light pollution from nearby lanes which look down onto the site especially from the Bache to the east. The size of HPB is creating a new village within the countryside and there will be an increase in noise to the local community. If granted, the site will be greater than some housing estates.

Similar accommodation exists at the nearby Upper Onibury Farm and therefore this additional accommodation is overdevelopment of the area and the site can no longer be considered as small scale.

Area known for great crested newts and this has been noted on previous applications, in addition these barns are probably home to bats and no Ecology survey has been submitted.

Lanes are classified C roads and of single width, previously approved applications required passing places to be installed and I would appreciate confirmation that these have all been implemented. Further increase in traffic (esp on change over days) on these narrow lanes will cause further issues both traffic and ecology due to the verges being eroded due to not enough passing places and people unable to reverse. Application has only included a brief summary on the increase in traffic including there would only be 2-3 movements a day, however if the local facilities

were used these journeys and traffic movement would be significantly more. This should be factored in to supporting documents.

#### 4.2.2 **Cllr Motley: comments made in a personal capacity**

No objection to conversion of two derelict barn ranges to holiday lets. Hopes it will be converted to same high quality as the original range of barns approved in 2005. However, new application represents a further increase in the number of holiday lets by at least a third. This will become a complex of considerable size in a very rural agricultural area. Important that it not be overbearing on surrounding landscape. Landscaping, particularly to the east of the site, and lighting will be extremely important as will visibility of parked cars from the east. Needs screening to southern side to protect amenity too. Notes proposed use of low voltage lighting but proposals will need a lighting condition.

Plans do not take into account bridleway running through the site.

Estimates of vehicle use inadequate. Often visitors will come to the site in more than one car, which means traffic movements likely to be considerably higher than the applicant's prediction. The lane from the B4368/A49 to the site is narrow with too few passing places and is heavily used by farm vehicles as well as vehicles using the route as a cut-through to Onibury. More passing places will be needed to minimise disruption on the lane.

Parish has identified a problem with field run off and periodic blocked drains. Semi permeable surface for car parking areas and new sewage plant will have to be very carefully considered.

## 5.0 THE MAIN ISSUES

- Principle of development
- Design and impact on historic environment
- Landscape impact
- Impact on residential amenity
- Highway safety and public rights of way
- Drainage
- Ecology
- Other matters raised in representations

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 The principle of the barn conversion on this site and creation of 10 additional holiday let homes has been approved with a 2013 planning permission. Nonetheless, it is necessary to reconsider the proposal in the light of the SAMDev Plan which was adopted after this last grant of planning permission and other material considerations raised during the consultation on this planning application.

6.1.2 Core Strategy Policy CS16 allows for the provision of visitor accommodation in rural areas of an appropriate scale and character for the surroundings, and close to or within settlements or an established and viable enterprise where accommodation is required. It also favours the reuse of existing buildings where this would accord with Policy CS5, i.e. where the conversion would make a positive contribution to the character of the buildings and surrounding countryside: This is reinforced by

SAMDev Plan Policy MD11. Meanwhile CS Policy CS 13 recognises the importance of providing for small-scale economic development, including farm diversification and leisure schemes in the countryside away from settlements. The NPPF (paragraph 28) seeks to promote all types of business and enterprise in rural areas both through conversion of existing buildings and well-designed new buildings.

6.1.3 This site does not adjoin a settlement of any size but is reasonably close to Craven Arms where a full range of services, facilities and visitor attractions is available. Perhaps more significantly it is immediately adjacent to the established and seemingly successful Holiday Property Bond complex. The proposal might indirectly benefit Craven Arms too.

6.1.4 There is a presumption against new open market in the countryside outside of community hubs and clusters. It is therefore recommended that conditions are imposed to restrict permanent housing.

## **6.2 Design and impact on historic environment**

6.2.1 Core Strategy Policy CS6 requires all development to be of an appropriate scale and design taking into account the local context and character, whilst Part 12 of the NPPF states that Local Planning Authorities should have regard to the desirability of sustaining and enhancing the significance of heritage assets. In this case the site is not within a conservation area and the barns are not listed. However, they are of local significance in terms of the historic evolution of the farmstead and consequently landscape character, and so are regarded as non-designated heritage assets.

6.2.2 SAMDev Plan Policy MD13 raises a new consideration about the partial demolition of Barn 2. Proposals likely to have an adverse effect on the significance of a non-designated heritage asset will only be permitted if it can be clearly demonstrated that the public benefits of the proposal outweigh the adverse effect. Officers note the objection from the conservation officer to the part demolition of Barn 2 but assess that withholding permission for the partial demolition would not be justified on its own given that most of the barn will be retained and, moreover, Barn 1 would be brought back into productive use. In recognition of the historic building and the advice of the Council's archaeologist, conditions are proposed requiring the recording of the buildings before conversion and a written scheme of archaeological investigation

6.2.3 The indicative design of the scheme (fenestration and choice of materials) demonstrate that this would be a sensitive conversion consistent with Core Strategy Policy CS6 and SAMDev Plan Policy MD2. Appropriate conditions are proposed to control these elements of the application.

## **6.3 Landscape impact**

6.3.1 The conversion of two buildings will have a limited impact on landscape character given their established positions within the farm complex but it is accepted that it is necessary to control lighting to minimise light spillage and impose a landscape condition both to avoid an overly formal, domestic character, as well as to

safeguard the amenities of neighbouring residents.

#### **6.4 Impact on residential amenity**

6.4.1 The development would introduce new windows facing south and east towards the neighbouring dwellings. However, the additional openings would afford no greater view of the adjacent properties than those included in the scheme approved previously, whilst the landscaping condition would serve to mitigate both overlooking and noise from the patio.

#### **6.5 Highway safety and public rights of way**

6.5.1 The Council's highway adviser has not objected to the proposal. In comments on the previous scheme (12/05241/FUL), the highways adviser noted that there are several stretches where the highway verge is wide enough to accommodate a passing place. Officers have also taken account of comments from the parish and one local objector and also therefore think it reasonable and necessary to require the developer to fund new passing places. The previous scheme had a Grampian condition to this effect and officers have re-imposed this condition in this recommendation.

6.5.2 The proposal will not affect the public right of way which crosses the site.

#### **6.6 Drainage**

6.6.1 The drainage officer has reviewed the technical information submitted (water management study, percolation test) and not objected to the proposal subject to a condition controlling drainage disposal.

#### **6.7 Ecology**

6.7.1 The applicant has submitted updated bat and great crested newt surveys which are European Protected Species. This shows the presence of bats. A European Protected Species matrix has therefore been completed to assess whether it is in the public interest to develop the site. The conclusion of the matrix is that the development is in the public interest and there is no satisfactory alternative and the scheme should be promoted subject to the planning conditions recommended by the Council's ecologist.

6.7.2 The surveys submitted with the application also show the site to provide a habitat for nesting birds and hedgehogs. It is accepted that the site is of some ecological interest and the ecologist's recommended conditions and informatives have also been imposed consistent with SAMDev Policy MD12, Core Strategy Policy CS17 and the NPPF.

#### **6.8 Other matters raised in representations**

6.8.1 The Shropshire Fire and Rescue Service has raised concerns about the internal layout of the units and escape arrangements. This is a matter to be addressed separately to the planning permission process through the changes to the internal layouts of units. Any change to the external appearance would need a fresh planning application or a submission to make non-material amendments.

6.8.2 Officers have reviewed an objection to the development being of the scale of a village. This proposal is for holiday let accommodation and not open market

housing. Conditions have been imposed restricting this use.

## **7.0 CONCLUSION**

7.1 The principle of these barn conversions has been accepted in the recent past. This scheme is more modest than the previously approved proposals. It represents the expansion of an existing rural tourist enterprise through the conversion of redundant agricultural buildings is considered acceptable. The design is reasonably sympathetic and the development is unlikely to have so significant an impact on residential amenity or on local highway conditions subject to appropriate planning conditions. It is possible that bat roosts might be disturbed but the scheme meets the three tests set out in the European Protected Species matrix.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk management**

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

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

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

### **8.2 Human rights**

8.2.1 Article 8 of the First Protocol of the European Convention on Human Rights gives the right to respect for private and family life, whilst Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the community.

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

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

### **8.3**

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



## **9.0 FINANCIAL IMPLICATIONS**

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

## **10.0 BACKGROUND**

### **Relevant Planning Policies:**

Central Government Guidance:

National Planning Policy Framework:

Shropshire Local Development Framework Adopted Core Strategy Policies:

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS7: Communications and Transport

CS11: Type and Affordability of Housing

CS13: Economic Development, Enterprise and Employment

CS16: Tourism, Culture and Leisure

CS17: Environmental Networks

CS18: Sustainable Water Management

SAMDev Plan

Policy MD2 Sustainable Design

Policy MD11 Tourism Facilities and Visitor Accommodation

Policy MD12 Natural Environment

Policy MD13 Historic Environment

### **Relevant Planning History:**

SS/1/4532/P/ – Erection of general purpose agricultural building (permitted June 1994)

SS/1/5776/P/ – Formation of new vehicular access (permitted July 1995)

SS/1/7814/K/ – Erection of grain store (permitted May 1997)

SS/1/00/11316/F – Conversion of farm buildings into two dwellings (refused July 2001; appeal dismissed December 2001)

SS/1/04/16554/F – Conversion of agricultural dwelling and buildings into holiday complex comprising 22 holiday cottages with clubhouse and indoor swimming pool; alterations to existing vehicular and pedestrian access (refused April 2005)

SS/1/05/17256/F – Conversion of agricultural buildings to holiday accommodation comprising 19 holiday cottages, clubhouse and one additional dwelling (permitted September 2005)

SS/1/05/17416/F – Conversion of rural buildings to provide six holiday let units (withdrawn February 2006)

Contact: Tim Rogers (01743) 258773

SS/1/06/17898/F – Conversion of farm buildings into six holiday cottages; alterations to vehicular and pedestrian access (refused March 2006)

SS/1/06/18171/F – Conversion of rural buildings to provide managers accommodation and five holiday letting units (refused October 2006; appeal allowed April 2007; partially implemented)

SS/1/08/20432/F – Conversion of agricultural buildings into two dwellings and installation of septic tank (withdrawn April 2008)

11/01238/FUL – Conversion of dwelling into two self-contained holiday lets, to include extensions and alterations and formation of new vehicular access (permitted May 2011)

12/05241/FUL - Conversion and extension of redundant agricultural buildings into ten holiday accommodation units, clubhouse/store and swimming pool; erection of building to house biomass boiler; installation of sewage treatment plant; provision of vehicular access and parking/turning areas (permitted June 2013)

## 11.0 ADDITIONAL INFORMATION

<p><b>List of Background Papers:</b> Application documents available to view on Council website</p>
<p><b>Cabinet Member (Portfolio Holder):</b> Cllr R Macey</p>
<p><b>Local Member:</b> Cllr Cecilia Motley</p>
<p><b>Appendices:</b> Appendix 1 – Conditions and informatives Appendix 2 – European Protected Species ‘3 tests’ matrix</p>

## **APPENDIX 1 – CONDITIONS AND INFORMATIVES**

### **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 in strict accordance with the approved plans and drawings. All conversion, development and biodiversity enhancements shall occur strictly in accordance with Appendix 2 of the Bat And Amphibian Method Statement For Barns 1 And 2 (AMPA Associates, January 2018).

Reason: For the avoidance of doubt, to ensure that the development is carried out in accordance with the approved plans and details and to protect bats, which are European Protected Species.

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

3. Notwithstanding the submitted plans the windows and doors of the development hereby permitted shall be constructed/framed in timber. No windows, roof lights, doors or other external joinery/fenestration shall be installed until full joinery/product details, to include details of window styles, glazing bars, mullions, sill mouldings and surface treatments/decorative finishes, have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with approved details and thereafter maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory and reflects the vernacular tradition, in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

4. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed photographic survey of the buildings labelled 'Barn 1 and Barn 2' on the submitted site location and block plans. This shall be completed to Level 1 standards as defined in the Historic England's Understanding Historic Buildings: A guide to good recording practice, 2016.

Reason: To record the fabric of the heritage assets prior to conversion, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

5. No ground works associated with the development hereby permitted shall commence until the applicant/owner/developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any evidence associated with known archaeological sites in the vicinity is recorded satisfactorily in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

6. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping, which shall include:
- a survey of all existing trees and hedgerows on the land and details of any which are to be retained
  - measures for the protection of retained trees and hedgerows during the course of development
  - plans and schedules of proposed planting
  - plans and surfacing details of all driveways, paths, parking/turning areas and other hardstandings
  - plans and details of walls, fences or other means of enclosure/screening which shall be provided along the south and east boundaries of the site
  - timetables for implementation

The works shall be completed in accordance with the approved details and, in the case of fences, walls, hardstandings and other hard landscaping works, maintained thereafter in the absence of any further specific permission in writing from the Local Planning Authority. In the case of soft landscaping, any trees or plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development reflects the vernacular tradition, preserve the visual amenities of the open countryside and safeguard the residential amenities of the area, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

7. No development shall commence until a lighting plan has been submitted to the local planning authority in writing. 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 a separate planning condition). 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 completed in accordance with the approved details.

Reason: To safeguard the visual amenities of the open countryside and minimise disturbance to bats, in accordance with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

8. 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.

9. No development shall commence until a scheme for the provision of two formal vehicular passing places, one between the application site and Greenway Cross to the north and one between the application site and Onibury to the south, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented fully through an agreement under Section 278 of the Highways Act 1980 before the first occupation of the holiday accommodation hereby permitted.

Reason: In the interests of highway safety, in accordance with Policies CS6 and CS7 of the Shropshire Local Development Framework Adopted Core Strategy.

10. No development shall commence until a details detailed drainage proposal plan have been submitted to and approved in writing by the Local Planning Authority. The installation shall be completed in accordance with the approved details before the development is first used/occupied.

Reason: To ensure that the proposed surface and foul water drainage systems are fully detailed.

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

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. The following boxes shall be erected on the site:
- A minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for tawny owls.
  - A minimum of 4 artificial nests, of either integrated brick design or external box design, suitable for swifts (swift bricks or boxes), sparrows (32mm hole, terrace design), starlings (42mm hole, starling specific) and/or house martins (house martin nesting cups).

The boxes shall be sited at least 2m from the ground on a suitable 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 first occupation / use of the building, an appropriately qualified and experienced Ecological Clerk of Works (ECW) shall provide a report to the Local Planning Authority demonstrating implementation of the GCN RAMMS, as set out in the Great Crested Newt Habitat Suitability Survey (Stefan Bodnar, January 2018).

Reason: To demonstrate compliance with the GCN RAMMS to ensure the protection of great crested newts, which are European Protected Species

13. Prior to the first use/occupation of the development hereby permitted surface water drainage systems shall be installed in accordance with the approved amended drainage plans listed below, unless first agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage, minimise the risk of pollution, and reduce the risk of causing or exacerbating flooding elsewhere, in accordance with Policies CS6 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy.

### **CONDITIONS RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

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

Reason: The site is outside of any recognised settlement and is in an area where unrestricted residential accommodation would not be appropriate. The lodges are permitted as they provide holiday accommodation.

15. 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 times to the local planning authority.

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

### **INFORMATIVES**

1. **NPPF** - 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. **Ecology**

#### Nesting birds informative

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.

#### Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

#### 3. **Fire Service advice**

Your attention is drawn to the advice of the Shropshire Fire and Rescue Service regarding this application. Their comments can be viewed on the Shropshire planning portal.

#### 4. **Highways advice**

##### 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.

##### 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 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.

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.

## APPENDIX 2 – EUROPEAN PROTECTED SPECIES ‘3 TESTS’ MATRIX

### Application name and reference number:

17/04988/FUL

Norton Farm, Norton, Craven Arms

Conversion of farm buildings to ten holiday units and associated parking and landscaping

### Date of consideration of three tests:

28 February 2018

### Consideration of three tests carried out by:

Sophie Millburn, Ecologist  
Vincent Maher, Planner

#### **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 development involves the conversion of two redundant agricultural buildings to provide holiday accommodation in conjunction with the expansion of an existing tourism enterprise. This is of public benefit in that it would support the diversification and expansion of the local economy in accordance with the Government’s ambition for the planning system to help achieve sustainable development and economic growth in particular. It would also secure the retention and restoration of buildings which are of historic merit and contribute positively to landscape character.

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

If the applicant could demonstrate that the last use of the barns was agricultural, it may be possible to apply for prior approval for conversion to residential use and this might be able to proceed provided it did not cause an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Species and Habitats Regulations (2010). Whilst those parts of the buildings where bat roosts have recently been discovered would need to be avoided, the completion of further works in the vicinity could result in the loss of foraging habitat and otherwise disrupt bat activity and there would be no obligation on the developer to provide the mitigation and enhancement measures which have been identified as part of the current planning application.

Alternatively, an option open to the applicant would be to leave the buildings unconverted, but this would be an inefficient use of an existing resource and downplays the role of economic and social progress in helping to achieve sustainable development as defined by the Government. Further deterioration of the buildings would also be likely, which could potentially reduce their value to roosting bats.



**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 survey work has been undertaken on this site in August-September 2010, July-August 2012 and June-July 2015. Survey work has identified a maternity roost of common pipistrelle bats, a day roost of a common pipistrelle bat, a maternity roost of brown long eared bats, and a night roost of lesser horseshoe bats in the two barns.

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 barns are going to be converted.

Appendix 2 of the Bat And Amphibian Method Statement For Barns 1 And 2 (AMPA Associates, January 2018) sets out the following mitigation, compensation and enhancement measures, which will form part of the licence application:

- ‘The start of works must avoid the breeding season (May-August), and since these species may hibernate in barns, start of works on the barn should avoid the hibernation season (December-February).’
- An ecological clerk of works (ECW) will carry out a pre-commencement inspection.
- The ECW will provide a toolbox talk to site workers.
- The ECW ‘will supervise all works involving any works to existing brickwork or timbers, inside or outside the barns’ and ‘the hand removal of any roofing material’
- A stand-alone lesser horseshoe bat night roost will be created prior to the commencement of works.
- Large cavity wall boxes will be erected on the converted barns.
- ‘No exterior lights may be focused on the boundaries of the site or in the area of the bat loft, to ensure continued use by bats following the redevelopment of the site. Lighting must be minimal and downwardly directed to maintain the dark countryside habitat as much as possible. As far as possible, exterior lighting should also be motion activated on a short timer.’

I am satisfied that the proposed development will not be detrimental to the maintenance of the populations of common pipistrelles, brown long eared bats and lesser horseshoe bats at favourable conservation status within their natural range, provided that the conditions set out in the response from Sophie Milburn to Vincent Maher (dated 19th February 2018) 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.