

Date: Tuesday, 7 September 2021

Time: 2.00 pm

Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND

Contact: Tim Ward, Committee Officer
Tel: 01743 257713
Email: tim.ward@shropshire.gov.uk

SOUTHERN PLANNING COMMITTEE

TO FOLLOW REPORT (S)

- 5 The Bungalow Ragdon Church Stretton
Shropshire SY6 7EZ (20/03751/FUL) (Pages 1 - 26)**
Erection of an agricultural implement storage building.
- 6 Former Bowling Green Ford Shrewsbury
(21/00475/OUT)) (Pages 27 - 42)**
Outline application (access for consideration) for the erection of two (open market) dwellings.

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Committee and date

Southern Planning Committee

7 September 2021

Development Management Report

Responsible Officer: Tracy Darke – Assistant Director Economy and Place

Summary of Application

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| <u>Application Number:</u> 20/03751/FUL | <u>Parish:</u> | Hope Bowdler |
| <u>Proposal:</u> Erection of an agricultural implement storage building | | |
| <u>Site Address:</u> The Bungalow Ragdon Church Stretton Shropshire SY6 7EZ | | |
| <u>Applicant:</u> Mrs Angela Morris | | |
| <u>Case Officer:</u> Tim Rogers | <u>email</u> : planning.southern@shropshire.gov.uk | |

Grid Ref: 345791 - 291551



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

REPORT

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| 1.0 | THE PROPOSAL |
| 1.1 | The application seeks planning permission for the erection of an agricultural implement storage building. It was originally intended to be considered at the committee meeting in June but was deferred to allow the consideration of further information. |
| 1.2 | The development is effectively two joined buildings. The main part is to be two bay open fronted, box profile roof cladding, clad with dark stained timber above blockwork lower walls. It will be @4.3m high with a base of 9.1m x 9.1m. |
| 1.3 | Attached to the side is a smaller lean-to building with secure doors, dimensions 4.4m x 7.1m, maximum height @3m at the top of the roof slope. |
| 1.4 | <p>According to submitted floor plans, the building is to store agricultural machinery to include:</p> <ul style="list-style-type: none"> • tractor, hay bob, bale trailer, grass topper, mower, hedge cutter, hay bailer • post driver, trailer, vintage tractor, kabota digger <p>All the items listed above are already owned by the applicant.</p> |
| 1.5 | The application follows two previous applications for similar development: The first of these (18/00087/FUL) was for a significantly larger portal frame type building and was withdrawn in February 2018 due in part, to ecological concerns. |
| 1.6 | <p>The second application (18/03664/FUL) sought permission for the same building as before but was refused in September 2018 for the following reasons as per decision notice:</p> <p><i>1. The proposed agricultural building is considered as an unacceptable form of development of this scale and type within its edge of hamlet location adjacent to residential properties and away from any other agricultural buildings. The proposal is deemed to be visually inappropriate in its scale, general design and materials within its setting. Therefore, the proposal is deemed to conflict with the relevant policy framework provided by adopted Core Strategy and the adopted SAMDev Plan policies CS5; CS6; CS17 and MD12.</i></p> <p><i>2. The application site would be accessed via a new access leading off the lane through Radgon. Insufficient information has been provided to demonstrate that the access would be safe and accessible to all, and that it would not result in any adverse highway safety concerns, failing to comply with local policies CS6 and MD2 and the NPPF.</i></p> <p><i>3. Additional information is required to fully assess the Ecology matters that relate to this application, in the absence of this additional information as detailed within the objection comments from Shropshire Council Ecologist dated 23rd August 2018, it is not possible to conclude that the proposal will not cause an offence</i></p> |

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| | <i>under The Conservation of Habitats and Species Regulations 2010. Therefore as it stands on the information submitted, the proposed does not comply with Shropshire Core Strategy Policy CS17 and SAMDev Policy MD12</i> |
| 1.7 | The current application is intended to address the previous reasons for refusal. |
| 2.0 | SITE LOCATION/DESCRIPTION |
| 2.1 | The settlement of Ragdon is on the southeast side of Ragleth Hill, close to the A49 and Church Stretton. Ragdon consists of a group of residential dwellings and former/existing farm buildings. Descending through Ragdon is a hard-surfaced public lane ending at Ragdon Farm. |
| 2.2 | On the western side of the lane is Ragdon Bungalow which has an associated rough pasture field to its rear of @1.25ha (figure excludes the Bungalow and immediate garden curtilage). Towards the top (north) of the field just below the public highway is a pond. From the pond, a watercourse visible as a ditch runs past the rear of the bungalow, and until recently met the lane between the Bungalow and Ragdon Manor opposite. |
| 2.3 | The proposed building is to be sited between Ragdon Bungalow and a public footpath just outside the south eastern boundary. The ground has already been prepared with hardcore, thus filling in that part of the existing ditch. The existing gated access from the lane has been widened and surfaced. |
| 2.4 | A pipe has been installed underneath the hardcore surface and it emerges at the lower corner of the site, nearest the lane. The pipe will therefore effectively act as a culvert under the proposed building to carry any water from the ditch. |
| 2.5 | @20m beyond the lane access for the proposed building, and on the opposite side of the road, is the domestic access for Ragdon Manor. The dwelling is not listed but appears to be an attractive farmhouse adjacent to a range of traditional and more modern farm buildings. |
| 2.6 | Ragdon is within the Shropshire Hills AONB. |
| 3.0 | REASON FOR COMMITTEE DETERMINATION OF APPLICATION |
| 3.1 | The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers. Further, the application has been considered by the Principal Planning Officer, Vice Chair and Chair of the Planning Committee, in conjunction with the views of the Locally elected Member and have taken the view the application should be determined by Committee. |
| 4.0 | Community Representations |
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| | Consultee Comments |
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| 4.1 | Parish Council- objection |
| | <p>Eaton Under Heywood & Hope Bowdler Parish Council has considered this application. This is the third time in two years that an application has been submitted. The background is relevant to our response.</p> <p>The first application, 18/00087/FUL, was withdrawn shortly before the Parish Council was due to consider it. That application indicated the proposed building was required for the development of a business repairing agricultural machinery. The parish council enquired of the Planning Department on 7th February 2018 whether the application should include a Change of Use provision and were advised that a Change of Use application would indeed be needed. The application was withdrawn.</p> <p>The application reappeared as 18/03664/FUL with the “agricultural repair business” element omitted. The applicant and her husband attended the parish council meeting on 17th September 2018 and gave assurances that the building was intended purely to store their own agricultural machinery and fodder for livestock. They were asked to explain why they needed such a large building when they have no known livestock and only a very small amount of land. No adequate response was given. The Parish Council objected to that application, detailing in its response the lack of information provided by the applicant, in particular to the highway’s issues - see letter dated 18th September 2018 attached. Shropshire Council refused planning for the application – see Mr Kilby’s decision notice dated 28th September 2018.</p> <p>Upon receipt of the current application, 20/03751/FUL, the parish council noted:</p> <ol style="list-style-type: none">1. The size of proposed agricultural building appears to be larger than before – see attached block plans and elevations submitted with 18/03664/FUL and compare with those submitted with the current application. No explanation is included as to why an even larger building is required than in the previous applications. We draw your attention to Mr Kilby’s statements about the previous building being “an unacceptable form of development ... in a hamlet location”. We support both Mr Kilby’s view and the recent public comments on the planning portal concerning the unacceptable visual intrusion this building will create in an unspoilt rural area: we note the observations made in a comment that the land is not being used for agricultural purposes.2. Highways: We attach the Highways Advice Note given in application 18/03664/FUL. The Advice seeks information from the applicant. This requested advice was not given then, as far as we know, and is not given with this application. The 18/03664/FUL access centred on an existing field gate. This new application refers to the “existing access”, but that seems to the parish council to be misleading as in fact a brand-new access, gates and fencing has been built some metres beyond the original galvanised gate - see photographs taken by the parish council on 29th September 2020. We cannot see on the planning portal that any authorisation for the new access |

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| | <p>was sought or approved by Highways. The Highways issues raised in Mr Kilby’s planning decision of 2018 do not appear to have been met.</p> <p>3. The proposed new area of hardstanding coupled with the proposed buildings and their frontage will reduce water absorption and, we fear, will create flooding from the water run-off from the hills. We also note that a watercourse which appeared on the two previous applications and was mentioned in the design and access statement has been omitted and the applicant’s septic tank has not been shown. We understand the applicant may have filled in the watercourse as this proposed building will be sited on top of the watercourse. This course of action may well be putting the fresh water supply to a neighbouring property’s bore hole in jeopardy of contamination. We trust a full SUDS survey will be carried out to discover, inter alia, what has happened to the watercourse, what effect it’s possible destruction will have on neighbouring properties and to consider the flood risk impact of all the new hardstanding areas.</p> <p>4. We also trust that the concerns raised by the Shropshire Council Ecology team in the previous application will be pursued.</p> <p>In summary, Eaton Under Heywood and Hope Bowdler Parish Council objects in the strongest terms to this application. As a rural parish council we have to accept that farmers need buildings to house livestock and to store fodder and machinery and these essential buildings sometimes blight the surrounding countryside: that is something we have to live with. This applicant is not a farmer and has only a meagre amount of land, a minimal need for machinery and no known livestock. This proposed development is entirely inappropriate and unnecessary.</p> |
| 4.2 | Drainage/SUDS- no objection |
| | <p>Comments from the Flood and Water Senior Engineer, WSP for Shropshire Council:</p> <p>27th July 2021</p> <p>Please find below the position of Shropshire Council acting as both the Lead Local Flood Authority and Land Drainage Authority for the proposed development at Ragdon (20/03751/FUL). Please be aware this email does not provide the position of Shropshire Council acting as the Local Planning Authority (LPA). As this is a complex issue we have separated the response into the following sections:</p> <p>Feature Classification: There has been some discussion around the classification of the ditchcourse in the field and the subsequent need for Ordinary Watercourse Consent for the culverting works that have taken place. A “watercourse” is defined under the Land Drainage Act 1991 as “all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages through which water flows”. As the feature in the field is a defined channel through which water is able to flow, we can confirm that this is classified as an Ordinary Watercourse and as such any amendment would normally require Ordinary</p> |

Watercourse Consent.

Site Drainage and Levels: After undertaking a site visit and reviewing information submitted by the applicant as part of the planning application, the survey levels indicate that flows from the reservoir will reach the culverted section of ditchcourse during storm events. It should be noted however that the rate of flow in this ditch will be limited by its relatively slack gradient which includes a rise in invert levels around the property in the location where the culverting has taken place. The level of the ditch embankment will retain some of these storm flows in channel, however it is likely that during extreme events the rise in invert will result in the overtopping of the ditch. In this event the exceedance flows would then run across the field towards Ragdon Farm.

Ordinary Watercourse Consent: Under the Flood and Water Management Act (2010) the responsibility for consenting works on ordinary watercourses passed to Shropshire Council as part of our statutory duties as a Lead Local Flood Authority. Information on the Ordinary Watercourse Consenting procedure can be found [here](#) on the Council website.

OWC Case History: An application for Ordinary Watercourse Consent was submitted to Shropshire Council in March 2019 for the culverting of a section of watercourse to facilitate the construction of an agricultural storage building. This application was not validated by Shropshire Council as the applicant did not provide the necessary £50 fee. As a result the application was not considered and no formal response was provided. An email was however sent to the applicant informing them that it is unlikely the proposal would be approved as Shropshire Council are generally be opposed to the culverting of watercourses unless there is no reasonable alternative.

Planning Application: Members of the Flood and Water Management team acting as the Lead Local Flood Authority provided comments to the LPA on 20/03751/FUL on 02/10/2020. A copy of these can be found on the online planning file. As part of these comments the need for Ordinary Watercourse Consent was raised however this was not added as a Planning Condition. It should be noted that the Planning and Ordinary Watercourse Consenting process run independently of each other and Planning Permission can be granted without the relevant Ordinary Watercourse Consent being in place.

For the LLFA to support an application for Planning Permission it must be demonstrated that the site can be effectively drained and that any development will not increase flood risk to surrounding properties. In order for the applicant to prove that this is the case we requested that the LPA add the below condition to any planning approval requesting the submission of both a detailed drainage design and evidence that any culvert can convey storm flows to the existing point of discharge.

Condition Included in Committee Report:

Prior to above ground works taking place, a scheme of surface water drainage will be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the building is brought into

use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

Technical Check and Consultee Response From Information Provided on 18th June 2021:

From the drained area plan, highway run-off calculations and supporting notes provided by the drainage agent, it is accepted that surface water run-off from the lower slopes of Ragleth Hill will be intercepted by the roadside ditch and be conveyed to the Ragdon Lane junction.

A single road gully has been identified as draining the carriageway above the pond with no other pond inlet having been found. The submitted MicroDrainage highway run off calculation has been based on a 1 in 1 year storm event and shows that 14 litres / second will flow from the carriageway to the pond via the gully. This calculated flow rate is the near maximum that can be accepted by a gully pot, as stated in Appendix C8 of the Design Manual for Roads and Bridges CD526 Spacing of Road Gullies and thereafter for storms of greater magnitude, exceedance flows will be generated, flowing passed the gully along the road to the low point at the Ragdon Lane junction and then down the road to Ragdon.

No calculations have been provided for the greenfield run-off flowing directly into the watercourse. However, using the analysis toolkit from uksuds.com, the 1 in 100 year greenfield runoff figure for this location is 5.6 l/s/ha therefore given that the contributing area has been calculated to be 0.67ha, flows will be approximately 4 l/s.

Although levels indicate that the watercourse's low point is upstream of the pipe, water will flow to the pipe before overtopping the bank. The MicroDrainage calculation shows that the capacity of the installed 150mm diameter pipe to be 35 l/s and is therefore of sufficient size to convey the combined flows of the highway and the adjacent field.

As the culverted section was previously a section of dry ditch it is unlikely that the unconsented works will result in any significant habitat loss. To ensure the works have not resulted in increased flood risk, Shropshire Council has reviewed the information submitted by applicant and are satisfied that the culverted section has sufficient capacity to convey the flows and therefore Shropshire Council deem these works acceptable but unconsented, and no enforcement action will be taken.

The design and location of the soakaway is in accordance with BRE 365 and is therefore acceptable. Although guidance only requires the soakaway to be designed for a 1 in 10 year storm, the soakaway has actually been designed for a 1 in 100 year plus climate change event.

OWC Enforcement: Shropshire Council, acting as the Land Drainage Authority have permissive powers under the Land Drainage act 1991 to undertake enforcement action against any riparian landowner who fails to maintain a

watercourse or where unconsented works are undertaken which result in an impediment in flow. Due to the permissive nature of our powers under the Land Drainage Act 1991 we will, when an issue is brought to our attention, take a risk based approach when determining whether enforcement action should be taken. Although Shropshire Council are opposed to the culverting of any length of watercourse we would not normally undertake enforcement action unless there was evidence of large scale protected habitat loss or evidence that the works had resulted in a significant increase in flood risk for adjacent property owners.

As the culverted section was previously a section of dry ditch it is unlikely that the unconsented works will result in any significant habitat loss. In order to provide evidence that the works have not resulted in increased flood risk, Shropshire Council have reviewed the information submitted by applicant to satisfy the above planning condition. The applicant has provided information to show that the culverted section has sufficient capacity to convey the flows produced by the ditch. Shropshire Council deem these works acceptable but unconsented, and no enforcement action will be taken.

Impact on 3rd Party Borehole: A report by Hughes Exploration and Environmental Ltd regarding the potential impact of the development on the private borehole at Ragdon Manor has been provided. There is some confusion on the location of this borehole as the BGS Website and borehole log produced by the company who constructed this borehole placing this at NGR SO 45882 91624 which is approximately 120m to the NE of the existing septic tank. A plan showing this location taken from the BGS website is below. The Hughes report however references a location of NGR SO 45834 91533. As Hughes were not the company who installed the borehole and as the BGS website location is consistent with the NGR provided at the time of installation, evidence is required demonstrating that the borehole location referenced in their report differs to that shown on the BGS website.

Whilst any flooding of the field may have an impact on the operation of the drainage field during storm conditions (additional ground saturation may temporarily reduce the drainage fields rates of infiltration and treatment), the applicant has provided information to show that the proposed culvert has sufficient capacity to convey flows produced by the ditch therefore there will be no change to the existing situation, and no additional impact on the operation of the drainage field.

As set out in the Hughes report, and confirmed in the borehole logs on the BGS website, the borehole was constructed in 2012. Although Shropshire Council do not hold records on the date of construction of the septic tank and drainage field it is likely that this pre-dates the borehole by a significant time period. Whilst we can appreciate the significant concerns regarding the impact of this septic tank on the drinking supply, as the septic tank was in place when the borehole was constructed the impact of any existing adjacent drainage fields should have been fully assessed at this time.

Any new potential pollution issues associated with the deterioration of the septic tank and the impact on drinking water supply is unfortunately a civil matter and we

advise contacting the Environment Agency and the Councils Environmental Health Team.

May 2021

It has been established from the evidence supplied and from a meeting on site that given the lie of the land, water from the pond cannot flow past the septic tank and under the proposed building. Flow in the watercourse will not reach or pass the mid-section of the watercourse and thereafter will flow down the field.

The existing septic tank is located on a ridge of high ground above the watercourse, where ground slopes to the west, east and south. The proposed 150mm pipe under the new building commences below the septic tank and due to the slope of the land will serve a very small area of contributing surface water flow.

Whilst the 150mm pipe is of a sufficient size to convey any flow in the watercourse, given the slope of the existing ground from the septic tank, it is very unlikely to be impacted as a result of a blockage, with any exceedance flows being directed to the south away from the septic tank and the building.

Details for dealing with the surface water runoff can be dealt with by a condition, as suggested:

Prior to construction of the building a scheme of surface water drainage must be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the building is occupied/brought into use (whichever is the sooner).

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

December 2020

1. The site was visited by the Land Drainage Officer and the Flood and Water Manager who confirmed that the section of piped watercourse passing under the installed foundation is acceptable. It was observed on site that due to the gradient of the watercourse from the pond, very little water would reach the installed pipe but is more likely to flow from the watercourse down the field to the south-west.

2. Enabling excavation works for the proposed building appears to have already commenced. There is no evidence that the existing foul drainage field has been disturbed.

3. No details of how the proposed building will be drained have been supplied. 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.

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Ecology- no objection subject to conditions and informatives

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| | <p>The site has been surveyed in 2018 and 2020 newt survey season. In 2018 the site had a positive eDNA result, and in 2020 the site had a negative result.</p> <p>Wilkinson Associates has assessed the development and has concluded that works are very unlikely to cause an offence.</p> <p>There is a small ditch crossing the development area; this takes overflow drainage from the pond and exits the field in the south east corner. In July 2018 it was completely dry at the time of survey and supports vegetation which suggests it rarely holds water for any length of time.</p> <p>The proposed new access arrangements would affect only a fence and the immediately adjacent grassland. The pond, which is good quality for GCN is located in the same field as the proposed agricultural building but it is about 80m to the north and about 10m higher elevation.</p> <p>The field for the proposed building is of low biological value. Wilkinson Associates have recommended pond management. This is to include removal of excessive emergent marginal vegetation, maintaining adjacent terrestrial habitat around the pond and the creation of hibernaculum.</p> |
| <p>4.4</p> | <p>Highways- no objection</p> |
| | <p>Further comments received from Developing Highways Manager, December 2020.</p> <p>I have been contacted by agent regarding the above mentioned application. In response to the correspondence dated 23rd November 2020, I have reviewed the details of the application and the comment previously submitted by WSP on Shropshire Councils behalf. It would appear that the comments previously submitted were based on the desk top exercise and did not take into account the permitted alterations to the access.</p> <p>The agent has forwarded me a copy of the approved Section 184 application and layout drawing, I would consider that the access is sufficient to accommodate the proposed development and therefore Shropshire Council as Highway Authority raises no objection to the granting of consent.</p> <p>Initial comments received October 2020</p> <p>The proposed development appears broadly similar to that proposed under Planning Application 18/03664/FUL which was refused. As part of that planning application a new access was proposed and highway comments expressed concern at the location of the access in a narrow section of the lane and requested further information be provided.</p> <p>The current application shows access in the same location as that proposed in the</p> |

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| | <p>previous planning application but it is now marked as existing. From a highways perspective, the applicant would need to demonstrate that access is suitable and that the largest vehicles associated with the proposed storage building can safely manoeuvre on and off the highway. Gates for agricultural accesses should be set back a minimum distance of 12 metres from the adjoining carriageway edge and be made to open inwards only. Therefore, in order for the proposed development to be appropriately assessed, from a highways and transport perspective, the following information is required to be submitted, by the applicant:</p> <ul style="list-style-type: none"> • Full details of the access, including the layout, construction and sightlines to be submitted on an annotated scale drawing. The plans should also include details of the gradient of the access which should meet Shropshire Councils current standards. • Drainage arrangement details will also need to be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. • The applicant should demonstrate by means of a tracking exercise that the access layout can accommodate the turning movements of a tractor and trailer or the largest vehicle associated with the development. • Any gates provided to close the access should be set back a minimum distance of 12 metres from the edge of the adjoining carriageway and be made to open inwards only. A tractor and trailer or the largest vehicle associated with the development should be able to pull clear of the public highway while gates are opened and closed. • Demonstrate by means of an annotated scale plan that turning for all vehicles associated with the development can be accommodated. <p>The red edged area on any further plans submitted should include access up to the edge of the public highway and should include visibility splays. Any further plans submitted should provide any and all details necessary to assist with the appropriate determination from a Highways and Transport perspective. As well as, demonstrate that the vehicular access, associated visibility splays, parking and turning facilities are commensurate with the prevailing local highway conditions, in accordance with 'Manual for Streets 1 & 2'.</p> |
| 4.5 | Rights of Way- no objection |
| | No comments to make on the application |
| 4.6 | Shropshire Hills AONB Partnership- standard advice only |
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| 4.7 | Public Comments |
| 4.7.1 | <p>9 Objections have been received in summary: Of these, objections from a neighbour also include correspondence from the Environment Agency – see Para 6.3.3 below</p> <ul style="list-style-type: none"> • Will affect AONB and biodiversity • Risk of newts in pond • no wildlife enhancement |

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| | <ul style="list-style-type: none"> • machinery business will harm countryside and peace/tranquility • previous applications withdrawn and refused- concerns not addressed in this application • concerns whether for private or commercial use • building is to be very large, out of scale with landscape and a visual intrusion • stream course has been filled in • risk of flooding and water run-off on road • could damage private water supply • impact on watercourse and septic tank just below the pond • is within AONB and will impact upon views from surrounding hills, eg Ragleth (from open Spaces Society) • next to footpath • could be used for large tractors owners field is very small • risk that pond and/or ditch could overflow causing flooding over septic tank, polluting watercourse and neighbour's water supply • grass field is not baled or used for agriculture • access is on a steep hill and narrow lane on a bend, used regularly by walkers and Duke of Edinburgh children • inadequate ecology surveys and EDNA testing in pond • possibility of Fairy Shrimps in pond for which have not been tested • building out of character • proposed plan not accurate • profile of field has changed and watercourse illegally filled in |
| <p>4.7.2</p> | <p>A further objection has been received on behalf of The Ramblers.</p> <p>After a site visit this last week to ensure we had a correct understanding of the site, we must register an Objection to the Application on two grounds. Firstly, the nearly 5 metres high proposed structure will be extremely visible from Public Footpath 0533/10/1 coming from Chelmick as a walker ascends 300 metres up the hillside up from Rag Batch to Ragdon. The current used line of the footpath actually joins the road between Ragdon Farm and Ragdon Manor facing what would be the south end of the structure, which would be very overbearing. This is one of a series of footpaths that form a network around Ragdon and are extremely popular with walkers.</p> <p>Secondly, we have noted and observed on the ground what other objectors have remarked on, and was also commented on in previous Applications; the extra field entrance which was NOT granted Planning Permission, and the infilling of the stream course which occasionally flows from the pond some 100 metres up the field. Both of these acts are blatant disregard of Planning Policy.</p> <p>Unless and until the Applicant complies with Planning Policy and obtains the relevant permissions this Application should be rejected.</p> |
| <p>4.7.3</p> | <p>Latest comments from neighbours :- Please can we respond to a statement made by Mr Gough of Woodsyde</p> |

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| | <p>Developments concerning our Borehole? Unfortunately, Mr Gough seems to have incorrect information.</p> <p>Our property and borehole are below the proposed development. Our borehole has worked perfectly well for many years and we have the appropriate documentation. It was installed by a borehole specialist. There is a survey on the planning portal which concludes that due to the backfilling of the watercourse by the applicants our freshwater supply is at risk of bacterial contamination. The survey has been carried out by Hughes Environmental specialist in borehole installation.</p> <p>Mr & Mrs Morris have illegally filled in the watercourse above our borehole, before applying for planning permission to site a building over the watercourse. Their septic tank is sited below the watercourse but obviously goes underground.</p> <p>We have only brought water in since the backfilling of the watercourse by Mr and Mrs Morris, not for the past nine years as Woodsyde Developments claim. Our borehole has worked perfectly well before the applicant's actions. The environment agency have confirmed it is an ordinary watercourse but they do not promote culverting of a watercourse and anyone doing so would need permission which the moriss's do not have as it would increase flood risk which is now happening due to the morriss's actions.</p> <p>The barns opposite which have been reported to house cattle and could have caused contamination is also untrue. No cattle have ever been housed in the barns as confirmed by our neighbors. who own the barns and have also objected.</p> <p>Mr & Mrs Morris have been diverting water and are increasing the flood risk by diverting water onto the lane which freezes in winter on a steep hill on a bend. We have sent a video of the flooding to the council.</p> |
| 4.7.4 | <p>11 representations expressing support have been received, summarised as follows:</p> <ul style="list-style-type: none">• No reason for applicants not to have a building to keep equipment safe and secure• No financial impact or other burden to others• Building will not affect surrounding wildlife or environment• Building is for storage of secondhand harvest machinery and better under cover• Comment that as a regular walker in the area there will be no problem with this application• Ease of access for storage• Reasonable request from the applicants• Everyone should have the right to build in their own land• Planned design is in context with similar agricultural buildings and suitable for purpose• Applicants have valid reason for building requirement- machinery and hay would be spoiled outside |

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| | <ul style="list-style-type: none">• Gateway has already been approved and access is not an issue• Applicants baled hay 2 years ago and without covered storage would rot• No issue with size or look of the building• Building is very small and will enhance the look of its surroundings• Small amenity building would be of great benefit• We feel we need to put the record straight and would like to know where Mr, Andy Gough of Woodsyde Developments Ltd got his information regarding us keeping cattle in the building sited above the purported borehole. We have owned this farm for 33 years and never ever housed cattle in this building. It concerns me why Mr. Andy Gough has to tell untruths to support this application. |
| 4.7.5 | <p>Response by applicant to public comments:-</p> <p>We do note that the application at the southern planning committee on the 22nd June was deferred in order that the additional information that had been provided could be reviewed by the Council's Drainage Officer. We do note in the planning officer report that the application was supported and that there were no objections from the standard consultees, save the Parish Council who appear not to have fully understood what the application is for, the proposals for the building and the drainage thereto. Four points were raised by the Parish Council and are as follows:</p> <ol style="list-style-type: none">1. The proposals appear larger than previous, but this is not accurate and was corrected in the Planning Officer report to committee.2. The access to the site is not part of the application and was approved under a separate Section 184 Agreement, therefore is not under consideration.3. References are made to the septic tank, but this has no bearing on the application and was not included in the application. In addition, Parish Council should be aware that the borehole to the adjacent property was installed some 30 years after the septic tank was installed. Furthermore the public records indicate that the borehole is not accurately installed as this should have been approximately 102m to the north of its current location and this is borne out when reviewing the British Geological Survey data, which shows the position, the coordinates and the original data sheet for the application.4. Previous ecology comments should be pursued. A report by Wilkinson Associates in support of the application concluded that the works were very unlikely to cause an offence, that the field for the proposed building was of low biological value and simply recommended pond management. We believe that this report was accepted by the Planning Officer. <p>Overall therefore, the points raised by the Parish Council were satisfactorily addressed and we would have readily expected them to be reconsulted or asked if they would wish to reconsider their view based on the accurate facts.</p> <p>There have clearly been a number of representations, which both object to the proposal but also support the proposal. We note that further representation has been forwarded offering neighbour objections and re-emphasising concerns regarding the proposal. These concerns are a repeat of previous items that have been addressed and realistically had no value or relevance to the application. We understand that the concerns regarding the existing engineered channel have</p> |

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| | <p>been escalated to the Public Health Officer and have reputedly reported that bottled water is having to be purchased. If this is the case, we can only assume this has been ongoing for the last 9 years since the installation of their borehole, which was obviously incorrectly sited. I would have thought that due diligence on behalf of the owner of the adjacent property would have assessed the location and with the assistance of the contractor noted the location of the longstanding septic tank to The Bungalow and repositioned the borehole accordingly. It is disappointing that the point of extraction is indeed at odds with the details submitted for the borehole in 2012 and the recorded position on the National Geological Records. Furthermore I am in no doubt that all neighbouring properties are similarly on a septic tank arrangement given the rural setting and lack of public foul water drainage and we have no knowledge of where these are located and whether these have any direct effect to any borehole.</p> <p>The open engineered channel described by the Council's Drainage Officer has not been filled but has been piped and still allows continual flow. However, as pointed out on numerous occasions this channel runs uphill from the pond and in the 6 years that the applicant has lived at the site, no water from the pond has ever reached the crest of this channel.</p> <p>We note that the objector references diverting water onto the highway, which is simply inaccurate. Water runoff along the lane emanates from the Class III Road to the northwest as this is not able to enter the ditch course on the southern side of the unclassified road. This arrangement is historic and there has been no increase in impermeable areas at the bungalow whereby additional flow is generated that can enter the county highway. Moreover, we note within the officer report to Planning Committee that the Council's Drainage Officer has recommended a standard drainage condition to be imposed seeking details of how the surface water will be dealt with from the proposal. To this end in the last submission these details were indicated on the drawings and included a soakaway to the southwest of the building and on the lower grounds, which will have no influence on the engineered channel or public highway and on land that falls away from The Bungalow.</p> |
| 5.0 | THE MAIN ISSUES |
| | <ul style="list-style-type: none"> Principle of development Siting, scale and design Drainage and surface water Highways Ecology Visual impact and landscaping |
| 6.0 | OFFICER APPRAISAL |
| | |
| 6.1 | Principle of development |
| 6.1.1 | Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted |

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| | development plan unless material considerations indicate otherwise. |
| 6.2.2 | The NPPF states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. |
| 6.2.3 | The NPPF at Chapter 6 seeks to build a strong competitive economy, with particular emphasis on supporting a prosperous rural economy as set out in paras 83-84. |
| 6.2.4 | At the same time, the NPPF seeks to conserve and enhance the natural environment, for example by protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside, placing great weight on designated AONB. |
| 6.2.5 | Core Strategy Policy CS5 explains that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities. |
| 6.2.6 | MD7b of the SAMDev Plan goes further and explains that proposals for agricultural development will be permitted where it can be demonstrated that the development is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve. |
| 6.2.7 | The agent has clarified the building and machinery are to be used entirely for the maintenance of the applicant's own land which is limited to the @1.25ha pasture field. To the limited extent it is relevant, there is no stated intention of using the machinery elsewhere eg for contracting purposes. |
| 6.2.8 | Concerns have been raised through representation that the applicant does not use the field for agricultural purposes, and there would therefore be no need for the building. |
| 6.2.9 | Officers comment that the field is permitted to be used for agricultural purposes. The applicant has stated the owners have taken at least one hay crop from the field and it is the intention to continue doing so. Historical aerial imagery illustrates clearly that the grass field has been cut (in 2018), presumably for the production of hay. This is a legitimate agricultural use, albeit on a reasonably small and informal scale. In that regard, it would not be considered unreasonable to have an appropriately sized building on the land to store machinery for use in connection with the management of the field. It is understood the hay is then sold. There is no proposal to store domestic items or house livestock in the building. |
| 6.2.10 | According to the requirements of MD7b, the principle of appropriate agricultural development is considered established and acceptable, though this is subject in this case to further main issues identified below. |
| 6.2 | Siting, scale and design |
| 6.2.1 | The NPPF seeks to achieve well designed places where good design is a key |

| | aspect of sustainable development. | | | | | | | | | | | | | | | | | | |
|-----------------------|--|---------|----------|---------|--------------------|-----|-----|------------------|-----|-----|------------|------|------|-----------|------|-----|-----------------------|-----|-----|
| 6.2.2 | Similarly, CS6 and MD2 together seek to secure sustainable design. | | | | | | | | | | | | | | | | | | |
| 6.2.3 | The proposed building is significantly smaller than previously under 18/00087/FUL (withdrawn), and 18/03664/FUL (refused). | | | | | | | | | | | | | | | | | | |
| 6.2.4 | The Parish Council consultation comment suggests the current proposal is for a larger building than before. By comparison, Table 1 illustrates dimensions of the proposed building which shows it is much smaller than before. These are maximum dimensions. Since the building has both a stepped roofline and footprint, the difference between the two would appear much greater than Table 1 illustrates. | | | | | | | | | | | | | | | | | | |
| 6.2.5 | <table border="1"> <thead> <tr> <th></th> <th>Previous</th> <th>Current</th> </tr> </thead> <tbody> <tr> <td>Height overall (m)</td> <td>5.0</td> <td>4.3</td> </tr> <tr> <td>Eaves height (m)</td> <td>4.1</td> <td>3.0</td> </tr> <tr> <td>Length (m)</td> <td>18.5</td> <td>13.5</td> </tr> <tr> <td>Width (m)</td> <td>10.6</td> <td>9.1</td> </tr> <tr> <td>Total Footprint (sqm)</td> <td>196</td> <td>114</td> </tr> </tbody> </table> <p>Table 1: Comparison of previous scheme (18/00087/FUL (withdrawn), and 18/03664/FUL (refused), against the current proposal</p> | | Previous | Current | Height overall (m) | 5.0 | 4.3 | Eaves height (m) | 4.1 | 3.0 | Length (m) | 18.5 | 13.5 | Width (m) | 10.6 | 9.1 | Total Footprint (sqm) | 196 | 114 |
| | Previous | Current | | | | | | | | | | | | | | | | | |
| Height overall (m) | 5.0 | 4.3 | | | | | | | | | | | | | | | | | |
| Eaves height (m) | 4.1 | 3.0 | | | | | | | | | | | | | | | | | |
| Length (m) | 18.5 | 13.5 | | | | | | | | | | | | | | | | | |
| Width (m) | 10.6 | 9.1 | | | | | | | | | | | | | | | | | |
| Total Footprint (sqm) | 196 | 114 | | | | | | | | | | | | | | | | | |
| 6.2.6 | The building is to be constructed to typical agricultural design and materials, and is considered appropriate in size for small scale agricultural uses. The building is to be located adjacent to the road, close the applicant's dwelling and would integrate with the group comprising a significant number of existing buildings around Ragdon Manor, even taking into account the traditional character of the single storey barns immediately opposite. | | | | | | | | | | | | | | | | | | |
| 6.2.7 | The development would not appear isolated in the countryside setting, it relates closely to Ragdon Bungalow and the land to which it is associated. For these reasons Officers comment that positioning elsewhere in the field (as has been suggested) would make the building more conspicuous at higher ground levels and thus would have the potential for landscape harm. | | | | | | | | | | | | | | | | | | |
| 6.3 | Drainage and surface water | | | | | | | | | | | | | | | | | | |
| 6.3.1 | The NPPF provides guidance on flooding in Chapter 14. Further, CS18 seeks to secure sustainable water management. | | | | | | | | | | | | | | | | | | |
| 6.3.2 | The site is in an area of generally lowest risk of flooding (Zone 1) according to Environment Agency Flood Maps. However there are plainly local concerns that development could increase the risk of flooding. It is understood the lane passing through Ragdon occasionally carries flowing water. | | | | | | | | | | | | | | | | | | |
| 6.3.3 | Further, concerns have been raised by a neighbour that the watercourse from the pond has been obstructed by the laying of hardcore and installation of a piped culvert under the proposed building. From consultation discussions, it is | | | | | | | | | | | | | | | | | | |

understood that in general terms, the obstruction of a natural watercourse requires a licence (Ordinary Water Consent), and should have been sought in this particular instance. The opinion of the neighbour is that a watercourse of this type has been obstructed, and would lead to flooding, and/or contamination of the water table. The neighbour has supplied an email in representations from an Environment Agency Customer and Engagement Officer that according to its own map, there is a "watercourse" flowing from the pond. For the avoidance of doubt, the full text of the email from the Environment Agency is reproduced as follows.

“Enquiry regarding: Ordinary Watercourse - Ragdon Manor, Ragdon, Church Stretton, Shropshire, ST6 7EZ

Thank you for your enquiry which was received on 25/05/2021

We respond to requests under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

Please refer to [Open Government Licence](#) which explains the permitted use of this information.

Flood Management Risk - ordinary watercourse

It is an ordinary watercourse that runs behind the property , which according to our maps starts at the nearby pond runs through the property and towards woodland.

It is for the Lead Local Flood Authority to address these issues, but anyone constructing a culvert on an ordinary watercourse would require a consent from the Lead Local Flood Authority which is Shropshire Council.

The council would have powers to take action if a culvert is constructed that is causing an increase in flooding.”

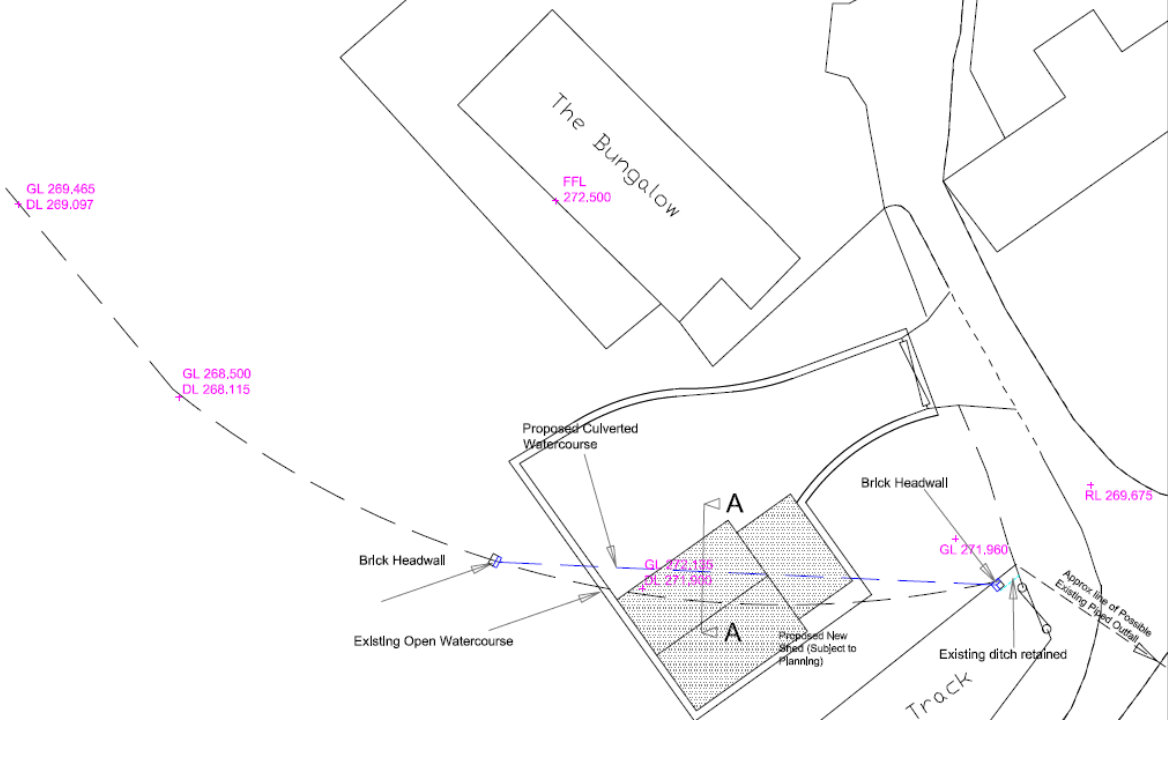
Customer & Engagement Officer

West Midlands Area

Shropshire Council has not formally consulted The Environment Agency and there would be no reason to do so for this application to be determined. All parties, including the Shropshire Council engineer, refer to a "watercourse", but the difference in opinion relates to its ability or otherwise to carry water, and how far from the pond, water would be able to flow.

6.3.4

The site has been visited and inspected by the Land Drainage Officer and Flood and Water Manager, in response to above concerns. (The Case Officer has not been informed of an inspection by the Environment Agency). It was observed during the Council’s inspection, that the ditch may on occasion carry overflow excess water from the pond (hence the requirement for an ordinary watercourse

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| | <p>consent). However, and crucially, due to gradient changes, very little water would reach the installed pipe but is more likely to flow from the watercourse down the field to the south-west. For that reason, the section of piped watercourse passing under the installed foundation was found acceptable, as confirmed in the consultation response from December 2020.</p> |
| <p>6.3.5</p> | <p>The agent has stated, the self made watercourse and ground levels in fact rise from the level of the pond, approximately midway along the ditch between the pond and site of proposed building.</p> |
| <p>6.3.6</p> | <p>Members are referred to the submitted Culverting and Watercourse Plan, part of which is illustrated below at Figure 1. The topographical survey shows there is a change in ground and ditch levels (GL and DL respectively) along the route of the ditch. At its lowest, DL is recorded in purple text as 268.115 (measured in metres above a datum point). The DL in the piped culvert section is 271.900, that being 3.8m higher. It would not therefore be possible for water to flow from the first to second point of measurement.</p> |
| <p>6.3.7</p> |  <p>Figure 1: Illustration of ground levels along route of watercourse showing that the level of the piped culvert is 3.8m higher than the lowest level of the watercourse in its route from the pond. (The 150mm culvert pipe begins at the brick headwall, dashed blue line). The septic tank is not shown but its soakaway drains to the lower left corner of the image and not along the watercourse</p> |
| <p>6.3.8</p> | <p>Representations have been received raising concerns about potential local water supply contamination. A neighbouring borehole provides drinking water to Ragdon Manor. The borehole is located @10m beyond the east side of the lane,</p> |

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| | and within the curtilage of Ragdon Manor. Concerns are that if the applicant's septic tank alongside the Bungalow were flooded by the pond, it would in turn contaminate the borehole. |
| 6.3.9 | <p>The immediate neighbour at Ragdon Manor has commissioned a report from Martin Hughes of Hughes Exploration and Environmental Ltd, of Leebotwood, Church Stretton. The report dated 10 October 2020 states:</p> <ul style="list-style-type: none"> • <i>you are correct to be concerned that the proposed development will impact on your water supply.</i> • <i>there is no record of an environmental seal having been installed and no evidence at the borehole to establish if, and to what depth, a seal was installed.</i> |
| 6.3.10 | <p>The report concludes:</p> <ul style="list-style-type: none"> • <i>The concern is that with any interference to the water course, and the potential build-up of bacteria from the septic tank, combined with the unstable gritstone in the near surface portion of the borehole; there is the likelihood of contamination to the Ragdon Manor Water supply.</i> |
| 6.3.11 | <p>In response to the neighbour commissioned report, the Flood and Water Management Team has been consulted for opinion and responded as follows:</p> <p><i>It has been established from the evidence supplied and from a meeting on site that given the lie of the land, water from the pond cannot flow past the septic tank and under the proposed building. Flow in the watercourse will not reach or pass the mid-section of the watercourse and thereafter will flow down the field.</i></p> <p><i>The existing septic tank is located on a ridge of high ground above the watercourse, where ground slopes to the west, east and south. The proposed 150mm pipe under the new building commences below the septic tank and due to the slope of the land will serve a very small area of contributing surface water flow.</i></p> <p><i>Whilst the 150mm pipe is of a sufficient size to convey any flow in the watercourse, given the slope of the existing ground from the septic tank, it is very unlikely to be impacted as a result of a blockage, with any exceedance flows being directed to the south away from the septic tank and the building.</i></p> |
| 6.3.12 | <p>Members are again referred to the submitted Culverting and Watercourse Plan, and the submitted plan which illustrates the position of the septic tank and soakaway for Ragdon Bungalow. It is evident that any contaminated water would flow into the field to the southwest, rather than towards the neighbour's borehole. For that reason, the Flood and Water Management team has raised no concern regarding the risk of contamination to the water supply of Ragdon Manor. Further, the case officer has discussed the matter with the Council's specialist dealing with private water supplies. She has confirmed that any deficiency in the borehole would be a matter for its owner to address and there is no prospect of an objection being raised to this application.</p> |
| 6.3.13 | Concerns have also been raised by the occupiers of Ragdon Manor that a water |

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| | supply pipe passes through the applicant's land. However no details of the route of the pipe have been provided, nor for what purpose it serves, given there is already a borehole. In any event such risk of harm would not amount to a reason for refusal and would otherwise be a civil matter between respective neighbours. |
| 6.4 | Highways |
| 6.4.1 | The NPPF at Para 108 seeks to secure safe and suitable access to development. |
| 6.4.2 | The lane descending through Ragdon is single vehicle width, though has passing places where necessary. There are two dwellings beyond Ragdon Bungalow, one being Ragdon Manor and the other being Ragdon Farmhouse where the public lane terminates. There is therefore no through traffic in Ragdon. |
| 6.4.3 | The agent has submitted in the application a copy of a Section 184 dated March 2019 which granted approval by Shropshire Council under the Highways Act to form a field access onto the public highway. The approved access corresponds with this planning application. |
| 6.4.4 | It appears that the initial comments made by WSP on behalf of Council Highways were based on a desk top assessment, without knowledge of the S184 agreement. |
| 6.4.5 | The Developing Highways Manager has since assessed the application and commented herself, taking account of the S184, the access as constructed and local circumstances. She has confirmed: <i>I would consider that the access is sufficient to accommodate the proposed development and therefore Shropshire Council as Highway Authority raises no objection to the granting of consent.</i> |
| 6.5 | Ecology |
| 6.5.1 | An ecological impact assessment (Ec IA) has been submitted based on a report dated July 2018. The site was again surveyed in June 2020. |
| 6.5.2 | The letter following the most recent survey states: <i>A previous eDNA survey carried out in 2018 returned a positive result. The previous survey was carried out earlier in the survey season (10th May 2018). The differing results between 2018 and 2020 may indicate that breeding was unsuccessful in 2020, as a late season survey should pick up larval DNA even if the adults have already left the pond. This might reflect a declining population or it could be related to the dry conditions experienced in 2020. GCN are a long-lived species, so it cannot be assumed that GCN are completely absent from the site, but rather it indicates that the condition of the pond is perhaps not currently optimal for successful breeding.</i> |
| 6.5.3 | The Ec IA concludes that construction and use of the proposed agricultural building would not have any potentially significant impacts on wildlife habitats or on protected/priority species, including GCN. It is recommended in the report that construction work can very likely proceed under non-licensed precautionary measures. |

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| 6.5.4 | The Council's ecologist has assessed the Ec IA and is in agreement with conclusions. Conditions and informatives are recommended to ensure that development takes place in accordance with the submitted Ec IA. Further, controls are recommended in terms of lighting to safeguard bat habitat. |
| 6.6 | Visual impact and landscaping |
| 6.6.1 | Chapter 15 of the NPPF seeks to conserve and enhance the natural environment. Planning decisions should recognise the intrinsic beauty of the countryside. Further, great weight should be given to conserving and enhancing landscape and scenic beauty (eg AONB). The Core Strategy and SAMDev Plan take a similar approach through CS17 and MD12. |
| 6.6.2 | The development would be visible in some places (eg field gate entrances) from the unclassified road passing under Ragleth Hill, but is generally well screened by the intervening roadside hedge. Otherwise the development would be visible from public locations on Ragleth Hill, but in the context of existing buildings in Ragdon, and scattered development in the local area, the building would not appear unduly prominent and as an agricultural building would not appear out of character or context. Nevertheless, there is considered scope for some screening on the western gable, which would offer additional ecological benefits. In that regard a landscaping scheme to break up the outline would be a desirable and proportionate requirement by condition. |
| 7.0 | CONCLUSION |
| 7.1 | Extensive consultation has been carried out, particularly with the Council's Drainage and Flood Risk Manager who has visited the site. Council specialists have confirmed the development would not cause any demonstrable harm to the water environment, highway network, nor ecological interests. The development is considered appropriate in scale, design and position taking account of the small-scale nature of the agricultural enterprise. It is considered reasonable for the machinery already owned and specified to be stored under cover. The development complies with the NPPF, the adopted Core Strategy and SAMDev Plans CS5, CS6, CS17, CS18, MD2, MD7b and MD12. It is therefore recommended that planning permission be granted subject to the conditions as set out below.. |
| 8.0 | Risk Assessment and Opportunities Appraisal |
| 8.1 | Risk Management |
| | <p>There are two principal risks associated with this recommendation as follows:</p> <ul style="list-style-type: none"> • 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 |

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| | <p>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.</p> <p>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.</p> |
| 8.2 | Human Rights |
| | <p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p> |
| 8.3 | Equalities |
| | <p>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.</p> |
| 9.0 | Financial Implications |
| | <p>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.</p> |

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and SAMDev Plan Policies:
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7b - General Management of Development in the Countryside
MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

18/00087/FUL Erection of an agricultural implements store and new field access WDN 9th
February 2018
18/03664/FUL Erection of an agricultural implements store and new field access REFUSE 28th
September 2018
SS/1986/37/P/ Erection of an extension to existing dwelling and formation of vehicular access.
PERCON 11th March 1986

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=QGRJWHTDHBS00>

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| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) |
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| Ecology Report |
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| Cabinet Member (Portfolio Holder) Councillor Ed Potter |
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| Local Member |
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| Cllr Cecilia Motley |
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| Appendices APPENDIX 1 - Conditions |
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APPENDIX 1

Conditions

STANDARD CONDITION(S)

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

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

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

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

3. Prior to above ground works taking place, a scheme of surface water drainage will be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the building is brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

4. The development shall not be brought into use until a landscaping and boundary treatment plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a) Planting plans
- b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment);
- c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate;
- d) Native species used are to be of local provenance (Shropshire or surrounding counties);
- e) Maintenance plan of existing and proposed trees and hedgerows

The plan shall be implemented as approved in the planting season during first use of the development , or if not possible, the first planting season following first use.

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

5. 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 Interim Guidance: Recommendations to help minimise the impact artificial lighting.

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

6. Development shall take place in accordance with the Letters dated 21st August 2020 and 18th January 2021, prepared by Wilkinson Associates Environmental Consultants, unless otherwise approved in writing by the Local Planning Authority. Works shall be overseen and undertaken where appropriate by a licensed, suitably qualified and experienced ecologist.

Reason: To ensure the protection of biodiversity in line with NPPF

7. The building hereby approved shall only be used for agricultural purposes, though excluding the accommodation of livestock, and manure storage.

Reason: In the interests of neighbouring residential amenity which could be harmed if the building were used for livestock.

Informatives

1. In arriving at this decision Shropshire Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

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Committee and date

Southern Planning Committee

7 September 2021

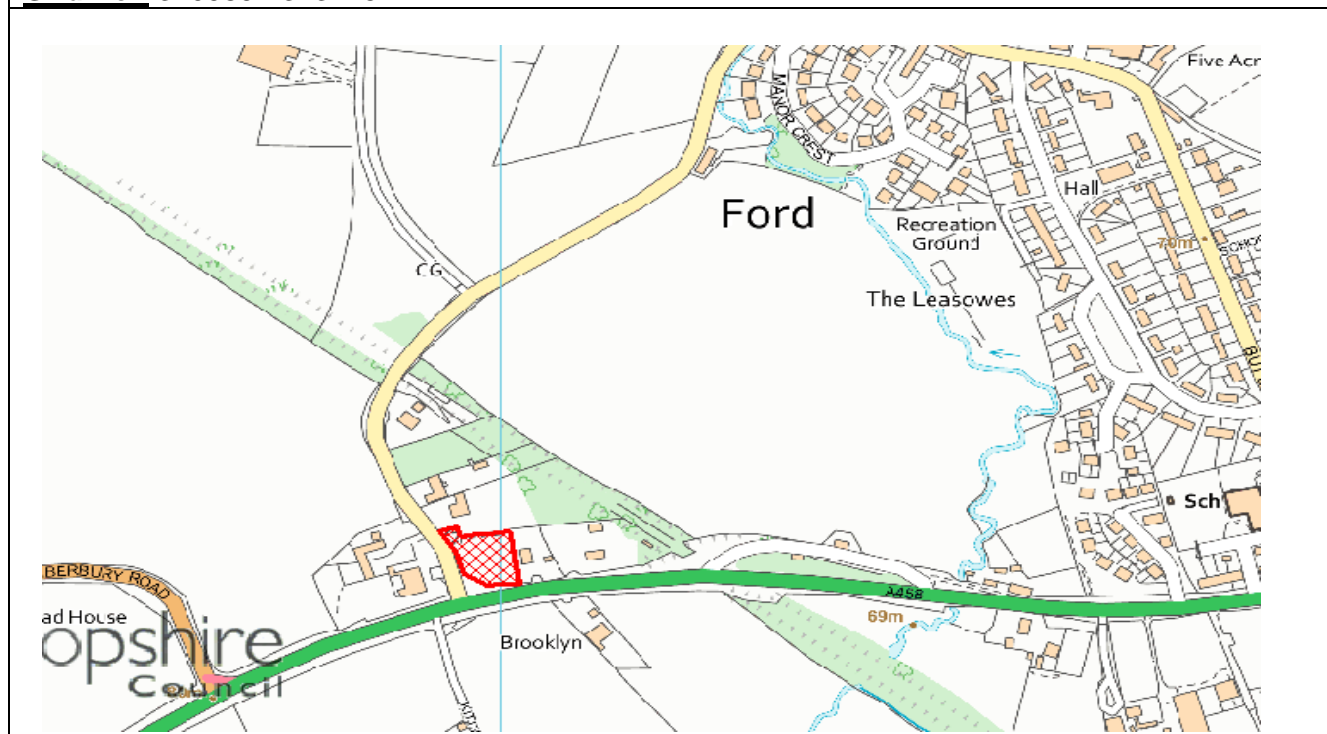
Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

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| Application Number: 21/00475/OUT | Parish: | Ford |
| Proposal: Outline application (access for consideration) for the erection of two (open market) dwellings | | |
| Site Address: Former Bowling Green Ford Shrewsbury Shropshire | | |
| Applicant: Mr J Owen | | |
| Case Officer: Tim Rogers | email | : tim.rogers@shropshire.gov.uk |

Grid Ref: 340989 - 313225



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 Agreement for a financial contribution to affordable housing provision.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seek outline consent for the erection of two detached dwellings on the site of a former bowling green to the west of Ford.
- 1.2 All matters other than the point of access are reserved for later approval. It is intended that the site will be accessed off the west boundary. A new access has been proposed further south than the existing access in order to provide visibility of 2.4 metres x 43 metres. The access point will be 5.5 metres wide with adequate space for vehicles to turn and enter and exit the site in a forward gear. There would be a shared access drive for both properties.
- 1.3 Planning permission was previously refused on the site in 2012 for the erection of a two storey (30 bedroom) motel building, including ancillary rooms and car parking (12/03558/OUT). The reasons for refusal included scale, loss of the bowling green, generation of noise due to scale, and the requirement of further information demonstrating economic and community benefit.
- 1.4 There is a current live application (19/04500/FUL) for the change of use of land to a self-storage site comprising of 59No. storage units; formation of access and 2No. parking spaces.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated to the north of the A458 immediately to the west of the junction with a lane which runs north into the village of Ford. The site has existing detached dwellings to the north and east, the A458 to the south, the lane to the west across from which is a pub/restaurant (The Smokehouse).
- 2.2 The site is well screened from the main road and surrounding properties by existing vegetation. It has an area of approximately 0.2 Hectares and has previously been used as a bowling green though not for several years.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Parish Council have submitted a view contrary to officers. Further, the application has been considered by the Principal Planning Officer, Vice Chair and Chair of the Planning Committee, in conjunction with the views of the locally elected Member and have taken the view the application should be determined by Committee.

4.0 COMMUNITY REPRESENTATIONS

- 4.1 **Consultee Comments**

4.2 **Parish Council** - objection

The Parish Council objects to this proposal as this site is in Open Countryside and the parish council wishes to remain as such in the Local Plan Review.

The parish council is also concerned that this is an outline rather than full application as the full detail of the proposal cannot be assessed and could change significantly.

4.3 **SC Highways** - No objection - Subject to the development being constructed in accordance with the approved details and the following conditions and informative notes (see end of report).

The proposed access arrangements as detailed on Indicative Site Plan Drawing No. SA34554-BRY-ST-PL-A-002 are considered to be acceptable for the proposed development. Consideration of providing direct pedestrian connectivity between the site and the existing facility at the junction of the A458 should be provided.

The proposed internal layout as currently indicated is likely to result in the access drive to plot 2 being blocked by vehicles parking in front of plot 1's garage. The garage should be set further back and/or the alignment of the private drive to plot 2 should be revised

Based upon the information contained within the submitted application it is considered that, subject to the conditions listed above being included on any approval, there are no sustainable Highway grounds upon which to base an objection.

It is advised that prior to the submission of the required information for the Traffic Management Plan, the applicant/developer should contact Shropshire Council's Street Works Team on the following link to approve details prior to applying for the discharge of the condition.

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

4.4 **SC Affordable Housing** - No objection. The proposed development falls below the threshold by which the Local Authority are able to require a contribution towards affordable housing.

4.5 **SC Drainage & SUDS** - No objection - The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

4.6 **SC Ecology** - The proposal should be assessed against standing advice provided by the ecology team.

4.7 **Sport England** - The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

General guidance and advice can however be found on our website:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#planning_applications

If the proposal involves the loss of any sports facility then full consideration should be given to whether the proposal meets Par. 97 of National Planning Policy Framework (NPPF), link below, is in accordance with local policies to protect social infrastructure and any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

If the proposal involves the provision of a new sports facility, then consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If the proposal involves the provision of additional housing (then it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.

In line with the Government's NPPF (including Section 8) and PPG (Health and well-being section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal. Active Design provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity.

NPPF Section 8: <https://www.gov.uk/guidance/national-planning-policy-framework/8-promoting-healthycommunities>

PPG Health and well being section: <https://www.gov.uk/guidance/health-and-wellbeing>

Sport England's Active Design Guidance: <https://www.sportengland.org/how-we-can-help/facilities-andplanning/design-and-cost-guidance/active-design>

4.8 **Public Comments**

4.9 A single letter of objection has been received to the proposal. the comments are as follows:-

Although we object to the development on the grounds that the site is outside the village envelope and therefore open countryside, we have no doubt that planning permission will be granted.

The existing fence on Eastern boundary of the site belongs to Fair Acre, providing security and privacy, and must remain. The site plan indicates a landscape buffer. This is not a substitute for the existing fence.

Para 2.4 says "we fully respect the need to design the dwellings to respect the local vernacular" - the property adjacent to Fair Acre should therefore be a bungalow to match Fair Acre and Appleby.

Para3.5 - Additional landscaping should be provided to ensure that the site is well screened from adjacent properties and not just the Smokestop. We have enjoyed a high degree of privacy and have a right that this should not be compromised, as was set out in the Planning Inspectorate decision on the Motel appeal. So, we would request that should planning permission be granted then it be conditional that no windows directly overlook our house or garden.

The application drawings show the extent of the proposal. However, the drawing show a single plot of land and we contest that the applicant does not own all the land, as the frontage on Back Lane adjacent to Fair Acre is an unregistered part of Fair Acre. Unregistered because the Ford Bowling Club were using it. Our deeds have been destroyed but those of Appleby clearly show the extent of Fair Acre registered in 2001.

The previous owner of the bowling green had no legal ownership or right to that parcel of land and when applying for planning permission for the motel did not/could not include the land in the application. I refer you to the previous 2012 application (Application Number: 12/03558/OUT) to build a motel where the land owned by the previous owner is shown on the supporting plans. The only land the applicant could have purchased from the previous owner is the actual bowling green.

As with the previous application to place shipping containers on the bowling green the application contains some economies of facts to put the application in a favourable light. Whereas they may have no bearing on planning law, in my professional experience such statements lead one to question the accuracy and validity of other content within the documents.

In the Planning Statement:

Para 1.3 - The adjacent properties are Marlden and Fair Acre, not as stated.

Para 1.4 - Ford Bowling Club still exists but does not field teams in the local leagues this is contrary to statement made in para 1.4.

Para 1.7 - The community supported the Parish Councils attempt to buy the bowling green but could not generate sufficient funds to match the inflated value put on the site by the then owner.

Para1.8 - The statement is a thinly veiled threat to residents of a worse-case scenario if planning permission is not granted because of our objections. Not very professional on the part of the planning consultants. According to our local councillor, the application for a storage site was withdrawn as it would have been called to full Planning Committee and would not have succeeded given the objections raised.

Para 2.5 - A recent Parish survey showed that was no local demand for this type of housing.

Para3.10 - The Ford Bowling Club was a non-profit making members club which paid no rental on the bowling green, and so could not be considered a commercial use. The infrastructure was temporary in nature and did not remain on the bowling

green, everything was removed and used at other local bowling clubs within weeks of the failure to secure the green for the community.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Affordable Housing
Loss of bowling green
Previously developed land
Other considerations

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is outside the settlement of Ford where open market housing would be contrary to the adopted development policies relevant to the location of housing including CS1, CS4, MD1. The proposal also does not meet the criteria for residential development that would be permitted in the countryside under policy CS5 and MD7a. As such the application should not be supported unless there are other material consideration which would outweigh the conflict with adopted policies.

6.1.2 Although clearly outside any settlement that is designated as suitable for new development within the adopted local plan, the site is surrounded by existing buildings and highways such that it would effectively form infill development within a cluster of properties around a road junction. This is a traditional pattern of development across the county as a whole.

6.2 Siting, scale and design of structure

6.2.1 Although an indicative layout has been supplied with the application it is an outline application with all matters other than the point of access reserved for later approval. What the indicative plan does do however is to clearly demonstrate that there is adequate room within the site to provide two detached dwellings with substantial curtilages, and adequate space for the parking and turning of vehicles. The development of the site for two dwellings in the form identified would be in keeping with the character of other residential properties in the immediate locality. This would be in line with the requirements of adopted policies CS6 and MD2. Development of the site for more than two dwellings, although possible in terms of the site area, would begin to conflict with the need to reflect the existing character of the area.

6.2.2 The site is roughly square in shape and has highways on two sides with residential properties on the other two sides. The implications for the occupiers of the neighbouring properties will be a consideration once the full design of any new dwellings on the site is known, but there is no reason to conclude at this stage that two properties could not be designed and accommodated on site, in a form which would not prejudice the amenity of immediate neighbours.

- 6.2.3 The existing access point into the site is at the northern end of the site frontage to the lane into Ford. the proposal is to move the access to the south closer to the middle of the road frontage to improve the visibility. The access details have been assessed by the highways consultants acting for the Council and no objections have been raised subject to the imposition of a number of conditions which are set out at the foot of this report.

6.3 Visual impact and landscaping

- 6.3.1 Without the details of the proposed dwellings forming part of the current application the visual impact of the proposal is difficult to fully assess. It is however true to say that the site is well screened from the A road to the south and that there is no reason to believe that this would not be maintained by any development. Furthermore in being surrounded by highways and existing development the site is not in an isolated or prominent location whereby is development for residential use as proposed would be a significant or unacceptable change.
- 6.3.2 The landscaping of the site including the retention and planting of new trees/hedgerows would be one of the details required by the submission of a further reserved matters application.

6.4 Affordable dwellings

- 6.4.1 A development of two dwellings would not ordinarily attract a contribution to the provision of affordable housing. However in this case the applicants have confirmed that they recognise that the site is not policy compliant, and that there is an ongoing need to provide affordable housing across the county, and as a result they are prepared to make a financial contribution towards off site affordable housing provision. The contribution would be calculated in accordance with the Councils adopted supplementary planning document relating to affordable housing provision at the prevailing rate for the area. This would amount to a figure of £34,650 at the current rate. The provision of this contribution is a factor that can be given weight in the planning balance when determining the application and assessing whether there is sufficient justification to outweigh the conflict with adopted policies.

Loss of bowling green

- 6.5 The application would result in the permanent loss of a bowling green although it has not been in use since 2015. Prior to the current applicants acquiring the site it was for sale and there was the opportunity for it to be purchased and run as a community facility had there the desire to do so. Whilst acknowledging that there has been no intervening use since its last use as a bowling green, given the length of time that the site has been vacant, and its restricted size in terms of any other sporting or recreational use, it is not clear that it meets the definition of an 'existing' open space or sports facility as set out in the NPPF. As such officers do not consider that the requirement to meet one of the tree tests as set out in para 99 of the NPPF is engaged.
- 6.5.1

Previously developed land

6.6

- 6.6.1 As the site has previously been developed as a bowling green with associated infrastructure (now removed) it is classed as previously developed land rather than a greenfield site. The redevelopment of previously developed land ahead of greenfield sites is a clear aspiration of both national planning guidance (NPPF) and adopted local plan policies.

Other considerations

6.7

- 6.7.1 In the single public representation received in respect of this proposal a number of issues are raised in relation to the detail of the proposal which of course are not included for determination at this stage. It also includes a request that one of the proposed properties should be a bungalow. It is not considered necessary to impose a condition requiring this at present as the potential impact on adjoining properties including privacy implications and compatibility of design will be fully considered at reserved matters stage.

- 6.7.2 Another issue raised in the public representation relates to site ownership and the fact that the applicant may not own all of the land identified in the application. Whilst this is noted, the applicants or their agents have certified on the application form that they do own all of the site. Should this prove to be incorrect in the future then this may prejudice the development but it is nevertheless a civil matter between property owners.

- 6.7.3 Finally, the objection raises concerns about the validity or accuracy of some of the statements raised in the applicants supporting documents. Once again this is noted but is not considered to prejudice the determination of the application. For clarification there is a statement made in the supporting statement that a live application for a storage facility on the site (ref 19/04500/FUL) has officer support when this is not the case.

7.0 CONCLUSION

- 7.1 The assessment of this application is undoubtedly finely balanced. On the one hand there is a clear conflict with the requirements of the adopted policies in particular CS5 and MD7a which should be the starting point for any assessment. On the other hand the proposal is for the redevelopment of a previously developed site, within an existing cluster of properties, which would make a modest contribution to new housing provision across the county, and would also make a financial contribution to the provision of new affordable dwellings. It is difficult to see any alternative use for the site in the long term.
- 7.2 Taking into account all of the above officers have concluded that the overall balance of considerations weighs marginally in the positive and accordingly the recommendation is that the application be approved subject to the conditions as set out below and a S106 Agreement requiring the financial contribution to affordable housing off site as set out above.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

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

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

21/00475/OUT Outline application (access for consideration) for the erection of two (open market) dwellings PDE

SA/88/0798 Conversion of barns to dwellinghouses. REFUSE 6th September 1988

SA/82/0255 Erection of an agricultural workers dwelling house. (0.16 hectare). REFUSE 6th July 1982

SA/88/1427 Conversion of barns to dwellinghouse. PERCON 3rd March 1989

SA/75/0548 Change of use of existing building to the repair and maintenance of tractors and agricultural machinery. REFUSE 4th November 1975

SA/78/0725 Use of existing buildings for agricultural machinery repair and maintenance at farm buildings. REFUSE 31st August 1978

SA/74/0764 To erect and display one illuminated standard sign. PERCON 13th January 1976

SA/86/1031 Erect and display two number externally illuminated wall boards (marked A and C on submitted plan), one number externally illuminated fascia sign (marked D) on one number amenity board (marked B). Erect and display one number fascia sign (marked E on the submitted plan). SPLIT 12th February 1987

SA/99/0052 Erection of double garage and conversion of existing garage into living accommodation. PERCON 17th February 1999

SA/03/0330/F Erection of a single storey side extension between existing property and garage REFUSE 28th April 2003

19/04500/FUL Change of use of land to a self-storage site comprising of 59No. storage units; formation of access and 2No. parking spaces PCO

21/00475/OUT Outline application (access for consideration) for the erection of two (open market) dwellings PDE

Appeal

SA/APP/03/0330/F Erection of a single storey side extension between existing property and garage ALLOW 19th September 2003

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)

Cabinet Member (Portfolio Holder)
Councillor Ed Potter

Local Member

Cllr Roger Evans

Appendices
APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. Approval of the details of the appearance of the development, layout, scale, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: The application is an outline application under the provisions of Article 5 of the Development Management Procedure (England) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

5. No development shall take place, including any works of demolition, until a Traffic Management Plan for construction traffic has been submitted to, and approved in writing by, the local planning authority, to include a community communication protocol. The approved Statement shall be adhered to throughout the construction period.

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

6. Before any other operations are commenced, the proposed vehicular access and

visibility splays, shall be provided and constructed to base course level and completed to adoptable standard as shown on the application drawings before the development is fully occupied and thereafter maintained. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

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

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

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

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

8. The new access junction and closure of the existing 'northern' access shall be satisfactorily completed and laid out in accordance with the Indicative Site Plan Drawing No. SA34554-BRY-ST-PL-A-002 prior to the dwellings 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

9. Prior to the dwelling hereby permitted being first occupied the access, parking and turning areas shall be satisfactorily completed, laid out and maintained in accordance with the Transport Plan Drawing No. 41001-A 02 002 Rev 01.

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

10. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the dwellings being occupied.

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

11. Prior to the development hereby permitted being first occupied a footpath link/provision shall be provided along the site frontage from the southern side of the new access to the existing footway provision at the junction of the A458 and shall be fully implemented in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

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

12. The development hereby approved shall be for a maximum of two dwellings only.
Reason - To reflect the character of the locality and pattern of existing development in accordance with the requirements of policies CS6 and MD2

13. 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.

Informatives

1. 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
2nd Floor Shirehall Abbey Foregate Shrewsbury Shropshire SY2 6ND WWW.WSP.COM
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or
- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

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.

Mud on highway

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

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.

Waste Collection

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e. wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, in order to ensure that all visibility splays, accesses, junctions, pedestrian crossings and all trafficked areas of highway (i.e. footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>

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