



Date: Tuesday, 27 October 2015

Time: 2.00 pm

Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Contact: Emily Marshall, Committee Officer
Tel: 01743 257717
Email: emily.marshall@shropshire.gov.uk

NORTH PLANNING COMMITTEE

TO FOLLOW REPORT (S)

11 Date of the Next Meeting (Pages 1 - 8)

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 24th November 2015 in the Shrewsbury Room, Shirehall, Shrewsbury.

This page is intentionally left blank

NORTH PLANNING COMMITTEE

SCHEDULE OF ADDITIONAL LETTERS

Date: 27th October 2015

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application	Originator
5	15/01802/FUL (Moor Farm, Baschurch)	Objectors

Additional objections have been received from 7 objectors:

- Applicant seeks to use the UK's target from the EU on production of renewable energy as a justification however this cannot be used under planning law, and is no longer valid
- The UK will meet its target for renewable electricity generation according to the Renewable Energy Foundation, and will overshoot its target by over 25% according to REF
- Applicant's work cannot be regarded as independent as stated
- Assessment of alternatives does not take into account full availability of commercial roofspace; potential output is likely to be materially more than is suggested
- UK has 250,000ha of south facing commercial roofspace; other than three very small areas, none of this has been analysed by the applicant
- Agent claims that solar panels that reduce consumption should be thought of differently to solar panels adding to the energy network is false
- Application has not properly and thoroughly assessed non-agricultural alternative sites
- Ministerial statement seeks to prevent this type of development which is best and most versatile agricultural land
- Appeal decisions quoted by the applicant are not relevant
- Assessment of alternatives report incorrectly refers to land as lower quality, therefore all conclusions relating to value or quality of land must be discounted
- Government document UK Solar PV Strategy states that best practice includes focussing on non-agricultural or land of lower agricultural quality
- Proposal would divert BMV land from food production
- Solar farm would not exclusively support the farm, as the financial return will be split with undisclosed parties; no evidence that the farm would benefit financially, therefore no weight should be given to this
- Keeping the BMV land in agricultural use for sheep grazing in reality is using sheep to cut grass
- Alternative land should not be discounted on the basis that the attitude of the owner affected in unknown
- The 1km distance from the point of connection constraint has no merit as the site could connect to an 11kv network
- Report overstates lack of existing alternatives in respect of cost of building a road; 5% gradient or more; presence of heritage sites
- Landowners of other viable sites have not been consulted in relation to the availability of the land; much more of Shropshire is available than is suggested by the applicant
- Applicant has identified alternative sites that could be used which are not BMV land, so such land should not be sacrificed
- Constraint maps submitted are misleading
- Severe disruption of digging up road for cable has not been mentioned
- 1km radius should centre on the substation not the connection point
- Additional sites would be viable if a 2km radius were used
- Submitted report incorrectly states that there is a power line crossing the site
- 25 year site cannot be considered to be temporary
- Vehicle movements are severely inaccurate

- Limited sheep grazing on land would limit biodiversity; agricultural land is lost to proper use for 25 years
- Report's suggestion that if there are alternative suitable sites these should be permitted as well as not instead of is wrong given need to protect BMV land
- Landscape proposals map is inaccurate – there are no trees planted on site landowner's land; there are less trees than shown; will be difficult to screen from Boreatton given topography, especially in winter
- No additional screening has been proposed for Boreatton House
- Tree species being proposed include Oak which is poisonous to horses
- Application incorrectly states that the site is located below a 33kv power line; the power line falls outside of the site
- Site is not deliverable as it does not include for grid connection

Item No.	Application	Originator
5	15/01805/FUL (Moor Farm, Baschurch)	Planning Officer

Grid connection: It is proposed that the solar farm would be connected to the electricity grid network via a cable that would run from the proposed substation on the site to a connection point that is located approximately 170 metres to the south of the site. Officers have assessed the application on the basis that the construction work associated with this connection would be undertaken by the Distribution Network Operator (Scottish Power) under their 'permitted development' rights for which no planning permission is required. The applicant's agent has confirmed that this is the case. For this reason the route of this connection does not form part of the current planning application.

Existing electricity lines: In the submitted Assessment of Alternatives report the applicant's agent has included a plan which indicates that there is an existing 33-66kV electricity line that runs across the northern part of the application site. This is not correct – the line has been incorrectly plotted, and actually runs just to the north of the application site. No overhead line crosses the site.

Item No.	Application	Originator:
8	15/02054/OUT (Bryn Benlli)	Applicant

The applicant has submitted comments as attached.

NORTH PLANNING COMMITTEE
SCHEDULE OF ADDITIONAL LETTERS

Date: 27th October 2015

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application	Originator:
6	15/02681/FUL (Castlefields)	Supporters

Paragraph 4.2.1 of the Committee report refers to 113 public representations opposing the proposal having been received. This should read 93 letters of objection and 1 letter of support.

Since publication of the report 6 further letters of objections have been received and 41 letters in support. The letters of objection raise no further significant planning issues to those as outlined in the report. Comments made include the following:

- The comments submitted post report publication appear to originate the developer, his wife and local friends.
- They do not appear to have read the application.
- As they are after the 21 days consultation period they should not be considered.
- The development is not a touring caravan park but 20 prefab holiday lodges.
- There will be only small visitor numbers from such a development, outweighed by the visitor losses from the loss of the car park.
- During the summer and fine weekends and weekdays the car park is often packed with cars from visitors.
- The supporters of the application must not have seen the level of usage of the car park.
- The car park and the unspoilt Mereside heritage should be retained.

The letters in support can be summarised as raising the following planning issues:

- Market Towns have suffered from big name supermarkets and car park charging.
- The proposal would turn a little used car park to a touring site for the benefit of the town.
- Majority of objectors are tourists and would agree that considerable amount of money are spent in local shops when taking a break.
- Ellesmere would be a lovely spot for a caravan site.
- It would be good to walk into Ellesmere for meal etc. and return to the idyllic setting beside the Mere.
- More people staying for more than 1 day would benefit the town.
- Some tourists only visit the lake and do not go into the town
- The landscape and architecture of the area is worth more than a day trip. It will allow people to stay long and enjoy more.
- The town needs tourism to help.
- Let the applicant show how positive a change can be made
- If the application is refused what will be developed on the site?
- There is no caravan park or facilities for families.
- It is perfect for families as it is secluded from the main road.
- The townsfolk should be supporting the application to show off the town.
- A small caravan site would not cause any problems to the town
- Booking bed and breakfast in the area is difficult
- This appears to be a high quality development by a local businessman on a brown field site
- Appropriate development should be embraced to build a thriving commercial town that will attract more visitors and create more local jobs
- Developments of this nature are key to securing the economic prosperity for the town

- There is little support from local residents to local businesses
- Other car parks in the town would encourage visitors to use the town centre.
- Lodge parks are not ugly or ghastly eyesores.

Item No.	Application	Originator:
6	15/02681/FUL (Castlefields)	Objectors

The applicant has submitted via his agent further information and this was received post publication of the report. The further information received refers to:

Further information on ecology in the form of a report/rebuttal from Turnstone Ecology.

The ecology report refers to ecological issues as referred to in the report and recommends mitigation/management that could be considered subject to conditions to any approval notice subsequently issued. The report indicates that Great Crested Newts are very unlikely to be present within or immediately adjacent to the development site.

Further information has also been received in relationship to impacts on heritage assets. The report indicates that the assessment of impacts on the setting of heritage assets are objective and sound. The tranquillity of the area is at best, seasonal and intermittent and that views will change from cars to lodges. The site is on the eastern extremity of the Conservation Area which has no bearing on the character of the tight-knit urban core of the town apart from being part of the rural hinterland, the report acknowledges the need for trial excavations and appropriate archaeological watching brief for groundworks both of which could adequately be covered by conditions.

The report indicates that there are no definitive rights of way in or adjacent to the site and that the existing footpaths are not recognised by Shropshire Council. As either public or permissive footpaths.

Concerns are raised about parking provision on site in that no substantial reasons have been given with consideration to refusal on this matter other than consideration to photographs provided by local residents.

The further information refers to Ellesmere having the benefit of extensive parking facilities in the town and that the use of this car park is extremely limited.

Also submitted as additional information is a report on the economic impact of the holiday parks industry in Wales, a report on the holiday and touring parks contribution and a letter from the Managing Director of Salop Leisure on holiday home provision in the Midlands and Mid – Wales and this comments on the economic benefits arising from holiday homes.

Also submitted as further information in support of the application are copies of emails from the Corporate Landlord Officer of Shropshire Council.

In response to the above-mentioned further information the Council's Planning Ecologist has responded indicating that the loss of the Environmental Network area must be considered in relation to Core Strategy Policy CS17 and SAMDev Policy MD12. The Council will need to determine whether the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets.

If the Council is minded to approve the application conditions are recommended in addition to those previously recommended on bats, badgers, reptiles and birds.

The Council's Conservation Manager has responded to the further information indicating:

'Whilst the rebuttal and the revisions to the HA are acknowledged, it still is not agreed with. In fact there is no revised or maintained level of assessment of harm, therefore it is assumed that the conclusion in the original HA submitted, which suggests "virtually no impact" still applies. It is offered that there is still impact which is still considered by the HE Team to be less than substantial harm (as documented in original comments on the application). It is considered that the open landscape nature and with very limited built form interrupting it are elements that are significant about the CA in this area and therefore contribute to the setting of Area 1 (within which is the application site) and this is not being considered when assessing harm. Also, it is noted that most of the weight is given to the Castle as "the most important" but the whole area is within the CA, which in itself is a Designated Asset, and under the Act requires proposed development to contribute to preserving or enhancing of the character or appearance of the Conservation Area (as noted in original comments made by HE Team).

In relationship to the comments about the tranquillity of the area is, at best, seasonal and intermittent. The view will change – the cars replaced by new lodges. Tranquillity is a part of the overall make-up of the significance of the CA in this area, not just the only one and the comments that the site is on the eastern extremity of the conservation area which has no bearing on the character of the tight-knit urban core of the town apart from being part of the rural hinterland.

The Conservation Manager states that the open landscape area contributes to the significance of the areas as referred too, through considering wider setting. Furthermore the revision to the HA indicates that inclusion of this part of Area 1 was to "presumably protect the setting of the Mere and the southern approach to the town Centre" - this is agreed – and as described "Tranquil areas of high landscape quality" for that very reason.

The reports acknowledges the need for trial excavations and appropriate archaeological watching brief for groundworks both of which could adequately be covered by conditions' to which the Council's Archaeology Manager has commended that he accepts that any direct impact on any archaeological interest on the proposed development site itself could be mitigated through the inclusion of an appropriate condition as part of any planning permission. However advice has also been given regarding the effect of the proposed development on the setting and significance of Ellesmere Castle as a Scheduled Monument.

Further comment has also been received from **Shropshire Wildlife Trust** who comment that whilst the further information received has been very helpful in clarifying a number of points the Trust still has concerns relating to development within the Environmental Network.

The various components of the Environmental Network are not necessarily priority habitat or designated sites. Even in 'unfavourable' condition the MG5 grassland contributes to this network and so is a planning consideration.

The introduction of conservation management to enhance the ecological value of a retained portion of a site would in many cases be considered to be suitable compensation for the area lost to development.

In this case however the entire area (other than the area of hard standing) has been subject to over 20 years of funding to create and then maintain priority habitat. If this has failed to deliver the desired result, which the assessment of 'unfavourable condition' would indicate, then it is questionable whether continuing with the current HLS management will be effective.

Should the planning authority be minded to grant permission it should be on condition that the previous management of the site is reviewed to determine why the grassland is in an

unfavourable state. A new plan would then need to be agreed that made the best use of the resources already expended on the site, that compliments the management activities on neighbouring sites and that is fully funded in perpetuity. Such a review would benefit from input from Shropshire Council Ecologists, Shropshire Wildlife Trust and Natural England. Such a condition should be discharged prior to commencement of development work on site.

Discussions between the Case Officer and the Environmental and Economic Team Leader regarding the policy implications. It is recognised in policy CS3 and CS7 of the Core Strategy and the Ellesmere Place Plan support applications that will benefit local business provided its high quality landscape, particularly environmental and historic assets are recognised. However the 2015-16 Place Plan for Ellesmere also identifies a number of transport improvements that the community require including improved car parking and that there is a shortage of parking spaces within the town centre. Removing an existing car park would be exacerbating the situation.

The Rights of Way Officers have confirmed that the site is crossed by a “Family Friendly Walk” – the Ellesmere Extravaganza. However this does not follow a public right of way. It would be possible for this to be moved on to other council land. The Shropshire Way runs to the north of the site and is not affected by the proposal.

Item No.	Application	Originator:
6	15/02681/FUL (Castlefields)	Officer

The Agent has provided further information in regard to the historic, environmental and economic aspects of the proposal. It is also noted that there have been a number of letters of support received in connection with the application after the publication of the report.

However whilst some of the information has overcome some of the issues raised previously it has not overcome all and of particular concern is the impact the proposal will have in connection with the historic environment and the comments from the Historic Environment Team and also the impact it will have on the landscape of the area as detailed by the Shropshire Wildlife Trust and the Ecologists. Officers would like to point out to the Planning Committee that due to the lateness of the submission of the information it has not been possible to re-consult with Historic England who had recommended either refusal or deferment as the submissions thus far had not met the requirements of the NPPF.

In terms of the economic impact the information from officers in the Countryside Access Team is that the car park takes approximately £3,000 a year which at a £1 a day equates to 3,000 cars a year using the site. However it is evident that this does not show a true figure as the parking meter on the car park is not always working and therefore the usage of the car park could be much more. In addition the Place Plans for Ellesmere identify that there is a need for more car parking provision, and removing an existing car park does not achieve this aim of the local community and could make the situation worse. It is acknowledged that the car park is used by visitors to the Mere, the surrounding recreational open space and the town centre itself.

Whilst the agent has clearly stated there are no statutory or permissive rights of way across the site, the area is recognised as public open land and clearly has sign posted trails over it, and there is the marked Sculpture Trail which appears to be a well used path and one which provides a circular walk connecting the Mere, the Canal and the Town Centre.

In conclusion whilst it is acknowledged that some of the further information received does address part of the reasons for refusal as outlined in reason number 3 of the Officer recommendation reasons for refusal, it is considered that the application lacks sufficient information on historic and landscape character and impacts or justification in relationship to economic impacts in relationship to Ellesmere and in particular in relationship to the loss of an

existing car parking facility.

It is also considered that the proposal will have harm and impact in relationship to the surrounding natural and historic environment which forms part of the Ellesmere Conservation Area and within close proximity to the site is a schedule ancient monument. Development on site it is considered will neither preserve or enhance the setting of the Conservation Area and as such the proposal is considered contrary to Policies CS5, CS6, CS16 and CS17 of the Shropshire Core Strategy, Policies MD8, MD11, MD12 and MD13 of the emerging SAMDev and the overall aims and objectives of the NPPF. As such the recommendation is one of refusal for the following reasons:

1. The proposed development site is in a sensitive location being within the Ellesmere Conservation Area, close to a Scheduled Ancient Monument and within a relatively undeveloped area which has High Level Stewardship of the land. In addition given the topography of the site the proposed lodges would be visible from outside the application site and have a significant visual impact from the adjacent footpaths and as such will detract from the overall rural landscape and the setting of the Mere and its surrounding area. There are also concerns in relationship to the economic impacts with concerns about the loss of the car parking facility. Therefore the proposal is considered contrary to the National Planning Policy Framework, Policies CS5, CS6, CS16 and CS17 of the Shropshire Core Strategy and Policies MD8, MD11, MD12 and MD13 of the Council's emerging SAMDev.
2. Insufficient information has been submitted with the application to comply with the requirements of the National Planning Policy Framework. This results in it not being possible to fully assess the impact of the proposal on the heritage asset and the setting of the Conservation Area. Therefore the proposal is contrary to the National Planning Policy Framework, Policy CS17 of the Shropshire Core Strategy and Policies MD11, MD12 and MD13 of the emerging SAMDev.
3. It is considered that the loss of and significant impact to the natural and historic environment out weights the social and economic benefits of the proposal and as such the proposal is considered contrary to Policy CS17 of the Shropshire Core Strategy, Policies MD11, MD12 and MD13 of the emerging SAMDev and the overall aims and objectives of the National Planning Policy Framework

This page is intentionally left blank