

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

Date: Monday, 8 September 2014

Committee:
South Planning Committee

Date: Tuesday, 16 September 2014
Time: 2.00 pm
Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,
Shropshire, SY2 6ND

You are requested to attend the above meeting.
The Agenda is attached

Claire Porter
Head of Legal and Democratic Services (Monitoring Officer)

Members of the Committee

Stuart West (Chairman)
David Evans (Vice Chairman)
Andy Boddington
Nigel Hartin
Richard Huffer
John Hurst-Knight
Cecilia Motley
Madge Shingleton
Robert Tindall
David Turner
Tina Woodward

Substitute Members of the Committee

Charlotte Barnes
Gwilym Butler
Lee Chapman
Heather Kidd
Christian Lea
William Parr
Vivienne Parry
Malcolm Pate
Kevin Turley
Leslie Winwood
Michael Wood

Your Committee Officer is:

Linda Jeavons Committee Officer
Tel: 01743 252738
Email: linda.jeavons@shropshire.gov.uk

AGENDA

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes (Pages 1 - 8)

To confirm the minutes of the South Planning Committee meeting held on 19 August 2014.

Contact Linda Jeavons (01743) 252738.

3 Public Question Time

To receive any questions, statements or petitions from the public, notice of which has been given in accordance with Procedure Rule 14.

4 Disclosable Pecuniary Interests

Members are reminded that they must not participate in the discussion or voting on any matter in which they have a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

5 Field House, Beamish Lane, Albrighton, Wolverhampton, WV7 3JJ (14/00622/FUL) (Pages 9 - 32)

Change of use of existing detached swimming pool building within the grounds to Field House into 1no. dwelling to include extension over existing roofed patio to create additional internal habitable space.

6 Wheathill Touring Park, Wheathill, Shropshire (14/02338/FUL) (Pages 33 - 48)

Change of use of land for the extension of existing secure caravan storage; relocation of existing green steel clad storage shed; ground works and retaining wall with 2m high mesh security fencing above.

7 To consider Planning Applications subject to a S106 resolution having regard to the Council's published 5 years Housing Land Supply Statement of 12th August 2014 (Pages 49 - 62)

8 Schedule of Appeals and Appeal Decisions (Pages 63 - 70)

9 Date of the Next Meeting

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 14 October 2014, venue to be confirmed.



Committee and Date

South Planning Committee

16 September 2014

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 19 August 2014

2.00 - 4.27 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

Email: linda.jeavons@shropshire.gov.uk Tel: 01743 252738

Present

Councillor Stuart West (Chairman)

Councillors David Evans (Vice Chairman), Andy Boddington, Nigel Hartin, Richard Huffer, John Hurst-Knight, Madge Shingleton, Tina Woodward, Gwilym Butler (Substitute) (substitute for Cecilia Motley), David Turner (Substitute) (substitute for Robert Tindall) and Michael Wood (Substitute) (substitute for William Parr)

45 Apologies for Absence

Apologies for absence were received from Councillors Cecilia Motley, (substitute: Gwilym Butler), William Parr (substitute: Michael Wood) and Robert Tindall (substitute: David Turner).

46 Minutes

RESOLVED:

That the Minutes of the South Planning Committee held on 22 July 2014, be approved as a correct record and signed by the Chairman.

47 Public Question Time

There were no public questions.

48 Disclosable Pecuniary Interests

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

With reference to planning application 13/04956/FUL, Councillor J Hurst-Knight declared that, for reasons of pre-determination, he would leave the room and take no part in the consideration of, or voting on, this application.

**49 Hill Cottage, Clive Avenue, Church Stretton, Shropshire, SY6 7BL
(13/03805/OUT)**

The Principal Planner introduced the application and confirmed Members had undertaken a site visit that morning and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location and the indicative layout and design.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further objection comments from a third party and The Strettons Civic Society and Clive Avenue Residents' Association.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor David Evans, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- To mitigate the concerns regarding drainage and the detrimental impact that additional surface water run-off would have on existing riparian owners, a robust drainage and attenuation scheme should be agreed and conditioned;
- The proposed number of dwellings would have a detrimental impact on the Conservation Area and suggested that two dwellings would be preferable; and
- A robust landscaping scheme should be approved to ensure replacement of some of the trees that had been removed.

Mr M Webster, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- His property adjoined the site and would overlook the proposed development;
- Clive Avenue had recently been designated as an extension to the Conservation Area and, as such, any development should be carried out with care and should be sympathetic to the area;
- Unsympathetic development had already taken place in Clive Avenue; and
- While acknowledging that some development would be acceptable the current proposal would not be in keeping by virtue of the number of dwellings proposed, layout and style.

Mrs E Williams, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- 8 out of 10 people supported the proposal and the comments of local people had been taken into account;
- The proposal was purely indicative at this stage and matters of design would be considered at the Reserved Matters stage;
- The proposal would be sympathetic and in keeping with the area;
- Would deliver windfall infill development and be sustainable;

- Trees had not been the subject of Tree Preservation Orders and all felling had been undertaken by experienced professionals;
- There were no restrictive Covenants in place in respect of Woodland Trust;
- S106 and CIL monies would be generated;
- There would be no overshadowing or overlooking of other properties; and
- Would not be contrary to the Development Plan.

In the ensuing debate Members considered the submitted plans and had noted the comments of all speakers and it was unanimously

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be refused for the following reasons:

- The proposed development, by reason of the proposed number of dwellings and layout, would result in overdevelopment of the site and would detract from the character and appearance of the street scene and Conservation Area. The development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17 and paragraphs 56 to 58, 60 and 131 of the National Planning Policy Framework.

50 The Habit, 30 East Castle Street, Bridgnorth, Shropshire, WV16 4AN (13/04956/FUL)

By virtue of his declaration at Minute No. 48 and the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor John Hurst-Knight, as the local Ward Councillor, left the room and took no part in the debate and did not vote on this item.

The Principal Planner introduced the application and confirmed Members had undertaken a site visit on a previous occasion and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, proposed plans and elevations and the Solar Analysis provided by the agent which provided further information of how the solar access of neighbouring residencies would be impacted upon following construction of the proposed dwelling.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further objection comments from third parties.

Mr F Latham, Director of F L Design Limited and representing local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- His company had considered the impact of the development on the existing properties in the area and he provided an overview of his findings.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and unanimously voted to refuse the application. In response to concerns expressed by Members regarding the limited access, the Principal Planning Officer explained that as other dwellings had been permitted within the town centre location this would not be a defensible reason for refusal.

RESOLVED:

That, contrary to the Officer's recommendation, planning permission be refused for the following reason:

- The proposed development by reason of its height would result in a substantial loss of light on the existing properties both on Castle Terrace and Bank Street and would be detrimental to the residential amenities of the area. The development would therefore be contrary to Shropshire Core Strategy policy CS6.

51 Land Between Lawton Road And Stanton Road, Shifnal, Shropshire (13/05136/OUT)

(At this juncture, the Vice Chairman took the Chair.)

The Principal Planner introduced the application and confirmed Members had undertaken a site visit that morning and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, layout and vehicular access.

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, the Chairman Councillor Stuart West, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He acknowledged that the land had been included and agreed for development in the Site Allocations and Management Development (SAMDev) Plan; and
- He expressed his disappointment with the loss of Class B employment land but acknowledged that the applicant had sought to address this with the inclusion of a residential/care home, which Shifnal needed.

In the ensuing debate, Members considered the submitted plans. They expressed their disappointment with regard to the loss of employment land and requested that conditions be amended to ensure that the development would be built in a timely manner.

RESOLVED:

That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to the following:

- A Section 106 Legal Agreement relating to affordable housing provision; contributions to the Travel and Movement Strategy for Shifnal and reduction of speed limit on a section of Stanton Road; and maintenance of open space by an appropriate body;
- The conditions set out in Appendix 1 to the report; and
- Delegated authority be granted to the Area Planning and Building Control Manager to amend appropriate conditions to ensure the submission of reserved matters and the commencement of development in a timely manner, consistent with other planning permissions being granted.

(At this point the Chairman returned to the meeting and resumed the Chair.)

52 Bradeney House, Worfield, Bridgnorth, Shropshire, WV15 5NT (14/00493/FUL)

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor Michael Wood, as the local Ward Councillor, left the room and took no part in the debate and did not vote on this item.

The Principal Planner introduced the application and suggested that, in the event of the Committee resolving to grant planning permission, that a consent be subject to a Section 106 Agreement to ensure that the accommodation remains in association with the use of Bradeney House. He confirmed Members had undertaken a site visit that morning and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, layout, design, drainage and tree constraint plan.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further objection comments.

Mr J Goulding, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Did not object in principle to the proposal and acknowledged the need and high quality care homes in the area;
- The access, especially to the left of the development, would be dangerous;
- Because of the lay of the land, the proposed screening would not protect the privacy of the neighbouring properties;
- Would have a detrimental impact on wildlife;
- The scale and design would have a detrimental impact on the residential amenities of the area;
- Would prefer a reduction in the number of dwellings proposed; and
- Neighbours had not been consulted by the applicant. The current proposal was unacceptable and he urged refusal to encourage the applicant to undertake consultation and put together a proposal that would work for all.

Mr C Huntley, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Access had been designed and taken into account appropriate highway standards;
- Both the local MP and Parish Council had been consulted;
- Design and materials should be appropriate and in keeping with the Green Belt designation;
- The arrangement of the dwellings had been done so as to stimulate interaction between residents;
- This type of care was much needed and was supported by the Head of Care Services;
- There would be no overlooking of neighbouring properties;and
- The proposal would provide employment.

In the ensuing debate Members considered the submitted plans and had noted the comments of all speakers and it was unanimously

RESOLVED:

That planning permission be granted as per the Officer's recommendation, subject to:

- A Section 106 Legal Agreement to ensure the proposed dwellings would remain in association with the use of Bradeney House;
- To ensure a satisfactory access is maintained at all times and in the interests of highway safety, Condition No. 10 be amended to ensure the provision and maintenance of a visibility splay in a south-westerly direction from the altered access; and
- The conditions set out in Appendix 1 to the report.

**53 Field House, Beamish Lane, Albrighton, Wolverhampton, WV7 3JJ
(14/00622/FUL)**

The Principal Planner introduced the application and confirmed Members had undertaken a site visit that morning and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, layout and elevations.

Dr N Hester, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- This was a two-stage application predicated on the existence of the existing building and amounted to development by the back door.

Councillor Malcolm Pate, the local Ward Member, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The site fell within the most sensitive area of the Green Belt countryside;
- The current building constituted a mini leisure centre and built without planning permission;
- If permitted would create a precedent and questioned if permission would be granted for a dwelling if it wasn't for the existing building already erected on this site; and
- Contrary to SAMDev.

Miss S Tucker, the agent, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The existing building was constructed under permitted development rights and was the subject of a Lawful Development Certificate;
- The building could sensibly be divided to form a dwelling and footprint would not increase;
- Both this building and Field House would benefit from a separate access and Shropshire Council's Highway Officers had raised no objections;
- It was accepted the building was not a heritage asset but the visual impact would be unchanged;
- The re-use of the existing building would not constitute inappropriate development in the Green Belt;
- Would not be contrary to policy and limited weight could be afforded to SAMDev; and
- Would contribute to affordable housing.

In the ensuing debate Members considered the submitted plans, noted the comments of all speakers and expressed their dissatisfaction with this proposal. They noted that a further planning application would have to be submitted to carry out further development as listed under Condition No. 5 in the report.

RESOLVED:

That consideration of this item be deferred to the next meeting, with Members minded to refuse the application on the basis that the proposal constituted an unsustainable location in the Green Belt. The Area Planning and Building Control Manager to prepare an advisory report on the reasons for refusal.

54 Land at Secret Hills Discovery Centre, Market Street, Craven Arms, Shropshire, SY7 9RS (14/01979/FUL)

By virtue of the amendment made to Shropshire Council's Constitution, as agreed at the meeting of Full Council held on 27 February 2014, Councillor David Evans, as the local Ward Councillor, took no part in the debate and did not vote on this item.

The Principal Planner introduced the application. With reference to the drawings displayed, he drew Members' attention to the location, plans and elevations. In response to questions from Members, he explained that any permission related purely to the hide and fence and not to the feeding of the kites and it would be for the Discovery Centre to determine how long the hide would be used for this purpose.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further information from the applicant.

In the ensuing debate Members considered the submitted plans, had noted the comments of all speakers and the majority supported the proposal.

RESOLVED:

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

55 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 19 August 2014 be noted.

56 Date of the Next Meeting

It was noted that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 16 September 2014 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:



Committee and date

South Planning Committee

16 September 2014

Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

| | | |
|---|----------------|--|
| Application Number: 14/00622/FUL | Parish: | Albrighton |
| Proposal: Change of use of existing detached swimming pool building within the grounds to Field House into 1no. dwelling to include extension over existing roofed patio to create additional internal habitable space | | |
| Site Address: Field House Beamish Lane Albrighton Wolverhampton WV7 3JJ | | |
| Applicant: Mr & Mrs M L Sahni | | |
| Case Officer: Richard Fortune | | email: planningdmse@shropshire.gov.uk |

Grid Ref: 382490 - 304038

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Recommendation:- Permit, subject to a Section 106 Agreement relating to an affordable housing contribution and to the conditions set out in Appendix 1.

REPORT

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to advise members of the potential reason for refusal of this application based on discussion at the last meeting of the Committee and to set out the associated risks with this decision for consideration by members.
- 1.2 It is essential in considering this application and the suggested reason as set out below, following the debate and 'minded to refuse' resolution at the last meeting, that members are fully aware of officer concerns relating to this decision. It must be stressed that in order to successfully defend an appeal against a refusal the Council would need to offer 'evidence' for consideration. The report below therefore also sets out the reasons why officers are strongly of the opinion that no such evidence can be provided or substantiated and that therefore there would be a significant risk to the Council in terms of losing an appeal and potentially having to meet some or all of the applicants costs.
- 1.3 This report is written in accordance with paragraph 16.4 (part 5) of the Council's Constitution.

2.0 BACKGROUND

- 2.1 At the 19th August 2014 meeting of the South Planning Committee Members resolved to defer determination of this planning application reference 14/00622/FUL relating to a full application for the change of use of existing detached swimming pool building within the grounds to Field House, Beamish Lane, Albrighton into an independent dwelling. Members did however indicate that they were minded to refuse the application and sought officer guidance on the wording of the reason for refusal to be considered at the following meeting
- 2.2 Based on the debate at the meeting on 19th August 2014 the following reason for refusal was proposed by the Committee:
"The proposed change of use to a dwelling would be in an unsustainable location in the Green Belt."
- 2.3 The original report to Committee for the meeting on the 19th August 2014 is appended to this report. (APPENDIX 2).

3.0 CONSIDERATION OF THE PROPOSED REASON FOR REFUSAL

- 3.1 The residential character of the site and its surroundings in its current role as an ancillary building to The Field House dwelling was acknowledged in the debate at the last meeting. The Committee also acknowledged that the re-use of this domestic outbuilding, which is of permanent and substantial construction, would not be inappropriate development under paragraph 90 of the National Planning Policy Framework which relates to development in the Green Belt. The external alterations involving the enclosure of a covered patio area under the existing roof

and the additional rooflights were judged to be in character with the existing building. No objections were raised to the proposed access alterations and it was accepted that the proposal would not be detrimental to neighbour amenity. The Committee's concern about 'sustainability' related solely to the location of the building within the Green Belt.

- 3.2 The outbuilding itself is adjacent to a group of nine existing dwellings on Beamish Lane and approximately 415m from the current eastern extent of the Albrighton Development Boundary. The proposed allocation of housing land within the SAMDev Final Plan reduces the distance to the new proposed village development boundary to some 300 metres. The road over which access to the building would be gained, while mostly single tracked, is a loop road off the Kingswood Road serving only some five dwellings and two farms and, being lightly trafficked, is not unsuitable for use by pedestrians and cyclists. There is a footpath along Kingswood Road from its junction with the lane, into Albrighton. The distance into the services available within Albrighton is within the walking distances set out in the Institution of Highways and Transportation (IHT) document, Providing for Journeys on Foot (2000), which suggests the preferred maximum walking distance to common facilities is 1.2km and up to 2km for commuting or walking to school. The advice previously set out in PPG13 Transport also stated "walking is the most common mode of travel at the local level and offers the greatest potential to replace short car trips, particularly under 2km". (The closest group of shops being a 10 minute walk from the site with the cross roads at the centre of the settlement some 1.2km from the application site). The site therefore is in close proximity to Albrighton and, on the basis of the above factors, Officers consider that there is no evidence which could be produced to justify the assertion that it would be an unsustainable location for a single dwelling conversion, particularly as residential conversion schemes are permitted in more remote rural locations to secure the reuse of buildings in accordance with NPPF and Core Strategy policy. The designation of the land as Green Belt is not a factor to which any weight can be attributed in assessing whether a location is sustainable.

4.0 CONCLUSION

- 4.1 The site is sustainable location for the conversion of a building to a dwelling in the context of housing supply. Officers are strongly of the view that the reason for refusal proposed at the last meeting, that this is not a sustainable location for a residential conversion, could not be sustained at appeal, for the reasons explained in paragraph 3.2 above. While the age of the building means that it does not meet the normal 'heritage asset' requirement for the conversion of buildings to independent permanent residential use, it is regarded as unsuitable for alternative uses listed in Core Strategy policy CS5. Additionally, the re-use of the existing building would not be inappropriate development in the Green Belt and would have no greater impact on the attributes of the surrounding Green Belt countryside than the current use of the building. The conversion of this existing swimming pool building to a single residential property set in a generous sized plot with existing suitable vehicular access, would not detract from the visual amenity or character of the surrounding environment, nor unduly harm the amenities of neighbouring residential properties. It is considered that there are no material planning reasons that would justify a refusal of this proposal.

5.0 Risk Assessment and Opportunities Appraisal

5.1 Risk Management

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

- ② 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.
- ② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than three months after the grounds to make the claim first arose.

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

5.2 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.

5.3 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 1970.

6.0 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.

7. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
S3 Green Belt
D6 Access and parking

SPD on Type and Affordability of Housing
Shropshire Five Year Housing Land Supply Statement - 1st September 2013 (Amended Version 20th September 2013)

RELEVANT PLANNING HISTORY:

11/03904/FUL – Alterations to existing vehicular access (onto High House Lane) to include erection of 2m high gates/piers and 1m boundary wall. Granted 1st February 2012.

BR/APP/LDCE/04/0728 – Erection of a detached outbuilding to provide a swimming pool and changing facilities for purposes solely incidental to the enjoyment of the adjacent dwelling. Permitted Development 31st August 2004.

BR/99/0474 – Erection of extensions. Granted 11th August 1999.

BR/98/0594 – Erection of a front porch, single storey side extension with pitched roof, single storey rear extension and conservatory. Granted 6th October 1998.

BR/98/0265 – Erection of a detached four car garage to replace existing garage buildings. Granted 1st June 1998.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Planning Statement dated February 2014

Transport Assessment dated October 2013

FBC Manby (Agent) Letter dated 4th April 2014

FBC Manby (Agent) Letter dated 7th May 2014

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Malcolm Pate

Appendices

APPENDIX 1 – Conditions

APPENDIX 2 – Report to 19th August 2014 South Planning Committee Meeting.

APPENDIX 1

Conditions

STANDARD CONDITIONS

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

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

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

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

CONDITION THAT REQUIRES APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development approved by this permission shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

- Means of enclosure
- Hard surfacing materials

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

CONDITION THAT REQUIRES WORK TO BE CARRIED OUT PRIOR TO OCCUPATION

4. Before the dwelling is first occupied the access onto High House Lane shall be altered in accordance with the details set out in the Highway Assessment by G.D. Acton, dated October 2013, in respect of access to land at rear of Field House, Beamish Lane, Albrighton.

Reason: To improve visibility at the access, in the interests of highway safety.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

5. The external materials shall match those of the existing building and there shall be no variation.

Reason: To ensure that the works harmonise with the existing development.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or

without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- erection of a porch
- hard surfacing
- container for the storage of oil
- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

3. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
4. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
5. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and 'Saved' policies
CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
S3 Green Belt
D6 Access and parking

SPD on Type and Affordability of Housing
Shropshire Five Year Housing Land Supply Statement - 1st September 2013 (Amended
Version 20th September 2013)

6. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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APPENDIX 2



Committee and date

South Planning Committee

19 August 2014

Development Management Report

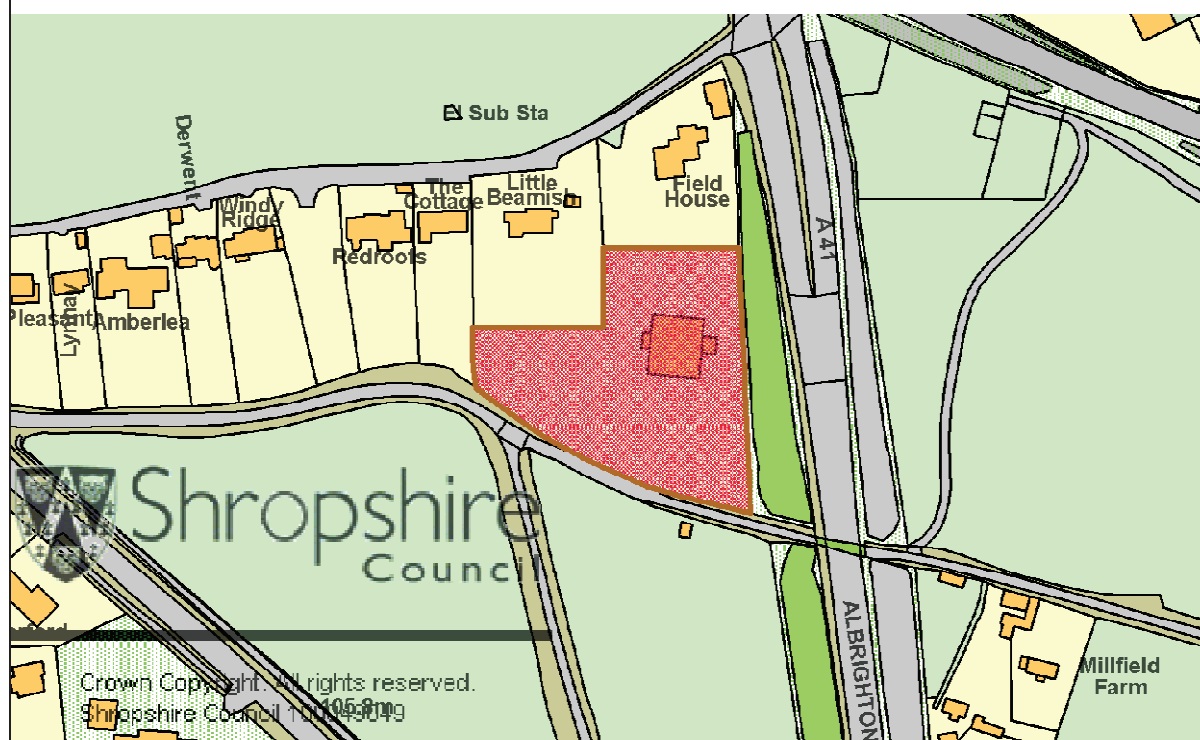
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

| | |
|---|--|
| Application Number: 14/00622/FUL | Parish: Albrighton |
| Proposal: Change of use of existing detached swimming pool building within the grounds to Field House into 1no. dwelling to include extension over existing roofed patio to create additional internal habitable space | |
| Site Address: Field House Beamish Lane Albrighton Wolverhampton WV7 3JJ | |
| Applicant: Mr & Mrs M L Sahni | |
| Case Officer: Lynn Parker | email: planningdmse@shropshire.gov.uk |

Grid Ref: 382490 - 304038



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Recommendation:- Permit, subject to a Section 106 Agreement relating to an affordable housing contribution and to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 This application is for the change of use of a detached, 2 storey swimming pool building ancillary to Field House, Beamish Lane, Albrighton to form an open market dwelling and to include the enclosure of an existing patio on the north facing elevation of the dwelling. The 'filling in' of the patio will replicate the appearance of the existing north facing elevation. Accommodation is proposed to remain as existing at ground floor level i.e. to comprise the swimming pool and gym. At first floor level a kitchen, living room, dining room, master bedroom with walk-in wardrobe and ensuite, bedroom 2 with walk-in wardrobe and ensuite, and bedroom 3 with ensuite are proposed. The dining room and bedroom 3 will be located within the enclosed patio section.

1.2 All materials are proposed to match those of the existing dwelling including brick, tiles and double glazed windows/doors. Foul sewage is proposed to the existing package treatment plant and surface water to soakaway/SUDs. The applicant intends to improve the 'green' credentials of the building by introducing a number of solutions such as solar panels and rainwater harvesting. No alterations are proposed to the access which is to the south side of the site off High House Lane and was altered under Planning Ref: 11/03904/FUL granted on 1st February 2012. No trees or hedges are affected by the development.

1.3 In addition to the Planning Statement dated February 2014, a Transport Assessment dated October 2013 has been submitted in support of this application and is summarised as follows:

Transport Assessment dated October 2013

Concludes that both the existing use of the building, and the proposed change of use to a single residential property only generates low use of the access. Implementing the suggested amended access arrangement would minimise the impact of the protected Oak tree on visibility for drivers leaving the site. The proposal is acceptable in highway safety terms.

1.4 The existing building was constructed under permitted development rights and granted a Lawful Development Certificate under Planning Ref: BR/APP/LDCE/04/0728 on 31st August 2004 for 'the erection of a detached outbuilding to provide a swimming pool and changing facilities for purposes solely incidental to the enjoyment of the adjacent dwelling'. The building has been primarily used by the applicant's children who will shortly leave for university and there is no longer a requirement for such a large home. The division between the plots has been selected to follow a natural line between Field House and the outbuilding where there is a change in ground level. The existing tennis courts to the west of the outbuilding will be allocated to the new dwelling.

- 1.5 An Affordable Housing Contribution Proforma has been submitted agreeing to pay a contribution of £13,500 as the internal floorspace is identified as being over 100m² (0.15 x 100m² x 900 = £13,500) and the current prevailing target for this area is 15%.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within open Green Belt countryside on the eastern side of the Market Town of Albrighton but in proximity to the village development boundary. The area is characterised by large detached properties, the majority of which are 2 storey, in generous plots which span the distance between Beamish Lane to the north and High House Lane to the south, on average approximately 65m, although the Field House plot is 135m in depth. Field House is the most easterly of these plots flanked by the A41 along its eastern boundary although access cannot be gained from this road. The land slopes downwards from the north where more level ground allows for the siting of the dwellings, to the south.

- 2.2 The outbuilding proposed for change of use is positioned directly and approximately 45m to the south of the dwelling and is a split level building due to slope of the land. Whilst its appearance is of a two storey property when viewed from the south, it is single storey from the north with access being straight into the first floor from the patio. The patio to be enclosed already benefits from being underneath the main roof and is currently supported by pillars. The existing plot is has established vehicular accessed from both Beamish Lane and High House Lane. Both side boundaries are defined by mature landscaping, to the eastern side there is a wooded area which forms a barrier separating the plot from the A41. The southern boundary comprises timber fencing extending into mature native hedging containing some trees.

- 2.3 Other than Field House, the closest neighbouring property is to the north west of the outbuilding. This dwelling is 2 storey, approximately 45m away and set at a higher level adjacent to Beamish Lane.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications requested to be referred, but the Local Member to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman to be based on material planning reasons.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 Albrighton Parish Council – At its meeting on 6th March 2014 objected to planning application 14/00622/FUL on the grounds that it was development within the Green Belt. There were also access problems to the proposed property despite recent alterations.

- 4.1.2 SC Drainage - Standard advice supplied in relation to the encouragement of measures listed to minimise the risk of surface water flooding.

4.1.3 SC Affordable Homes - The affordable housing contribution proforma accompanying the application indicates the correct level of contribution and/or on site affordable housing provision and therefore satisfies the provisions of the SPD Type and Affordability of Housing.

4.2 - Public Comments

4.2.1 One letter of representation has been received from the neighbour adjacent to the north west which is available to view in full on file, but précised as follows:

- o The proposed development is within the Green Belt.
- o The Council has for many years resisted the development of land in Beamish Lane on Green Belt grounds.
- o The need for further housing in Albrighton is already being met within the village.
- o The applicants children leaving home could not have been unexpected and was relevant when the outbuilding was originally constructed.
- o This proposal amounts to development by the back door.
- o If the Council were to allow this proposal it would open the floodgates to similar proposals throughout the County.

5.0 THE MAIN ISSUES

- o Principle of development
- o Visual appearance
- o Impact on the surrounding Green Belt countryside
- o Impact on neighbours/residential amenity.
- o Access

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The site is positioned in open countryside outside of any development boundaries designated under existing or 'saved' planning policies where open market housing would not normally be permitted. Under LDF Core Strategy Policy CS5 – Countryside and Green Belt, new open market residential development is not considered acceptable within the countryside unless for affordable, an essential worker's dwelling or conversion of a building of historic merit, on appropriate sites which maintain and enhance countryside vitality. Whilst the building is existing and proposed as an open market dwelling, it cannot be regarded as a heritage asset, nor would it be suitable as an affordable dwelling due to its large size. However, the agent presents the case that housing plays an important role in creating a sustainable community in rural areas and that the use of a building already in situ and already in domestic use, a scenario not covered by Policy CS5, can contribute towards the essential housing stock without requirement for any additional built environment or giving rise to perceivable harm, albeit not a heritage asset. He also considers that a high level of sustainability is achieved in this case as no new built environment or significantly different use is being instigated. Additionally, he states the alternative uses which are considered acceptable under Policy CS5 are not felt to be viable due to the nature of the building and its location: The building is not situated such that it would be suitable as an agricultural dwelling, nor could it sensibly serve any other agricultural related purpose, nor would a commercial use

be appropriate in this domestic garden context. Similarly it is his view that neither a community use nor a tourism use would be appropriate in such a location.

6.1.2 The National Planning Policy Framework must be taken into account and is a material consideration of significant weight in determining planning applications. At paragraph 12 of the NPPF it is stated that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable development and at paragraph 14, the NPPF explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted for development unless:

- 1) Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole;
- 2) Specific policies in the NPPF indicate that development should be restricted.

Paragraph 47 sets out a number of steps that Local Planning Authorities should take to boost significantly the supply of housing. It continues at paragraph 49 that:-

'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites.'

6.1.3 These paragraphs are highly significant as at the time of submission of this planning application because Shropshire Council had published an updated Five Year Housing Land Supply Statement for Shropshire and Shrewsbury (20-09-13). The update was based on changes to the methodology used, having regard to the requirements of the NPPF and appeal decisions across the country relating to five year land supply issues since the publication of the NPPF. The assessment showed that as of 1st April 2013, there was less than a 5 year supply of housing land. Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

- 6.1.4 It is clear from recent parliamentary debate and a review of recent appeal decisions across the country, that an emerging Local Plan is afforded minimal weight by the Planning Inspectorate or Secretary of State until submission stage (for non-contentious proposals) or publication of the Inspector's report (for contentious proposals) respectively. Therefore full weight cannot be given to the emerging SAMDev Plan housing policies in the decision on this planning application at this time. This factor also affects the weight which can be given to the policies relating to housing in the Albrighton Neighbourhood Plan 'Light' (June 2013): Consideration must be focused on the sustainability of the site and proposal, and whether there is any significant and demonstrable harm to outweigh the benefits of the development contributing to housing land supply.
- 6.1.5 The outbuilding itself is felt to be in a sustainable location adjacent to existing dwellings and approximately 415m from the current eastern extent of the Albrighton Development Boundary. While the age of the building means that it does not constitute a 'heritage asset', it is considered that the supporting comments made by the agent, set out in paragraph 6.1.1 above are pertinent and would point to independent residential use as an appropriate re-use of the building. Therefore it is felt that on balance and in this specific case, where full weight cannot yet be attributed to the SAMDev Final Plan housing policies, the proposed change of use to an open market dwelling of this existing building located in proximity to the village development boundary of Albrighton, is acceptable.
- 6.1.6 Green Belt policies within the NPPF, LDF Core Strategy Policy CS5 and Bridgnorth and District Local Plan 'Saved' Policy S3 require that the openness, permanence and visual amenity of the land within its boundaries are preserved. Inappropriate development is, by definition, harmful to the Green Belt and support is not given to such proposals except in very special circumstances. Certain forms of development which are not inappropriate include the re-use of buildings provided that the buildings are permanent and substantial construction. Therefore the re-use of this existing outbuilding where the footprint is not being increased is not considered to be inappropriate development within the Green Belt as no greater impact on its attributes will occur from the proposed change of use to an open market dwelling.
- 6.1.7 In order to meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, Policy CS11 seeks to ensure that all new open market housing makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target. On sites where 5 dwellings or more are proposed, the affordable housing provision is expected to be on site, below 5, the contribution is expected to be financial. As the proposal is for a single open market dwelling, an affordable housing contribution proforma has been submitted during the course of the application indicating that a financial contribution in respect of affordable housing will be secured via the completion of a Section 106 Legal Agreement.

6.2 Visual appearance

6.2.1 Policy CS6 of the Shropshire Council Local Development Framework Core Strategy states that development should conserve and enhance the built environment and be appropriate in its scale and design taking account of local character and context. It further states that development should safeguard residential and local amenity. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, historic and natural environment and does not adversely affect the values and function of these assets.

6.2.2 There is no significant change to the scale of the outbuilding for its new use, as the patio area to be infilled is already located underneath the main roof, nor to its appearance as the new north elevation will replicate that of the existing. Therefore the visual appearance of the building within its environment will remain neutral.

6.3 Impact on the surrounding Green Belt countryside

6.3.1 As discussed above in paragraph 6.1.6 it is considered that the proposed development will have no greater impact on the openness of the surrounding Green Belt Countryside as the building already exists and there is no increase to its footprint or size outside the confines of the existing elevations.

6.4 Impact on neighbours/residential amenity

6.4.1 The outbuilding is located to the south and at a lower level than the line of dwellings along Beamish Lane, however the parcel of land inbetween Beamish Lane in the north and High House Lane in the south is roughly triangular with the wider end adjacent to the A41. The outbuilding is therefore positioned in the wider part of this section of land where it does not adversely impact on the existing pattern of residential development because it relates to and compliments the triangular shape.

6.4.2 The space between the building proposed for residential and the neighbouring properties is sufficient for any impact either from overbearing or overlooking to be minimal and certainly no greater than the existing potential. Additionally, all of the neighbouring dwellings including Field House are set at a higher level and are therefore more likely to have views into the new plot than there could be from it.

6.5 Access

6.5.1 Improvements to the existing access to the site from High House Lane, which will serve the proposed dwelling, were agreed under Planning Permission Ref: 11/03904/FUL. SC Highways commented during the consideration process of that application that they raised '*no highway objections in principle to the revision of the access arrangement to serve its existing use, but for any intensified vehicle movements through it an improvement to visibility would be required*'. Essentially, the access is deemed unsuitable for a further dwelling or development of the land. This proposal does not intensify or develop the land further than already exists. The access currently serves a single dwelling at Field House and on change of use of the existing outbuilding to a dwelling, the access will continue to serve a single dwelling, albeit a different dwelling, any access through to Field House being

prevented by the separation of the new plot. The existing access is therefore suitable to serve the proposed dwelling.

7.0 CONCLUSION

7.1 The site is a sustainable location for the conversion of a building to a dwelling in the context of housing supply. While the age of the building means that it does not meet the normal 'heritage asset' requirement for the conversion of buildings to independent permanent residential use, it is regarded as unsuitable for alternative uses listed in Core Strategy policy CS5. Additionally, the re-use of the existing building would not be inappropriate development in the Green Belt and would have no greater impact on the attributes of the surrounding Green Belt countryside than the current use of the building. The conversion of this existing swimming pool building to a single residential property set in a generous sized plot with existing suitable vehicular access, would not detract from the visual amenity or character of the surrounding environment, nor unduly harm the amenities of neighbouring residential properties.

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 three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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 1970.

9.0 Financial Implications

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

10. Background

Relevant Planning Policies

Central Government Guidance:
National Planning Policy Framework

Core Strategy and Saved Policies:
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
S3 Green Belt
D6 Access and parking

SPD on Type and Affordability of Housing
Shropshire Five Year Housing Land Supply Statement - 1st September 2013 (Amended Version 20th September 2013)

RELEVANT PLANNING HISTORY:

11/03904/FUL – Alterations to existing vehicular access (onto High House Lane) to include erection of 2m high gates/piers and 1m boundary wall. Granted 1st February 2012.

BR/APP/LDCE/04/0728 – Erection of a detached outbuilding to provide a swimming pool and changing facilities for purposes solely incidental to the enjoyment of the adjacent dwelling. Permitted Development 31st August 2004.

BR/99/0474 – Erection of extensions. Granted 11th August 1999.

BR/98/0594 – Erection of a front porch, single storey side extension with pitched roof, single storey rear extension and conservatory. Granted 6th October 1998.

BR/98/0265 – Erection of a detached four car garage to replace existing garage buildings. Granted 1st June 1998.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Planning Statement dated February 2014

Transport Assessment dated October 2013

FBC Manby (Agent) Letter dated 4th April 2014

FBC Manby (Agent) Letter dated 7th May 2014

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Malcolm Pate

Appendices

APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITIONS

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

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

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

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

CONDITION THAT REQUIRES APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development approved by this permission shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:

- Means of enclosure
- Hard surfacing materials

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

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

4. The external materials shall match those of the existing building and there shall be no variation.

Reason: To ensure that the works harmonise with the existing development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- extension to the dwelling
- free standing building within the curtilage of the dwelling
- addition or alteration to the roof
- erection of a porch
- hard surfacing
- container for the storage of oil

- any windows or dormer windows

Reason: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, and to ensure that adequate private open space is retained within the curtilage of the building.

Informatives

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from www.planningportal.gov.uk or from the Local Planning Authority. The fee required is £97 per request, and £28 for existing residential properties.

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

3. If your application has been submitted electronically to the Council you can view the relevant plans online at www.shropshire.gov.uk. Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
4. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
5. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

Shropshire Core Strategy and 'Saved' policies
CS5 Countryside and Green Belt
CS6 Sustainable Design and Development Principles
CS11 Type and Affordability of Housing
CS17 Environmental Networks
S3 Green Belt
D6 Access and parking

SPD on Type and Affordability of Housing
Shropshire Five Year Housing Land Supply Statement - 1st September 2013 (Amended Version 20th September 2013)

6. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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Committee and date

South Planning Committee

16 September 2014

Development Management Report

Responsible Officer: Tim Rogers
 email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

| | | |
|---|----------------|--|
| Application Number: 14/02338/FUL | Parish: | Wheathill |
| Proposal: Change of use of land for the extension of existing secure caravan storage; relocation of existing green steel clad storage shed; ground works and retaining wall with 2m high mesh security fencing above | | |
| Site Address: Wheathill Touring Park Wheathill Shropshire | | |
| Applicant: Mr Lee And Ken Partridge | | |
| Case Officer: Heather Bradley | | email: planningdmsw@shropshire.gov.uk |

Grid Ref: 359962 - 281865

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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks full planning permission for the extension of an existing caravan storage area.
- 1.2 The scheme proposes to extend into an area previously approved for outside material storage and a short mat bowling and pentanque (boules) area (13/01748/COU). Excavation works are proposed to reduce the existing ground level to match that of the existing caravan storage area. The existing green mesh security fencing would be extended around the additional storage area and sit on a retaining wall. An embankment is proposed to the rear boundary with the field. This would be planted with a holly hedge and silver birch trees. The surface of the storage area is proposed to be gravelled to match the existing storage.
- 1.3 The scheme is associated with an existing rural public house, the Three Horseshoes and its adjoining touring caravan park – Wheathill Touring Park.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 This site is situated between the existing touring park and public house. The touring park is a caravan and camping site located almost immediately south of the pub, east of the B4364 Ludlow to Bridgnorth road at Wheathill, and within the Shropshire Hills Area of Outstanding Natural Beauty. The site is some 7 miles north east of Ludlow.
- 2.2 The touring park has planning permission for 25 caravan/motorhome pitches.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Due to the locally sensitive nature of the application, the Parish Council's objection and call in request from one of the two Local Members for this Ward, the Chairman of the South Planning Committee has requested that the application is considered at Planning Committee.

4.0 Community Representations

- 4.1 - Consultee Comments
- 4.1.1 Wheathill Parish Council - Object – At a specially convened meeting of Wheathill Parish Council on Wednesday 25th June 2014 the members present voted unanimously to oppose the above application for the following reasons: -
- To permit the storage of 30 caravans is not appropriate on a site within an AONB. When the storage of 15 empty caravans was permitted the parish considered 6 was a more fitting number. Now the applicants proposed to double that previously allowed and is a proposal on an industrial scale;
 - Storage is totally different activity to providing touring facilities for visitors;
 - The security screening will add evermore to the adverse visible impression

of this site. No amount of roadside screening will reduce the visual impact when viewed from higher ground;

- Work being carried out (as a result of a prior permission) is creating waste spoil which is clearly visible from the highway and if this application succeeds there will be even more to come. The applicants should include an estimate of the volume of waste to be excavated and the means and methods of its disposal;
- Storing caravans has much less benefit to the local economy and it will have an unfavourable impression on tourists wishing to visit the area;
- The Parish Council does not object in principle to a caravan touring park at this location;
- The Localism Act was designed to give local people a voice and as their elected representatives we are that voice, eliciting their views in all sorts of ways. The recent parish plan survey with a response ratio of circa 70% only included five comments supporting further development of the Touring Park;
- The Parish Council's SAMDev response stated 'Development of small employment opportunities would be welcomed but overdevelopment of existing sites would not be in keeping with the AONB';
- We are increasingly concerned with the incremental development and have previously expressed our fears when commenting on previous applications of which there have been 8 in less than 3 years;
- The cumulative nature of the applications is causing disquiet.
- A balance has to be struck between tourism and the well being of the environment. If this application is permitted the balance will be broken;
- The application form includes the statement 'storage of caravans and mobile homes'. We are unclear what this means. If it is meant to include static caravans we would most certainly object.
- We fully support the objections put forward by Shropshire Hills AONB;
- We requested a site visit prior to our discussions but this was refused point blank;
- Neither did the applicants attend the Parish Council Meeting which was properly advertised on all community notice boards.

4.1.2 Wheathill Parish Council – response to additional information from agent dated 22nd July 2014 –

- It is only just we should be given the opportunity, as objectors, to further our case.
- We stand by the objections raised in our letter dated 28 June 2014. Neither wishing to add nor subtract, however we do wish to make a few brief observations on the Agents letter.
- Wheathill Parish Council has had no direct contact with Shropshire Hills AONB. Their objections, which predated ours, mirror our concerns. We concur not collude.
- The Agent observes the number of applications made "is not a material consideration". We beg to differ. In this case the Application history is very relevant. The timeframe between some of the applications for this Park can be measured in weeks and it is barely credible all are motivated by a change in commercial circumstances in such a short space of time. The Applicants are proposing to double the number of caravans to be stored when the

permission to store 15 was granted only on 16 August 2013 and has never activated. Surely they should test the market before increasing the numbers.

- Also pertinent to this planning history is the action of the Enforcement Officer during 2012, acting on complaints, halted extensive works being carried out without Planning Permission. Though retrospective Permission was granted, planning rules must be respected in spirit as well as the letter.
- The Agent dismisses as “nonsense” the claim of toxic waste being buried on site in the past. We have prima facie evidence that such waste has been buried in past excavations. We would also remind you part of this site was previously used as a garage, petrol station and car breakers yard.
- The whole culture of the Park is changing from a small Caravan Touring Park, which it has been for many years, in a quiet rural location, to a Touring/Storage facility where children or tents are no longer welcome. We ask ourselves “**what next**”.
- Given the objections to this application, its environmental impact and the importance of transparency this case should be put before the Planning Committee so all views can be aired, and the decision taken, in public.

4.1.3 Highways Development Control – No objections – the access has the capacity to accommodate the likely intensification in use;

4.1.4 Drainage – No objections; recommend informative to ensure the free draining characteristics of the stone surface match those of the existing storage area;

4.1.5 Ecology – No response received;
Ecology - Response to previous application – 13/01748/COU – No objections subject to conditions and informatives;

4.1.6 Shropshire Hills AONB – Object –

- The incremental development at this site is intrusive and out of keeping with the character of the area;
- The storage of caravans has by its nature less benefit to the local economy;
- It requires the erection of intrusive fencing and structures and a greater degree of permanence;
- The extent of ground works and highly urbanised style of landscaping used extensively on the site has eroded its rural and historic character and the development would continue to enlarge what has already become an obtrusive and inappropriate facility;
- ‘Screening’ of obtrusive elements with large fences does not make an inappropriate development acceptable;
- The continued submission of small scale applications is cumulatively leading to a development which is inappropriately large scale for its location and this must be taken into account in this decision;
- The scheme is contrary to para 14, and 115 of the NPPF; Shropshire Council Core Strategy Policies CS16 and CS17 and SAMDev Policy MD11, MD12 and the AONB Management Plan;

4.2 - Public Comments

4.2.1 Bridgnorth CPRE – Object -

- The CPRE supports the parish council and those residents of Wheathill who have objected to the above application;
- The development grows ever bigger and ever more vulgar;
- There is no evidence of the authority having special regard to the preserving and enhancing of the natural beauty of the AONB, rather, the opposite seems to be the case.
- The officers response to the applicants 2013 retrospective application, far from carrying any form of rebuke, attempted instead, to question the quality and appearance of the area surrounding the site, in what was evidently a feeble attempt to justify the mediocre character and appearance of the new Three Horse Shoes, and the adjacent caravan site. Now known locally as ' Wolverhampton by the Clee '.
- Bordering the pub, is arguably, the richest orchid site in the county.
- Only time will tell whether this application is merely the beginning of an attempt to develop the rest of the 30 acres which are attached to the public house; however, the applicants did not acquire the land to grow cabbages on.
- The report talks about helping this small business to grow - Caravan Park businesses tend to expand until they cover all the land available.
- The previous development was described as small. The current proposal is bigger, but is still described as small. So is it big, small, or just bigger?
- The council is duty bound to preserve and enhance the natural beauty of the AONB, where it can only permit small and necessary development to take place. If the authority is unable to decide what constitutes a small development in an AONB, it seems to us that it cannot carry out its duty which is to have special regard to preserving and enhancing the AONB.
- What might have been the results if the owner of the Tally-ho at Bouldon - a pub that members last year went to some lengths to cite as an example of how in the right hands, a country pub could be fully and splendidly restored - had been able to do the same to The Three Horse Shoes? Equally one can only wonder at what might have been the consequences if the owner of the Three Horse Shoes had turned his attention to Tally-ho and Bouldon. We shudder to think. But the point is, the former did it properly, the latter did not. And this was acknowledged recently by an officer of the council.
- As for some of the applicant's reasons for wanting a larger site, they appear to have been accepted without comment which is, as far as we are concerned, another reason for objecting to the proposal.

4.2.2 6 Objections and 5 letters of support received;

Objections: -

- The storage area is an entirely different enterprise to the touring site and would not benefit the local economy;
- Out of keeping with the surroundings and AONB;
- Whilst the fence may hide it from view that itself would cause equal if not greater damage;
- The history of the development of this site has been totally inappropriate and the applicant is cynically manipulating the various regulatory bodies;
- The site is an eyesore and future development of further degrade the area and be of detriment to all an the applicant and his business interests;
- Any warehousing of caravans should be done on a brownfield site or light industrial area rather than an agricultural beauty spot;
- The development would not create significant jobs as it is not labour intensive;
- If passed there would potentially be 30 mobile homes parked here alongside a touring site to accommodate 25 tourers or tents;
- The excavation of soil and waste would be huge and means non agricultural waste being tipped on agricultural land;
- The area should be condemned as a toxic site;
- The applicants have stated stone surface but it will end up tarmacked just like the park roads were and so rainwater will flow into the public road;
- Every previous application has been altered from the plans – the Warden house is being built higher than permitted;
- Work has already started and the large piling of waste will substantially alter the landscape;
- Committee members should visit the site to witness the spoiling of the area;
- Disappointed that the site has changed to tourers only and no tents or children are allowed;
- The Local MP Phillip Dunne, recently wrote that any development should now reflect the views of the local SAMDEV - Neither the Wheathill SAMDEV nor its recent Parish Plan want large scale development in its Parish, both are supporting small growth development e.g. B&B;s Farm shops.
- The objections from the AONB office are wholly supported;
- The application has a page with a list of applications since 2011 which reveals the enterprise is growing steadily through a series of individual applications. The general public and parish council were able to predict the intention because of the extensive groundworks and infrastructure which the planning department feel unable to consider when making decisions;
- The planners have over-ridden public concerns and rejected the objections the Parish Council made? about the growth of this development;
- The meadow next door is rich in native botany, including wild orchids. It is a contrast to the controlled environment next door.

4.2.3 Support –

- Having lived here all my life and being a caravanner I fully support the application and can see the benefit of the proposed storage;
- We pass the touring park most days and the storage facility is not noticeable at all and the new application will not change anything from the road;
- The work already carried out is to a high standard and has improved the area

- immensely;
- I partake in the use of the touring park and its caravan storage facility and consider the applicant is requesting a natural progression of the Touring Park which brings revenue to the local community and boosts the local economy;
 - The Parish Council's objections suppress local enterprise and create stagnation which is not in the interests of the local community;
 - Storage facilities offered by touring parks are usually on the mutual understanding that the caravanners who partake in the said facility will also patronise the park;
 - As a tourist who visits Shropshire on a regular basis I support the proposal;
 - The survival of rural businesses hinges on facilities like this one;
 - It is an extension to an already existing facility;
 - The storage would provide an ideal solution for those wishing to visit more frequently as it saves towing to and fro;
 - The storage facility is one of the best I have used and is discrete and well thought-out;
 - As a resident I failed to see what the future impact will have on the environment;
 - The security screening is already there and no more will be seen than is already visible;
 - The caravanners who use the storage must use the park for at least 14 nights per annum (not just for storage) so the local businesses are supported by these visitors;

4.3 Agent's comments

- The application is for storage of touring caravans and motor homes only, the reference on the form to mobile homes was made in error;
- Since the touring park began trading it has become apparent that it is important to provide caravan storage in response to customer demand. Repeat customers prefer to have their caravan stored at the site between visits rather than tow then home and back again;
- The number of caravans cannot be stated categorically as each caravan varies in terms of dimensions and manoeuvrability. However 30 would be the maximum. The existing 15 spaces are all allocated and the applicants have a waiting list of 11 other customers – without advertising the facility;
- All customers using the storage facility have to stay at the park itself for a minimum of 14 nights during the season;
- Excavated soil will be deposited in the aperture left by quarry workings within the applicants ownership. The Environment Agency have been informed;
- The outside material storage is no longer required. The applicants have decided any materials will be brought in direct from suppliers as and when required;
- The applicants have found there to be no demand from customers for the bowling facilities, and have decided not to pursue this provision at this time.

5.0 THE MAIN ISSUES

Principle of development
Visual impact and Shropshire Hill AONB
Highway Safety
Biodiversity
Excavated soil

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The NPPF requires Local Planning Authorities to encourage economic development in rural areas through the support of sustainable growth and expansion of existing businesses together with support for sustainable tourism and leisure development that benefit businesses, communities and visitors. It should be ensured that these are appropriate in terms of location and that they respect the character of the countryside.

6.1.2 Shropshire Core Strategy Policy CS13 supports rural enterprise provided schemes accord with CS5 which seeks to retain and permit appropriate expansion of existing established business in the countryside (unless relocation to a suitable site within a settlement would be more appropriate) provided they maintain and enhance countryside vitality and character.

6.1.3 In this case the applicant's agent has stated that the proposed expansion of the storage area is in response to customer demand. As the users of the storage site are required to use the adjoining caravan touring site for at least 14 days per season the applicants ensure there is a guaranteed custom for the touring parking which in turn is of economic benefit to the area.

6.1.4 It is also necessary to ensure that the additional facilities proposed would comply with policy CS17 and ensure "developments identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources". In this case the site is within the Shropshire Hills AONB and it is also important that development is consistent with the aim of protecting the character and natural beauty of this rural area.

6.2 Visual impact and Shropshire Hills AONB

6.2.1 The scheme proposes to replace the outside material storage and leisure area which was approved under the 2013 planning application (13/01748/COU) with further caravan storage. The applicants agent has advised that the existing storage area for 15 caravans are all allocated and there is a waiting list for a further 11 spaces. Given that the site would cover an area roughly of similar size to the existing storage it is considered likely a further 15 caravans could be stored here, providing potentially a facility for up to 30 caravans.

6.2.2 Wheathill is located within open countryside, at a higher ground level than much of its surrounding countryside. As such the area benefits from extensive views across the landscape, in particular towards the north (across to Blackford and Clee St Margaret beyond). Just as Wheathill benefits from views, these areas also benefit

from views of the landscape back towards Wheathill and beyond. As with all development there will be some degree of impact on the visual amenity of the area, and it is necessary to consider the level of harm compared to the existing and whether it would be significantly detrimental to justify refusal.

- 6.2.3 The B4364 runs along the north of the site and is the main access to both the public house and the adjoining caravan park. The public house is clearly identifiable from this road, however the touring park is well screened by existing mature boundary hedging and the existing caravan storage is screened by a 3m high close boarded fence. As such the existing caravan storage is barely visible from the highway, the tops of the roofs being the most identifiable feature. The proposed storage would be set immediately adjoining and to the rear of the existing, and thus from the highway would be screened by the close boarded fencing. It is therefore judged that the additional caravans would be barely noticeable.
- 6.2.4 In terms of the wider landscape impact the additional storage would be viewed alongside the existing built development at this site, i.e. the public house and its associated car parking, warden accommodation and toilet facilities. The additional caravans would have a limited impact on the view of this existing site and would not significantly increase the prominence of the site within the wider landscape.
- 6.2.5 Views of the site as a whole and the proposed location for the additional storage are most prominent from the public right of way which runs through the field to the rear. It is along this point that the proposal would be the most noticeable. However, the scheme does not propose to extend outside the boundaries of this existing planning unit which was approved under the 2013 application and thus would not extend past the existing boundary line of built development at this site and would not encroach into the open countryside. A degree of ground works is proposed to level this part of the site in line with the existing storage area and this would alter the form of the landscape at this point. However it is considered that the degree of alteration would not significantly alter the character of the area to such an extent as to be harmful to the surrounding amenity and natural beauty of the Shropshire Hills AONB.
- 6.2.6 Turning to the visual impact of the storage itself, due to the gradient of the land and given that the public right of way overlooks the site, more sections of the caravans would be visible. However, the additional caravans would be viewed alongside the public house and the modern metal clad toilet block. Further the caravans would not block the views of the wider landscape from this public right of way. Mitigation measures have been suggested through provision of some landscaping and this would go some way to reducing the visibility of the site.
- 6.2.7 The fencing proposed consists of green mesh security fencing to match the existing along the boundary to the rear of the storage. This fencing has less of an impact than the close boarded fencing and would better assimilate into the landscape as the proposed hedging and trees grow around it.
- 6.2.8 It is noted that the site and its immediate environs have been subject to around two planning applications each year since 2011 and it is understandable that this has increased anxieties for the community. However, this application is a response to demand rather than speculative. The public house and its surroundings have dramatically changed through these years having spent many unaltered. The site is

to a point still raw in its appearance as materials and the landscaping have yet to mature. As they do however the site would better assimilate into the landscape and it's current almost clinical appearance will reduce.

6.2.9 The relocation of the existing storage shed from the north side of the toilet block to the east side would have little impact on the existing character or visual amenity of the area, as it would not increase in size and would continue to be viewed in close association with the toilet block.

6.2.10 When the above matters are taken into account it is considered that the proposed additional storage and its impact on the visual amenity of the area would on balance be acceptable, in that there would be a neutral impact on the character or natural beauty of the AONB.

6.3 Highway Safety

6.3.1 The storage would be accessed via the existing entrance to the touring park which leads to the purpose built caravan park entrance onto the main highway (B4364). The Highways Development Control Officer is content that the existing access is sufficient and could safely accommodate the potential increased use.

6.4 Biodiversity

6.4.1 At the time of writing this report a response from the Councils Ecology team is awaited. However within their comments on the 2013 application, no objections were raised and it was concluded that the development of this parcel of land would not unduly harm the biodiversity of the area.

6.5 Excavated soil

6.5.1 Some concern has been raised that the soil at the site is toxic. No evidence has come to light to indicate this is the case and the soil proposed to be excavated has an end use to infill existing dips formed within the landowner's former quarry workings. The applicant's agent confirms the necessary licences will be obtained from the Environment Agency, and as such it is considered the excavated soil would not harm the amenity of the area.

7.0 CONCLUSION

7.1 The proposed development will help to sustain and expand an existing caravan storage business in association with an existing touring park, and therefore support the rural economy and local tourism. The scheme would not be detrimental to the character and appearance of the locality and the wider countryside setting, or the character and natural beauty of the Shropshire Hills AONB. Therefore the proposal is considered to be in accordance with the NPPF and policies CS5, CS6 and CS13 of the Shropshire Core Strategy and on balance it is recommended that planning permission is granted.

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 three months after the grounds to make the claim first arose.

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

8.2 Human Rights

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

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

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

8.3 Equalities

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

9.0 Financial Implications

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

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

10. Background

Relevant Planning Policies

Central Government Guidance: National Planning Policy Framework, Parts: -
3: Supporting a prosperous rural economy;
7: Requiring good design;
11: Conserving and enhancing the natural environment;

Core Strategy and Saved Policies:

CS5: Countryside and Green Belt;
CS13: Economic Development, Enterprise and Employment;
CS16: Tourism, Culture and Leisure;
CS17: Environmental Networks;

Other Documents:

Shropshire Hills AONB Management Plan 2014 - 2019

RELEVANT PLANNING HISTORY:

11/00807/CPE Application for Certificate of Lawfulness to continue to use the land as a touring caravan park and camping site LAWFUL 7th June 2011

11/05173/FUL Alterations to existing vehicular and pedestrian access, including erection of screen fencing and demolition of outbuildings GRANT 23rd January 2012

12/02363/FUL Application under Section 73a of the Town and Country Planning Act 1990 for the construction of roadways within the site; creation of three additional pitches for touring caravans; erection of site office with adjacent storage areas; installation of sewage treatment plant; change of use of adjacent agricultural land to provide ancillary dog walking area (part retrospective) GRANT 7th September 2012

12/04317/VAR Variation of Condition No. 4 attached to Planning Permission - 12/02363/FUL dated 7th September 2012 to increase the period of use of the touring park from 6 months to 12 months of the year GRANT 3rd January 2013

13/01748/COU Change of use and conversion of extension barn to warden accommodation; change of use of agricultural land for the provision of secure caravan storage, outside material storage and leisure facilities GRANT 16th August 2013

13/03799/VAR Variation of Condition No. 5 (no. of touring pitches) pursuant to Permission 12/02363/FUL (extension of touring park) to allow a more flexible use of touring pitches GRANT 13th November 2013

List of Background Papers

14/02338/FUL

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member(s)

Cllr Gwilym Butler

Cllr Madge Shingleton

Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITION(S)**

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

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

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

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

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

3. 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 booklet Bats and Lighting in the UK

Reason: To minimise disturbance to bats, a European Protected Species in accordance with policy CS17 of the Core Strategy.

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

4. At no time shall the touring vans and motor homes be occupied whilst on the land used for the storage hereby permitted.

Reason: To define the consent.

Informatives

1. **Nesting Wild Birds** - The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

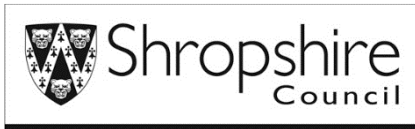
All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

2. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

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Committee and date

Item

Public

Development Management Report to Consider Planning Applications subject to a S106 resolution having regard to the Council's published 5 years Housing Land Supply Statement of 12th August 2014

Responsible Officer: Ian Kilby

email: ian.kilby@shropshire.gov.uk Tel: 01743 258718 Fax: 01743 252619

Summary

This report seeks Members support in respect of planning applications Committee has previously resolved to approve where a decision has not yet been issued pending conclusion of a S106 agreement and where there may have been a change in the balance of considerations arising from the publication of the revised 5yr Housing land Supply Statement on 12th August.

Recommendation:-

Grant Permission for the applications set out in Appendix A subject to the recommendations for each item, any S106 Legal Agreement and conditions as set out in the original reports to Committee and as recorded in the minutes of these meetings

1.0 BACKGROUND

- 1.1 It is a matter of law that all planning applications need to be considered in accordance with the legislation and relevant policy that applies at the point decision is taken. The Council published a revised 5 year housing land supply statement on 12th August to demonstrate that, based on data up to 31st March 2014, it has a 5.5 year housing land supply.
- 1.2 A number of planning applications for residential development have been referred to this Planning Committee for consideration in recent months where the committee were advised that the Council did not at that time have a five year supply of housing land, this being the position since September 2013. The absence of a five year housing land supply was therefore one of the factors taken into consideration and affecting the weight given to Development Plan policies.
- 1.3 In cases for residential development Planning Committee has resolved to permit the application subject to a S106 legal agreement to provide for affordable housing contributions and any other measures required to make the development acceptable that could not be subject to a planning condition, these applications remain undetermined until the agreements are signed. This report seeks members views on how the published 5year land supply affects the overall balance of considerations to

ensure that at the point the S106 is completed and the decision is issued all relevant material considerations have been taken into account.

- 1.4 The planning applications for housing development where the 5 year land supply issue was a material consideration and where there is a resolution to permit the application subject to a S106 agreement that has not been completed are included in Appendix A. In each case these are applications that the Committee will have applied the presumption in favour of sustainable development and therefore will have been considered to be sustainable having regard to the social, environmental and economic considerations set described in the NPPF.
- 1.5 Paragraph 14 of the NPPF states that "*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*" For decision taking the NPPF confirms that "***For decision-taking this means:***
- ***approving development proposals that accord with the development plan without delay; and***
 - ***where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:***
 - ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or***
 - ***specific policies in this Framework indicate development should be restricted.***"
- 2.0 OFFICER APPRAISAL
- 2.1 NPPF Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This had been the position in Shropshire since September 2013 when the last 5 years' supply statement was published and this meant that on the housing supply point, Shropshire Councils *relevant* policies were then out of date, and so had less weight as part of the overall consideration.
- 2.2 For decision taking, the applications where there is a resolution to permit but the S106 agreement has not been signed are presented in Appendix A having regard to the following considerations:
- The presumption in favour of sustainable development described in paragraph 14 of the NPPF applies in any event – all the schemes presented to committee will have been assessed first on this point having regard to the social, environmental and economic considerations;
 - The NPPF aim of boosting significantly the supply of housing is a material consideration and "*housing applications should be considered in the context of the presumption in favour of sustainable development*" (NPPF paragraph 49) and this needs to be considered in relation to the positive and negative impacts of the scheme;

- Policies may be considered out of date and of limited weight for other reasons (e.g. age of a saved local plan policy and consequent inconsistency with NPPF policies) therefore simply having a 5 year land supply does not mean full weight can be given to saved housing policies or emerging SAMDev policies (the weight to these policies also being dependent on the extent of unresolved objections and degree of consistency with the NPPF);
- There is a strong likelihood of continuing under delivery against the county-wide Core Strategy target for another few years, meaning that the overall requirement at each update would be higher, even though the number of sites available will be increasing. Consequently, in the balance of considerations if more acceptable sustainable and suitable sites that are permitted impact of under-delivery is offset to a greater degree;
- Now that the SAMDev Plan has been submitted to the Secretary of State for its examination, the Plan is at an advanced stage of preparation. However, the Plan has not been through the examination stage and there are unresolved objections to elements of it (e.g. sites contributing to the housing supply), so the weight that can be attached has to be considered with care alongside the other material considerations and having regard to specific circumstances of particular planning applications.

2.2 In relation to determining planning applications outlined in Appendix A, the main issues to consider are

- whether a particular proposal is in accordance with the Development Plan,
- how it sits in relation to the emerging SAMDev Plan, and
- whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.

The fact of having a five year land supply can never be a reason in itself for refusing a planning application; it simply affects what other policy considerations are applied as set out above.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

The applications included in Appendix A were referred to committee for consideration in accordance with the Council's scheme of delegation. There is no provision in the scheme of delegation in cases where the balance of material planning considerations may have changed for these "minded to approve" decisions to then be delegated to officers.

4.0. RELEVANT PLANNING POLICIES

Central Government Guidance:
National Planning Policy Framework 27th March 2012
National Planning Practice Guidance 6th March 2014

Shropshire Council Core Strategy and Saved Policies:
SAMDev Plan (submitted for examination)
MD Policies (submitted for examination)

Appendix A – An assessment of how the balance of considerations is affected in each case in the context of a 5yr supply of housing land. The original reports to committee and minutes of those meetings are available to view via the online planning register following the link below:

<http://planningpa.shropshire.gov.uk/online-applications/>

1. 12/05208/OUT Proposed development of up to 6 dwellings at 33, Park Lane, Shifnal, considered by Planning Committee on 7th January 2014

- This is considered to be a site where sustainable development can be accommodated within existing housing immediately adjoining the built up area of Shifnal.

- **Development Plan Considerations**

The site is for 6 dwellings on safeguarded land outside development boundary for Shifnal where saved Policy S4 applies. This policy is to provide for housing when the need arises and as the Plan was adopted in July 2006 it predates the NPPF by 6years. In terms of its consistency with the NPPF, the presumption in favour of sustainable development and aim to significantly boost the supply of housing, bringing forward safeguarded land now for housing supply is consistent with the NPPF aspirations. Consequently, although the proposed development on this safeguarded land would be contrary to current Development Plan policies relating to residential development and the restrictions placed on the land by saved Bridgnorth District Local Plan policy S4, it is considered that these policies can now be given only limited weight.

- **How the proposal sits in relation to the emerging SAMDev Plan,**
The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. This site is not allocated for development in the emerging SAMDev plan but has been considered to be sustainable location within a previously developed part of the town.
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- The development of this land would not detract from the wider landscape setting of Shifnal or the immediate locality. Neighbour amenity would be safeguarded in the consideration of the reserved matters submission. There are no highway safety, ecological, archaeological or drainage reasons that would justify a refusal of planning permission. The scheme would make a contribution towards affordable housing through the Section 106 Agreement. Detailed technical aspects of the scheme (apart from the access works affecting the public highway) would be fully assessed in relation to the development scheme submitted at the reserved matters stage.

Having regard to the Council's 5yr housing land supply, under delivery on the ground will continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable and the impacts of the development can be addressed. Therefore the officer recommendation, having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to maintain a recommendation for approval. However, as a consequence of seeking to maintain the 5year housing land supply and promote delivery of housing on the ground the officer recommendation is now amended to include a limit of 1 year , rather than 3 years for the submission of the reserved matters application. There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraphs 14 and 49, of a presumption in favour of sustainable housing development as exemplified by this scheme.

Recommendation: That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to the conditions as agreed by committee previously and subject to a limit of 12 months for the submission of reserved matters and a Section 106 Agreement in respect of an affordable housing contribution.

2. 13/02148/OUT Proposed dwelling at land at 29 Park Lane, Shifnal Considered by Planning Committee on 7th January 2014

- This is considered to be a site where sustainable development can be accommodated
- **Development Plan Considerations**
- As with the site at 33 Park Lane the site is on safeguarded land outside development boundary for Shifnal where saved Policy S4 applies and in this case the application is for a single dwelling. Policy S4 provides for housing when the need arises. In terms of its consistency with the NPPF and its objective to significantly boost the supply of housing, bringing forward safeguarded land now for housing supply is consistent with the aspirations of the NPPF. Consequently , although the proposed development on this safeguarded land would be contrary to current Development Plan policies relating to residential development and the restrictions placed on the land by saved Bridgnorth District Local Plan policy S4, it is considered that these policies can now be given only limited weight.
- **How it sits in relation to the emerging SAMDev Plan**
- The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. This site is not allocated for development in the emerging SAMDev plan but has been considered to be sustainable having regard to the social, environmental and economic impacts.
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

- Although a single dwelling cannot be said to significantly boost the supply of housing the impacts arising from this scale of development are not significant. This site is a sustainable location, within existing housing immediately adjoining the built up area of Shifnal and there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. Furthermore, the development of this land would not detract from the wider landscape setting of Shifnal or the immediate locality. Neighbour amenity would be safeguarded in the consideration of the reserved matters submission.
 - Having regard to the Council's 5yr housing land supply, under delivery on the ground will continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable and the impacts of the development can be addressed. Therefore the officer recommendation, having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to maintain a recommendation for approval. However, as a consequence of seeking to maintain the 5year housing land supply and promote delivery of housing on the ground the officer recommendation is now amended to include a limit of 1 year , rather than 3 years for the submission of the reserved matters application. There are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraphs 14 and 49, of a presumption in favour of sustainable housing development as exemplified by this scheme.
 - **Recommendation: That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to the conditions as agreed by committee previously and subject to a limit of 12 months for the submission of reserved matters and a Section 106 Agreement in respect of an affordable housing contribution.**
3. **13/02989/OUT Outline application (access) for mixed residential development with associated parking, public open space, SUDs pond, landscaping and other ancillary works Development Land West of Coppice Green Lane Shifnal Shropshire**
Considered by Planning Committee on 4th February 2014
- This is considered to be a site where sustainable development can be accommodated.
 - **Development Plan Considerations**
- The site is for up to 200 dwellings on safeguarded land outside development boundary for Shifnal where saved Policy S4 applies. This policy is to provide for housing when the need arises and as the Plan was adopted in July 2006 it predates the NPPF by 6years. In terms of its consistency with the NPPF, the presumption in favour of sustainable development and aim to significantly boost the supply of housing, bringing forward safeguarded land now for housing supply is consistent with the NPPF aspirations. Consequently, although the proposed development on this safeguarded land would be contrary to current Development Plan policies relating to residential development and

the restrictions placed on the land by saved Bridgnorth District Local Plan policy S4, it is considered that these policies can now be given only limited weight.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. This site is not allocated for development in the emerging SAMDev plan but has been considered to be a sustainable location.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

- The proposed development on this safeguarded land would be contrary to current Development Plan policies relating to residential development and the restrictions placed on the land by saved Bridgnorth District Local Plan policy S4. However this site is a sustainable location, adjacent to existing housing immediately adjoining the built up area of Shifnal, and would satisfy the economic, social and environmental dimensions of sustainable development set out in the NPPF.

The applicant has confirmed in writing that after an extensive marketing exercise they have now agreed contractual terms with a national home builder to purchase the site and take forward the Reserved Matters application as soon as possible. A pre-application meeting has already been held with planning officers to discuss the detailed layout for the site, with the intention of having the application submitted by the end of October 2014. Subject to gaining approval of reserved matters the applicant's preferred developer is currently forecasting a site start by mid-2015 and it is likely that the site will be dual branded, which will see it built out as soon as possible.

In addition the applicant has agreed in principle to make a significant contribution to the Shifnal Travel & Movement strategy and prior to the publication of this report was close to completing S106 negotiations.

Having regard to the Council's 5yr housing land supply, under delivery on the ground will continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable and the impacts of the development can be addressed. Therefore the officer recommendation, having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to maintain a recommendation for approval. However, as a consequence of seeking to maintain the 5 year housing land supply and promote delivery of housing on the ground the officer recommendation is now amended to include a limit of 1 year, rather than 3 years for the submission of the reserved matters application. This is not a speculative scheme and there is therefore a real prospect of delivery in the short term which will help to address the under delivery that otherwise continues to erode the land supply position.

Consequently, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraphs 14 and 49, of a presumption in favour of sustainable housing development as exemplified by this scheme.

Recommendation: That, subject to satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision, contributions to the Travel and Movement Strategy for Shifnal and reduction of speed limit on a section of Coppice Green Lane, and subject to an additional condition limiting the outline permission to 12 months, planning permission be granted as a departure as per the Officer's recommendation.

**4. 14/00062/OUT | Outline application with vehicular access (from Stone Drive and Lloyd Grove) to be determined for mixed residential development, public open space, earthworks, balancing ponds, landscaping, car parking and all ancillary and enabling works; demolition of one dwelling (18 Silvermere Park) Development Land North East Of Stone Drive Shifnal
Considered by Planning Committee on 27th May 2014**

- This is considered to be a site where sustainable development can be accommodated.

- **Development Plan Considerations**

The site is for up to 250 dwellings on safeguarded land outside development boundary for Shifnal where saved Policy S4 applies. This policy is to provide for housing when the need arises and as the Plan was adopted in July 2006 and it predates the NPPF by 6 years. At the present time planning permission would normally only be given for developments on the land which would be acceptable in the Green Belt, provided that such development would not prejudice its ability to meet the settlements long term needs. The erection of open market housing on the site outside of the Shifnal development boundary would be contrary to current adopted Development Plan housing policies. However the National Planning Policy Framework, published in March 2012, must be taken into account and is a material consideration of significant weight in determining planning applications. Consequently, although the proposed development on this safeguarded land would be contrary to current Development Plan policies relating to residential development and the restrictions placed on the land by saved Bridgnorth District Local Plan policy S4, it is considered that these policies can now be given only limited weight.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

Ideally the future of all safeguarded land would be determined through the SAMDev Plan process. However it is clear from a recent parliamentary debate (Parliamentary Debate on housing supply and the role of Local Plans, Hansard 24/10/13) and a review of recent appeal decisions across the country, that an emerging Local Plan is afforded minimal weight by the Planning Inspectorate or Secretary of State until submission stage (for non-contentious proposals) or publication of the Inspector's report (for contentious proposals) respectively. Therefore, although the emerging SAMDev plan and policies

can be given some weight now SAMDev is on deposit this is limited due to the fact there remain unresolved objections to the plan.

A further factor of significance is that the application site forms part of a parcel of land the bulk of which, in the SAMDev preferred options consultation of March 2012 and the revised preferred options consultation of July 2013, has been allocated as a housing site. (Land north-east of the Wolverhampton Road (ref SHI006 – 11.6Ha). In the final SAMDev plan the site boundaries to SHI006 have been adjusted to follow existing boundary features, to accommodate a town park and match those shown in this planning application.

- Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.
- Having regard to the Council's 5yr housing land supply, under delivery on the ground will continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable and the impacts of the development can be addressed. Therefore the officer recommendation, having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to maintain a recommendation for approval. However, as a consequence of seeking to maintain the 5year housing land supply and promote delivery of housing on the ground the officer recommendation is now amended to include a limit of 1 year, rather than 3 years for the submission of the reserved matters application. In addition, as this is a SAMDev Plan allocation site which has been the subject of assessment and consultation and for which a planning application has been submitted and considered by committee with a resolution to approve, the site has been included in the Council's 5 year housing supply statement as a deliverable site. The number of dwellings which can be accommodated on the site is significant in terms of boosting housing delivery, which remains a significant consideration.

Recommendation

That planning permission be granted as a departure and as per the amended Officer's recommendation as set out in the Schedule of Additional Letters, subject to:

- **The outline permission being limited to one year to encourage the submission of reserved matters and ultimately delivery of housing;**
- **Satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision;**
- **Contributions to the Travel and Movement Strategy for Shifnal and off site drainage works;**
- **Maintenance of the town park/open space by an appropriate body; and**
- **The conditions as agreed previously by committee, subject to Condition No. 1 being amended to read as follows:**

“Reason: The application is an outline application under the provisions of Article 2(1) of the Town and Country Planning (Development Management Procedure)

Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

**5. 13/04840/FUL | Mixed residential development of 66 dwellings and garages
Land South Of A464 Shifnal Shropshire
Considered by Planning Committee 22nd July 2014**

- This is considered to be a site where sustainable development can be accommodated.

- **Development Plan Considerations**

The application is a full application for 66 dwellings on safeguarded land outside development boundary for Shifnal where saved Policy S4 applies. This policy is to provide for housing when the need arises and as the Plan was adopted in July 2006 it predates the NPPF by 6years. In terms of its consistency with the NPPF, the presumption in favour of sustainable development and aim to significantly boost the supply of housing, bringing forward safeguarded land now for housing supply is consistent with the NPPF aspirations. Consequently, although the proposed development on this safeguarded land would be contrary to current Development Plan policies relating to residential development and the restrictions placed on the land by saved Bridgnorth District Local Plan policy S4, it is considered that these policies can now be given only limited weight.

- **How the proposal sits in relation to the emerging SAMDev Plan,**

The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. This site is not allocated for development in the emerging SAMDev plan but was included in the revised preferred options consultation stage of the plan as a potential development site. It will therefore been considered through a process of technical site assessment and found to be suitable at that time, the reason for its exclusion from the final plan was the level of development interest on other sites in Shifnal considered against the revised housing target figures for the settlement.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**

- This is a full application and committee has previously considered the impacts of the scheme and found these to be acceptable as part of the overall planning balance. In addition the scheme will provide for a financial contribution towards the Shifnal Travel and Movement Strategy. Issues concerning mitigation for Great Crested Newts raised in the previous officer report have now been resolved.

Having regard to the Council's 5yr housing land supply, under delivery on the ground will continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable and the impacts of the development can be addressed. Therefore the officer recommendation,

having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to maintain a recommendation for approval. This is a full planning application with a real prospect of delivery.

Recommendation

That planning permission be granted as a departure subject to:

- **Satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision;**
- **Contributions to the Travel and Movement Strategy for Shifnal and reduction of speed limit on a section of the A464 Wolverhampton Road;**
- **Provision and maintenance of the open space by an appropriate body;**
- **The conditions as agreed previously by members; and**
- **Development to commence before the expiration of two years from the date of permission.**

6. 13/03406/FUL Erection of a detached dwelling following demolition of existing commercial greenhouse Proposed Dwelling On South Side Of Benthall Lane Benthall Broseley Shropshire Considered by Planning Committee 4th March 2014

- This is considered to be a site where sustainable development can be accommodated. The adjacent site to the south west of this proposed plot has benefitted from approval of an affordable dwelling under planning permission ref:11/05609/FUL granted on 5th April 2012 as in addition to the other requirements listed, the site met the locational criteria outlined i.e. it falls within the named settlement of Benthall adjoining the Key Centre of Broseley. For these reasons, this adjacent site was considered to be a sustainable location. As the plot now proposed for development is closer to the Broseley Development Boundary is must also be regarded as a sustainable location.
- **Development Plan Considerations**
- The site is positioned in open countryside outside of any development boundaries designated under existing or 'saved' planning policies where open market housing would not normally be permitted. Under LDF Core Strategy Policy CS5 – Countryside and Green Belt, new open market residential development is not considered acceptable within the countryside unless for affordable, an essential worker's dwelling or conversion of a building of historic merit, on appropriate sites which maintain and enhance countryside vitality. In this respect the proposal for an open market dwelling on the plot at Benthall Lane is contrary to adopted Local Policy. However the saved policies in the Bridgnorth District Plan date from 2006 and pre date the NPPF which is now a significant material consideration with its presumption in favour of sustainable development
- **How it sits in relation to the emerging SAMDev Plan**
- The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain

unresolved objections to the plan. This site is not allocated for development in the emerging SAMDev plan but has been considered to be sustainable having regard to the social, environmental and economic impacts of the scheme and is located within the context of existing development.

- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
 - Having regard to the Council's 5yr housing land supply, there are considered to be no other material considerations of sufficient weight to override the clear NPPF guidance, at paragraph 14, of a presumption in favour of sustainable housing development as exemplified by this scheme. Although a single dwelling cannot be said to "significantly" boost the supply of housing, the impacts arising from this scale of development are not significant and have been considered previously by members following a site visit. Whilst this proposal for an open market dwelling in a designated countryside location is a departure from Shropshire Council Policy, it is not contrary to National Planning Policy where the balance of considerations would support the provision of sustainable development where any adverse impacts can be addressed. By its scale, design and siting, the proposed dwelling would not detract from the visual amenity or character of the surrounding environment, nor unduly harm the amenities of neighbouring residential properties.
 - **Recommendation: That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to a Section 106 Agreement in respect of an affordable housing contribution**
- 7. 14/01173/OUT Outline planning consent for residential development (up to 52 dwellings) to include access The Leasowes Sandford Avenue Church Stretton Shropshire SY6 7AE 14/01173/OUT – The Leasowes, Sandford Avenue, Church Stretton
Considered by Planning Committee on 24th June 2014**
- This is considered to be a site where sustainable development can be accommodated, it is additionally allocated as a site for housing in the SAMDev Plan.
 - **Development Plan Considerations**
 - Church Stretton is identified as a Market town and Key Centre in the adopted Core Strategy. Policy CS3 – "Market Towns and Other Key Centres" requires market towns such as Church Stretton to accommodate balanced housing and employment development within their development boundaries and on sites allocated for development. The saved South Shropshire District Local Plan Policies applied to a plan period 2004-2011 and pre-date the publication of the NPPF, accordingly they can be given limited weight.
 - **How it sits in relation to the emerging SAMDev Plan**

- The emerging SAMDev plan and policies can be given some weight now SAMDev is on deposit although not significant weight at this stage due to the fact there remain unresolved objections to the plan. The current site is allocated in the emerging SAMDev and has the support of Church Stretton Town Council.
- **Whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.**
- The main issue to address is whether the proposals would result in any additional impacts on surrounding properties, amenities, the environment, infrastructure, economy and local community relative to the existing situation. This includes potential effects on the Conservation Area and the AONB.

Having regard to the Council's 5yr housing land supply, under delivery on the ground will continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable, it is a SAMDev allocation and has therefore already been taken into consideration in calculating the Council's land supply position. Therefore the officer recommendation, having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to maintain a recommendation for approval. However, as a consequence of this and seeking to promote delivery of housing on the ground the officer recommendation is now amended to include a limit of 1 year, rather than 3 years for the submission of the reserved matters application.

Recommendation: Grant Permission subject to the conditions and informatives set out in the original officer report, an additional condition limiting the permission to 12 months for the submission of reserved matters and subject to a Section 106 legal agreement to secure the payment of an affordable housing financial contribution, in accordance with the Council's affordable housing policy.

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Committee and date

South Planning Committee

16 September 2014

SCHEDULE OF APPEALS AND APPEAL DECISIONS

| | |
|-----------------------------------|---|
| LPA reference | 14/01016/OUT |
| Appeal against | Refusal |
| Committee or Del. Decision | Committee |
| Appellant | Mr D Doley & P Woodall & I Bissell |
| Proposal | Outline application (access for approval) for mixed residential development |
| Location | Land Off Oldbury Road Bridgnorth Shropshire |
| Date of appeal | 15/08/2014 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | |
| Costs awarded | |
| Appeal decision | |

| | |
|-----------------------------------|--|
| LPA reference | 13/03126/FUL |
| Appeal against | Refusal |
| Committee or Del. Decision | Committee |
| Appellant | Hallmark Power Ltd |
| Proposal | Erection of two wind turbines (45m overall height); associated infrastructure and access track |
| Location | North Of Sidnall Farm Middleton Priors Bridgnorth Shropshire |
| Date of appeal | 15/05/2014 |
| Appeal method | Written Representations |
| Date site visit | |
| Date of appeal decision | 22/08/2014 |
| Costs awarded | |
| Appeal decision | Allowed |

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Appeal Decision

Site visit made on 12 August 2014

by Mr A Thickett BA(HONS) BTP MRTPI Dip RSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 August 2014

Appeal Ref: APP/L3245/A/14/2218229

Land north of Sydnall Farm, Lightwood, Shropshire, WV16 6UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hallmark Power Ltd against the decision of Shropshire Council.
 - The application Ref 13/03126/FUL, dated 22 July 2013, was refused by notice dated 2 April 2014.
 - The development proposed is the erection of two 250kW wind turbines and associated infrastructure, including access track.
-

Decision

1. The appeal is allowed and planning permission granted in accordance with the conditions set out in the schedule at the end of this decision.

Procedural matter

2. The Council did not attend the site visit. A public footpath runs through the field which would contain the proposed turbines and the appellant's agent agreed that I could carry out an unaccompanied site visit. The Council confirmed its agreement in an e mail dated 12 August 2014.

Main Issue

3. The main issue is the impact of the proposed wind turbines on the character and appearance of the area.

Reasons

4. The proposed turbines would have a hub height of 30m with blades of 15m giving height to tip of blade of 45m. The turbines would be located in a field to the north of the farmhouse and buildings at Sydnall Farm. The site lies in the open countryside in a gently undulating landscape characterised by fields bounded by mature hedges interspersed with tall trees and woodland. The area is dotted by farms with mainly traditional farm buildings. The boundary of the Shropshire Hills Area of Outstanding Natural Beauty lies about 4km to the south west of the appeal site.
5. The turbines would introduce a feature not currently seen in the immediate area and would be taller than the surrounding trees. However, the undulating nature of the landscape and the blocks of woodland would limit views of the proposed turbines. In their report to committee Council officers conclude that woodlands to the south west of the site *'provide enclosure and break up distant*

views from within the Shropshire Hills AONB¹. Having seen the site and travelled around the area, I agree and do not consider that the proposed development would harm the AONB.

6. The appellant's Landscape and Visual Impact Assessment (LVIA) acknowledges that there will be a degree of local impact but I agree with its conclusion that the turbines would respect the scale and composition of the landscape. Further, the local topography and woodlands also limit views from nearby roads and settlements. Walkers using the footpaths within the field and on its eastern boundary would have a clear view of the turbines. However, walkers would be passing through which would limit the impact of the turbines and the turbines would occupy only a small percentage of the countryside visible on a good day.
7. The Council refer to a number of other permitted and pending schemes for turbines within 5km of the appeal site. In their report to committee the Council's officers do not disagree with the findings of the LVIA that the nature of the landscape combined with the distance between the permitted and proposed turbines is such that there would be no adverse cumulative impact on the character of the area. I have neither seen nor read anything to persuade me to disagree.
8. A heritage statement submitted by the appellant assesses the potential impact of the proposed development on heritage assets within 5km of the site. The report concludes that, due to the character of the landscape and the nature of the assets and their location, no harm would accrue to any listed building. I have considered the concerns expressed regarding Upton Cresset Hall and other listed buildings in the area but my observations lead me to agree with the appellant's assessment.

Other matters

9. The mandatory requirement for wind turbine developers to consult with local communities² came into force after the planning application was submitted to the Council. The nearest residents who do not have a financial interest in the proposed development live about 540m from the site. The appellants commissioned an acoustic report which concludes that the occupiers of that property should not be adversely affected by any noise generated by the proposed turbines. The Council's Public Protection Specialist has no objection but I agree with him that a condition should be imposed placing a limit on the noise generated by the proposed turbines.
10. The Shropshire Hills & Ludlow Visitor Survey Report records that 92% of visitors said that what appeals to them most about the area is its landscape and scenery. I don't doubt that this is the case but the Council submit no evidence, by way of a survey, to support the assertion that the proposed turbines would have an adverse impact on tourism. The appellant, on the other hand, cites studies undertaken by the Welsh Government, Anglesey Council and Visit Scotland which conclude that wind turbines do not have a significant impact on visitor numbers.

¹ Area of Outstanding Natural Beauty

² For developments for more than two turbines or for turbines with a hub height in excess of 15m; The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013.

11. The field is cultivated and does not provide an attractive habitat for amphibians. The appellant's ecological consultant considers the risks to great crested newts to be low and the Council's Biodiversity Technician did not consider a survey for great crested newts to be necessary. The turbines have been re located to take into account best practice guidance regarding the siting of turbines and linear features such as hedges used by bats for navigation. Again, the risks are considered to be low and I see no need for a condition relating to ecological matters.

Conditions and unilateral undertaking

12. I have considered the Council's suggested conditions in light of the advice in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (PPG). In addition to those mentioned above, it is necessary, in the interests of visual amenity, to impose conditions regarding the finish of the turbines and laying cables underground. In light of my conclusions, I do not consider the grant of a temporary planning permission to be appropriate but I will require the proposed turbines to be removed should they cease generating electricity. The Ministry of Defence seek the imposition of a condition to safeguard aviators which I agree is necessary.
13. The PPG sets out tests for conditions, one of which is that they should be precise. The condition citing the various documents, letters and e mails supporting the appeal application do not specify which parts of those documents must be complied with, leaving the appellant unclear regarding what is needed to comply with the condition. Further, there is no need to specify that the planning permission only relates to the land within the red line and it is a mystery to me why the development should comply with the LVIA viewpoint plan and site ownership plan.
14. Given the need to safeguard nature conservation interests, I am surprised at the suggestion that a condition be imposed allowing the proposed turbines to be sited within 20m of the position shown on the site plan. The extent of the concrete bases and access track is shown on the submitted plans and a condition requiring these details is unnecessary. I have seen nothing to suggest that the turbines are likely to fall over and see no need to require Turbine 1 to be relocated.
15. According to the Design and Access Statement the turbines would be delivered using normal HGVs. I have seen nothing to suggest that the local highway network cannot accommodate HGVs and do not consider a condition relating to vehicle movements or remedial works to be necessary. I have neither seen nor read anything to suggest that the appellant would not use the existing access to Sydnall Farm and so see no need for a condition prohibiting the creation of a new access. In light of the isolated location of the site, I do not consider a condition limiting the times construction may take place to be necessary.
16. The Heritage Statement submitted by the appellant concludes that there is little likelihood of there being any archaeological remains on the site and a condition requiring an archaeological watching brief is, therefore, unnecessary. The appellant's assertion that interference with TV reception is highly unlikely is supported by the consultation responses from relevant bodies cited in the committee report. I do not, therefore, consider a condition requiring mitigation measures to be necessary.

17. The appellant submits a unilateral undertaking which commits the developer to make an annual contribution of £2,500 to Ditton Priors Parish Council. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission if it is; necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The appellants desire to share the benefits of the development with the local community is laudable but I do not consider that the contribution is necessary to enable the development to proceed. I understand that the money would be spent on community projects but have read nothing to indicate how they would be related to the development or that the contribution is fairly and reasonably related in scale and kind to the development. Consequently, I afford the unilateral undertaking no weight.

Conclusions

18. The electricity generated by the turbines would produce an additional income stream for the farm and farm diversification is supported by the NPPF. The PPG states that all communities have a responsibility to help increase the supply of green energy but that the need for renewable energy does not automatically override environmental protections. I have assessed the planning concerns of the Council and others and consider that the proposed wind turbines would not have an unacceptable impact on the character and appearance of the area. I conclude therefore, the proposal complies with Policies CS5, CS6, CS13 and CS17 of the Shropshire Local Development Framework; Adopted Core Strategy 2011.
19. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be allowed.

Anthony Thickett

Inspector

Schedule

APP/L3245/A/14/2218229

The appeal is allowed and planning permission is granted for the erection of two 250kW wind turbines and associated infrastructure, including access track at land north of Sydnall Farm, Lightwood, Shropshire, WV16 6UN in accordance with the terms of the application, Ref 13/03126/FUL, dated 22 July 2013, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: M5398-01; 250-00-1500; 329-50-000 and cabling plan Enq No. 1968438.
- 3) No development shall take place until details of the external finish of the turbines hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until the local planning authority has been provided with written confirmation that the Ministry of Defence has been notified in writing of:
 - i. The date construction will start and when it is proposed to finish
 - ii. The maximum height of the wind turbines, and
 - iii. The latitude and longitude of the wind turbines
- 5) All electricity and control cables shall be laid underground.
- 6) Within 6 months of a wind turbine ceasing to be used for the generation of electricity, it shall be permanently removed from the land and the site restored in accordance with details to be submitted to and approved in writing by the local planning authority prior to these works being carried out.
- 7) The level of noise emissions from the turbine hereby permitted shall not exceed 35 dB LA90 when measured at the boundary of any dwelling which lawfully exists or has planning permission for construction at the date of this planning permission at wind speeds up to 10ms at rotor centre height. All instrumentation and methodology for evaluating compliance with this condition and the positions for all measurements of noise and wind speed, shall have been previously approved in writing by the local planning authority.

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