

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

Date: Monday, 6 October 2014

Committee:
South Planning Committee

Date: Tuesday, 14 October 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 - 14)

To confirm the minutes of the South Planning Committee meeting held on 16 September 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 Land south of Woodbatch Road, Bishops Castle (14/00885/OUT) (Pages 15 - 64)

Outline application for mixed residential development and formation of a vehicular and pedestrian access.

6 Hazeck, The Mines, Broseley, Shropshire, TF12 5QY (14/01341/FUL) (Pages 65 - 78)

Erection of two single storey extension to side elevations; increase in roof height to allow for first floor accommodation to include insertion of dormer windows and rooflight to front and rear roofline (amended description).

7 Fox Studio, King Street, Much Wenlock, Shropshire, TF13 6BL (14/01397/FUL) (Pages 79 - 98)

Proposed extensions and conversion of existing studio building to form four residential units and one commercial unit; including demolition of part of boundary wall (amended description).

8 Bradley Farm, Farley, Much Wenlock, TF13 6PE (14/02127/FUL) (Pages 99 - 128)

Construction of an equestrian centre to include: main facilities building incorporating reception, offices, changing rooms, therapy room, toilets, boiler room, viewing area, stables, stores and indoor arena; outdoor manege; carriage track; paddocks; two field shelters; vehicle parking, package treatment plant; surface water attenuation pool and associated drainage; formation of access and highway improvements; and landscaping.

9 Land West of Lavender Bank, Bishops Castle (14/02632/OUT) (Pages 129 - 166)

Outline application for a mixed residential development (to include access).

10 Land North of Henley Common, Henley Lane, Acton Scott (14/02807/FUL) (Pages

167 - 210)

Continued use of land for agricultural purposes and the installation of up to 6.5 MW of solar photovoltaic panels and ancillary works.

11 Land at Whitton, Caynham, Shropshire (14/02873/FUL) (Pages 211 - 250)

12 Little Beck House, Lion Lane, Cleobury Mortimer, Kidderminster, DY14 8BT (14/03611/FUL) (Pages 251 - 258)

Erection of a new single storey sun room (replacing an existing side utility).

13 Schedule of Appeals and Appeal Decisions (Pages 259 - 286)

14 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, 11 November 2014, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

14 October 2014

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 16 September 2014

2.00 - 3.34 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, John Hurst-Knight, Cecilia Motley, Madge Shineton, Robert Tindall, David Turner and Tina Woodward

57 Apologies for Absence

An apology for absence was received from Councillor Richard Huffer.

58 Minutes

RESOLVED:

That the Minutes of the South Planning Committee held on 19 August 2014, be approved as a correct record and signed by the Chairman.

59 Public Question Time

There were no public questions.

60 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.

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

With reference to Minute No. 53, the Principal Planner introduced the application, which had been considered at the previous meeting when Members had been minded to refuse the application. He confirmed that Members had undertaken a site visit prior to the previous meeting and had 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.

Councillor Phil Harrison, representing Albrighton Parish Council, 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 building was only granted permitted development rights based on its height and distance from other dwellings in the area;
- A modern house in close proximity to this site had initially been refused planning permission and was only allowed as an affordable dwelling;
- There had been an unwillingness by Officers to support affordable housing that would meet a local need on a site at the opposite end of the village;
- Approval would set a dangerous precedent; and
- Would not meet any local need.

In response to a question from a Member, Councillor Phil Harrison confirmed that the development would not meet any aims set out in the Albrighton Neighbourhood Plan.

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;
- Sustainability within the Green Belt had been identified;
- Albrighton had been identified as a key centre in the Site Allocations and Management Development (SAMDev) Plan;
- The building could sensibly be divided to form a dwelling and footprint would not increase;
- The re-use of the existing building would not constitute inappropriate development in the Green Belt;
- Would not be contrary to policy, no highway objections had been raised and there would be no overlooking of other properties; and
- Would contribute to affordable housing and Community Infrastructure Levy (CIL).

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and the majority voted to permit the application.

RESOLVED:

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

- A Section 106 Agreement relating to an affordable housing contribution;
- Condition No. 4 to be amended to ensure that the access onto High House Lane shall be altered prior to the commencement of any construction works taking place; and
- The conditions set out in Appendix 1.

62 Wheathill Touring Park, Wheathill, Shropshire (14/02338/FUL)

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further comments from Shropshire Council's Ecology Officers.

Councillor Mrs S Crichton, representing Wheathill Parish Council, 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 application related more to storage rather than tourism;
- Would not provide any additional employment;
- Would not be in keeping with the surrounding AONB area and the CPRE had raised objections;
- No amount of screening would reduce the visual impact when viewed from higher ground and old trees had already been removed from the site;
- Concerned with the incremental development, there had been eight planning applications within a short time;
- Concerned about the excavation and the method of disposal of the waste spoil; and
- The impact on the AONB should not be outweighed by the economic benefits of this proposal.

Mr J Bryan, 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 application would provide an extended area within the existing site to enable the operators to meet the demands of their customers and encourage repeat visits;
- Would provide secure storage facilities and employment for local people;
- There had been a significant number of applications to close public houses in recent times, this proposal would support the adjacent public house;
- There would be no adverse impact on the landscape and additional screening would be implemented; and
- Would not be contrary to policy and was a sustainable location.

In response to questions from Members, Mr Bryan provided clarification on the spoil disposal and site opening times and reiterated that the site would secure existing employment both on the site and also at the adjacent Three Horseshoes public house.

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 Madge Shingleton, 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 her statement, the following points were raised:

- She provided an overview of the history of the site;
- The applicant had now employed the local nursery to mitigate any initial inappropriate landscaping; and
- She would strongly oppose the siting of mobile homes on this site.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers and the majority voted to permit the application.

RESOLVED:

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

- The conditions set out in Appendix 1; and
- An additional condition to ensure that no development shall commence until full details of both hard and soft landscape works have been approved in writing by the local planning authority and these works to be carried out as approved and in accordance with a timetable to be agreed.

63 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

The Planning Services Manager introduced the report and provided clarification on the five year land supply issue. He explained that under delivery on the ground would continue to erode the five year land supply figure until such a time as development activity on the ground increased, with this in mind, in some cases and to encourage submission of Reserved Matters he was recommending that a limit of one year for the submission of Reserved Matters be agreed, rather than the three years previously agreed.

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

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 in support of the planning applications appertaining to Shifnal and then left the room and took no part in the debate and did not vote on planning applications 12/05208/OUT, 13/02148/OUT, 13/02989/OUT, 14/00062/OUT and 13/04840/FUL.

63.1 Proposed development of up to 6 dwellings at 33, Park Lane, Shifnal (12/05208/OUT)

RESOLVED:

That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to the conditions as agreed by committee previously at its meeting on 7 January 2014, 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.

63.2 Proposed dwelling at land at 29 Park Lane, Shifnal (13/02148/OUT)

RESOLVED:

That planning permission be granted as a departure in accordance with the Officer's recommendation, subject to the conditions as agreed by committee 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.

63.3 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 (13/02989/OUT)

RESOLVED:

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 amended condition limiting the outline permission to 12 months, planning permission be granted as a departure as per the Officer's recommendation.

63.4 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 (14/00062/OUT)

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further comments from the agent and an amended recommendation.

RESOLVED:

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 two years 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.”

63.5 Mixed residential development of 66 dwellings and garages - Land South Of A464 Shifnal, Shropshire (13/04840/FUL)

Members noted the Counsel's Opinion received from the applicant which had been circulated prior to the meeting.

RESOLVED:

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.

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

63.6 Erection of a detached dwelling following demolition of existing commercial greenhouse Proposed Dwelling On South Side Of Benthall Lane, Benthall, Broseley, Shropshire (13/03406/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 Turner, as the local Ward Councillor, made a statement against the application and then left the room and took no part in the debate and did not vote on this item.

RESOLVED:

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.

63.7 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)

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 in support of the application and then left the table and took no part in the debate and did not vote on this item.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in the original officer report, an amended 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.

64 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 16 September 2014 be noted.

65 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, 14 October 2014 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:



Committee and date

South Planning Committee

14 October 2014

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/00885/OUT	<u>Parish:</u>	Bishops Castle
<u>Proposal:</u> Outline application for mixed residential development and formation of a vehicular and pedestrian access		
<u>Site Address:</u> Land south of Woodbatch Road, Bishops Castle		
<u>Applicant:</u> Mr J M Jones		
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmse@shropshire.gov.uk	

Responsible Officer: Tim Rogers

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

Recommendation:- Approve as per the officer recommendation in Appendix 1

1.0 BACKGROUND TO THE REPORT

1.1 This application was reported to the committee meeting on 27th May 2014. The original officer appraisal report recommending approval is attached as Annexe 1. Members resolved to defer the application after hearing from speakers for and against the proposals. This was order for the applicant to:

- i. Review the impact and effect of the proposed development on the local road network and Conservation Area, and
- ii. Review drainage issues and put forward mitigation measures identified as necessary.

1.2 The application was subsequently reported back to the committee on 22nd July with additional information on drainage and highway matters. Members resolved to refuse the application for the following reasons:

1. **Emerging Policy:** The Bishop's Castle community has overwhelmingly rejected sites on the south-west side of the town for housing development during a rigorous consultation exercise carried out in connection with Shropshire

Contact: Tim Rogers (01743) 258773

Council's emerging Site Management and Allocation of Development document ('SAMDev'). This is because of access problems to the town's hinterland. Other more appropriate sites have been identified in the SAMDev.

2. Housing type: A need for affordable housing had been identified in the area and the contribution of this application to the affordable housing stock would be minimal.
3. Highway / access matters: This proposal would exacerbate the already significant problems that exist along Kerry Lane. To exit the proposed development site and the town, traffic would have to use Kerry Lane, which, in places is a single track road, has no footpath in places, has five junctions within close proximity and is already considered to be unsuitable for existing residents and businesses.

Accordingly the proposed development would therefore be contrary to paragraph 17 of the National Planning Policy Framework and Core Strategy Policy CS6 whereby the adverse impacts of the proposals would significantly and demonstrably outweigh the benefits.

- 1.3 An application would not normally be reported back to committee after a resolution has been made. However, it is considered that a number of new factors have come to light since the original resolution and that it is appropriate to draw these to the attention of Members before a final decision is issued:

- Legal Services: Following discussion with officers the Council's Legal Services section has reiterated concerns about the ability to defend a highway based refusal reason on appeal, given the absence of objection from the Council's highways team. Concern is raised about the Council's potential exposure to costs in these circumstances.
- CIL Targeting: Cabinet agreed to allow a more targeted approach to the use of CIL money on local infrastructure projects in July 2014, after the current application was considered by the Committee. This would in principle allow such money to be utilised, where appropriate, in order to deliver local highway improvements linked to a specific development proposal. This has relevance to the current proposals and to another nearby outline planning application which is currently being considered as it provides greater reassurance regarding the ability to utilise the significant CIL money revenues for targeted highway improvements.
- Additional highway mitigation: Notwithstanding the absence of objection from Highway Officers the applicant's highways consultant has reviewed the highway concerns raised by Members at the July committee and further discussions are taking place with highway officers. Arising from this assessment the applicant has advised that there is significant scope to provide additional reassurance on key highway issues of concern to Members.

- 1.4 Officers advised the applicant that the opportunity would exist to address these points in the context of a re-submission of the application under the ‘free go’ provisions. However, the applicant has expressed a strong preference for the application to be reported back to the committee at this stage. Having reviewed the above considerations it is considered that relevant exceptional circumstance criteria are met in this case and accordingly the Area Development Manager has agreed to this request.
2. Applicant’s comments further to refusal resolution
- 2.1 Policy issues: The applicant has submitted comments in relation to the specific reasons for refusal cited in 1.2 above (emerging policy, housing type and highway / access matters) and these are summarised as Annex 1 of this report. Officers have reviewed these comments and it is considered that they have some policy basis. Accordingly they are drawn to the attention of the Committee at this stage.
- 2.2 CIL Targeting: The applicant considers that the decision of the Shropshire Cabinet on 30th July 14 is relevant to the determination of this application. The minute of the Cabinet meeting provides a succinct summary of the strengthened link between development and the provision of infrastructure. The decisions of how this can be provided have now been delegated to the Head of Economic Growth and Prosperity in consultation with the Portfolio Holder. In the case of Bishops Castle the applicant states that the “critical” highway infrastructure improvements set out on page 40 of the Place Plan can now be provided by a direct use of CIL monies accruing from the Woodbatch Road and potentially also the nearby Lavender Bank development, if approved.
- 2.3 Highway and access issues: The applicant has commissioned a supplementary highway report setting out the local highway context and recommending potential improvements to the highway network on the south side of Bishops Castle. In terms of highway context the report makes the following conclusions:
- i. The generated traffic expected from the proposed Woodbatch Road development, and from the proposed development at Lavender Bank, would not significantly affect traffic volumes accessing the town centre via Kerry Lane and Corporation Street.
 - ii. Corporation Street provides the principle conduit to access the town centre of Bishops Castle from the residential areas off Woodbatch Road, Lavender Bank, Corrick’s Rise and Oak Meadow, whilst Kerry Lane provides access principally to the lower reaches of Church Street and also to the A488, to the east, bypassing Bishops Castle town centre. Corporation Street also provides the most direct access to the town centre, is the easiest of the two roads to traverse both for pedestrian and vehicular use, and is closer to the car park at the junction of Union Street and Harley Jenkins Street than Kerry Lane.

2.4 The following recommendations improvements are made by the report:

- iii. An improvement to the pinch point at the lower end of Kerry Lane alongside No. 2 by covering the existing open culvert and providing both a run-off area for vehicles and a safer pedestrian route from that property into the town centre.
- iv. The easing of the narrow width of road alongside No. 4 Kerry Lane by cutting into the embankment on the south side and constructing a low retaining wall.
- v. The provision of traffic calming measures on the narrow part of Kerry Lane opposite No. 8 with, the possible introduction of a 20 mph speed limit and the increase in visibility linking to the junction of Kerry Lane with Woodbatch Road.
- vi. Improvement to the junction of Woodbatch Road into Kerry Lane with increased visibility to the south, the construction of a high retaining wall to support the service road at this corner, the gentle widening of Kerry Lane into Woodbatch Road enabled by this retaining wall and visibility splay. Moving the pedestrian crossing 10m further down Kerry Lane away from its junction with Woodbatch Road.
- vii. A ban on parking at Corporation Street close to its junction with Union Street. The possible extension of the footpath along Union Street in a southerly direction as far as No. 11 and the encouragement of off-street parking on Corporation Street.
- viii. To consider the elevated section of Kerry Lane alongside with a designated pedestrian route, the retention of the existing car parking and suitable signage to identify the joint use of this service road and its restriction for vehicles to frontages only.

2.5 The report considers that implementation of some or all of the recommended improvements would result in significant benefits for existing traffic using both Kerry Lane and Corporation Street in order to access the town centre. In terms of priorities it is considered that the biggest single improvement would be to improve visibility at the junction of Kerry Lane and Woodbatch Road.

2.6 The report does not consider there to be any major problem with the flow of traffic along these routes, including during school delivery times. It advises however that there is no doubt that localised impediment can be either removed or improved to further free the flow of existing traffic and to cope with the small increase in vehicular traffic which would result from the construction of the proposed development and potentially also the second development off Lavender Bank.

2.7 As a longer-term solution the report also suggests that consideration could be given to implementation of a limited or full one way system in order to limit the use of Kerry lane.

3. OFFICER COMMENTS

- 3.1 The Council's Highways (Development Management) officer has not objected to the proposals given the limited amount of additional traffic which the proposals would generate and has not requested any financial contributions as part of this response. This has instead been offered voluntarily by the applicant during discussions with planning officers in recognition of local concerns received during the planning consultation process. The proposed funding would facilitate improvements to the junction between Woodbatch Road and Kerry Lane and would be delivered as part of a S106 legal Agreement if the current application is approved.
- 3.2 A Cabinet report on targeting of CIL monies dated 30th July 2014 also suggests that this would be capable of being supplemented by additional funding from CIL. Without prejudice to the outcome of the nearby Lavender Bank outline residential application similar funding would potentially also be available if that application was approved. The applicant's highway consultant has indicated that this would potentially allow the majority or all of recommended improvements to be delivered.
- 3.3 Notwithstanding the absence of objection from the Council's Highways (Development Management) section the applicant has cited the Bishops Castle Place Plan as highlighting the need for improvements to the existing highway network on the southern side of Bishop's Castle. The applicant has indicated that in the absence of alternative sources of public funding to facilitate this, the ability to utilise CIL and S106 funding from the current development and potentially also the Lavender Bank scheme, if approved, represents the only way of delivering these improvements.
- 3.4 The applicant's highways consultant has confirmed that the recommended works are achievable and would result in significant improvements to the local highway system. These improvements would not be deliverable if the current scheme was not to proceed, unless an alternative source of public money is identified. Without prejudice, the proposed improvements would also benefit an affordable housing scheme which it is understood is coming forward on land adjacent to the current site, potentially resulting in a more sustainable development.
- 3.5 Given the lack of objection from highway officers and the deliverable highway benefits being offered by the current proposals it is considered that highway matters are capable of being satisfactorily addressed. (Core Strategy Policy CS7)

4.0 CONCLUSION

- 4.1 Consideration of the application was deferred from the committee meeting on May 27th to allow time to address concerns in relation to drainage and highways which were raised at that meeting. The applicant subsequently provided additional information in relation to these matters but Members remained concerned in relation to highway and planning policy considerations and accordingly resolved to refuse the application.

4.2 Following discussions between the applicant and officers the exceptional decision has been taken to refer the application back to committee. The applicant has in the meantime commissioned a highway report which provides further clarity regarding the limited impact which the proposals would have on the local road network. Specific recommendations are also made for a number of deliverable improvements to local roads which the current proposals would help to facilitate. Initial prioritisation would be given to improving visibility at the Woodbatch Road / Kerry Lane Junction. It is considered that this information clearly indicates that refusal on highway grounds could not be substantiated.

4.3 In the absence of a sustainable highway refusal reason it is not considered that refusal overall can be justified. This is having regard to the points made by the applicant in Annex 1 attached. It is therefore recommended that the application is approved in accordance with the recommendations set out in the original officer report which is attached separately as Annex 2.

5.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

5.1 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.

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:

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

7.0 Additional Information

List of Background Papers: Planning application reference 13/003126/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Charlotte Barnes, Bishops Castle
Appendices: Annex 1 – Applicant's commentary on draft refusal reasons Annex 2 – Officer report to 4 th March Committee including Appendix 1 – Conditions

ANNEX 1

APPLICANT'S COMMENTARY ON DRAFT REFUSAL REASONS

1. Reason 1 - Emerging Policy: The applicant contends that the first refusal reason misinterprets the link between development and the provision of infrastructure improvements. It is stated that the Bishops Castle Place Plan put forward by the Town Council as part of the LDF Implementation Plan and the CIL Regulation 123 list identifies highway infrastructure improvements to be a “critical” requirement to be funded by developer contributions (Page 40 of the Bishops Castle Place Plan). The applicant contends that the “*access problems in the town's hinterland*” identified in the Bishop's Castle Place Plan can only be solved by utilising the proceeds of development not only to improve an existing situation but also to facilitate general infrastructure improvements which will benefit the town as a whole. The applicant states that Without new residential development the “*access problems*” will remain - there is no other source of public funding which can be utilised. It is stated that the refusal reason in effect, gives no hope to residents of the town that its infrastructure needs will be met.
2. Reason 2 - Affordable Housing: The applicant advises with respect to the second reason for refusal that the application site would provide more than the required minimum of affordable housing (2 houses instead of the minimum requirement of 1.8). The widening of Woodbatch Road and the provision of a footway would also provide benefits for an affordable housing scheme which is proposed for adjoining land by the Bishops Castle Land Trust – BCLT (not yet submitted as an application). The applicant states that the BCLT would be able to utilise the improved roadway without the need to obtain third party land to carry out the access works themselves. The applicant also states that the proposed site would provide improvements to Kerry Lane which would be beneficial to the future occupants of the affordable housing scheme. Without the application site these benefits would not accrue as affordable housing is CIL exempt.
3. Reason 3 – Highways and access: The applicant contends with respect to the third reason that no evidence has been put forward that the highway network on the south side of the town would be adversely affected by the proposed development. The applicant refers to the Highway (Development Management) officer's advice that the network was capable of accommodating further development. The NPPF is also cited as advising (Para 32) that “*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. The applicant also considers the wording of this reason to be misleading and advises that Kerry Lane is only one of many alternatives to access the centre of the town from Woodbatch Road, with other well-established footpaths and roads, including Corporation Street.
4. The applicant questions the use of para 17 of the NPPF as part of a reason for refusal. It is stated that the main purpose of this paragraph is to facilitate growth through development, not to refuse it. The applicant therefore considers use of Para 17 for refusal without recognizing the requirements of Para 32 to be unreasonable .

Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/00885/OUT	Parish:	Worthen with Shelve
Proposal: Outline application for mixed residential development and formation of a vehicular and pedestrian access		
Site Address: Land south of Woodbatch Road, Bishops Castle		
Applicant: Mr J M Jones		
Case Officer: Grahame French	email: planningdmsw@shropshire.gov.uk	



Recommendation: Grant Permission subject to the conditions and informatives set out in Appendix 1, 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.

REPORT

1.0 THE PROPOSAL

- 1.1 Outline permission is sought for the erection of 10 dwellings off Woodbatch Road, Bishop's Castle, 2 of which would be affordable, the remainder being for 'open market' sale. The application is in outline, with all matters of detail reserved for subsequent approval. Notwithstanding this, the applicant has provided an indicative layout plan and details of the likely housing types. This shows a new junction off Woodbatch Road with winding internal access road running the length of the site with houses alternately to the east or west, associated landscape areas and a turning area at the end.
- 1.2 The plots are proposed to be family sized homes of generally modest accommodation which the applicant states would satisfy an identified need in the community. Adequate parking would be provided and there would be a garage and good-sized garden area for each property. The applicant states that the illustrative site layout plan demonstrates that the site is capable of accommodating dwellings in a configuration which respects the rural nature of the site and the residential amenities of the occupiers of dwellings on The Ridge and The Novers.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site (area 0.86ha) is located on rising land at the south-western corner of the existing built edge of Bishop's Castle. It comprises a rectangular arable field (193m x 45m oriented north-east to south west) to the immediate west of the existing residential areas of The Novers and The Ridge. It is bounded to the north by Woodbatch Road, to the west by a farm access track (also a right of way) and to the south by the continuation of the arable field. There is a fall of 10m from south west to north east across the site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has been referred to the committee by the local member and this decision has been ratified by the Chairman of the Planning Committee and the Development Manager in accordance with the Council's adopted Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

- 4.1.1 Bishop's Castle Town Council – No comments received.
- 4.1.2 SC Public Protection - Specialist – No objection. In order to make the properties ready for EV charging point installation isolation switches must be connected so that a vehicle may be charged in the garage or driveway. (an appropriate condition has been included in Appendix 1)

- 4.1.3 SC Affordable Housing: - No objection. Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.
- 4.1.4 SC Conservation (Historic Environment): - No comments received.
- 4.1.5 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).
- 4.1.6 SC Highways DC: – No objection in principle subject to the following comments: The indicative layout plan, does not show the access to the east of the site, prior to confirming the access is accepted I would ask that the applicant submits details of the proposed access layout to the east, and shows details of the existing footway being extended and any associated carriageway widening. Funding for a priority arrangement along Kerry Lane/ Woodbatch Road junction should be considered. The indicative layout, the layout shown does not appear to meet adoptable standard, therefore it is recommended that further consideration is given to the proposed layout if a reserve matters application is submitted. The proposed layout should provide a suitable turning head.
(Note: An updated indicative layout plan seeking to address the above points was submitted on 15th May 2014).
- 4.1.7i. SC Ecology: – No objection. This application falls within the catchment of the River Clun SAC. Natural England must be consulted on the application and confirmation that they have no objection received before consent can be granted. A draft Habitat Regulation Assessment matrix has been provided to the planning officer and Natural England. The following conditions and informatives should be attached to any consent.
- ii. Development within the River Clun Catchment: This development is within the water catchment for the River Clun and is upstream of the River Teme SSSI and the River Clun SAC. The River Clun SAC is currently failing its water quality targets and its objectives for the conservation of the freshwater pearl mussel. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. *Guidance Note 12: Development within the River Clun Catchment, September 2013* sets out the approach adopted to developments within the catchment. The Site Allocations and Management of Development (SAMDev) Plan Pre-Submission Draft in Policy S2.3 states that all developments in the catchment must clearly demonstrate that it will not adversely affect the integrity of the SAC. This issue has not been specifically addressed in the submitted Ecological Appraisal or the Drainage and Flood Risk Assessment, however the latter does provide the necessary information.
- ii. The Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 states that surface water will be collected for attenuation and storage on site prior to

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controlled discharge to the water course to the SE of the site at a rate limited to 5 litres per second per hectare. According to Guidance Note 12 for sites more than 10km upstream of the SAC such as this, discharges of less than 5 m³/day are regarded as having no likely significant effect. The intention is to discharge foul drainage to the existing sewerage network via a gravity connection (with details to be confirmed). As the Bishop's Castle sewage treatment plant has phosphate stripping any development of less than 10 houses, serviced by the Bishop's Castle works, is considered to be unlikely to have a significant effect on the features of interest as the impact will be picked up by actions identified in the Nutrient Management Plan. Development of 10 houses or more will still have to show how the contribution to the treatment works will affect the site in the interim between now and completion of any upgrade.

- iii. Shropshire Council has considered this application under the Habitat Regulation Assessment process in order to satisfy the Local Authority duty to adhere to the Conservation of Species & Habitats Regulations 2010 (known as the Habitats Regulations). Shropshire Council has concluded that this application as submitted will not have a likely significant effect on the integrity of any European Designated site provided the appropriate conditions are attached to any consent (included in Appendix 1). A Habitat Regulation Assessment matrix has been forwarded to Natural England together with a copy of this memo.
- iv. Bats: Churton Ecology (2013) report that there is no potential for bat roosts in the trees on or near the site. The site hedgerows potentially provide habitat for foraging and commuting bats and link to the riparian corridor which is likely to be favoured. Illumination of the hedgerows should be avoided. A recommended condition is included in appendix 1.
- v. Great crested newt: Churton Ecology (2013) states there is one pond 300m to the north-west of the site but no mapped ponds within 250m. Only the hedgerows appear to be suitable terrestrial habitat but it is unlikely that this species is present on the site due to the overall unsuitability of habitats on and around the site. No development related impact on Great Crested Newt can be reasonably predicted and no further survey or assessment is required.
- vi. Badger: Whilst no setts were located during the Churton Ecology survey, some well-marked trails and latrines were noted in field boundaries. An informative note is recommended.
- vii. Nesting birds: The boundary hedgerows have the potential to support nesting birds. An informative note is recommended.

Public Comments

- 4.1.10 The application has been advertised in accordance with statutory provisions and the nearest residential properties surrounding the site have been individually notified. Thirty objections have been received. The main issues are as follows:
 - i. Traffic: Access from the church along Kerry Lane is narrow and has no footpath in some places. The junction with Corporation Street is also dangerous, and the road is very narrow at the proposed entrance to the development. An increase in traffic

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along this route can only make things worse and increase the risk of accidents, injury and delay. Access from Kerry Lane to the proposed site on Woodbatch road is mostly if not all single track, due to cars parked on the road because the houses have no parking spaces. Access from Woodbatch road onto Kerry lane has very poor visibility. If you pull out of Woodbatch road onto Kerry lane by car you are nearly half way across the road before you can see clearly to pull out, especially taking a right turn. When you come from Bishops Castle then turn left onto Woodbatch Road there is a Lane, Kerry Green, it runs above Kerry lane. immediately on your left, when cars pull out of here onto Woodbatch road they are half way across before they can see, anything turning off Kerry lane onto Woodbatch road. Coming from proposed site on Woodbatch Road, going round the corner towards Kerry Lane, oncoming vehicles are forced into the middle of the road due to parked vehicles, as before houses have no parking spaces. This proposal, along with potential building sites along Oak Meadow, will increase the traffic flow along Kerry Lane which is already very dangerous in several places. Kerry Lane is a classic example of an ancient track, never designed for motor vehicles and has already been significantly modified to accommodate the relatively modern developments to the West side of Bishops Castle. This narrow lane is barely wide enough for two vehicles to pass in places and it has several blind spots that without significant redesign and costly engineering cannot be improved. The ramp to the park entrance/exit is used by many pedestrians, particularly children, and users already need to exit with extreme care due to the "blind" view of the road to the right. Our own access from Bells Court is also "blind" due to the slight bend at No.2 Kerry Lane and so exiting in a vehicle is already often difficult and dangerous due to the speed of approaching traffic. Leaving Bells Court on foot, diagonally across Kerry Lane to the safety of the pavement, is often hazardous, made worse by the original planning changes approved by the council at the time when the vehicle/pedestrian access was switched from the Six Bells yard to its existing position. This will only get worse with further traffic flows. Unless the council or a developer is prepared to create a large scale relief road around the edge of town (which would be very difficult and extremely costly), I cannot see how the council can allow further developments in this part of Bishops Castle. Developments always lead to more vehicle movements, which, with the nature of this narrow lane, are likely to lead to more collisions and injuries. Kerry Lane is a single track road, with little or no scope for widening in certain areas due to the land gradient and current housing. The council is currently unable to maintain Kerry Lane in a fit condition, and extra traffic would only exacerbate this problem. Parts of the road are regularly patched up, but the combination of traffic and rainwater runoff ensures that the potholes reappear before long. The junction of Kerry Lane and Woodbatch Road is difficult to negotiate due to the layout and contours of the land, which force cars from Woodbatch Road to move onto Kerry Lane in order to be able to see traffic coming up. The recently installed mirror does not allow one to see the traffic coming up the hill and so is not only useless but also increases the risk of an accident if drivers rely on it. The problems would be exacerbated by increased traffic and it is unlikely that the council will be able to make the necessary improvements. Woodbatch Road is effectively a single track road in places due to parked cars, which are increasing in number. Parked vehicles also make the junction between The Ridge and Woodbatch Road difficult to negotiate. More homes will mean a huge increase in the amount of traffic to the junction of The Ridge and Woodbatch Road. Near misses happen daily with the present level of traffic. Woodbatch Lane is a single track road, many cars are regularly parked along

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Woodbatch Road, all the way to the dangerous junction of Kerry Lane. Will there be traffic calming procedures in place, like speed bumps etc? The houses, if only 10 are built, could generate up to 30 more cars with the consequent increase in vehicle movements from these alone. Woodbatch Road and Kerry Lane will not get any wider nor will their junctions with each other get any safer. In particular, unlike the rejected Oak Meadow application all traffic will have to negotiate this difficult and dangerous junction. The road safety issues here are insolvable without the imposition of a serious traffic management plan such as the introduction of a one way system.

- ii. Drainage / Flooding: Woodbatch Road already turns into a river after every substantial rainfall. This problem has increased over the last 5 years, and would need a substantial and expensive infrastructure to prevent major damage to existing as well as new properties. This sort of problem is surely one which we have learned to avoid, this of all years. We are concerned that the issues regarding drainage haven't been fully thought through. Drains already unable to cope with water run off environment agency called when culvert often blocked. Flooding occurs on a regular basis and will affect the application site as it lies at the bottom, bottom being the operative word, of a field which acts as a water catchment area exacerbated by annual up and down ploughing , rather than ploughing along the contours. This means that whatever clever works are carried out to temporarily capture it this water will inevitably be fed much quicker into existing water causes and lead to flooding of existing properties below and beyond the site. I have concerns over the surface water drainage, as the open ditch alongside the boundary and crossing the corner of the development constantly floods during heavy rain. A new development with all its surface water will only increase this problem. I am aware of properties on the Ridge estate suffering from surface water run-off problems from the proposed development site so any developer would need to increase load on open ditch and following culvert to ensure there is no increase in the flood risk to these properties; which in my opinion the open ditch/culvert would not be sufficient, leading to an increase in flooding.
- iii. Site choice / principle: There are much more suitable sites available. There are many fields adjacent to the main roads around Bishop's Castle, would they not be a more sensible place to build new houses? The SAMDev consultation process which is currently being finalised clearly shows that the preferred location for residential developments of this scale should take place on sites to the north west of our town. This would enable easier access to the main trunk road (the A488) and minimise the volume of additional vehicular traffic having to travel through the town's narrow streets. The proposed development involves the provision of 8 market value houses and 2 affordable houses. There has been little growth in employment opportunities in Bishop's Castle demonstrated by the vacant spaces at the local Business Park. Should there be any demand for the market value houses , the most likely buyers would be people working in more major centres of employment such as Craven Arms, Ludlow and Shrewsbury. It would therefore seem more appropriate to ensure that such housing is made available where there are employment opportunities to minimize the need for people to commute. Given that many of the homes in the residential areas adjacent to the proposed development site are bungalows it would seem that any neighbouring development should also include bungalows and a much larger mix of affordable housing for young people and families in our town. The application is premature as there is other land more suitable for development

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for housing in Bishops Castle and is relying heavily on the proposition that this is a "windfall" site thereby helping Shropshire Council with their planning difficulties. In fact if granted this development will create more difficulties than it solves in that it will exacerbate existing problems of flooding, sewerage and danger from traffic. The sewerage system, into which the sewerage from this development would run, at the Church Street end of Bishops Castle has always been a problem I am not aware that it has been solved extra sewerage from this development can only lead to further problems. There is a claim in the application that it is only 0.75km away from all of the above mentioned facilities. It is not possible to average this measurement but for example the High Street is nearly 1km away while the Doctors are around 1.25kms. So walking into Bishops Castle will not happen - it does not happen now so why will it change. The development is to be situated on Greenfield site which is outside the development boundary for the area, and could not be considered as infill. There is more suitable land for development of housing with better access, services and infrastructure in Bishops Castle, to meet the current windfall criteria.

- iv. Pressure on services: Bishops Castle is a very small town with very limited resources, there is already pressure on Doctors & Dentists, etc. Bishops Castle has very limited employment prospects most jobs are of minimum wage, so where are these people going to work. Public Transport is very limited & unreliable. Sewerage is already under immense pressure as it is already at full capacity.
- v. Amenity: Living at my address I will be totally overlooked by the new development. The western skyline will be devastated by two story homes, no doubt there will be shrubs and trees, lampposts etc. There is a claim that the residential amenities of the Ridge and The Novers will be respected. This is unrealistic as the site is generally at a higher level particularly so at the southern end where it is considerably higher and where the topography will lead to any development forming part of the skyline totally destroying the rural nature of the site. It will therefore be prominent in the landscape. The planning application is for 10 houses which show the house nearest Woodbatch road will be overlooking our property and, depending on its height, will affect our light with the whole development affecting our privacy. Whilst a household has no right to a view its worth mentioning that the development will affect not only ours and my neighbours views, but will be clearly visible from parts of Bishops castle.
- vi. Other: Concern in relation to the positioning of the site notice. There is a further claim made in the application that the site is surrounded by well-maintained field hedgerows, it is not. The application also claims that there are no legal impediments which would prevent its development 'my information is that either the Applicant or his Agents have not fully considered whether the applicant owns or has control of all necessary rights to gain unimpeded access to the site or lay and make the necessary drainage connections.

5.0 THE MAIN ISSUES

- Policy context and principle of the proposed development;
- Environmental impacts of the proposals – traffic, drainage, sewerage, ecology, visual impact;
- Social impact – residential amenity, public safety, footpath;
- Economic impact;

- Overall level of sustainability of the proposals.

6.0 OFFICER APPRAISAL

6.1 Policy Context and principle of the development:

- 6.1.1 Bishops Castle is identified as a Market town and Key Centre in the adopted Core Strategy. Policy S2 of the Pre-Deposit Draft SAMDev site allocations document advises that the town will provide the focus for development in this part of Shropshire, with a housing guideline of around 150 dwellings for the period 2006-2026. New housing development will be delivered through the allocation of a greenfield site (Schoolhouse Lane East - BISH013 – 40 houses) together with a windfall allowance which reflects opportunities within the town's development boundary as shown on the Proposals Map. All development in Bishop's Castle must have regard to the conservation targets for the River Clun catchment as set out in the Nutrient Management Plan and any agreed management strategy for the river catchment.
- 6.1.2 The current site is not allocated in the Pre-Deposit Draft SAMDev and is outside (to the immediate west of) of the development boundary of the town as shown on the relevant SAMDev inset plan. Therefore, the current proposals would not comply with this emerging policy. However, housing land supply in Shropshire has recently fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing saved policies on housing supply are now out of date and this has implications for future planning decisions. The NPPF states (para 14) that 'where the development plan is absent, silent or relevant policies are out-of-date, (permission should be granted) 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'.
- 6.1.3 As existing housing supply policy is now out of date, permission must be granted for new housing proposals which are 'sustainable' (NPPF 197). This is the case, even where, a proposal would represent a departure from existing saved policy or emerging SAMDev policy. Relevant housing supply information indicates that the level of housing undersupply is continuing to increase so this situation is likely to remain until the SAMDev is adopted. Legal caselaw has established that whilst the SAMDev is at a relatively advanced stage, little weight can be accorded to these policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward which developments which might not otherwise succeed when the SAMDev is adopted.
- 6.1.4 The key policy test to apply therefore at this stage is not whether the proposal complies with emerging policy and the parish plan but whether or not it would be so fundamentally flawed that it should not be regarded as sustainable. If a proposal does not comply fully with some individual sections of the NPPF it may still be regarded as sustainable overall. The NPPF advises that there are three dimensions to sustainable development – environmental, social and economic (NPPF 7). In order to assess the sustainability of a proposal it is necessary therefore to evaluate these three dimensions before deciding whether the development can be regarded

as sustainable overall. This is having regard to relevant policies and guidance and also to any benefits offered by the proposals.

- 6.1.5 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 and, if so, are these impacts capable of being mitigated such that the proposals would be sustainable. If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS5 and CS6.

6.2 Environmental Considerations

- 6.2.1 Traffic: Objectors have expressed concerns that the proposed access would join a dangerous stretch of the public highway and would exacerbate existing traffic capacity issues. Whilst these concerns are noted it is not considered that the proposed development of up to 10 houses in this location 500m from the geographic centre of Bishop's Castle would be likely on its own to add to an unsustainable increase in levels of traffic locally. The Applicant has provided indicative access and layout plans which suggest that a safe access compliant with relevant highway visibility standards is capable of being achieved. The applicant has also agreed to fund the provision of a priority junction where Woodbatch Road meets Kerry Lane 220m east of the site, to ensure a safer arrangement at this junction. Adequate pedestrian provision exists between the site and the centre of the town. Exact details of the junction and internal access roads would be provided at the reserved matters stage. Highway officers have not objected and it is considered on balance that refusal on highway or access reasons could not be justified at this outline stage. (Structure Plan Policy CS7).
- 6.2.2 Ecology: An ecological survey confirms that this existing agricultural field has limited habitat interest. The Natural Environment section has not objected subject to the inclusion of appropriate informative notes referring to ecological interests on any decision notice. The site is located in the Clun Catchment, part of which incorporates a Special Area of Conservation (SAC). A Habitat Risk Assessment (included as Appendix 2) concludes that there would not be any adverse impacts on the ecological interests of the SAC if the development was restricted to 9 properties as adequate phosphate stripping capacity is available to deal with any effluent from the development at Bishop's Castle Sewage Treatment Works. The applicant has confirmed on this basis that a condition restricting the development to 9 properties would be acceptable. Landscaping is proposed and would add to overall levels of biodiversity within the site. The proposals therefore comply with Core Strategy Policy CS17.
- 6.2.3 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems worse due to replacing agricultural field with less permeable surfaces. It is understood that there are some drainage limitations locally along the eastern side of the site adjacent to existing residential property which is at a lower level. The applicant has confirmed that interceptor drains would be provided along this margin in order to remove any water ingress from higher ground and that a similar arrangement would apply on the site's western margin. A sustainable

drainage system (SuDs) would be adopted, including the use of features such as permeable surfacing and oversized pipes. Surface water from roofs would be taken to suitably sized soakaways, the design of which would be dealt with at building regulation stage, and would comply fully with BRE 365. This would ensure that drainage from the site is attenuated to greenfield rates. The council's land drainage section has not objected subject to imposition of appropriate drainage conditions which are included in Appendix 1. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. The proposals are therefore capable of complying in principle with Core Strategy Policy CS18 relating to drainage.

- 6.2.4 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs nearby to the site. Local residents have expressed concerns that the proposals could increase the level of strain on local sewerage capacity and may also contribute to flooding. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water will be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. The option of installing a package/biodisc treatment plant at the site would however exist if a main sewer connection was not possible, subject to a separate planning permission. (Core Strategy Policy CS8, CS18)
- 6.2.5 Visual amenity: The proposed site is located 820m north east of the AONB but would not be directly visible from the AONB due to the presence of an intervening ridge. The ground level varies between 200 and 210m Above Ordnance Datum which is higher than the adjacent residential area and the main town but comparable to the elevation of the Castle Green area to the north. The proposals involve landscape planting and the applicant has agreed to consider specifying bungalows or 1½ height houses given the elevation of the site and the characteristics of adjacent residential development. The level of the development platform for the site and the detailed appearance of the properties would also be important considerations in terms of visual amenity and would be confirmed at the reserved matters stage. It is however considered that a properly designed scheme would be capable of integrating visually with the surrounding landscape and townscape. It is concluded that the proposals are capable of complying with relevant policies covering visual amenity and wider sustainability issues. (CS5, CS6, CS16, CS17)
- 6.2.8 Amenities: Some objectors have expressed concern that the construction period could adversely impact on local residential amenities. A condition requiring submission of a Construction Management Plan has been recommended in recognition of this concern. This would control matters such as hours of working and management of construction traffic. It is recognised that the site also benefits from a degree of natural screening from vegetation, topography and that the number of publicly accessible viewpoints is very limited.
- 6.2.9 Agricultural land: The site currently comprises agricultural land, some of which is of best and most versatile quality and is protected by the NPPF. However, the area of such land is not great and the site has limitations for modern farming due to the

relatively steep slope and current limitations with the agricultural access. It is not considered that an objection on the grounds of effects to agricultural land could be sustained in these circumstances.

- 6.2.10 Archaeology: The council's archaeologist has requested that a desktop archaeological evaluation supplemented by field investigations and geophysical survey work is undertaken at this stage. This is based on recent crop mark records of some potential bronze aged features 300m to the east, which places them in a different geographic context in the centre of the village of Worthen. The applicant accepts the need to undertake an evaluation but questions the justification for undertaking it at this outline stage, when no clear evidence of prior archaeological remains or historical interest has been identified specifically at the site. The preparation of a full archaeological survey will entail significant cost and potential delay to the applicant. The key tests to apply when considering the justification for planning conditions is whether they would be reasonable, necessary and linked to the development. Relevant heritage guidance also advises that the extent of any heritage information requirement should be proportionate to the level of significance of a potential asset.
- 6.2.11 In this case it is considered that there is insufficient evidence to clearly justify the preparation of a full archaeological investigation and associated cost and delay to the applicant when an 'in principle' outline decision is currently being sought and there is ultimately no guarantee that the development will proceed. The field has been intensively farmed for many years and is adjacent to a steep roadside bank which would reasonably be expected to have deterred historic settlement. The earliest buildings on historic maps are on more level land to the north of the road and the area is shown as a large open field, as currently, on historic ordnance survey maps dating to the 1870's. It is considered that requiring the provision of an archaeological evaluation at this outline stage would not meet the test of reasonableness and would be open to appeal by the applicant. Such a condition would however be appropriate at the reserved matters stage and a suitable condition has been recommended in appendix 1. This has been agreed by the applicant. Core Strategy Policy CS17.
- 6.2.11 Conclusion on environmental effects: The proposals would result in some disturbance to local amenities during the construction phase and there would a change to some local views. There would also be an additional pressure on the public highway and on local sewerage services and a need for archaeological evaluation at the reserved matters stage. However, it is not considered that there is any evidence that there would be any unacceptably adverse environmental effects which would justify refusal when available mitigation measures and recommended conditions are taken into account. The outline proposals therefore the environmental sustainability test set out in the NPPF.

6.3 Economic sustainability:

- 6.3.1 All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge

revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values. In this particular case however it is not considered that there would be any obvious adverse economic impacts. There are no leisure or tourism facilities in the immediate vicinity which would be adversely affected. The site is sufficiently far from the AONB for there to be no material effect on the enjoyment of the AONB. No public footpaths would be affected by the development. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)

6.4 Social sustainability:

- 6.4.1 Local housing need: Worthen with Shelve Parish Council has indicated that it is mindful of the need for an appropriate mix of housing to be delivered in a staged and sustainable manner. A preference for a housing mix of 2 and 3 bedroom properties and bungalows has been expressed. The applicant's indicative layout plan indicates that the development would deliver mainly 2-3 bedroom properties of modest size which would be capable of meeting the above need. It is also stated that these would not be built all at once but would be phased to meet local demand. Whilst the proposals would exceed the level of housing provision referred to in the SAMDev phasing the development would provide a mechanism for sustainable release of the properties over a period of time in response to market demand. The details of this would be agreed at the reserved matters stage. The proposals would also bring new people into the community who may potentially contribute to the social vitality of the community.
- 6.4.2 Footpath: The proposals involve the provision of a new 300m roadside pavement to the immediate north of the site on land owned by the applicant and Shropshire Council as highway authority. The plan at the beginning of this report shows that the site is located between the settlements of Worthen and Brockton where there is also a concentration of community assets, including a village hall, a school and a new doctor's surgery. A fundamental limitation with the geography of this arrangement is the lack of a safe footpath link to these facilities from Worthen and this is recognised by the Parish Council. As a consequence, users of these facilities need to drive rather than walking. However, a number of the Methodist hall users for example are elderly and may not have access to a car. This is an unsustainable situation and it is recognised that a footpath is badly needed to allow pedestrian access to these facilities.
- 6.4.3 Worthen is not designated as a community hub so it is not expected to benefit from significant Community Infrastructure Levy contributions like some equivalent sized settlements elsewhere in the county. The current application offers a potentially unique opportunity therefore for delivery of this important community facility which may not otherwise be deliverable. Some objectors have noted that the application refers to a wider pedestrian improvement scheme by Mouchel which also involves a crossing and extension of the footpath to the north of the. These areas are not under the control of the applicant and this extended scheme does not form a commitment of the current application. It is however considered that the footpath

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proposals linked to the current application would form a vital component of this wider scheme which could in principle be progressed separately by the Parish Council in association with the Council as Highways Authority. The proposals will also deliver a significant sum of CIL money, some of which could potentially be diverted towards use in the wider footpath scheme. Following discussion with officers the agent has also agreed in principle that the proposed development should provide funding for a crossing point to the north side of the road. This is to be welcomed and an appropriate legal clause has been recommended.

6.4.3 Location and design: The proposed site is located close to key community facilities and would be linked to them by the proposed footpath. The indicative layout plan also shows the proposed properties as all possessing generous garden space and a communal green area. There would also be good levels of natural light given the unshaded south facing aspect of the plot. It is considered that these factors increase the overall the level of social sustainability of the proposals.

6.4.4 Social considerations, conclusion: The proposals would offer significant benefits to the occupants of the new properties and the existing local community through delivery of a footpath and pedestrian crossing point. These benefits may not be readily deliverable through other mechanisms and will significantly increase the level of sustainability of the settlement. It is concluded that the social sustainability test set out by the NPPF is also met on balance.

7.0 CONCLUSION

7.1 The proposal would involve the development of up to 25 dwellings for open-market occupation in a developing village edge location area between Worthen and Brockton where a number of community facilities are located. This would potentially deliver more houses that are required under the emerging SAMDev and a number of objections have been received from local residents. However, in the current sub-5 year housing supply situation decisions on housing applications must be taken on the basis of whether a development would be sustainable in the terms meant by the NPPF, rather than with reference to extant or emerging housing policies.

7.2 It is considered that the housing mix would meet the criteria of the Parish Council for intermediate scale 2-3 bedroom family houses. Whilst the proposals involve more housing than the limited amount envisaged in the emerging SAMDev phasing of the development is proposed and would prevent market over-supply. It is also considered that the application site is of a suitable size to accommodate the development and would not have an unacceptable impact on the amenities of the nearby existing properties, provided the properties accord with the general scale and layout shown in the indicative site plan. Nor is it considered that there would be any unacceptably adverse impacts on the character of the village, the rural landscape, or on highway safety provided appropriate design measures were adhered to at the reserved matters stage.

7.2 The proposal to deliver a pedestrian footpath and the recent agreement to also fund a highway crossing point are considered to add significantly to the level of overall sustainability of the development. It is considered on balance that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6. Outline permission is therefore

recommended, subject to appropriate conditions and a legal agreement to deliver the footpath, pedestrian crossing and affordable housing contribution.

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 - written representations, a hearing or inquiry. If the decision is 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 intervene 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 a) promptly and b) in any event not later than three months after the grounds for making 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.

10.0 BACKGROUND

Relevant Planning History

None of relevance to this proposal

Relevant Planning Policies

Central Government Guidance:

10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

- i. CS6: Sustainable Design and Development Principles:

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To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed and improved* where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

- ii. CS13: Economic Development, Enterprise and Employment:
Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing Planning and managing a responsive and flexible*

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*supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains.* Development proposals must accord with Policy CS5.*

v. CS17: Environmental Networks

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

- CS4 - Community hubs and community clusters
- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.
- CS11 - Type and affordability of housing;

Supplementary Planning Guidance: Type and affordability of housing (March 2011)

Emerging Planning Guidance
SAMDev

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

1. Overall, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2;
2. Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4;
3. Additional Community Hubs and Community Cluster settlements, with associated settlement policies, may be proposed by Parish Councils following formal preparation or review of a Community-led Plan or a Neighbourhood Plan and agreed by resolution by Shropshire Council.

ii. MD2 – Sustainable Design

Further to Policy CS6, for a development proposal to be considered acceptable it is required to:

1. Achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.
2. Contribute to and respect locally distinctive or valued character and existing amenity value by:
 - i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
 - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
 - iii. Respecting, enhancing or restoring the historic context, such as the significance and character of any heritage assets, in accordance with MD13; and
 - iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.
3. Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style;
4. Incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the requirements of the SuDS handbook as set out in the Water Management SPD
5. Consider design of landscaping and open space holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set, in accordance with Policy CS17 and MD12 and MD13, including;
 - i. Natural and semi-natural features, such as, trees, hedges, woodlands, ponds, wetlands, and watercourses, as well as existing landscape character, geological and heritage assets and;
 - ii. providing adequate open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and

the provision and enhancement of semi natural landscape features. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play and recreation uses; iii. ensuring that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity. 6. Ensure development demonstrates there is sufficient existing infrastructure capacity, in accordance with MD8, and should wherever possible actively seek opportunities to help alleviate infrastructure constraints, as identified with the Place Plans, through appropriate design; 7. Demonstrate how good standards of sustainable design and construction have been employed as required by Core Strategy Policy CS6 and the Sustainable Design SPD.

iii. MD3 - Managing Housing Development

Delivering housing:

1. Residential proposals should be sustainable development that:
 - i. meets the design requirements of relevant Local Plan policies; and
 - ii. for allocated sites, reflects any development guidelines set out in the relevant settlement policy; and
 - iii. on sites of five or more dwellings, includes a mix and type of housing that has regard to local evidence and community consultation.

Renewing permission:

2. When the proposals are for a renewal of planning consent, evidence will be required of the intention that the development will be delivered within three years.

Matching the settlement housing guideline:

3. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. Evidence of community support; and
 - iv. The benefits arising from the development; and
 - v. The presumption in favour of sustainable development.
4. Where a settlement housing guideline appears unlikely to be met by the end of the plan period, additional sites beyond the development boundary that accord with the settlement policy may be acceptable subject to the criteria in paragraph 3 above.

iv. MD7a – Managing Housing Development in the Countryside

1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size

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restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;

2. Dwellings to house essential rural workers will be permitted if:-
 - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,
 - b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; or,
 - c. in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the business for the majority of the time, a functional need is demonstrated and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.
3. Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural enterprise may also be subject to occupancy restrictions, where appropriate. For primary and additional rural workers' dwellings permitted prior to the adoption of the Core Strategy in March 2011, where occupancy restrictions are agreed to be removed, an affordable housing contribution will be required in accordance with Policy CS11 at the current prevailing target rate and related to the floorspace of the dwelling.
4. In addition to the general criteria above, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed;
5. The use of existing holiday let properties as permanently occupied residential dwellings will only be supported if:
 - a. the buildings are of permanent construction and have acceptable residential amenity standards for full time occupation; and,
 - b. the dwellings are restricted as affordable housing for local people; or,
 - c. the use will preserve heritage assets that meet the criteria in Policy CS5 in relation to conversions and an affordable housing contribution is made in line with the requirements set out in Core Strategy Policy CS11.

v. MD7b – General Management of Development in the Countryside

Further to the considerations set out by Core Strategy Policy CS5:

1. Where proposals for the re-use of existing buildings require planning permission, if required in order to safeguard the character of the converted buildings and/or their setting, Permitted Development Rights will be removed from any planning permission;
2. Proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with Policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development;
3. Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
 - a. Required in connection with a viable agricultural enterprise and is of a size/scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve;
 - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
 - c. There will be no unacceptable impacts on environmental quality and existing residential amenity.

vi. MD8 –Infrastructure Provision

Existing Infrastructure

1. Development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall which it has created or which is identified in the LDF Implementation Plan or Place Plans. Where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable;
2. Development will be expected to demonstrate that existing operational infrastructure will be safeguarded so that its continued operation and potential expansion would not be undermined by the encroachment of incompatible uses on adjacent land;

New Strategic Infrastructure:

3. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. Particular consideration will be given to the potential for adverse impacts on:
 - i. Residential and other sensitive neighbouring land uses;
 - ii. Visual amenity;
 - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
 - iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);

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- v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
- vi. Noise, air quality, dust, odour and vibration;
- vii. Water quality and resources;
- viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
- ix. Cumulative impacts.

Development proposals should clearly describe the extent and outcomes of community engagement and any community benefit package.....

vii. MD12: The Natural Environment

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
 - i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;
 - iii. priority species;
 - iv. priority habitats
 - v. important woodlands, trees and hedges;
 - vi. ecological networks
 - vii. geological assets;
 - viii. visual amenity;
 - ix. landscape character and local distinctiveness.In these circumstances a hierarchy of mitigation then compensation measures will be sought.
2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

S2: Bishop's Castle Area

S2.2 (x) Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, Rowley, Aston Rogers and Aston Pigott.

The settlements of Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, Rowley, Aston Rogers and Aston Pigott within Worthen with Shelve Parish are a Community Cluster where development by infilling and conversions may be acceptable on suitable sites. The housing guideline for the Cluster is around 30 additional dwellings over the period to 2026.

The Worthen with Shelve Parish Council Local Implementation Plan expresses a preference for the following:

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- a) phased development so that no more than 10 houses are permitted in each third of the Plan period,
- b) no single site is developed for more than 5 houses,
- c) the existing gap between the villages of Worthen and Brockton remains undeveloped to maintain the distinctive character and separate nature of the two settlements.

11. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 13/01633/OUT and associated location plan and documents
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member: Cllr David Evans, Councillor Lee Chapman (Church Stretton and Craven Arms)
Appendices: Appendix 1 – Conditions

APPENDIX 1

Legal Agreement

1. Affordable housing contribution;
2. Delivery of pedestrian footpath prior to the first occupation of the properties;
3. Funding for a pedestrian crossing to be provided prior to the commencement of the development.

Planning Conditions

STANDARD CONDITIONS:

- 1 The development hereby permitted shall not be commenced until the Local Planning Authority has approved the following details (hereinafter referred to as the 'reserved matters'):
 - i. The siting and ground levels of the dwellings;
 - ii. The design and external appearance of the dwellings;
 - iii. Details of the materials, finishes and colours of the dwellings;
 - iv. Details of the landscaping of the site.

Reason: The application was made as an outline planning application in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and the provisions of Section 92 of the Town and Country Planning Act 1990.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES:

- 4a. Construction of the development hereby permitted shall not be commenced until details and sizing of the proposed soakaways have been submitted to and approved in writing by the Local Planning Authority.

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- b. If non permeable surfacing is used on the driveway and parking area or the driveway slopes toward the highway, the applicant shall submit for approval a drainage system to prevent water flowing onto a public highway.
- c. A contour plan of the finished road levels shall be provided to the local planning authority prior to the commencement of the development. The contour plan should be accompanied by a confirmation that the design has fulfilled the requirements of Shropshire Council's Interim Guidance for Developers on Surface Water Management (paragraphs 7.10 to 7.12) to ensure that the development site does not contribute to surface water flooding of any area outside of the development site.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site to minimise the risk of surface water flooding (4a) and to ensure that no surface water runoff from the new driveway runs onto the highway (4b) and to ensure that any flows from internal road surfaces are managed acceptably on site (4c).

Notes:

- i. *Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
- ii. *The applicant should consider employing measures such as the following:*
 - *Swales*
 - *Infiltration basins*
 - *Attenuation ponds*
 - *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new access road, driveway, parking area/ paved area*
 - *Attenuation*
 - *Greywater recycling system*
 - *Green roofs*
- iii. *Consent is required from the service provider to connect into the foul main sewer.*

- 5a. Construction of the development hereby permitted shall not be commenced until the proposed method of foul water sewage disposal has been submitted to and approved in writing by the Local Planning Authority, along with details of any agreements with the local water authority. The foul water drainage system shall comply with the Building Regulations H2.

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- b. If main foul sewer is not available for connection, full details and sizing of the proposed septic tank including percolation tests for the drainage field soakaways shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.

Reason: To ensure that the foul water drainage system complies with the Building Regulations H2 (5a) and to ensure an appropriate alternative means of foul sewer solution is available in the event that a mains connection cannot be made (5b).

Note:

The details required by Condition 7b should include the Foul Drainage Assessment Form (FDA1 Form). British Water 'Flows and Loads: 3' should be used to determine the number of persons for the proposed development and the sizing of the septic tank and drainage fields should be designed to cater for correct number of persons and in accordance with the Building Regulations H2. These documents should also be used if other form of treatment on site is proposed.

- 6a. No ground clearance, demolition or construction work shall be commenced on the application site until a scheme of protection measures for the existing trees and hedges within and adjacent to the site has been submitted to and approved by the Local Planning Authority. The submitted tree protection scheme shall include a tree protection plan that reflects the guidance within BS5837:2012. All measures comprised in the tree and hedge protection scheme shall be implemented and retained throughout all of the clearance and construction works on the site.
- b. Where the approved detailed plans indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees or hedges, an Arboricultural Method Statement (AMS), detailing how the approved construction works will be carried out, shall be submitted to the Local Planning Authority for approval prior to the commencement of any development works. The AMS shall include details of when and how the construction works will take place and be managed, and how the trees and hedges will be protected during the works.

Reason: To safeguard the existing trees and hedges in and adjacent to the site in the interests of visual amenity (and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy).

- 7. No development shall commence at the site until a Heritage Assessment has been submitted to and approved in writing by the local planning authority in consultation with the Local Planning Authority's Archaeology service. This shall take the form of a desk based assessment accompanied by the results of walk over and a geophysical surveys of the site. If the results of the heritage survey indicate that further survey work is required before the development commences then such works shall be undertaken in accordance with the recommendations of the heritage survey.

Reason: To allow appropriate opportunities for inspecting any archaeological remains present within the site prior to the commencement of the development.

1. The proposed foul water drainage shall be installed in accordance with the Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 prior to the first use of the development hereby approved.

Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.

2. The outline permission hereby approved is for a maximum of nine dwellings.

Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.

Condition

1. 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.

Note: Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

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. 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.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:

imposition of the condition suggested by Ecology restricting the development to a maximum of 9 dwellings

Annex 1

8. The dwellings hereby permitted shall be bungalows adjacent to the public highway and shall consist of no more than two floors of living accommodation elsewhere within the site.

Reason: In order to be in keeping with the character of the existing nearby dwellings and to protect the amenities of neighbouring residents (and in accordance with Policy CS6 of the Shropshire Core Strategy).

9. No external lighting shall be installed at the development hereby permitted until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved lighting shall be retained thereafter for the lifetime of the development. The submitted lighting 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, which are a European Protected Species (and in accordance with Policy CS17 of the Shropshire Core Strategy).

- 10a. Within the first planting and seeding season following the completion of the dwellings hereby permitted, a scheme of new tree and hedge planting shall be implemented within and bordering the grounds of the dwellings, in accordance with full details to be submitted to and approved by the Local Planning Authority.

- b. Any new trees and hedges planted as part of the required planting scheme which, during a period of five years following implementation of the planting scheme, are removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure that new planting is undertaken, in order to enhance the appearance and privacy of the site (and in accordance with Policy CS6 of the Shropshire Core Strategy)(10a). To ensure that the approved planting scheme is effective and in accordance with Policy CS6 of the Shropshire Core Strategy (11b).

11. Existing shrubs and hedges within and around the margins of the site shall be retained and protected from damage for the duration of the construction works. No such shrubs or hedges shall be removed unless this has first been approved in writing by the Local Planning Authority.

Reason: To ensure that the screening and amenity effect of existing shrubs and hedges around the margin of the site is protected in the interests of residential amenities.

Notes:

- i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should*

Annex 1

be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice. The single in-field ash tree has some potential for bat roosts. If this tree will be removed, it should be inspected for bat roosts prior to felling or works.

- ii. 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 should if possible be carried out outside the bird nesting season, which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active birds' nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' 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.*
- iii. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*
- iv. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*
- v. 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 in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. 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.*

An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Annex 1

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative design, layout and housing need. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

14/00885/OUT

Outline application for mixed residential development and formation of a vehicular and pedestrian access

Proposed Development Land South Of Woodbatch Road, Bishops Castle, Shropshire

Date of completion for the HRA screening matrix:

14th April 2014

HRA screening matrix completed by:

Alison Slade
Planning Ecologist
Shropshire Council

01743 252578
alison.slade@shropshire.gov.uk

Table 1: Details of project or plan

Name of plan or project	14/00885/OUT Outline application for mixed residential development and formation of a vehicular and pedestrian access Proposed Development Land South Of Woodbatch Road Bishops Castle
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>. The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area. Annex II Species that are a primary reason for selection of site: Freshwater pearl mussel <i>Margaritifera margaritifera</i>
Description of the plan or project	The Amended Illustrative Layout Plan Dwg03 Rev A dated Feb 2014 indicates 9 detached dwellings. This is revised from the original proposal for 10 dwellings. The Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 states that surface water will be collected for attenuation and storage on site prior to controlled discharge to the water course to the SE of the site at a rate limited to 5 litres per second per hectare. The intention is to discharge foul drainage to the existing sewerage

	network via a gravity connection (with details to be confirmed). No effect pathways have been identified resulting from this development as proposed, which would have the potential to impact on the River Clun SAC.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

Statement

An interim 'Guidance note for developers on requirements for waste water management for any development in the Clun Catchment' (see attached) has been published by Shropshire Council, based on information and discussions with Natural England and the Environment Agency who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until the Nutrient Management Plan for the Clun Catchment has been finalised by NE and the EA.

CONNECTION TO MAINS SEWAGE TREATMENT WORKS

It is proposed that the development will connect to **Bishops Castle** Sewage Treatment Works.

According to the Interim Guidance Note:

4.2 The two largest treatment plants within the catchment, Bishop's Castle and Bucknell, currently have phosphate stripping and in terms of individual houses make the smallest contribution to the phosphate in the river of all works. They both have potential catchment transfer schemes that would remove any impact they have within the catchment. Further if catchment transfer is not possible then both will be able to be fitted with a more rigorous phosphate treatment if required within the next two rounds of the Five Year Asset Management Planning (AMP) process. **Any development of less than 10 houses, serviced by these two treatment works, is considered to be unlikely to have a significant effect on the features of interest as the impact will be picked up by actions identified in the NMP.** In the interim period, development connecting to mains sewer leading to Bucknell or Bishop's Castle sewage treatment works can be put forward for a planning decision. **Development of 10 houses or more will still have to show how the contribution to the treatment works will affect the site in the interim between now and completion of any upgrade.**

The amended proposals consist of 9 dwellings. In view of the above, and providing the development is carried out according to the details submitted, the proposal will not lead to significantly increased concentrations of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development.

In view of the above, and providing the development is carried out according to the details submitted and the following conditions are attached to any decision notice, the proposal will not lead to significantly increased concentrations of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination with other projects.

Conditions:

3. The proposed foul water drainage shall be installed in accordance with the Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 prior to the first use of the development hereby approved.

Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.

4. The outline permission hereby approved is for a maximum of nine dwellings.

Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.

The Significance test

It was concluded that the proposed works in application No 14/00885/OUT:

Outline application for mixed residential development and formation of a vehicular and pedestrian access at Proposed Development Land South Of Woodbatch Road Bishops Castle

Will not have a likely significant effect on the River Clun SAC (give reason). An Appropriate Assessment is not required.

The Integrity test

It was concluded that the proposed works in application No 14/00885/OUT:

Outline application for mixed residential development and formation of a vehicular and pedestrian access at Proposed Development Land South Of Woodbatch Road Bishops Castle

Will not adversely affect the integrity of the European Designated Site at the River Clun SAC providing waste water from the development is treated as conditioned and detailed in the submitted documents.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of overriding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

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Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/00885/OUT	<u>Parish:</u>	Bishops Castle
<u>Proposal:</u> Outline application for mixed residential development and formation of a vehicular and pedestrian access		
<u>Site Address:</u> Land south of Woodbatch Road, Bishops Castle		
<u>Applicant:</u> Mr J M Jones		
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmse@shropshire.gov.uk	

Responsible Officer: Tim Rogers

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

Recommendation:- Approve as per the officer recommendation in Appendix 1

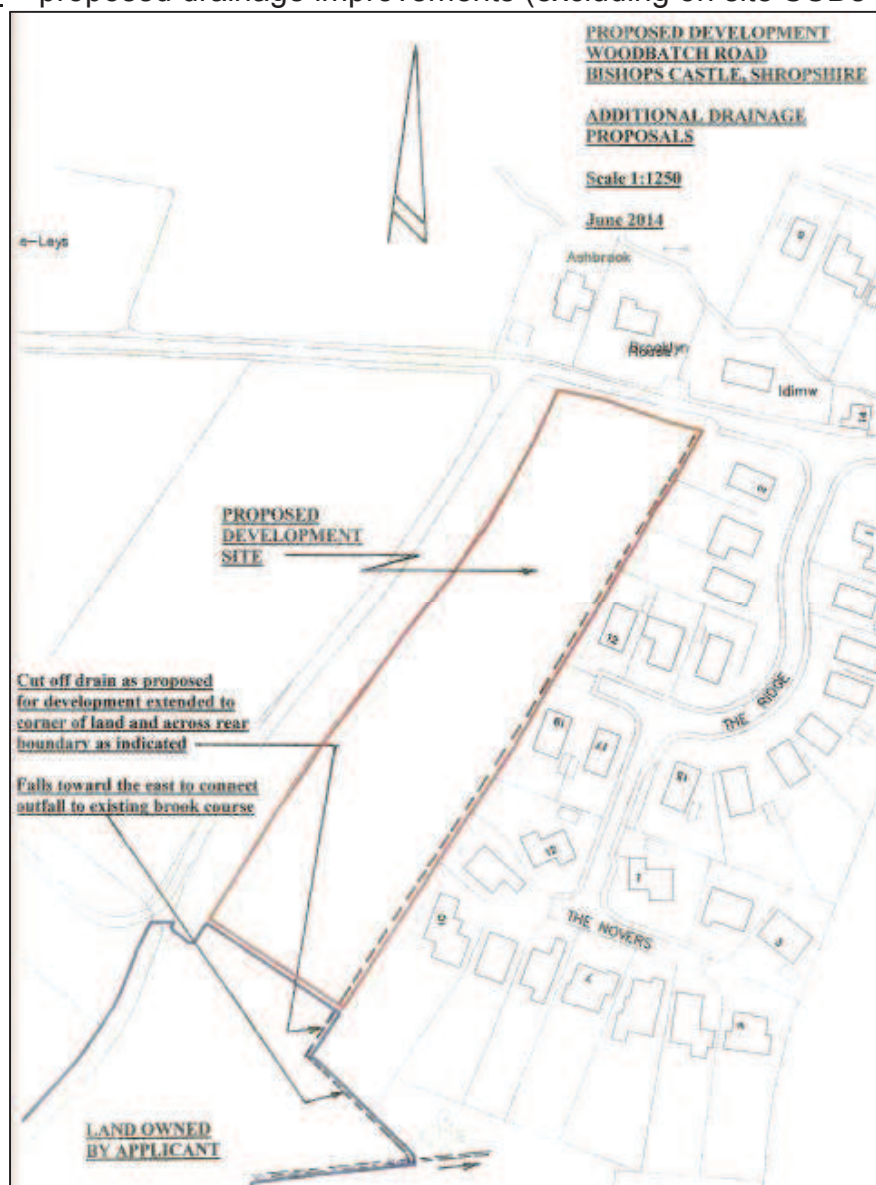
1.0 BACKGROUND TO THE REPORT

- 1.1 This application was considered at the committee meeting on 27th May 2014 and Members also visited the site on the morning of the Committee. The officer appraisal report considered at the time is attached as Annexe 1 to this report.
- 1.2 Members resolved to defer the application after hearing from speakers for and against the proposals. This was in order for the applicant to:
 - i. Review the impact and effect of the proposed development on the local road network and Conservation Area, and
 - ii. Review drainage issues and put forward mitigation measures identified as necessary.
- 1.3 These matters have been progressed in the intervening period and accordingly, the application is being reported back to the committee to allow Members to make a decision.

2. DRAINAGE

- 2.1 The Council's drainage team did not object to the proposals subject to the imposition of appropriate drainage conditions which were included in the recommended draft conditions. However, Members heard representations at the previous committee meeting from Mr J Percy, a resident living adjacent to the development site. Mr Percy informed Members that water from the site had caused flooding underneath his property at The Novers which had resulted in soil erosion. He stated that he had dug trenches to divert the water into a stream and this had alleviated but not solved the problem. He indicated that as the land was waterlogged in winter the developers Flood Risk Assessment (FRA) should be based on winter conditions.
- 2.2 Following the committee meeting the applicant's hydrological consultant held a site meeting with the landowner to assess these concerns. Arising from this it was agreed that a cut off drain would be provided / extended along the higher southern margin of the site on land owned by the applicant and also down the eastern site margin (see plan 1).

Plan 1 – proposed drainage improvements (excluding on site SUDs provisions)



- 2.3 The applicant's drainage consultant has confirmed that the effects of this would be to assist in providing a comprehensive drainage solution for the proposed site whilst also providing a drainage improvement for adjacent residential properties. A comprehensive drainage condition is also being recommended in accordance with the advice of the Council's Lane Drainage section. It is considered that the combination of these measures would ensure satisfactory drainage of the site whilst also providing a drainage improvement for the local area. It is concluded on this basis that the proposals comply fully with Core Strategy Policy CS18 (sustainable drainage) and that refusal on grounds of drainage could not be substantiated.

3. TRAFFIC / ACCESS

- 3.1 At the meeting of this committee on 27th May 2014 it was reported that the applicant has agreed to make a financial contribution to facilitate improvements to the junction between Woodbatch Road and Kerry Lane as part of a S106 legal Agreement. This would have the effect of prioritising traffic on Kerry Lane, resulting in an overall improvement in local highway safety. Agreement on this measure was reached shortly before the previous committee meeting and the local member Councillor Barnes expressed concern that there had been insufficient consultation with the local community on the proposals. Accordingly, the committee resolved to defer the proposals in order to allow time for relevant meetings / discussions to proceed.
- 3.2 A meeting between relevant stakeholders subsequently took place on 11th June at which highway officers were able to confirm that the proposals would result in a highway improvement. The applicant reports that this has been acknowledged by the Town Council representatives.
- 3.3 A further issue discussed at the meeting relates to the proposal to widen Woodbatch Road and provide footway provision across the frontage of the application site. An amended plan has been submitted (plan 2) which details this arrangement. The improvements would be undertaken on land within the applicant's control. As such, they are capable of being conditioned in the event of permission being granted. Highway officers have acknowledged that this would also be beneficial with respect to the current proposals.
- 3.4 It is understood that an affordable housing scheme will be progressed in an area commencing 15m to the west of the current site. This application is yet to be submitted. However, highway officers have also acknowledged that the proposed improvements to the highway frontage would have highway benefits with respect to this forthcoming affordable development.
- 3.5 Highway officers did not object to the proposals as submitted. Since this time further improvements have been agreed with the applicant in response to comments received through the planning consultation process. It is considered that the additional improvement measures referred to above provide an appropriate level of highway improvement to the local area and that refusal on highway grounds could not be substantiated, given in particular the absence of objection from highway officers. (Core Strategy Policy CS7)

Plan 2 – Highway improvements along the site frontage



4.0 CONCLUSION

- 4.1 Consideration of the application was deferred from the previous committee meeting on May 27th to allow time to address concerns in relation to drainage and highways which were raised at that meeting. Since this time the applicant has provided additional information in relation to these matters. It is considered that this information clearly indicates that drainage and highway matters are capable of being satisfactorily addressed and that refusal on these grounds could not be substantiated.
- 4.2 There have been no further representations or other significant developments in relation to the application since the previous committee meeting which would suggest the need for some further assessment by the Committee before a decision is taken. In view of this officers conclude that the proposals are sustainable and would deliver benefits in terms of highways, drainage and local housing provision. It

is therefore recommended that the application is approved in accordance with the recommendations set out in the original officer report.

5.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

5.1 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.

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:

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

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

7.0 Additional Information

List of Background Papers: Planning application reference 13/003126/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Charlotte Barnes, Bishops Castle
Appendices: Annex 1 – Officer report to 4 th March Committee including Appendix 1 – Conditions



Committee and date

South Planning Committee

14 October 2014

Development Management Report

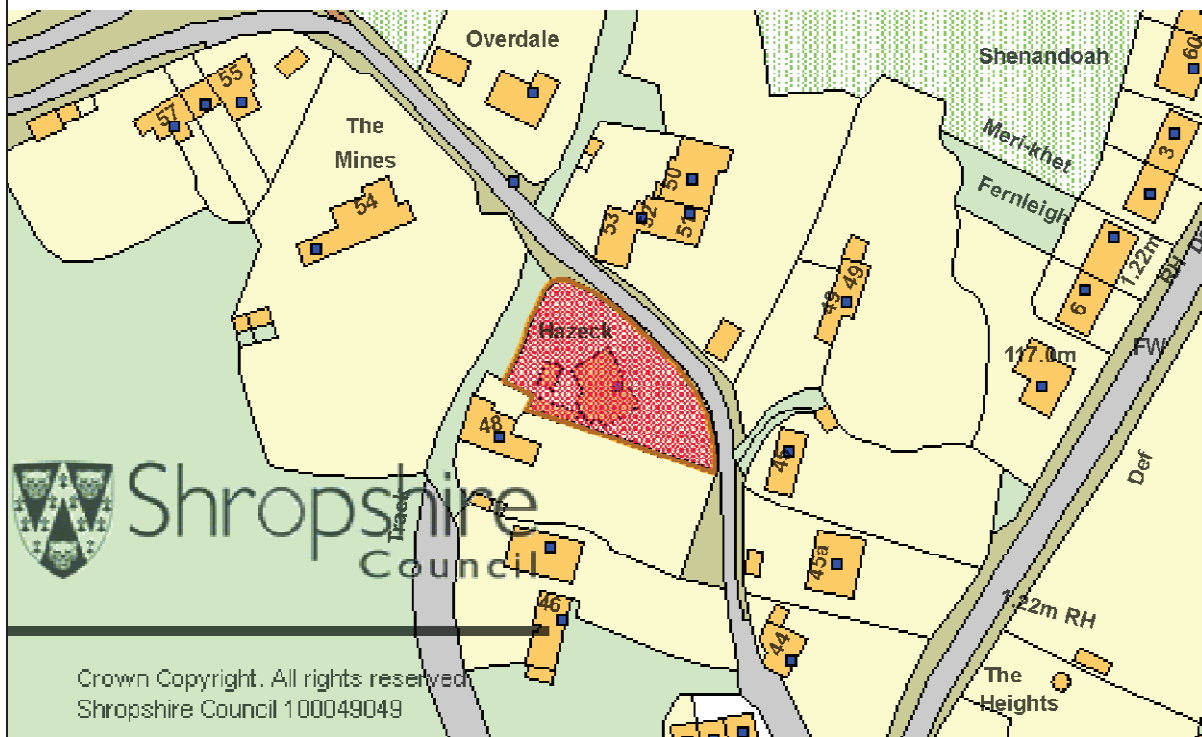
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/01341/FUL	<u>Parish:</u>	Barrow
<u>Proposal:</u> Erection of two single storey extension to side elevations; increase in roof height to allow for first floor accommodation to include insertion of dormer windows and rooflight to front and rear roofline (amended description).		
<u>Site Address:</u> Hazeck The Mines Broseley Shropshire TF12 5QY		
<u>Applicant:</u> Mr P Craven		
<u>Case Officer:</u> Lynn Parker		<u>email:</u> planningdmse@shropshire.gov.uk

Grid Ref: 366960 - 302719



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

REPORT

1.0 THE PROPOSAL

1.1 This application is an amendment to the scheme delegated as approved at Hazeck, the Mines, Broseley under Planning Ref: 13/02940/FUL for the 'Erection of single storey extension to include balcony, replacement of existing roof to include dormer windows' on 21st November 2013. The changes to that scheme now proposed are as follows:

- o Erection of a single storey sun room with balcony above to the south east facing side elevation which will be a maximum of 3m in depth. The balcony is designed with a solid pitched tiled roof screen on its south west side and glazed safety rails angled inwards around the south east and north east facing open sides. The sun room at ground floor level is indicated with full height glazed windows to the part of the room directly underneath the balcony on the south east and north east facing elevations. The south west facing angled wall has no openings.
- o However, amended plans have now been submitted which show the proposed balcony has now been omitted from the proposal in response to concerns raised by both officers and neighbours. The roof of the proposed sun room is now fully tiled and provides a storage area within the roof space.
- o Increase in the size of the living/bedroom extension on the north west facing side elevation by extending a further 1.55m to the north east and widening it from the 4.65m approved to 4.75m.
- o Insertion of an additional dormer window on the north east facing front elevation of the north west side extension to serve the bedroom and to match the two already approved under 13/02940/FUL on the roof of the existing dwelling.
- o Erection of a single storey glazed area on the south west facing rear elevation off the dining room and living area measuring 3.44m wide x 2m in depth.
- o Increase in height of the gable with obscure glazed round window previously approved on the south west facing rear elevation to match the height of the extension roof ridge. It was previously stepped down by 1.3m.
- o Again following concerns raised by officers and neighbours, the submitted amended plans show the removal of this first floor round window and its replacement with a recessed brick feature of similar appearance. There is therefore now no opening at first floor level on this gable.

1.2 The footprint of the dwelling before approval of the development under planning ref: 13/02940/FUL (comprising a bungalow with a kitchen, living room, bathroom, lean-to conservatory and two bedrooms at ground floor level, and a bedroom in the roof space served by 2 roof lights on the south west facing rear elevation) amounted to approximately 91m². The footprint was enlarged under 13/02940/FUL to approximately 112m², an increase of 24%. Under this amended proposal, the footprint is increased to approximately 144m², a further 35% increase totalling a 59% increase in footprint.

1.3 Materials are indicated for future Local Planning Authority approval. All openings will be UPVC to match those of the existing dwelling. No further alterations are proposed to accesses or parking.

1.4 Additionally a Tree Replacement Plan and Trees to be Removed Plan indicating the loss of an Apple Tree to the north side of the dwelling and Norway Spruce to the south east side of the dwelling have been submitted along with the Tree Protection Plan approved under the Discharge of Condition Application Ref: 14/01549/DIS in relation to 13/02940/FUL.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within the Key Centre settlement of Broseley and is located to the north of the main service area. The dwellings in this part of Broseley are largely older stone and brick dwellings of historic merit associated with the Industrial Revolution period, hence the site falls within Broseley Conservation Area. However, the dwelling at Hazeck was a latter half 20th Century bungalow with accommodation in the roof. Apart from the historical buildings, the area is characterised by steep winding narrow streets off which access is directly gained.

2.2 The extensions and alterations approved under Planning Ref: 13/02940/FUL are already under way and have reached roof level, hence the timber frame of the roof is clearly visible to neighbouring properties as well as from across the Benthall valley to the east. Landscaping works have also already been carried out at the site including the erection of boundary fencing retrospectively approved under Planning Ref: 13/03694/FUL on 6th January 2014, and removal and replanting of trees at the site other than the Apple Tree and Norway Spruce shown on the submitted Trees to be Removed Plan. The Norway Spruce itself is a tall, prominent tree visible from some distance away, positioned as it is on the south east boundary of the site where the land falls away steeply below it. The land is level around the dwelling and access, however, it rises up to the west and slopes more steeply down to the south east. Thus the gardens are landscaped to reflect the change in ground level and there is a lower lawn to the south east of the dwelling which is itself positioned above the road. There are wide views from this side of the dwelling across the valley. Access is gained into the site from a track which also serves a number other properties, however, it is close to its junction with the road.

2.3 There are adjacent dwellings on all sides of the property, but no rational patterning is formed. The dwelling to the north west at no. 54 is approximately 35m away, its rear garden sharing a boundary with the access track. Dwellings across the road at nos. 51, 52 and 53 directly face towards the application property, however, the frontage of Hazeck is angled to face north east towards garaging and front gardens. To the south east no. 48 is approximately 10m away but set at a higher level and there is brick outbuilding between the two properties. The rear elevation of Hazeck faces towards the north west corner of no. 48 whose main garden area slopes gradually down to the south east. No. 47 to the south is approximately 20m away beyond the garden of no. 48 and faces directly east so that its side gable is closest to Hazeck. There are also dwellings beyond the road to the east, but these are set at a much lower level and only their roof tops are clearly visible from Hazeck.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications requested to be referred, by 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 Barrow Parish Council –

- o To big for the position
- o Detrimental to the conservation area.
- o Will impinge greatly on neighbouring properties.
- o Requires tree work to be done and is in a conservation area.
- o Not in keeping with neighbouring properties.

4.1.2 SC Conservation - No conservation objections to the proposed extensions.

4.1.3 SC Trees (08-05-14) - There are a number of trees in close proximity to the proposed extensions, which potentially might be removed to enable the development, or adversely affected by it. None of the trees on the site are shown on either the existing or future site plans.

Trees are a material consideration in the planning process. Whilst I do not necessarily object to the proposed development, without the correct arboricultural information it is not possible to judge whether the retention of certain trees is feasible, even if it is desirable. Therefore, prior to determination, a Tree Survey, Arboricultural Implications Assessment and Tree Protection Plan should be undertaken by a competent arborist, in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction.

In the absence of this information refusal would be recommended as it currently stands, on the grounds of insufficient information to properly assess the effect on established trees on the site.

SC Trees (20-05-14) - The application requires the removal of an Apple Tree and Norway Spruce from either end of the property, due to conflict with the proposed extensions.

Although no information has been submitted in terms of the trees size, accurate location, condition and suitability for retention, in my opinion their removal would be necessary in order to successfully accommodate the proposed development. The trees are, if not directly within the footprint required for construction, sufficiently close that the degree of canopy reduction and root damage likely to be incurred would either kill them outright or destabilise them to the point that they would present an unreasonable risk of failure.

The Spruce, in particular, is of such a size that its retention, even if physically possible, would be incompatible with the intended use of the extension as a sunroom with balcony above. In my opinion it would cast an excessive amount of shade and have an overbearing presence on the property.

To be balanced against tree loss, is the consideration of amenity value of the trees to be removed. The Apple Tree is relatively small and is of limited visibility beyond the site itself. Its loss could be compensated by planting a suitable replacement tree. The Spruce Tree is much larger and visible from surrounding properties and from some of the houses across the valley on the other side of Bridge Road. However, it is considered that the tree itself is of no particular arboricultural or aesthetic merit and is of a species not native or natural to the area. In addition, as a species Norway Spruce tends to die back in the crown once it matures, typically showing a thinning of the canopy with numerous dead and bare twigs. This phenomenon is particularly common with isolated trees growing in exposed locations, such as is the case here. All other things being equal, it would be no surprise to see this tree start showing signs of decline in the relatively near future.

On balance, therefore, there is no objection to the proposed removal of the Apple and Spruce Tree, subject to appropriate replacement planting being agreed.

Photographs submitted with the application suggest that some advance planting has already occurred, but I have concerns as to the suitability of the planting positions in terms of the rooting environment and space required to support the trees in the long term.

Therefore, conditions requiring approval of tree protection of retained trees and replacement planting to be agreed by the LPA should be applied to any approval decision.

SC Highways - The highway authority raises no objections to the granting of consent. I consider that the proposed scheme to extend and modify the existing dwelling would have no detrimental effect on the adjacent highway or the safety of highway users. The scheme includes parking provision for two cars which I consider adequate.

SC Archaeology - No comments to make on this application with respect to archaeological matters.

4.2 - Public Comments

4.2.1 Sixteen public representations have been received from six different addresses, and nine of which were submitted following the various amendments to the proposal. The concerns raised are available to view in full on file, but are préciséd as follows:

- o The changes to the balcony to create space for occupants to sit out, is not in keeping with houses in the locality.
- o No other balconies are visible across the valley.
- o The balcony directly overlooks our front garden.
- o The approved Juliet balcony looks down directly into our garden, the proposed balcony will bring the building closer to our boundary.

- o The dormer windows look directly into our master bedroom.
- o The increased height of the rear extension, albeit with an obscure glazed window, is unacceptable. The roof trusses that have already been erected are an enormous scale and overbearing.
- o There will be loss of light to our home.
- o This is the third set of plans for the house, with each revision getting bigger and bigger.
- o The property is already larger in size than any of its neighbouring cottages.
- o When viewed from a distance the scale of development is much more apparent.
- o This application appears to be a blatant exploitation of the planning procedure, as it attempts to incrementally extend further the size of this property within a small plot.
- o There should be no further removal of trees in this plot, it has already been stripped of its rural character in a Conservation Area.
- o It will take several years for imposed new tree planting measures to become established.
- o The Norway Spruce does not obscure the view into our garden.

Post Initial Amendments:

- o At no point has the applicant discussed the proposed changes with ourselves (no.47).
- o The 'extended roof line' blocked off area of the site on balcony will still look down onto our garden.
- o We firmly believe that no more felling should be allowed.
- o Object to the loss of the Norway Spruce as it is very prominent in views from the east side of the valley looking across to the development site.
- o As an evergreen tree, the Norway Spruce continues to afford screening of the bungalow throughout Winter.
- o The planting of 27 conifers against a retaining wall and a road as indicated in the Tree Protection Plan would seem a problem waiting to happen, traditional hedging would be more appropriate.
- o Replacement trees should not result in more conifers.
- o No planting is proposed on the side of the property overlooking the valley.
- o The opinions of the majority of the occupants of the surrounding properties shows shared concerns.

Post Final Amendments:

Mainly points raised previously have been re-iterated, but additionally –

- o Unclear as to the purpose of the wardrobe/storage area which is larger than some of the bedrooms.
- o The revision will require the complete removal of the Spruce tree.
- o The trees are too densely planted.
- o Concern regarding trees planted along the fence adjacent to our access lane which are likely to interfere with the fabric of the lane and footpath.
- o Concerned about the parking to this property, if there are more extensions will there be enough parking space?

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Impact on surrounding Conservation Area
- o Trees

6.0 OFFICER APPRAISAL**6.1 Principle of development**

6.1.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built and historic 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 historic environment and does not adversely affect the heritage values and function of these assets.

6.1.2 The proposed development is not considered to have an adverse impact on the context of the existing site or character of the surrounding Conservation Area. The scale of this amended proposal remains of an appropriately domestic scale and of a design that has been carefully formulated to avoid overlooking of adjacent private amenity spaces. The principle of development is therefore acceptable.

6.2 Design, scale and character

6.2.1 As noted above in paragraph 1.2, the increase in the footprint of the dwelling now proposed amounts to approximately 59% of that of the former bungalow, a dwelling with limited internal provision not necessarily desirable in terms of modern living standards. A footprint enlargement of 59% is not unreasonable in this case, or generally on most other residential properties that have not been previously extensively developed. The plot is of a size capable of absorbing the increase in footprint without significant loss to the level of outside amenity space afforded to the property and the enlargements are positioned around the dwelling rather than concentrated on one elevation where they could project more obtrusively into the garden area.

6.2.2 There has been much objection to the increase in the height of the property, however, the majority of the surrounding properties are already two storey and the combination of the differing land levels around the plot and space between it and the adjacent dwellings allows for the proposed increase in height to be appropriately absorbed into the street scene and wider views of the valley side. At the moment the structure is highly visible due to the bareness of the light coloured timber roof frame. However, it is felt that once construction is completed, a higher building on the plot will have no greater impact on the hillside than the surrounding dwellings. The majority of dwellings on the slopes of the Benthall Valley are prominent ones as they stand out from the hillside, particularly those that are painted white, and this is the character of the area. Therefore there is no reason in this case to restrict the height of the dwelling as per its former bungalow status.

6.2.3 It is considered that measures have been taken in the design of the extensions, which whilst they are not necessarily subservient to the main dwelling, provide a balanced appearance to it, modernises and improves it visually from the basic latter half 20th Century bungalow that it was and which was not in character with the adjacent older traditional properties. The appearance of the bungalow had a neutral impact on the surrounding Conservation Area, however, the higher quality of the proposed design will have a positive contribution to it. Features have been included which add interest, such as the now proposed sun room, and the high level apex window. An improved appearance to the dwelling is considered important as it is set in an elevated position within the Conservation Area where it can be viewed from some distance away, particularly following the extensive clearance of the site which has already taken place.

6.3 Impact on neighbours/residential amenity

6.3.1 Whilst the concerns of the neighbours are appreciated, it is felt that the amended proposal retains consideration for the adjacent dwellings in its design. Firstly the increased scale and height is comparative with the surrounding neighbouring properties which are two storey themselves, the closest dwelling to the south west included which is set at a slightly higher ground level. There is also sufficient space around the dwelling itself for no overbearing or overshadowing impact to be felt from the higher roof mass, certainly no more than there would have been from former mature trees at the site which were closer to the surrounding properties.

6.3.2 The final amended sun room design replaces and omits the option to instigate the previously approved Juliet balcony at first floor level on the south east facing elevation in addition to completely removing the balcony initially proposed as part of this application. Therefore the potential for overlooking of adjacent private amenity spaces from this elevation is now significantly minimised. Additionally, the sun room windows are positioned to have their views restricted to the south east and north east and the south west side of this extension angled to fit along the boundary has no openings.

There could be views across the end of the garden at no. 48 from the sun room extension, however that garden is approximately 30m in length, views of the private amenity space directly outside the dwelling and the majority of the garden will not be achievable due to sun room design, and the level of this section of no. 48s garden is below a stepped down section of Hazeck's garden making it difficult to see. If a person were to stand against the boundary fence in the stepped down level of Hazeck's garden they could look down onto the end section of no. 48s garden anyway. Additionally, it is likely that there are already views over this lower end section of no. 48s garden from first floor windows of dwellings directly to the south side of it. Views to the north east from the sun room extension will comprise garaging, driveways and roof tops. The distance from the north east facing elevation of the proposed sun room extension to the two closest dwellings in this direction, is 23m to no. 45 and 34m to no. 49. Again the steep downward slope of the land is considered to preclude closely adjacent views, but provide wider views of the opposite side of the valley.

Concerns have been raised over the potential usage of the storage room within the roof space of the sun room, however, this space will be very limited due to the steep pitch of the roof and will not lend itself easily to a use as a primary room. A condition will be applied to ensure that no further openings are inserted into the walls or roof of the sun room extension.

- 6.3.3 The proposed dormers on the south west facing rear elevation are all confirmed to be obscure glazed and whilst the round window (which was previously approved) was initially indicated to also be obscure glazed, it has now been revised to become a solid brick feature, thus reducing the number of first floor windows on that elevation. The ground floor windows on the south west facing elevation are set below the level of the brick outbuilding which is positioned between no. 48 and Hazeck and provides a good level of screening. The first floor windows on the front elevation will face north east towards the end of gardens and garaging across the road, not onto private amenity space. The triangular high level apex window proposed on the north west facing side elevation will not allow for views of neighbouring properties in that direction.
- 6.3.4 Concerns have also been raised over the high level of tree planting at the site, however, prior to the applicant owning the site and work commencing, it was surrounded by dense landscaping including mature trees, and the dwelling was not easily visible from the public domain. The adjacent neighbours objected to the removal of this landscaping on the previous applications. Tree planting at the site will be further managed by a condition as requested by SC Trees (see section 6.5 below).
- 6.4 Impact on the surrounding Conservation Area
- 6.4.1 Although the proposed works will be visible from the wider Conservation Area, it is considered that the design of the alterations will contribute favourably to a more balanced, higher quality visual appearance which will have a positive rather than negative impact upon the character and appearance of the Conservation Area. For the reasons described in section 6.2 above, the proposed appearance of the dwelling is considered to be of greater visual merit than that of the former bungalow.
- 6.5 Trees
- 6.5.1 The matter of the removal of an Apple Tree and Norway Spruce has been considered by SC Trees and the balance between their public amenity and the owner's right to reasonable use and enjoyment of their property has been weighed up and there is no objection to the proposed removal of these trees subject to appropriate replacement planting being agreed via condition. Replacement planting will secure an appropriate level of landscaping at the site, suitable for its Conservation Area status and for the day to day activities of a residential area.
- 7.0 CONCLUSION**
- 7.1 It is considered that this proposal is not contrary to adopted policies and will not adversely affect the existing building, the site, the amenities of adjacent neighbours, or the surrounding Conservation Area. Additionally it is felt that suitable replacement tree planting can be secured to enhance the site.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- ⑦ 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.
- ⑦ 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

Core Strategy and Saved Policies:
CS6 Sustainable Design And Development Principles
CS17 Environmental Networks

RELEVANT PLANNING HISTORY:

13/03694/FUL - Application under Section 73a of the Town and Country Planning Act 1990 for the erection of close boarded perimeter fencing. Granted 6th January 2014.
13/02940/FUL - Erection of single storey extension to include balcony; replacement of existing roof to include dormer windows. Granted 21st November 2013

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

Tree Replacement Plan received 10th May 2014

Trees To Be Removed received 10th May 2014

Approved Tree Protection Plan received 10th May 2014

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Turner

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. Prior to the commencement of approved development, including demolition and site clearance, a tree protection plan shall be agreed in writing with the LPA. The Plan shall clearly show the trees to be retained and those to be reduced or removed, with a description of any necessary tree works, and the location of the tree protective measures to be installed to protect retained trees during development. The tree protection measures shall comprise barriers and / or ground protection, constructed and located in accordance with Section 6.2 of British Standard 5837: 2012 - Trees in Relation to Design, Demolition & Construction. The measures specified in the Tree Protection Plan shall be installed to the written satisfaction of the Local Planning Authority, prior to the commencement of approved development, including demolition and site clearance.

Reason: To protect trees which contribute to the amenity of the location from damage during implementation of the development.

5. The tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development. The protective fence defines a construction exclusion zone within which there shall be no excavations or alterations of ground level, no storage of materials, no passage of vehicles or heavy machinery, no mixing of cement, no fuelling or washing of equipment, no discharge of materials toxic to trees and no lighting of fires.

Reason: To protect trees which contribute to the amenity of the location from damage during implementation of the development.

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

6. Prior to completion of the approved development a tree planting plan for the site shall be agreed to the written satisfaction of the Local Planning Authority, detailing the species, number, size, location and means of planting and support for the planting stock. The plan shall include for maintenance of the planted trees during the first 3 years post-planting and the timescale by which the planting shall be completed.

Reason: To enhance the development and contribute to continuity of tree cover in the area by replacing those trees lost to the development.

7. The agreed planting plan shall be implemented in full to the Local Planning Authorities satisfaction during the first available bare-root planting season (Nov-Feb inclusive) following the commencement of the development. Any planted tree that dies or is otherwise lost during the 3 year post-planting maintenance period shall be replaced with a similar one, unless otherwise agreed in writing with the LPA.

Reason: To ensure a satisfactory form of landscaping to the development and provide for long-term continuity of tree cover in the area.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

8. The first floor dormer windows in the south west facing rear elevation shall be permanently formed with top hung opening and glazed with obscure glass as shown on approved drawing no. MINES/REAPP.03 Rev C and shall thereafter be retained. No further windows or other openings shall be formed in that elevation unless otherwise agreed by the Local Planning Authority.

Reason: To preserve the amenity and privacy of adjoining properties.

9. No windows or other openings, other than those hereby approved, shall be formed in the sun room extension positioned on the south east side of the dwelling.

Reason: To preserve the amenity and privacy of adjoining properties.

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. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
4. 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.
5. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

LDF Core Strategy Policies:
CS6 Sustainable Design And Development Principles
CS17 Environmental Networks

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.



Committee and date

South Planning Committee

14 October 2014

Development Management Report

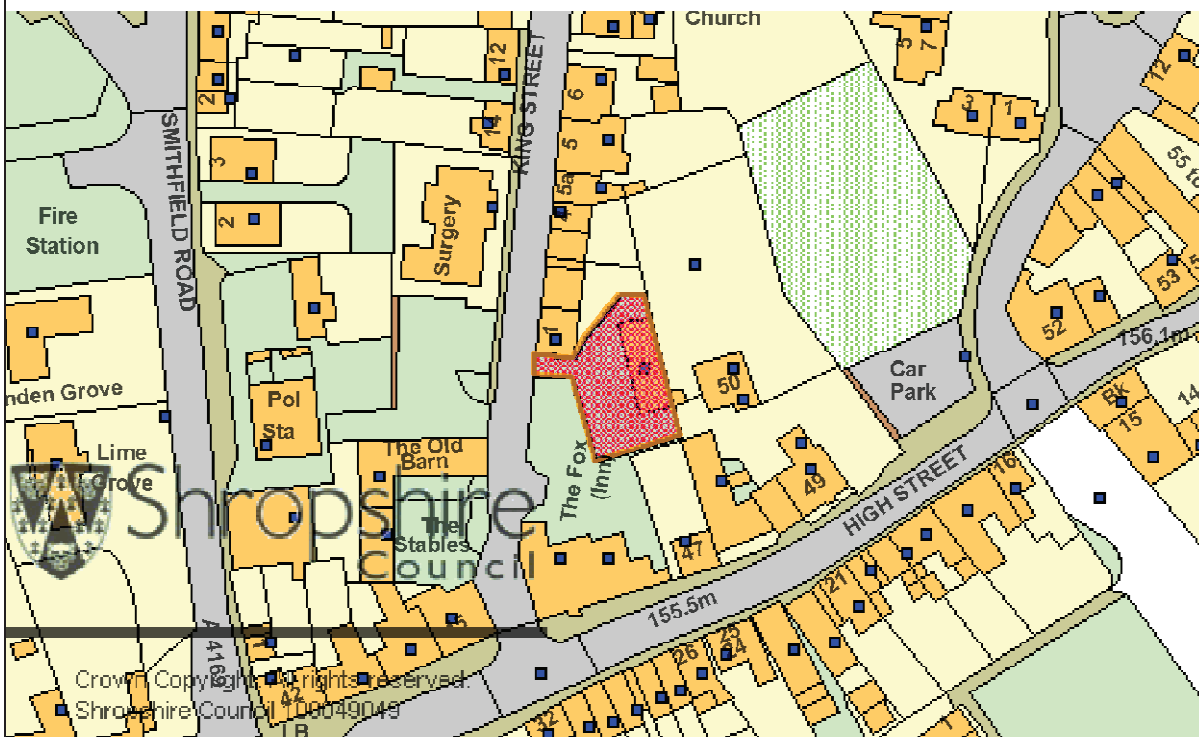
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/01397/FUL	<u>Parish:</u>	Much Wenlock
<u>Proposal:</u> Proposed extensions and conversion of existing studio building to form four residential units and one commercial unit; including demolition of part of boundary wall (amended description).		
<u>Site Address:</u> Fox Studio King Street Much Wenlock Shropshire TF13 6BL		
<u>Applicant:</u> Lightsource Audio Visual Ltd		
<u>Case Officer:</u> Lynn Parker		<u>email:</u> planningdmse@shropshire.gov.uk

Grid Ref: 362175 - 299856



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application as originally submitted was for the extension to and conversion of the existing commercial building at Fox Studio, King Street Much Wenlock to form 4 apartments and an apartment/studio unit, and the demolition of part of the boundary wall to be replaced by a detached dwelling. The residential units are proposed to be allocated as follows:

Fox Studio

Ground Floor - Apartment 1 – lounge/kitchen, bathroom, bedroom
Apartment 2 – lounge/kitchen, bathroom, bedroom
Apartment 5/Studio – lounge/kitchen, bathroom, studio (This unit has subsequently been changed to an office in the revised scheme).

Plus a porch entrance extension providing access to the first floor measuring 2.33m wide x 1.7m in depth x 3.2m to ridge height, 2.35m to eaves. (This element has been deleted from the revised scheme).

First Floor - Apartment 3 – lounge/kitchen, bathroom, bedroom
Apartment 4 – lounge/kitchen, bathroom, bedroom
Apartment 5/Studio – bedroom. (This element has been changed to an office in the revised scheme).

Two storey extensions are proposed to the north and south gable end elevations of Fox Studio to facilitate the internal accommodation.

North – 2.38/3m wide x 3.9m in depth x 6.15m to ridge height

South – 6.05m wide x 3m in depth x 5.6m to ridge height

New Dwelling

Ground Floor – living room, W.C, kitchen/diner

First Floor – 2 bedrooms, bathroom

The dwelling would have measured 4.35m wide x 9.35m in depth x 7.68m to ridge height, but has been deleted from the revised scheme.

- 1.2 Materials are proposed as timber clad, render and Wenlock stone walls, roof tiles to match those of the existing building and white painted windows. Foul sewage and surface water are indicated to be disposed of via the main sewer. No alterations are proposed to the vehicular access and parking provision for 4 vehicles is indicated. No trees or hedges are affected by the development.
- 1.3 During the course of the application, amended plans have been submitted in response to the issues raised by consultees and public representations. These revisions remove the detached dwelling from the proposal and provide a pedestrian access through the wall in its place, additional parking provision and a bin storage

area. Additionally, the unit previously indicated as a Apartment 5/Studio has been reallocated as purely for commercial office space. The porch extension has been removed from the front elevation.

- 1.4 An Affordable Housing Contribution Proforma has been submitted agreeing to pay a financial contribution of £22,320 towards off site affordable housing provision as the internal floorspace is identified as being an average of 31m². The applicable target rate for this area is 20%. $(0.80 (0.2 \times 4) \times 31\text{m}^2 \times 900 = £22,320)$.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site falls within the development boundary of the Key Centre of Much Wenlock on the south western periphery of the Town Centre and within Much Wenlock Conservation Area. It is accessed via King Street to the west via the High Street (B4378) to the south. The access point to the site is positioned between a single storey element of The Fox public house to the south west and a boundary wall abutting the road of Wenlock Stone approximately 3m high to the west. There are high gate piers either side of the access set back from the road, but no gate, beyond which is a tarmacked courtyard the usage of which is split between The Fox and Fox Studio. Access into/egress from the courtyard is comfortably achievable in a vehicle if taken slowly.

- 2.2 The building itself is of a north/south linear format with a west facing frontage into the courtyard. It is constructed in red brick with red roof tiles, a centrally placed entrance door and white timber openings which are unusually larger at first floor level. The existing first floor openings on the front elevation are currently obscure glazed, there are no windows on the east facing rear elevation. Formerly an outbuilding of The Fox (then the Wheatland Fox) public house, the first floor of the building has been used for office purposes since 1969 with a stable below, and the whole building as offices and a photographic studio since 1987. A single storey extension was added to the south side elevation of the property following permission granted on 1st March 2005 under planning ref: BR/APP/FUL/05/0049, to provide a storage area with 2 garage doors to the west facing elevation into the courtyard. This extension has a dual pitched roof with a side gable facing towards and adjacent to the rear boundary of no. 47 High Street.

- 2.3 There are neighbouring dwellings and commercial properties surrounding Fox Studio except to the south west where the courtyard extends towards The Fox public house, and west where King Street lies beyond the high boundary wall. The closest dwellings are nos. 48 and 50 High Street to the south east, sections of these properties being close to the boundary, and nos. 1 and 2 King Street to the north west where there is a distance of approximately 6m between their rear elevations and the corner of the Fox Studio building. There is a pitched roof single storey lean to extension on the rear of no. 1 King Street which forms the boundary with the courtyard at Fox Studio and covers most of the rear elevation allowing only a doorway out into a yard which extends behind no. 2 King Street. There is a new build dwelling permitted under planning ref: 12/00240/FUL on 2nd January 2013 (amended under planning ref: 13/04730/AMP on 11th December 2013) to the north east with a south facing frontage and which is sited approximately 10 away from the existing north east corner of Fox Studio. There is a doctors' surgery across King

Street to the north west which has its own dedicated car park.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications where the Parish Council submit a view contrary to officers based on material planning reasons the following tests need to be met:

- (i) These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions: and
- (ii) The Area Manager of Principal Planning Officer in consultation with the Committee Chairman or Vice Chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Much Wenlock Town Council (07-05-14) –

- i. The site is prominently located within the Much Wenlock Conservation Area where the demolition of the stone wall to provide a new dwelling would have a significant detrimental impact on the character and appearance of this part of the Conservation Area.
- ii. Visibility for drivers exiting the proposed site access onto King Street is severely restricted in both directions, by the adjoining access to the north and the remaining tall boundary wall to the south. As a consequence the formation and use of the access would lead to conditions detrimental to the free flow and safe movement of traffic.
- iii. It is a site of sensitive archaeological remains which should be thoroughly investigated.
- iv. The proposals would lead to over development of a small site.

Much Wenlock Town Council (02-07-14) –

- i. There seems to be little difference between the amended proposals and the previous proposals and the development does not belong in a Conservation Area.
- ii. To object on the following grounds: the site is prominently located within the Much Wenlock Conservation Area where the demolition of any part of the stone wall will have a significant detrimental impact on the character and appearance of this part of the Conservation Area; visibility for drivers exiting the proposed site access onto King Street is severely restricted, in both directions, by the adjoining access to the north and the remaining tall boundary wall to the south. As a consequence the formation and use of the access will lead to conditions detrimental to the free flow and safe movement of traffic; it is a site of sensitive archaeological remains which should be thoroughly investigated; the proposals will lead to over development of a small site in a Conservation Area.

4.1.2 SC Affordable Housing (14-04-14) - As an open market housing proposal, the Core Strategy requires the development to contribute towards the provision of affordable housing.

The current affordable housing contribution rate for this area is 20% and as such a proposal for 5 new open market dwellings would be liable to make a contribution

equivalent to one whole affordable unit. The applicant should be requested to complete and submit an Affordable Housing Contribution Proforma.

SC Affordable Housing (12-06-14) - 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.

- 4.1.3 SC Drainage (14-04-14) - On the planning application, it states that the surface water from the proposed development is to be disposed of directly to a main sewer. Such a connection should not be made, as it can result in increased flood risk elsewhere. The use of soakaways should be investigated in the first instance for surface water disposal. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The drainage details, plan and calculations could be conditioned if planning permission were to be granted. Standard advice supplied in relation to the encouragement of measures listed to minimise the risk of surface water flooding and that consent is required from the service provider to connect into the foul main sewer.

- 4.1.4 SC Conservation (08-05-14) – The current proposal is not supported from a conservation perspective.

The proposal involves significant alteration to the existing building including extensions to both sides, the erection of a porch, the insertion of a number of new openings and the alteration of a number of existing openings. The extension of the building to either side and the erection of a porch is considered inappropriate and detracts from the original character and form of the building. Although there appears to have been historic alterations to the openings to the front of the building, the proposed design creates a number of new openings and alters many of those existing resulting in a considerably different character. The original openings and brickwork details should be retained where ever possible during any conversion.

The current proposal is considered to be wholly inappropriate for this former Coach House and would be significantly harmful to the character and appearance of the building itself and the wider Conservation Area. If conversion is considered acceptable, the design of any conversion should look to retain the original form and character of the building.

The application also proposes the demolition of part of the boundary wall to the site and the erection of a single dwelling to the front of the site extending the existing terrace along King Street. The removal of this portion of wall is considered to have a detrimental impact on the character and appearance of this part of the conservation area. The proposed dwelling is considered to be an inappropriate addition to the existing terrace, the form of the proposed dwelling does not reflect the form of the existing terrace, the depth of the property and the roofline are out of keeping with the existing built form. It is considered that the proposed removal of the wall and the erection of the proposed new dwelling would have a detrimental impact on the character and appearance of the conservation area.

SC Conservation (05-06-14) - Following a discussion on site about the details of the conversion of the existing building a revised plan has been submitted. The revised plan has taken on board the philosophy of reusing the existing openings where possible which has helped to minimise the impact of conversion.

The amended plans are considered an improvement however I still have some concerns about the extension of the building to both sides, this may appear to be an over extension of the building and detract from the appearance and character of the conservation area.

The matter of a pedestrian access gate through the front boundary wall was discussed on site. A section of the wall is bowing and is in need of some repair, it was discussed that a small pedestrian gate could be inserted whilst repair works were undertaken. It was felt that from a conservation perspective a small pedestrian gate may be acceptable without significant detriment to the character of the conservation area. However the proposed opening on the plan appears much larger than anticipated and would not be appropriate.

The removal of the new dwelling from the application is welcomed.

SC Conservation (03-07-14) - The opening in the boundary wall to allow pedestrian access has been reduced in size and is now considered to be more appropriate. It is considered that a small insertion during the process of remedial works could be acceptable, details of the treatment will need to be agreed to ensure the impact is as minimal as possible.

- 4.1.5 SC Archaeology - The proposed development site lies on the edge of the Medieval urban form of Much Wenlock (HER PRN 05029) as defined by the Central Marches Historic Towns Survey and within a group of Tenement plots to north of High St, east of Smithfield Road (HER PRN 05041). More importantly it is also located immediately adjacent to the supposed site of St John's Leper Hospital (PRN 05010). An evaluation carried out on the Leper Hospital site in 2012 determined that significant archaeological features, deposits and structural remains of medieval date are present on the site. These are overlain by archaeological deposits of early post-medieval date which also have the potential to inform us about the development of this part of Much Wenlock during this period. Although the site has been built over during the Post Medieval period, the archaeological potential of the site, particularly at depth, remains moderate to high. Any below ground archaeological remains are likely to be affected by the construction of the proposed new dwelling and any ground disturbance associated with the conversion of the existing studio. In view of the above and in line with National Planning Policy Framework (NPPF), I would recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development comprising an initial evaluation of the site prior to construction commencing with further archaeological mitigation thereafter if deemed necessary. Wording of condition suggested.

4.1.6 SC Highways - The highway authority raises no objections in principle to the granting of consent.

The vehicular access to the proposed dwellings would be via the existing entrance to the public house car park, where other than for the parking space available, the amount of vehicle movements are currently not restricted. The scheme provides 4 dedicated parking spaces within this car park and though this would not fully serve all the dwellings, the town centre location of the development would make occupation of some units sustainable for residents without a motor vehicle.

One dwelling (unit 6) has a pedestrian access door directly onto the carriageway. Although I do not consider this to be ideal, I appreciate that there are other old residences along King Street where this is the case but I consider a highway objection to the scheme on the grounds of this would not be sustainable. I would however recommend that all access was via the public house car park in the interests of highway safety.

4.1.7 SC Waste Management - It is vital new homes have adequate storage space to contain wastes for a fortnightly collection (including separate storage space for compostable and source segregated recyclable material).

Also crucial is that they have regard for the large vehicles utilised for collecting waste and that the highway specification is suitable to facilitate the safe and efficient collection of waste. It is recommended that the developer look at the guidance that waste management have produced, which gives examples of best practice.

4.1.8 SC Ecology – Informative recommended in relation to bats and nesting wild birds.

4.2 - Public Comments

4.2.1 In total 25 public representations have been submitted, comprising 24 objections and one letter of support from 13 different addresses, including Much Wenlock Civic Society. These can be viewed in full online, however, are precised below:

Objections to proposal as submitted:

- o While the Neighbourhood Plan survey has shown that there is a great need in town for both affordable starter homes, and down sizing retirement dwellings, is there a guarantee that these units will remain residential?
- o Adding the 2 storey extensions on a very tight plot is overdevelopment.
- o The extension to Apt. 5 would appear to be disproportionate to all the other proposed new accommodation.
- o The extensions will take away sunlight from 3 houses especially no. 50 including annex and no. 51 (in the process of development).
- o A 2 storey extension to the gable end of Fox Studio would directly block the morning sun, casting both ground and first floor rooms at 1-2 King Street in permanent shadow. It would overlook both the bedrooms and garden, destroying any hope of privacy.
- o Existing obscure glazing in Fox Studio would change to clear glass if

permission is granted.

- o As the land falls away behind the building, its blank wall facing Ashfield cottage is already high and forbidding.
- o The proposed dwelling is double the depth of the existing gable at no. 1 King Street, the scale and layout of which should be respected.
- o Any continuation of the terrace should take account of the existing building depth.
- o To cover the gable is inappropriate as it is constructed in local limestone rubble and contributes considerably to the streetscape.
- o The site plan submitted is inaccurate and misleading in favour of the applicant.
- o The proposed dwelling is of an inappropriate design, scale and siting in relation to the existing buildings.
- o It will add further traffic congestion to an already dangerous junction.
- o Parking on King Street where several households have more than 2 cars is already difficult.
- o King Street provides access to the local doctors' surgery and access and parking is already limited.
- o If visitor car parking is not allowed for the development access along King Street will be even more difficult.
- o It will reduce the parking for The Fox and make the area even more difficult to negotiate.
- o If the surface water drainage goes to soakaways, it will tend to percolate down to the adjacent lower lying gardens.
- o No room for bins or recycling.

4.2.2 Much Wenlock Civic Society:

- o No objection in principle to a suitable housing development on the site, however, the particular high density development currently proposed at the heart of the Conservation Area, fails to comply with current planning policy.
- o Of particular concern is the removal of a section of local stone wall, significant parking area and the parking demand arising from such a large number of new dwellings.
- o Urge the LPA to require prior archaeological investigation before work commences if approved.

4.2.3 Objections to amended proposal - previously voiced objections are reiterated plus:

- o The latest set of amendments prove the applicant has no intention of accommodating our concerns.
- o Cramming 5 residential units into such a confined space will have a massive effect on privacy and light, and therefore a radical impact on the neighbours experience of living in their own homes both inside and out.
- o Anti-social housing should be avoided for everyone's sake.
- o The applicants intend encroaching onto my land, demolishing my boundary wall and disturbing/destroying my planting. I will not allow my wall to be demolished or undermined for foundation works.
- o Some of the surrounding properties were not built with foundations/insubstantial foundations to manage increased drainage from

the proposed soakaways.

- o Our property (no. 48) is considerably lower than the foundations of the garages linked to the studio.
- o The proposed development fails to meet criteria set out in the Much Wenlock Neighbourhood Plan.
- o The provisions of the Much Wenlock Neighbourhood Plan for parking and private amenity space should be observed.
- o The introduction of a break into the wall to allow pedestrian access would further exacerbate parking problems within this narrow street.
- o Residents of King Street frequently have members of the public parking right in front of their doors, so how is the applicant going to prevent cars blocking access for the disabled and bin collection?
- o There is a King Street residential action group who have already made proposals to turn the road into a one way street.
- o Previous planning applications to make an entrance through this wall were refused.
- o The application documents are inadequate, the drawings undimensioned.
- o There is potential noise pollution due to the amount of units planned for development in such a small site.

4.2.4 Letter of support:

- o The accommodation that these dwellings would provide is much need in Much Wenlock for single occupation or as starter homes for a couple.
- o For those that have lived in Much Wenlock all their lives, there is a problem when they want to downsize.
- o The comments that the revisions have not changed the application do not recognise the reduced number of dwellings or the alteration to the fronts by removing the cladding and porches.
- o There is a precedent set for infill in the Conservation Area, with buildings within the King Street environs being erected or altered. A large detached house at Mardol Cottage dominates the skyline and overlooks the properties on Queen Street.
- o The plans for The Fox Studio show consideration of many sensitive issues such as height of building, car parking, space between properties and overall appearance.
- o The proposal sets out parking facilities for the properties, and therefore the development would not negatively impact on parking problems in King Street.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Impact on the historic environment
- o Access/Parking
- o Drainage

6.0 OFFICER APPRAISAL**6.1 Principle of development**

- 6.1.1 The proposed site falls within the Key Centre of Much Wenlock in which the principle of erecting open market dwellings is supported by LDF Core Strategy Policy CS3 – The Market Towns and Other Key Centres, as a more sustainable form of development. Bridgnorth District Local Plan ‘Saved’ Policy H3 identifies Much Wenlock as a key settlement where residential development will be permitted provided the site is appropriate. The Market Towns and other key centres are identified in LDF Core Strategy Policy CS1 – Strategic Approach as maintaining and enhancing their traditional roles in providing services and employment and accommodating around 40% of Shropshire’s residential development over the plan period. Greater self-containment is the key objective of the Market Town revitalisation programme.

In accordance with the LDF Core Strategy, the Much Wenlock Neighbourhood Plan is supportive of small scale infill sites and conversions within the Parish in order to provide for a limited amount of housing to meet local needs. As Much Wenlock is a highly desirable town in which to live, it is a challenge to provide housing to meet local needs in a way that respects the quality of the town and its rural setting against generally high house prices. Policy H4 indicates that proposals such as this one for the conversion of existing buildings to one bedroom apartments, will be supported where they contribute positively to local character and help to meet local housing needs.

- 6.1.2 LDF Core Strategy Policy CS13 – Economic Development, Enterprise and Employment plans positively to develop and diversify the Shropshire Economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, placing particular emphasis on amongst other criteria, supporting the revitalisation of Shropshire’s Market Towns, developing their role as key service centres, providing employment.

Objective 2 of The Much Wenlock Neighbourhood Plan aims to help business create jobs by making sure that existing employment sites are kept for employment use where possible and appropriate. Whilst this application includes conversion of a commercial building to residential, it also allows for office space over 2 floors and retaining the business element. Having both residential and business uses under one roof, introduces the potential for home and work life to combine.

- 6.1.3 The National Planning Policy Framework (NPPF) is also committed to securing economic growth and boosting the supply of housing, two elements which are identified as contributing to ensuring the vitality of town centres. It is felt that this proposed development of mixed residential and office use will contribute positively to the vitality of Much Wenlock Town Centre and is considered to be an appropriate site due to the conversion of an existing building, its size and positioning.
- 6.1.4 The principle of the development is therefore considered to be acceptable in accordance with these policies.

6.2 Design, scale and character

- 6.2.1 Both the National Planning Policy Framework (NPPF) and LDF Core Strategy Policies CS6 and CS17 direct that a high quality development should be created whilst contributing to local character, and protecting and enhancing the built and historic environment. These considerations should benefit for the lifetime of the development and provide positive improvements in people's quality of life.
- 6.2.2 The amended plans alter the proposed appearance of the building significantly from the submitted details. By removing the porch and door canopy elements, reducing the number of new openings and retaining more of the existing openings it is felt that the core form and character of the building will be retained. Similarly the impact on the prominent boundary wall and existing residential terrace on King Street has been significantly reduced by the removal of the proposal to insert a new dwelling. The amendment to open up only a pedestrian access into the wall where it is currently bowing and needs some repair work is felt to be acceptable without significant detriment to its character and that of the wider Conservation Area.
- 6.2.3 The extensions on either side of the building remain proposed on the amended plans and have been included to ensure the viability of the scheme. Whilst any reduction in their size would of course lessen the impact, it is considered that they are clearly subservient to the main building having lower roof ridges, and the character of the front elevation is not encroached upon. Therefore the provision of the apartments that the extensions will facilitate is felt to outweigh the limited harm that they will bring to the character of the existing building and surrounding Conservation Area.
- 6.2.4 The scale of the proposal is not considered to be overdevelopment of the plot as both the number of apartments (indicated at 4) and their internal capacity with the provision of one bedroom each, combined with the office use which will be empty overnight, will not afford excessive occupation of the site.
- 6.2.5 The submitted site plans show new areas of soft landscaping within the courtyard which will improve on the existing hardness of the site. To ensure that the visual appearance of the site benefits from soft landscaping, further details of this aspect will be conditioned.
- 6.3 Impact on neighbours/residential amenity
- 6.3.1 Whilst the concerns expressed are appreciated, it is not felt that there will be significant adverse impact on the adjacent neighbours from the proposed residential use, overlooking or overbearing from the increased mass of the building. The agent has confirmed that the applicant has full and proper title to the development, boundaries have never been disputed and the development is completely within the applicant's ownership.
- 6.3.2 All new and existing first floor windows will overlook the courtyard or to part of the rear of no. 1 King Street where there are no windows. The only new window which creates the potential for overlooking of adjacent private amenity spaces is that of the west facing bedroom window in the northern side extension. This window would look down into the yard behind nos. 1 and 2 King Street, and over towards the first

floor windows at no. 2 King Street. For this reason the window will be conditioned to be obscure glazed with top hung vents opening only. The agent has been made aware of this intent and has verbally agreed to the requirement. There are no windows proposed to the north or south side elevations, or to the east facing rear elevation. Similarly a condition can be applied to ensure that no windows are inserted into these elevations (nor further windows to the front elevation which could alter the character of the building).

6.3.3 The proposed extensions are lower in height than the existing building and increase its footprint by a restrained amount of approximately 28.5m². Additionally, they are not positioned directly abutting any of the neighbouring dwellings, there being sufficient space around Fox Studio to accommodate the extensions. The adjacent properties to the south and south east of the building are unlikely to suffer from any loss of sunlight as Fox Studio is on their north side. Those on King Street to the west may have reduced morning light resulting from the northern side extension, but the width at 3m max and height at 6.15m will not result in an excessive additional mass which would have a much greater impact than that created already by the existing building.

6.4 Impact on the historic environment

6.4.1 On balance it is considered that the amendments proposed to the scheme have sufficiently protected the character and appearance of the building, the site and the surrounding Conservation Area to be of greater benefit to the dynamics of the town than harm caused to the historic environment. The reasons for this consideration are detailed above in paragraph 6.2, and are largely supported by SC Conservation who whilst have reservations in relation to the side extensions, understand that without them this scheme to provide 4 no. one bedroom apartments which would be an asset to local needs, is not viable. It is considered that the development makes efficient use of an existing building and land whilst respecting the character of the surrounding area in its scale and massing.

6.5 Access/Parking

6.5.1 It is not considered that the level of development proposed here will significantly impact on the traffic levels in Much Wenlock more than currently exists at the site. The building is located in central Much Wenlock where public transport and everyday facilities are within easy walking distance. The development will not result in the loss of off street parking and will provide 6 parking spaces in a town centre area where access to public transport makes this provision not essential and sustainable for occupants without a vehicle, and when 4 spaces were initially proposed this was acceptable to SC Highways.

6.5.2 Attention has been drawn to parking issues outside the site, however it is difficult to visualise how the proposed development would exacerbate this problem given that on site parking is provided. The insertion of a narrow pedestrian access into the boundary wall is not considered to impact on the adjacent road, although it is recommended by SC Highways that all access is via the public house car park in the interests of highway safety.

6.5.3 The vehicular access to the proposed dwellings is already in situ and in regular use. The change of the building to residential will have not have a greater impact on the access than its current use and it is therefore considered sufficient for purpose.

6.6 Drainage

6.6.1 The proposed development can be considered as a minor housing/commercial extension as the building already exists and the amount of extension is limited to approximately 28.5m², the impact on the level of surface water drainage therefore being minimal. As the building is already connected to the main sewer, it is felt that the drainage details can be successfully managed by pre-commencement condition.

7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies as the mixed development of office and residential is acceptable in this town centre location, and the contribution that the extensions make to the viability of the intended use will outweigh any minor harm to the character of the building and its historic environment. The overall design and scale of the scheme will mainly retain the character of the existing building and therefore largely protect the surrounding Conservation Area. Furthermore, the development would not adversely impact on the residential amenity of adjacent dwellings or exacerbate surface water flooding, and will provide associated parking appropriate for a town centre location.

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:

- CS1 Strategic Approach
- CS3 Market Towns And Other Key Centres
- CS6 Sustainable Design And Development Principles
- CS9 Infrastructure Contributions
- CS11 Type And Affordability Of Housing
- CS13 Economic Development, Enterprise And Employment
- CS17 - Environmental Networks
- H3 - Residential Developments In Main Settlements
- D6 - Access And Car Parking

Type And Affordability Of Housing SPD
Much Wenlock Neighbourhood Plan 2013-26

RELEVANT PLANNING HISTORY:

BR/APP/FUL/07/0687 – Construction of new vehicular access, entrance gates and boundary wall after demolition of part of existing boundary wall. Refused 25th September 2007.

BR/APP/FUL/05/0049 – Erection of a single storey extension. Granted 1st March 2005.

BR/95/0785 – Siting of a temporary office building for a period of one year. Granted 18th January 1996.

BR/86/0885 – Use of former stables as photographic studio with associated offices. Granted 19th January 1987.

BR/86/0724 – Use of former stables as offices and studio. Granted 6th November 1986.

69/2128 – Conversion of first floor of existing building used for storage purposes to office accommodation and formation of vehicular access Wheatland Yard, High Street Much Wenlock – Granted 15th October 1969

61/939 – Change of use of loft over stables into carpenters machine shop, back yard of Wheatland Fox Hotel – Granted 31st May 1961.

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

Design And Access Statement as amended received on 16th May 2014

Notes responding to private objections received on 1st July 2014

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr David Turner

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. No development shall take place until a scheme of surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be complete before the development is occupied.

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

5. Details of the pedestrian access through the boundary wall with King Street including method of demolition, repair and finishing work shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works on the pedestrian access. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Conservation Area.

6. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: The area is of archaeological potential and it is importance that any archaeological features and finds are properly recorded.

7. 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
 - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
 - Implementation timetables

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

8. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

CONDITION THAT REQUIRES APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

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

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

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

11. The first floor bedroom window of Apartment 3 (as specified on drawing no. PL-004 hereby approved) in the west facing front elevation shall be permanently formed as a fixed light apart from the top hung vent, and glazed with obscure glass and shall thereafter be retained. 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), no further windows or other openings shall be formed in that elevation or any of the other elevations, unless specific permission is obtained from the Local Planning Authority

Reason: To preserve the amenity and privacy of adjoining properties and to protect the character and appearance of the building and the surrounding Conservation Area.

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 advice of Shropshire Council Drainage is attached for your information.
5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

6. 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.

7. 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.
8. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

LDF Core Strategy Policies

CS1 Strategic Approach
CS3 Market Towns And Other Key Centres
CS6 Sustainable Design And Development Principles
CS9 Infrastructure Contributions
CS11 Type And Affordability Of Housing
CS13 Economic Development, Enterprise And Employment
CS17 - Environmental Networks

Type And Affordability Of Housing SPD
Much Wenlock Neighbourhood Plan 2013-26

Bridgnorth District Council 'Saved' Local Plan Policies:
H3 - Residential Developments In Main Settlements
D6 - Access And Car Parking

9. 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

14 October 2014

Development Management Report

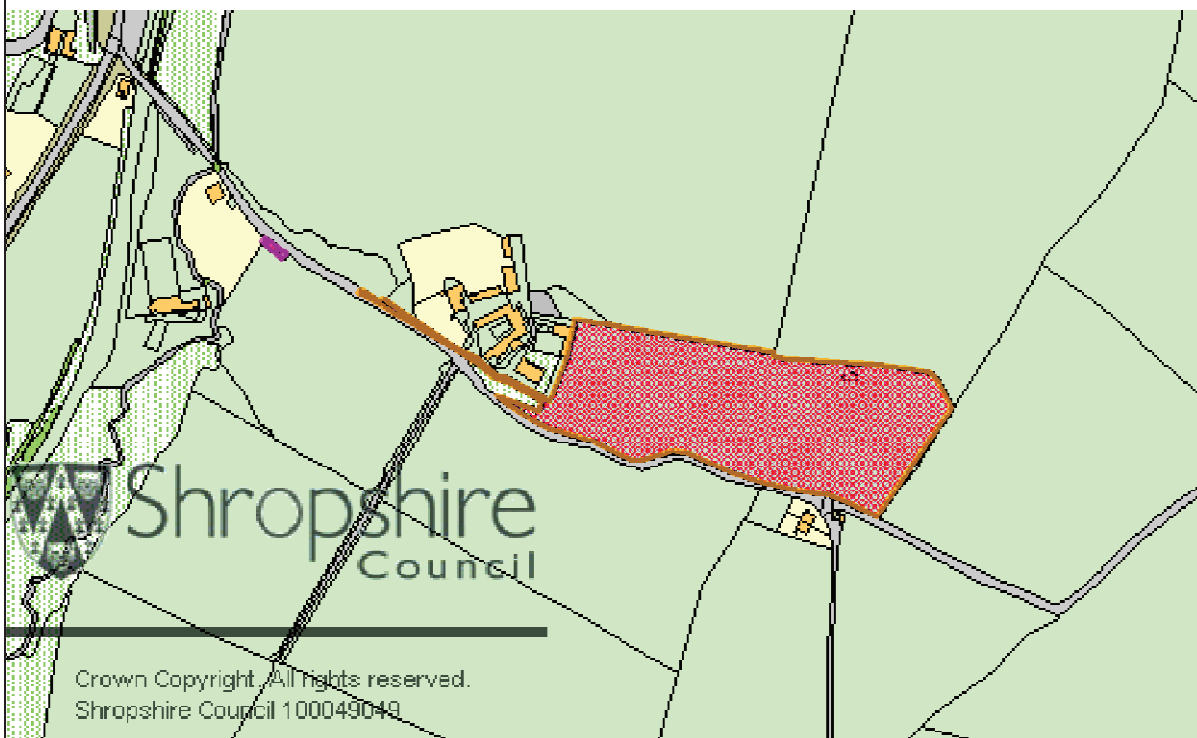
Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/02127/FUL	<u>Parish:</u>	Much Wenlock
<u>Proposal:</u> Construction of an equestrian centre to include: main facilities building incorporating reception, offices, changing rooms, therapy room, toilets, boiler room, viewing area, stables, stores and indoor arena; outdoor manege; carriage track; paddocks; two field shelters; vehicle parking, package treatment plant; surface water attenuation pool and associated drainage; formation of access and highway improvements; and landscaping.		
<u>Site Address:</u> Bradley Farm Farley Much Wenlock TF13 6PE		
<u>Applicant:</u> Perry Riding, Driving & Vaulting Group		
<u>Case Officer:</u> Lynn Parker	<u>email:</u> planningdmse@shropshire.gov.uk	

Grid Ref: 363365 - 301381



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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 construction of an equestrian centre offering therapeutic riding, carriage driving and vaulting for disabled people, with the aim of also creating learning, training and volunteering opportunities in the community. It will include: a main facilities building incorporating a reception, offices, changing rooms, therapy room, toilets, boiler room, viewing area, stables, stores and indoor arena; outdoor manege; carriage track; paddocks; two field shelters; vehicle parking, package treatment plant; surface water attenuation pool and associated drainage; formation of access and highway improvements; and landscaping. There will be 22 car parking spaces, 21 disability parking spaces, 6 cycle spaces and an informal overspill area for up to 35 cars or 15 horse boxes.
- 1.2 The 73m in length x 30m wide x 8.85m high indoor riding school and standard dressage arena would take the form of a typical portal framed agricultural building with a lean-to. On the ground floor there would be: a log/wood pellet store, biomass boiler room, therapy room, mechanical horse room, changing places toilet, male and female toilets, changing and locker room, waiting area, lift, entrance lobby, office/reception, ground floor viewing area, dropping off area with canopy, canopy waiting area/tie up for ponies, mounting platform, pedestrian and vehicular access to the arena, 5 American barn style stables in the lean-to, tack/feed room and carriage store. On the first floor there would be a lift, stairs, viewing area, lobby and store.
- 1.3 The manege would be located to the east of the indoor school and arena and would measure 40 x 20 m². The carriage driving track would be located to the east of the manege and would measure 4m wide x 352m in length. Two field shelters would be located within the track, each measuring 6.5m wide x 14.2m in length, with a ridge height of 3.6m. The field shelters would be open fronted and would be used for the outdoor loose accommodation of horses within the paddock area.
- 1.4 A new 6m wide access would be formed off the public highway, along with two passing places between the site entrance and the A4169 Much Wenlock Road. A surface water attenuation pool would also be created to the east of the proposed new access, adjacent to the car park. Re-grading of levels within the site and landscaping are also proposed.
- 1.5 Proposed construction materials for the following buildings are:
- Main building: red/orange brickwork, stained softwood (British Larch or similar) feather edged boarding, anthracite coloured profiled fibre cement sheeting and GRP roof lights, with two colour coated steel sliding doors providing vehicular access to the indoor arena. All other doors would be painted hardwood window frames.

- Field shelters: steel portal framed construction, stained softwood vertical boarding walls and anthracite coloured profiled fibre cement sheeting roof with GRP roof lights and painted hardwood window frames.

- 1.6 In terms of boundary treatments, existing hedgerows would be retained, with small sections removed to allow access, visibility splays and passing places. It is proposed that existing hedgerows would be supplemented with native broadleaved hedging and trees along the north-western boundary between the main building and the manege and between the formal and overspill parking areas. Timber post and rail fencing is proposed around the paddocks/carriage track.
- 1.7 Site access would be tarmac/SMA bound surfacing for a minimum distance of 15m from the carriageway. Parking areas would be formed with a gap graded stone reservoir overlain by a geotextile membrane and a reinforcement system, with an upper stone layer wearing surface.
- 1.8 Lighting would be bulkhead lanterns with less than 2% upward light output ratio and high pressure sodium fittings to the west and south elevations of the main building at a height of 2.6m and 3m.
- 1.9 Other sporting and recreational activities proposed would include disabled cricket and hawk flying. There would also be a mechanical horse and personnel lift within the main building. 5 full time and 1 part time employees are envisaged as a result of this application.
- 1.10 In addition to the Design and Access Statement, the following documents have been submitted in support of the proposal and are summarised below:

Heritage Statement and Heritage Impact Assessment by Richard K Morriss dated December 2013

This document explains that Bradley Farm has four Listed Buildings though in two of these cases the listing extends to more than one structure. Their Grade II Listed status is a designation that reflects their architectural and historical significance on a national level. The other buildings within the farmstead are thus listed by curtilage and most of these also have sufficient intrinsic architectural and historical merit to warrant being considered 'non-designated heritage assets' – the obvious exceptions being the derelict Dutch Barn (Building M) and several collapsing or collapsed ephemeral structures mainly dating to the later-19th or 20th centuries.

The individual buildings and the layout of the farmstead represent a continuous evolution of the farm over the past four hundred years or so – and also demonstrate the difficulties in upland areas of categorising either building materials, types or farm layouts. Excepting the timber-famed core of the farmhouse, the two main building materials are rubblestone and brick but there is no clear correlation between these two materials and the dates of the buildings built of them. The overall historic character of the farmstead is thus one of organic change over several centuries, fossilised in the surviving buildings and the layout.

The purpose of a heritage impact assessment (HIA) as initially outlined in government guidance is to inform the planning decisions that need to be made when considering a proposal that could have some impact on the character or setting of a heritage asset. Because of their proximity to the farmstead, these proposals could impact on the setting of the Listed Buildings of the farmstead, those Listed by curtilage, and their general layout and setting. The degree of impact and potential harm needs then to be assessed under the guidelines of the NPPF.

The proposals do not involve changes to the fabric of the farmyards buildings or to the spaces between them, and so cannot be seen to have any harm on these aspects of the heritage values of the site. Instead, the main potential heritage impact will be only be on the setting of the farmstead.

The proposed new indoor school is necessarily fairly large in footprint to suit its purpose, though it is not particularly tall. It will be little different to other large contemporary farm buildings deemed necessary for modern agriculture, and is of a type that could well have been needed at Bradley Farm were it to remain a farm. If that were the case, such a building would probably have been required to ensure that its agricultural facilities and accommodation could be modernised sufficiently to meet modern standards of efficiency and animal welfare. Such an extension and modernisation of the farmstead would have fitted into the historic and organic character of the farmstead.

The main visual difference between a standard agricultural development and the proposed riding school will be the necessary parking areas next to the lane – though this is balanced by the fact that there is no need for hardstanding for large agricultural machinery, new silos, storage yards etc. that would have arisen had the new facility been agricultural.

Because of its positioning, the new facility will be partially screened by other buildings from the main Listed and non-designated heritage assets within the farmstead. There will be no impact on their historic fabric or the layout of the farmstead itself.

The key elements of the setting of the historic buildings are their relationships with the other historic buildings in the farmstead and the development of those relationships. Because the new development is sited to the south-east of the historic farmstead, those key elements will not be altered.

The broader setting of the farmstead within the landscape will inevitably be altered by the creation of the new riding school, but the degree of any perceived harm is, on balance, considered to be fairly minimal – especially as this will be, in effect, a building of agricultural character.

In this case, the benefits of the scheme are quite obvious. The provision of a modern and much needed riding for the disabled facility in a rural but not remote setting is to be welcomed on two counts.

First and foremost is the benefit it will bring to all those who use it – both the riders and their families and friends. The school will provide such riders with an equality of opportunity with their able-bodied peers, from those who will simply benefit from the unique relationship between horse and rider to those who are, or could become, elite equestrians.

Secondly, it will ensure the continuation of a rural and animal based activity at Bradley Farm and hopefully be the springboard for a gradual and related regeneration of the older farm buildings. The full range of benefits, and the weight to be attached to them in the overall planning balance, is addressed in more detail within the Haston Reynolds Planning Statement accompanying this application.

The impact of the proposed development is, for the reasons outlined above, is not considered significant given the character of the site and its setting. It is a working agricultural landscape with industrial intrusions – mainly in the form of the limestone quarries – and deliberately excluded from the Shropshire Hills AONB.

The proposals will not significantly detract from those characteristics and, to reiterate, the limited visual impact of the development on the farmstead would not '*significantly and demonstrably outweigh the benefits*' of the proposed scheme. In conclusion, it is clear that the proposals would not cause *substantial* harm to the heritage assets or their setting, as defined in the 1990 Planning Act and subsequent related judgements.

Landscape Appraisal by Allan Moss Associates Ltd dated April 2014

Summarises the effects on Landscape Character as follows:

1. The proposed development would result in the net loss of approximately 2.2ha (5.4 acres) currently in agricultural use. Approximately 1.1ha of this would be occupied by buildings, hardstandings, access, parking and soft landscaping. However, 1.0ha would be retained in open use as horse paddocks and a carriage track.
2. The proposed development will involve the introduction of a new equestrian building into the landscape. Whilst this will be relatively large in scale compared with the existing farm buildings, it will be comparable in scale to many modern farm buildings.
3. The new building and associated facilities would be grouped with the existing farm buildings and the overall appearance would be similar to many other farm complexes with modern farm buildings. As such, it would not be out of place in this rural setting.
4. Whilst some existing sections of hedgerow will be affected by the new access and passing places there will be a net gain in traditional native hedgerows as a result of the new planting along the northern boundary.

5. External lighting would be kept to a minimum. This would consist primarily of amenity lighting at the entrances and exits to the building and would be comparable to the level of lighting around a conventional farm complex.

6. Overall, the proposed development would be comparable in scale and appearance to a modern farm complex and it is the sort of use that one might expect to find in the countryside. The site sits relatively low in the landscape and it is reasonably well contained visually by the topography and woodland cover in this part of the Estate Farmlands. It would therefore be capable of accommodating the proposed development without causing an unacceptable effect on the character of the wider landscape.

Full recommendations for landscape mitigation and enhancements are also set out.

Phase 1 Environmental Survey by Greenscape Environmental Ltd dated May 2014

This report determines that the site has low potential/foraging site for bats and the potential for the disturbance of nesting birds in hedgerows is also low provided that foliage removal is appropriately timed. The site is not a suitable habitat for water vole, dormouse, and Great Crested Newts. There was no evidence on site of badgers, barn owls or amphibians and as the on site pastures are all grazed there is limited habitat for reptiles.

Recommendations are made relating to enhancements for bats, the creation of an attenuation pond and tree/hedge planting.

Transport Statement by The Hurlstone Partnership dated May 2014

In order to assist the transport review, traffic surveys were undertaken on the lane to establish baseline traffic flows and speeds. Analysis of the traffic movements associated with the proposed development revealed that up to 194 vehicle movements (in and out combined) per day and in the order of 30 movements per hour could arise as a result of the proposed development.

When added to the observed traffic flows using the lane, it was established that the cumulative total remained approximately two thirds below the level at which designation as a Quiet Lane, where shared use between vehicles and other users is acceptable. It is therefore concluded that whilst the development would result in increased traffic using the lane, it would not result in unacceptable conflict between motorised traffic and other users when compared with national guidance. This is an important consideration as the lane forms part of the long distance bridleway Jack Mytton Way, along which pedestrians, cyclists and equestrians could be expected to be encountered.

The hourly capacity of the lane under peak conditions was also assessed and it was found that significant delays should not be experienced even if no additional passing places were provided. However, in recognition of the fact that the development will statistically increase the likelihood of vehicles travelling in opposite directions meeting along the lane, and in accordance with the recommendation of the pre-application advice from the Highway Authority, it is proposed to provide two additional passing places in order to ensure the potential

for delay is minimised.

The effects of the proposed development on the local highway network have been assessed and the residual cumulative impact was not found to be severe. As a result, in accordance with national planning policy, the proposed development should not be refused on highway grounds.

Flood Risk Assessment by aba consulting dated March 2014 Amended (May 2014)

Concludes that:

The proposed development is within flood zone 1 and at a significant height above the brook and connecting ditch, and hence the risk of flooding from watercourse are not considered significant.

The surface water runoff from the site will be controlled and discharged at a rate of 5l/s to the existing ditch which feeds the brook. The surface water run-off from the existing site currently is routed to the brook, and the development will not result in increased discharges to the brook in storm event.

Any discharges to the existing ditch will be at a connection point below the existing farm buildings and hence pose no risk to the properties. The system will give a flood route for extreme events, beyond the 1 in 100 year event to bypass the properties.

The drainage system utilises SUDs principles with balancing ponds and permeable parking areas to encourage natural infiltration and evaporation.

The proposed buildings are not at risk from flooding and the development will not generate run offs which increase flood risk below the site.

Lighting Statement by Abacus Lighting Ltd dated 20th February 2014

This document outlines the proposed external lighting, its type and positioning.

- 1.11 During the course of the application and mainly in response to public concerns, additional plans have been provided relating to improvements to the junction of the lane with the A4169, and clarifications to the many questions raised have been offered in letters submitted both from the agent and the Perry Riding Group as the applicants.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site occupies an area of 2.2 hectares and is located immediately to the east of Bradley Farm in the settlement of Farley, approximately 1.4 miles north-east of Much Wenlock, just off the A4169 Much Wenlock Road. The farmhouse and barns are all separately Grade II listed.
- 2.2 The farmhouse is thought to date back to the mid 17th Century, however it may have earlier elements. The buildings have group and individual interest, illustrating changing agricultural practices up until the mid 20th Century. The buildings are situated in a slight depression below the main Much Wenlock to Buildwas Road.

- 2.3 The site is surrounded by Grade 3 agricultural land currently being used for sheep grazing. The disused Bradley Quarry and a wooded area lie to the north of the site, Downs Cottage one and two are located to the south of the site, with a pond to the north-west. The site is bounded by mature hedgerows to the south, east and north-east, with timber post and wire fences to the north-western boundary. The Shropshire Way runs through the farm to the north of the site and the Jack Mytton Way runs along the adjacent public highway; neither cross through the application site itself.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Applications where the Parish Council submit a view contrary to officers based on material planning reasons the following tests need to be met:
- (i) These contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions: and
 - (ii) The Area Manager of Principal Planning Officer in consultation with the Committee Chairman or Vice Chairman and the Local Member agrees that the Parish Council has raised material planning issues and that the application should be determined by Committee.

4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

4.1.1 Much Wenlock Town Council (04-06-14) – Object on the following grounds:

- The site is within close proximity of a 21 acre chemical factory complex producing fertiliser products. The owner of the factory has previously been prosecuted for polluting the atmosphere with toxic chemicals and is currently in dispute with the Environment Agency.
- There are highways issues in relation to access to and from the development site.
- The site is on a known and designated Rapid Response Catchment Area, and the development proposals will increase the risk in relation to flooding both fluvial-pluvial and groundwater at the site and surrounding area.
- The Council has severe reservations about the size of the development

4.1.2 SC Drainage (02-06-14) - The drainage details, plan and calculations could be conditioned if planning permission were to be granted in relation to surface water drainage, package treatment plant, management of surface water run-off and finished ground levels. Standard advice supplied in relation to the encouragement of measures listed to minimise the risk of surface water flooding.

SC Drainage (18-06-14) - Further to our previous comments on the above development proposal it has been brought to my attention that we have not taken into account the requirements of the Much Wenlock Neighbourhood Plan. In particular, policy RF.2, the requirement for new development to reduce flood risk within flood sensitive areas. We can deem this development to be within a flood sensitive area which means in practice that, from a flood risk perspective, the development must discharge surface water at lower rate than that which currently discharges from the undeveloped site. This can, if appropriate, be dealt with via a condition.

- 4.1.3 SC Highways (05-06-14) - No objections. The highways issues pertaining to this scheme have been examined in the Transport Statement included in the application and SC Highways concur with the conclusions drawn from it that the local highway network can accommodate the vehicle movements likely to be generated by the scheme. The unclassified road leading from the A4169 to the site is of sub-standard width for two way traffic but with the proposed passing places it will be satisfactory to allow safe traffic movements along it. The existing site access is sub-standard in terms of layout and visibility but these matters have been address in the design submitted for its improvement. Conditions recommended in relation to the new access point and the provision of passing places.

SC Highways (26-09-14) - Further to Highway Comments previously submitted it is requested that the following additional comments are taken into consideration when determining the above mentioned application;

Junction improvements with the A4169

The existing junction with the A4169 is located on a steep gradient and does not provide sufficient width to accommodate 2 vehicles to pass. Concerns have been raised with regard to vehicles turning into the access road to Bradley Farm conflicting with emerging vehicles, and the potential conflict that may occur if vehicles with restricted rear visibility are forced to reverse back on to the A4169. In response to concerns raised with regard to the junction of A4169. The applicant has now submitted plan PB2897-SK001 outlining proposed junction improvements. Shropshire Council as Highway Authority would welcome the proposed junction improvements which should reduce any potential conflict at the junction.

It is recommended that prior to commencement of works full engineering details are submitted and approved; and any proposed junction improvements should be constructed prior to occupation.

Event Traffic Management Plan

The submitted Transport Statement indicates that potentially the proposed equestrian centre will generate a number of vehicle movements on occasions when events are held, such as Modern Pentathlon, Dressage Competition, Mounted Games and Carriage Driving Training. Whilst it is acknowledged that the majority of vehicles will be entering the centre prior to an event and will only be exiting once the event has finished, it is recommended that an 'Events Traffic Management Plan' is submitted and approved prior to occupation of the development. The Traffic Management plan should include reference to any proposed restriction of vehicle movements and any additional event signing that may be required and advanced visitor information.

Conditions recommended in relation to these points and to on site construction.

- 4.1.4 SC Conservation - Overall it is considered that the benefits of the proposed development would outweigh any harm to the heritage assets.

The main arena building will have an eaves height of 4.55m and a ridge height of 8.85m. The site is currently uneven and slopes up towards the East, it is proposed

that the building will be cut into the slope and the ground to the East re-profiled. This will help to minimise the height difference between the new building and adjacent existing farm buildings.

It is considered in the Heritage Impact Assessment that the proposed development could be seen as a further evolution of the farmstead. The proposed indoor arena, while of a large scale continues the development of the farmstead whilst being in a position that is not highly visible from the farmhouse.

The Heritage Impact Assessment that accompanies the application concludes that 'the limited visual impact of the development on the farmstead would not 'significantly and demonstrably outweigh the benefits' of the proposed scheme. In conclusion, it is clear that the proposals would not cause substantial harm to the heritage assets or their setting, as defined in the 1990 Planning Act and subsequent related judgements.' This assessment is concurred with.

- 4.1.5 SC Ecology – Conditions recommended in relation to bats and landscaping (replacement hedging), informatives in relation to bats, Great Crested Newts and nesting wild birds.
- 4.1.6 SC Rights Of Way - Footpath 57 Much Wenlock, part of the Shropshire Way, runs close to the development site but does not appear to be affected by the proposal. However the Jack Mytton Way, a promoted long distance bridleway, runs along the County Road past the site which is likely to subject to an increase in traffic. Action should be taken to reduce any conflict there may be between horse riders, cyclists and walkers using the long distance routes and vehicular traffic.
- 4.1.7 SC Public Protection (15-07-14) – It has been noticed that several objections in relation to proximity to an area where chemicals are stored. This is the case in an area to the north west of the proposed site about 250m away. However, due to the location of stored chemicals (underground), and the relief of the land should there be any pollution incident in future it is not expected to affect the land proposed by the current location.

Also noted are comments referring to serious ongoing air pollution problem. We have no issues in the area with regards to air quality in relation to national pollutant threshold limits defined in legislation. Those referring to air pollution could be alluding to a potential odour from a businesses close by. However, this tends to be seasonal and no nuisance has ever been proved. Since the issue being brought up in 2009 there has only been one instance where an officer smelt a faint odour at a residents property. Recently our case on this issue has been closed and the business involved has cooperated fully with our investigation and we expect this to continue in future if necessary. It is not expected that the odour will affect the development in any way and therefore do not consider it necessary to make comment on this formally as no justified nuisance has ever been witnessed.

SC Public Protection (26-09-14) – it has been brought to my attention the fact that when I last responded to you in relation to this application I had noted that in the area to the north west of the site tanks were located underground and that this is

not in fact the case. There are in fact a significant amount of above ground storage tanks on site as well as the underground tanks.

With regard to this it is still the opinion of SC Public Protection that the development site is not likely to be affected by any pollution event that may occur on site due to the distance separating the site and the existing operations to the north west. As the storage and use of chemicals on site is controlled by other existing legislation the National Planning Policy Framework states that the planning process must assume that these control regimes will operate effectively. As a result the planning process must assume that operations to the north west will be effectively controlled as not to cause pollution to the surrounding area and therefore the proposed development area will not be affected by operations outside of its control.

In conclusion it is the opinion that this development will not be affected by nearby operations and therefore there is no SC Public Protection objection in principle to the development.

4.1.8 Shropshire Fire And Rescue – No comment

4.2 - Public Comments

4.2.1 A total of 133 public representations have submitted in relation to this proposal, 116 of which are in support including comment from the British Equestrian Federation, and 17 objections including Much Wenlock Civic Society, Much Wenlock Flood Action Group and CPRE South Shropshire. The representations are available to view in full online, however are summarised as follows:

4.2.2 Support:

- o There is no other facility like it in the West Midlands and it will enable so many more disabled individuals to access the kind of activities that are proven to promote good health and well being.
- o This would result in reduced waiting lists for RDA activities and the provision of four new jobs, which could increase over time.
- o Excellent opportunities to learn new skills volunteering, work experience placements and learning pathways for aspiring coaches.
- o The centre will initially operate with eight ponies and horses belonging to the Perry RDA Group currently operating from outdoor premises to the North of Shrewsbury. This Group has a waiting list of participants, currently has to cancel one third of sessions per annum due to bad weather, is unable to carriage drive from home premises due to the very busy roads and is facing an end of lease situation by mid 2015.
- o Enormous positive effect on the lives of children and adults, improving their confidence, social skills, ability and physical well-being.
- o Opportunity to expand activities on offer.
- o Enable the group to continue its work in the long term which would not be possible without this facility.
- o Perfect location for county-wide, Midlands and Wales access, with good road links to Telford and Shrewsbury.
- o Positive impact on Much Wenlock, bringing much needed people to shops.
- o Would build on the outstanding Olympic Heritage of Much Wenlock. The

- Wenlock Olympian Games promotes participation by all and this facility will develop and enhance this by offering sporting activities for a range of people and would enable organisers to introduce para-dressage to the games.
- o Scope for therapeutic work with disabled members of the armed forces.
 - o Much Wenlock Town Council have ignored their own pre-planning protocol as they did not engage when approached to discuss the project before the application was submitted.
 - o The Town Clerk confirmed that the application arrived on the day of the scheduled Council Meeting, at which it was discussed. This implies that they had not fully looked at all the documents on this detailed application.
 - o I was told by the Clerk that I could not speak at the next meeting as the matter was closed and would not be further discussed.
 - o As a resident of Much Wenlock I have not received 'the right to discuss an application to seek an informal opinion with a view to gain support from elected council'

British Equestrian Federation

Horse riding is the 8th biggest sport in the country (Sport England Active People) offering a physical activity outlet that is extremely attractive to women and girls; one of the most difficult sectors of the community to engage in sport and physical activity. Equestrian also offers a great outlet for people with a disability and Perry Riding, Driving and Vaulting Group has an established Riding for Disabled Group.

The Department for Environment, Food and Rural Affairs through the Strategy for the Horse Industry for England and Wales estimates the industries economic force a £3.4billion, employing 250,000, with 2.4million riders and 11 million with interest in the sport. It states The industry makes a hugely important contribution to the economy and social fabric of many communities.

Perry Riding, Driving and Vaulting Group offers a sporting environment that provide equestrian activity to a diverse proportion of local community with a large focus on the disabled community across Shropshire and surrounding counties. It draws riders and volunteers from the across a large area who are fully engaged in the Equestrian Group. There are not many other community sporting outlets of this type across Shropshire (and surrounding counties) and Cavalier project has the potential to vastly expand the limited offer that the Perry Riding, Driving and Vaulting Group currently is able to offer.

This Project has the potential to provide sports participation for hundreds of regular riders. It is in a prime location to maximise participation and can have an impact on physical and mental wellbeing of many residents both from immediate and wider Much Wenlock location.

We respectfully request that you take the above information into consideration in your decisions and we urge you strongly to consider all that could be gained by supporting this development.

4.2.3 Objections

Planning Policy and Guidance

- o The Much Wenlock Neighbourhood Plan states that the nationally recognised rural landscape around the area should be protected.
- o Policy RF2 of the Much Wenlock Neighbourhood Plan states that the overall level of flood risk must be reduced not only on the site but elsewhere – in this case Farley.

Traffic and Road Safety

- o Concerns regarding dangerous access to the site from the A4169 and Farley Road junction, particularly given the large operation proposed.
- o Existing road safety issues with the narrowness of the lane would be exacerbated and it would be unable to cope with an increased volume of traffic, especially large vehicles. There has already been at least one fatality on this stretch of road.
- o Conflict with local residents' cars and agricultural machinery and heavy vehicles.
- o Conflict with the Jack Mytton Way
- o Bridge in the lane is inadequate for repeated use by large vehicles.
- o The provision of 'passing places' is not an adequate solution as would be readily determined by inspection.
- o Issues with speeding motorists on surrounding roads.
- o Concerns regarding the lack of space allocated for car, bus and lorry parking.
- o Bridge in lane inadequate for use by large vehicles

Design, Appearance and Materials

- o This new industrial scale building does not appear to be disguised in any way and will be totally out of keeping, much larger than an agricultural shed or barn.
- o Inappropriate scale of the building proposed for an the open countryside with unrestricted views, its impact on the local environment and the inevitable expansion of activities which will cause noise, light and traffic pollution are of concern.
- o If such a development is to take place, surely it is an opportunity to create an architecturally significant structure which is in keeping with the beautiful locality into which it will be built.
- o Descending the Farley Road from Wenlock, the building will be a blot on the landscape.
- o Materials used should be in keeping with the natural environment.

Nature Conservation

- o Concerned about the impact on the landscape of such a large development. This is an AONB which attracts many visitors throughout the year. The proposed development will be in full view of the Shropshire Way, This is national heritage and a public amenity and is walked throughout the seasons by many people.
- o To be financially viable it is obvious that beyond its charity use it will have to become a commercial enterprise. This will increase the impact on the locality

and inevitably result in the inclusion of a wider range of outdoor pursuits and activities in an AONB and an important habitat for plants, insects and animals.

- o Concerns regarding disturbance to wildlife, biodiversity, trees, hedges and geological conservation.
- o This site is a Surface Water Nitrate Vulnerable Zone as designated by the Environment Agency. Horse manure will have to be carefully removed and stored as if it is not managed properly it can cause pollution and harmful build up in the soil. Poorly located or managed heaps of manure can also look unsightly in the landscape and create a nuisance for neighbouring land owners and people using adjoining paths.

Pollution

- o Proximity of the site within 250m of the Landowner LLQ Fertiliser Factory/Chemical Works, where dangerous chemicals and toxic waste materials are stored
- o There have been at least two breaches of the Environment Agency's guidance relating to the processing and safe storage of chemicals in recent years
- o Serious ongoing air pollution issue that HSE and SC have been unable to solve for more than 5 years. Encouraging activities involving vulnerable people next to such a dangerous site is recklessly irresponsible.
- o Noise pollution with tannoys etc. and noise will be carried with the prevailing winds, disturbing the peace and tranquillity.
- o Light pollution in open countryside.
- o Danger because of incidents in the history of this former WW2 aviation fuel depot which has many large underground tanks – e.g. explosion and pollution.

Flooding

- o There are drainage issues and the Flood Risk Assessment does not consider the wider catchment that the buildings sit within.
- o Concerns regarding nearby springs and times of heavy rainfall, when the lane becomes a torrent forming a second flow into the brook parallel to the ditch. The development is bound to result in additional water runoff. Nearby properties situated below the site and lower down the valley, e.g. Farley Mill, Rowan Cottage, The Cottage all suffer from flooding and the increased hard surfaces would only exacerbate these issues.
- o Proximity of site to Farley Brook and unsuitability of land for grazing and riding as it is basically an upland bog for most of the year.

General

- o If and when consent is granted, there will presumably be nothing to stop able-bodied riding sessions which may be far more intensive and for longer periods than those quoted in the planning application. Once established, there are no reassurances that there won't be an expansion and extension.
- o Riding for the disabled will depend to an extent upon public funding and volunteers. In both of these it will be in competition with other nearby riding-for-the-disabled establishments, for instance The Wyke, and Berriewood. If

- this is successful it will be probably be at the cost of other centres' failure.
- o I wish there had been local consultation and discussion about the proposed development which is going to impact on the lives of local people profoundly.
 - o We understood, when the project was first mentioned, that the aim was to provide a modest 'RDA centre' comprising mainly an indoor school; the proposed development appears to be much in excess of this intention.
 - o Given the national shortage of housing, an alternative use of the site for housing.
 - o Planning Creep and impact on activities beyond the site boundary, e.g. the enjoyment of the people who use the local lanes, e.g. Shropshire Way and Jack Mytton Way.
 - o The 'Heritage Statement' describes the Bradley Farm buildings, but does not make any reference to the archaeology lying across the field.
 - o There are enormous aviation fuel tanks in the Old Bradley Quarry formed in the Second World War which were covered with topsoil to conceal them from Luftwaffe bombers.

Much Wenlock Civic Society, 11/06/14 – The Much Wenlock Civic Society is concerned to ensure that the full impact of this large complex development should be evaluated prior to approval either being recommended or approved. This is important because of the scale of the proposed development, its sensitive location and its potential impact on drainage of the site into the Fraley Brook. We therefore urge that a prior and detailed environmental impact evaluation should be required of the developer to aid well informed decision making.

South Shropshire Campaign to Protect Rural England (CPRE), 17/07/14 – Object on the following grounds:

- o There are sufficient concerns regarding access, drainage difficulties, landscape, heritage and protected areas and noise to endanger the laudable aims and threaten the success of such an ambitious project.
- o This is a major development of some 3000m² of floor space on an area of 2.2 hectares, with the proposal that the centre be sited in open greenfield countryside close to the Shropshire Hills AONB. The NPPF aims to conserve and enhance biodiversity, whilst Policy CS6 requires all developments to "protect and enhance the natural environment and open countryside", so, whilst we recognise and applaud the desire to create such a RDA project, we feel that this is the wrong site for such a large and challenging application.

Access and transport:

- o A new vehicular access to Bradley Farm is proposed from the adjacent country lane. It should be noted that access from the A4169 into the lane is tight and potentially dangerous for heavy and slow moving disability vehicles, minibuses and horse boxes. Once onto the narrow lane there is a steep drop, a bend and currently only room for single vehicles.
- o As a 'major development' the plans for greatly increased future use of lorries, horse boxes, minibuses and cars to and from Bradley Farm require a full Transport Assessment and Framework Travel Plan – rather than the

present assessment that fails to assess the impact of such an increase in traffic on challenging junctions and narrow lanes. The proposed visibility splays and two passing places barely seem adequate for large, heavy vehicles – Policy CS 8 of the Core Strategy and Paragraph 32 of the NPPF.

Drainage:

- o The submitted Flood Risk Assessment suggests that drainage and flooding in this area pose no threat or problem. This contrasts starkly with statements given by objectors living as near neighbours who cite that natural springs exist, waters drain into Farley Brook, and that the area has a history of recent flooding – twice in seven years. Also, nearby Rowan Cottage has been flooded many times in the last twenty years – as known by Shropshire Council.
- o It also begs the question as to why the submitted FRA fails to include mention of the Much Wenlock IUDMP findings or any detailed assessment of the current baseline flood risk position. The proposed attenuation pond also lacks detail as to depth and size to manage the increased surface water runoff this development would create...Policy CS 18.
- o Finally, one local objector whose house has been flooded twice in seven years band who has kept horses for many years states that the proposed paddock land is 'certainly not suitable for grazing, let alone riding horses or carriage driving as it is basically an upland bog for most of the year'.

Landscape:

- o The area is sandwiched (and overlooked) between two ridges. Our understanding is that the initial RDA planning proposal was a more modest scheme that may have blended better into the rural landscape but this now major development threatens to scar this tranquil rural landscape by the construction of a 'supermarket-type' structure measuring 80 metres in length, over 31 metres wide and almost 9 metres high; two field shelters, car, lorry and horse box parking; a new vehicular access and the construction of passing places along the lane approach.
- o The applicant makes claim about the suitability of this site but CPRE suggests that greater sensitivity to the local environmental impact is needed. When viewed from publicly accessible vantage points such as the A4169, the local ridgelines, the Jack Mytton Way, Footpath 57 (part of the Shropshire Way, which cuts through the site) it is important to remember that the application should avoid harm to landscape character and quality, and to views from public rights of way and the surroundings of settlements, and not change the experience of users of locally popular rights of way – let alone encourage a risk of conflict between horses, cyclists, walkers and vehicles.

Noise:

- o The protection of the existing quality of life and amenity of an area is reinforced through CS policy 8 and by paragraph 123 of the NPPF which requires that planning decisions should try to 'protect areas of tranquillity which have remained relatively undisturbed by noise – and are prized for their recreational and amenity value.
- o The proposals to introduce such business/ancillary activities as

dressage competitions, modern pentathlons, disabled cricket, archery, mounted games and carriage driving will introduce transport, competitors and spectators... and much increased noise.

Conclusions:

CPRE South Shropshire is supportive of the aims of this application but concludes that this is a commercial application whose visual impact and land suitability will be the key factors in assessing the level of acceptability of the proposal. We feel that this is a laudable application but object to it as being in the wrong place... as far as access and transport, drainage, landscape and noise are concerned.

Much Wenlock Flood Action Group– Object to the application as it stands because there are flood issues for the properties downstream that need to be more fully addressed.

Alliance Planning – Objecting on behalf of local residents (unspecified number) on matters relating to ecology, transport, lighting, noise, drainage and the construction related impacts that they feel have not been satisfactorily dealt with in the application submission. This 5 page letter is available to view in full online.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Visual impact and landscaping
- o Access/highway safety
- o Drainage/flooding
- o Impact on neighbours/residential amenity
- o Pollution

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 LDF Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefit, particularly where they relate to, amongst other criteria, sustainable rural tourism and leisure and recreation proposals which require a countryside location. LDF Policy CS16 reinforces this with a requirement to deliver high quality, sustainable tourism, cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities.

6.1.2 The proposed equestrian centre offering therapeutic riding, carriage driving and vaulting for disabled people, with the aim of also creating learning, training and volunteering opportunities in the community is considered to fulfil the above criteria within Policies CS5 and CS16 in that it:

- o Is a new leisure facility that is appropriate to its location, and enhances and protects the existing offer in Shropshire.

- o Will promote connections between visitors and Shropshire's natural and historic environment through active recreation
- o Will allow engagement with Shropshire's landscape
- o Is appropriate in terms of its location, scale and nature and will retain the existing natural features.
- o Is an accessible location, close to the Key Settlement of Much Wenlock, and will be an added asset to it.

6.1.3 Under paragraph 28 of the NPPF economic growth in rural areas is supported in order to create jobs and prosperity by taking a positive approach to sustainable new development. It indicates that a strong rural economy can be promoted by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas by well designed new buildings. Sustainable leisure developments in rural areas that benefit communities, visitors and businesses are also supported.

6.1.4 In accordance with national and local policy, the Much Wenlock Neighbourhood Plan Policy EJ7 states that, 'Proposals for recreational and tourism activities and facilities will be supported providing that the siting, design and scale of the development conserves the quality of the parish's built and natural environments including its townscape and surrounding countryside'. It is also noted that noisy activities and sports which will impact on the peace and tranquillity of the parish are considered inappropriate for its rural setting, however, it is not felt that this proposal falls into that category as discussed below along with the appropriateness of the site.

6.1.5 Therefore, for the reasons given above, the principle of the development is acceptable.

6.2 Design, scale and character

6.2.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built, historic and natural environment and be appropriate in its scale and design taking account of local character and context. 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 visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

6.2.2 Good quality design is also an aspiration of the Much Wenlock Neighbourhood Plan. Policy GQD2 requires that all development is designed to a high quality and to reinforce local distinctiveness. Additionally it should:

- o Have regard to the principles set out in the Much Wenlock Design Statement.
- o Make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area.
- o Be suitably designed for the context within which they are set.

- o Retain existing important landscape and natural features.
- o Ensure that the scale and massing of buildings relate sympathetically to the surrounding area.
- o Create safe environments addressing crime prevention and community safety.
- o Use traditional and vernacular building materials where such treatment is necessary to respect the context of the development concerned.

6.2.3 The NPPF summarises the requirement for good design as being ‘a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people’. However, it is also noted that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people, places and the integration of new development into the natural, built and historic environment.

6.2.4 The scale of the development is considered to be acceptable in line with the above policies. The proposal incorporates all the elements required for the use of the site up front rather than obtaining planning permission for each of the main sections separately, therefore the complete site can be assessed as a whole. Proposed new buildings are located adjacent to the existing built environment, the indoor school building having been scaled back from the original aspirations in response to site specific characteristics, including its location within a Rapid Response Catchment Area. The footprint of this building at approximately 2,800m² is comparable to a building designed to accommodate around 200 cows, and a sixth of the footprint of a typical modern chicken rearing unit. It is recognised that modern farm buildings tend to be larger and are now designed to serve and accommodate larger scale farming practices with increased mechanisation and the advancement in understanding of the agricultural sciences. This size of the indoor school building is therefore commonplace within the rural environment in Shropshire and the UK. The land level development such as the manege and carriage track, which project further into the fields to the east of the built environment, are also not overly large for purpose, are low level/low visual impact features and are widely found within the countryside landscape. They are well placed on the site’s periphery to allow the mass of the equestrian centre to be visually associated with the existing agricultural buildings. Therefore, the relative positioning of the proposed elements and their varying scales is felt to be well conceived to fit into the topography of the site, have reference to the usual pattern of farmstead expansion, and to be logical for their intended uses.

6.2.4 Whilst the site does not fall within the AONB, the applicant has been keen to adopt recommendations on design and materials for large buildings contained within the Shropshire Hills AONB Agricultural Building Design Guide. The existing buildings are largely traditional in appearance, however their character represents one of organic change over several centuries which is not an uncommon feature of farmsteads as many have continually evolved up to the present day. Working farmsteads consequently often comprise an eclectic mix of buildings around a central yard constructed in a variety of materials. Some of the existing traditional

materials and styles at Bradley Farm, have been utilised in the external design of the proposed indoor school building such as low brickwork walling with feather-edged larch cladding above where it is adjacent to the existing building, along with typical modern agricultural features such as projecting eaves, fibre cement roof sheeting and glass reinforced plastic rooflights to minimise reflection. Field shelters will also be clad with larch and have Anthracite coloured fibre cement roofs to match the main building.

Prior to submission, a modern curved roof structure was considered for the indoor school building, but rejected as the orientation of the building provided an ideal south facing surface for the future mounting of photovoltaic panels. Therefore a typical portal framed shape became the more obvious solution and one which represents the modern proportions of many dairy units with cubicle or loose yard buildings.

It is therefore considered that the proposed development appropriately continues the evolution of the farmstead through its design, scale and appearance and efficient use of land which is suited to the rural context in which it is set.

6.3 Visual impact and landscaping

6.3.1 The proposed development is presented as a further evolution of the farmstead, with its minimal visual impact on the surrounding landscape justified through the submission of comprehensive details within the submitted Design and Access Statement, Heritage Statement and Landscape Appraisal. It is felt that the development would be comparable in scale and appearance to a modern farm complex of the sort expected in the open countryside. It sits relatively low in the landscape, is reasonably well contained by the topography of the site and screened by existing woodland cover which will be enhanced by the net gain in traditional native hedgerows as a result of new planting along the northern boundary. This site is therefore capable of accommodating the proposed development without causing an unacceptable effect on the character of the wider landscape.

6.3.2 Shropshire Council Conservation concur with the information provided in the submitted Heritage Statement that the farmstead would not 'significantly and demonstrably outweigh the benefits of the proposed scheme' as the proposals do not involve changes to the fabric of the Listed farmyard buildings or to the spaces between them. The main potential heritage impact will be only on the setting of the farmstead, however because the new development is sited to the south east of the historic farmstead, the relationship between the key historic elements within the setting and the layout of the farmstead itself will be unaltered. The broader setting of the farmstead within the landscape will inevitably be altered by the creation of the new riding school, but the degree of any perceived harm is, on balance, considered to be fairly minimal – especially as this will be, in effect, a building of agricultural character.

6.4 Access/highway safety

6.4.1 Following the submission of details outlining works to the junction of the lane with the A4169, it is considered that approval of the proposed development will now secure highway improvements to the standard required.

- 6.4.2 Highways issues pertaining to this scheme have been examined in the Transport Statement included with the application and SC Highways agree with the conclusion drawn from it that the highway network can accommodate the vehicle movements likely to be generated by the scheme. Proposed passing places to be constructed in the lane between the junction and the site were indicated as part of the submitted application following prior advice from SC Highways and these are felt satisfactory to allow safe traffic movements up to the site.
- 6.4.3 In response to public concerns raised regarding vehicles turning into the access road to Bradley Farm conflicting with emerging vehicles turning, and the potential conflict that may occur if vehicles with restricted rear visibility are forced to reverse back on to the A4169, new plans have been submitted outlining proposed junction improvements which are welcomed as they should reduce any potential conflict at this junction.
- 6.4.4 The existing site access is sub-standard in terms of layout and visibility but these matters have been addressed in the design submitted for its improvement. It is therefore felt that conditions can be applied requiring full engineering details in relation to the proposed junction improvement and the submission of an Event's Traffic Management Plan prior to the commencement of development, and the provision of passing places and the new access as proposed prior to occupation of the site in order to successfully manage highway safety.
- 6.5 Drainage/flooding
- 6.5.1 Policy RF2 of the Much Wenlock Neighbourhood Plan states that, 'All development in flood sensitive areas will be designed and constructed to reduce the overall level of flood risk both to the use of the site and elsewhere when compared to current use'. Therefore in order to comply with this policy in addition to the NPPF and LDF Core Strategy, this development must discharge surface water at a lower rate than that which currently discharges from the undeveloped site to reduce the flood risk.
- 6.5.2 The following drainage details have been confirmed as part of this application:
- o Surface water run-off from the site is currently un-attenuated and given the soil type and topography, this may be contributing to the risk of flooding of properties located downstream.
 - o The submitted scheme would provide on-site storage and attenuation for a 1 in 100 year storm event plus 30% for climate change (i.e. to cater for climate change over the next 100 years). This level of attenuation is greater than that specified by national requirements and would serve to reduce the risk of flooding downstream when compared with the current un-attenuated situation.
 - o The outflow of water from the attenuation pond will be restricted to just 5 litres/second and this will be routed to the brook via an existing drainage ditch so as to further reduce the risk of flooding to properties elsewhere.

6.5.3 Therefore given that this proposal actually seeks to reduce flood risk through new development both on site and elsewhere specifically in accordance with Policy RF2 of the Much Wenlock Neighbourhood Plan, the existing flood risk will be lessened and the overall situation improved. It is felt that the methods of drainage and attenuation proposed can be satisfactorily managed be conditions.

6.6 Impact on neighbours/residential amenity

6.6.1 Any impact on neighbouring properties or residential amenity is not in the case of this proposal brought about by the usual overbearing or overlooking concerns, but from environmental concerns such as flooding, traffic, and visual appearance of the development within the landscape. These issues have been discussed in this report under separate headings.

6.6.2 It is considered that both the application itself and its supporting documents offer a honest and comprehensive picture of the proposed development which have clearly worked through and found solutions to the issues raised, and betterment in the case of flood risk and highway concerns. Additionally, it is confirmed that the Perry Group has no intention of using the proposed centre for noisy activities such as clay pigeon shooting, quad biking or hen and stag weekends, and there are no proposals to affix tannoy to the exterior of any building: Such activities would not be compatible with an equestrian centre, let alone one that provides for disabled service users that require placid horses and ponies. It is not felt that resulting noise levels from the proposed use will be unusual enough within this countryside site to cause disturbance alien to the rural landscape.

6.7 Pollution

6.7.1 Shropshire Council Public Protection via two emailed comments have confirmed that the area of concern in relation to potential soil and air pollution which is approximately 250m to the north west of the proposed development site and contains both underground and above ground chemical storage, is not considered to be a risk. Should there be any pollution incident in the future it is not expected to affect the land proposed for the current development due to the distance involved and other legislation controls which are in place.

7.0 CONCLUSION

7.1 It is considered that this proposal is not contrary to adopted policies as it will provide for the successful functioning of leisure/disabled activities which require a countryside location. The Perry Group are a well established body who have been searching for such an appropriate site to provide for the increasing demand for their equestrian work with the disabled for some time. Due to its location close to the town of Much Wenlock (to which it could be an asset), and to an 'A' road, but within a rural site more advantageous to its use, and that it encompasses an area of existing unused built environment, this location is felt to be wholly sustainable. The proposed structures are of a scale and design which are appropriate to their rural environment and will not adversely affect the existing site or the surrounding countryside. Betterment will be achieved to the drainage and risk of flooding at the site and to adjacent highway safety.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

- o 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.
- o 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

Core Strategy and Saved Policies:
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS8 Facilities, Services And Infrastructure Provision
CS13 Economic Development, Enterprise And Employment
CS16 Tourism Culture And Leisure
CS17 Environmental Networks
CS18 Sustainable Water Management
D6 Access And Car Parking

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RELEVANT PLANNING HISTORY:
None relevant

- List of Background Papers** (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
- Design And Access Statement dated May 2014
 - Heritage Statement and Heritage Impact Assessment by Richard K Morriss dated December 2013
 - Landscape Appraisal by Allan Moss Associates Ltd dated April 2014
 - Phase 1 Environmental Survey by Greenscape Environmental Ltd dated May 2014
 - Transport Statement by The Hurlstone Partnership dated May 2014
 - Flood Risk Assessment by aba consulting dated March 2014 Amended (May 2014)
 - Lighting Statement by Abacus Lighting Ltd dated 20th February 2014
 - Agent Response Letter To Issues/Objections dated 24th September 2014.
 - Perry Group Response To Issues Raised Within The Letter Of Shropshire Council dated 12th August 2014, received 24th September 2014.

Cabinet Member (Portfolio Holder)
Cllr M. Price

Local Member
Cllr David Turner

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.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

4. 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:

- Planting plans, including wildlife habitat and features (e.g. Pond)
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
- Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- Means of enclosure
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the relevant recommendations of appropriate British Standard 4428:1989. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

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

7. Prior to commencement of the development, details of how the proposed surface water drainage system accords with Policy RF2 of the Much Wenlock Neighbourhood Plan must be submitted for approval.

Reason: To ensure that the development will reduce the overall level of flood risk both to the use of the site and elsewhere when compared to current use.

8. No development approved by this permission shall commence until a contoured plan of the proposed finished ground levels have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that any surface water flows are managed on site. The discharge of any such flows across the adjacent land would not be permitted and would mean that the surface water drainage system is not being used.

9. Prior to the commencement of the development, full engineering details of the proposed junction improvements as detailed on Drawing PB2897-SK001 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details prior to the development hereby approved being brought into use.

Reason: To ensure a satisfactory means of access to the highway.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development

- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

11. No development approved by this permission shall commence until a scheme to allow access to any archaeologist nominated by the Local Planning Authority to observe the excavations and record items of interest, has been submitted to and approved in writing by the Local Planning Authority.

Reason: The area is of archaeological potential and it is importance that any archaeological features and finds are properly recorded.

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

12. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust booklet Bats and Lighting in the UK.

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

13. The development hereby approved should not be brought into use, until an Event Traffic Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the duration of events, unless any variations are agreed in writing by the Local Highway Authority.

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

14. The access shall be constructed in accordance with the approved drawing number H0184-03-A1-PL-09 prior to the development hereby approved being first brought into use.

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

15. The two passing places along the unclassified highway between the site entrance and the A4169 shall be constructed in accordance with the approved drawing number H0184-03-A1-PL-11 prior to the development hereby approved being first brought into use.

Reason: To ensure the formation and construction of satisfactory passing facilities for traffic travelling in opposite directions on the approach road to the site in the interests of highway safety.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

6. No sound amplifying equipment or speaker system which would produce noise outside any of the buildings shall be used in association with the development hereby approved without the consent in writing of the Local Planning Authority.

Reason: To protect the amenities of properties in the locality

17. Notwithstanding the provisions of Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no floodlighting shall be installed at the site without the express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the locality.

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 advice of Shropshire Council Drainage is attached for your information
5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.

6. Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended).

If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.

7. Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
8. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.
9. 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.

10. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:
National Planning Policy Framework

LDF Core Strategy Policies:
CS5 Countryside And Green Belt
CS6 Sustainable Design And Development Principles
CS8 Facilities, Services And Infrastructure Provision
CS13 Economic Development, Enterprise And Employment
CS16 Tourism Culture And Leisure

CS17 Environmental Networks

CS18 Sustainable Water Management

Bridgnorth District Local Plan 'Saved' Policies:

D6 Access And Car Parking

The Much Wenlock Neighbourhood Plan 2013 - 26

11. 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.



Committee and date

South Planning Committee

14 October 2014

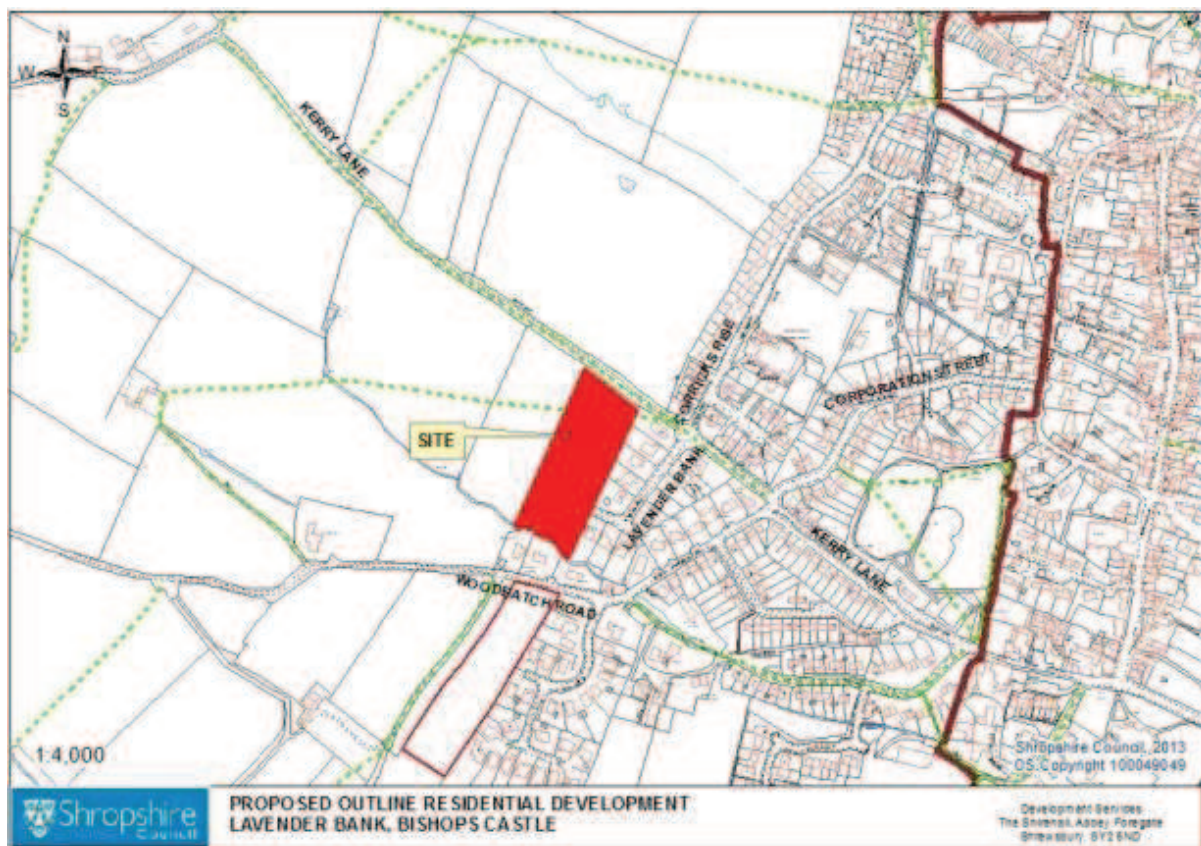
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/02632/OUT	Parish:	Bishops Castle
Proposal: Outline Application for a mixed residential development (to include access)		
Site Address: Land west of Lavender Bank, Bishops Castle		
Applicant: Trustees Of Old-De-Leys - Miss M M Watson And Mr C I J Bevan		
Case Officer: Grahame French	email: planningdmsw@shropshire.gov.uk	



Recommendation: Grant Permission subject to the conditions and informatives set out in Appendix 1, 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 and a contribution towards improvement works on the Woodbatch Road / Kerry Lane junction.

REPORT

1.0 THE PROPOSAL

- 1.1 Permission is sought for the erection of a mixed residential development on land off Lavender Bank, Kerry Lane, Bishops Castle. The application is in outline, with all matters of detail reserved for subsequent approval except the access off Lavendar Bank. The application form indicates 10 dwellings; two 2 bedroom, four 3 bedroom and four 4 bedroom, but this has now been reduced to 9 for ecological reasons. No indicative layout plan has been provided. However, it is suggested that the 2 smaller properties would be affordable with the remainder being for 'open market' sale. The shape of the plot suggests that properties would be accessed of a central internal access road with a turning area at the end. It is stated that the plots are proposed to be family sized homes with adequate parking and good-sized garden area for each property.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site (area 0.9ha) is located on a grassed field off Kerry Lane and would be accessed via Lavender Bank. It is located on the edge of existing housing development of Bishops Castle with residential properties adjoining the site to the east and south. The nearest bus stop is located 600 meters away on High Street.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The application has been referred to the committee by the local member and this decision has been ratified by the Chairman of the Planning Committee and the Development Manager in accordance with the Council's adopted Scheme of Delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1.1 Bishop's Castle Town Council – Objection for the following reasons:

- i. The overwhelming need for housing within the immediate future in Bishop's Castle is for affordable housing to suit the needs of local young people who otherwise have to leave the town, resulting in an increasingly aging population and an inability to sustain the facilities that ensure the long term vitality of the settlement. The need for affordable housing is one of the most frequently quoted requirements in the survey recently undertaken for the Bishop's Castle Town Plan update. It has also long been recognised by the policy of 'exception sites' which allows for affordable housing to be built outside the town boundary where open market housing would not normally be eligible. This application would not contribute in any way to the provision of affordable housing.

- ii. In order to comply with the requirements of the NPPF the community has completed a lengthy process of consultation to establish the appropriate location for new housing development. Sites to the south and west of the town and to the north east were considered. The former were rejected primarily on the grounds that access to and from the hinterland of the town could not be gained without using inappropriate town centre/residential roads and increasing the already significant pedestrian/vehicular conflict. The north east site was overwhelmingly supported because of its close proximity to the town centre and safe access/egress to all main road entrances to the town. This site is in an area of the town that the community has already rejected as unsuitable for housing during the intensive SAMDEV consultation period and has allocated in the SAMDEV plan an alternative site for mixed housing.
- iii. Kerry Lane provides a significant problem as the sole access to any new development. It is an old drovers' road, only 4 metres wide in places (cf. Highways standards of a minimum of 6.1m for new residential developments), with limited sight lines in places, problematic junction alignments and 58% of its length without pavements. Between Church Lane and Corricks Rise which is the area that any new virgin land residential development in the south west would need to take access, there are 5 junctions within a 440 meter stretch. At the western end, there are already 224 houses, a Primary School, a Sure Start children's facility and 10 flats in the Abbeyfield sheltered accommodation that generate traffic and can only access/exit their properties via Kerry Lane. Additional traffic includes agricultural machinery and service lorries and vans as well traffic from other housing developments which also have access onto Kerry Lane. A 15 minute survey was taken on 11 July 2014 between 8.45 and 9.00am at two junctions on Kerry Lane. At the junction with Lavender Bank 81 cars and 22 pedestrians were counted. At Corporation Street, there were 129 cars and 76 pedestrians. Whilst no lorries or agricultural vehicles were recorded during this 15 minute period, they are commonly seen in this location and include multi decked sheep transporters and combine harvesters. At the eastern end, there are a further 84 residential properties with sole access onto Kerry Lane, together with an outstanding planning permission for a further 7 new houses; 18 sheltered houses and its community centre; a Nursing Home; a Fire Station; a pub and brewery; a Church Hall (which is hired out for public events) and a Bowles Club, all of which also have sole access/egress onto Kerry Lane. In addition a children's playground and playing fields also has an entrance onto Kerry Lane where there is no pavement. In addition to the existing 308 houses and 7 additional houses already approved, there are in total 5 further applications currently in process, of which this application is one. The 5 applications total 24 additional houses whose only access/egress would be onto Kerry Lane. In line with the highway authorities calculations of daily traffic generation per dwelling, the additional 24 houses would generate a further 144 vehicle movements per day. The approval of this application would encourage piecemeal development not only of the other four applications but also further into the future. This application covers only half of the site on which it is located and the indicative layout would allow for the rest of the site to be developed using the same access. Such piecemeal development would lead to a significant increase in the burden and potentially dangerous pedestrian/traffic conflict issues on the totally inadequate Kerry Lane.

- iv. In the Design and Access Statement the applicant refers to the fact that the site is outside the Environment Agency Flood Zone but makes no reference to the stream which runs along the southern boundary of the site and into which the site drains taking surface water from the northern edge of the field across a downward slope running in a southerly/south easterly direction towards Lavender Bank. This stream and the water which drains into it causes considerable problems for properties in Lavender Bank particularly on the contiguous boundary with the site. Also, on occasions of heavy rain this stream causes severe flooding to Field Lane and Church Lane, further down its course where it enters a culvert and again at the A488 before it is piped under the road. In paragraph 4.4 of the Design and Access Statement the applicant proposes that 'Surface water drainage will be taken to suitable soakaways sized in accordance with BRE365' This may be sufficient to deal with surface water drainage on the site itself but it does not address the problem of the inadequate capacity of the stream into which the surface water will drain and in fact will exacerbate the existing problem as the development of the site will inevitably increase the amount of surface water run off going into the stream. Paragraph 4.5 of the Design and Access Statement states that 'Foul water drainage will be taken to the nearby mains public sewer'. This is believed to be at the public sewage network at Lavender Bank which is already subject to overflow into private gardens. The additional pressure from a further 10 houses will exacerbate the already unacceptable problems of the current system which suggest that it is totally inadequate to take any additional load.
- v. The Design and Access Statement makes no reference to or provision for the well-used public footpath which crosses this site.
- vi. The site is a natural meadow full of flora and fauna which is cut for hay at the end of July. It has not been ploughed in recent history. The field is a valuable source of flora and fauna which contributes to the sustainability of the natural environment and should not be destroyed.
- vii. As evidence of fulfilment of the Sustainability criteria of the NPPF, paragraph 2.3 of the Design and Access Statement states that 'The area has good public transport links' and that 'there are 4 bus services' running from Bishop's Castle. This totally misrepresents the actual situation. A frequently repeated problem identified by respondents to the consultation procedure currently being undertaken for the update of the Bishop's Castle Town Plan is the fact that public transport services are totally inadequate in terms of the number of service trips per day and the times of the service to meet the needs of those accessing work, health facilities or leisure pursuits. Access to a car remains vital for everyday needs. The application is therefore at best misleading in applying public transport as a benefit under the NPPF sustainability criteria when in reality the public transport provision is unlikely to meet the needs of the occupants of the site requiring them to use their vehicles to the maximum.
- viii. As evidence of fulfilment of the Sustainability criteria of the NPPF, paragraph 2.5 of the Design and Access Statement states that 'There are job opportunities within Bishop's Castle.' This also totally misrepresents the actual situation. A frequently repeated problem identified by respondents to the consultation procedure currently

being undertaken for the update of the Bishop's Castle Town Plan is the fact that there are a lack of job opportunities and those that exist are, on the whole, minimum or low paid. Added to this, the Business Park which has been in existence for a number of years has yet to be developed, let alone occupied, by any potential employers. There is therefore little optimism regarding the possibility of obtaining employment locally. The application is therefore at best misleading in stating as a benefit under the NPPF sustainability criteria that job opportunities exist, when in reality occupants of these dwellings will need to have or seek employment elsewhere, using private transport or, most probably will be of retirement age.

- ix. The presumption in favour of sustainable development which lies at the heart of the National Planning Policy Framework (NPPF) is being used to drive this application forward especially as it is questionable as to whether Shropshire Council can evidence a sufficient and deliverable supply of land to meet the 5 year demand for housing. However, paragraph 14 of the NPPF states that there should be 'a presumption in favour of sustainable development 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 that development should be restricted.' * Paragraph 17 of the NPPF refers to the Core Planning Principles which should govern the approach to development of settlements and states that 'planning should be genuinely plan led, empowering local people to shape their surroundings always seeking to secure a good standard of amenity for all existing and future occupants of land recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Every effort should be made objectively to identify and then meet the housing needs of an area and take into account housing affordability '. These are part of the policies in the Framework taken as a whole.

The community has identified the core need for affordable housing to ensure the future as a thriving rural community and this application makes no contribution to the urgent affordable housing requirement. Furthermore, in light of the limited job availability locally and based on historical experience of similar housing provision in Bishop's Castle, the dwellings on this site are likely to attract mature residents from beyond the town who are either retired or travel to work elsewhere. As such this will increase the ageing demographic of the town, putting pressure on its ability to thrive and generate additional travel to work by car, thereby further threatening environmental sustainability. The community has already rejected the area on which this application is sited as acceptable for housing because of the requirement to take access by Kerry Lane. The inadequacy of Kerry Lane is evidenced above and additional housing in this area will seriously affect the safety and amenity of occupants of the existing and committed 317 houses with sole access to Kerry Lane. Approval of this application will lead to further speculative and piecemeal development which is totally contrary to core planning principles as defined in paragraph 17 of the NPPF. The adverse impacts of permitting this development would therefore significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and specifically counter several of the Core Planning Principles listed in paragraph 17 of the NPPF.

- 4.1.2 SC Public Protection - Specialist – No comments received.
- 4.1.3 SC Affordable Housing: - No objection. Core Strategy Policy CS11 requires all open market residential development to contribute to the provision of affordable housing. If this development is considered to be acceptable then in accordance with the adopted Policy any consent would need to be subject to a Section 106 Agreement requiring an affordable housing contribution. The contribution will need to accord with the requirements of the SPD Type and Affordability of Housing and will be set at the prevailing percentage target rate at the date of a full application or the Reserved Matters application.
- 4.1.4 SC Rights of Way: - Footpath 14 Bishop's Castle crosses the development and does not appear to have been accommodated within the proposed layout. The development must not proceed until an application is made to divert the path under the Town and Country Planning Act 1990 of the plans must be changes so the path is not obstructed. (Condition included in Appendix 1)
- 4.1.5 SC Drainage: - No objection subject to conditions covering surface drainage (included in Appendix 1).
- 4.1.6 SC Highways DC: – No objection (verbal comments). Whilst the concerns of the Town Council and local residents are noted it is not considered that refusal would be justified on highway capacity grounds. Notwithstanding this, a meeting has taken place with the applicant's highway consultant in order to discuss a number of potential improvements to the existing highway situation in the Woodbatch Road / Kerry Lane junction in recognition of the above concerns. A highway improvement scheme is being put forward jointly by the current applicants and the prospective developers of the adjoining Woodbatch Road outline residential development. It is not considered that the proposals would be capable of delivering any fundamental improvements to the pre-existing highway situation. However, it is considered that some beneficial change would be possible. It is understood that the applicant has indicated that the highway improvements would be delivered by means of section 106 legal agreement funding and through targeting of CIL monies.
- 4.1.7i. SC Ecology: – No objection (verbal comments). An initial objection was lodged on the basis of a lack of ecological information. The required ecological survey information on bats and badgers has subsequently been provided and indicates that these protected species are absent at the site. The application falls within the catchment of the River Clun SAC. The number of houses proposed has however been reduced from 10 to 9 so the application falls within the Council's guidance with respect to the Clun Catchment. On this basis there is no objection subject to the imposition of relevant ecological conditions and informatives. A Habitat Regulation Assessment matrix is included in appendix 2. The full consultation response will be provided in the update report.
- 4.1.8 SC Archaeology (verbal comments): - No objection subject to archaeological investigation pre-commencement condition (included in Appendix 1).

Public Comments

4.1.9 The application has been advertised in accordance with statutory provisions and the nearest 21 residential properties surrounding the site have been individually notified. 15 objections have been received. The main issues are as follows:

- i. Traffic: In particular it will add to the existing problems at the Woodbatch Road/Kerry Lane junction. This site is only accessed by using Kerry Lane, a dangerous bottle neck of an old drovers road, one car wide in places. The crossroads joining Kerry Lane, Corrick's Rise, Oak Meadow and Lavender Bank are horrendous now and cannot cope with the traffic using it already. Heavy farm machinery, lorries, school buses, cars bringing children to and from school as well as residents. Also the main route up to Mainstone and the extra traffic which will be caused by the new development would be an accident waiting to happen. Lives will be put at risk! object to this application because it will add a significant amount of traffic to Kerry Lane. This road is basically single track with passing places and is already very busy throughout the day. I regularly use the road by car and on foot and my children often walk up and down the road to, from and during school. The crossroads from Woodbatch Road to Corporation street is especially dangerous to cross on foot. When exiting either road onto Kerry Lane it is very difficult to see traffic coming uphill, made worse since the recent residential development on that corner. If houses must be built in Bishops Castle there are many more suitable sites accessed from the B4385 and B4384. Traffic from the proposed new development through Lavender Bank and onto Kerry Lane (which is a lane 4 meters wide in places) already has a major problem at certain times, especially as there is a primary school, nursery, and housing estate coming onto the junction. This lane has to be used as the main road to farms and villages west of Bishop Castle. As access through the north side of town is no longer possible to these vehicles i.e. buses lorries and farm machinery. There is the problem of Woodbatch road, Corporation street traffic emerging onto the known dangerous crossroads junction of Kerry lane, which has been a concern for planners when considering other developments in the area; approval of this development will only add to the traffic problem. I also note on the plan that the indicated access road could be easily extended for further development in the future which should also be considered as part of the current traffic problem.
- ii. Drainage / Flooding: Drainage. There is a water course at the bottom of this field which floods. The field has poor drainage and is frequently sodden. With the heavy rain earlier this year my garage was flooded by water travelling through the hedge and down my driveway into my garage. Flooding is another problem from the stream at the bottom of the proposed site, the ground is always sodden in the winter months, and wet weather causes flooding to lower property and further down in town. Brooklyn house is situated along with Ashbrook on Woodbatch road heading out of Bishops castle separated by a stream at the bottom of the development. The stream floods during heavy or prolonged rain causing flooding issues further downstream. Any development of the plot will increase the flooding problems.

- iii. Site choice / principle: This is a greenfield site and an old meadow which gives beautiful amenity, and a public footpath. There are other options in Bishop's Castle to build new residential properties.
- iv. Pressure on services: If granted this development will create more difficulties than it solves in that it will exacerbate existing problems of flooding, sewerage and danger from traffic. The sewerage system, into which the sewerage from this development would run, at the Church Street end of Bishops Castle has always been a problem I am not aware that it has been solved, extra sewerage from this development can only lead to further problems; Drainage and sewerage problems in this area will be exacerbated. The ground on this undulating area is unlikely to be adequate to accommodate any more buildings needing sewerage. There have been extensive problems with sewerage and the system runs through my garden. The sewerage system which we currently have does not cope with the 13 bungalows here. It gets blocked and sewerage comes back and floods No 8 (my property) and No 7, so I would like to know where the sewerage from the new development are going to connect. The sewerage system in Lavender Bank had always been a problem, especially to the three bungalow's at the bottom of Lavender Bank. We would like this issue looked at before planning is approved.
- v. Amenity: The planning application is for 10 houses which show the 3 houses nearest bottom of the development will be overlooking our property with the whole development affecting our privacy and view. Whilst a household has no right to a view its worth mentioning that the development will affect not only ours, but our neighbours views too. I will be overlooked and my property de-valued.
- vi. Policy: The application is premature as it fails to take into account the general wishes contained the SAMDev document currently being developed which identifies land more suitably located for development for housing in Bishops Castle. There is no reason to build on this land when the SAMDev allocation is being found elsewhere, on suitable sites on the other side of town. (Where there are main roads). The development is to be situated on Greenfield site which is outside the development boundary for the area, and could not be considered as infill. There is more suitable land for development of housing with better access, services and infrastructure in Bishops Castle to meet the current windfall criteria, which was highlighted at a recent town council meeting when a development near this application was refused.
- vii. Public Footpath: There is a public footpath across this field, used daily by many people who enjoy the flowers and wildlife. This should not be taken away from them. The proposed site has a public footpath running through the very old meadow, the council have put styles and improved paths for local people, visiting walkers, especially children to enjoy the countryside safely.
- viii. Other: Wild life impact. This is green belt land. Red Kites hunt on it, partridge, pheasants, foxes and badger runs are in this field, and also many wild flowers grow here. The hedges are also filled with many species of birds. Views. If 2 storey buildings are built here, my views across the countryside will be spoilt. Employment. There is very little work in this area, very few shops. So where would the new

residents find work? Also if the development attracts young families, are there enough placements in the 2 schools for extra children? The site is currently pasture land and has numerous wild flowers growing. The site should be inspected by professionals before any decision is made to ascertain no protected species are present.

5.0 THE MAIN ISSUES

- Policy context and principle of the proposed development;
- Environmental impacts of the proposals – traffic, drainage, sewerage, ecology, visual impact;
- Social impact – residential amenity, public safety, footpath;
- Economic impact;
- Overall level of sustainability of the proposals.

6.0 OFFICER APPRAISAL

6.1 Policy Context and principle of the development:

6.1.1 Bishops Castle is identified as a Market town and Key Centre in the adopted Core Strategy. Policy S2 of the Pre-Deposit Draft SAMDev site allocations document advises that the town will provide the focus for development in this part of Shropshire, with a housing guideline of around 150 dwellings for the period 2006-2026. New housing development will be delivered through the allocation of a greenfield site (Schoolhouse Lane East - BISH013 – 40 houses) together with a windfall allowance which reflects opportunities within the town's development boundary as shown on the Proposals Map. All development in Bishop's Castle must have regard to the conservation targets for the River Clun catchment as set out in the Nutrient Management Plan and any agreed management strategy for the river catchment.

6.1.2 The current site is not allocated in the Pre-Deposit Draft SAMDev and is outside (to the immediate west of) of the development boundary of the town as shown on the relevant SAMDev inset plan. Therefore, the current proposals would not comply with this emerging policy. However, housing land supply in Shropshire has fallen beneath the 5 year level required by the National Planning Policy Framework (para. 47). As a consequence, existing saved policies on housing supply are now out of date and this has implications for future planning decisions. The NPPF states (para 14) that 'where the development plan is absent, silent or relevant policies are out-of-date, (permission should be granted) 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'.

6.1.3 As existing housing supply policy is now out of date, permission must be granted for new housing proposals which are 'sustainable' (NPPF 197). This is the case, even where, a proposal would represent a departure from existing saved policy or emerging SAMDev policy. Relevant housing supply information indicates that the level of housing undersupply is continuing to increase so this situation is likely to

remain until the SAMDev is adopted. Shropshire Council submitted the SAMDev Plan to the Secretary of State for Communities and Local Government on 1 August 2014 for independent examination. Whilst the plan is at a relatively advanced stage the policies have not been tested through the Public Inquiry process. Legal caselaw has established that little weight can be accorded to these policies in the context of the current housing supply shortfall. The NPPF therefore provides a temporary 'window of opportunity' for developers to come forward with developments which might not otherwise succeed when the SAMDev is adopted.

- 6.1.4 The key policy test to apply therefore at this stage is not whether the proposal complies with emerging policy and the parish plan but whether or not it would be so fundamentally flawed that it should not be regarded as sustainable. If a proposal does not comply fully with some individual sections of the NPPF it may still be regarded as sustainable overall. The NPPF advises that there are three dimensions to sustainable development – environmental, social and economic (NPPF 7). In order to assess the sustainability of a proposal it is necessary therefore to evaluate these three dimensions before deciding whether the development can be regarded as sustainable overall. This is having regard to relevant policies and guidance and also to any benefits offered by the proposals.
- 6.1.5 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 and, if so, are these impacts capable of being mitigated such that the proposals would be sustainable. If the proposals can be accepted as sustainable then the presumption in favour of sustainable development set out in the NPPF would apply. Sustainable proposals would also be expected to be compliant with relevant development plan policies including Core Strategy Policies CS5 and CS6.

6.2 Environmental Considerations

- 6.2.1 Traffic: Objectors have expressed concerns that the proposed access would join a dangerous stretch of the public highway and would exacerbate existing traffic capacity issues. Whilst these concerns are noted Highways Development Management have advised that refusal of the current application for 9 houses in this location 450m from the geographic centre of Bishop's Castle could be substantiated on highway capacity grounds. The proposed development would not on its own result in an unsustainable increase in levels of traffic locally. A safe access is capable of being obtained into the site from the public highway.
- 6.2.2 Notwithstanding this, in recognition of the concerns of local residents and the Town Council the Applicant has appointed a highway consultant to investigate the potential of delivering improvements to the Woodbatch Road / Kerry Lane 130m east of the site, to ensure a safer arrangement at this junction. A modular schedule of improvements has been identified. It is not considered that this would result in any fundamental improvements, but some benefits would be possible relative to the existing situation. The Town Council and local member has already been consulted on a key element of the improvements and two site meetings have taken place. The overall improvement package is capable of being discussed at the reserved matters

stage community consultations on the various options being recommended could take place then. Exact details would be provided at the reserved matters stage. Highway officers have not objected and it is considered on balance that refusal on highway or access reasons could be justified at this outline stage. (Structure Plan Policy CS7).

- 6.2.3 Ecology: An ecological survey confirms that there are no issues with respect to protected species. The number of houses has been reduced from 10 to 9. ON this basis, the Natural Environment section has withdrawn an earlier holding objection subject to the inclusion of appropriate ecological conditions and informative notes. The site is located in the Clun Catchment, part of which incorporates a Special Area of Conservation (SAC). An updated Habitat Risk Assessment (included as Appendix 2) concludes that there would not be any adverse impacts on the ecological interests of the SAC if the development was restricted to 9 properties as adequate phosphate stripping capacity is available to deal with any effluent from the development at Bishop's Castle Sewage Treatment Works. The applicant has confirmed on this basis that a condition restricting the development to 9 properties would be acceptable. Landscaping is proposed and would add to overall levels of biodiversity within the site. The proposals therefore comply with Core Strategy Policy CS17.
- 6.2.4 Drainage / Flooding: Objectors have raised concerns that the proposals could make existing local flooding problems worse due to replacing agricultural field with less permeable surfaces. Detailed drainage measures would be addressed at the reserved matters stage. The option of providing interceptor drains along site margins would exist in order to remove any water ingress from higher ground. A sustainable drainage system (SuDs) would be adopted, including the use of features such as permeable surfacing and oversized pipes. Surface water from roofs would be taken to suitably sized soakaways, the design of which would be dealt with at building regulation stage, and would comply fully with BRE 365. This would ensure that drainage from the site is attenuated to greenfield rates. The council's land drainage section has not objected subject to imposition of appropriate drainage conditions which are included in Appendix 1. The Environment Agency Flood Map indicates that the development is not within an area that is at risk of fluvial flooding. It is not considered that the proposals would result in an unsustainable increase in local drainage levels provided appropriate measures are employed as per the recommended conditions. The proposals are therefore capable of complying in principle with Core Strategy Policy CS18 relating to drainage.
- 6.2.4 Sewerage: The applicant is proposing that foul water from the proposed dwellings would be taken to the existing foul sewer that runs nearby to the site. Local residents have expressed concerns that the proposals could increase the level of strain on local sewerage capacity and may also contribute to flooding. If the applicant achieved an agreement to link to the mains sewer then Severn Trent Water will be statutorily obliged to ensure that the sewerage system has sufficient capacity to accommodate the development. There is no reason to suspect that such an agreement would not be forthcoming. The option of installing a package/biodisc treatment plant at the site would however exist if a main sewer connection was not

possible, subject to a separate planning permission. (Core Strategy Policy CS8, CS18)

- 6.2.5 Visual amenity: The proposed site is located 1.04km north east of the AONB but would not be directly visible from the AONB due to the presence of an intervening ridge. The ground level varies between 195 and 210m Above Ordnance Datum which is higher than the adjacent residential area and the main town but comparable to the elevation of the Castle Green area to the north. The proposals would involve landscape planting. It is considered that specifying bungalows or 1½ height houses would be appropriate given the elevation of the site and to prevent overlooking of adjacent residential development. The detailed house design would be established at the reserved matters stage. The level of the development platform for the site and the detailed appearance of the properties would also be important considerations in terms of visual amenity and would also be confirmed at the reserved matters stage. It is however considered that a properly designed scheme would be capable of integrating visually with the surrounding landscape and townscape. It is concluded that the proposals are capable of complying with relevant policies covering visual amenity and wider sustainability issues. (CS5, CS6, CS16, CS17)
- 6.2.8 Amenities: A condition requiring submission of a Construction Management Plan has been recommended in order to reduce the impact of site construction on adjoining properties. This would control matters such as hours of working and management of construction traffic. It is recognised that the site also benefits from a degree of natural screening from vegetation, topography and that the number of publicly accessible viewpoints is very limited.
- 6.2.9 Agricultural land: The site currently comprises agricultural land, some of which is of best and most versatile quality and is protected by the NPPF. However, the area of such land is not great and the site has limitations for modern farming due to the relatively steep slope and current limitations with the agricultural access. It is not considered that an objection on the grounds of effects to agricultural land could be sustained in these circumstances.
- 6.2.10 Public footpath. A public footpath passes through the northern part of the site, travelling in an east-west direction and linking to Kerry Lane. The Rights of Way section has not objected subject to a condition which requires the formal diversion of the footpath around the edges of the site prior to the commencement of any development. An appropriate condition has been included in Appendix 1. An appropriate diversion route would exist in principle around the site periphery. This matter is capable of being progressed at the reserved matter stage.
- 6.2.11 Conclusion on environmental effects: The proposals would result in some disturbance to local amenities during the construction phase and there would a change to some local views. There would also be an additional pressure on the public highway and on local sewerage services and a need for archaeological evaluation at the reserved matters stage. However, it is not considered that there is any evidence that there would be any unacceptably adverse environmental effects which would justify refusal when available mitigation measures and recommended

conditions are taken into account. The outline proposals therefore meet the environmental sustainability test set out in the NPPF.

6.3 Economic sustainability:

- 6.3.1 All housing schemes have some benefits to the local economy from building employment and investment in local construction services. The occupants of such properties would also spend money on local goods and services, thereby supporting the vitality of the local community. In addition, the proposals would generate an affordable housing contribution, CIL funding and community charge revenue which would also give rise to some economic benefits. Inappropriate development can potentially have adverse impacts on other economic interests such as existing businesses and property values. In this particular case however it is not considered that there would be any obvious adverse economic impacts. There are no leisure or tourism facilities in the immediate vicinity which would be adversely affected. The site is sufficiently far from the AONB for there to be no material effect on the enjoyment of the AONB. A public footpath would require diversion. It is not considered that there would be any material impact on property values provided a sensitive design and landscaping are applied at the reserved matters stage. It is considered overall therefore that the economic effects of the proposals would be positive and that the economic sustainability test set out in the NPPF is therefore met. (Core Strategy Policy CS5, CS13)

6.4 Social sustainability:

- 6.4.1 Local housing need: A preference for affordable properties has been expressed by the Town Council. The applicant's indicative layout plan indicates that the development would deliver mainly 2-3 bedroom properties of modest size, with 2 affordable properties. The design of properties would be agreed at the reserved matters stage. It is considered that the proposals would make some contribution towards housing need in the local area. The proposals would also bring new people into the community who may potentially contribute to the social vitality of the community.
- 6.4.2 Location and design: The proposed site is located close to key community facilities and would be linked to them by an existing footpath. Sufficient space exists within the plots to provide generous garden space and off-street parking. There would also be good levels of natural light given the unshaded south facing aspect of the plot. It is considered that these factors increase the overall the level of social sustainability of the proposals.
- 6.4.4 Social considerations, conclusion: The proposals would offer benefits to the occupants of the new properties and the existing local community through delivery of highway improvements at the Woodbatch Road / Kerry Lane junction. These benefits have been conceived as part of a joint scheme with the Woodbatch Road development but key elements would in principle be capable of being delivered unilaterally. Such benefits may not be readily deliverable through other mechanisms and will significantly increase the level of sustainability of the settlement. It is

concluded that the social sustainability test set out by the NPPF is also met on balance.

7.0 CONCLUSION

7.1 In the current sub-5 year housing supply situation decisions on housing applications must be taken on the basis of whether a development would be sustainable in the terms meant by the NPPF, rather than with reference to extant or emerging housing policies.

7.2 It is considered that the housing mix would meet support local housing provision, including the affordable element. It is also considered that the application site is of a suitable size to accommodate the development and would not have an unacceptable impact on the amenities of the nearby existing properties, provided bungalows and/or 1½ height properties are specified. Nor is it considered that there would be any unacceptably adverse impacts on the character of the town, the surrounding landscape, or on highway safety, having regard to the comments of the Council's Highways section. Diversion of a footpath would be required prior to commencement of any development. Detailed design measures would be addressed at the reserved matters stage.

7.2 It is considered on balance that the proposals are sustainable in environmental, social and economic terms and are compliant with the NPPF and Core Strategy Policy CS6. Outline permission is therefore recommended, subject to appropriate conditions and a legal agreement to highway improvements and an affordable housing contribution.

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 - written representations, a hearing or inquiry. If the decision is 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 intervene 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 a) promptly and b) in any event not later than three months after the grounds for making 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.

10.0 BACKGROUND

Relevant Planning History

None of relevance to this proposal

Relevant Planning Policies

Central Government Guidance:

10.1 National Planning Policy Framework (NPPF) (DCLG – July 2011)

10.1.1 The National Planning Policy Framework (NPPF) came into effect in March 2012, replacing most former planning policy statements and guidance notes. The NPPF provides a more concise policy framework emphasizing sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

10.1.2 Relevant areas covered by the NPPF are referred to in section 6 above and include:

- 1. Building a strong, competitive economy;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 7. Requiring good design;

- 8. Promoting healthy communities;
- 10. Meeting the challenge of climate change, flooding and coastal change;
- 11. Conserving and enhancing the natural environment;
- 12. Conserving and enhancing the historic environment;

10.2 Core Strategy:

10.2.1 The Shropshire Core Strategy was adopted in February 2011 and sets out strategic objectives including amongst other matters:

- To rebalance rural communities through the delivery of local housing and employment opportunities (objective 3);
- To promote sustainable economic development and growth (objective 6);
- To support the development of sustainable tourism, rural enterprise, broadband connectivity, diversification of the rural economy, and the continued importance of farming and agriculture (objective 7);
- To support the improvement of Shropshire's transport system (objective 8);
- To promote a low carbon Shropshire (objective 9) delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management.

10.2.2 Core Strategy policies of relevance to the current proposals include:

i. CS6: Sustainable Design and Development Principles:

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that *resource and energy efficiency and renewable energy generation are adequately addressed* and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, *to respond to the challenge of climate change* and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, *landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity* and the achievement of local standards for the provision and quality of open space, sport and recreational

facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. *Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.*

ii. CS13: Economic Development, Enterprise and Employment:

Shropshire Council, working with its partners, will plan positively to *develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities*. In doing so, particular emphasis will be placed on: Promoting Shropshire as a business investment location and a place for a range of business types to start up, invest and grow, recognising the economic benefits of Shropshire's environment and quality of life as unique selling points which need to be valued, conserved and enhanced Raising the profile of Shrewsbury, developing its role as the county town, growth point and the main business, service and visitor centre for the Shropshire sub-region, in accordance with Policy CS2 Supporting the revitalisation of Shropshire's market towns, developing their role as key service centres, providing employment and a range of facilities and services accessible to their rural hinterlands, in accordance with Policy CS3 *Supporting the development and growth of Shropshire's key business sectors and clusters, in particular: environmental technologies; creative and cultural industries; tourism; and the land based sector, particularly food and drink production and processing Planning and managing a responsive and flexible supply of employment land and premises comprising a range and choice of sites in appropriate locations to meet the needs of business, with investment in infrastructure to aid their development or to help revitalise them*. Supporting initiatives and development related to the provision of higher/further education facilities which offer improved education and training opportunities to help raise skills levels of residents and meet the needs of employers Supporting the development of sustainable transport and ICT/broadband infrastructure, to improve accessibility/connectivity to employment, education and training opportunities, key facilities and services Encouraging home based enterprise, the development of business hubs, live-work schemes and appropriate use of residential properties for home working In rural areas, recognising the continued importance of farming for food production and *supporting rural enterprise and diversification of the economy, in particular areas of economic activity associated with agricultural and farm diversification, forestry, green tourism and leisure, food and drink processing, and promotion of local food and supply chains*. Development proposals must accord with Policy CS5.

v. CS17: Environmental Networks

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development: Protects and

enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Further guidance will be provided in SPDs concerning the natural and built environment; Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge Does not have a significant adverse impact on Shropshire's environmental assets and does not create barriers or sever links between dependant sites; Secures financial contributions, in accordance with Policy CS8, towards the creation of new, and improvement to existing, environmental sites and corridors, the removal of barriers between sites, and provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

vii. Other relevant policies:

- CS4 - Community hubs and community clusters
- Policy CS5: Countryside and Green Belt;
- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.
- CS11 - Type and affordability of housing;

Supplementary Planning Guidance: Type and affordability of housing (March 2011)

Emerging Planning Guidance

SAMDev

i. MD1 – Scale and Distribution of Development

Further to the policies of the Core Strategy:

1. Overall, sufficient land will be made available during the remainder of the plan period up to 2026 to enable the delivery of the development planned in the Core Strategy, including the amount of housing and employment land in Policies CS1 and CS2;
2. Specifically, sustainable development will be supported in Shrewsbury, the Market Towns and Key Centres, and the Community Hubs and Community Cluster settlements identified in Schedule MD1.1, having regard to Policies CS2, CS3 and CS4 respectively and to the principles and development guidelines set out in Settlement Policies S1-S18 and Policies MD3 and MD4;
3. Additional Community Hubs and Community Cluster settlements, with associated settlement policies, may be proposed by Parish Councils following formal preparation or review of a Community-led Plan or a Neighbourhood Plan and agreed by resolution by Shropshire Council.

ii. MD2 – Sustainable Design

Further to Policy CS6, for a development proposal to be considered acceptable it is required to:

1. Achieve local aspirations for design, wherever possible, both in terms of visual appearance and how a place functions, as set out in Community Led Plans, Town or Village Design Statements, Neighbourhood Plans and Place Plans.
2. Contribute to and respect locally distinctive or valued character and existing amenity value by:
 - i. Responding appropriately to the form and layout of existing development and the way it functions, including mixture of uses, streetscape, building heights and lines, scale, density, plot sizes and local patterns of movement; and
 - ii. Reflecting locally characteristic architectural design and details, such as building materials, form, colour and texture of detailing, taking account of their scale and proportion; and
 - iii. Respecting, enhancing or restoring the historic context, such as the significance and character of any heritage assets, in accordance with MD13; and
 - iv. Enhancing, incorporating or recreating natural assets in accordance with MD12.
3. Embrace opportunities for contemporary design solutions, which take reference from and reinforce distinctive local characteristics to create a positive sense of place, but avoid reproducing these characteristics in an incoherent and detrimental style;
4. Incorporate Sustainable Drainage techniques, in accordance with Policy CS18, as an integral part of design and apply the requirements of the SuDS handbook as set out in the Water Management SPD
5. Consider design of landscaping and open space holistically as part of the whole development to provide safe, useable and well-connected outdoor spaces which respond to and reinforce the character and context within which it is set, in accordance with Policy CS17 and MD12 and MD13, including;
 - i. Natural and semi-natural features, such as, trees, hedges, woodlands, ponds, wetlands, and watercourses, as well as existing landscape character, geological and heritage assets and;
 - ii. providing adequate open space of at least 30sqm per person that meets local needs in terms of function and quality and contributes to wider policy objectives such as surface water drainage and the provision and enhancement of semi natural landscape features. For developments of 20 dwellings or more, this should comprise an area of functional recreational space for play and recreation uses;
 - iii. ensuring that ongoing needs for access to manage open space have been provided and arrangements are in place for it to be adequately maintained in perpetuity.
6. Ensure development demonstrates there is sufficient existing infrastructure capacity, in accordance with MD8, and should wherever possible actively seek opportunities to help alleviate infrastructure constraints, as identified with the Place Plans, through appropriate design;
7. Demonstrate how good standards of sustainable design and construction have been employed as required by Core Strategy Policy CS6 and the Sustainable Design SPD.

iii. MD3 - Managing Housing Development

Delivering housing:

1. Residential proposals should be sustainable development that:
 - i. meets the design requirements of relevant Local Plan policies; and

- ii. for allocated sites, reflects any development guidelines set out in the relevant settlement policy; and
- iii. on sites of five or more dwellings, includes a mix and type of housing that has regard to local evidence and community consultation.

Renewing permission:

- 2. When the proposals are for a renewal of planning consent, evidence will be required of the intention that the development will be delivered within three years.

Matching the settlement housing guideline:

- 3. The settlement housing guideline is a significant policy consideration. Where development would result in the number of completions plus outstanding permissions exceeding the guideline, decisions on whether to exceed the guideline will have regard to:
 - ii. The likelihood of delivery of the outstanding permissions; and
 - iii. Evidence of community support; and
 - iv. The benefits arising from the development; and
 - v. The presumption in favour of sustainable development.
- 4. Where a settlement housing guideline appears unlikely to be met by the end of the plan period, additional sites beyond the development boundary that accord with the settlement policy may be acceptable subject to the criteria in paragraph 3 above.

iv. MD7a – Managing Housing Development in the Countryside

- 1. Further to Core Strategy Policy CS5 and CS11, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns, Key Centres and Community Hubs and Community Clusters. Suitably designed and located exception site dwellings and residential conversions will be positively considered where they meet evidenced local housing needs, other relevant policy requirements and , in the case of market residential conversions, a scheme provides an appropriate mechanism for the re-use and retention of buildings which are heritage assets. In order to protect the long term affordability of affordable exception dwellings, they will be subject to size restrictions and the removal of permitted development rights, as well as other appropriate conditions or legal restrictions;
- 2. Dwellings to house essential rural workers will be permitted if:-
 - a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural enterprise; and,
 - b. in the case of a primary dwelling to serve an enterprise without existing permanent residential accommodation, relevant financial and functional tests are met and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, a financial contribution to the provision of affordable housing will be required, calculated in accordance with the current prevailing target rate and related to the floorspace of the dwelling; or,

- c. in the case of an additional dwelling to provide further accommodation for a worker who is required to be present at the business for the majority of the time, a functional need is demonstrated and the dwelling is treated as affordable housing, including size restrictions. If a new dwelling is permitted and subsequently no longer required as an essential rural workers' dwelling, it will be made available as an affordable dwelling, unless it can be demonstrated that it would not be suitable. Where unsuitability is demonstrated, a financial contribution to the provision of affordable housing, equivalent to 50% of the difference in the value between the affordable and market dwelling will be required.
3. Such dwellings will be subject to occupancy conditions. Any existing dwellings associated with the rural enterprise may also be subject to occupancy restrictions, where appropriate. For primary and additional rural workers' dwellings permitted prior to the adoption of the Core Strategy in March 2011, where occupancy restrictions are agreed to be removed, an affordable housing contribution will be required in accordance with Policy CS11 at the current prevailing target rate and related to the floorspace of the dwelling.
4. In addition to the general criteria above, replacement dwelling houses will only be permitted where the dwelling to be replaced is a permanent structure with an established continuing residential use. Replacement dwellings should not be materially larger and must occupy the same footprint unless it can be demonstrated why this should not be the case. Where the original dwelling had been previously extended or a larger replacement is approved, permitted development rights will normally be removed;
5. The use of existing holiday let properties as permanently occupied residential dwellings will only be supported if:
 - a. the buildings are of permanent construction and have acceptable residential amenity standards for full time occupation; and,
 - b. the dwellings are restricted as affordable housing for local people; or,
 - c. the use will preserve heritage assets that meet the criteria in Policy CS5 in relation to conversions and an affordable housing contribution is made in line with the requirements set out in Core Strategy Policy CS11.
- v. MD7b – General Management of Development in the Countryside
Further to the considerations set out by Core Strategy Policy CS5:
 1. Where proposals for the re-use of existing buildings require planning permission, if required in order to safeguard the character of the converted buildings and/or their setting, Permitted Development Rights will be removed from any planning permission;
 2. Proposals for the replacement of buildings which contribute to the local distinctiveness, landscape character and historic environment, will be resisted unless they are in accordance with Policies MD2 and MD13. Any negative impacts associated with the potential loss of these buildings, will be weighed with the need for the replacement of damaged, substandard and inappropriate structures and the benefits of facilitating appropriate rural economic development;

3. Planning applications for agricultural development will be permitted where it can be demonstrated that the development is:
 - a. Required in connection with a viable agricultural enterprise and is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise that it is intended to serve;
 - b. Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and,
 - c. There will be no unacceptable impacts on environmental quality and existing residential amenity.

vi. MD8 –Infrastructure Provision

Existing Infrastructure

1. Development should only take place where there is sufficient existing infrastructure capacity or where the development includes measures to address a specific capacity shortfall which it has created or which is identified in the LDF Implementation Plan or Place Plans. Where a critical infrastructure shortfall is identified, appropriate phasing will be considered in order to make development acceptable;
2. Development will be expected to demonstrate that existing operational infrastructure will be safeguarded so that its continued operation and potential expansion would not be undermined by the encroachment of incompatible uses on adjacent land;

New Strategic Infrastructure:

3. Applications for new strategic energy, transport, water management and telecommunications infrastructure will be supported in order to help deliver national priorities and locally identified requirements, where its contribution to agreed objectives outweighs the potential for adverse impacts. Particular consideration will be given to the potential for adverse impacts on:
 - i. Residential and other sensitive neighbouring land uses;
 - ii. Visual amenity;
 - iii. Landscape character and sensitivity, including impacts on sensitive skylines;
 - iv. Recognised natural and heritage assets and their setting, including the Shropshire Hills AONB (Policy MD12);
 - v. The visitor and tourism economy including long distance footpaths, cycle tracks and bridleways (Policy MD11);
 - vi. Noise, air quality, dust, odour and vibration;
 - vii. Water quality and resources;
 - viii. Impacts from traffic and transport during the construction and operation of the infrastructure development;
 - ix. Cumulative impacts.

Development proposals should clearly describe the extent and outcomes of community engagement and any community benefit package.....

vii. MD12: The Natural Environment

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:
 - i. the special qualities of the Shropshire Hills AONB;
 - ii. locally designated biodiversity and geological sites;
 - iii. priority species;
 - iv. priority habitats
 - v. important woodlands, trees and hedges;
 - vi. ecological networks
 - vii. geological assets;
 - viii. visual amenity;
 - ix. landscape character and local distinctiveness.In these circumstances a hierarchy of mitigation then compensation measures will be sought.
2. Encouraging development which appropriately conserves, enhances, connects, restores or recreates natural assets, particularly where this improves the extent or value of those assets which are recognised as being in poor condition.
3. Supporting proposals which contribute positively to the special characteristics and local distinctiveness of an area, particularly in the Shropshire Hills AONB, Nature Improvement Areas, Priority Areas for Action or areas and sites where development affects biodiversity or geodiversity interests at a landscape scale, including across administrative boundaries.

S2: Bishop's Castle Area

S2.2 (x) Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, Rowley, Aston Rogers and Aston Pigott.

The settlements of Worthen, Brockton, Little Worthen, Little Brockton, Binweston, Leigh, Rowley, Aston Rogers and Aston Pigott within Worthen with Shelve Parish are a Community Cluster where development by infilling and conversions may be acceptable on suitable sites. The housing guideline for the Cluster is around 30 additional dwellings over the period to 2026.

The Worthen with Shelve Parish Council Local Implementation Plan expresses a preference for the following:

- a) phased development so that no more than 10 houses are permitted in each third of the Plan period,
- b) no single site is developed for more than 5 houses,
- c) the existing gap between the villages of Worthen and Brockton remains undeveloped to maintain the distinctive character and separate nature of the two settlements.

11. ADDITIONAL INFORMATION

List of Background Papers: Planning application reference 13/01633/OUT and associated location plan and documents

Cabinet Member (Portfolio Holder) Cllr M. Price

Local Member: Cllr David Evans, Councillor C Barnes (Bishops Castle)

Appendices: Appendix 1 – Conditions

APPENDIX 1

Legal Agreement

1. Affordable housing contribution;
2. Highway improvement funding.

Planning Conditions

STANDARD CONDITIONS:

- 1 The development hereby permitted shall not be commenced until the Local Planning Authority has approved the following details (hereinafter referred to as the 'reserved matters'):
 - i. The siting and ground levels of the dwellings;
 - ii. The design and external appearance of the dwellings;
 - iii. Details of the materials, finishes and colours of the dwellings;
 - iv. Details of the landscaping of the site.

Reason: The application was made as an outline planning application in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and the provisions of Section 92 of the Town and Country Planning Act 1990.

- 2 Application for the approval of the reserved matters shall be made to the Local Planning Authority within three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES:

- 4a. Construction of the development hereby permitted shall not be commenced until details and sizing of the proposed soakaways have been submitted to and approved in writing by the Local Planning Authority.

- b. If non permeable surfacing is used on the driveway and parking area or the driveway slopes toward the highway, the applicant shall submit for approval a drainage system to prevent water flowing onto a public highway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site to minimise the risk of surface water flooding (4a) and to ensure that no surface water runoff from the new driveway runs onto the highway (4b).

Notes:

- i. *Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Full details, calculations and location of the percolation tests and the proposed soakaways should be submitted for approval. A catchpit should be provided on the upstream side of the proposed soakaways. If soakaways are not feasible, drainage calculations to limit the discharge rate from the site equivalent to a greenfield runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 30% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.*
- ii. *The applicant should consider employing measures such as the following:*
- *Swales*
 - *Infiltration basins*
 - *Attenuation ponds*
 - *Water Butts*
 - *Rainwater harvesting system*
 - *Permeable surfacing on any new access road, driveway, parking area/ paved area*
 - *Attenuation*
 - *Greywater recycling system*
 - *Green roofs*
- iii. *Consent is required from the service provider to connect into the foul main sewer.*

5. The proposed foul water drainage shall be installed in accordance with the Drainage and Flood Risk Assessment by D.A. Sluce & Partners Feb 2014 prior to the first use of the development hereby approved.

Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.

- 6a. No ground clearance, demolition or construction work shall be commenced on the application site until a scheme of protection measures for the existing trees and hedges within and adjacent to the site has been submitted to and approved by the Local Planning Authority. The submitted tree protection scheme shall include a tree protection plan that reflects the guidance within BS5837:2012. All measures

comprised in the tree and hedge protection scheme shall be implemented and retained throughout all of the clearance and construction works on the site.

- b. Where the approved detailed plans indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees or hedges, an Arboricultural Method Statement (AMS), detailing how the approved construction works will be carried out, shall be submitted to the Local Planning Authority for approval prior to the commencement of any development works. The AMS shall include details of when and how the construction works will take place and be managed, and how the trees and hedges will be protected during the works.

Reason: To safeguard the existing trees and hedges in and adjacent to the site in the interests of visual amenity (and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy).

7. No development shall commence at the site until a Heritage Assessment has been submitted to and approved in writing by the local planning authority in consultation with the Local Planning Authority's Archaeology service. This shall take the form of a desk based assessment accompanied by the results of walk over and a geophysical surveys of the site. If the results of the heritage survey indicate that further survey work is required before the development commences then such works shall be undertaken in accordance with the recommendations of the heritage survey.

Reason: To allow appropriate opportunities for inspecting any archaeological remains present within the site prior to the commencement of the development.

8. No development shall take place until an application is made which secures the formal diversion of Footpath 14 Bishop's Castle which crosses the development site. The diverted footpath shall remain open and shall not be obstructed.

Reason: To ensure that an appropriate diversion route for the public footpath is secured prior to the commencement of any development at the Site.

9. The outline permission hereby approved is for a maximum of nine dwellings.

Reason: To ensure appropriate sewage treatment and ensure the protection of the River Clun SAC, a European protected site.

10. 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.

Notes:

- i. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice. The single in-field ash tree has some potential for bat roosts. If this tree will be removed, it should be inspected for bat roosts prior to felling or works.*
- ii. *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 should if possible be carried out outside the bird nesting season, which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active birds' nests should be carried out. If vegetation cannot be clearly seen to be clear of birds' 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.*
- iii. *Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site.*
- iv. *Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*
- v. *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 in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. 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.*

- 11a. Within the first planting and seeding season following the completion of the dwellings hereby permitted, a scheme of new tree and hedge planting shall be implemented within and bordering the grounds of the dwellings, in accordance with full details to be submitted to and approved by the Local Planning Authority.
- b. Any new trees and hedges planted as part of the required planting scheme which, during a period of five years following implementation of the planting scheme, are removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure that new planting is undertaken, in order to enhance the appearance and privacy of the site (and in accordance with Policy CS6 of the Shropshire Core Strategy)(10a). To ensure that the approved planting scheme is effective and in accordance with Policy CS6 of the Shropshire Core Strategy (11b).

12. As part of the reserved matters details of the location and design of bat boxes, tubes or bricks suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

13. Prior to the commencement of work on site a 10m buffer shall be fenced off parallel to the banks along the length of the water course, put in place within the site to protect the watercourse during construction works. No access, material storage or ground disturbance should occur within the buffer zone.

Reason: To avoid impacts on water quality.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT:

14. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Assessment by Star Ecology submitted 2nd October 2014.

Reason: To ensure the protection of hedgehogs, a UK BAP Priority Species

15. Existing shrubs and hedges within and around the margins of the site shall be retained and protected from damage for the duration of the construction works. No such shrubs or hedges shall be removed unless this has first been approved in writing by the Local Planning Authority.

Reason: To ensure that the screening and amenity effect of existing shrubs and hedges around the margin of the site is protected in the interests of residential amenities.

16. An independent 32 amp radial circuit isolation switch must be supplied at each property for the purpose of future proofing the installation of an electric vehicle charging point. The charging point must comply with BS7671. A standard 3 pin, 13 amp external socket will be required. The socket should comply with BS1363, and must be provided with a locking weatherproof cover if located externally to the building.

Reason: Paragraph 35 of the NPPF states; "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore, developments should be located and designed where practical to, amongst other things, incorporate facilities for charging plug-in and other ultra-low emission vehicles."

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. Further information has been provided by the applicant on indicative design, layout and housing need. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

APPENDIX 2 – HABITAT RISK ASSESSMENT**Habitat Regulation Assessment (HRA) Screening Matrix**

Application name and reference number:

14/02632/OUT

Proposed residential development West of Lavender Bank, Bishops Castle - Outline Application for a mixed residential development (to include access).

Date of completion for the HRA screening matrix:

8th September 2014

HRA screening matrix completed by:

Alison Slade
Planning Ecologist
Shropshire Council**Table 1: Details of project or plan**

Name of plan or project	14/02632/OUT Proposed residential development West of Lavender Bank, Bishops Castle - Outline Application for a mixed residential development (to include access)
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> . The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area. Annex II Species that are a primary reason for selection of site: Freshwater pearl mussel <i>Margaritifera margaritifera</i>
Description of the plan or project	An outline application with ten dwelling indicated on the submitted plans.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed	Yes 14/02411/OUT 2 dwellings South of Woodbatch Rd, Bishops Castle 14/00885/OUT 9 dwellings Woodbatch Road 12/02006/FUL 4 dwellings Kerry Green, Bishops Castle

Contact: Tim Rogers (01743) 258773

could affect the site (provide details)?	14/01275/FUL 2 dwellings Kerry Green, Bishops Castle
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Statement

Guidance Note 12: Development within the River Clun Catchment has been published by Shropshire Council, based on information and discussions with Natural England and the Environment Agency who have subsequently endorsed it. This guidance will be followed by the planning authority when making planning decisions until the Nutrient Management Plan for the Clun Catchment has been finalised by NE and the EA.

According to Guidance Note 12 at 4.2:

*The two largest treatment plants within the catchment, Bishop's Castle and Bucknell, currently have phosphate stripping and in terms of individual houses make the smallest contribution to the phosphate in the river of all works. They both have potential catchment transfer schemes that would remove any impact they have within the catchment. Further if catchment transfer is not possible then both will be able to be fitted with a more rigorous phosphate treatment if required within the next two rounds of the Five Year Asset Management Planning (AMP) process. **Any development of less than 10 houses, serviced by these two treatment works, is considered to be unlikely to have a significant effect on the features of interest as the impact will be picked up by actions identified in the NMP.** In the interim period, development connecting to mains sewer leading to Bucknell or Bishop's Castle sewage treatment works can be put forward for a planning decision. Development of 10 houses or more will still have to show how the contribution to the treatment works will affect the site in the interim between now and completion of any upgrade.*

The Design and Access Statement states that foul water drainage will be taken to the nearby mains public sewer. No ecological information has been submitted with the application, including how it is intended to avoid an adverse effect on the integrity of the River Clun SAC. In relation to in-combination effects there are a number of other planning applications for residential development in Bishops Castle, although all are for under ten dwellings.

The application has been reduced to 9 dwellings. In view of the above, and providing the development is carried out according to the details submitted and the following conditions are attached to any decision notice, the proposal will not lead to significantly increased concentrations of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination with other projects.

Condition:

1. The outline permission hereby approved is for a maximum of nine dwellings.

Reason: To ensure appropriate sewage treatment and the protection of the River Clun SAC, a European protected site.

The Significance test

The proposed works in application 14/02632/OUT Proposed residential development West of Lavender Bank, Bishops Castle - Outline Application for a mixed residential development (to include access will not have a significant effect on the European Designated Site at the River Clun SAC, through additional phosphate generated by a new source of waste water reaching the watercourse connecting to the River Clun.

The Integrity test

Contact: Tim Rogers (01743) 258773

Planning application No 14/02632/OUT Proposed residential development West of Lavender Bank, Bishops Castle - Outline Application for a mixed residential development (to include access) will not adversely affect the integrity of the European Designated Site at the River Clun SAC providing waste water from the development is treated as conditioned and detailed in the submitted documents.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –
- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
 - (b) is not directly connected with or necessary to the management of that site,
- must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

Habitat Regulation Assessment Outcomes

A Local Planning Authority can only legally grant planning permission if it is

established that the proposed plan or project will not adversely affect the integrity of the European Site.

If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted unless it is satisfied that, there being no alternative solutions, the project must be carried out for imperative reasons of over-riding public interest, and the Secretary of State has been notified in accordance with section 62 of the Conservation of Habitats and Species Regulations 2010. The latter measure is only to be used in extreme cases and with full justification and compensation measures, which must be reported to the European Commission.

Duty of the Local Planning Authority

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.

Habitat Regulation Assessment (HRA) Screening Matrix

Application name and reference number:

14/02632/OUT

Proposed residential development West of Lavender Bank, Bishops Castle - Outline Application for a mixed residential development (to include access).

Date of completion for the HRA screening matrix:

8th September 2014

HRA screening matrix completed by:

Alison Slade
Planning Ecologist
Shropshire Council

Table 1: Details of project or plan

Name of plan or project	14/02632/OUT Proposed residential development West of Lavender Bank, Bishops Castle - Outline Application for a mixed residential development (to include access)
Name and description of Natura 2000 site	River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl

Contact: Tim Rogers (01743) 258773

	Mussel <i>Margaritifera margaritifera</i>. The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area. Annex II Species that are a primary reason for selection of site: Freshwater pearl mussel <i>Margaritifera margaritifera</i>
Description of the plan or project	An outline application with ten dwelling indicated on the submitted plans.
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	Yes 14/02411/OUT 2 dwellings South of Woodbatch Rd, Bishops Castle 14/00885/OUT 9 dwellings Woodbatch Road 12/02006/FUL 4 dwellings Kerry Green, Bishops Castle 14/01275/FUL 2 dwellings Kerry Green, Bishops Castle

Statement

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According to Guidance Note 12 at 4.2:

*The two largest treatment plants within the catchment, Bishop's Castle and Bucknell, currently have phosphate stripping and in terms of individual houses make the smallest contribution to the phosphate in the river of all works. They both have potential catchment transfer schemes that would remove any impact they have within the catchment. Further if catchment transfer is not possible then both will be able to be fitted with a more rigorous phosphate treatment if required within the next two rounds of the Five Year Asset Management Planning (AMP) process. **Any development of less than 10 houses, serviced by these two treatment works, is considered to be unlikely to have a significant effect on the features of interest as the impact will be picked up by actions identified in the NMP.** In the interim period, development connecting to mains sewer leading to Bucknell or Bishop's Castle sewage treatment works can be put forward for a planning decision. Development of 10 houses or more will still have to show how the contribution to the treatment works will affect the site in the interim between now and completion of any upgrade.*

The Design and Access Statement states that foul water drainage will be taken to the nearby mains public sewer. No ecological information has been submitted with the application, including how it is intended to avoid an adverse effect on the integrity of the River Clun SAC. In relation to in-combination effects there are a number of other planning applications for residential development in Bishops Castle, although all are for under ten dwellings.

The application has been reduced to 9 dwellings. In view of the above, and providing the development is carried out according to the details submitted and the following conditions are attached to any decision notice, the proposal will not lead to significantly increased concentrations

of nutrients within the River Clun. Hence there should be no adverse effect on the integrity of the River Clun SAC through this development, either alone or in combination with other projects.

Condition:

2. The outline permission hereby approved is for a maximum of nine dwellings.

Reason: To ensure appropriate sewage treatment and the protection of the River Clun SAC, a European protected site.

The Significance test

The proposed works in application 14/02632/OUT Proposed residential development West of Lavender Bank, Bishops Castle - Outline Application for a mixed residential development (to include access will not have a significant effect on the European Designated Site at the River Clun SAC, through additional phosphate generated by a new source of waste water reaching the watercourse connecting to the River Clun.

The Integrity test

Planning application No 14/02632/OUT Proposed residential development West of Lavender Bank, Bishops Castle - Outline Application for a mixed residential development (to include access) will not adversely affect the integrity of the European Designated Site at the River Clun SAC providing waste water from the development is treated as conditioned and detailed in the submitted documents.

Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

Guidance on completing the HRA Screening Matrix

The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test'. If, taking into account scientific data, we conclude there will be no likely significant effect on the European Site from the development, the 'integrity test' need not be considered. However, if significant effects cannot be counted out, then the Integrity Test must be researched. A competent authority (such as a Local Planning Authority) may legally grant a permission only if both tests can be passed.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

Contact: Tim Rogers (01743) 258773

(b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

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Committee and date

South Planning Committee

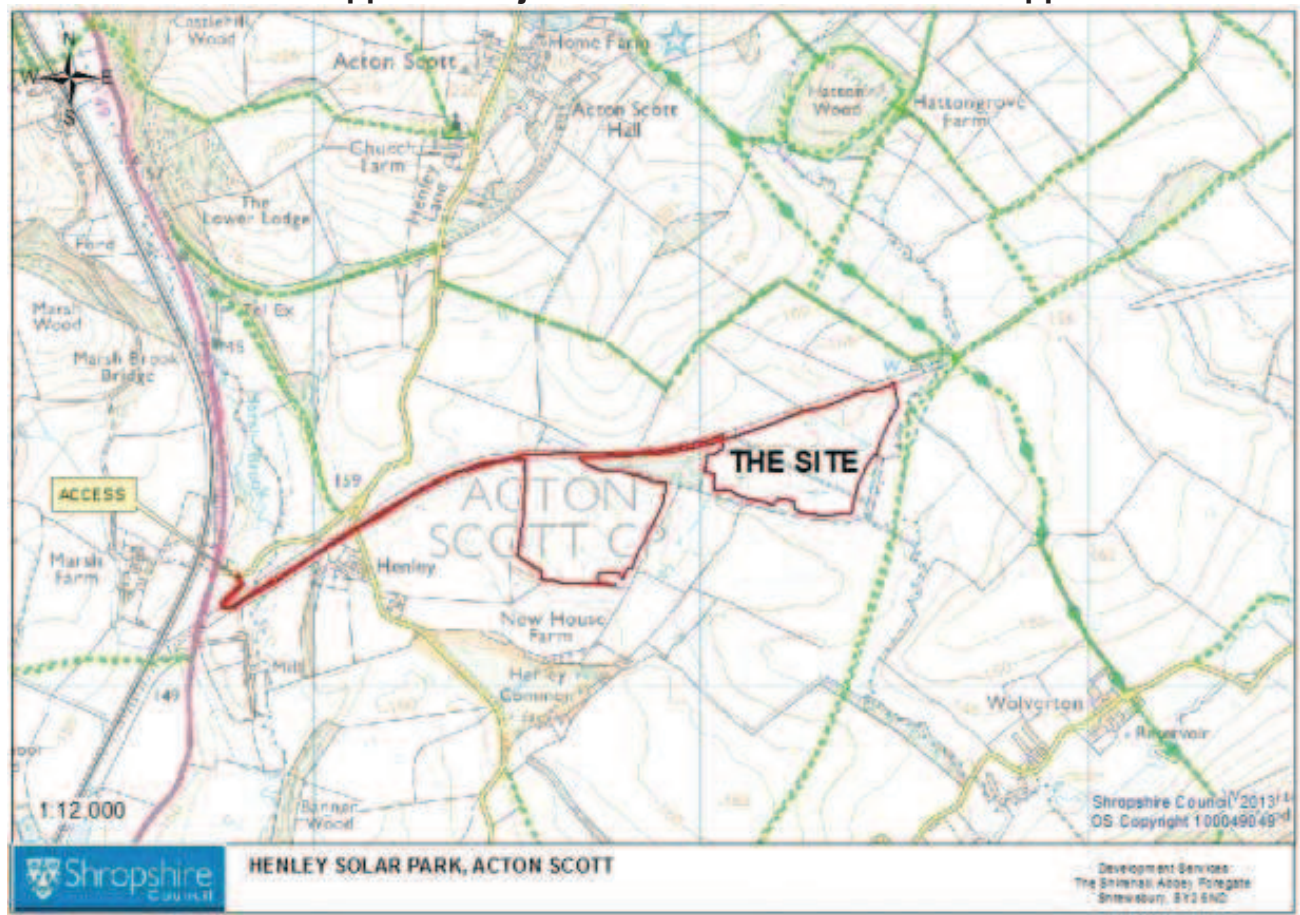
14 October 2014

Development Management Report

Summary of Application

<u>Application Number:</u> 14/02807/FUL	<u>Parish:</u>	Acton Scott Parish Council
<u>Proposal:</u> Continued use of land for agricultural purposes and the installation of up to 6.5 MW of solar photovoltaic panels and ancillary works		
<u>Site Address:</u> Land North of Henley Common, Henley Lane, Acton Scott		
<u>Applicant:</u> Maddox And Associates Ltd		
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmc@shropshire.gov.uk	

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



Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Government's Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with pre-application advice by the authority and has provided further clarification in response to issues raised during the planning consultation process. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended conditions.

REPORT

1.0 THE PROPOSAL

- 1.1 The applicant is proposing to establish a solar photovoltaic (PV) park on 22.5 hectares of pasture farmland at Henley Common 1km south of the village of Acton Scott. The proposed facility would generate up to 6.5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1,890 homes. Following construction, the site would be seeded with an appropriate grassland mix and would become available for grazing. Construction would take 4 months. The site would have an operational life of approximately 25 years, after which it would be decommissioned and arable potential would be reinstated.
- 1.2 The solar park would consist of 33,264 individual photovoltaic panels mounted on frames and laid out in rows running from east to west across the site. They would be oriented south and angled at 25 degrees to the horizontal with a maximum height of 2.4m (minimum 0.8m). The mounting frames would be matt finished galvanised steel with 200mm diameter steel posts. The posts for the panel frames would be driven into the ground up to a depth of 1.5m.
- 1.3 The proposed development will require the construction of a number of inverter cabins and two ancillary equipment cabins in order to convert the electricity to a form suitable for export to the electricity distribution network at the appropriate voltage. The inverters convert solar energy from Direct Current (DC) to Alternating Current (AC) and would sit on concrete bases to ensure stability. The applicant has applied to the network operator Western Power Distribution for preliminary connection information, and it has been confirmed an on-site connection is feasible.
- 1.4 Security fencing (2.4m high palisade fencing) would be installed around the substation. There would also be 2m high deer netting supported by timber in the area surrounding the site. The land would continue to be used for agricultural purposes following the installation of the panels.

- 1.5 Landscaping: Enhanced landscape planting is proposed along the northern and south eastern site boundaries. The applicant states that sensitive colouring of the inverter substations and other on-site components would also reduce any visual effects.
- 1.6 Access and construction: The construction of the solar panel arrays would result in the temporary generation of construction traffic over a period 4 months. It is envisaged that there would be up to 80 HGV deliveries in total transporting the panels and array structures to the site. The most intense period would be likely to equate to 2 HGV deliveries per day (4 individual movements). Wherever possible deliveries of materials would take place between 7am and 6pm Monday to Friday and between 8am and 1pm on Saturdays. There would be no deliveries on Sundays or Bank Holidays.
- 1.7 During the construction phase, a new temporary access would be constructed along the former railway track to the west. This would itself be accessed from Henley Lane across a field in ownership of the applicant. Up to 20 staff would be on site during the construction period, depending on the phases of the construction schedule. It is envisaged that staff trips would be mainly made by private vehicles (LGVs). Once the site was operational, there would be no staff based on the site although routine twice monthly visits would be required. Following the completion of construction works, all areas subjected to temporary works including any access tracks and other temporary infrastructure would be re-instated to a condition in keeping with the quality of the areas before works had commenced.
- 1.8 Decommissioning: The operational lifespan of the solar park is stated to be 30 years. After this all equipment and tracks would be removed from the site and arable productivity could be resumed.
- 1.9 Community benefits: Whilst not forming an integral part of the current application the applicant has agreed as a separate voluntary commitment to fund the installation of solar panels on the roof of a modern farm building next to the Acton Scott visitor centre in order to supply electricity to the centre. A viewing area for the solar park and some footpath improvements as part of a circular walk from the visitor centre have also been discussed with planning officers and the visitor centre operator as part of the overall community benefits package. These provisions would become due upon first commissioning of the proposed solar park. It is anticipated that this would amount to a total value which is equivalent to £5,000 per installed megawatt of electricity which is commensurate with the level of benefit offered voluntarily by other recent solar park schemes. The applicant is intending to complete a legal agreement (unilateral undertaking) which would deliver these commitments in the context of any planning approval.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The site (area 22.25ha) is located on a pasture field (Grade 3b and 4) approximately 1km to the south of the village of Acton Scott. The nearest buildings are on Henley Common, approximately 0.2km to the south. There is no

nearby housing. The A49 between Church Stretton and Craven Arms runs 1km to the west.

2.2 The site is located in a valley, surrounded by an undulating landscape with woodland areas which provides screening. A disused railway line runs in an east-west direction to the north of the site, passing from an embankment in the north east to a deep cutting in the north-west. The land within the site is low-lying and is not visible from much of the surrounding area. It slopes from north west down to south east. The eastern part of the site is lower and was historically marshland.

2.3 The site lies outside of a flood plain but within the Shropshire Hills Area of Outstanding Natural Beauty ('AONB'). A power line crosses the site, providing an opportunity to transport renewable energy to the national grid.

3.0 REASONS FOR COMMITTEE DECISION

3.1 The application has been referred to the committee by the local member and this decision has been ratified by the Area Development Manager.

4.0 COMMUNITY REPRESENTATIONS

4.1 Acton Scott Parish Council: Objection due to location in Area of Outstanding Natural Beauty.

4.2 Eaton Under Heywood Parish Council (adjacent parish): No objection. The Parish Council members are however very concerned that this application is sited in an AONB and request that every possible effort is made to minimize the impact of this proposed development on the landscape, as it will be visible from parts of the Shropshire Way, from Flounders Folly, the ridge between Woolston and Whittingslow and from parts of the Long Mynd. Its impact on the landscape will be considerable.

4.3 Munslow Parish Council (adjacent parish): No objection subject to the following comments:

Although the above application does not relate to land within Munslow Parish, it has been discussed by Munslow Parish Council due to its potential impact on the AONB, of which Munslow is a part. The members request that the following comments be noted. The Council is generally supportive of renewable energy schemes and can recognise the potential energy benefits from the proposal. However, the Council is concerned that the scheme should not have any detrimental impact on the visual amenity of the AONB, or on the nearby residences and land uses. We ask that the planning authority, in considering the application, pays full regard to such impact and, if minded to approve it, ensures that appropriate mitigation conditions are attached. We are also keen to ensure that, should this application be approved, it does not lead to a proliferation of such schemes within the AONB which might collectively create serious detriment to the area.

- 4.4 Wistanstow Parish Council: (adjacent parish). Objection. This industrial type development would have a major adverse impact on the sensitive and traditional nature of the landscape in this part of South Shropshire and would result in the loss of traditionally farmed pasture land.
- 4.5 Natural England: Objection on landscape grounds:
- i. Designated landscapes: Objection. The application site lies within the AONB, a designation of national importance with the highest protection. Due to the scale of the proposals at over 20 hectares Natural England considers that if we had been consulted on any EIA screening consultation, we would have recommended that an Environmental Impact Assessment was necessary. In exercising any functions with respect to the AONB all statutory bodies have a duty to have regard to the statutory purpose of the AONB's which is conserving and enhancing the natural beauty of the area (section 85 of the Countryside & Rights of Way Act, 2000) and Local Authorities must take such action as appears to them expedient for this purpose (section 84(4) of the CROW Act). It is against this duty that this proposal must be measured. We note that the Shropshire Hills AONB has objected to this application and we recommend your authority have regard to their position. From the information available to Natural England it is unable to advise on the potential significance of impacts on the Shropshire Hills AONB. Natural England notes the Landscape and Visual Assessment and would agree with several of the conclusions about the site being screened or out of site from several chosen viewpoints. However, of particular concern are VR17 Shropshire Way and VR39 Callowhill Plantation. The LVIA demonstrates the solar farm will be visible from the Shropshire Way and concludes that there will be a moderate adverse impact. However, it is not clear how this conclusion was reached. It appears from the photomontage that the proposals will alter the landscape character of the viewpoint by adding large scale angular and manufactured elements into a landscape that does not previously appear to have such elements. It also appears the landscaping proposed will not provide much screening from this viewpoint.
 - ii. We note the AONB Partnership raised concerns about the effect of the proposals on Flounders Folly. The LVIA states that VR39 is representative of the view from Flounders Folly. However, it would be useful for a viewpoint of the folly itself to be provided. This would be useful because the LVIA states that the view will be obscured by new trees. However, the view from the Folly itself is likely to remain clear of trees. In both cases the photographs used in the photomontage were shot using a 50-mm focal length. Whilst this is in accordance with the Landscape Institute's Guidance, due to the sensitive location within the AONB it would be useful if the applicant could provide 75mm equivalents which is more representative of the view that the human eye would experience. This would help clarify the significance of the impacts on the landscape character. The applicant may also wish to consider whether there is any way to further screen the solar farm from the Shropshire Way. We note a further line of trees in the foreground of the photomontage between the camera location and the solar farm. Could it be possible for further trees to be planted here which would in time screen the proposed development.

- iii. We note the section of the LVIA which relates to cumulative impacts. We are aware of a number of solar farm issues around the Shropshire Hills AONB in addition to this proposal within the AONB. You should consider whether the numbers of similar proposed developments may affect the setting of the AONB as well as the character of the AONB itself. We recommend that the applicant engages in dialogue with the AONB Unit in order to address the concerns raised in their objection comment. Their knowledge of the location and wider landscape setting of the development further informed by submission of the more accurate 75mm equivalent shots and reconsidering the proposed screening should help to confirm whether or not the proposal would impact significantly on the purpose of the AONB designation. You should also take into account their views on whether the proposed development accords with the aims and policies set out in the AONB Management Plan.
- iv. Designated sites: No objection. Natural England is satisfied that the proposals being carried out in strict accordance with the application details will not damage or destroy the interest features of the nearest SSSI's.
- v. Protected species: The Biodiversity Management Plan is noted. However, very little information has been submitted to support its conclusions. The Local Planning Authority may wish to consider whether there is enough information to determine the impact of the development on protected species.
- vi. Soils and land quality: The submitted information indicates that this application falls outside the scope of the Development Management Procedures Order as the development would not appear to lead to the loss of over 20ha of best and most versatile agricultural land.
- vii. Green infrastructure potential / biodiversity enhancement: Solar farm developments potentially offer opportunity to encourage the creation of various types of grasslands and other features which are beneficial to wildlife. There may also be opportunities for ponds depending on soil characteristics, especially if the development will require SuDS and / or woodlands and hedges as part of any landscaping scheme.

4.6 Highways Agency: No objection.

4.7i AONB Partnership: Objection. Covering over 22 hectares, we would contend that this is unquestionably a 'major development' and therefore that para 116 of the National Planning Policy Framework applies. No attempt has been made to address the tests of exceptional circumstances which consequently apply, and the application cannot therefore be granted permission. The landscape impact analysis is inadequate and does not show how a conclusion of 'Slight Adverse Landscape Impact' has been reached. This does not comply with the methodology, which states that explaining how the assessment has been built up is critical, especially in the final assessment stage, where considerable judgements are involved. We would argue that a correct rating of a sensitive area of landscape and a large scale and long term negative impact would arrive at a conclusion of a significant adverse effect. The description of the landscape character of the area neglects to address

the obvious factor that this very rural area of landscape is typified by an absence of modern industrial installations, and the addition of this development would change this significantly. This area of Apedale is typified by and known for a tranquil setting of mixed farming and estate land with hedgerows and veteran trees. Landscape and the value derived from it comes from the things intrinsically within an area of land, not just those which are visible. This applies to positive attributes such as archaeology or biodiversity which may not be especially visible (or accessible to the public) but still have great value and indeed often protection. It also applies to negative attributes such as intrusive development. The reason the nationally established methodology of LVIA separates landscape from visual impacts is because they are different and both must be taken into account. A landscape character impact may be much more significant than the visual impact. The current proposed development is an example of this, and the visual argument should not be used also to discount the landscape character impact which would be significant. The visual impact should not however be deemed as low and acceptable. This large development would be visible and intrusive from locations including the Shropshire Way, from the permissive path right next to the site and from Flounders Folly. In addition to the panels themselves, the associated cabins, fencing, CCTV and lighting would all introduce alien elements into this landscape. It is noted that insurers requirements are not yet clear on the extent of all of these required.

- ii. The LVIA is a misrepresentative exercise in downplaying the likely impact of the development, the true scale of which is not accurately described. The enormous number of 33,264 individual panels is not mentioned in the LVIA, but only found in very small print on one of the plans. Sections of the AONB Management Plan have been quoted in support of the application, such as "the local production of renewable energy should be increased, but in ways compatible with the AONB." The clear policy of the Management Plan however which indicates that this development is not compatible with the AONB is however conveniently ignored, i.e. "Major developments of wind and solar energy, and woodfuel or biomass processing should be refused within the AONB, unless it can be demonstrated the proposals are in the public interest and the tests of exceptional circumstances in AONBs as set out in NPPF para 116 can be fully satisfied." The argument is put forward that this is a uniquely suitable site within the AONB and would not create a precedent for further potential similar developments. We reject both parts of this argument. The site is not suitable, but if granted permission would almost certainly add to the likelihood of further such development proposals within the AONB. The following national and local policies applicable support the position that this application should be refused:

Para 14 of the National Planning Policy Framework on the 'golden thread' of sustainable development, highlights AONBs through footnote 9 as an exception to a presumption in favour of development, as one of a few types of special area where "specific policies in this Framework indicate development should be restricted." Para 115 of the National Planning Policy Framework states that: 115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The

conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. Para 116 of the National Planning Policy Framework states that: 116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

Shropshire Core Strategy Policy CS17: Environmental Networks states:

Development will identify, protect, enhance, expand and connect Shropshire's environmental assets, to create a multifunctional network of natural and historic resources. This will be achieved by ensuring that all development:

- Protects and enhances the diversity, high quality and local character of Shropshire's natural, built and historic environment, and does not adversely affect the visual, ecological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors. Further guidance will be provided in SPDs concerning the natural and built environment;
- Contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB, the Meres and Mosses and the World Heritage Sites at Pontcysyllte Aqueduct and Canal and Ironbridge Gorge.

Shropshire Council SAMDev Policy MD12: The Natural Environment states:

In accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

1. Ensuring that the social or economic benefits of development can be demonstrated to clearly outweigh the harm to natural assets where proposals are likely to have an unavoidable significant adverse effect, directly, indirectly or cumulatively, on any of the following:

- i. the special qualities of the Shropshire Hills AONB;
- ii. locally designated biodiversity and geological sites;
- iii. priority species;
- iv. priority habitats
- v. important woodlands, trees and hedges;
- vi. ecological networks
- vii. geological assets;
- viii. visual amenity;
- ix. landscape character and local distinctiveness.

Shropshire Hills AONB Management Plan 2014-19, Management Plan policy for Valuing the AONB in Planning and Decisions (as formally approved by Shropshire Council) states:

Protection of the AONB: In line with national and local authority planning policies, the AONB has the highest standards of protection for landscape and natural beauty and the purposes of designation should be given great weight in planning decisions, also taking into account the statutory AONB Management Plan. Consideration of the purposes of designation in all decisions affecting the AONB should reflect sustainability and the full range of special qualities defined in the Management Plan as well as landscape character and visual amenity. Exceptionally where a significant adverse impact associated with development cannot be avoided, appropriate mitigation measures including habitat creation or community benefits, should be sought.

Carbon emissions and Renewable Energy: Major developments of wind and solar energy, and woodfuel or biomass processing should be refused within the AONB, unless it can be demonstrated the proposals are in the public interest and the tests of exceptional circumstances in AONBs as set out in NPPF para 116 can be fully satisfied.

- 4.8i. Campaign to Protect Rural England: Objection. This application is sited firmly within the Shropshire Hills Area of Outstanding Natural Beauty and, as such, is regarded by the National Planning Policy Framework as 'an exceptional area where restrictions apply'. This application seeks to impose over 33 thousand large solar photovoltaic panels onto two adjoining fields, along with maintenance tracks, supporting infrastructure of 'a number of inverter containers, sub and main converter buildings, two equipment cabins' (covering some 200 m²), security lighting and CCTV cameras, and the inevitable cabling requirements for connection to the grid – the whole to be surrounded by security deer and chain link fencing over two metres in height. The total area proposed covers 22.25 hectares (450 acres) of tranquil greenfield farmland and the development will result in adverse impacts on the AONB and on local residents. The geometric industrial character of the rows of panels will stand out like a giant sore thumb in this agricultural setting, whose south-facing siting will be highly visible from the surrounding hill tops and from another 16 viewpoints - and may well cause glint & glare that could even affect the A49 nearby to the west. This is a major development and yet the applicant apparently believes that it would not have a significant effect on the environment and therefore does not need an environmental statement: CPRE disputes both assumptions.
- ii. Ideal solar sites are flat, have easy access, are not overlooked, have no drainage problems and are close to the national grid. This hilly area with open valleys, drains and brooks, a large boggy area, and a recognised risk of groundwater flooding is a landscape where it is least likely that such a large and alien 'farm' can be accommodated without causing real visual harm to both the AONB and to local residents. The proposed new access from the A49 is crucial to the success of the entire scheme, yet Wistanstow Parish Council, the relevant body, has yet to be given any details.
- iii. Planning & the NPPF: Paragraph 14 highlights AONBs as 'exceptions to a presumption in favour of development where 'specific policies in this Framework indicate that development should be restricted.' Para 113 describes designations for wildlife, geodiversity and landscape, setting out that protection should be

‘commensurate with their status.’ Paras 115 and 116 focus on such protected landscapes and declare that ‘great weight should be given to conserving landscape and scenic beauty.’ Para 116 states that ‘Planning permission should be refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest.’ Considerations should include an assessment of the need for the development...and the impact of permitting or refusing it on the local economy...also any detrimental effect on the environment, the landscape and recreational opportunities.

- iv. The Shropshire Core Strategy gives a high profile to the AONB in terms of quality of landscape, geodiversity and biodiversity, as an important asset for tourism, and as a key part of Shropshire’s environmental network. It recognises the need for development to be of higher quality in the AONB, stating that: ‘proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which erode the character of the countryside...will not be acceptable. This application is clearly not acceptable on these criteria. Extract on spatial vision...’The character, quality and diversity of Shropshire’s natural and historic environment, the County’s greatest asset, will have been protected, restored and enhanced. The SHAONB will be recognised for its importance to Shropshire’s character, communities, economy and sense of place’. Yet this application sets out to alter the character of the local natural and historic environment from old, naturally rural and green to man-made, new, ugly and industrial: it will change its character, divide local communities, contribute nothing to the local economy in terms of jobs or additional finance and will certainly degrade the local sense of place. CS 5 local economic & community benefits: this application fails to provide extra employment. Maintains and enhances the countryside character? Again, this application fails to do so – in fact it does the opposite. CS 6 the development will be of ‘high quality’ – in reality it will be an off the shelf package... It will protect, restore, conserve and enhance the natural environment – what nonsense!... It will be appropriate in scale, density, pattern and design – if only this were remotely true: it will adversely affect the natural environment. CS 16 supports schemes aimed at ‘diversifying the rural economy for tourism, culture and leisure uses that are appropriate in terms of their location, scale and nature, which retain and enhance natural features, and do not harm Shropshire’s tranquil nature’. This application appears to be doing the opposite on all counts. CS 17 is similar to 16 but warns against schemes that adversely affect the visual, ecological, heritage or recreational functions of these assets, their immediate surroundings or their connecting corridors or a significant adverse impact on Shropshire’s environmental assets. This application seems hell-bent on adversely affecting all these assets. CS 18 deals with flood risk: it is virtually ignored – despite the presence of boggy land and an expert’s stated ‘risk of groundwater flooding’.
- v. Conditions...should you be minded to consider or approve this application in the open countryside you should insist on flood prevention measures & wide easements on watercourse banks; ensure safe access from the A49 to the fields, insist on pasture & grazing management details and order an assessment of the overall impact on biodiversity.

- vi. Conclusions: This is a commercial and greedy application that benefits the applicant at the expense of local residents and visitors, and runs completely against the wishes of the SHAONB. Visual impact and safe access will be the key factors in assessing the level of acceptability of the proposal. Having attended the recent Parish Council meeting where councillors voted in a majority against the application, CPRE South Shropshire sides with local opinion that - if approved – planners and the South Shropshire Planning Committee will once again have failed to give any real protection to our SHAONB, there will be no benefits to local people, tourism or visitors, and the massed ranks and rows of the 33 thousand solar panels will adversely affect the landscape for at least twenty six years, act as a blot on it from public footpaths, vantage points, roads and bridleways that no amount of additional hedgerow screening will begin to hide for at least six years. We urge you not to grant this application.

- 4.9 Shropshire Wildlife Trust: Holding objection. SWT would recommend that further information regarding great crested newts is supplied (i.e. results from eDNA samples). Also given the experience of other solar farm applications we would like an absolute reassurance that trees and hedgerows are to be retained. However our deepest concerns relate to the access proposals which describe a route running through a Local Wildlife Site (LWS). The ecological impacts of this do not appear to be fully considered as the LWS “Disused Railway Line Acton Scot” lies outside of the area covered by the ecological appraisal. The Construction Traffic Management Plan gives no recognition to the presence of a Local Wildlife Site or of any potential biodiversity impacts and clearly has not been informed by the Ecological Appraisal. While it is suggested that in the long term the traffic along the access route will be reduced it would appear that a significant increase can be expected during the construction phase. Until such time as we can be reassured that there will be no long term negative ecological impact to the LWS and that biodiversity enhancements will be a component of the access scheme we object to the application. We would therefore welcome a meeting to discuss the options and issues relating to the access route and how they could be resolved. The issues we would like to see clarified include; width of access required, extent of surfacing, proximity of another LWS “South of Hatton Wood”, possibility of Japanese Knotweed, presence of protected/priority species.

Internal Comments:

- 4.10 S.C.Archaeology: The development proposal involves land to the east of Henley Common and south of the Garden and Grounds of Acton Scott Hall (HER PRN 07718) and the former Much Wenlock, Craven Arms & Coalbrookdale Railway (Wenlock No. 1) (HER PRN 08447). The Grade II* listed Acton Scott Hall (National Ref: 483623) is located approximately 1km north of the proposed development. A Heritage Desk Based Assessment (Cotswold Archaeology Report May 2014) and Landscape and Visual Impact Assessment (Cordell Design) have been submitted in support of this application. In terms of direct impact on known or unknown archaeological remains the Heritage Desk Based Assessment supported by a geophysical survey concludes any archaeological remains within the development boundary are unlikely to be of a sufficiently high level of significance to preclude development. It acknowledges the fact that, given the existing evidence for

prehistoric and Roman settlement within the surrounding area, the potential for remains from these periods to be located within the development boundary cannot be discounted, especially in light of the less successful results from the geophysical survey in the eastern plot. With regard to the impact of the development on the setting of designated cultural assets within the wider landscape the report concludes that none of the designated heritage assets that fall within the ZTV have a direct line of site to the proposed development site therefore there would be no negative impacts on the setting of these assets. This was checked during a field inspection carried out as part of the assessment. I concur with both of these findings. The conclusions of the Heritage Desk Based Assessment could not rule out the potential for archaeological remains within the development boundary. The impact of the ground disturbance from piling, cable trenching, access tracks and other infrastructure installations is likely to be significant on any below ground archaeological remains. As the archaeological potential of the development site has not been tested the impact of the development on archaeology cannot be disregarded. In view of the above, and in relation to Paragraph 141 of the NPPF, I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development. (included in Appendix 1)

- 4.11 S.C. Drainage: No objections. The Flood Risk Assessment is acceptable in principle. Conditions and informative notes regarding surface drainage are recommended and are included in Appendix 1.
- 4.12 S.C. Highways: No objections. The scheme in principle does not raise any highway concerns, because once built it will not have any effect on the highway and only generate one or two light van visits to the site each week for maintenance purposes. I am however concerned that the delivery of the materials and plant to the site during the construction phase will cause highway difficulties. In the Design & Access Statement it has been acknowledged that the junction off the A49 Trunk Road into Henley Lane will cause problems for delivery vehicles and it is stated that discussions regarding this will be taking place between the applicant and the Highways Agency, under whose control the A49 is. From Shropshire Council's Highway Authority point of view the movement of materials along Henley Lane will be the main difficulty and the method of doing this will have to be agreed and defined in the Construction Management Plan prior to the scheme commencing. Initial thoughts regarding this are that a nearby site should be sought by the applicant that could be used as a transfer station to load the panels onto small vehicles for the final leg of the journey.
- 4.13 S.C.Arboriculture: No objection subject to the following comments:
- i. There are a number of mature trees and established hedgerows on the site; these are an integral part of the local landscape and landscape character and an important part of the areas ecological network of green corridors and stepping stones. The degradation of which would be contrary to the natural and historic environment aspirations set out in the NPPF and Shropshire Core Strategy both of which identify the need to restore, conserve, protect and enhance our natural, built and historic environment. The Tree Service has concerns that this proposal has some potential to impact upon the trees and hedgerows at this site during the erection and establishment of the arrays and associated structures. On the plan the

site layout appears to provide a reasonable distance between the arrays and key landscape features, but elements of the plan that have not been discussed in detail could impact upon retained trees (E.G. the route of cables linking the arrays to transformers, storage of materials during construction, road construction and the construction/erection of the boundary fence).

- ii. Taking into consideration the above points the Tree Service would need to see that any approved application had taken into consideration the arboricultural implications. This could be addressed through the provision of a basic tree protection plan and a generic arboricultural method statement (AMS) for working in the proximity of trees, a key element of which would be that all site workers (during construction) would need to be made familiar with the AMS before commencing work. (NB we are not asking for a basic tree survey but an informative method statement to be used when working in the proximity of trees). In section 3.6 of the design and access statement the applicants indicates that part of the site security measures will be re-enforced with additional planting, this needs to be supported with a landscape proposal indicating planting mix, numbers, planting method, protection from grazing and after care (Inc. measures to replace losses). (Recommended conditions are included in Appendix 1)
- 4.14i. S.C.Ecology: No objection: I have read the above application and the supporting documents, including the Ecological Appraisal by Avian Ecology dated June 2014, the Habitat Management Plan dated August 2014, GCN eDNA survey form June 2014 and Method Statement – Reasonable Avoidance Measures dated October 2014.
- ii. Recommendation: A map is required showing the area within the Disused Railway Line Local Wildlife Site accessible to construction vehicles. Tree protection plan and condition required. The following conditions and informatives should be attached to any consent.
 - iii. Protected sites: The 'Disused Railway Line Acton Scott' Local Wildlife Site (LWS) is immediately to the north of the site and is proposed to be used for construction traffic. Shropshire Wildlife Trust have asked for reassurance that there will be no long term negative impacts from the use of the LWS as an access road and details of surfacing. I have visited the site and consider that temporary access of regular sized tractors and trailers using the western section of the track should not harm the special interest of the Local Wildlife Site. There should be no need for construction vehicles to go into the eastern section of track as there are internal field access points to all the fields. If we can get written confirmation that the eastern section of LWS will not be accessed by construction vehicles then my concerns re the LWS would be met.
 - iv. Great crested newts: The results of the eDNA survey for GCN was that Ponds 1 and 2 (which are actually linked) have confirmed presence of GCN. Pond 3 was found to be dry. At my site visit in September 2014 the accessible ditches and marshy grassland were also dry. Avian Ecology (2014) have provided updated risk avoidance measures. If strictly followed these are considered adequate to reduce

the risk of harming GCN. Conditions and informative are recommended (included in Appendix 1)

- v. Bats: FPCR (2013) consider that three trees had medium to good bat roosting potential (T1, T2 and T3). These trees are indicated for retention and lighting on tree lines is not necessary. As the proposals show retention of hedgerows and trees there should be no impact on bat foraging and commuting activity. Any other operations affecting trees such as road construction and boundary fencing will need to take impacts on trees into account. The Tree Officer has requested a tree protection plan.
 - vi. Badger: FPCR (2013) found signs of badgers on the application site but no setts. They recommend gaps in the perimeter fencing to allow access to continue across the site and preventing animals becoming trapped in any excavations. The site will need to be checked for new badger setts before construction.
 - vii. Nesting birds: Nesting birds are likely to use the hedgerows and trees on the site and also possibly the grassland. Avian Ecology (August 2014) recommend that if any ground works or vegetation removal will take place during bird breeding season that an ecologist should carry out a hand search of the area and an exclusion zone set up around any nest sites.
- 4.15 S.C.Public Protection: – No comments received.
- 4.16 S.C.Rights of Way: – No objection. No recorded public rights of way are affected by the proposals.
- 4.17 S.C.Drainage: - No objection. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable. Contrary to the FRA, the site is identified as being at risk of groundwater flooding. The applicant should bear this in mind when excavating for the foundations.
- 4.18 Councillor Cecelia Motley has been informed of the proposals.

Public Comments

- 4.19 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. 65 representations have been received, 52 against, 12 in support, and one neutral.
- 4.20 Objections: The following objections have been made:
- i. Visual impact: The proposed site is in an exceptionally unspoilt landscape designated as an Area of Outstanding Natural Beauty. The government, through 'Visit England' promotions & the English Tourist Board, makes frequent reference to AONB's being special and worth a visit. This proposed 50 acres of solar panels is totally alien to its setting of scenic beauty & great landscape value. I feel particularly sorry for those who have worked so hard to promote Flounders Folly

which is unique and gains much from showing visitors the incredibly beautiful Shropshire countryside which will be blighted. The visual impact will be hugely detrimental to the beauty of the Shropshire landscape - 55 acres of PV panels together with all the ancillary development (the installation work; fencing and other means of preventing wildlife on the site, CCTV, lighting, access roads, maintenance work, staff cabins, and so on). A 'solar farm' is not what visitors to Shropshire expect to see. A.E.Housman's "A Shropshire Lad" has several poems about Shropshire's beautiful landscape and idyllic countryside -it needs to be preserved, because once it's gone, its gone forever. This development would be highly visible in the local area and make a significant visual impact within the unspoilt Landscape of the AONB. The site is in an area of outstanding beauty and clearly visible from the historic Flounders Folly and an elevated section of the Shropshire Way.

- ii. AONB: This application makes absolutely no sense at all. In an AONB, of which we understand there are only 33 left in the country, it really is desecration on a large scale. It makes a mockery of the status of the area as an Area of Outstanding Natural Beauty if such applications are even considered. We believe only 15% of England has been judged worthy of such a description so presumably that implies we have a landscape worth preserving. The installation of such a large number of solar panels would be a very invasive factor on the landscape, even if it is only visible from a few view points in an area with supposedly statutory protection. We appreciate that renewable sources of energy have to be found but not at such a large scale in an AONB. My understanding of an AONB is that it is an area of high scenic quality which has statutory protection in order to conserve and enhance the natural beauty of its landscape. The proposed development will not in any way 'conserve and enhance the natural beauty' of the Shropshire Hills. The Shropshire Hills are one of the things that Shropshire is known for. Shropshire is possibly England's most beautiful and unspoilt counties and needs to be protected so it stays that way. This AONB needs to be protected if it is to continue to attract the substantial 'volunteer force' and the Community of retired active folk who decide to live here. I notice they make a substantial contribution to the local economy and social life, boosting trade and quality of life through the time and energy they offer freely and the activities they generate and support.
- iii. Tourism: Some of the local economy is dependent on tourism & recreation and this site would be close to the Acton Scott Farm Museum and it's network of footpaths. It promotes the attractive location to encourage visitors. Within the Shropshire Hills AONB, 27% of employment is in agriculture with a further 11% in tourism. There is a high dependency on low paid seasonal employment in agriculture and tourism. The two industries are interlinked, and I believe that it is completely counter-intuitive to take an agricultural decision that will impact so heavily on tourism. Reduced levels of tourism will have a devastating effect on an industry which is made up of a large number of generally small enterprises. As a walk leader, a regular walker, and a member of several national and local wildlife organisations, I believe that the proposed development will be highly detrimental to this landscape and countryside. The Strategy And Action Plan For Sustainable Tourism In The Shropshire Hills And Ludlow 2011 ? 2016 summarises the natural heritage of the Shropshire Hills as follows: "The Shropshire Hills are believed to have the greatest

geological variety of any comparable sized area in the UK, perhaps in the world, contributing to the character and distinctiveness of the various landscapes across the AONB. Shropshire Council does continually promote the county as a tourist area of AONB they need to protect this as much as possible. This development will be seen by many tourist and I cannot see the sense in letting an individual company benefit financially at the same time as destroying the countryside. The county of Shropshire benefits from an ever increasing Tourist industry and this should be one area that Shropshire Council and the planning department should be encouraging, as it will financially benefit the county and the people of Shropshire far more than allowing such contentious development in an Area of Outstanding Natural Beauty.) Impact on the local economy: South Shropshire attracts many tourists who come to enjoy the landscape and amenities provided by its wonderful countryside. This area is criss-crossed by footpaths and bridleways and this development would be a deterrent to visitors. I note that tourists have already started to express their concerns in the press about the proposed development. I also object to an industrial site in a completely inappropriate setting especially as it is situated directly under Flounder's Folly, a place visited and enjoyed by many walkers every year. This would be detrimental to the tourist industry of the area. Thanks to the recent TV program, many visitors are coming to this area and expect to enjoy the 'Victorian Aura', not to see solar panels. The area depends on its attractiveness for the tourist trade and associated businesses / trade. I am a frequent visitor to Acton Scott, each time I visit I am struck by the natural beauty of the countryside. It would be criminal to take 50 gorgeous acres and turn it into an industrial looking eyesore.

- iv. Agricultural impacts: The reference to the quality of land being poor is not correct when adjoining land of similar grades is producing good crops. UK agriculture is already producing a smaller percentage of food consumed by the rising population at a time when food security has seldom been more important. There will in effect be a loss of 22 hectares from production of crops which as a nation we can ill afford and continuing development of this sort may result in further pressure on other productive land to meet the demands and may lead to further loss of other important habitat. . This would be taking good agricultural land out of production at a time when we should be trying to be more self-sufficient as a country.
- v. Questioning renewable energy benefits: The favoured positioning for these would be on the top of large buildings e.g warehouses and hospitals. As it appears financial benefits for these schemes are soon to change one wonders at the haste to get planning permission for this. Who will benefit most the landowner, the financiers or the planet. Conservation of the countryside seems here to be threatened by greener energy. These matters should be working hand in hand to achieve the best for our planet not cancelling each other out. Reducing pollution and waste is something everyone has to be responsible for, but the future of solar power will come from technological advances in ways you cant even imagine in the future - special solar paints, building materials, windows and even road surfaces that will produce solar electricity without any need to reduce the amount of productive farmland further.

- vi. Pollution: Arsenic, cadmium telluride, hexafluoroethane, lead, and polyvinyl fluoride are just some of the chemicals used to manufacture various types of solar cells - these toxic materials contained in solar panels will present a serious danger to public health and the environment if they are not disposed of properly when they reach the end of their useful lives.
- vii. Ecology: There will be significant impacts on biodiversity adversely affecting mature trees and hedgerows in the local area which act as vital habitats for wildlife. It would be exceedingly difficult to set up the site as the access along a bridleway is very narrow and difficult and there is a real danger that ancient hedgerows would be damaged and wildlife habitats destroyed.
- viii. Other: Having lived in the area and visited the museum for the last 30 years it is extremely sad. I loved the museum but it is struggling at the moment and looks sad, could this be part of the reason behind the application?. . The AONB is well recognised as holding a concentration of biodiversity, resulting from the varied landscape and relatively low intensity of land management and development. The Shropshire Hills are characterised by variety rather than large expanses of the same habitat, and this is reflected in the species found." I am in favour of renewable energy and it is absolutely vital that solar PV developments are installed in the right place. In other words, integrated into new builds, deployed on roofs of commercial and factory buildings, on dis-used airfields and not in beautiful countryside.
- xi. Policy: Today's government policy is to encourage the growing solar energy sector to be produced from brown field & factory roof sites. Future planning policy should include solar panels on large building roofs and new housing developments, rather than free standing on agricultural land which predominately restricts the use to the grazing of sheep for the next 30 years. Land is a finite resource and needs to be kept available for food and crop production. The proposal is not consistent with Shropshire Planning Policy CS5 in that it is clearly an inappropriate development that does not maintain or enhance countryside vitality. The proposal is not consistent with Policy CS6 in that it does not "protect, restore, conserve and enhance the natural, built and historic environment" nor is it "appropriate in scale, density, pattern and design taking into account the local context and character". The proposal is not consistent with Policy CS8 in that it does not "protect and enhance existing facilities, services and amenities that contribute to the quality of life of residents and visitors". The proposal is not consistent with Policy CS16 in that it does not "deliver high quality, sustainable tourism, and cultural and leisure development, which enhances the vital role that these sectors play for the local economy, benefits local communities and visitors, and is sensitive to Shropshire's intrinsic natural and built environment qualities". It does not respect the NPPF policy which requires that planning should "contribute to conserving & enhancing the natural environment and reducing pollution.(visual). Allocation of land for development should prefer land of lesser environmental value...". It does not respect the NPPF policy which requires that planning should "contribute to conserving & enhancing the natural environment and reducing pollution.(visual). Allocation of land for development should prefer land of lesser environmental

value..."

4.21 Support: The following comments have been made in support of the proposals:

- i. Renewable energy benefits: We all need to use electricity, but if we continue to rely on the burning of fossil fuels for our energy, we will pollute the planet and remain vulnerable to volatile price fluctuations of the global fossil fuel markets. Surely the council would be in support of any scheme that seeks to address this issue? I am wholeheartedly in support of Solar PV as a responsible method of generating 'green energy'. Visibility issues should not override the enduring requirement to preserve the future energy requirements of this country in a socially responsible manner and avoid the unnecessary burning of fossil fuels and the reliance on global economics and political stability. Solar energy is a low impact option for generating electricity when compared to other options. The Actons have long been committed to renewable energy and they should be applauded for trying to safeguard our environment for future generations.
- ii. Limited impacts: The proposed solar farm is well-sited and would only be visible from a very limited number of vantage points. The solar farm will include sheep grazing, so that there is an ongoing agricultural use of the site. The land will still be available for food production. The site is not overlooked by many, if any, residential properties. Any impact can be easily screened, but ultimately the development of a solar farm as a much needed form of renewable energy, must surely be preferable to a number of 120metre tall wind turbines in the locality. After only 25 -30 years, the panels can be removed with no long lasting impact whatsoever. The obligation to remove the panels will also be contained in a negotiated lease document which, as standard, will contain a bond or insurance scheme to ensure the restoration. The proposal is entirely appropriate in terms of its scale and density and design. Much larger schemes are being proposed elsewhere in the country which might be classed as being on an industrial scale, but this is certainly one of the smaller schemes being proposed within Shropshire. Drainage is highly unlikely to be impacted upon by virtue of this proposal. There is also anecdotal evidence of solar panels enhancing the quality of pasture and creating useful micro-habitats by virtue of the shelter they provide. The site seems to be well chosen as not many properties are near to or overlook it. The panels are not a permanent structure and could easily be removed, thus returning the fields to their current condition.
- iii. Environmental benefits: The proposal includes a number of measures for biodiversity enhancement and habitat creation, including a new hedgerow around the majority of the site, part of which will add a valuable link to an existing woodland habitat. In addition, the grassland will be sensitively managed in accordance with a clear management plan. These measures will enhance prospects for local wildlife in the area.
- iv. Economic benefits: This development will bring much needed income and investment to a rural part of Shropshire and to help support a rural estate and farm business which helps to maintain a thriving local community. It is usual for renewable energy schemes such as this to make an annual financial contribution to the local community which can make a considerable and positive impact on the

lives of those residing in the parish. No doubt such a contribution is being offered in this instance.

- v. Policy support: The proposed solar farm is consistent with the National Planning Policy Framework. In particular, paragraph 97 which states that in order to increase renewable and low carbon energy generation "local authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources." In addition, the proposal balances the need for renewable energy generation with the local environment of the site, with the design and proposed planting avoiding adverse environmental impacts.

4.22 Trustees of Stretton Climate Care: Support. Stretton Climate Care is a registered charity whose main aim is to reduce carbon emissions in our area which includes the site of this planning application. We were established in 2008 and provide advice to households and organisations and carry out other activities to improve energy efficiency and reduce carbon emissions. In principle we support the development of low carbon sources of electricity generation as the adverse climate and consequent impacts of excessive greenhouse gas generation from fossil fuels are established and well known. The government and Shropshire Council has established policies in the NPPF and the Core Strategy to support such development in principle. We recognise nevertheless that the site of this proposal falls within the Shropshire Hills AONB and that the landscape impact of the proposal is the principle issue. The applicant's agent has submitted a detailed landscape impact assessment which demonstrates that although there is some impact, the overall impact is not severe and will be significantly reduced by the planting proposed and the management of vegetation around the site. We accept the main thrust of the submitted landscape assessment after careful viewing of the site from various vantage points. The proposal is on poor quality agricultural land which will continue to be managed for grazing with conservation in mind. No new electricity poles or wires will be needed off site and the development will not have any implications for creating additional flooding nor be affected by foreseeable flooding problems. Although some consultees assert that this constitutes a major application in the context of Paragraph 116 of the NPPF, this is not accepted. Although the application covers a large area, it is of comparatively small scale in terms of its height, largely screened by landscape features and there is continuing agricultural use of the area. It is just into the mid- sized category of solar farms and in therefore not a major proposal. We believe that it is vitally important for the development of further low carbon sources of energy generation in our area. This avoids transmission losses and additions to the distribution network and reduces our reliance on fossil fuel sourced electricity generation. We therefore strongly support the proposed development of this solar farm.

5.0 THE MAIN ISSUES

- Policy context;
- Principle of the development;
- Justification for location;
- Landscape and Visual impact;
- Existing land use;

- Other environmental issues;
- Timescale / decommissioning.

6.0 OFFICER APPRAISAL

6.1 Policy context:

6.1.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations suggest otherwise. Relevant Development Plan policies and other material considerations including national guidance are listed in section 10 of this report.

6.1.2 The National Planning Policy Framework (NPPF) is a key material planning consideration providing the strategic framework for development plan policies. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development whilst Paragraph 98 emphasises that “even small scale (renewable energy) projects provide a valuable contribution to cutting greenhouse gas emissions”, therefore planning authorities should not require applicants to demonstrate the need for renewable energy and should approve the application if its impacts are (or can be made) acceptable. It follows that the NPPF requires that planning permission should be granted for renewable energy development (paragraph 98) unless:

- The level of harm would “significantly and demonstrably outweigh benefits” when assessed against the requirements of the NPPF as a whole, or
- If specific policies in the NPF indicate the development should be restricted (paragraph 14).

6.1.3 In terms of visual impact the DCLG planning practice guide on renewable and low carbon energy advises that *“the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”*. The guide encourages use of previously developed land or allows for continued agricultural use with biodiversity enhancements around arrays. It recognises that solar farms are temporary structures. There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation through landscape planting and the energy generating potential of a particular site.

6.1.4 The proposal is located in the Shropshire Hills Area of Outstanding Natural Beauty and the NPPF also requires that such designations should be afforded the strongest possible protection. Major development should not be allowed within AONB’s unless exceptional circumstances apply (para. 116). The extent to which the current proposals can be classed as major development and whether the relevant tests can be met is discussed in succeeding sections.

6.1.5 The Shropshire Core Strategy 'has the principle of sustainable development at its heart' and a key objective is 'responding to climate change and enhancing our natural and built environment'. The Core Strategy seeks to protect the countryside and Green Belt (CS5) whilst positively encouraging infrastructure, where this has no significant adverse impact on recognised environmental assets that mitigates and adapts to climate change (CS8). Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, including in rural areas where the importance of farm diversification is recognised. Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

6.1.6 In considering the current proposals therefore it is necessary to assess:

- The characteristics of the site and the nature of any impacts to the local environment, landscape and amenities;
- Whether any identified impacts are capable of being satisfactorily mitigated including by any community benefits offered by the applicant (e.g. CS5);
- Whether relevant policies and national guidance can be met with respect to the AONB.

If there are no unacceptably adverse impacts after mitigation has been applied and relevant AONB policy tests can be met then the development would be 'sustainable' under the NPPF as a whole and the renewable energy application should be approved (NPPF para. 98). If however any unacceptably adverse effects remain after mitigation and/or relevant AONB policy tests cannot be met then the development would not be sustainable and refusal would be appropriate. The issues raised by the proposals are assessed in succeeding sections.

6.2 Justification for the development:

6.2.1 Justification for choice of site: The applicant undertook a review of a number of sites across the UK to assess the potential for the development of solar PV energy projects. Site selection was based on a number of factors including available solar resource, distance to sensitive receptors (such as residential properties and wildlife sites), distance to the Local Distribution Network and vehicle access. Based on the initial selection criteria, the site was identified as having significant potential to accommodate a solar PV development. As part of preparing the planning application, several detailed environmental assessments were undertaken. The assessments identified the likelihood of any significant environmental impacts and whether any appropriate mitigation measures were available, to ensure environmental acceptability.

6.2.2 Whilst Section 98 of the NPPF does not require applicants for renewable energy developments to demonstrate the need for the development, the recent planning practice guide on renewable and low carbon energy advises that planning authorities should consider 'the energy generating potential (of a solar PV site), which can vary for a number of reasons including, latitude and aspect'. In this

respect the site generally slopes gently to the south, is un-shaded and is unaffected by any environmental designations. The Landscape and Visual Assessment accompanying the application concludes that the site benefits from a high degree of screening. Appropriate stand offs have been provided to water courses. In addition, the site is available for the proposed use and a connection to the electricity grid is possible. Therefore it is recognised that relevant operational suitability criteria can be met. The site is however located within the AONB and needs therefore to comply with relevant AONB policy tests.

- 6.2.3 Choice of site – agriculture: Paragraph 112 of the National Planning Policy Framework seeks to protect best and most versatile agricultural land and expresses a preference for use of poorer in preference to higher quality land where significant areas are affected by a development. Some residents have objected that good quality land would be taken out of agricultural production. The land within the site has been in pasture for many years and, although not within a flood plain, it suffers from poor drainage and it is reasonable to assume that a significant proportion of the land within the site is of subgrade 3a best and most versatile quality. The proposals would involve reintroducing sheep to the operational solar park site. Grazing is advocated for solar PV sites in the Government's low carbon and renewable energy and there are many examples of this being successfully implemented and managed across Europe and the UK. Full agricultural use would be returned at the end of the operational lifespan.
- 6.2.4 The proposed method for emplacing the solar panel frames would involve auger drilling without the use of any concrete foundations. Concrete surfaces within the site would be limited to the bases of the proposed inverters and the substation and would occupy less than 1% of the total site area. Such surfaces would all be removed at the end of the design life of the site. The proposed track would be formed by treating in-situ soil with a bonding agent to create a firm but permeable surface. This would be ploughed / broken up at the end of the design life where it would biodegrade and revert to soil. In responding to other recent solar park schemes in Shropshire Natural England has recognised that solar parks are a 'soft' use not entailing a permanent loss of agricultural land.
- 6.2.5 The proposals would also support the economic viability of the farming business, ensuring its longevity and progression as a local employer. Furthermore, it is intended to stock the site margins with a wildflower seed mix which would provide a source of food for pollinating insects, benefiting other agricultural areas. A landscaping condition covering this matter has been recommended in appendix 1. In view of this it is considered that the proposals can be accepted with respect to agricultural considerations.
- 6.2.6 Choice of site – conclusion: Notwithstanding section 98 of the NPPF it is considered that the justification for this location of the proposed development is capable of being accepted in principle, provided there would be no other unacceptably adverse land use impacts and relevant AONB policy tests can be met.

6.2.7 Climate change and economic benefits: The proposed facility would generate 6.5 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 1890 homes. Over the lifetime of the facility over 87,750 tonnes of Carbon Dioxide emissions would be saved, assuming the UK's current average energy generation mix. This is compliant with section 97 of the NPPF and related policies and guidance, including strategic objective 9 of the Core Strategy. Friends of the Earth have supported other solar photovoltaic developments in Shropshire as preferable to other forms of renewable energy such as large scale biomass burning. This message is reiterated for the current application by Church Stretton Climate Change. Solar installations reduce the dependence of local economies on energy imports. The installation and maintenance of these facilities can also generally be provided by local workers. The proposals are also capable of contributing in principle to the sustainability of rural communities by bringing local economic and community benefits, including through farm diversification and delivering sustainable economic growth and prosperous communities. (Core Strategy Policies CS5 and CS13).

6.3 Environmental considerations:

6.3.1 Landscape and visual impact: The site is located within the Shropshire Hills AONB, a nationally designated landscape which is afforded the strongest policy protection by the NPPF (para 116). A Landscape and Visual Impact Assessment (LVIA) has undertaken a comprehensive appraisal of 50 surrounding viewpoints and finds that that the site is extremely well screened by intervening ridges and surrounding vegetation. It is stated that by retaining and enhancing the hedgerow structure, the traditional, well wooded appearance of the valley farming landscape will be maintained, and most of the potential long distance views into the site can be fully occluded. Views into the site from public rights of way are possible but these locations are immediately adjacent to the site itself. Additional planting is proposed to further enhance this containment. The amenity of key public views from highly popular and well trodden beauty spots would be protected; and whilst there would be some harm to the close range outlook from some of the public rights of way immediately adjacent to the site, the proposed development would not affect their rural amenity. The LVIA concludes that the combined visual effects of the proposed solar farm constitute a slight adverse visual impact upon the landscape as a whole. It is stated that this is not at a level that will cause material harm to the AONB. The LVIA concludes that the limited harm will be substantially outweighed by the climate change, ecological and other, benefits offered by the solar park.

6.3.3 This conclusion has been challenged by objectors including the AONB Partnership and Natural England who specifically refer to two locations where it is claimed that there will be a significant impact. Flounders Folly is located on elevated land at Callow Hill 3.6km to the south. The Shropshire Way long distance public footpath passes 50m to the east of the site at its closest, travelling in a north-westerly direction. The applicant's landscape consultant has responded to these comments. The following remarks are made:

The assessment of Moderate applies to the top of Flounder's Folly while the assessment of Low applies to the ridge of Callowhill Plantation itself. The view at

the base of the tower is less panoramic or entire, easier to ameliorate and also temporary. A viewpoint close to the base of the tower was chosen because the tower is of limited access to the public..... Given that all of the other VR locations are in public locations that are wholly public and not only accessible during managed opening times, I consider that an assessment of Moderate Impact upon the view from Flounder's Folly to be exaggerated rather than not sufficiently severe. I think the report makes it clear that the LVIA assesses exhaustively 'all of the public views' that can be acquired. The fact remains that within a potential visual envelope of several square miles, the site is only visible from two public locations, and one of those is temporary (or only accessible via the Flounder's Folly Trust's open days)....VR34 Callowhill / Flounders Folly. The moderate component of which can only be accessed on selected high days and holidays and so far distant from the solar farm site that it requires good to excellent visibility to obtain it. VR17 'A point on the Shropshire Way', and furthermore, a comparatively low-use section based upon my experience, where I found the upland routes to be many, many times busier with walkers and riders. I do not accept that these two Moderate views (the top of the tower and the point on the Shropshire Way) can be argued to detract from the wider consideration that the proposed development is elsewhere invisible once the effects of mitigation are taken in to account. I dispute Phil Holden's comment that a large number of VR locations has been employed to 'multiply down' the significance of these two permanent public or semi-public views. LVIA is a qualitative and not a quantitative assessment. The extent, quality, distance, scale and availability of the impacted views do not justify a more negative impact in the consideration of the visual effects upon the landscape as a whole.

- 6.3.4 Natural England has advised that 75mm photomontages should be provided in order to properly define visual impact from Flounders Folly and the Shropshire Way. The applicant's landscape consultant has however advised that the Landscape Institute's specifies 50mm and the LVIA follows this recognised good practice. Officers consider that the photomontages provided in the LVIA give a representative picture of the visual impact which matches and exceeds that of other recent industry compliant LVIA's received by the Authority. Given the limited scale and appearance of the site within the supplied photomontages it is not considered that requiring the applicant to provide additional 75mm photomontages would be justified. The LVIA significantly exceeds the number of survey viewpoints undertaken in for other recent solar park schemes considered by the Council.
- 6.3.5 Natural England has also suggested that additional planting could be undertaken between the Shropshire Way and the site. The applicant's landscape consultant has responded that the land is not within the ownership of the applicant and that this is not necessary in terms of visual impact given the conclusions of the LVIA. Officers have reviewed this suggestion and consider that imposing a requirement for additional off-site planting beyond that which is proposed would not meet relevant legal tests.
- 6.3.6 The AONB Partnership has remarked that even where a site is not highly visible there is a need to protect the intrinsic quality of the landscape. This is one reason why the nationally adopted methodology separates out the assessment of landscape and visual effects. There is no public access to the current site and

limited visibility, but the intrinsic quality of this landscape within the AONB is high. However, the applicant is not intending to remove any mature vegetation to facilitate the development. Instead, a comprehensive landscaping scheme is proposed to strengthen existing boundary vegetation. A wildflower seed mix would be employed to increase biodiversity and this would be supported by a habitat management plan. Whilst there would be some loss of intrinsic landscape quality from development of the site it is considered this would not be sufficient to justify planning refusal when the above mitigation measures and the renewable energy benefits of the scheme are taken into account.

- 6.3.7 Visual impact – glint and glare: In terms of glint and glare this can potentially occur in the summer when the sun is low and the sky is clear. However, there are no properties or sensitive viewpoints to the immediate south of the site in orientations which could potentially be affected. Peripheral vegetation would be retained and additional proposed planting would become established during the operational life of the site. It is considered that that there would not be any unacceptable glint and glare effects when available mitigation measures are taken into account.
- 6.3.8 Visual impact – conclusion: The LVIA produced by the applicant is considered to be comprehensive and fully compliant with relevant methodology. It is considered that the photovoltaic panels have been positioned sensitively so as to limit their visual impact on the surrounding landscape and would not represent an unacceptable visual intrusion in terms of their scale and design (NPPF s28). The site benefits from a high degree of visual containment. There would be some adverse impacts on footpaths near to the site but these would be minor, reversible, localised and further attenuated by the proposed landscaping measures. The longer distance view from Flounders Folly has been assessed. It is considered that the supplied visual information supports the conclusion that the site would represent a very minor component of a wider panorama as seen from vicinity of the folly, which it is understood is open for public access on a limited number of days. It is concluded on balance that the majority of visual impacts of the proposals would be minor. Some moderate impacts from footpaths in the immediate vicinity of the site would be capable of mitigation through the proposed landscaping works. Whilst the objections on visual grounds of some consultees are noted, it is not considered that refusal on the grounds of landscape and visual impacts would be justified when the renewable energy and climate change benefits of the proposals and available mitigation measures are taken into account. (Core Strategy Policy CS5, CS6, CS17; NPPF s98, s116)
- 6.3.9 Heritage appraisal: Section 128 of the NPPF advises that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. An archaeological appraisal concludes that development of the site would not lead to any harm to known heritage assets, either physically, or through alteration to settings. The potential for survival of currently unknown archaeological remains within the site is considered to be low. Historic Environment has not objected subject to an archaeological watching brief condition, which has

been incorporated in Appendix 1. It is concluded that the site is compliant with relevant heritage policies and guidance. (NPPF s128; Core Strategy Policy CS17).

6.4 Noise:

6.4.1 A condition requiring the submission of a Construction Management Plan has been recommended in Appendix 1 and this would control hours of operation and noise limits. It is not considered however that there would be any significant noise or vibration impacts within the 4 month construction period. The site is remote from residential properties. The proposed access route passes closer to a number of properties but construction traffic during the 4 month construction period would be closely managed under a construction management plan and would be similar in nature to agricultural traffic which uses the route. The only noise source during the operational phase would be the inverter extraction fans which do not work at night when the panels are not generating electricity. Public Protection has not commented on the proposals but has not objected to other similar recent solar photovoltaic proposals which are nearer to residential property.

6.4.2 The applicant has not submitted a detailed noise assessment to accompany the application. Available evidence suggests however that a condition limiting inverter noise to 5dB(A) above background at the nearest sensitive properties can be justified as part of a precautionary approach and should be readily achievable in principle. An appropriate condition has been included in appendix 1. With respect to noise from the temporary construction phase it is considered that this is also capable of being controlled by the proposed construction management plan.

6.5 Access / traffic and construction:

6.5.1 Access to the site would be obtained via Henley Lane near its junction with the A49 and then via a track across a small field linking to a track along a disused railway line. A traffic management plan advises that the construction of the solar farm would result in approximately 136 HGV deliveries to the site spread over a 13 week construction period. It is unlikely that, even at the more intense periods of construction activity HGV deliveries would not exceed more than 7 per day. Deliveries to the site for construction would include both HGV's and LGV's related to the type of equipment and payload. Highway officers have not objected but have recommended that consideration is given to transferring site components into smaller loads in order to negotiate Henley Lane. The construction phase and associated traffic would be managed under the terms of a construction management plan and an appropriate condition requiring confirmation of transfer arrangements has been recommended in Appendix 1. Subject to this it is concluded that the proposals can be accepted in relation to highway and access considerations. Core Strategy Policy CS5, CS6, CS7, CS8).

6.5.3 The proposed hours of working during the construction phase would be 7am - 6pm Monday to Friday and 8am - 1pm on Saturdays. An appropriate control has been recommended in Appendix 1 as part of a construction management plan condition. It is concluded that subject to the recommended conditions, construction works are capable of being controlled acceptably to minimise the possibility of adverse

impacts on the public highway (Core Strategy CS7, CS8) and residential amenities (CS5, CS6).

6.6 Ecology:

- 6.6.1 An ecology report advises that the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species. The Application Site comprises open, grazed, improved and marshy grassland bordered by further grassland, mature trees, hedgerows and an abandoned railway line to the north. The ecological value of the site overall is considered to be low. It does not form part of any statutory or non-statutory designated site and no protected or notable species were observed during survey. Precautionary measures are recommended to protect habitats and species during the construction phase of the development, including Reasonable Avoidance Measures for reptiles and amphibians. Boundary hedgerows, field margins and hedgerow trees would be predominantly retained as part of the proposed development and appropriate buffers applied within the project design. Other proposed mitigation and enhancement measures include the planting of native species hedgerows, and the installation of bird and bat boxes. The report advises that implementation of these measures will lead to a net biodiversity gain at a local level. The report concludes that with appropriate layout and design measures in place, it is considered that adverse effects on protected / notable species and habitats can be avoided.
- 6.6.2 The Council's Ecology section initially lodged a holding objection based on concerns about the potential to affect Great Crested Newts (GCN). A DNA survey of two nearby ponds indicates the presence of this protected species. Additional concerns are expressed regarding the potential for vehicles using the access route to impact on a Wildlife Site which this route passes through. These concerns are also raised by the Shropshire Wildlife Trust.
- 6.6.3 Subsequent discussions have led to a proposal by the applicant that a detailed GCN Method Statement should apply in place of the Reasonable Avoidance Measures, in order to protect GCN during the temporary construction period. Officers are aware of recent examples of this in similar circumstances at other Shropshire sites. The Method Statement would adopt 'worst case' precautionary measures to ensure that there would be no adverse impact on GCN. This would include a stand-off area from the railway embankment which offers potential hibernation opportunities. No development shall occur within this area unless searches by a newt expert have confirmed an absence of GCN. If GCN are identified within the stand-off area then it is likely that a licence would be required from Natural England before any development could proceed in such areas. The proposed wildflower seed mix and presence of steel supports from the solar arrays should provide an overall improvement in GCN habitat and refuge opportunities relative to the current situation. The Council's Ecologist has withdrawn the holding objection on this basis and an appropriate condition has been recommended in Appendix 1.

6.6.5 With respect to the wildlife Site the applicant has confirmed that the access route along the disused railway is an historical access route which is widely used by agricultural traffic. The applicant is now proposing to transfer HGV loads into smaller tractor and trailers to obtain access to the site and this traffic is equivalent in size to existing agricultural traffic. There would be a peak of up to 7 movements per day during the 4 month construction period, but this traffic would be closely managed under a construction management plan. It is understood that the route would be capable in principle of generating equivalent peaks under normal agricultural usage. When the construction period ends the level of traffic would be less than existing due to reduced requirements for fertilizer and lime application. No additional removal of vegetation or other disturbance adjacent to the route would be required in order to facilitate the development. The applicant has confirmed that the less-used portion of track parallel to the eastern half of the site would not be used for access and this confirmation has been incorporated formally as part of the application. On this basis the Council's ecologist is now satisfied that the access proposals would not impact adversely on the Wildlife Site.

6.6.6 Appropriate conditions and advisory notes covering ecology have been recommended in Appendix 1. This includes the requirement for submission and prior approval of a detailed GCN Method Statement. Subject to this it is concluded that the proposals can be accepted in relation to ecological considerations. (Core Strategy CS17).

6.7 Drainage / hydrology

6.7.1 A Flood Risk Assessment (FRA) advises that the site is located in Flood Zone 1 therefore at low probability of flooding from fluvial sources. Areas in the eastern half of the site are at risk from surface water flooding. Development in this area has been designed to be raised above the expected flood level and critical infrastructure has been placed outside of the higher risk zones. The majority of infrastructure will be located at least 8m away from the nearest watercourse or on development platform above the expected flood level. The FRA advises that the existing surface water regime would not be affected by the proposed development. The Council's drainage team has not objected to the proposals. It is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

6.8 Timescale and decommissioning:

6.8.1 Current solar photovoltaic arrays have a design life of approximately 25-30 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to normal agricultural use, as stated in the application. This would ensure that arable productive capacity is protected (NPPF s112) and the sense of openness of the countryside in this area is not permanently affected. An appropriate condition covering decommissioning has been recommended in Appendix 1.

6.9 AONB

- 6.9.1 The National Planning Policy Framework states that the strongest possible protection shall be afforded to AONB's and requires that exceptional circumstances are met for major development within their boundaries. Paragraph 116 states that 'planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 6.9.2 The AONB Partnership contends that the development is major development and subject to the above tests. This however is queried by the Trustees of Stretton Climate Care who point out that the site is of comparatively small scale in terms of its height, largely screened by landscape features, there is continuing agricultural use and it is just into the mid-sized category of solar farms so should not be viewed as a major proposal. Officers consider that the proposals sit just above the threshold for a major development, but remain relatively small-scale, well screened and reversible. Whilst therefore the tests should apply, account should also be taken of the above factors.
- 6.9.3 AONBs make up 15% of all the land area in England and Wales. As such they cannot reasonably be exempted from the need to provide sustainable energy for use within their own bounds. The AONB Management Plan acknowledges this: "We need to play our part in shifting to a low carbon economy and way of life, conserving energy and developing appropriate small-scale renewables." ; "The local production of renewable energy should be increased, but in ways compatible with the AONB." "...seeking to limit or prevent wind energy to "encourage the focus nationally of wind energy development outside protected landscapes, and for proactive work on more compatible forms of renewables in the AONB." [p31/32]. It is therefore necessary to identify such 'compatible' forms of renewable energy.
- 6.9.4 AONB Need: With respect to the first test, need for the development, it is considered that there is strong national and local policy support for the development of renewable energy schemes where there would be no unacceptably adverse impacts. If the scheme was not developed then there would be a loss of investment and the potential to support the local farming economy. The ability of the local area to contribute to local and national renewable energy and climate change targets and objectives would also be lost. It is considered therefore that the first test can be met.
- 6.9.5 AONB – developing elsewhere: With respect to the second test, the cost of, and scope for, developing elsewhere, it is recognised that solar farm sites can only be

developed where a suitable combination of circumstances exists. This includes an ability to connect to the national grid, suitable access, a willing landowner, a suitable field area and an ability to comply with other relevant environmental considerations. The applicant undertook a comprehensive search of potential sites before deciding to progress the current scheme. The conclusion was that there are no less sensitive sites in the local area. Alternative forms of renewable energy such as wind energy would potentially have a much greater impact on the AONB. If the current site were not to proceed it is considered that the opportunity to utilise the existing grid connection to develop a renewable energy scheme would be lost. It is considered therefore that the second test can in principle be met.

6.9.6 AONB – environmental effects: With regard to the third test, the extent of environmental impacts and available mitigation measures it is considered that whilst located within the AONB, the site has been well chosen. The landscape and visual appraisal supports the conclusion that the visual impact of the scheme would be minor and outweighed by the renewable energy benefits once available mitigation measures are taken into account. This conclusion is supported by the absence of objection from heritage consultees. The LVIA advises that the site is located in a hilly landscape and benefits from excellent visual containment. A comprehensive assessment of potential viewpoints in the surrounding area finds limited views and low effects for publicly accessible viewpoints in the area surrounding the site. Medium effects are only predicted in the immediate vicinity of the site and would be mitigated by proposed landscaping. As such, and given also its limited scale, it is considered that this site represents a potentially 'compatible' form of renewable energy development in the terms of the AONB Management Plan being one of the most discreet and least visually intrusive forms of renewable energy development and benefiting from existing electrical infrastructure.

6.9.7 The other effects of the proposals have been assessed and there are no outstanding objections from technical consultees. A comprehensive schedule of planning conditions has been recommended in Appendix 1 and would provide additional reassurance regarding the ability to control any environmental effects of the proposals within acceptable limits. It is considered that the landscaping proposals have the potential to deliver ecological improvements relative to the current situation. Whilst not essential to deliver a sustainable scheme it is also concluded that the proposed betterment scheme would provide benefits to the local area in terms of education and provision of a renewable energy supply for the Acton Scott visitor centre. It is concluded that there would be no unacceptably adverse effects once mitigation is taken into account and that the benefits of the proposals outweigh any potential impacts. The third and final test is therefore met.

6.10 Other matters:

6.10.1 Community benefits: A package of community benefits has been put forward voluntarily by the applicant and equates to £5700 per installed megawatt. This would be delivered by a legal agreement (unilateral undertakings) which the applicant has agreed in principle with the Acton Scott visitor centre and Parish Council. The package comprises three elements:

- A commitment to establish a 20KW scheme on the side of an agricultural building adjacent to the visitor centre to deliver renewable energy with proceeds going to the visitor centre and the Parish Council;
- Installation of a smaller demonstration solar panel at the visitor centre with a real time display of energy generated;
- Construction of a viewing area of the proposed solar park in an area accessible to footpaths leading from the visitor centre.

6.10.2 The landowner is also Chair of the Parish Council. The legal agreement by the (Unilateral Undertaking) by the applicant includes a commitment that the landowner should not vote on the community uses to which any monies are put. The level of community betterment being offered is consistent with that delivered or being discussed with respect to other Shropshire solar park schemes. Whilst the community betterment funding is not considered essential in order to deliver a sustainable development it is considered to support the overall NPPF objective of facilitating social sustainability and is therefore to be welcomed.

6.10.3 CCTV and privacy: The applicant has confirmed that CCTV would be positioned and designed appropriately to avoid any privacy issues with the nearest properties. An appropriate condition requiring prior approval of CCTV specifications has been recommended.

6.10.4 Recent Government statement: Objectors have referred to recent ministerial statements from DECC establishing a general preference towards the use of brownfield sites for solar photovoltaic schemes. It is understood that one of the concerns of Government in this respect is the relatively high proportion of the available renewables subsidy budget which is currently directed towards greenfield solar schemes. These statements are noted, but do not alter adopted planning guidance set out in the NPPF and the associated low carbon and renewable energy guide and referred to in section 10 of this report. In this respect the NPPF required (s98) that if the effects of a renewable energy scheme are or can be made acceptable then the development should be approved. It should also be recognised that Shropshire is a predominantly rural county and there is insufficient suitable brownfield land with suitable power connection potential and sufficiently remote from residential properties to deliver the progress in renewable development expected by policies and guidance.

7.0 CONCLUSION

7.1 With regard to energy efficiency and climate change, the proposals would contribute to the diversity of sources of energy supply and hence the security of supply and would therefore be consistent with the objectives of the national energy strategy. The proposal would make a valuable contribution to cutting greenhouse gas emissions in accordance with Section 10 and Paragraph 98 of the NPPF and strategic objective 9 of the Core Strategy. The proposals would also provide an additional revenue stream for the estate, providing cost savings and a diversified income that would help to ensure the longevity of the associated farming business and retention of existing jobs.

7.2 It is considered that the proposed development would not give rise to unacceptably adverse impacts on the environment within the AONB, local amenities or other interests of acknowledged importance in particular with regard to visual impact / landscaping, amenity, ecology, hydrology, archaeology, drainage, agriculture, access and traffic. This is provided appropriate conditions are imposed, including the requirement for a construction management plan and decommissioning at the end of the design life. Subject to this, the proposal is in general accordance with the development plan. The applicant has also offered voluntarily to provide benefits to the local community and these are to be welcomed.

7.3 The NPPF advises that the production of renewable energy is a major material consideration and that sustainable development proposals which accord with the development plan should be approved without delay. It is concluded that the proposal can be accepted, subject to the recommended conditions.

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:

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

10.0 BACKGROUND:

10.1 Relevant guidance

National Planning Policy Framework (NPPF) (DCLG – July 2011)

10.1.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012. The Framework replaces most former planning policy statements and guidance notes and is a key part of Government reforms to make the planning system less complex and more accessible. The NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can be approved without delay. One of the core planning principles is to 'support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy)'. The NPPF expands further on this principle in paragraph 97: "To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative and visual impacts;
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- Support community-led initiatives for renewable and low carbon energy, including developments outside areas that are being taken forward through neighbourhood planning; and
- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 advises that when determining planning applications, local planning authorities should:

- Not require applicants for energy developments to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application if its impacts are (or can be made) acceptable...”

10.2 Relevant planning policies:

10.2.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth during the period to 2026. The strategy states, “Shropshire will be recognised as a leader in responding to climate change. New development which has taken place within Shropshire will be acknowledged by others as being of high quality sustainable design and construction that promotes safer communities, is respectful of local character, and planned to mitigate, and adapt to, the impacts of climate change.”

10.2.2 The Core Strategy has 12 strategic objectives, the most relevant is Objective 9 which aims “To promote a low carbon Shropshire delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management”. Policies of relevance include:

Policy CS5 - Countryside and the Green Belt:

New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:

- Small-scale new economic development diversifying the rural economy, including farm diversification schemes;
- Dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and Policies CS11 and CS12;

With regard to the above two types of development, applicants will be required to demonstrate the need and benefit for the development proposed.

Policy CS6 - Sustainable Design and Development Principles

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment, which respects and enhances local distinctiveness and which mitigates and adapts to climate change. And ensuring that all development:

- Is designed...to respond to the challenge of climate change
- Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking

into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate

- Makes the most effective use of land and safeguards natural resources including high quality agricultural land.

Policy CS8 – Infrastructure provision positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

Policy CS13 Economic Development, Enterprise & Employment - recognises the importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular it focusses on areas of economic activity associated with agricultural and farm diversification.

Policy CS17 - Environmental Networks seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

10.3 The Shropshire and Telford and Wrekin Joint Structure Plan There are no relevant saved policies in this plan.

10.4 Shrewsbury and Atcham Local Plan - The site is not affected by any other specific designations in this Plan. Formerly relevant policies have been superseded by the Core Strategy.

10.5 Site Management and Allocation of Development Document (SAMDEV) – The site is not subject to any specific designations within the emerging SAMDEV. Draft policies are being prepared. Whilst these cannot yet be accorded any weight it is considered that the proposals are in general compliance with the objectives of this emerging planning policy.

10.6 Other Relevant Guidance

10.6.1 The UK Renewable Energy Strategy (July 2009) - The UK Government published the Renewable Energy Strategy in July 2009. The strategy explains how it intends to “radically increase our use of renewable electricity, heat and transport”. It recognises that we have a legally binding commitment to achieve almost a seven-fold increase in the share of renewables in order to reach our 15 target by 2020. It suggests that the amount of electricity produced from renewables should increase from 5.5 to 30 .

10.6.2 Planning practice guidance for renewable and low carbon energy (DCLG, companion guide to the NPPF). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice is provided specifically with regard to the large scale ground-mounted solar photovoltaic farms:

‘The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact

of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- *Encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;*
- *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use ;*
- *The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *The need for, and impact of, security measures such as lights and fencing;*
- *Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *The energy generating potential, which can vary for a number of reasons including, latitude and aspect’.*

11.0 RELEVANT PLANNING HISTORY:

- 11.1 A significant number of planning applications have been granted with respect to development at the adjacent agricultural buildings within the past 10 years, including the erection of potato storage buildings (09/02004/FUL; 09/0205/FUL) and a nearby in vessel composting facility (NS/03/00700/DEEM). No applications relate directly to the current application site.

12.0 Additional Information

List of Background Papers: Planning application reference 13/02579/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Cecilia Motley, Corvedale
Appendices: Appendix 1 – Conditions.

APPENDIX 1

CONDITIONS

Commencement of Development

1. The development hereby approved shall be commenced within 3 years of the date of this permission. Such date shall be referred to hereinafter as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 and in recognition of the part-retrospective nature of the development.

Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with:-
 - i. The application form dated 20th June 2014 and the accompanying planning statement;
 - ii. The supporting documents and appendices, namely:
 - Planning Statement;
 - Habitat Management Plan, Avian Ecology 25th June 2014;
 - Construction Traffic Management Plan, Peter Brett, June 2014;
 - Heritage Desk-Based Assessment, Cotswold Archaeology, May 2014;
 - Landscape and Visual Impact Assessment, Cordle Design;
 - Flood Risk Assessment, Peter Brett, July 2014;
 - Surface Water Management Document;
 - Maintenance Statement;
 - Statement of Community Involvement.
 - iii. The permitted plans accompanying the application comprising:
 - Construction access and maintenance access routes (red line location plan);
 - Site Plan and Solar Details (by PerPetum);
 - iv. The further information submitted in support of the proposals, namely:
 - Wood Acton visual appraisal;
 - Glint and Glare Statement;
 - Deer netting specifications;
 - Ground mounted layout;
 - Letter from applicant to Acton Scott Parish Council (5/08/14);
 - PowerCem track specification document;

- Response to Natural England's comments. David Maddox Associates. (25/09/14);
- Letter from Bloombridge to Shropshire Council (24/09/14).

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Construction access and maintenance access routes), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Construction Management Plan

4. Construction works shall be managed strictly in accordance with the provisions of the Construction Management Plan from Peter Brett Associates dated June 2014.

Reason: In the interests of highway safety and to protect the amenities of the area during the construction phase.

Note: Appropriate advice should be obtained from a soil scientist to prevent damage to the soil resource during the construction phase.

Access

5. The sole access to the site during the construction and throughout the subsequent operational phase shall be by means of the route shown on the approved location plan reference 'Construction access and maintenance access routes'.

Reason: In the interests of highway safety and to protect the amenities of the area.

Landscaping

- 6a. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with the details shown on the approved landscaping plan reference SA11528/01.
- b. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.

Reason: To provide effective containment of the Site in the interests of visual amenity and to allow for a review of screening requirements following the erection of the solar arrays.

Note: Trees and shrubs proposed for planting should comprise native species of local provenance.

7. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including weeding and replacement of failures

Reason: To secure establishment of the landscaped area in the interests of visual amenity and ecology.

Arboriculture

8. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the Local Planning Authority Tree Officer. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work is carried out in such a manner as to safeguard existing trees and hence to protect the amenities of the local area.

Ecology

- 9a. A scheme investigating the potential to provide a wildflower seed-mix along the field margin edges surrounding the site shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. The scheme shall be implemented in accordance with the approved details.
- b. A scheme providing for a badger gate through the proposed security fencing shall be submitted for the approval of the Local Planning Authority prior to the commencement date.

Reason: To enhance overall levels of biodiversity within the site (9a) and to ensure that Badger foraging habitat is not adversely affected by the erection of the proposed security fencing (9b). Shropshire Core Strategy Policy CS17.

10. Work shall be carried out strictly in accordance with the Method Statement – Reasonable Avoidance Measures by Avian Ecology dated October 2014.

Reason: To ensure the protection of great crested newts, a European Protected Species

11. Prior to construction commencing details of 10 bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

Reason: To ensure the provision of roosting opportunities for bats, which are European Protected Species

12. The Habitat Management Plan dated August 2014 shall be implemented in full unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

Notes:

- i. *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. Operations shall be managed to avoid the need to commence work affecting vegetation in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.*
- ii. *All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended). If a live bat should be discovered on site at any point during the development then work must halt and Natural England should be contacted for advice.*
- iii. *Great Crested Newts are protected under the European Council Directive of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (known as the Habitats Directive 1992), the Conservation of Habitats and Species Regulations 2010 and under the Wildlife & Countryside Act 1981 (as amended). If a Great Crested Newt is discovered on the site at any time then all work must halt and Natural England should be contacted for advice.*
- iv. *It is recommended that species-rich grassland is created in association with low-growing native scrub planting on the site boundaries, incorporating species of value to wildlife (and of local provenance) where possible. If deemed practicable, the sowing of shade tolerant grassland is also recommended within the solar park itself in order to further enhance the biodiversity of the local area.*
- v. *Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped*

board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Fencing and CCTV

- 10a. Notwithstanding the general CCTV details shown on the approved site layout plan a scheme providing the exact details of CCTV camera design and viewing areas shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. CCTV cameras shall be designed and oriented so as to avoid any views directly towards the nearest properties.
- b. Fencing shall be strictly in accordance with the details shown on the approved site layout plan (Site Plan and Solar Details) and to a colour which shall be subject to the prior approval in writing of the Local Planning Authority.

Reason: In the interests of privacy (CCTV) and visual amenity (fencing).

Note: CCTV should be oriented away from public footpaths and cowlings should be fitted where appropriate to avoid any privacy issues.

Drainage

11. There shall be no new structures (including gates, walls and fences) or raising of ground levels within 6metres of the top of bank of any watercourse inside or along the boundary of the site.

Reason: To prevent any impact on flood flows and flood risk elsewhere.

Notes:

- i. *For the transformer installation, the applicant should consider employing measures such as the following: Surface water soakaways; Water Butts; Rainwater harvesting system; Permeable surfacing on any new driveway, parking area/ paved area; Greywater recycling system.*
- ii. *The site is at risk of groundwater flooding. The applicant should bear this in mind when excavating for the foundations.*
- iii. *The watercourses present within the development site require a 3m wide easement from the top of each watercourse bank for maintenance purposes.*

Archaeology

12. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work that makes provision for a limited programme of trial trenching and watching briefs in areas of significant ground disturbance that should be in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works.

Reason: To allow any potential archaeological interest within the site to be properly assessed.

Noise

13. The site shall be designed to avoid the possibility of noise attributable to the development exceeding a level of 5dBA above existing background noise at the ground floor level of any existing property.

Reason: In the interests of residential amenity.

Amenity complaints procedure

14. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:

- i. Investigation of the complaint;
- ii. Reporting the results of the investigation to the Local Planning Authority;
- iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

Final decommissioning

- 15a. No re-placement of any solar panels within the Site at the end of their planned design life shall take place under the terms of this permission.
- b. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within one year of the end of their design life and the Site shall be reinstated as an agricultural field. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

Reason: To allow the site to be reinstated to an agricultural field capable of full productivity at the end of the planned design life of the development and to afford the Local Planning Authority the opportunity to record and monitor decommissioning.

Note: The typical design life of modern solar panels is up to 25 years. Any proposal to re-power the Site at the end of its planned design life would need to be the subject to a

separate planning approval at the appropriate time.

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Committee and date

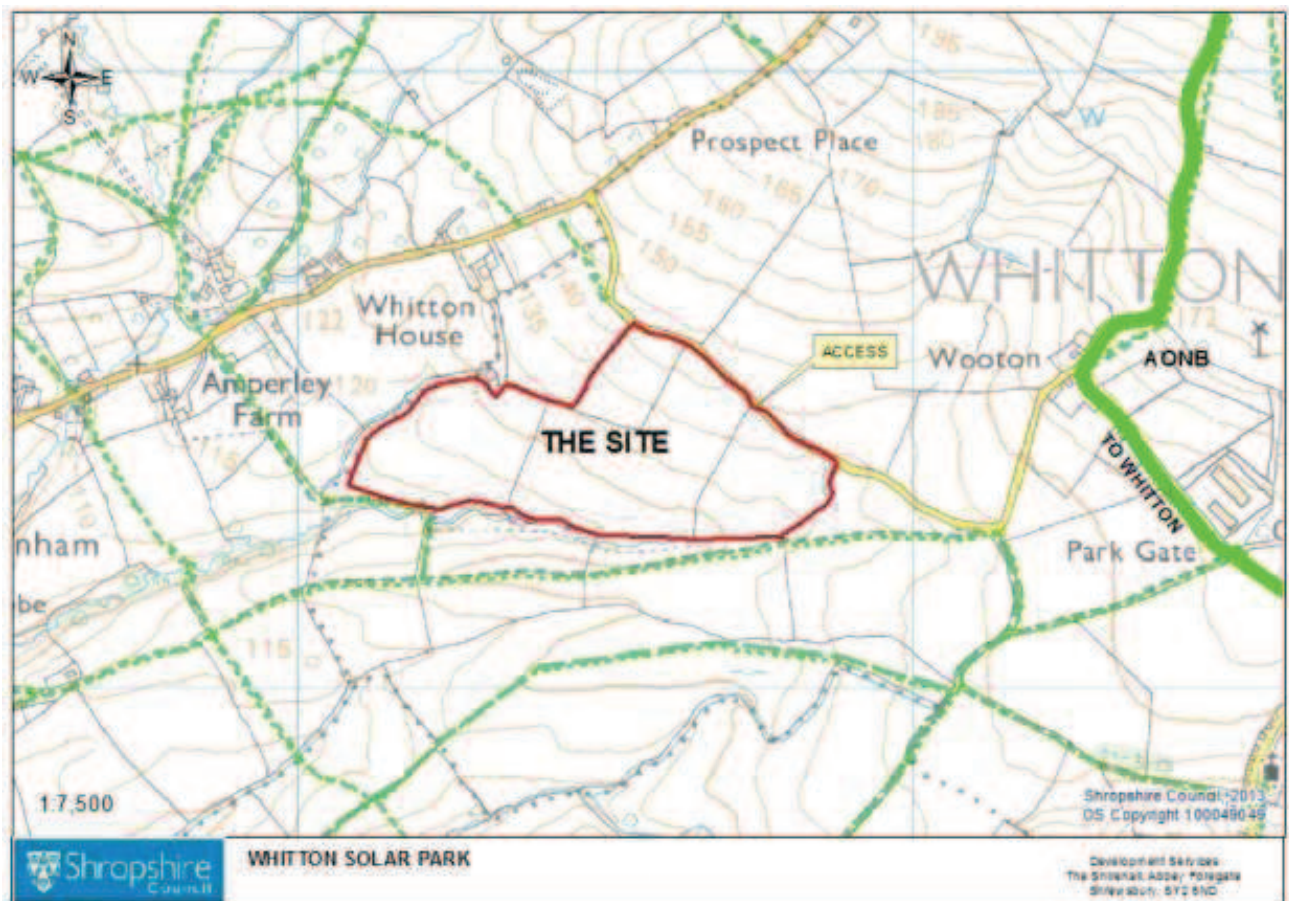
South Planning Committee

14 October 2014

Development Management Report

Summary of Application

<u>Application Number:</u> 14/02873/FUL	<u>Parish:</u>	Adj. to Caynham PC
<u>Proposal:</u> Erection of ground mounted solar farm along with associated infrastructure, landscaping and ancillary structures on agricultural land		
<u>Site Address:</u> Land at Whitton, Caynham, Shropshire		
<u>Applicant:</u> EBS Energy LLP		
<u>Case Officer:</u> Grahame French	<u>email:</u> planningdmc@shropshire.gov.uk	



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

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

The authority worked with the applicant in a positive and pro-active manner in order to seek solutions to problems arising in the processing of the planning application. This is in accordance with the advice of the Government's Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant was provided with formal pre-application advice by the authority and has provided further clarification in response to issues raised during the planning consultation process. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended conditions.

REPORT**1.0 THE PROPOSAL**

- 1.1 The applicant is proposing to establish a solar photovoltaic (PV) park on 17.4 hectares of pasture farmland at Whitton. The proposed facility would generate up to 8.6 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 2,500 homes. Following construction, the site would be seeded with an appropriate grassland mix and would become available for grazing. Construction would take 4 months. The site would have an operational life of approximately 25 years, after which it would be decommissioned and arable potential would be reinstated.
- 1.2 The solar park would consist of approximately 44,000 individual photovoltaic panels measuring 1.7m by 1m. These would be mounted on frames and laid out in rows running from east to west across the site. They would be oriented south and angled at 25 degrees to the horizontal with a maximum height of 2.2m (minimum 0.8m). The mounting frames would be matt finished galvanised steel with 200mm diameter steel posts. The posts for the panel frames would be driven into the ground up to a depth of 1.5m.
- 1.3 The proposed development will require the construction of five inverter and transformer kiosks in order to convert the electricity to a form suitable for export to the electricity distribution network at the appropriate voltage. The inverters convert solar energy from Direct Current (DC) to Alternating Current (AC) and would sit on concrete bases to ensure stability. The kiosks would be pre-fabricated structures with a matt dark green finish measuring 6.1 metres long, 2.4 metres wide and 2.6 metres high (from ground level) and mounted on metal legs to raise the kiosks off the ground. The applicant has applied to the network operator Western Power Distribution for preliminary connection information, and it has been confirmed an on-site connection is feasible.
- 1.4 Switch gear would be located within a purpose built substation that is designed in accordance with Western Power Distribution's standard specification. This would be constructed with a pitched roof and would be 11.7 metres long by 5.7 metres

wide with a 1.8 metre by 2 metre lean-to extending from the side elevation that will house the meter.

- 1.5 The fence would be deer fencing with wooden posts at regular intervals. The fence would be constructed inside the agricultural field boundaries. A gap would be retained along the base of the fence to allow small animals access. At regular intervals a small security camera will be positioned at the same height as the top of the security fencing. As a result of community responses regarding the inward-looking CCTV cameras located around the site, EBS Energy will use instead an infra-red photoelectric beam security system which is being widely used on solar farms across the UK as an alternative to CCTV Cameras. An amendment has therefore been made to the Site Layout Plan that shows that all CCTV cameras have been removed and replaced with infra-red photoelectric beam security. This security system emits no visible light, no noise and is considerably less intrusive and less incongruous than CCTV cameras. Furthermore the beam posts will be lower than the panel arrays so will be more discrete than the previously proposed CCTV cameras.
- 1.6 Landscape planting is proposed along the north and west site boundaries. No permanent lighting is proposed. The remaining existing hedgerows to the north and east to be maintained and reinforced / in filled where necessary and allowed to grow to a height of 2.5 metres to 3 metres to provide additional screening of the development from the north and east. Emergency lighting will be provided on the transformer and inverter kiosks as required if emergency maintenance is required in the hours of darkness.
- 1.7 The proposed development would be accessed via an existing field gate entrance located midway along the northern unclassified highway. A temporary marshalling area surfaced in compacted stone would be provided during the construction phase at the existing entrance point, which would be removed immediately upon completion of construction.
- 1.8 The construction phase would result in the temporary generation of construction traffic over a period 10 weeks. The materials would be stored off site and will be transported at phased intervals during the construction period to control vehicle movements so as to mitigate impact on the local highway network. The construction phase would be managed with a construction management plan to determine the timing of deliveries and the proposed route to the development from the principle road network. It is envisaged that there would be 72 deliveries to the marshalling point by in total by articulated vehicles. The most intense period would be likely to equate to 2 HGV deliveries per day (4 individual movements). Wherever possible deliveries of materials would take place between 7am and 6pm Monday to Friday and between 8am and 1pm on Saturdays. There would be no deliveries on Sundays or Bank Holidays.
- 1.9 During the construction phase, a new temporary access would be constructed along the former railway track to the west. This would itself be accessed from Henley Lane across a field in ownership of the applicant. Up to 20 staff would be on site during the construction period, depending on the phases of the construction schedule. It is envisaged that staff trips would be mainly made by private vehicles (LGVs). Once the site was operational, there would be no staff based on the site

although routine twice monthly visits would be required. Following the completion of construction works, all areas subjected to temporary works including any access tracks and other temporary infrastructure would be re-instated to a condition in keeping with the quality of the areas before works had commenced.

- 1.10 After commissioning, there would be around 3 to 4 visits to site per year for maintenance and these would be made by van or 4x4 type vehicles. In addition there will be a need for periodic visits during year moving to sheep on and off the site and for general landscaping and ground maintenance.
- 1.11 No upgrade to the grid network is required for the Proposed Development to connect to the Grid.
- 1.12 Decommissioning: The operational lifespan of the solar park is stated to be 30 years. After this all equipment and tracks would be removed from the site and arable productivity could be resumed.
- 1.13 Community benefits: Whilst not forming an integral part of the current application the applicant has agreed as a separate voluntary commitment to fund the installation of solar panels on the roof of the local school at Ashford Carbonel. These provisions would become due upon first commissioning of the proposed solar park. This would amount to a total value which is equivalent to the level of benefit offered voluntarily by other recent solar park schemes. The applicant is intending to complete a legal agreement (unilateral undertaking) which would deliver these commitments in the context of any planning approval.

2.0 SITE LOCATION / DESCRIPTION

- 2.1 The proposed site is located in a rural situation approximately 1 km to the north-west of the hamlet of Whitton and 1.1km to the east of Caynham (Grid Reference 356500 273400). The site comprises four fields with a combined area of 17.4 hectares which generally slope gently to the south. Land use in the locality is agricultural with fields bounded mainly by banked hedgerows with significant tree cover. There is loose knit development throughout the area including a number of farmsteads, agricultural buildings and residential properties.
- 2.3 The site lies outside of a flood plain and beyond the margins of the Shropshire Hills Area of Outstanding Natural Beauty ('AONB'). There are no Tree Preservation Orders or designated sites. A watercourse is located to the south of the site. A footpath also runs in the field to the south. The country lane between Caynham and Whitton is located to the immediate north. The site is located in a natural fold that lies within an area of undulating landscape with higher ground to the northwest which rises towards Clee Hill and lower ground to the south-east which falls towards the Teme Valley.

3.0 REASONS FOR COMMITTEE DECISION

- 3.1 The application has been referred to the committee by the local member, Richard Huffer, and this decision has been ratified by the Area Development Manager.

4.0 COMMUNITY REPRESENTATIONS

- 4.1i Caynham Parish Council (adjacent parish): Objection. The Environmental Visual Impact to the area of Whitton and Caynham and other areas that can be seen from the proposed site. This industrial type development would have a major adverse impact on the sensitive and traditional nature of the landscape in this part of south Shropshire and would result in the loss of traditionally farmed pasture land. The site borders an area of Natural Outstanding Beauty, the National Monument Caynham Camp and various footpaths which run through the area including the Shropshire Way. There is a potentially serious adverse impact to tourism which is a mainstay of the local economy in the immediate area but also in Ludlow. The development of the solar panels will totally destroy the visual amenity and character of the area not only enjoyed by local residents, but also walkers who regularly use the footpath network and tourists to the area and also riders using the bridleway.
- ii. Environmental Nuisance Noise There is concern that the control units will create a noise nuisance to the local residents in the area some of whom are adjacent to the proposed development. There is also concern about light pollution from the glint and glare from the solar panels during the day and security lighting being triggered at night. The Parish Council also believe that this type of development does not meet Government Policy or the Shropshire Council Core Strategy in relation to the protection of the Countryside and tourism (CS5 and CS16)
(Note: There is no Parish Council in the area of the application site).
- 4.2 Natural England: No objection overall subject to the following comments:
- i. SSSI - No objection – no conditions requested. This application is in close proximity to Cornbrook Dingle Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.
- ii. AONB - No Natural England Comment. The development site is in close proximity to the Shropshire Hills Area of Outstanding Natural Beauty (AONB), a nationally designated landscape. We have assessed the application documents, including the Landscape and Visual Impact Assessment (LVIA), but these do not provide us with enough information on which to base any advice. Natural England is therefore unable to comment on the potential impacts of the proposal on the Shropshire Hills AONB. However, Natural England notes the LVIA has not fully followed the guidelines. In particular, there is no map showing the zone of visual influence and there are no tables detailing the sensitivity of the receptors and magnitude of the impacts. In addition, we are unsure if the view-points chosen are agreed with the local authority and with respect to the AONB if the view point used is representative and adequate to assess the impacts on the AONB.
- iii. Agricultural land - No objection – no conditions requested Under the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV)

agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan. From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 112 of the National Planning Policy Framework). The area of land which will be lost to agriculture for the lifetime of the proposal is 17.4 hectares. It is not clear whether this consists of 'best and most versatile' (BMV) quality land or not as the Planning Statement which accompanies the application explains only that the development site consists of Grade 3 quality land used primarily for grazing. It doesn't distinguish between land of subgrade 3a and 3b quality which means that the proposal may result in the loss of some (BMV) agricultural land for the lifetime of the scheme, albeit less than 20 hectares. The proposed development is unlikely to lead to significant and irreversible long term loss of agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. In the short-term we recognise that it is likely that there will be a loss of potential agricultural production over the whole development area. Your authority should consider whether the proposals involve any smaller scale or temporary losses of BMV agricultural land. Paragraph 112 of the National Planning Policy Framework (NPPF) states that: 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'. Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. We would also advise your authority to consider applying conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

- iv. Other advice - We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape

characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application.

- v. Protected Species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.
 - vi. Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
 - vii. Green Infrastructure potential - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. GI can be designed to maximise the benefits needed for this development. All planning proposals should complement and where possible enhance local distinctiveness, guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.
- 4.3 AONB Partnership: Objection. Though the site lies outside the AONB its closest point is 500m from the AONB's boundary. We do not believe the absence of significant impact on the AONB claimed in the applicants supporting documents has been adequately demonstrated. Aside from this however the development would have a substantial direct impact on a valuable narrow swathe of countryside between the AONB and Ludlow which is valuable to them both. The Shropshire Hills and Ludlow are of great importance to tourism in the county, and throughout

involvement in sustainable tourism in the area we believe that this development could have a detrimental effect.

The AONB Partnership cites Core Strategy Policy CS17 and emerging SAMDEV Policy MD12 in support of their objection.

4.4. Campaign to Protect Rural England: Objection.

i. Landscape, heritage and protected areas:

The applicant makes considerable claims about the suitability of the proposed site but CPRE believes that solar farms should not come at the expense of the countryside. The NPPF supports renewable and low carbon energy where the local environmental impact is acceptable and cautions that solar farms be matched by much greater sensitivity to local environmental impacts. This is a south-facing exposed site – therefore potentially highly visible and have impacts from the ‘stripe’ effect of the oblique panels.

When viewed from publicly accessible vantage points (note the number of footpaths & bridleways either in or close to the 4 fields) the application should avoid harm to landscape character and quality. The geometric, non-agricultural character of this major development will harm both the character and the quality of this tranquil and rural landscape.

Solar farms should not be visible in the wider landscape – yet this site covers 43 acres (17.4ha) of open and undulating Grade 3 pasture land that is on fairly high ground and is surrounded by rural foothills - with higher ground to the NW and the Shropshire Hills Area of Outstanding Natural Beauty boundary only 440m to the lower east of the site.

Ideally solar farms should be located on flat south-facing land, free from shadowing and close to the local energy grid: the local planning authority should ensure that the applicant has fully explored alternative sites further away from the protected landscape

ii. Public amenity:

Solar farms should avoid harm to views from public rights of way and the surroundings of settlements, and not change the experience of users of locally popular rights of way. This application would harm views and would change the experience of both walker & riders.

Solar farms should not be sited where they are overlooked by housing or where they would detract from important views to and from settlements. This site is overlooked by houses and would detract from important views.

iii. Food Production and Land Use:

Solar farms should ideally use brownfield land, avoid using Grades 1, 2 and 3 agricultural land, and should respect local production systems. The fields should maintain a productive grass sward as pasture between the solar arrays... details of sward management and grazing are required.

iv. Planning and the Shropshire Core Strategy

Objective 1...The claim to ‘support the development of sustainable communities’ rings hollow as no evidence of support to anyone but the applicant is noted.

Objective 3...The claim to help ‘rebalance the rural community’ is apparently based on the employment opportunities this development might provide – yet, apart from

a specialised and not local construction gang, solar farms are designed NOT to provide permanent employment as they run themselves.

Objective 6...promote sustainable economic development and growth: this is a 25 year only scheme designed to benefit the applicant – at the expense of both local communities and taxpayers.

Objective 7...Support the development of sustainable tourism and the improvement of farming and agriculture - how? By spoiling the views, lessening tranquillity, changing this from an agricultural setting to an industrial one and by taking up 43 acres of Grade 3 pasture with arrays of man-made solar panels, 5 kiosks, a substation, gravelled tracks and 2m high security fencing?

Objective 10...Promote high quality sustainable design and construction...with an off-the-shelf package of black solar panels, steel supports and ugly utilitarian kiosks and an industrial substation – all of which are man-made and unsuitable to a rural landscape.

Objective 11...Ensure the character, quality and diversity of Shropshire's built, natural and historic environment is protected, enhanced and restored. This is probably the most fanciful claim of all as this application, if approved, will do the exact opposite!

Conditions...should you be minded to consider or approve this application in the open countryside you should also insist on A Landscape and Visual Impact Assessment that includes: Zone of Theoretical Visibility diagrams; photomontages from sensitive view points; and an assessment of the overall impact on biodiversity

- v. Conclusions. This is a commercial and greedy application whose visual impact will be the key factor in assessing the level of acceptability of the proposal. CPRE South Shropshire sides with local opinion of the objectors that there will be no local benefits to the community, no benefits to tourism or visitors, and that the thousands of solar panels covering 43 acres of pasture land will adversely affect the landscape, act as a blot on it from the public footpaths, vantage points, roads and bridleways that no amount of young additional screening will hide, especially during autumn and winter. We urge you not to grant this application.

4.5 English Heritage: We have assessed the impact of the proposed solar farm upon designated heritage assets during site visits made on 24th and 30th July 2014. In this case there will be some impact upon heritage assets, including Caynham Camp, an Iron Age hillfort, due to development within its setting. The hillfort has extensive views over Clee Hill, Brown Clee, Ludlow and the Teme Valley and this siting is evidence of Iron Age peoples relationship with the landscape around them, especially for agricultural, communication and defensive purposes. The relationship with the landscape is significant and we have assessed the impact of the proposed solar farm in that context. In this case our view is that there will be some impact upon this significance but in overall terms we do not think that this impact will be significant overall. We do not think that other designated heritage assets in the area will be significantly affected by the proposed development within their setting. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.6 Ramblers Association: Though we note that footpath 0564/6A/1 has carefully been left outside the perimeter fence of the site, we nevertheless wish to object to this application on the grounds that the development seriously affects the amenity

value of footpath 0564/16/1 & 2 which runs along the ridge immediately to the south of the stream which forms the boundary of the site. For approximately 1 kilometre anyone walking along this ridge footpath in either direction will be obliged to look to the north at the solar panels which will form this array, as is clearly shown in photographs 5 & 6; this means that for up to 20 minutes anyone walking this footpath will be obliged to look at a solar array which does not belong in this type of rural landscape. Mention has also been made in the documents of Bridleway 0564/15/1 a further 200 metres or so to the south from which the array will also be visible (Please remember that a horse-rider has an elevated view of the countryside from their mount and horses may react to the constant glinting of light off the solar panels). There may even be certain times of the day when light reflected from these panels may seriously affect the walkers ability to see clearly the line of the footpath and where they are going, though we can find no mention of this in the documents. We earnestly request that more consideration is given to these points than has been implied in the Landscape and Visual Assessment documents, and that the Planning Application be rejected.

Internal Comments:

- 4.10ai. S.C.Archaeology original comments: The application for the proposed development is supported by a Heritage Statement 080714 (Castlering Archaeology Report No. 459 June 2014) and a Landscape and Visual Impact Assessment (LVIA) Parts 1-3 (Alan Moss Associates Ltd June 2014). Recommendations from Shropshire Councils Historic Environment Team at the pre-planning enquiry stage were that any subsequent planning application should contain the following as part of a Heritage Assessment of the site. The results of an archaeological desk-based assessment and walk-over survey (depending upon the results, a further field evaluation and/ or archaeological mitigation may be required). An assessment of the impact on settings of both designated and non-designated heritage assets which fall within the Zone of Theoretical Visibility (ZTV) around the proposed development site. This assessment should take account of English Heritages guidance on The Setting of Heritage Assets (2011) and Seeing the History in the View (2011). An assessment of the impact on the historic landscape character of the area within a 2km radius of the proposed development site The Landscape and Visual Impact Assessment contains no Zone of Theoretical Visibility (ZTV) mapping/analysis. There appears to be some discrepancy between the LVIA and the Heritage Statement as to the visibility of the proposed development from the Scheduled Monument of Caynham Camp and consequently the impact of the proposals on the significance of the monument remain unclear. In terms of direct impact on known and unknown archaeological remains the Heritage Statement acknowledges that it is not possible to fully assess the potential for buried archaeological remains and having identified the potential for post medieval remains, concludes that the site is of low (but not negligible) archaeological potential. It makes no recommendations for mitigation.
- ii. Recommendation: Mapping of the Zone of Theoretical Visibility should be undertaken and used to clarify the actual situation regarding visibility and impact of the development proposal from designated heritage assets. The use of a dotted line to outline the development boundary on the photo montage only serves to identify the site location without adding to an understanding of the potential impact. The use of solid infill of a suitable colour/tone may be more useful in understanding

the visual impact. The conclusions of the Heritage Statement could not rule out the potential for archaeological remains of low significance within the development boundary. The impact of the ground disturbance from piling, cable trenching, access tracks and other infrastructure installations is likely to be significant on any below ground archaeological remains. As the archaeological potential of the development site has not been tested the impact of the development on archaeology cannot be fully assessed. In view of the above and in accordance with NPPF Section 128 I would recommend that further archaeological evaluation of the application site be undertaken prior to any planning application being determined. This should take the form initially, of a geophysical survey of the site. The geophysical survey may conclude that further evaluation in the form of trial trenching may be necessary to assess the extent, survival and significance of any archaeological remains. This in turn would enable an informed planning decision to be made regarding the archaeological implications of the proposed development and any appropriate archaeological action or mitigation. There should be no determination of the application until the archaeological evaluation has been satisfactorily completed and reported on.

- 4.10b. SC Archaeology. Subsequent comments: No objection subject to conditions. From the content of your enquiry the applicant appears to accept that further archaeological mitigation would be appropriate and proportionate to fulfil the requirements of NPPF Section 128 and is only querying the timing of those measures. The recommendation for pre-determination mitigation would ensure that a full and secure knowledge in respect of the archaeological potential would be obtained prior to planning permission being granted thereby ensuring that the proposed layout for the solar farm could be implemented without any modifications with respect to unknown archaeological constraints which would presumably benefit the applicant. I acknowledge that the potential for significant archaeological remains (based on current knowledge) is low but not negligible and in that regard I would consider addressing the mitigation under planning condition given that you intimate in your email (para 2) that there “would be ample ‘room’ to re-align arrays to avoid archaeological features. I assume the applicant is supportive of this proposition. With respect to the ground disturbance during installation of solar arrays although individually the piled supports for the solar panels have negligible impact in aggregate and with associated cable trenches the impact can be significant on archaeological remains. My recommendation also suggested the provision of a ZTV analysis (an almost standard requirement in assessing visual impact) and enhanced photo montages to better understand the potential impact of the development – I note that neither of these have been forthcoming and in light of any additional proposals for solar farms in the immediate area, these might be considered essential. In view of the above and in line with National Planning Policy Framework (NPPF), I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development. An appropriate condition of any such consent would be:
- 4.11 S.C. Drainage: No objections. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable.
- 4.12 S.C. Highways: No objections.

4.13 S.C.Arboriculture: No objection subject to the following comments:

- i. There are a number of mature trees and established hedgerows on the site; these are an integral part of the local landscape and landscape character and an important part of the areas ecological network of green corridors and stepping stones. The degradation of which would be contrary to the natural and historic environment aspirations set out in the NPPF and Shropshire Core Strategy both of which identify the need to restore, conserve, protect and enhance our natural, built and historic environment. The Tree Service has concerns that this proposal has some potential to impact upon the trees and hedgerows at this site during the erection and establishment of the arrays and associated structures. On the plan the site layout appears to provide a reasonable distance between the arrays and key landscape features, but elements of the plan that have not been discussed in detail could impact upon retained trees (E.G. the route of cables linking the arrays to transformers, storage of materials during construction, road construction and the construction/erection of the boundary fence).
- ii. Taking into consideration the above points the Tree Service would need to see that any approved application had taken into consideration the arboricultural implications. This could be addressed through the provision of a basic tree protection plan and a generic arboricultural method statement (AMS) for working in the proximity of trees, a key element of which would be that all site workers (during construction) would need to be made familiar with the AMS before commencing work. (NB we are not asking for a basic tree survey but an informative method statement to be used when working in the proximity of trees). In section 3.6 of the design and access statement the applicants indicates that part of the site security measures will be re-enforced with additional planting, this needs to be supported with a landscape proposal indicating planting mix, numbers, planting method, protection from grazing and after care (Inc. measures to replace losses). (Recommended conditions are included in Appendix 1)

4.14 S.C.Ecology: - No objection subject to the following comments:

- i. Protected Sites: There are no statutory designated wildlife sites within 2km of the central point of the site. A number of local Wildlife Sites lie within 2km, the nearest being just over 1km. However, the only site that could be affected by the proposed development is Ledwyche Brook, about 1.5km to the west. The streams flanking the site feed in to this Local Wildlife Site. Measures should be in place to prevent any pollution or sediment runoff from the development site, both during construction and operational phases and these should be conditioned.
- ii. Improved Grassland – The application site consists of 4 fields of intensively grazed, improved grasslands of low ecological value. The extent of habitat loss will be low under ancillary development, the majority of the rest will be temporarily disturbed during construction and then returned to sheep grazing.
- iii. Hedges – All the fields support hedgerow boundaries, the majority containing at least one hedgerow tree. The hedgerow along the lane to the east is an ‘important’ one under the Hedgerow Regulations.
- iv. Bats - There are many mature trees in hedges, fields and flanking the streams, all of which were mapped and recorded in the Ecological Appraisal. The Ecological

Appraisal states: 'Potential bat roost features were noted in several of the mature site trees, but heavy Ivy-cladding frequently made the assessment difficult and such trees were assigned to an 'age and type' that may or may not support a bat roost. The isolation of some of the in-field trees might render them less likely to support the roosts of certain bat species. The improved grassland fields support low quality foraging habitats; however, the hedgerow boundaries and stream corridors (which link to more extensive but similar habitats) offer moderate to good foraging habitats. In addition the boundaries and streams provide good commuting routes. There will be no (significant) direct loss of bat foraging or commuting habitats since all (semi-) natural habitats will be retained, with only minor hedgerow removal perhaps required (if at all). If there is a requirement to lop or fell trees identified as having potential to support bat roosts, roost sites could be damaged or destroyed and individual bats disturbed, injured or killed. Such activities undertaken near the roost may also result in the disturbance and deterioration of the roost site (by affecting roost microclimate). These impacts could have legal implications under UK and EU legislation.' Since the ecological Appraisal was published, it appears that some mature trees have been felled, including some with bat roost potential as identified by the ecological consultant. Should planning permission be granted it should be conditioned that no further tree or hedge removal will take place unless with prior agreement of the local planning authority. Bat surveys are likely to be required for any future tree works.

- v. Great Crested Newts - There are no ponds present on the OS maps within 250m. The nearest pond appears to be over 460m to the east. No development related impact on Great Crested Newts is predicted.
- vi. Otter and Water Vole - A single otter spraint was found on the southern stream but no suitable holt sites or other resting places were found. No evidence of water vole was noted and, with the maintenance of a buffer zone, no development related impact on these species is predicted.
- vii. Birds - The field, as intensively managed grassland, is unsuitable for ground nesting birds (including Skylark) or species that rely on rough grassland for feeding (such as Barn Owl). A number of scrubland species are likely to use the boundaries and trees. Providing no hedges (other than a few metres by the main access) are to be removed and no further tree felling or lopping is to take place for the development, there is unlikely to be any adverse effect on these species.
- viii. Badgers - No badger burrows or surface nests, territorial marking latrines etc. were noted within at least 30m of the site and there is very little woodland in the 1 km surround that might support a main sett. A few lightly-marked trails were noted crossing into the site but no other indications of badger were found indicating a low level of badger use. The improved permanent pasture does offer moderate to good foraging habitat for this species. Ground level fencing could have an impact on Badger and other mammal species if the fencing obstructs continued access to the site. The applicant's consultants provide details of fencing that would allow such access in the Ecological Appraisal but Drawing No. 1075-132/P1 of the security fencing does not show provision of access for badgers and other wildlife. In view of the above I would recommend the following condition and informative is added to any permission granted:

- 4.15 S.C.Public Protection: – No comments received.
- 4.16 S.C.Rights of Way: – No objection. Footpath 6A Whitton passes through the development site but is not affected by the proposal.
- 4.17 S.C.Drainage: - No objection. The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable. Contrary to the FRA, the site is identified as being at risk of groundwater flooding. The applicant should bear this in mind when excavating for the foundations.
- 4.18 Councillor Cecelia Motley has been informed of the proposals.

Public Comments

- 4.19 The application has been advertised in accordance with statutory provisions and the nearest properties have been individually notified. 188 objections have been received from 179 individuals. The main issues of concern can be summarised as follows:
- i. Visual impact: As a keen walker I am particularly concerned about the proximity to the Whitewayhead footpath (0564/16) which is a continuation of the Whitewayhead Lane. This path is up on the ridge of the neighbouring field and would have a much clearer view of the panels than shown in the application. The development would adversely affect the landscape and the proposed screening would not block the view from public footpaths, bridleways, or vantage points in areas of heritage value or outstanding natural beauty. I object to this application on the grounds that this development would be clearly visible due to the surrounding vantage points and would seriously degrade a beautiful agricultural landscape to try to produce an insignificant amount of power with zero benefit to the local community. It should be noted that the photos put forward by the developers are of the immediate surround and have been careful not to depict how many homes are likely to be directly affected by the development or how far these homes are away from the proposed site. Caynham camp and public footpaths near the site are also not clearly shown. It cannot be right to desecrate unspoiled countryside when so many alternative sites are available for redevelopment. I am in my 100th year and fought for my country .And the thing that kept the soldiers spirits high was the thought of old Blightys green beautiful fields! Please dont desicrate them, There is always another way. A 43 acre site of 35,000 solar panels is on a scale inappropriate to this tranquil corner of Shropshire. This large scale, highly visible development with the Glint and Glare problems associated with it, the sheer height and mass of the solar panels let alone the industrial security, fencing and lighting, would be totally alien in the mature, undulating countryside of South Shropshire. You speak of trees being planted to screen it , this would have no effect to us as we look down on it , not to mention Caynham camp dated over 2000 years B. C. the view from here hasnt changed in over 2000 years.
 - ii. Leisure / Tourism: There would be no benefits to the local community. In fact, the development would be expected to have a negative impact on local tourism through a major impact on local countryside character. I visit the area on a regular basis and have always enjoyed walking in such a beautiful and unspoilt part of the

country. If this was to go ahead it will have a devastating effect on tourism, wildlife and the local residents. . The approval of one solar farm on greenbelt land will undoubtedly open the flood gates for many more. South Shropshire will no longer be known for its beautiful hills of green, but a blanket of grey panels! As Ludlow is justly famous for its historic buildings and the great beauty of the surrounding rural area, this development, if allowed to proceed will directly impact on those in the immediate area who run holiday homes and others who rely on tourism for part or all of their income. I very much doubt tourists will choose to come to visit South Shropshire and in particular Whitton and Caynham (with such close proximity to Ludlow!) for their 'green' solar sites rather than the 'green' rolling hills! My hobby is photography, and frequently travel around Shropshire and the surrounding areas to capture landscape photographs. The construction of a solar farm will forever blot the landscape for many miles around as they are clearly visible in photographs and as a consequence make the area unsuitable as a landscape subject. Should this proposal succeed then I would have to seek alternative locations in country and spend my money there. Ludlow like all other towns desperately needs employment especially for its young people, the proposed development does not provide any significant employment, would not tourism together with farming suffer from the effect of the proposed development, causing even greater unemployment. This very rural area still has many small farms, traditionally farmed, many of them receiving subsidy payments to allow them to continue to be farmed this way. They are instrumental in providing a historic and beautiful setting for Ludlow and its surrounding villages and play an extremely significant part in enhancing the tourist appeal of not only the immediate area but of Shropshire generally. Tourism is a major part of the local economy and any damage to that here would inevitably be felt in the wider economy too.

- iii. Heritage: There has been no heritage report so far and this would show that Whitewayhead footpath (0564/16) is an historic salt route (hence the name) between Droitwich and Ludlow. It would also be a great shame to spoil the views from Caynham camp and Cleehill. The site may be of potential archaeological interest and this does not seem to have been adequately considered in the planning statement.
- iv. Agricultural impacts: No commitment has been made to agricultural use such as sheep grazing. It is not clear how ground cover would be kept under control and concerns have been raised as to the use of weed killer and subsequent soil erosion and run-off. If grass growth is to be managed through sheep grazing; sheep are likely to seek shade under the solar panels themselves which means proper stock checking and husbandry becomes virtually impossible on hot summer days. Surely this sort of development would be more suited to a brownfield site, for example, next to the power station at Squirrel Lane. Farmland has been taken out of production here, and further development would not have such an impact on the surrounding area. The land that is proposed is prime cattle grazing country that grows lush grass without the need for artificial fertilisers with a stream running adjacent. To propose such a development in the middle of unspoilt countryside that will look far worse than any industrial site on the edge of an urban area seems bizarre. The loss of 40 acres of countryside to fields of glass is to be deplored. A recent document published by the NFU outlines the significant reduction in self sufficiency the country has suffered that is now down to 60% and is diminishing at a rate of 2% year on year. (NFU 'From Field to Fork' Aug 2014). The use of

productive agricultural land for other purposes is to waste these resources and for this reason alone this application should be refused. World population is growing, and the rate of resource production, especially fossil fuel but also minerals, irrespective of the size of remaining and yet to be discovered reserves, is past its peak. Production will not meet population demand by 2050. Arable (fertile) land too, is a finite resource and must be retained for food production. With it we retain wider bio-diversity, which is a vital cog in the eco-system. Brownfield and unproductive land should be used for housing, with PV panels on their roofs. This project fails the Environment test. I have nothing against solar energy but more suitable sites should be considered e. g. the covering of new and existing car parks, commercial roofing areas, supermarkets, new housing developments, but not prime agricultural land urgently needed for food production. It also runs through a bridle path, which we used daily to ride the horse and walk our dogs on along with a lot of other local people and ramblers who visit the area for its stunning views and bring money to the area.

- v. Questioning benefits: wind farms have proved to be all but useless except for their ability to degrade the area they are erected in and so it will be with solar farms, urban and industrial sites ripe for redevelopment is the only way to go!! the statement that the output would be 8600KW, is meaningless without a proper context. A detailed analysis of peak power output and the power units exported to the grid should be demanded by the Planning Authority. I am concerned that excessive and optimistic generation efficiency has been applied to the project that would in turn sway the planning authority to accept it. Subsidy misdirects investment and distorts comparisons of the relative value of different resources. Without subsidy, solar PV for the next 25 years is uneconomic for investors. This project fails the Economic test. A loss of employment; there will be fewer working farms engaging family and local people. Installations employ even fewer people than farms do now, but not all will be local. The remote financier receives both subsidy and income from sale of electricity, but pays rent only to the landowner, thereby exploiting local resources for no community interest. The landowner (not always local) receives rent, but does not spend more money locally. No-one in the community will have increased energy security but all will carry the burden and disadvantages of the installation, without compensation. No genuine economic interest will be served, environmental damage will continue to be done beyond its lifespan, and substantial disadvantages will be seen for the community. The Project fails the Social Test. - there is no financial benefit to the local economy ie in terms of jobs. The application refers to the economic benefits of job creation. From the application we see that this a grand total of 0.1 full time job. The application lists a social benefit of 'community pride around a new renewable energy proposal'. The response to the application shows that the community response is one of horror not pride.
- vi. Environment: The planning application form section 12 states that the development is not within 20 metres of a watercourse, which it clearly would be. Local residents have expressed concerns about potential contamination of local watercourses during construction. Regular spraying with herbicides may be necessary which could result in the possible pollution of the small brook that runs alongside the development. This brook is within twenty metres of the proposed development and spray residues may well have a significant effect on the amphibians and other wildlife living in the brook. The use of herbicides and the resulting barer ground will

lead to increased runoff and soil erosion. South Shropshire at the moment has not suffered to greatly in the decline in wildlife this must be preserved at all costs, any infringement in natural habitat must have an adverse effect.

- vii. Ecology: The potential impact on local wildlife does not seem to have been adequately considered. The area around Whitton House is currently rich and diverse in its wildlife and number of rarer species of insects such as hawk moths and tanner beetles have recently been seen. Spraying and the resulting loss of vegetation will likely have a negative impact on insect life. I am doing this from my parents house Whitton Villa, where I lived for 30 years. I found slow worms, grass snakes, spent countless hours watching the bats fly overhead. I heard my first Sky Lark all in this field.. Across the road where Pool House is now, I did head counts of The Great Crested Newt. If this application is not turned down England will loose something that will never return and for what something that will contaminate the area forever. Please say no. The LVIA says that all existing trees and hedgerows are to be protected in accordance with BS5837:2012 during the construction phase. On my visit to the site on 6th August I saw evidence of trees having been recently taken down. Will there be any left by the time construction begins? I wish to strongly object to this project on the grounds of potential toxic run off into the Ledwyche Brook which would have a devastating effect on the indigenous stock of wild brown trout and numerous delicately sensitive invertebrates which constitute the vital fish food source. Trees and hedgerows: the Ecological Survey (ES) states that 'removal of hedgerows and trees is not envisaged at this stage', which begs the question of at what stage it would be envisaged' Clearly quite soon, because I understand that 7 trees, including one identified in the ES as having moderate potential for a bat roost, have recently been felled, just 6 months after the ES. What value can be placed on the applicant's other assurances?
- viii. Residential amenity: Whitton House and other older houses close to the site maintain many of the original features of Georgian, Victorian construction; amongst which are the sash windows with glass originating from these eras. The predicted high levels of sound pollution means that in order for the noise to be reduced to an acceptable level these old windows will have to be destroyed and modern double glazing installed in their place. Local residents should be very concerned because there are no noise analysis figures currently available; meaning we are being kept in the dark as to how much noise the proposed site will generate. The development would have a negative impact on property values in the area. The proximity to Five Oaks has not been highlighted and at least one inverter shed would be within the recommended minimum distance of 300 metres. In my view the proposed site is far too close to residential properties. The residents will hear a low level hum from the site. With such a quantity of highly valued solar panels the area might become a target for theft, thus causing security problems for nearby residents. The pre-application advice refers to noise levels and distance of inverters from houses. The application makes no reference to noise. there are no estimates of noise pollution given in the application. The kiosks are some distance from the perimeter but the switching station is on the boundary near the public footpath. There is likely to be a hum/buzz at 50 Hz (plus harmonics) from these buildings whenever the array is generating power. How audible this will be is difficult to assess. In an urban environment it would probably be lost in the continual background noise, but rural noises are much more episodic and rarely continuous so the nuisance factor could be much higher.

- ix. Construction: The construction would be both a danger and an inconvenience to local residents with many heavy lorries climbing and descending the hilly terrain along narrow twisting lanes that were never designed for this type and quantity of heavy traffic. It will cause extreme disruption on a single track road. About 35000 panels possibly made up in arrays of 24 are to be transported in by road. The plan envisages 40 HGV journeys, implying 860 panels on each load, or 36 arrays each 3.4m x 12m. Made-up arrays could not be fitted into any vehicle, being too wide and too long and if on their edge, too high. The final access road will not provide any special-load vehicle access. Stacked individual panels could be arranged 13 on a layer in 66 layers reaching a height of 3m-4m depending on thickness. It would seem likely that many more smaller loads than 40 would be required, with consequences for the land and the roads in the vicinity of the construction site. I am concerned that the vehicular impact is under estimated and highly inappropriate. The application states that there will be no alterations to the vehicle access when, in fact, significant alterations will be required to allow for the width of vehicles, the required turning circle, and hard surfacing required to enable access. The application is misleading on that basis. for 10 weeks the fields will be a building site, with tracks being laid, trenches and foundations dug and buildings erected. On completion it will be a mess until mitigating action is taken, presumably sowing grass seed, which will struggle to grow underneath the panels. At the end of the 25 year operational life everything will be removed, leaving a similar mess with less incentive to clear up. The access to the site is along a narrow lane where it is difficult for 2 cars to find a safe passing place. The enormous lorries which would be required to develop this site would be extremely hazardous. Indeed, at the entrance to the lane from Caynham Road there is a council sign stating "Unsuitable for long vehicles".
- x. Other: The public consultation process has been inadequate: the area is too small; communication letter too short on detail; no deadline for queries; letter sent to Whitton Parish Council (which does not exist) but not to Caynham Parish Council, whose residents are significantly affected. The application only benefits the land owner and is of pure greed, without any thought for the local area. If this planning application is approved which farm will be next. I believe this application is being pushed through rather too quickly. Is this perhaps due to the deadline for government subsidy next year (April 2015)? Information given to residents directly near to the development was given rather late considering the impact this development could have upon them. And no information was given in the earlier stages to the wider community who could also be affected by this development. If this application goes ahead, I fear a vast destruction of the beautiful South Shropshire countryside as we know it. There is no mention of the financial provision for returning the site to its current state after the 'temporary' proposal. This must not be left open. The application states that no arrangements have been made for the collection and storage of waste. Under the Waste Electrical and Electronic Equipment Regulations 2013 (SI 3113) a Producer (as defined) must take financial responsibility for the disposal of photovoltaic waste unless otherwise agreed with the end user (Regulation 12). It is estimated that approximately 800 tonnes of glass waste will be generated on site at the end of life (ignoring accidental damage/failure etc). It is a legal duty on both the end user and the Producer (whoever agrees by contract to take on the financing end-of life obligations) to use Best Available Treatment Recovery and Recycling Techniques and to not dispose

of to landfill. To stress, landfill is not an option for the waste glass generated at this site. the application states that there is no need for pylons because of the proximity of the existing 33 kV power lines. However, connection must be made to these from the switching station. How is this to be done without using aerial cables? Have Western Power Distribution commented on the proposals?

- xi. Policy: This application is contrary to governments latest thinking on solar energy whereby both private and government buildings with south facing roofs are preferred to solar farms on green agricultural land as the government now realises that far too many solar farms have been allowed to the detriment of many beautiful areas of countryside. A sea of glass on beautiful green fields is most unpleasant. If these developments have to go forward please use more suitable brown field sites. If anyone made an application to build a large new housing estate or a factory or even a prison in this area it would simply be turned down for obvious reasons. Why, then, should consideration be given to the installation of a massive unsightly development of 35,000 panels covering 43 acres, surrounded by eight foot security fencing patrolled by 29 CCTV cameras? Serious consideration should be given to locating this type of facility on old brownfield sites such as disused industrial plants which would be enhanced by redevelopment rather than placing them in areas of outstanding natural beauty such as Whitton. I support solar panels as part of the alternative energy generation strategy, but not when there is a real possibility of them spoiling our green and pleasant land. The Government withdrew the subsidy offered for installation of solar PV panels generating electricity for own use; it was too generous. Now they recognize that the subsidy for industrial scale installations is attracting projects of doubtful strategic benefit. This subsidy is soon to be removed too. There is a rush to start projects before this makes them less financially attractive. That activity does not confer any sustainable content to the projects. It was not the intention that arrays of PV panels would be installed on agricultural land in rural communities. There are brownfield sites and large roof areas in urban manufacturing districts where they would be closer to infrastructure and at the point of demand. The concept of Sustainable Development demands a balance between social, economic and environmental priorities, but also requires the current generation to leave subsequent generations with a legacy of a viable ecosystem such as we currently enjoy. The Rt Hon Mr Gregory Barker MP in his speech of 25th April 2013, which is part of the Planning Policy Guidance said, "that is my key message today. Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more". "But not at any cost, not in any place, not if it rides roughshod over the views of local communities". As recently as April of this year, the Minister for the Department of Energy, said "It would be a grave mistake of monumental proportions for the Solar Energy Industry not to heed the concerns expressed regarding solar p v developments on Greenfield land." The concept of large solar farms is rapidly losing credence, witness the rush to cash in on planning before the new government reductions of subsidies on farms with outputs larger than 5 megawatts. The future, like it or not, is likely to be in fracking for coal gas. As reported in The Daily Telegraph recently, according to Professor David Mackay, ex-chief scientific adviser to the Energy Department and Regius Professor of Engineering at The University of Cambridge, a shale gas pad of 10 wells would require just 5 acres of land, whereas a solar farm would require 2,200 acres to generate the equivalent amount of energy. Incidental to the present situation, a wind farm would need 3,500 acres to produce the same amount of energy. In this light, and in the light of this information from such a highly credible

source, how efficient are solar farms? Given the government's stance on fracking, how long will it be before the existing solar farms are superseded?

- 4.20 Save South Shropshire Countryside Campaign Group: The public consultation process has been inadequate: the area is too small; communication letter too short on detail; no deadline for queries; letter sent to Whitton Parish Council (which does not exist) but not to Caynham Parish Council, whose residents are significantly affected; some details are inaccurate, such as the location address, number of visits required each year, expected noise from the development, photo in figure 3 is misleading. The planning application form section 12 states that the development is not within 20 metres of a watercourse, which it clearly would be. Local residents have expressed concerns about potential contamination of local watercourses during construction. No commitment has been made to agricultural use such as sheep grazing. It is not clear how ground cover would be kept under control and concerns have been raised as to the use of weed killer and subsequent soil erosion and run-off. The potential impact on local wildlife does not seem to have been adequately considered. There would be no benefits to the local community. In fact, the development would be expected to have a negative impact on local tourism through a major impact on local countryside character. The development would have a negative impact on property values in the area. The proximity to Five Oaks has not been highlighted and at least one inverter shed would be within the recommended minimum distance of 300 metres. The development would adversely affect the landscape and the proposed screening would not block the view from public footpaths, bridleways, or vantage points in areas of heritage value or outstanding natural beauty. No heritage assessment has been carried out (as stated in section 4.14 of the planning statement): note that the historic salt route runs parallel and close to the proposed site. The site may be of potential archaeological interest and this does not seem to have been adequately considered in the planning statement. Traffic during the construction phase is considered a significant hazard along a narrow and winding country lane. I note that construction traffic would not pass through the hamlet of Whitton but no commitment has been made to limit traffic through the villages of Caynham, Knowbury and Cleehill. A development with a 20-25 year life span is not considered temporary by many of Caynham's residents. Alternative, potentially brownfield, sites closer to population centres do not seem to have been considered.

5.0 THE MAIN ISSUES

- Policy context;
- Principle of the development;
- Justification for location;
- Landscape and Visual impact;
- Existing land use;
- Other environmental issues;
- Timescale / decommissioning.

6.0 OFFICER APPRAISAL

6.1 Policy context:

- 6.1.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations suggest otherwise. Relevant Development Plan policies and other material considerations including national guidance are listed in section 10 of this report.
- 6.1.2 The National Planning Policy Framework (NPPF) is a key material planning consideration providing the strategic framework for development plan policies. Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development whilst Paragraph 98 emphasises that “even small scale (renewable energy) projects provide a valuable contribution to cutting greenhouse gas emissions”, therefore planning authorities should not require applicants to demonstrate the need for renewable energy and should approve the application if its impacts are (or can be made) acceptable. It follows that the NPPF requires that planning permission should be granted for renewable energy development (paragraph 98) unless:
- The level of harm would “significantly and demonstrably outweigh benefits” when assessed against the requirements of the NPPF as a whole, or
 - If specific policies in the NPF indicate the development should be restricted (paragraph 14).
- 6.1.3 In terms of visual impact the DCLG planning practice guide on renewable and low carbon energy advises that *“the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”*. The guide encourages use of previously developed land or allows for continued agricultural use with biodiversity enhancements around arrays. It recognises that solar farms are temporary structures. There is a need to assess glint and glare, the effect of security measures, effects on heritage conservation, the potential for mitigation through landscape planting and the energy generating potential of a particular site.
- 6.1.4 The Shropshire Core Strategy ‘has the principle of sustainable development at its heart’ and a key objective is ‘responding to climate change and enhancing our natural and built environment’. The Core Strategy seeks to protect the countryside and Green Belt (CS5) whilst positively encouraging infrastructure, where this has no significant adverse impact on recognised environmental assets that mitigates and adapts to climate change (CS8). Policy CS13 aims to plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth and prosperous communities, including in rural areas where the importance of farm diversification is recognised. Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire’s natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.
- 6.1.6 In considering the current proposals therefore it is necessary to assess:

- The characteristics of the site and the nature of any impacts to the local environment, landscape and amenities;
- Whether any identified impacts are capable of being satisfactorily mitigated including by any community benefits offered by the applicant (e.g. CS5);
- Whether relevant policies and national guidance can be met with respect to the AONB.

If there are no unacceptably adverse impacts after mitigation has been applied and relevant policy tests can be met then the development would be 'sustainable' under the NPPF as a whole and the renewable energy application should be approved (NPPF para. 98). If however any unacceptably adverse effects remain after mitigation and/or relevant policy tests cannot be met then the development would not be sustainable and refusal would be appropriate. The issues raised by the proposals are assessed in succeeding sections.

6.2 Justification for the development:

6.2.1 Justification for choice of site: The applicant undertook a review of a number of sites across the UK to assess the potential for the development of solar PV energy projects. Site selection was based on a number of factors including available solar resource, topography (a gentle south slope is optimal), landscape impact, ability to make a grid connection, access, absence of environmental constraints and size of site available. As part of preparing the planning application, several detailed environmental assessments were undertaken. The assessments identified the likelihood of any significant environmental impacts and whether any appropriate mitigation measures were available, to ensure environmental acceptability.

6.2.2 Whilst Section 98 of the NPPF does not require applicants for renewable energy developments to demonstrate the need for the development, the recent planning practice guide on renewable and low carbon energy advises that planning authorities should consider 'the energy generating potential (of a solar PV site), which can vary for a number of reasons including, latitude and aspect'. In this respect the site generally slopes gently to the south, is un-shaded and is unaffected by any environmental designations. The Landscape and Visual Assessment accompanying the application concludes that the site benefits from a high degree of screening. Appropriate stand offs have been provided to water courses. In addition, the site is available for the proposed use, is of appropriate size, can be accessed and a connection to the electricity grid is possible. Therefore it is considered that relevant operational suitability criteria can be met.

6.2.3 Choice of site – agriculture: Paragraph 112 of the National Planning Policy Framework seeks to protect best and most versatile agricultural land and expresses a preference for use of poorer in preference to higher quality land where significant areas are affected by a development. Some residents have objected that good quality land would be taken out of agricultural production. The land within the site has been in pasture for many years. The proposals would however involve reintroducing sheep to the operational solar park site. Grazing is advocated for solar PV sites in the Government's low carbon and renewable energy and there are many examples of this being successfully implemented and managed across Europe and the UK. Full agricultural use would be returned at the end of the

operational lifespan. The applicant advises that the the land has been in permanent grassland use for more than 15 years, so the landowner would be required to consult Natural England to obtain consent to plough. Provisional Agricultural Land Classification maps of England published by DEFRA, identifies the land as grade 3 and does not distinguish between the subgrades 3a and 3b. In instances where there is a loss of agricultural land it may be necessary to carry out a detailed land classification assessment but this is not a situation where that is the case.

- 6.2.4 The proposed method for emplacing the solar panel frames would involve auger drilling without the use of any concrete foundations. Concrete surfaces within the site would be limited to the bases of the proposed inverters and the substation and would occupy less than 1% of the total site area. Such surfaces would all be removed at the end of the design life of the site. The proposed track would be formed with stone chippings which would be removed at the end of the design life. In responding to other recent solar park schemes in Shropshire Natural England responds to agricultural planning consultations and has not objected, recognising that the proposals would facilitate sheep grazing and would not entail a permanent loss of agricultural land.
- 6.2.5 The proposals would also support the economic viability of the farming business, ensuring its longevity and progression as a local employer. Furthermore, it is intended to stock the site margins with a wildflower seed mix which would provide a source of food for pollinating insects, benefiting other agricultural areas. A landscaping condition covering this matter has been recommended in appendix 1. It is considered that there is no evidence therefore that the proposal will result in significant (or permanent) loss of the best and most versatile agricultural land or harm the agricultural industry. This conclusion is supported by a recent appeal decision which found no evidence of a loss of best and most versatile land in similar circumstances (*APP/D0840/A/14/2213745 Lanyon Farm, Gwinear, Hayle, Cornwall TR27 5LA*).
- 6.2.6 Choice of site – conclusion: Notwithstanding section 98 of the NPPF it is considered that the justification for this location of the proposed development is capable of being accepted in principle, provided there would be no other unacceptably adverse land use impacts and relevant AONB policy tests can be met.
- 6.2.7 Climate change and economic benefits: The proposed facility would generate 8.6 Megawatts of renewable electricity for export to the local electricity grid which is equivalent to the annual power consumption of 2500 homes. Over the lifetime of the facility over 116,100 tonnes of Carbon Dioxide emissions would be saved. This is compliant with section 97 of the NPPF and related policies and guidance, including strategic objective 9 of the Core Strategy. Friends of the Earth have supported other solar photovoltaic developments in Shropshire as preferable to other forms of renewable energy such as large scale biomass burning. This message is reiterated for the current application by Church Stretton Climate Change. Solar installations reduce the dependence of local economies on energy imports. The installation and maintenance of these facilities can also generally be provided by local workers. The proposals are also capable of contributing in principle to the sustainability of rural communities by bringing local economic and community benefits, including through farm diversification and delivering

sustainable economic growth and prosperous communities. (Core Strategy Policies CS5 and CS13).

6.3 Environmental considerations:

6.3.1 Landscape and visual impact: A Landscape and Visual Impact Assessment (LVIA) has undertaken a comprehensive appraisal of surrounding viewpoints and finds that the site is extremely well screened by intervening ridges and surrounding vegetation. To the south of the Proposed Development lies a ridge which screens it from the lower ground to the southeast; and around the perimeter of the agricultural fields on which the Proposed Development is proposed are mature planting of hedgerows and trees which screens it from the west and east and the higher ground to the north. Additional planting is proposed to further enhance this containment. Whilst there would be some harm to the close range outlook from some of the public rights of way immediately adjacent to the site, it is stated that the proposed development would not affect their rural amenity. The LVIA concludes that the combined visual effects of the proposed solar farm constitute a slight adverse visual impact upon the landscape as a whole. It is stated that this is not at a level that will cause material harm to the AONB. The LVIA concludes that the limited harm will be substantially outweighed by the climate change, ecological and other, benefits offered by the solar park.

6.3.2 This conclusion has been challenged by the AONB Partnership and the CPRE. Natural England also question the methodology used in the LVIA and the absence of a zone of theoretical visibility appraisal. The applicant's landscape consultant has responded as follows to the points raised by Natural England:

Zone of Theoretical Visibility: There is no requirement in the GLVIA3 guidelines to produce ZVI or ZVT maps. In addition there was no requirement in the pre-application letter from the Council for a ZVI or ZTV map. ZVI or ZVT maps are discretionary and they are only of limited use as they do not take account of the mitigating effect of trees, woodlands, hedgerows and buildings. The visual receptor plan in the landscape report identifies those locations from where the proposed development is likely to be seen based on views in the field from publicly accessible locations and is far more useful than a ZTV map in this case. The solar panels are low structures, the land slopes away from the AONB and there is also considerable intervening vegetation as illustrated in Photograph 9. There are no tables detailing sensitivity of the receptors and magnitude of the impacts because this is non- EIA project. As explained in Section 1.2 of the report for non-EIA projects the guidelines specifically state that an assessment of the significance of effects is not required. The use of assessment criteria and the systematic assessment of effects in order to establish the likely significance of effects, as required for landscape and visual impact assessments (LVIAs) forming part of an EIA, are therefore not required in a landscape appraisal. This is a non-EIA project and the level of detail provided in this landscape appraisal is considered to be sufficient to inform the decision making process for a development of this nature from a landscape character and visual amenity perspective.

6.3.3 The applicant's landscape consultant has made equivalent comments in response to the Council's Historic Environment's comments regarding the lack of a ZTV analysis. The applicant has rejected the Shropshire Hills AONB Partnerships'

criticism that the supporting documents have not adequately demonstrated a lack of impact on the AONB, advising that it has been established through detailed fieldwork that there will be no significant effect on the AONB. It is stated that “the AONB Partnership has attributed value to the narrow swathe of landscape between the AONB and Ludlow without substantiating this. They have not explained how and why there will be a substantial direct impact on the setting of Ludlow and the AONB. They have not substantiated the claim that the development could have a detrimental effect on tourism”. Further detailed comments have been made by the landscape consultant in response to criticisms regarding the choice of individual views for photomontages and visual appraisal.

- 6.3.4 Visual impact – glint and glare: In terms of glint and glare this can potentially occur in the summer when the sun is low and the sky is clear. There are no properties to the immediate south of the site in orientations which could potentially be affected and much of the site is surrounded by mature vegetation which would be protected and enhanced. It is possible that there may be some localised effects encountered on the footpath to the south of the site in summer mornings or evenings. However, it is not considered that any such potential effects would be sufficient to justify planning refusal.
- 6.3.5 Visual impact – conclusion: The LVIA produced by the applicant is considered to be comprehensive and fully compliant with relevant methodology. There is no requirement to prepare a ZTV appraisal for a non-EIA project. It is considered that the photovoltaic panels have been positioned sensitively so as to limit their visual impact on the surrounding landscape and would not represent an unacceptable visual intrusion in terms of their scale and design (NPPF s28). The site benefits from a high degree of visual containment. There would be some adverse impacts on footpaths near to the site but these would be minor, reversible, localised and further attenuated by the proposed landscaping measures. The potential for longer distance views, including from the AONB have been assessed. It is considered that the supplied visual information supports the conclusion that the site would represent a very minor component of a wider panorama as seen from any such viewpoints. It is concluded on balance that the majority of visual impacts of the proposals would be minor, given the well contained nature of the site. Some moderate impacts from footpaths in the immediate vicinity of the site would be capable of mitigation through the proposed landscaping works. Whilst the objections on visual grounds of some consultees are noted, it is not considered that refusal on the grounds of landscape and visual impacts would be justified when the renewable energy and climate change benefits of the proposals and available mitigation measures are taken into account. (Core Strategy Policy CS5, CS6, CS17; NPPF s98, s116)
- 6.3.6 Heritage appraisal: Section 128 of the NPPF advises that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting’. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. An archaeological appraisal concludes that allowing for the proposed mitigation in the form of landscaping, the development will have limited adverse impact on the landscape and negligible adverse impact on the heritage resource. The landscaping proposals incorporated into the applications, namely the

retention of the copse to the west; the increased height of the hedgerow to the south; the maintenance reinforcement and infilling of existing hedgerows and trees in general and the retention of the underlying pastureland, will further ensure that there is limited impact on the surrounding landscape as a result of this development. The appraisal acknowledges that it is not possible to fully assess the potential for buried archaeological remains on the site, but concludes that the application site is of low archaeological potential.

- 6.3.7 With respect to Historic Environment's comments on assessment of heritage assets the landscape consultant has commented as follows:

Section 6.4 of the Landscape & Visual Appraisal explains that several designated heritage assets identified by the Historic Environment Team in its pre-application response were checked on site along with two further additional listed buildings. The only one of these heritage assets from where the application site is potentially visible is Caynham Camp. If any specific heritage assets have been overlooked in the heritage assessment then the LPA should have identified them in the pre-application response.

- 6.3.8 Historic Environment initially recommended that further archaeological evaluation of the application site be undertaken prior to any planning application being determined. Following further dialogue however with the applicant and officers they have confirmed that it would be acceptable for this to be undertaken prior to the commencement of any development at the site. Given that English Heritage has not objected and Historic Environment has withdrawn a holding objection subject to the inclusion of appropriate archaeological survey conditions (included in Appendix 1). It is concluded that the site is compliant with relevant heritage policies and guidance. (NPPF s128; Core Strategy Policy CS17).

6.4 Noise:

- 6.4.1 A condition requiring the submission of a Construction Management Plan has been recommended in Appendix 1 and this would control hours of operation and noise limits. It is not considered however that there would be any significant noise or vibration impacts within the 4 month construction period. Construction traffic during the 4 month construction period would be closely managed under a construction management plan. Larger loads would be decanted into tractor and trailer loads to negotiate the Whitton road. The only noise source during the operational phase would be the inverter extraction fans which do not work at night when the panels are not generating electricity. Public Protection has not commented on the proposals but has not objected to other similar recent solar photovoltaic proposals which are nearer to residential property.
- 6.4.2 The applicant has not submitted a detailed noise assessment to accompany the application. Available evidence suggests however that a condition limiting inverter noise to 5dB(A) above background at the nearest sensitive properties can be justified as part of a precautionary approach and should be readily achievable in principle. An appropriate condition has been included in appendix 1. With respect to noise from the temporary construction phase it is considered that this is also capable of being controlled by the proposed construction management plan. Residents have commented that one inverter is relatively close to Whitton House.

There is no reason to suspect that there would be an unacceptable noise impact. It is however considered that any planning permission should include a condition requiring relocation of this inverter to achieve an increased separation distance in order to provide added reassurance.

6.5 Access / traffic and construction:

6.5.1 Access to the site would be obtained via the unclassified road to Whitton. A temporary marshalling area surfaced in compacted stone will be provided during the construction phase at the existing entrance point, which will be removed immediately upon completion of the development's construction. The construction of the solar farm would result in approximately 72 HGV deliveries to the site spread over a 10 week construction period. HGV loads would be decanted to smaller tractor and trailers to negotiate Whitton Lane. A swept path analysis confirms that the size of vehicle proposed would be able to negotiate the access into the site. Highway officers have not objected. The construction phase and associated traffic would be managed under the terms of a construction management plan and an appropriate condition requiring confirmation of transfer arrangements has been recommended in Appendix 1. Subject to this it is concluded that the proposals can be accepted in relation to highway and access considerations. Core Strategy Policy CS5, CS6, CS7, CS8).

6.5.3 Hours of working during the construction phase have not been specified but are likely to be 7am - 6pm Monday to Friday and 8am - 1pm on Saturdays. An appropriate control has been recommended in Appendix 1 as part of a construction management plan condition. It is concluded that subject to the recommended conditions, construction works are capable of being controlled acceptably to minimise the possibility of adverse impacts on the public highway (Core Strategy CS7, CS8) and residential amenities (CS5, CS6).

6.6 Ecology:

6.6.1 An ecology report advises that the development can proceed without the loss of habitat of significant value and without the loss of favourable conservation status of any protected species. The Application Site comprises open, grazed, improved grassland bordered by mature trees and hedgerows. The ecological value of the site overall is considered to be low. It does not form part of any statutory or non-statutory designated site and no protected or notable species were observed during survey. Precautionary measures are recommended to protect habitats and species during the construction phase of the development, including Reasonable Avoidance Measures for reptiles and amphibians. Boundary hedgerows, field margins and hedgerow trees would be predominantly retained as part of the proposed development and appropriate buffers applied within the project design. A number of recommendations are made to protect ecological interests:

- Any clearance of hedgerow or trees should, where possible, be carried out in the late summer or winter months to avoid the main bird-nesting season.
- If there is a requirement to lop or fell any of the trees with bat roost potential then these should be re-assessed in relation to the specified works.

- To avoid damaging the root systems of hedgerows and trees, excavations should run at least 2m distant from the centre of any hedgerow and well clear (by 1-2m) of the drip zone of any trees. Soil compaction, fire and pollution should be avoided within an appropriately considered area around these features...
- Peripheral fencing (at ground level) should be of such a mesh size to allow Badger continued free access to the site. A ground level mesh of 200mm (height) by 300mm (wide) would be an appropriate minimum with tolerance for all native fauna species.
- A band of planting is proposed along the west boundary; this should include native species appropriate to the area. In particular a few Dutch Elm disease resistant Wych Elm could be planted along south, west or east facing boundaries (the larval food-plant of the White-letter Hairstreak).
- The existing grassland, which is to be retained and grazed by sheep, could be enhanced through lower levels of stocking with the addition of some new pasture-native plants.
- Existing internal and boundary hedgerows could be enhanced for wildlife by fencing these off from grazing.

6.6.2 The applicant has provided a habitat management and planting plan. Implementation of the proposed measures will lead to a net biodiversity gain at a local level. The report concludes that with appropriate layout and design measures in place, it is considered that adverse effects on protected / notable species and habitats can be avoided.

6.6.3 Local residents have expressed concerns about the potential for the proposals to affect bats in hedgerow trees. However, the applicant has advised that the proposals would protect retained trees within the site. The Council's trees section has not objected subject to the imposition of an arboricultural method statement condition and this has been included in Appendix 1. Appropriate conditions and advisory notes covering ecology have also been recommended. Subject to this it is concluded that the proposals can be accepted in relation to ecological considerations. (Core Strategy CS17).

6.7 Drainage / hydrology

6.7.1 A Flood Risk Assessment (FRA) advises that the site is located in Flood Zone 1 therefore at low probability of flooding from fluvial sources. The FRA advises that the existing surface water regime would not be affected by the proposed development. The Council's drainage team has not objected to the proposals. It is considered that the proposals can be accepted in relation to relevant drainage considerations. (Core Strategy Policy CS17, CS18).

6.8 Timescale and decommissioning:

6.8.1 Current solar photovoltaic arrays have a design life of approximately 25-30 years. It is recommended that any planning permission includes a condition requiring decommissioning and removal of the solar panels and associated infrastructure at the end of their design life and reinstatement of the field to normal agricultural use, as stated in the application. This would ensure that arable productive capacity is

protected (NPPF s112) and the sense of openness of the countryside in this area is not permanently affected. An appropriate condition covering decommissioning has been recommended in Appendix 1.

6.9 AONB

6.9.1 The site is located 430m west of the Shropshire Hills AONB at its closest. The Save South Shropshire Countryside group contend that the site should be treated the same as the AONB. However, the AONB is a statutory designation with a management plan. Policy CS17 requires that new development should take account of landscape character assessment which grades landscapes according to their sensitivity. The applicant's landscape and visual appraisal complies with this requirement.

6.10 Other matters:

6.10.1 Community benefits: Whilst not considered essential in order to deliver a sustainable development the applicant company has advised that it is willing on a voluntary basis to make funding available for local community uses in order to provide a benefit to the local community. It is envisaged that this would take the form of a legal agreement (Unilateral Undertaking) with payment into a community fund at a level consistent with that of other recent solar park schemes which the Council has dealt with. This supports the overall NPPF objective of facilitating social sustainability and is therefore to be welcomed.

6.10.2 CCTV and privacy: Following concerns from local residents the applicant has confirmed that CCTV would not be used at the site. Instead it is proposed that infrared sensors would be deployed. These would be less visible and would not emit visible light.

6.10.3 Recent Government statement: Objectors have referred to recent ministerial statements from DECC establishing a general preference towards the use of brownfield sites for solar photovoltaic schemes. It is understood that one of the concerns of Government in this respect is the relatively high proportion of the available renewables subsidy budget which is currently directed towards greenfield solar schemes. These statements are noted, but do not alter adopted planning guidance set out in the NPPF and the associated low carbon and renewable energy guide and referred to in section 10 of this report. In this respect the NPPF required (s98) that if the effects of a renewable energy scheme are or can be made acceptable then the development should be approved. It should also be recognised that Shropshire is a predominantly rural county and there is insufficient suitable brownfield land with suitable power connection potential and sufficiently remote from residential properties to deliver the progress in renewable development expected by policies and guidance.

7.0 CONCLUSION

7.1 With regard to energy efficiency and climate change, the proposals would contribute to the diversity of sources of energy supply and hence the security of supply and would therefore be consistent with the objectives of the national energy strategy. The proposal would make a valuable contribution to cutting greenhouse

gas emissions in accordance with Section 10 and Paragraph 98 of the NPPF and strategic objective 9 of the Core Strategy. The proposals would also provide an additional revenue stream for the estate, providing cost savings and a diversified income that would help to ensure the longevity of the associated farming business and retention of existing jobs.

7.2 It is considered that the proposed development would not give rise to unacceptably adverse impacts on the environment, local amenities or other interests of acknowledged importance in particular with regard to visual impact / landscaping, amenity, ecology, hydrology, archaeology, drainage, agriculture, access and traffic. This is provided appropriate conditions are imposed, including the requirement for a construction management plan and decommissioning at the end of the design life. Subject to this, the proposal is in general accordance with the development plan. The applicant has also offered voluntarily to provide benefits to the local community and these are to be welcomed.

7.3 The NPPF advises that the production of renewable energy is a major material consideration and that sustainable development proposals which accord with the development plan should be approved without delay. It is concluded that the proposal can be accepted, subject to the recommended conditions.

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:

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

10.0 BACKGROUND:

10.1 Relevant guidance

National Planning Policy Framework (NPPF) (DCLG – July 2011)

- 10.1.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012. The Framework replaces most former planning policy statements and guidance notes and is a key part of Government reforms to make the planning system less complex and more accessible. The NPPF clearly states from the outset that there is a presumption in favour of sustainable development and that local plans should follow this approach so that development which is sustainable can be approved without delay. One of the core planning principles is to 'support the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy)'. The NPPF expands further on this principle in paragraph 97: "To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative and visual impacts;
- Consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- Support community-led initiatives for renewable and low carbon energy, including developments outside areas that are being taken forward through

neighbourhood planning; and

- Identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Paragraph 98 advises that when determining planning applications, local planning authorities should:

- Not require applicants for energy developments to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- Approve the application if its impacts are (or can be made) acceptable...”

10.2 Relevant planning policies:

10.2.1 The Shropshire Core Strategy (Adopted February 2011) sets out a Spatial Vision for Shropshire and the broad spatial strategy to guide future development and growth during the period to 2026. The strategy states, “Shropshire will be recognised as a leader in responding to climate change. New development which has taken place within Shropshire will be acknowledged by others as being of high quality sustainable design and construction that promotes safer communities, is respectful of local character, and planned to mitigate, and adapt to, the impacts of climate change.”

10.2.2 The Core Strategy has 12 strategic objectives, the most relevant is Objective 9 which aims “To promote a low carbon Shropshire delivering development which mitigates, and adapts to, the effects of climate change, including flood risk, by promoting more responsible transport and travel choices, more efficient use of energy and resources, the generation of energy from renewable sources, and effective and sustainable waste management”. Policies of relevance include:

Policy CS5 - Countryside and the Green Belt:

New development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Subject to the further controls over development that apply to the Green Belt, development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:

- Small-scale new economic development diversifying the rural economy, including farm diversification schemes;
- Dwellings to house agricultural, forestry or other essential countryside workers and other affordable housing/accommodation to meet a local need in accordance with national planning policies and Policies CS11 and CS12;

With regard to the above two types of development, applicants will be required to demonstrate the need and benefit for the development proposed.

Policy CS6 - Sustainable Design and Development Principles

To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment, which respects and enhances local distinctiveness and which mitigates and adapts to climate change. And ensuring that all development:

- Is designed...to respond to the challenge of climate change
- Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate
- Makes the most effective use of land and safeguards natural resources including high quality agricultural land.

Policy CS8 – Infrastructure provision positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

Policy CS13 Economic Development, Enterprise & Employment - recognises the importance of farming for food production and supporting rural enterprise and diversification of the economy, in particular it focusses on areas of economic activity associated with agricultural and farm diversification.

Policy CS17 - Environmental Networks seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets.

- 10.3 The Shropshire and Telford and Wrekin Joint Structure Plan There are no relevant saved policies in this plan.
- 10.4 Shrewsbury and Atcham Local Plan - The site is not affected by any other specific designations in this Plan. Formerly relevant policies have been superseded by the Core Strategy.
- 10.5 Site Management and Allocation of Development Document (SAMDEV) – The site is not subject to any specific designations within the emerging SAMDEV. Draft policies are being prepared. Whilst these cannot yet be accorded any weight it is considered that the proposals are in general compliance with the objectives of this emerging planning policy.
- 10.6 Other Relevant Guidance
- 10.6.1 The UK Renewable Energy Strategy (July 2009) - The UK Government published the Renewable Energy Strategy in July 2009. The strategy explains how it intends to “radically increase our use of renewable electricity, heat and transport”. It recognises that we have a legally binding commitment to achieve almost a seven-fold increase in the share of renewables in order to reach our 15 target by 2020. It suggests that the amount of electricity produced from renewables should increase from 5.5 to 30 .
- 10.6.2 Planning practice guidance for renewable and low carbon energy (DCLG, companion guide to the NPPF). This practice guide reaffirms the importance of renewable energy and advocates community led renewable energy initiatives. The following advice is provided specifically with regard to the large scale ground-mounted solar photovoltaic farms:

‘The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include:

- *Encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays;*
- *That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use ;*
- *The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;*
- *The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *The need for, and impact of, security measures such as lights and fencing;*
- *Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;*
- *The energy generating potential, which can vary for a number of reasons including, latitude and aspect’.*

11.0 RELEVANT PLANNING HISTORY:

- 11.1 A significant number of planning applications have been granted with respect to development at the adjacent agricultural buildings within the past 10 years, including the erection of potato storage buildings (09/02004/FUL; 09/0205/FUL) and a nearby in vessel composting facility (NS/03/00700/DEEM). No applications relate directly to the current application site.

12.0 Additional Information

List of Background Papers: Planning application reference 13/02579/FUL and plans.
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Richard Huffer, Clee
Appendices: Appendix 1 – Conditions.

APPENDIX 1

CONDITIONS

Commencement of Development

1. The development hereby approved shall be commenced within 3 years of the date of this permission. Such date shall be referred to hereinafter as 'the Commencement Date'.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 and in recognition of the part-retrospective nature of the development.

Definition of the Permission

2. Except as otherwise provided in the conditions attached to this permission or otherwise agreed in writing the operations hereby permitted shall be carried out strictly in accordance with:-

- i. The application form dated 25th June 2014 and the accompanying planning statement;

- ii. The supporting documents and appendices, namely:

- Planning Statement;
- Landscape and Visual Impact Appraisal, Alan Moss Associates;
- Ecological Appraisal, Churton Ecology;
- Flood Risk Assessment and Drainage Strategy;
- Heritage Impact Assessment, Castlering Ecology.

- iii. The permitted plans accompanying the application comprising:

- 1075-821-1/P1; Access Plan
- 1075-112 / P3; Site Layout;
- 1075-132 / P2; Security Fencing;
- 1420.03; Landscape and Biodiversity Management Plan;
- 1075-133 / P1; HV Inverter Kiosks, Elevations;

- iv. The further information submitted in support of the proposals, namely:

- Letter from Roger Parry to Shropshire Council dated 3rd October 2014;
- AX-350/650 DH Series Photoelectric Detector;
- Deer netting specifications;

Reason: To define the permission.

3. This permission shall relate only to the land edged red on the site location plan (Construction access and maintenance access routes), hereinafter referred to as 'the Site'.

Reason: To define the permission.

Construction Management Plan

4. Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, in which the route along the highway for the delivery of materials and plant shall be stated along with measures to minimize the impact on the local highway network.

Reasons: In the interests of highway safety

Note: Appropriate advice should be obtained from a soil scientist to prevent damage to the soil resource during the construction phase.

Access

5. The sole access to the site during the construction and throughout the subsequent operational phase shall be by means of the route shown on the approved location plan reference 'Construction access and maintenance access routes'.

Reason: In the interests of highway safety and to protect the amenities of the area.

Landscaping

- 6a. Planting and seeding shall be undertaken within the first available planting season following the completion of construction works and in accordance with the details shown on the approved landscaping plan reference 1420.03.
- b. The developer shall notify the Local Planning Authority in writing of the date when planting and seeding under the terms of condition 6a above has been completed.
- c. In the event that the applicant determines in consultation with the Local Planning Authority that variation to the approved grass seeding specification and management provisions is required in order to achieve maximum ground cover then the applicant shall submit an amendment for the approval of the Authority. Any such amendments shall be implemented in accordance with the approved details.

Reason: To provide effective containment of the Site in the interests of visual amenity (6a) to allow for a review of screening requirements following the erection of the solar arrays (6b) and to allow for amendments to the seeding specifications if required in order to maximize ground cover within the Site.

Note: Trees and shrubs proposed for planting should comprise native species of local provenance.

7. All new planting within the Site shall be subject to aftercare / maintenance for a period of 5 years following planting, including weeding and replacement of failures

Reason: To secure establishment of the landscaped area in the interests of visual amenity and ecology.

Arboriculture

8. Where the approved plans and particulars indicate that construction work is to take place within the Root Protection Area (RPA) of any retained trees, large shrubs or hedges, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) detailing how any approved construction works will be carried out, shall be submitted and agreed in writing by the Local Planning Authority Tree Officer. The AMS shall include details on when and how the works will take place and be managed; and how the trees, shrubs and hedges will be protected during such a process.

Reason: To ensure that permitted work is carried out in such a manner as to safeguard existing trees and hence to protect the amenities of the local area.

Ecology

9. Before construction commences on site, details of the structure of the security fence showing provision for the movement of badgers and other wildlife, should be submitted for prior approval to the planning authority and implemented as agreed for the life time of the development.

Reason: to allow wildlife including badgers to continue to have access across the site.

10. No development hereby permitted, including ground disturbance, siting of plant, equipment, buildings or bunds, shall take place within 2 metres of any hedgerow, without the prior written approval of the Planning Authority.

Reason: To protect existing hedges and associated wildlife habitat from damage.

11. No trees or hedges are to be removed without the prior written approval of the planning authority.

Reason: to protect potential bat roosts, foraging routes and the landscape.

12. Prior to the erection of any external lighting on the site a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting plan will identify how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications). 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 (European Protected Species) and other wildlife

13. Landscape plan - Work shall be carried out strictly in accordance with the Landscape and Biodiversity Management Plan as shown on drawing 1420.03, dated 25.9.14 attached as an appendix to this planning permission, including all specifications and recommendations, unless otherwise approved in writing by the local planning authority, for the lifetime of the development.

Reason: To ensure retention and management of important landscape and biodiversity features, including mitigation and enhancements for bats, badgers, birds and other wildlife.

Notes:

- i. *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. Operations shall be managed to avoid the need to commence work affecting vegetation in the bird nesting season which runs from March to September inclusive. If it is necessary for work affecting vegetation to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests shall be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist shall be called in to carry out the check. Work affecting vegetation shall not proceed unless it can be demonstrated to the Local Planning Authority that there are no active nests present.*
- ii. *It is recommended that species-rich grassland is created in association with low-growing native scrub planting on the site boundaries, incorporating species of value to wildlife (and of local provenance) where possible. If deemed practicable, the sowing of shade tolerant grassland is also recommended within the solar park itself in order to further enhance the biodiversity of the local area.*
- v. *Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. No works should occur within 30m of a badger sett without a Badger Disturbance Licence from Natural England in order to ensure the protection of badgers which are legally protected under the Protection of Badgers Act (1992). All known Badger setts must be subject to an inspection by an experienced ecologist immediately prior to the commencement of works on the site. Where possible trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.*

Fencing

- 10a. Fencing shall be provided strictly in accordance with the details shown on the approved fencing plan reference 1075-132 / P2.
- b. Site security shall be provided in accordance with the specifications detailed in the approved manufacturer's specification entitled AX-350/650 DH Series Photoelectric Detector.

Reason: In the interests of privacy (CCTV) and visual amenity (fencing).

Drainage

11. There shall be no new structures (including gates, walls and fences) or raising of ground levels within 6metres of the top of bank of the watercourse inside or along the boundary of the site.

Reason: To prevent any impact on flood flows and flood risk elsewhere.

Notes:

- i. *For the transformer installation, the applicant should consider employing measures such as the following: Surface water soakaways; Water Butts;' Rainwater harvesting system;' Permeable surfacing on any new driveway, parking area/ paved area; Greywater recycling system.*

Archaeology

- 12a. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). The programme of works should make provision for geophysical survey prior to construction commencing onsite with targeted evaluation trenching if necessary depending on the results of the geophysical survey. Non-intrusive construction methods (concrete shoes and above ground cable trays) or realignment of the arrays to avoid archaeological remains shall be applied in all areas where significant archaeological remains are identified and tested by evaluation.
- b. An archaeological watching brief shall be maintained in areas of discreet ground disturbance associated with excavations for construction compounds, access roads, sub-stations/transformers. The applicant shall notify the Council's Archaeologist not later than 4 working days prior to the commencement of any operations involving ground disturbance within the site and shall provide sufficient time for inspection and recording of any archaeological remains which may be uncovered.

Reason: To allow any potential archaeological interest within the site to be properly assessed.

Noise

- 13a. The site shall be designed to avoid the possibility of noise attributable to the development exceeding a level of 5dBA above existing background noise at the ground floor level of any existing property.
- b. Notwithstanding the approved site layout plan, a scheme considering the potential to relocate the inverter unit nearest to Whitton House so that it is further from that property shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement date. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.

Amenity complaints procedure

14. Prior to the Commencement Date the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:
- i. Investigation of the complaint;
 - ii. Reporting the results of the investigation to the Local Planning Authority;
 - iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

Final decommissioning

- 15a. No re-placement of any solar panels within the Site at the end of their planned design life shall take place under the terms of this permission.
- b. All photovoltaic panels and other structures constructed in connection with the approved development shall be physically removed from the Site within one year of the end of their design life and the Site shall be reinstated as an agricultural field. The Local Planning Authority shall be provided with not less than one week's notice in writing of the intended date for commencement of decommissioning works under the terms of this permission.

Reason: To allow the site to be reinstated to an agricultural field capable of full productivity at the end of the planned design life of the development and to afford the Local Planning Authority the opportunity to record and monitor decommissioning.

Note: The typical design life of modern solar panels is up to 25 years. Any proposal to re-power the Site at the end of its planned design life would need to be the subject to a separate planning approval at the appropriate time.



Committee and date

South Planning Committee

14 October 2014

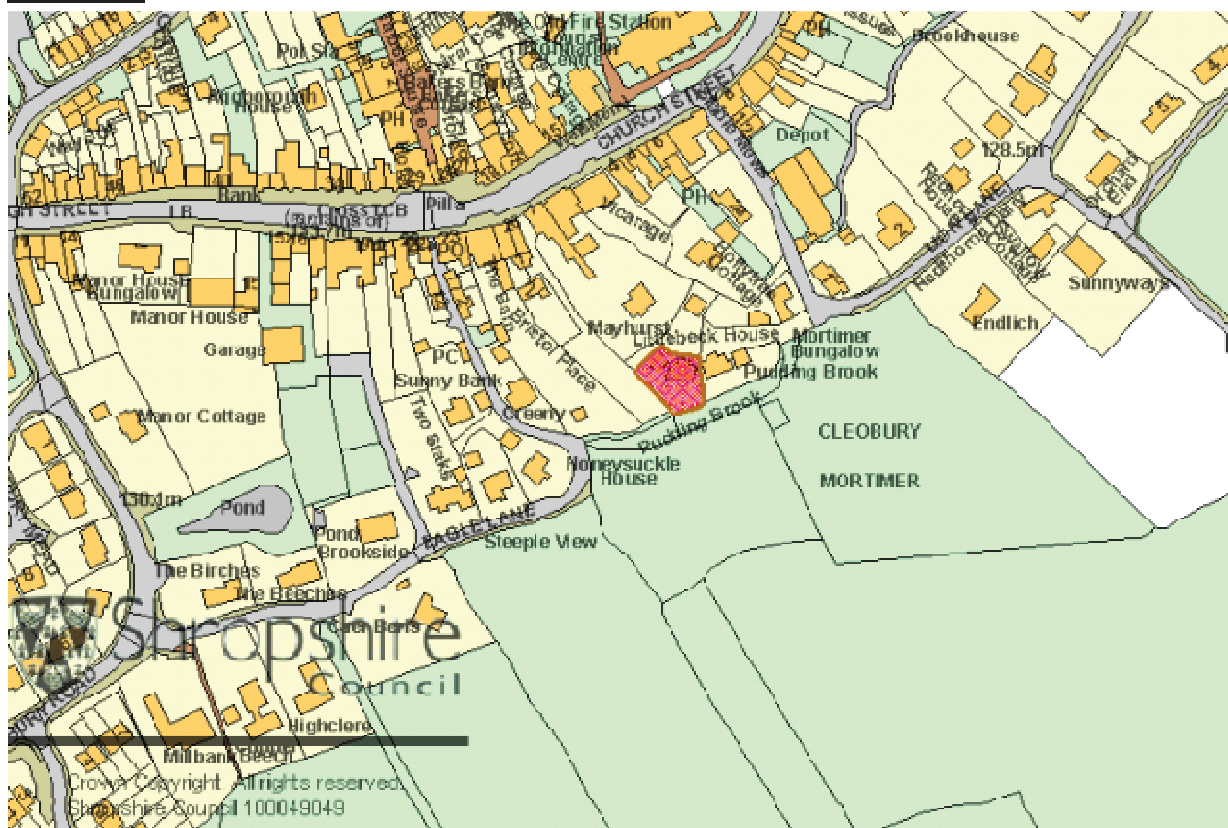
Development Management Report

Responsible Officer: Tim Rogers

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

Summary of Application

<u>Application Number:</u> 14/03611/FUL	<u>Parish:</u>	Cleobury Mortimer
<u>Proposal:</u> Erection of a new single storey sun room (replacing an existing side utility)		
<u>Site Address:</u> Little Beck House Lion Lane Cleobury Mortimer Kidderminster DY14 8BT		
<u>Applicant:</u> Mr Gwilym Butler		
<u>Case Officer:</u> Helen Tipton		<u>email:</u> planningdmsw@shropshire.gov.uk
<u>Grid Ref:</u> 367407 – 275657		



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

REPORT

1.0 THE PROPOSAL

- 1.1 The proposal is for the erection of a single storey extension to replace the existing side utility. The extension is proposed to fit, centrally, between the dwelling house and the existing double garage.
- 1.2 The extension is proposed to be a timber clad and glazed construction under a clay tiled roof and would provide additional living accommodation in the form of a sun room, access to the private garden at the rear and a covered link between the garage and the house.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Little Beck House is located just within a Conservation Area on Lion Lane, a quiet, unclassified road in the leafy suburbs of Cleobury Mortimer. Lion Lane actually leads off the main A4117, on the south side of Cleobury Mortimer but once on this single track road, the surrounding area soon transforms into a serene residential cul de sac.
- 2.2 The detached property is modern yet considerably designed. Sheltered by trees along the rear perimeter, the house looks out onto views of sloping grassland further south and to Pudding Brook with a tranquil residential area just to its north.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 In accordance with the adopted 'Scheme of Delegation' this application is presented for committee determination as the application is made by and relates to the property of an elected member of Shropshire Council.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 Cleobury Mortimer Parish Council – no response received;
- 4.1.2 Historic Environment (Archaeology) – have no comments to make on this application with respect to archaeological matters.
- 4.1.3 Historic Environment (Conservation and Design) - Little Beck House sits to the south of and within the Cleobury Mortimer Conservation Area. The proposals are not seen to have a detrimental impact on the character or appearance of the Conservation Area.

4.2 - Public Comments

4.2.1 None received

5.0 **THE MAIN ISSUES**

Principle of development
Siting, scale and design of structure
Visual impact, landscaping & conservation area
Residential / neighbour amenity

6.0 **OFFICER APPRAISAL**

6.1 Principle of development

6.1.1 There is a general presumption in favour, within the development plan policy, for extensions to dwellings, provided that the scale, siting and design do not overwhelm or dominate the appearance of the original dwelling or that the extension does not have any detrimental impact on the level of residential amenities the occupiers of any neighbouring properties should expect.

6.2 Siting, scale and design of structure

6.2.1 The proposed structure will replace a small, existing utility room on the west side of the dwelling house which, currently, does not suitably utilise the space available. The proposal, however, makes clever use of the space by taking advantage of this area between the double garage and the main house. The gable walls of the garage and house are set at angles to one another and so will disguise the proposed addition from the residential area at the front and sides of the property. The sun room will be slightly more prominent at the rear elevation but only when viewed from the immediate area around the rear garden. Otherwise and despite its proposed central location, it will remain a discreet addition to the premises, mimicking the roof geometry of both the house and garage and blend appropriately with the existing structures.

6.3 Visual impact, landscaping & conservation area

6.3.1 The site sits just within a Conservation Area, a small number of trees, at the south side, offer a canopy and natural screen to provide further seclusion and visually separate the plot from open countryside. These trees sit at the edge of the property but will not be affected by the proposals offered forward. Equally, the gradient of the field behind the house allows the garden to remain concealed from panoramic view.

6.3.2 The sun room is considered a subtle and inconspicuous addition to the main house, offering an attractive alternative to the existing utility room. It will have no more prominence within the landscape, despite being slightly larger than the existing utility room and will remain unobtrusive from public view points.

6.3.3 The extension as such would have a minimal visual impact on its surroundings and would not detract from the character and appearance of the Conservation Area.

6.4 Residential / neighbour amenity

6.4.1 The small number of dwellings in the immediate location are slightly staggered and set apart from one another. This allows both the house and grounds to remain a private space. As a result of this, no overlooking occurs from houses at either the west or east side which ensures there is little negative impact upon the amenity enjoyed by neighbouring properties.

6.4.2 Due to the location of the proposed extension between the existing development, the dwelling is brought no closer to neighbouring properties and there would be no loss of light or creation of overbearing impact as a result of the scheme.

7.0 **CONCLUSION**

7.1 The proposed sun room is not considered to harm the visual amenity of the area and would not unduly affect neighbours enjoyment of the residential area. The proposal would be in scale and character with the existing dwelling and would not detract from the character and appearance of the conservation area. The proposal complies with the relevant development plan policy and therefore it is recommended that planning permission be 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

Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

None

List of Background Papers: 14/03611/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.

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

3. The roof tiles shall match in colour, form and texture the roof tiles of the existing building and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: In the interest of visual amenity and to protect the character and appearance of the Conservation Area, in accordance with Shropshire Council Core Strategy CS6 and CS17.

4. The weatherboard cladding hereby approved shall be fixed with a minimum exposed width of 150mm and remain unstained unless details of the colour and finish are submitted for approval in writing with the local planning authority.

Reason: In the interest of visual amenity and to protect the character and appearance of the Conservation Area, in accordance with Shropshire Council Core Strategy CS6 and CS17.

Informatives

1. 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

14 October 2014

SCHEDULE OF APPEALS AND APPEAL DECISIONS

SCHEDULE OF APPEALS AS AT COMMITTEE 14.10.2014

LPA reference	13/04159/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Ms K Hemsley
Proposal	Outline application for the erection of a dwelling to include means of access
Location	53 Brimstree Drive Shifnal Shropshire TF11 9PX
Date of appeal	20/06/2014
Appeal method	Written Representations
Date site visit	
Date of appeal decision	10/09/2014
Costs awarded	
Appeal decision	Dismissed

LPA reference	13/05029/LBC
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr James Masters
Proposal	Works to facilitate the erection of a single storey extension
Location	Little Hobarris Barn, Hobarris, Bucknell. Shropshire SY7 0BX
Date of appeal	05.06.14
Appeal method	Written Representations
Date site visit	09.09.14
Date of appeal decision	11.09.14
Costs awarded	
Appeal decision	Dismissed

LPA reference	13/01281/VAR
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Peter Baker
Proposal	Removal of Condition No.10 attached to planning permission reference 11/02442/FUL to allow use as residential dwellings
Location	Barns Opposite Lower Rudge Farm Rudge Road Lower Rudge Pattingham
Date of appeal	12/12/2013
Appeal method	Written Representations
Date site visit	
Date of appeal decision	18/09/2014
Costs awarded	
Appeal decision	Allowed

LPA reference	14/00722/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr C Turner
Proposal	Erection of two storey side extension and new porch; erection of garage and store with hobby room above following demolition of existing car port
Location	Mandala 2 Chartwell Close Church Stretton Shropshire SY6 6ES
Date of appeal	17.07.2014
Appeal method	Householder Appeal
Date site visit	
Date of appeal decision	22.09.2014
Costs awarded	
Appeal decision	Part Allowed Part Dismissed

LPA reference	13/01633/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr and Mrs J Hickman (Norton Estates)
Proposal	Outline application for residential development (14 houses) to include access (revised proposal)
Location	Land Off Corvedale Road, Craven Arms, Shropshire
Date of appeal	24.09.2014
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	14/00676/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Mr G Lewis
Proposal	Erection of two dwellings, alterations to existing vehicular access and formation of private driveway
Location	Land SW Of Church Snailbeach Shropshire
Date of appeal	04.07/14
Appeal method	Written Reps
Date site visit	
Date of appeal decision	25.09.14
Costs awarded	
Appeal decision	Dismissed

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Appeal Decision

Site visit made on 26 August 2014

by Victoria Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 10 September 2014

Appeal Ref: APP/L3245/A/14/2220436

53 Brimstree Drive, Shifnal, Shropshire, TF11 9PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Kath Hemsley against the decision of Shropshire Council.
 - The application Ref 13/04159/OUT, dated 10 October 2013, was refused by notice dated 7 January 2014.
 - The development proposed is erection of 1 dwellinghouse adjoining 53 Brimstree Drive.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all other matters, except access, reserved. Documents were submitted with the application, including a Design and Access Statement and a plan, which give an indicative indication of the scale, appearance and siting of the proposal. These details have been taken into account in my determination of this appeal.

Main Issue

3. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

4. No. 53 Brimstree Drive (No. 53) is an end of terrace dwelling situated in a modern housing estate within the market town of Shifnal. No.53 is located within a small cul-de-sac which is situated directly off the main thoroughfare of Brimstree Drive itself. The row of terraced dwellings of which the appeal dwelling forms part faces a similar row of dwellings on the opposite side of the cul-de-sac. This establishes a pleasant symmetry to the pattern of development.
5. No. 53 is situated at the junction of Brimstree Drive and the cul-de-sac. It is therefore in a visually prominent position. The appeal site currently comprises part of the garden area of No. 53. It is laid to lawn and separates the side of the appeal dwelling from its boundary with Brimstree Drive. The site is not enclosed by any boundary treatment. It therefore has the visual appearance of an area of open space which sweeps around the appeal dwelling, following the contour of the highway. This is mirrored by the arrangement of the dwelling

- on the opposite side of the cul-de-sac (No. 77) which has a similar open, grassed garden area at the junction with the highway.
6. This pattern of development, whereby dwellings are set back from the highway behind areas of open space, is mirrored on other parts of the housing estate within which No. 53 is located and is a distinctive feature. Overall this establishes a spacious and open character which enhances the symmetrical pattern of development in the vicinity of the appeal site. Given No. 53's visually prominent corner position, the area of open space which forms part of the appeal site therefore contributes positively to the character and appearance of the area. This is particularly so given the symmetry it creates with the open part of the garden area of No. 77. The contribution that the appeal site makes is not affected by the fact that it is in private ownership.
 7. The appeal proposal would see the creation of an additional dwelling which would be situated on the existing open garden area. Although the application was submitted in outline with all matters, except access, reserved, the submitted Design and Access Statement (DAS) does describe some likely characteristics of the appeal proposal. These include that it would be two storey, immediately adjoin and link with No. 53 and would be of a similar size and proportion to the existing dwelling. The proposed vehicular access would be via the cul-de-sac close to the existing vehicular access for No. 53.
 8. Taking those details into account, the proposed dwelling would therefore extend the existing terrace of dwellings, bringing it closer to the boundary with the highway. It would therefore extend the established building line on one side of the cul-de-sac. The building line of the terraced row on the opposite side of the cul-de-sac is set slightly forwards of the terraced row of which No. 53 forms part. I also understand that the open part of No. 77's garden area is slightly smaller than that of No. 53. However, there is a slight curve in the highway at this point. The existing pattern of development follows the contour of this. The proposed dwelling would therefore disrupt this pattern of development by bringing the building line closer to the highway at this point.
 9. The proposal would also result in the loss of a significant portion of the existing open garden area to the side and front of No. 53. This would be detrimental to the open and spacious character of the area. This is particularly so given the visually prominent position of the appeal site and its symmetrical appearance with the garden area of No. 77. For these reasons, I consider that the proposal would be harmful to the character and appearance of the area.
 10. As the application was submitted in outline, I have considered whether a proposed dwelling of an alternative scale or siting would overcome the harm I have identified. However, the DAS is clear that a dwelling of a similar type, scale and appearance to No. 53 is proposed and that it would adjoin that dwelling. Given the narrowness of the site, approximately 7.5 metres in width, it would therefore be likely to result in the proposed dwelling being situated close to the back edge of the pavement along Brimstree Drive. Whilst a strip of approximately 1.5 metres of open land may be retained as a result of the proposal, this would be significantly less than the existing arrangement. I therefore consider that this would not overcome the harm that I have identified.
 11. It may be possible for the appellant to enclose the appeal site from public view or to build an extension to No. 53 of similar proportions to the appeal proposal.

However, there is little specific information to suggest that the appellant has a settled intention to undertake those alternative proposals. I therefore attach limited weight to these considerations.

12. Accordingly, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with policy CS6 of the Council's Core Strategy (Adopted 2011) (CS) which, among other things, states that development will be designed to a high quality, ensuring it enhances the built environment taking into account the local context and character and those features which contribute to local character. It would also conflict with paragraph 64 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Other Matters

13. The Council does not dispute that, given the appeal site's location within Shifnal, the general principle of the development proposed is considered to be acceptable. The appellant has also referred to the housing land supply situation in the area and I acknowledge that the proposal would make a modest contribution in this regard. However, I consider that these matters do not outweigh the harm that I have identified above.
14. Policy CS11 of the CS requires all new open market housing development to make appropriate contributions to the provision of local needs affordable housing. In this regard, I note the appellant's reference to a draft s.106 which was intended to be submitted with the appeal documents. However, as I have concluded the proposal would be harmful in relation to the main issue I have identified; this has not been a decisive consideration in my determination of this appeal.
15. Based on the information before me, there would also be no harm to the living conditions of neighbouring occupants as a result of the development proposed. However this is a neutral matter and does not therefore weigh in favour of the proposal.
16. I appreciate that the Council officer recommended the original application for approval. However, Councils are not bound to accept the recommendations of their officers.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Victoria Lucas-Gosnold

INSPECTOR

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Appeal Decision

Site visit made on 9 September 2014

by Mr JP Sargent BA(Hons) MA MRTPI

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

Decision date: 11 September 2014

Appeal Ref: APP/L3245/E/14/2217966

Little Hobarris Barn, Chapel Lawn, Bucknell SY7 0BX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr James Masters against the decision of Shropshire Council.
 - The application Ref 13/05029/LBC, dated 13 December 2013, was refused by notice dated 22 April 2014.
 - The works proposed are a new sun room to the existing converted barn, in the style of an agricultural engine house.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the works would preserve the special architectural or historic interest of this Grade II listed building.

Reasons

3. When this building was listed in 1985 it was a barn. Having regard to the List Entry Description and the information submitted by the parties, at that time it was of a timber frame construction clad in weatherboarding on a limestone rubble plinth and it faced a farmyard. It also had a strong linear form, and although a large lean-to was attached to one elevation that seemed to be of a design and materials that gave it the appearance of a subservient addition.
4. In 1988 listed building consent was granted to convert the building to a dwelling. As a result of the implementation of that consent, it still has the weatherboarding and limestone finish and the removal of the lean-to has reinforced the linear form. However, its openings are of a domestic scale and nature, a garden has replaced the farmyard, chimneys have been added, the internal arrangement has changed and, with the exception of about a third of the timber frame, little of the historic fabric remains.
5. The Appellant contended this is now a domestic building that has no agricultural character in its internal or external appearance. Certainly in my opinion it is more residential in nature and its previous role as a functional agricultural barn is less clear. However, it still maintains a linear form and a simplicity of appearance that existed before the conversion was undertaken. These elements are part of its special architectural or historic interest and they contribute to its significance as a heritage asset.

6. Despite the alterations that have occurred the building remains listed, and it is not for me to consider whether or not it should be de-listed. Rather, under section 16 of the Act I am required to have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses, and I have considered the scheme in the light of this onerous statutory requirement. Moreover, paragraph 132 of the *National Planning Policy Framework* (the Framework) says that great weight should be given to the conservation of a heritage asset, and any harm to its significance should require clear and convincing justification.
7. The proposed extension would project prominently from near the middle of the main south-east elevation. The Appellant said its design would resemble that of an agricultural engine house, and this would put back some local farming feature that was removed when the building was converted.
8. I share the Council's concern that the proportions of the works would not reflect those of a typical engine house, and no information has been offered to refute this. In any event, there is no basis to assume an engine house was present at this site before, and therefore attempting to introduce such a significant feature here would confuse an appreciation and understanding of its past. Moreover, in my opinion the curved nature of the proposal's elevations and roof would be at odds with the simplicity of the building and, as it would have robust finish of limestone and slate, its prominent projection from the south-east elevation would, to some degree, be contrary to the strong linear arrangement that is now apparent.
9. Therefore, even accepting the changes that have occurred with the conversion, when assessed together these concerns mean the proposal would cause harm to the significance of the building, taking it still further from its original form and nature. Although this harm would be less than substantial, to my mind such a level of harm is a matter to which considerable weight should be given.
10. Paragraph 134 of the Framework says that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset that harm should be weighed against the public benefits of the proposal. While the extension would provide improved accommodation for the occupiers there is no reason to consider that the property as it now stands is unsuited to residential use or that its future would in some way be uncertain without this addition. I am therefore aware of no public benefits that would result from the proposal.
11. Accordingly I conclude the works would detract from the special architectural or historic interest of this Grade II listed building causing less than substantial harm to the significance of this heritage asset. In the absence of any public benefits that outweigh this harm, the works would conflict with the Framework and, insofar as they are relevant to this proposal for listed building consent, Policies CS6 and CS17 in the *Shropshire Local Development Framework: Adopted Core Strategy*.

Other matters

12. The site is in an Area of Outstanding Natural Beauty and the River Clun Special Area of Conservation, but as this is an appeal against the refusal of listed building consent any effect on those designations is not a matter before me.

Conclusions

13. Accordingly the appeal should be dismissed.

J P Sargent

INSPECTOR

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Appeal Decision

Site visit made on 20 August 2014

by Victoria Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 18 September 2014

Appeal Ref: APP/L3245/A/13/2210381

Rudge Hall, Rudge Road, Pattingham, Wolverhampton, WV6 7EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Peter Baker against the decision of Shropshire Council.
 - The application Ref 13/01281/VAR, dated 3 April 2013, was refused by notice dated 17 July 2013.
 - The application sought planning permission for 'Conversion of disused barns to form 3 holiday let properties and one residential property; installation of septic tank drainage system' without complying with a condition attached to planning permission Ref 11/02442/FUL, dated 22 November 2011.
 - The condition in dispute is No. 10 which states that: 'The holiday let units shown on drawing number 11010-03A shall be used for holiday accommodation only and shall not be used as the sole, primary or permanent residence of any occupier'.
 - The reason given for the condition is: 'To define the permission for the avoidance of any doubt and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation, which would be contrary to Development Plan policy'.
-

Decision

1. The appeal is allowed and the planning permission Ref 11/02442/FUL for the 'Conversion of disused barns to form 3 holiday let properties and one residential property; installation of septic tank drainage system' at Barns Opposite Lower Rudge Farm, Rudge Road, Lower Rudge, Pattingham, WV6 7EA granted on 22 November 2011 by Shropshire Council, is varied, by deleting condition No. 10 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect and subject to the following additional condition:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Main Issues

2. The appeal site is in the Green Belt and therefore the main issue is whether the condition in dispute is reasonable and necessary having regard to:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy; and

- If the proposal is inappropriate development whether the harm by reason of inappropriateness, and any other Green Belt harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Background

3. The property the subject of this appeal is part of a converted barn building which forms a quadrangle style development. The buildings form a 'u-shape' with the fourth side, adjacent to the highway, being open. The three parts of the building all face towards a central courtyard which provides access and a parking area. One part of the building is an existing dwelling and this is attached to the appeal property. The opposite side of the building is used for garaging, stabling and storage. It is physically separated from the appeal building by a small gap through which access to the rear of the appeal property is provided. The appeal property itself forms the central part of the 'u-shape' which directly faces the highway.
4. My attention has been drawn to the detailed planning history for the appeal site. Prior to 2004, a building on the site of the current structure, and of a similar form, had been used for the stabling of horses and the storage of equipment used in the maintenance of land in the vicinity of the appeal site. In 2004, part of the building which now contains the holiday lets was taken down whilst repairs were being carried out to the structure. I am advised that an enforcement investigation by the Council found that the building had ceased to exist and a new floor slab had been laid. Planning permission was subsequently given in 2004 for the reconstruction of the building on the grounds that it would be for agricultural/stabling uses and was therefore considered by the Council to be not inappropriate development in the Green Belt. Although the building was re-constructed, I understand that the former use did not recommence.
5. In November 2011, planning permission was given for the conversion of the reconstructed building to form three holiday lets. Part of the original building was still in situ and planning permission was given to convert this into one dwelling. The reason given for this was because the part of the building which has been converted to a dwelling was considered to be a 'heritage asset' and it therefore met with a policy exception set out in policy CS5 of the Council's Core Strategy (Adopted March 2011) (CS) which allows the conversion of existing buildings in the Green Belt considered to be heritage assets to open market housing.
6. The holiday lets scheme was also viewed by the Council as complying with the relevant development plan policies at that time. I understand that this was because the scheme proposed a tourism use and would therefore be a type of small scale economic development which is considered to be not inappropriate development in the Green Belt under the terms of policy CS5 of the CS.
7. The disputed condition was attached in light of policy CS5. The appeal proposal would see the removal of this condition and the amalgamation of two of the units into one three bedroom residential unit. The proposal would therefore see the creation of two additional dwellings.

Planning policy context

8. Policy CS5 of the Council's CS states that new development in the Green Belt will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. The policy lists several exceptions to this approach and goes on to state that open market residential conversions will only be considered where, among other things, respect for the heritage asset and high standards of sustainability are achieved; and a financial contribution for the provision of affordable housing to be delivered off site is provided. The policy also requires development proposal to be consistent with the requirements of CS policies CS6 and CS17 which relate to sustainable design and development and environmental networks respectively.
9. The Shropshire Type and Affordability of Housing Supplementary Planning Document (2012) (SPD) sets out the Council's approach to the conversion of holiday lets into dwellings in more detail. In relation to the relevant policy CS5 exception, the SPD states that heritage assets would normally pre-date 1950; comprise traditional materials and building methods; are of permanent and substantial construction; and are of local significance and add value to the landscape (paragraphs 3.13). The SPD also goes on to state that if the buildings are of heritage value in terms of the character of the buildings and their contribution to the countryside and provided high standards of sustainability are achieved, then removal of the occupancy conditions may be acceptable subject to the payment of an affordable housing contribution.
10. Saved policy S3 of the Bridgnorth District Local Plan (Adopted July 2006) (LP) also states that within the Green Belt planning permission will not be given, except in very special circumstances, for the re-use of existing buildings unless this, among other things, does not reduce the openness of the area.
11. Paragraph 89 of the National Planning Policy Framework (the 'Framework') states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with certain exceptions. Paragraph 90 goes on to state that certain forms of development are also not inappropriate development in the Green Belt, provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.
12. The general thrust of the Council's approach in seeking to restrict new development in the Green Belt is therefore largely consistent with the Framework. However, the Framework does not restrict the re-use of buildings to heritage assets in the way that local policy does. The Council's approach, in so far as it relates to this appeal proposal, is therefore more restrictive than the Framework and there is a conflict in this regard. As the development plan does not fully reflect the Framework in this respect, it carries less weight in accordance with paragraph 215 of the Framework.

Whether inappropriate development: National Planning Policy Framework

13. The proposal relates to the conversion of an existing building, albeit one that was reconstructed as recently as 2004. There is agreement between the parties that the appeal building is of permanent and substantial construction. No external alterations to the appearance of the building or alterations in the scale are proposed. The building adjoins the existing dwelling on the site and

has an extant permission for holiday let use, although it has not been used as such. The appeal building is therefore already surrounded by various domestic paraphernalia including landscaping, hardstanding, parked cars, decorative gravel, potted plants and outdoor lights.

14. Therefore, having regard to the existing situation, although there may be a moderate intensification of residential usage at the site as a result of the proposal, this would not be significant. There would be no encroachment into the countryside as a result of the development proposed. There would also be no significant suburbanisation of the site having regard to the existing situation. Accordingly, the proposal would not have a materially greater impact on the openness of the Green Belt nor conflict with the purposes of including land within it. The appeal proposal would therefore not be inappropriate development in the Green Belt as described in paragraph 90 of the Framework. I shall now go on to consider the proposal in relation to the local policy context.

Whether inappropriate development: Development Plan policy

15. In order to meet the relevant policy CS5 exception, it is necessary for me to consider whether the appeal property can be considered to be a heritage asset, its sustainability characteristics and the issue of a financial contribution towards the provision of affordable housing.
16. There is agreement between the parties that the buildings which are the subject of this appeal are of permanent and substantial construction. There is also agreement that they comprise traditional materials and building methods and are of local significance and add value to the landscape. Based on the information before me and the observations I was able to make during the site visit, I see no reason to disagree. The appeal buildings therefore meet three out of the four criteria which the SPD uses to define 'heritage assets'. The remaining area of disagreement between the parties is whether or not the appeal property can be considered to be a heritage asset because it was re-constructed after 1950.
17. The conversion of one part of the building to a dwelling in 2011 was considered acceptable by the Council as it was deemed a heritage asset for the purposes of policy CS5 which is permissive of that type of development. This was because the Council considered that a suitable proportion of the original part of that building remained. It is the Council's position that the part of the building which is the subject of the appeal before me cannot be considered as a heritage asset as it was reconstructed as part of the 2004 permission. The appellant disputes this and has submitted a heritage statement in support of the application.
18. Evidence submitted by the appellant indicates that the original buildings at the appeal site were arranged around three sides of a rectangle, the fourth side being open and facing towards Rudge Road and Lower Rudge Farm opposite. I understand it was formerly a farmstead associated with that farmhouse. Following the removal of part of the original building, the appeal building was constructed as a replica. I acknowledge that the appeal building was reconstructed around 2004 and it cannot therefore be said to pre-date 1950 in this respect. However, I am advised that it is largely faithful to the character, form and siting, of the building that it replaced.

19. The appeal building is traditional in style, brick built and very similar to the external appearance of the existing dwelling on the appeal site. It therefore adds value to the existing dwelling, which the Council has acknowledged to be a 'heritage asset' for the purposes of local policy. The existing buildings on the appeal site are also seen together as a visually cohesive group. As such the appeal property does form an integral and essential part of the quadrangular pattern of development on the appeal site. For these reasons, I consider that the buildings as a whole do constitute a heritage asset due to their siting, form and proximity. This is the case even though the appeal property was reconstructed in around 2004. Additionally, whilst paragraph 3.13 states that 'heritage assets' should normally meet with the four criteria listed, it does not require that all of those criteria must be met in every instance.
20. For these reasons, given the particular context of the appeal site, I consider that the appeal buildings should be considered a heritage asset for the purposes of local policy.
21. The appeal site is within a rural location and the Council contends that it is remote from local services and therefore not a sustainable location for new build open market housing. However, the village of Pattingham has a range of local services and is approximately 1.4 miles away from the site. It is also close to the A454 which connects Shropshire to Wolverhampton. I acknowledge that future occupants of the proposed dwellings would be likely to be reliant on the private car. However, that would not be an unusual situation in rural areas. The proposal would also see the creation of two dwellings which would be a social benefit.
22. One of the core planning principles of the Framework does state that planning should encourage the re-use of existing resources, including the conversion of existing buildings (paragraph 17). In line with this, the proposal would also see the re-use of an existing building which would be an environmental benefit. The Framework is also clear that proposals for housing should be considered in the context of the presumption in favour of sustainable development (paragraph 49). For these reasons, I consider that the removal of the occupancy restriction in order to allow the appeal property to be used as permanent dwellings would represent sustainable development. It would therefore accord with the relevant local and national policies.
23. I acknowledge that the removal of the disputed condition would technically result in the loss of three holiday let units. However as that use has never been implemented, I consider that this would have an overall neutral effect.
24. Policy CS5 of the CS also requires a financial contribution for the provision of affordable housing to be delivered off site to be provided. The Council's requirements are also set out in Policy CS11 of the CS and the Council's SPD which explains how the affordable housing contribution is calculated. I have been provided with a completed Unilateral Undertaking made by the appellant under Section 106 of the Town and Country Planning Act 1990 as amended. This has been accepted by the Council. I consider that the financial contribution sought by the Council is necessary, directly related to the development; and fairly and reasonably related in scale and kind to the development. I have examined the undertaking in light of the tests in Regulation 122 of the Community Infrastructure Levy regulations and paragraph 204 of the Framework. I am satisfied that the undertaking is in line

with the tests and should therefore be taken into account. The proposal would therefore be consistent with local policies in this regard.

25. For the reasons given above, I conclude that the proposal would not be inappropriate development in the Green Belt for the purposes of policies CS5 of the CS, the SPD, policy S3 of the LP and paragraph 90 of the Framework. The disputed condition is not therefore reasonable or necessary having regard to local and national Green Belt policies.

Other Considerations

26. As the proposal would not be inappropriate development in the Green Belt, it is not necessary for me to consider this matter further.

Other Matters

27. The Council have raised concerns that, were the appeal to succeed, this may set a precedent for similar applications. Whilst I have considered the Council's argument, no directly comparable cases to which this might apply were put forward. Each application and appeal must be determined on its own individual merits. I have therefore determined this appeal in relation to the particular circumstances of this proposal.
28. The Council have also expressed concerns that, were the appeal to succeed, the chronology of the planning history of the appeal site would result in the appeal building having been reconstructed, converted into holiday lets and finally converted into open market housing within approximately 10 years. I appreciate the Council's concerns. However, for the reasons given above, I have concluded that the proposal would be consistent with the relevant development plan policies. It would also not be inappropriate development as described in the Framework (paragraph 90). Therefore, whilst I have had regard to the planning history, it does not outweigh my conclusion on the main issue above.
29. The Council have referred to a previous appeal¹ where the proposal sought the removal of a holiday let condition. In that appeal, the Inspector concluded that the removal of the condition would remove the rural economy justification for the grant of planning permission where the extent of reconstruction necessary would otherwise not have been accepted for residential conversions. However, the appeal proposal before me would not require any reconstruction work. The circumstances are therefore different and, in addition, the Framework was published after the previous decision was issued and there has therefore been a material change in policy.

Conclusion

30. The proposal would see the conversion of an existing building of substantial and permanent construction into two additional permanent dwellings with no external alterations proposed. The proposal would not have a materially greater impact on the openness of the Green Belt nor conflict with the purposes of including land within it. The proposal would also relate to the conversion of a building that forms part of a heritage asset and would represent a form of sustainable development. A mechanism is also before me to ensure that a financial contribution towards the off-site provision of affordable housing is

¹ APP/L3245/A/10/2120395 Decision date: 9 April 2010

provided. The proposal would therefore not be inappropriate development in the Green Belt. Accordingly, it is not necessary for me to consider whether the harm by reason of inappropriateness, and any other Green Belt harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it. The proposal would therefore be consistent with policies CS5, CS6, CS11 and CS17 of the CS, the SPD, policy S3 of the LP and paragraph 90 of the Framework.

31. For the reasons given above, I conclude that the appeal should succeed. I have therefore varied the planning permission by deleting the disputed condition.

Victoria Lucas-Gosnold

INSPECTOR

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Appeal Decision

Site visit made on 8 September 2014

by T Cannon BA(Hons) DipTP MRTPI

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

Decision date: 19 September 2014

Appeal Ref: APP/L3245/D/14/2221917

2 Chartwell Close, Church Stretton, Shropshire, SY6 6ES

- 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 Mr Chris Turner against the decision of Shropshire Council.
 - The application Ref 14/00722/FUL was refused by notice dated 22 April 2014.
 - The development proposed is for the erection of a two storey extension to the dwelling plus addition of new porch. Demolition of existing car port and replacement with garage and store.
-

Decision

1. For the reasons that follow I dismiss the appeal insofar as it relates to the garage and store. I allow the appeal however, insofar as it relates to the remainder of the application and grant planning permission for the erection of a two storey extension to the dwelling plus addition of new porch at 2 Chartwell Close, Church Stretton, Shropshire, SY6 6ES 349 in accordance with the terms of the application, Ref 14/00722/FUL, dated 14 February 2014, and the plans submitted with it, 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 the following approved plans: CS01/2014/01, CS01/2014/06, CS01/2014/07 and CS01/2014/08.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The scheme involves a number of different elements. In this respect I find the two storey extension and porch to be acceptable and clearly severable from the remainder of the scheme as it is physically and functionally independent. Therefore, I propose to issue a split decision in this case and grant planning permission for the two storey extension and porch.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

4. The appeal property is a modern detached dwelling occupying a large corner plot at the junction of Chartwell Close and Churchill Road. Due to the position of the existing house and landscaped frontage, views of the front and side of the site are readily available from approaches into the cul-de-sac. Where there are existing examples of detached garages in the area, they are generally single storey in height, and do not dominate the existing property or surrounding street scape.
5. It is proposed to demolish the existing flat roof car port, positioned within the side garden of the property, immediately adjacent to the southern boundary of the site, and replace it with a two storey pitched roof structure providing a garage, store and hobbies room. The new building would occupy a similar position to the existing car port and extend out roughly in line with the principal elevations of properties in Chartwell Close further to the south.
6. I acknowledge that the proposed garage would be set back from the road frontage, and a large proportion of this spacious plot would be retained. However, due to the orientation of the existing house and extensive height, depth and scale of the proposed garage, it would introduce an imposing and dominant addition within the street scene. The use of timber cladding or render as an external facing material would further add to its prominence, particularly from views into Chartwell Close, and contrast with the predominantly brick built dwellings in the locality. The introduction of concrete tiles as a roofing material and a neutral coloured finish to the render would not sufficiently reduce this impact. Nor would the existing willow tree, to the north of the proposed garage, or additional planting adequately mitigate against such harm.
7. Although a shallow roof pitch is proposed, restricting the overall height of the garage to about 5.7m, this would conflict with the steeper two storey projecting gable element of the existing dwelling and other properties in the immediate area, adding to its visual impact and prominence.
8. Consequently, the proposed garage due to its size, design and use of materials would represent an intrusive form of development which would cause material harm to both the character and appearance of the host dwelling and surrounding area. It would conflict with Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) which seek to ensure all new development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design, taking account of local context and character. There would also be conflict with one of the core planning principles of the National Planning Policy Framework (the Framework) that planning should seek to secure high quality design, and take account of the character of different areas, objectives with which the relevant policies of the CS are consistent.
9. The appeal proposal also seeks to add a two storey side extension and front porch. The overall design, proportions and scale of the proposed two storey element would complement the character and form of the existing house and not dominate the plot. The front porch would also be modest in size and would not project forward of the prominent two storey front gable feature, limiting its visual impact. As such, the proposed two storey extension and front porch

would preserve the character and appearance of the host dwelling and surrounding area. In this respect the appeal development would comply with Policies CS6 and CS17 of the CS and the objectives of the Framework.

Other Matters

10. I acknowledge that there are examples in the area where houses have been extended above existing integral garages. However, such additions are extensions rather than detached buildings and they are not therefore directly comparable to the appeal proposal. I also appreciate that the garage would provide secure storage space for the appellant and no objections have been raised from neighbouring occupiers. Nonetheless, this does not outweigh the harm I have identified to the character and appearance of the host dwelling and surrounding area.

Conclusion

11. Those elements of the proposed development that I have found to be unacceptable are severable from the remainder of the proposal. Therefore, for the reasons given above, I conclude that the appeal should succeed in relation to the two storey extension and porch. However, in relation to the proposed garage and store, I conclude the appeal should be dismissed.

Conditions

12. I have considered the conditions suggested by the Council in so far as they relate to the two storey extension and porch, in light of advice in paragraphs 203 and 206 of the Framework and the Planning Practice Guidance (PPG). In addition to the standard time limit condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.
13. A condition requiring the materials to be used, in the construction of the extension, to match those of the existing building is required to ensure the appearance of the development is satisfactory. I have assessed the appeal on the basis that the extensions are required for purposes in connection with the residential use of the appeal property. It is not therefore either necessary or appropriate to attach a condition preventing the development from being occupied as a separate dwelling or used for commercial or business purposes.

T Cannon

INSPECTOR

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Appeal Decision

Site visit made on 3 September 2014

by Andrew Dale BA (Hons) MA MRTPI

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

Decision date: 25 September 2014

Appeal Ref: APP/L3245/A/14/2220563

Land adjacent to Snailbeach SY5 0NX

- 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 Mr G Lewis against the decision of Shropshire Council.
 - The application ref. 14/00676/FUL, dated 13 February 2014, was refused by notice dated 19 May 2014.
 - The development proposed is "Proposed construction of two dwellings with ancillary construction of a private drive and landscaping."
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Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be the effect of the proposed development on the character and appearance of the locality including the setting of both the Snailbeach Conservation Area (CA) and the Shropshire Hills Area of Outstanding Natural Beauty (AONB), those designated areas being very close to the eastern boundary of the appeal site.

Reasons

3. The appeal site comprises part of a field and its steep roadside embankment situated to the west of the road in Snailbeach that leads south towards Stiperstones village. The settlement of Snailbeach and the slopes up to the Stiperstones ridge to the east of the appeal site lie within the AONB. The field access is currently a grass track descending steeply northwards alongside the site frontage which coincides with the edge of the CA.
4. The main part of the site where the two dwellings would be sited is well below the level of the road. Despite this, given the topography and character of the landscape around Snailbeach, the appeal site is prominent from various vantage points. In views out of the CA and the AONB from the elevated public vantage points close to 43 Snailbeach and the former railway bridge near the appeal site, the proposed development would be readily apparent, as although the site forms part of a vast panorama, it would be towards the front of that view. Looking towards the AONB and the CA, there are open views of the site across the broad valley from the west as shown in the Council's photographs and as I saw on my site visit. In private vantage points, the site is overlooked

- by dwellings at a higher level in the CA and the AONB, particularly by the pair of old cottages at 42 and 43 Snailbeach.
5. The National Planning Policy Framework (the Framework) advises that the significance of a designated heritage asset – in this case the CA – can be harmed or lost through alteration or destruction of the heritage asset or through development within its setting. The Planning Practice Guidance (PPG) notes that the statutory duty to have regard to the purposes of the AONB should apply also to the consideration of the impact of development on land outside its boundaries which might affect the setting. I am in no doubt that the appeal site is sufficiently closely related to the CA and the AONB to form part of their settings.
 6. Policy CS17 of the Council's Adopted Core Strategy March 2011 relating to environmental networks is broadly consistent with the Framework and the PPG. Adopted Core Strategy Policy CS6 is concerned with sustainable design and development principles; amongst other things it seeks to ensure that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character.
 7. There are several irregularly-spaced buildings on the western side of the road between Valley View to the north and Resting Hill holiday cottage to the south, including Snailbeach Methodist Church. The front portion of the appeal site occupies a roughly central location within this linear group of buildings. These buildings, by and large, appear to cling tightly to the slopes immediately behind the road, with the exception of Fairview which is built slightly lower down. The plots in which they stand, including the one at Fairview, constrained as they are by the local topography, are generally laid out in line with the road, rather than at right angles to it. This locally distinctive settlement pattern would not be reflected or respected in the layout of the appeal scheme as this would see the two dwellings set well back on lower ground, further back than Fairview, on sizeable plots which would be set at right angles to the road.
 8. In terms of scale, notwithstanding the proposed dormer bungalow profile adopted in this scheme, both dwellings would be large with each one having five bedrooms, an integral garage and very wide south-facing flank walls. The scale of them and their notable bulk and mass would not appear appropriate taking into account the local context and the character of nearby dwellings.
 9. Whilst there are various housing designs in the village as a whole, the design approach here seems to be somewhat contrived and unduly non-vernacular, but without exhibiting good modern design in itself. The closely-spaced, half-hipped dormers and the half-hipped main roof would clash with the gabled two-storey advanced bays to the front and rear. The long southern side elevations with their poorly resolved eaves lines would be unattractive. The elevation drawings pay no attention to the sloping nature of the field in which the buildings would stand.
 10. I am surprised to see an absence of land survey drawings, levels and detailed sectional drawings across the site, given the dramatic change in levels from the road to the western edge of the site. Whilst the roadside retaining wall and bridge can evidently be protected and retained, the proposed engineered and

tortuous horseshoe-shaped access road would be likely to require some retaining works. The levels and retaining works have not been fully detailed on the plans. In any event, I find that such an access arrangement would be wholly out of keeping with the rural surroundings of the site. I did not see such a convoluted access arrangement in the surrounding area and the appellant does not specifically point to one.

11. The uncharacteristic siting of the proposed dwellings, their excessive scale and the inappropriate design of the buildings and access drive would combine, in my opinion, to produce a development that would fail to reflect or reinforce local distinctiveness, and would detract from the historic settlement pattern. Notwithstanding the roof profile of the development and the position of the dwellings below highway level, this would be a prominent development given the views I identified in paragraph 4 above. As such, I find that the proposed development would harmfully impinge on the setting of the CA and the AONB to a material degree. To that extent, the scheme would not preserve or enhance the character or appearance of the CA and would not conserve the landscape and scenic beauty of the AONB.
12. A public benefit of the proposal would be the delivery of new housing in a sustainable location in a situation, as described in the Council's Development Management Report, where the Council cannot demonstrate a five year supply of deliverable housing land. That factor weighs in favour of the scheme but it does not outweigh the harm I have identified under my assessment of the main issue. Moreover, the weight in favour is effectively negated by the absence of a section 106 agreement to secure a financial contribution towards the provision of affordable housing elsewhere in accordance with Adopted Core Strategy Policy CS11 and the Council's Supplementary Planning Document *Type and Affordability of Housing* September 2012.
13. The Council explains that the Conservation Officer was consulted but did not comment. As the Council says, this does not amount to support for the scheme as such.
14. I conclude on the main issue that the proposed development would have a materially harmful effect on the character and appearance of the locality including the setting of both the CA and the AONB. This would conflict with Adopted Core Strategy Policies CS6 and CS17, the Framework and the PPG.
15. I have noted all the comments made by third parties and the Parish Council both at the application stage and in response to this appeal. A variety of concerns are raised, the chief ones relating to ecology, archaeology/railway heritage, parking and highway safety, residential amenities, drainage, contaminated land and the local housing need for smaller, affordable homes. I have no reason to dispute the findings on these matters reached in the Council's comprehensive and thorough Development Management Report which was informed by a wide range of responses from relevant consultees. I have also had regard to the Council's suggested conditions which would directly address some of the matters raised. In each matter, the Council, acting on the advice of the relevant specialist bodies as appropriate, considered, correctly in my view, that any harm arising would not be of such weight to justify refusal. These other matters do not amount to additional reasons to dismiss this appeal.

16. However, my finding on the main issue dictates the outcome of this appeal. There is conflict with the development plan and I find no material considerations of sufficient weight to justify a grant of planning permission. Accordingly, and taking into account all the other matters raised in the written representations, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR