



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

Date: Monday, 3 November 2014

**Committee:
South Planning Committee**

Date: Tuesday, 11 November 2014

Time: 2.00 pm

Venue: Shrewsbury 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
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 - 24)

To confirm the minutes of the South Planning Committee meeting held on 14 October 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 Off Park View, Broseley, Shropshire (14/01125/OUT) (Pages 25 - 44)

Outline application to include access and layout (scale, appearance & landscaping reserved) for the residential development of six detached houses; formation of vehicular access and estate roads (amended description).

6 Watling Street, Craven Arms, SY7 9AD (14/01645/OUT) - TO FOLLOW

7 Edge Renewables, Lea Quarry, Presthoke, Much Wenlock, TF13 6DG (14/02390/FUL) (Pages 45 - 68)

8 Residential Development Land Adjacent Dark Lane, Broseley, Shropshire (14/02911/FUL) (Pages 69 - 94)

Residential development comprising 88 dwellings (to include affordable housing), creation of new vehicular access (off Dark Lane), open space and landscaping, attenuation pond, new surface water drain south of Dark Lane and footpath links to Birch Row and Birch Meadow.

9 Elm Road Stores, Bishton Road, Albrighton (14/03411/FUL) (Pages 95 - 108)

Erection of 2 bedroom detached bungalow following demolition of existing store.

10 Land South Of A458, Off Oldbury Road, Bridgnorth, Shropshire (14/03768/OUT) (Pages 109 - 130)

Outline planning permission for residential development to include access.

11 Schedule of Appeals and Appeal Decisions (Pages 131 - 136)

12 Date of the Next Meeting (Pages 137 - 138)

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 11 December 2014, in the Shrewsbury Room, Shirehall.

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Committee and Date

South Planning Committee

11 November 2014

SOUTH PLANNING COMMITTEE

Minutes of the meeting held on 14 October 2014

2.00 - 6.49 pm in the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Responsible Officer: Linda Jeavons

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

Present

Councillor Stuart West (Chairman)

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

66 Apologies for Absence

There were no apologies for absence.

67 Minutes

RESOLVED:

That the Minutes of the South Planning Committee held on 16 September 2014, be approved as a correct record and signed by the Chairman.

68 Public Question Time

In accordance with Procedure Rule 15, the following public question was received:

- Received from Mr G Jackson and answered by Mr G French, Principal Planner – copy attached to the signed minutes.

By way of a supplementary question Mr Jackson requested clarification on the following:

- (i) The specific clause in the Scheme of Delegation which referred to 'exceptional special circumstances';
- (ii) The criteria used to define such circumstances; and
- (iii) On which dates following the Committee's decision had officers discussed the matter with:
 - (a) The Chairman of this Committee and the local Ward Member to agree that exceptional special circumstances applied;
 - (b) The applicant to agree what further information was required;

- (c) With statutory consultees, ie Highways; and
- (d) The democratically elected Town Council and the many residents who had opposed this application.

The Chairman explained that a written response would be provided.

At the request of Mr G Jackson, the Principal Planner explained that the Scheme of Delegation provided for some flexibility or discretion as to when Officers could exercise their own judgement. It was not an exact document that was specific to every circumstance. Following the decision and given the concerns regarding defensibility at Appeal and there being no highway objections raised, there had been an immediate dialogue undertaken with the applicant and, within a week, the Area Planning Manager had agreed, in principle, to the application being reported back to committee. He confirmed that a more detailed written response would be provided.

69 Disclosable Pecuniary Interests

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

With reference to planning application 14/02873/FUL, Councillor Richard Huffer, declared that he was acquainted with the applicant but only in his capacity as a fellow farmer.

With reference to planning application 14/02807/FUL, Councillor Cecilia Motley, declared that she was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Partnership Management Board.

With reference to planning application 14/01397/FUL, Councillor David Turner, declared that, for reasons of bias, he would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/02127/FUL, Councillor David Turner, declared that, for reasons of bias, he would make a statement and then leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/02807/FUL, Councillor David Turner, declared that he was a member of The Shropshire Hills AONB Partnership and The Shropshire Hills AONB Partnership Management Board.

70 Land south of Woodbatch Road, Bishops Castle (14/00885/OUT)

The Chairman drew Members' attention to the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting. He explained that the Committee Members had also received numerous emails and letters relating to planning applications to be considered at this meeting, all of which had been noted and would be taken into account by Members when making their decision.

Members noted the additional information circulated in paper form at the meeting and via email prior to the meeting regarding an Overview Report of the Highway Infrastructure to the South of Bishops Castle Town Centre, Shropshire, which had been commissioned by the applicant.

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

Councillor Mrs A-M Jackson, representing Bishop's Castle Town 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 Town Council had been shocked to learn that a decision to unanimously refuse an application carried no weight and expressed concerns relating to the brief time afforded to them to respond to the resubmission of this application;
- The traffic report contained no substance, data, verified costings or topographical information. No evidence to suggest that the improvements would be achievable;
- The confirmation of CIL monies was not within the remit of this Committee; and
- The proposal would be contrary to policies and the National Planning Policy Framework (NPPF).

Mr S Taylor, 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 Officer's report outlined the reasons why this application was being reconsidered;
- Even without the highway improvements, there were no planning issues to justify refusal;
- He drew attention to the Cabinet meeting held on 30th July 2014 which indicated that the improvements to the highways could now be provided without recourse to public funds;
- Would not be contrary to policy, would result in significant benefits and, if refused, would jeopardise the provision of affordable housing on adjacent land; and
- If granted would avoid a costly appeal.

In response to questions from Members of the Committee, Mr Taylor and the Principal Planner provided clarification on the improvements planned alongside Bells Court and the covering of the culvert and the allocation and spending of CIL monies.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Charlotte Barnes, as local Member, participated in the discussion but did not vote. During her statement, the following points were raised:

- Concerns with regard to the targeting and spending of CIL monies;
- The Highways report had been made available on the website before she had been informed about it;
- Expressed surprise with regard to the comments in the report relating to Corporation Street;
- Covering the culvert by the Six Bell's Public House and permitting vehicles to drive close to the wall would be detrimental to a Grade II Listed Building. The culvert was currently a home for ducks and they would have to be re-housed;
- Campaigning for years for a crossing in the location referred to in paragraph 2.4 of the report but had been informed that it would be too expensive; and
- There were places where two vehicles could not pass and the high number of objections clearly demonstrated the concerns and knowledge of local residents regarding the inability of the road network to cope with additional traffic.

In response to comments and questions from Members, the Area Highways Development Control Manager (South) provided clarification on highway issues. She explained that Highway Officers had raised no objections to the scheme and that nine dwellings would not constitute a highway objection and drew Members' attention to the National Planning Policy Framework (NPPF) which indicated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development were severe. She explained that along with the local Ward Member and representatives from the Town Council she had attended numerous site visits to Bishops Castle prior to the July meeting. Following a further meeting with the local Ward Member in September six recommendations for improvements to the local road network had been agreed.

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

RESOLVED:

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

- The Bishop's Castle community had overwhelmingly rejected sites on this side of the town for housing development during a rigorous Site Allocations and Management Development (SAMDev) consultation exercise because of access problems to the town's hinterland. Other more appropriate sites had been identified;
- 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; and
- This proposal would exacerbate the already significant traffic 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 unsuitable for existing residents and businesses. The deficiencies in the local

road network would not achieve a good standard of amenity for existing occupants of the area and the occupants of the proposed dwellings.

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

71 Hazeck, The Mines, Broseley, Shropshire, TF12 5QY (14/01341/FUL)

The Principal Planner introduced the application and confirmed that Members had undertaken a site visit the previous day and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, elevations and tree planting and protection plans.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further objections.

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 and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- A considerable number of local residents and the Parish Council had consistently raised objections to the changes made to what was originally a modest bungalow, which was largely hidden in a plot which contained a mixture of trees and shrubs and bounded by a low wall;
- The boundary fence which had been permitted retrospectively had attracted many objections;
- The property, as consented, was totally out of character in the Conservation Area;
- The current application sought to vary the scale and appearance of the property by adding more living space into the building and the limited visual interest in the consented building would now be lost;
- A healthy evergreen Norway Spruce would be lost; and
- If approved, consideration should be given to the species and maturity of replacement trees.

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

- The proposal would excessively increase the size of what was a two-bedroomed dwelling;
- Would be overbearing and out of character with the area; and
- Would impact on the privacy of neighbouring properties.

Councillor M Whiteman, representing Barrow 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:

- Local residents and the Parish Council considered the proposal to be overdevelopment and totally out of character with the area;
- Would impact on neighbouring properties;
- Much work had been undertaken retrospectively;
- The boundary fence had been erected without permission;
- Inappropriate tree planting had taken place; and
- An appropriate tree planting and replacement scheme should be conditioned.

In the ensuing debate, Members considered the submitted plans, noted the comments of all speakers.

RESOLVED:

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

- The proposed development, by reason of its massing and inappropriate design and the loss of trees would result in overdevelopment of the site, would detract from the character and appearance of the built and historic environment and would have an adverse impact on neighbouring amenities. The development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17 and paragraphs 56 to 58, 60 and 131 of the National Planning Policy Framework.

(The meeting adjourned at 3.18 pm and reconvened at 3.23 pm.)

72 Fox Studio, King Street, Much Wenlock, Shropshire, TF13 6BL (14/01397/FUL)

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

In accordance with his declaration at Minute No. 69, Councillor David Turner left the room during consideration of this item.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further objections.

Ms H Wilkins-Webb, a local resident, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The proposal would have a detrimental impact on her property, privacy and light and would change the way she used her existing living space;

- Would impact further on the access onto King's Street, which was already congested and had no pavement;
- The submitted site plan was inaccurate and did not include her studio;
- There was no provision for garden space or any form of outside open space; and
- The proposal constituted overdevelopment in a Conservation Area and would be contrary to the Neighbourhood Plan.

Councillor Mrs M Hill, representing Much Wenlock Town 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 proposal constituted overdevelopment on a small site and would be detrimental to the Conservation Area;
- There was a need for small residential units but provision must be appropriate and in keeping with the area;
- King Street was already congested and this proposal would increase traffic movements and exacerbate the problem; and
- The demolition of part of the stone wall would have a detrimental impact on the Conservation Area.

Mr D Myers, representing the applicant, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Would create affordable living units to a high standard with parking provision;
- Would be sustainable and in accordance with the Neighbourhood Plan; and
- Would not exacerbate surface water and would have a greater impact on the access.

In response to questions from Members, Mr Myers provided clarification on the width of the access and explained that in order to meet the required affordable housing contribution and achieve a financially viable proposition, the application was as proposed.

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

RESOLVED:

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

- The proposed development, by reason of increased scale through extension and the insertion of the proposed pedestrian access within the existing stone boundary wall would result in overdevelopment of the site and would have an adverse impact on the Conservation Area, neighbour amenity and public safety. The development would therefore be contrary to Shropshire Core Strategy

policies CS6 and CS17, Much Wenlock Neighbourhood Plan policies H4 and GQD2 and paragraph 17 of the NPPF.

73 Bradley Farm, Farley, Much Wenlock, TF13 6PE (14/02127/FUL)

The Principal Planner introduced the application and confirmed that Members had undertaken a site visit the previous day and had viewed the site and assessed the impact of the proposal on the surrounding area. With reference to the drawings displayed, he drew Members' attention to the location, layout, elevations, access, passing places and proposed junction arrangements.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further objections and comments from local residents, Much Wenlock Civic Society and Shropshire Council Archaeology Officers.

In accordance with his declaration at Minute No. 69, and 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 and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- He refuted the suggestions of the applicant's agent which suggested that he had interfered in the determination of this planning application;
- Both he and a number of local residents supported the provision of riding for the disabled, but expressed reservations with regard to scale, flooding and highways;
- Scale – The proposal would be contrary to the Neighbourhood Plan's Policy GQD1, which stated that:

“The high quality natural landscape outside the development boundary of Much Wenlock will be protected from any development which adversely affects the town's character, setting and open views.”;

“open views towards the countryside, or across open spaces should be maintained”; and

“Elsewhere, the parish is characterised by small settlements...as well as hamlets and scattered farmsteads and it is important that new development respects its rural setting and does not detract from the high quality landscape of the parish in line with CS6”;

- The proposal would be sited only 250 yards from the boundary of the AONB;
- Flooding – There was no quantitative assurance that the measures contained in the proposal would reduce the flow of water off the development, and, as such, would be contrary to the Neighbourhood Plan Policy RF2;
- Highways – It is difficult to gain access to and from the lane onto the A4169 and innumerable shunts had taken place. Although regular users of the lane were aware of the blind spots and the need to reverse for quite some distance in order to pass, and, although the proposed passing places would alleviate some of the problem, he expressed concerns that this might not be sufficient

to resolve concerns given the likely increase in the number of vehicles using the lane. As such the proposal would be contrary to Neighbourhood Plan Policy EJ3, which suggested that in supporting development it should not have unacceptable impacts on the local road network;

- There was no reference to how users of the popular Shropshire Way and the Jack Mytton bridleway would be managed;
- Concerns with regard to the close proximity of the fertilizer works;
- Concerns with regard to the wider use and planning creep - The application also sought to accommodate other uses and referred to subsequent development of listed building, which had led to community apprehension about the future of the site; and
- If approved, he requested that matters that would have an early influence upon neighbouring vulnerable properties, ie highway improvements and flood relief measures, be conditioned to be implemented prior to construction stage; additional conditions to include limited hours of operation; and consideration to be given to the safety of walkers and horse riders in, and crossing, the lane.

Mr M Walton, a Planning Consultant speaking on behalf of local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- This would be a large scale development that would have an adverse impact on the area;
- The Lighting Assessment failed to demonstrate how the lighting would impact on the area;
- Would lead to an increased number of vehicles entering and leaving the site;
- Activity on the site might continue until evening – no impact assessment had been submitted;
- Archaeology – insufficient information had been made available; and
- Drainage concerns.

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

- Supports the Olympic Heritage of Much Wenlock;
- Perfect location for the Centre;
- Would create volunteering opportunities for students at William Brookes School;
- Would support existing businesses in Much Wenlock;
- The Centre was needed to encourage and train the next generation of carriage drivers; and
- The Centre would close if refused.

Mr D Haston, 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:

- A significant number of representations had been made in support of the proposal and a low number of objections. Many objections had been with regard to flooding;
- Two passing places would be provided and there had been no accidents at the junction recorded;
- Surface water from the site would be limited and attenuation measures would be implemented;
- In accordance with the Development Plan;
- There was no intention for activities such as quad biking to take place on the site;
- Would provide employment for eight full-time staff and would support the wider economy; and
- There would be no Centre if planning permission refused.

In response to a question from a Member, Mr Haston confirmed that the Centre would operate until 8 pm Monday to Sunday.

Councillor Mr B Harper, representing Much Wenlock Town 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 proposal would be contrary to the Much Wenlock Neighbourhood Plan;
- There were indications of a Medieval settlement on site;
- Concerns with regard to the close proximity of the Fertiliser Factory;
- Highway issues in relation to access;
- Increased flooding risk and no information of the Rapid Response Catchment Area had been provided; and
- Large scale development in the wrong location.

In response to comments from Members, the Principal Planner and the Area Highways Development Control Manager (South) drew Members' attention to the comments of Shropshire Council's Archaeology Officer detailed in the Schedule of Additional Letters, which detailed an amendment to Condition No. 11 and provided further clarification relating to highways.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members commended the ethos of the scheme but expressed serious concerns relating to highway safety, particularly with the number of proposed passing places, the narrowness of the road leading to the site and the junction onto the A4169.

RESOLVED:

That this application be deferred to enable further consideration to be given to highway issues in relation to access to and from the development site.

(The meeting adjourned at 4.48 pm and reconvened at 4.56 pm.)

74 **Land West of Lavender Bank, Bishops Castle (14/02632/OUT)**

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting; and the additional information circulated in paper form at the meeting and via email prior to the meeting regarding an Overview Report of the Highway Infrastructure to the South of Bishops Castle Town Centre, Shropshire, which had been commissioned by the applicant.

Councillor Mrs A-M Jackson, representing Bishops Castle Town 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:

- Public Transport provision is inadequate to meet the needs of those needing to access employment, health and leisure facilities. As such the proposal was contrary to the Design and Access Statement which indicated that there were four bus services running from Bishops Castle;
- Employment prospects in Bishops Castle was limited and the business park remained unoccupied;
- The applicant had failed to acknowledge the problems associated with the stream which adjoined the development;
- Contrary to the Bishops Castle Town Plan and paragraphs 14 and 17 of the NPPF;
- The proposal would only make a minimal contribution to affordable housing;
- Approval would encourage piecemeal development;
- There were currently five applications ongoing all of which would access/egress onto Kerry Lane; and
- This application covered only half of the site so further applications would follow;

Mr T Watkins, 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:

- Planning Officer was recommending approval, there were no outstanding planning issues and Highways Officers had raised no objections and had indicated that the development would not result in an unsustainable increase in traffic levels;
- In response to concerns, the applicant had appointed a consultant to investigate the potential for delivering improvements;
- Would provide an opportunity to improve traffic issues and Bishops Castle Town Council would be involved in discussions at a later date;

- Would help to meet SAMDev requirements;
- No objections had been raised by Shropshire Council Officers relating to affordable housing, drainage, ecology or archaeology;
- No pluvial flood risk had been identified; and
- Any concerns that had been raised would be controlled by appropriate conditions; and
- Would not be contrary to the NPPF.

In accordance with Council Procedure Rules (Part 4, Paragraph 6.1) Councillor Charlotte Barnes, as local Member, participated in the discussion but did not vote. During her statement, the following points were raised:

- She expressed her concerns relating to highway issues. Kerry Lane was already a congested road so any increase in traffic would not be welcomed.

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

RESOLVED:

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

- The Bishops Castle community had overwhelmingly rejected sites on this side of the town for housing development during a rigorous SAMDev consultation exercise because of access problems to the town's hinterland. Other more appropriate sites had been identified;
- The site was not sustainable as evidenced in SAMDev; and
- This proposal would exacerbate the already significant traffic problems that exist along Kerry Lane.

Accordingly, the proposed development would be contrary to Paragraphs 14 and 17 of the National Planning Policy Framework and Core Strategy Policy CS6 whereby the adverse impacts would significantly and demonstrably outweigh the benefits.

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

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further objections from a local resident and comments from the applicant and Shropshire Wildlife Trust.

In accordance with her declaration at Minute No. 69 and 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 Cecilia Motley, 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:

- Serious concerns that the site fell within the Shropshire Hills Area of Outstanding Natural Beauty (AONB);
- This would be a large scale development and would include solar panels, palisade fencing, converter buildings, equipment cabins, security lighting and CCTV all of which would have a detrimental and visual impact upon the traditional and archaeology rich landscape;
- Concerns regarding the sudden influx of applications for solar panels, given the deadline for subsidy next year; and
- She questioned the designation of the land after the site had been decommissioned and commented that it would be important that all solar panels should be removed at the end of their design life.

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

- He supported renewable energy but this development would be in the wrong location;
- This would constitute major development in an AONB as such it would be contrary to paragraph 116 of the NPPF
- The Government had indicated that the focus should now be on the placing of solar panels on the roofs of commercial, industrial, Government buildings, hospitals etc; and
- The proposal would not be appropriate in scale and would impact greatly on the landscape, as such would be contrary to CS6.

Mr J Wrench, representing Stretton Climate Care, spoke for the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- Support the need to take action to reduce carbon emissions;
- The overall impact of the proposal would not be severe;
- Appropriate planting would reduce impact and very few public viewpoints would be affected;
- No flooding implications;
- Solar Panels were designed to ensure minimal glint and glare; and
- This would be a low impact proposal.

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

- Site would be well screened;
- This was poor quality agricultural land which would continue to be grazed by sheep;
- Should encourage diversification;

- A power line already crossed the site;
- Would help meet climate change obligations and would be carbon neutral within two years;
- No noise implications;
- An on-site viewing area would be provided; and
- Would provide community benefit package.

In response to comments, the Principal Planning Officer explained that a condition would be attached to any permission which would ensure that all solar panels and other structures would be removed at end of their design life and the site would be reinstated to an agricultural field. It would be in the interests of the applicant to ensure the site would be secure and twice monthly routine staff visits would ensure that the site would be maintained to an appropriate standard.

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

RESOLVED:

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

- The proposal would have a detrimental and visual impact upon the environment, character and landscape of the Area of Outstanding Natural Beauty. Accordingly, the proposal would be contrary to Paragraphs 116 of the National Planning Policy Framework and Core Strategy Policies CS6 and CS17 whereby the adverse impacts would significantly and demonstrably outweigh the benefits.

76 Land at Whitton, Caynham, Shropshire (14/02873/FUL)

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

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting detailing further comments from the applicant and objections from a local resident and the South Shropshire Green Party; and the additional information circulated in paper form at the meeting and via email prior to the meeting regarding a letter from the applicant's ecologist and the response from Shropshire Council's Natural Environment Manager/County Ecologist.

In accordance with his declaration at Minute No. 69 and 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 Richard Huffer, as the local Ward Councillor, made a statement and then left the room and took no part in the debate and did not vote on this item. During his statement, the following points were raised:

- This application was tariff driven, given the deadline for subsidy next year;

- Other applications in the area were forthcoming; and
- The site was in close proximity of the AONB and the gateway to the Clee Hills.

In response to comments, the Principal Planning Officer provided clarification on the number of proposed applications in the area.

Mr D Duijvenvoorde, representing Save South Shropshire Countryside, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- High number of people had raised objections;
- The proposal would be contrary to the requirements of CS5 and CS6;
- The proposal did not comply or meet the test of community benefits; and
- He urged refusal.

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

- Concerns regarding noise from inverter sheds. He had been assured that the inverter sheds would be relocated;
- Would disrupt the tranquillity of the area;
- Concerns regarding toxic substances;
- Sheep would set off alarm system;
- Would not provide long-term employment;
- The narrow lane would be unsuitable for large vehicles;
- Government policy supports localism;
- Proposal would have a negative impact on the residential amenity; and
- Proposal would have a negative impact on tourism and the local economy.

Councillor Mrs B Ashford, representing Caynham 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:

- Renewable energy must be introduced in a positive way with the support of the community. The Parish Council and local residents were opposed to this proposal;
- Contrary to Department of Environment policy which indicates that solar panels should be appropriately sited and provides opportunities for the community;
- This was an historic landscape which supported and enhanced tourism not just for the local area but for Shropshire;
- Should be sited on brownfield sites; and
- This glint and glare, fencing, security etc would be totally alien in the surrounding area and as such would be contrary to the NPPF.

Mr G Maxfield, 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:

- Core Strategy Policy CS8 encourages infrastructure where there would be no significant adverse impact;
- Application had been submitted 13 months ago and no statutory or Council consultees had raised any objections during the statutory period;
- The site was outside the AONB;
- Visibility of the site was limited and it would not be visible from any footpaths or dwellings; and
- There would be no unacceptable impact and would deliver renewable energy.

In response to questions from Members, Mr Maxfield confirmed that the land was categorised as grade 3a; conditions would be attached to control noise; the proposal would bring local economic and community benefits; and the location of the invertors could be controlled by condition and that a unilateral undertaking had already been submitted by the applicant.

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

RESOLVED:

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

- The development site was in close proximity to the Area of Outstanding Natural Beauty and would have a detrimental and visual impact upon the environment, character and landscape of the area. Accordingly, the proposal would be contrary to Core Strategy Policies CS5 and CS17 whereby the adverse impacts would significantly and demonstrably outweigh the benefits.

77 Little Beck House, Lion Lane, Cleobury Mortimer, Kidderminster, DY14 8BT (14/03611/FUL)

The Principal Planner introduced the application.

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 Shineton, as the local Ward Councillor, left the room, took no part in the debate and did not vote on this item.

Members considered the submitted plans.

RESOLVED:

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

78 Schedule of Appeals and Appeal Decisions

RESOLVED:

That the Schedule of Appeals and Appeal Decisions for the southern area as at 14 October 2014 be noted.

79 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, 11 November 2014 in the Shrewsbury Room, Shirehall.

Signed (Chairman)

Date:

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PUBLIC QUESTION TIME

AGENDA ITEM 3

QUESTION:

MR G JACKSON will ask the following question:

“What are the written procedures, processes, schemes of administration and codes of practice and the time requirements for relevant Notices to be issued during the processing of planning applications including after the Committee has agreed to unanimously reject a planning application, and the Minutes of that Committee have subsequently ratified that unanimous decision, and under what administration system and under whose authority may County officials act using ‘exceptional special circumstances and criteria ’ (which are not in the public domain on the Council website or shown on the Planning Register) to allow the conduct of on-going private discussions with the applicant to the timely exclusion of those interested organisations and residents who expressed views on the original application and to re-present that same application to the Committee for determination? Copies of all relevant written documents would be of value.”

MR G FRENCH, Principal Planner, will reply as follows:

“There is no specific guidance covering the requirement to issue decisions after a committee resolution had been made. The expectation is that a refusal decision would normally be issued shortly after the resolution has been taken. This is having regard to the general time limit targets which Central Government has set for determination of planning applications (8 weeks for minors, 13 weeks for majors). There is however no requirement either nationally or locally which would prevent an application from being reported back again to Committee in exceptional circumstances.

The Council's Scheme of Delegation allows for officers to take some decisions unilaterally on planning matters. Decisions on whether to report an application back to committee fall within this category and a number of applications have been reported back to the Council's Planning Committees in recent months. It is emphasised that this procedure is only used in exceptional circumstances and the vast majority of Committee decisions are issued in full accordance with the Committee resolution.

Circumstances where reporting back to committee may be justified include:

- 1) Where the committee requires additional information in order to determine an application;

- 2) Where time is needed in order to consider the detailed wording of refusal reasons to ensure that they are robust;
- 3) Where significant new information becomes available which is material to a decision
- 4) Where there is significant concern regarding the ability to defend a refusal reason at appeal and the consequent risk of costs being awarded against the Council.

In the case of the Woodbatch Road application the Area Development Manager determined that there was a justification for reporting back to committee given the absence of objection from highway consultees, the fact that the SAMDev has not been adopted so limited weight can be accorded to it and given also the updated highway betterment package being offered by the applicant in the context of linkages with the nearby outline housing scheme at Lavender Bank'. This matter has been discussed with the local Member and the Chair of the South Committee.”

Shropshire Council
South Area Planning Committee
Tuesday 15 October 2014

Item 3 Public Question Time: Procedure Rule 14.

Thank you Chairman and Councillors.

At the root of my question is the issue of the trust, confidence, reputation and perception of the County planning system and the equality of opportunity and treatment between citizens and developers.

I wish to obtain a response to what the following question:

What are the written procedures, processes, schemes of administration and codes of practice and the time requirements for relevant Notices to be issued during the processing of planning applications including after the Committee has agreed to unanimously reject a planning application, and the Minutes of that Committee have subsequently ratified that unanimous decision, and under what administration system and under whose authority may County officials act using 'exceptional special circumstances and criteria' (which are not in the public domain on the Council website or shown on the Planning Register) to allow the conduct of on-going private discussions with the applicant to the timely exclusion of those interested organisations and residents who expressed views on the original application and to re-present that same application to the Committee for determination? Copies of all relevant written documents would be of value.

In presenting the above question to the Committee I wish to use the opportunity to address the Committee without reference to any specific application.

I thank Mr. French for his response.

I have heard that a Unanimous decision by your Committee is not unanimous unless officers agree and that the use of *exceptional circumstance criteria* has been used on a number of occasions in recent months to refer applications back to Committee. Mr. French does not state how many of these occasions relate to a previous Unanimous decision to refuse. He states that the Scheme of Delegation of which I have a copy in front of me permits this action. My supplementary question therefore, using the example of the application in Wood Batch Road to which Mr. French refers, but which I did not reference, is:

Please specify:

- The relevant clause in the Scheme of Delegation which applies to 'exceptional special circumstances';

There is no specific clause in the Council's scheme of delegation (Part 8 of the Constitution) which covers the issue of referring applications back to committee. Section 24 of the scheme authorises officers to exercise appropriate powers in performance of the Council's duties. Section 21 provides for officers not to exercise delegated powers but to refer the matter to the Council, Cabinet or a committee for decision. The provision to report

applications back to committee has been used in a number of recent applications, which in total formed a very low proportion of those applications considered at committee.

- **List the criteria used to define such circumstances;**

There are no specific criteria which determine the circumstances when an application might be referred back to Committee following a previous decision. Such a decision would be based on clear concerns about the soundness of an approval or refusal reason and the professional judgment of senior officers. In the case of Woodbatch Road, there was no objection from the Council's Highways (Development Management) service. There were concerns therefore about the ability to defend a highway based refusal reason on appeal. The agent for the application had also requested that issue of the refusal decision be deferred in order to allow time to work up a more comprehensive highway betterment package, notwithstanding the lack of objection from Highway Officers. The agent advised that this would potentially reduce the possibility of an appeal at which the highway refusal reason would be tested, with the potential for costs to be awarded against the Council. The Area Development Manager agreed to this request having assessed the risk of costs being awarded against the Council on appeal as highly likely.

- **On what dates, following the Committee's decision in July, ratified by its August minutes, did you discuss the matter:**

- (a) With the Chair of the Committee and local elected representative to agree that the special exceptional circumstance rule applied**

The applicant submitted a highway report on 16th September and the the Area Highways Development Control Manager met the local Member Councillor Barnes on site on 26th September to discuss these proposals. I believe a Town Council representative also attended the meeting. The Chair of the Committee was informed of the decision to report the application back to committee when the Agenda for the meeting was circulated 9 days before the committee. The matter was subsequently discussed at the Chair's Briefing on the morning of the Committee.

- (b) With the applicant to agree what further information was required to over-turn the unanimous decision;**

The agent first raised the matter of the Woodbatch Road decision with the Area Development Manager at a prearranged meeting in relation to another application on 23 July 2014. The agent stated that the applicant intended to submit some additional information addressing concerns which members had identified. The Area Development Manager indicated that, subject to consultee response and if the information was considered to be a new material consideration, it may warrant referral back to Committee. The agent contacted the Area Development Manager in early September 2014 requesting that issue of the decision be deferred pending preparation of additional highway information, notwithstanding the lack of objection from highway officers. The latter agreed that the application would be reported back to committee. The Area Development Manager made this decision under Sections 14 and 24 of the Council's scheme of delegation.

- (c) With the statutory consultees, notably Highways;**

The Area Highways Development Control Manager has had a detailed involvement throughout the planning process and attended the meeting with Councillor Barnes on 26th September as well as a number of other meetings. The additional information and discussion was linked specifically to detailed highway matters.

(d) **With the democratically elected Town Council and the many residents who opposed this application.**

It is understood that the Town Council attended the meeting on 26th September at which the additional highway improvements were presented by the applicant's highway consultant. The application was in outline and if it had been approved then the various elements of the suggested highway improvement package would have been put forward for consultation with the local community at the reserved matters stage. The Town Council had already been advised of a key element of the highway scheme, namely the proposed change in priority at the Woodbatch Road / Kerry Lane junction at an earlier stage in the processing of the application.

The applicant has indicated an intention to appeal so this issue will now be assessed by a Planning Inspector.

Further Clarification of delegation procedures

Section 24 of the Council's scheme of delegation authorises officers to exercise appropriate powers in performance of the Council's duties.

Under Section 2 of the delegation scheme the Head of Economic Growth and Prosperity, is authorised to exercise these powers as they relate to the planning function. Under Section 3, the Head of Economic Growth and Prosperity may in turn authorise The Development Manager to exercise on his behalf, functions delegated to him. Section 14 provides that in the event of an Officer referred to in Part 7 or by title within this Part 8 not being available for whatever reason, his/her Deputy (or, where there is no officer designated as such, the next most appropriate senior officer) shall be authorised to implement approved delegated arrangements

Section 9 of the delegation scheme places an obligation on officers to keep members properly informed of any action taken under these delegations and to record such decisions. The local member, Cllr. Barnes was informed of the decision to report the application back to committee and of the reasons for this.

Section 19 of the Delegation Scheme requires that in exercising delegated powers, officers shall consult other officers as appropriate and shall have regard to any advice given. In the case of the Woodbatch Road application, the decision to refer the application back to committee was taken by the Area Development Manager in consultation with the Development Manager and the relevant Principal Planner, having regard also to advice received from officers in the Council's Highways and Legal Services sections.

Scheme of Delegation for committee referral of planning applications

All planning applications are delegated to the Head of Economic Growth and Prosperity with the exception of the following which shall be determined by the relevant committee:

- Applications made, by or on behalf of, or relating to the property of members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Head of Economic Growth and Prosperity
- Applications made by the Council or in relation to land owned by the Council which are not in-line with statutory functions (this would mean that class room extensions

etc. were delegated to officers but speculative proposals on council owned land would not be)

- Applications accompanied by a Schedule 1 Environmental Statement
- Complex or major applications which in the view of the Head of Economic Growth and Prosperity or the Service Manager with responsibility for Development Management in consultation with the committee chairman or vice chairman should be determined by the relevant Planning Committee

(The Woodbatch Road application does not fall into any of the above categories).

- Member Call In: 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. A Practice Note is available in relation to "material planning considerations".
- Parish and Town Councils: Applications where the Parish Council submit a view contrary to officers (approval or refusal) 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 or Principal Planning Officer in consultation with the committee chairman or vice chairman and the local member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee.

The Woodbatch Road application was referred to committee by the local member following objection from the Town Council and that decision was ratified by the Area Development Manager after consulting with the chair and vice chair of the committee.

Grahame French
Principal Planner
Tel: (01743) 258714; Mob: 0799 0087914
www.shropshire.gov.uk/planning.nsf

28th October 2014



Committee and date

South Planning Committee

11 November 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> 14/01125/OUT	<u>Parish:</u>	Broseley
<u>Proposal:</u> Outline application to include access and layout (scale, appearance & landscaping reserved) for the residential development of six detached houses; formation of vehicular access and estate roads (amended description)		
<u>Site Address:</u> Land Off Park View Broseley Shropshire		
<u>Applicant:</u> Mrs L Garbett		
<u>Case Officer:</u> Jane Raymond	<u>email:</u> planningdmc@shropshire.gov.uk	

Grid Ref: 367266 - 301665



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Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 to secure the relevant Affordable Housing Contribution.

REPORT

1.0 THE PROPOSAL

1.1 This application seeks outline planning permission for the construction of six residential dwellings on land at Park View, Broseley. The application includes access and layout with scale, appearance and landscaping reserved for later consideration. The proposed development consists of six detached houses with the proposed vehicular access to the site via an existing field entrance off Park View. This entrance is situated in the South East corner of the site and the proposal includes upgrading this access and the provision of a vehicular and pedestrian access to the field and foot path to the West of the site.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site lies just outside the Broseley Conservation area and is located approximately 200 metres from the main High Street of Broseley. The site is part of a field currently used for the grazing of horses situated to the West of Mill Road and Park View. There are dwellings to the North, East and South of the site and to the West is the remainder of the field, in the ownership of the applicant, and countryside beyond.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council have submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Area Planning Manager in consultation with the Committee Chairman agrees that the application should be determined by committee.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **Broseley Town Council:** Object for the following reasons:

1. This development is outside the Development Boundary and Broseley has now exceeded its 2013 - 2026 Place Plan Target.

2. As SC Highways noted on the previously withdrawn application, the access area is inadequate to create a safe junction with Hockley Bank, Park View and the two adjacent property driveways.

3. As several public comments make clear, highway access to the west part of the town is severely restricted and already prone to congestion. A pending decision on 13/02623/FUL could further exacerbate this problem. The Design and Access

Statement suggests a developer contribution to implement a localised area of one-way traffic (in 6.6). Councillors feel this contradicts the assertion (in 6.7): "On this basis it is reasonable to state that the traffic from this development would not adversely affect the operation of the highway network." Councillors are certain that consultation on the introduction of such a system would meet with strong local opposition.

4. Paragraph 2.8 of the Design and Access Statement criticises the Dark Lane development for providing only 5.3% affordable housing "considerably below the figure currently being sought by the Council on other applications." It is not acceptable that the proposed development, that is close to the town centre as the Statement emphasises, provides no affordable housing but rather four, five and six bedroom houses with large gardens that will not supply the local need for starter homes either.

5. Because the proposed development is on higher ground than the two immediate neighbours, Councillors echo the objections of those residents that it would mean their being overlooked and losing privacy.

6. As some residents have noted and as the Town Council objected to the previously withdrawn application, because the development is sited on one of the highest points in town and overlooks an area much enjoyed by walkers, Councillors again object on grounds of loss of visual amenity.

7. The Town Council notes that the application plan includes maintenance vehicle and pedestrian access to a nearby playground. In the Broseley Town Plan 2013-26 the Town Council indicated that it is seriously concerned that this play area does not meet safeguarding standards and should be replaced with another site as soon as practicable.

8. The Council hope that full account will be taken of archaeology, contamination, drainage and sewerage.

4.1.2 **SC Drainage:**

Suggests that drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage.

4.1.3 **SC Ecology :**

Great crested newts

On the withdrawn application 13/02846/OUT we commented that the nearest pond is around 200m from the site but judging from the photographs the application site is churned up by horses and would not be good great crested newt (GCN) terrestrial habitat. Suggests an informative in the unlikely event of a GCN being found.

Bats

The trees and hedgerows on site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

Nesting birds

The trees and hedgerows on the site are likely to be used by nesting birds and recommends a condition and informative.

4.1.4 **SC Highways: 03.07.14**

Principle of Development

Shropshire Council as Highway Authority raise no objection to a residential development at the proposed location in consideration of the reduced scale of development compared to the previously withdrawn application for 32 dwellings (Application 13/02846/OUT), however remain concerned with regard to the restricted width and visibility for vehicles emerging from the site.

Access to the Development

It is considered that there is insufficient width within the existing access to the development to the site to accommodate an acceptable access to the proposed development. It is recommended that prior to commencement details of the proposed access, with dimensions are submitted to demonstrate that sufficient width and visibility splays can be achieved.

Surround Highway Network

As per previous highway comments submitted in association with withdrawn application, 13/02846/OUT. Transport Statement makes reference to the existing road network between the site and the B4375 High Street, and numerous historical constraints. There are several routes linking the site to the High Street, however all routes have been identified as having restricted carriageway width with limited footway provision.

Section 6.6 of the revised Design and Access Statement makes reference to the option to introduce a one-way system at the Western End of Hockley Road. This would be subject to statutory consultation and the outcome would be determined separate to the outcome of this planning application. It is considered that the proposed one-way system is unlikely to be supported by the local community and therefore cannot be considered as an option to facilitate development at this location.

27.10.14

Principle of Development

Shropshire Council as Highway Authority raises no objection to a residential development at the proposed location in consideration of the reduced scale of development compared to the previously withdrawn application for 32 dwellings (Application 13/02846/OUT).

Access to the Development

Previous Highway comments submitted raised concerns with regard to access to the development and encroachments on to third party land. Revised details have now been submitted and from a highways perspective we are satisfied that a suitable access within the development boundary can be provided.

4.1.5 **SC Conservation (Historic Environment):**

The application site lies adjacent to the Broseley conservation area.

Principles of Scheme:

The proposal needs to be in accordance with policies CS6 Sustainable Design and Development and CS17 Environmental Networks, and with national policies and guidance, including PPS5 Historic Environment Planning Practice Guide published by English Heritage in March 2010 and National Planning Policy Framework (NPPF) published March 2012.

Details:

The application proposes the erection of six detached houses, the application is in outline with no details of scale or design at this stage, therefore only the principle of development can be considered. The principle of the proposed development on this site is not considered to have any considerable detrimental impact on the conservation area. The design should reflect local vernacular detail in terms of scale, details and materials. These comments relate only to the potential impact upon the conservation area.

Recommendation:

No conservation objections.

4.1.6 **SC Rights Of Way:**

The following comment was submitted when previously consulted but the current plans still do not accommodate the public right of way. This matter must be addressed before permission is granted. Footpath UN21 Broseley crosses the development site and has not been taken into account within the proposal. If outline permission is granted the proposed layout must be adjusted to allow for the public right of way. If this cannot be done then an application must be made to divert the footpath under the Town and Country Planning Act 1981. The developers must contact this office to discuss this matter.

4.1.7 **SC Affordable Housing:**

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.

4.1.8 **SC Public Protection – Specialist:**

A phase one contaminated land assessment was supplied with the previous planning application for 32 units on the parcel of land shown in this application. As a result I still recommend contaminated land conditions should this application be granted approval.

4.1.9 **SC Archeology (Historic Environment):**

Background to Recommendation:

The proposed development lies within the extent of a heritage asset known as Bell pits at the Deerleap (HER PRN 04565) and described as 'Earthwork remains of an extensive area of post medieval coal and ironstone workings.' LIDAR (Light Detection And Ranging) data held by Shropshire Councils Historic Environment Team indicates the presence of early mining remains throughout the extent of the Deerleap, although this is somewhat subdued within the proposed development boundary.

As part of a previous application 13/02846/OUT (withdrawn) an archaeological desk based assessment and walk over survey was undertaken. The desk based assessment and walkover survey concluded that there was some potential for remains relating to former industrial activity or earlier periods to be present on the site.

On the basis of the above a recommendation was made for a pre-determination archaeological evaluation of the site. This has been undertaken and the results reported in Aeon Archaeology Report No. 0044. The evaluation found nothing of archaeological significance and concluded that 'no further archaeological assessment or mitigatory works are required'.

I concur with these findings

RECOMMENDATION:

No further archaeological works/mitigation will be required in respect of this application.

4.2 **Public Comments**

4.2.1 14 local residents have objected with their comments summarised as follows:

Principle/Development Boundaries/Housing need

- ❑ Broseley needs affordable housing and there is no shortage of four and five bedroomed houses for sale.
- ❑ The shortage in the 5 year land supply should have now been met by recent approvals.
- ❑ There is no public gain only private gain.
- ❑ The site is beyond the existing settlement and development boundary for Broseley.
- ❑ There are sites within the development boundary that could be developed with the owners consent.

- ❑ The proposal makes a mockery and is in total disregard of the local referendum and consultation for the future planning and growth of Broseley.

Character and Appearance

- ❑ This development is totally out of character with adjoining properties and out of character with the historic town of Broseley.
- ❑ Would have a detrimental affect on the immediate locality and adversely affect this part of Broseley which is characterised by '*an intricate network of lanes and narrow roads, with modest older houses and cottages*' (Broseley Town Plan 2013).
- ❑ The site is nearly the highest point in Broseley and any development would have a dramatic impact on the skyline of the town viewed from both the town and the surrounding rural landscape and designated green space.
- ❑ The existing uninterrupted views across the field to Barrow and Shirlett High Park, on the Wiley Estate, would be lost.
- ❑ Destruction of historic grazing land known locally as the Tynning.
- ❑ The D & A fails to note that the site is surrounded by a designated green space, known as Fiery Fields; an area of open pasture to the south east of the town crossed by a bridleway and several footpaths. It is used extensively by walkers and as an open play space by local children.
- ❑ Loss of an amenity for walkers.
- ❑ There is no indication of what the space (or overly large plot size) at the North end of the site will be used for and could be used for additional houses with access of Mill Lane.
- ❑ There is no indication of the scale and height of the dwellings.

Highways/Access

- ❑ The Highways officer commenting on the previous proposal considered that the development should be refused as it would have a detrimental effect on the surrounding highway network and due to the poor access to the site and insufficient space to build an estate road junction.
- ❑ The entrance to the site is not wide enough to take traffic including service vehicles and is restrictive due to the angle with the road.
- ❑ The D & A is incorrect in stating that there will be no alterations to the existing 'Tynings' footpath or to vehicular and pedestrian access.
- ❑ The approaching road network is already hazardous and cannot accommodate the additional traffic proposed and is constrained and not

conducive to pedestrian and vehicle safety and additional traffic will be a danger to and inconvenience existing residents.

- ❑ Hockley Road at its steepest and narrowest point has no pavement and is impassable in heavy snowfall and Park View is a residential road and not a through route.
- ❑ It would result in chaos if the road was made one way and there is strong local opposition to this.
- ❑ The public transport links are not good as the bus service has been cut back and reliance on motor cars will result in increased vehicle usage and parking on the roadside.

Residential amenity

- ❑ The noise and disturbance of additional traffic will adversely affect residential amenity of the houses that abut the access routes and in particular the house opposite to the access and the headlights of vehicles using the access will illuminate the bedroom.
- ❑ Due to the site being on higher ground all road users will be able to look directly down into the opposite house on their egress from the site.
- ❑ The proposed houses will overlook existing properties and result in a loss of privacy and also a loss of light.

Other issues raised

- ❑ Previous industrial mining of the area should be considered due to possible subsidence and archaeological implications.
- ❑ Water from the field currently runs down Hockley Bank and the proposals hard surfacing might result in flash flooding.
- ❑ Nothing has changed since the previous application and so should be rejected.

5.0 THE MAIN ISSUES

Principle of development
 Assessment of sustainability
 Scale, layout and design and visual impact
 Highways
 Other material considerations

- Ecology
- Drainage
- Archaeology
- Impact on residential amenity
- Rights of way
- Land stability

6.0 OFFICER APPRAISAL

6.1 Principle of development

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight. Paragraph 12 of the NPPF states that '*Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise*'
- 6.1.2 The adopted planning policy for the area is the Bridgnorth District Local Plan (1996 – 2011) but the site is outside the development boundary for Broseley on the proposals inset map and is therefore classed as countryside. Shropshire Council has an adopted Core Strategy and Broseley is identified as a market town/key centre within policy CS3 (Market Towns and Other Key Centres) which outlines that balanced housing and employment development, of an appropriate scale and design that respects each town's distinctive character and is supported by improvements in infrastructure, will take place within the towns' development boundaries and on sites allocated for development. CS3 also states that the detailed scale of development in each market town will be determined through the process of preparing the SAMDev DPD.
- 6.1.4 SAMDev was submitted for examination on 01 August and Policy S4 indicates around 200 dwellings over the period 2006 to 2026 and that apart from the site at Dark Lane, housing developments should be small scale to reflect the local character and meet the design principles in policies DS1-DS9 of the Broseley Town Plan and that all development proposals should have regard to the adopted Broseley Town Plan. No housing allocations are proposed for Broseley as 48 dwellings have already been built in the period 2006-2013, 34 dwellings have planning consent (as at 31st March 2013) and there is a resolution to grant planning permission (subject to a s106 agreement ref. 12/02108/FUL) for 94 homes at Dark Lane. Policy S4 outlines that the remaining requirement of 24 homes can be met through windfall developments within the development boundary.
- 6.1.5 The SAMDev policy map indicates a development boundary for Broseley but this site lies outside the suggested development boundary and is also outside the development boundary within the Bridgnorth adopted plan. Approving development on this site would therefore be contrary to adopted and emerging policy. Paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
 - *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
 - *the degree of consistency of the relevant policies in the emerging plan to the*

policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Following the submission of the SAMDev Final Plan to the Planning Inspectorate a revised housing supply statement has been published and the Council is now in a position that it has identified sufficient land that addresses the NPPF 5 year housing land supply requirements. However, in calculating the 5 year supply the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies as there are significant unresolved objections which will not be resolved until the public examination of the SAMDev. Therefore although the Council's view is that the SAMDev Plan has reached a point, being settlement and site specific and having undergone very substantial public consultation, that some weight can be attached, this needs to be considered with care alongside the other material considerations. The NPPF is a material consideration and Paragraph 14 advises approving development proposals unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*' and at paragraph 49 states that '*Housing applications should be considered in the context of the presumption in favour of sustainable development*'.

- 6.1.6 Therefore in this period prior to examination sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. Officers consider that it would be difficult to defend a refusal for a site which is considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh the benefits.
- 6.1.7 It is acknowledged that the site is outside the development boundary within the adopted Bridgnorth Local Plan and would not normally be supported for development. However adopted local plan policies are at risk of being considered "time expired" due to their age and the time which has lapsed since the end date of the plan. Officers therefore advise that it is appropriate to assess this site within the context of the 'presumption in favour of sustainable development'.
- 6.1.8 Even though the Council can demonstrate a 5 year land supply the balance of material considerations is still in favour of boosting housing supply in locations that are considered to be sustainable. The principle issue for consideration therefore is whether the development is sustainable or not when considered against the NPPF as a whole and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.

6.2 **Assessment of sustainability**

- 6.2.1 The site is approximately 200 metres and within easy walking distance of the main High Street of Broseley and readily accessible to a range of local services and facilities including, shops, pubs, restaurants, library, surgery, leisure facilities, bank, post office and two primary schools. There are 2 regular bus services (99 and 88) which run through Broseley between Bridgnorth and Telford. It is therefore considered that the site is situated in a sustainable location with regard to

accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without over reliance on the private motor car.

6.2.2 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.3 Economic role – The proposed development will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers will access and use local services and facilities within Broseley. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.2.4 Social role - The proposal will help boost the supply of open market housing and will provide a contribution to affordable housing at the prevailing rate at the time of the reserved matters application. The provision of additional housing will help support and maintain existing facilities and services and will benefit both the existing and future residents and help meet the needs of present and future generations.

6.2.5 Environmental role – The site is agricultural grazing land with no significant heritage, cultural or ecological designation. The application site has been assessed for its heritage, cultural and ecological value by the Council's Historic and Natural Environment Officers and it has been determined that the proposal would have no significant adverse impacts on these values and these matters are considered in greater detail below. With regard to its ecological value the provision of six houses with large landscaped gardens that will mature over the years will provide greater ecological enhancement of the site and improve biodiversity

compared to its current use as a field. It is considered that the impact of the proposal on the landscape and adjacent Conservation area would not be significant and as such would not outweigh the benefits of the proposal. In addition the proposal would help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Broseley and further afield.

6.2.6 Officers consider that the proposed development is sustainable having regard to the three dimensions of sustainable development. Although it is situated outside the adopted and emerging settlement boundary for Broseley, development of this site close to the centre of a settlement identified as a key centre within SAMDev is considered acceptable in principle subject to a satisfactory scale and design, and should be supported provided there are no adverse impacts that would outweigh the benefits.

6.3 **Scale, layout and design and visual impact**

6.3.1 This proposal is outline with access and layout included but scale, appearance and landscaping reserved for later approval. The revised layout plan indicates six detached houses situated within large plots. The density of the proposed development is low and for a reduced number of dwellings to that previously submitted to address the concern of the additional traffic that would be produced by a higher density scheme for more dwellings. Public comments refer to the proposal being out of character with adjoining properties and out of character with the historic town of Broseley and that the proposal would have a detrimental affect on the immediate locality and adversely affect this part of Broseley. However the Conservation Officer has no objection to the principle of residential development of this site and does not consider that it would have a detrimental impact on the conservation area. The Conservation Officer has also commented that the design and appearance, which will be determined at the Reserved matters stage, should reflect local vernacular detail in terms of scale, details and materials. The site is part of a field situated to the West of a detached bungalow (Langdale) that occupies a very large plot that extends along the Eastern boundary of the site. The boundary to the North and North East faces Mill Lane and three bungalows also situated within large plots are located here. Immediately opposite the Mill Lane North East boundary is a narrow detached house with modern sunroom on the end that faces the application site and the view of the hills beyond. There is a large detached house (accessed off Woodhouse Lane) also situated within a large plot which also enjoys views across the site. To the West of the site are fields and to the South a modern development of predominantly semi-detached houses in Park View. Immediately opposite the site entrance is a detached cottage and a small terrace of houses that are older than the semi-detached houses in Park View. With such a variety of housing style, design and plot sizes it would be extremely difficult to argue that the proposed houses (whatever design might be submitted) could be considered out of keeping with the character of the locality. However this will be considered in detail at the reserved matters stage but it is considered that the provision of 6 houses on large plots as indicated on the proposed layout is in keeping with the pattern of development and plot sizes directly to the East and North of the site.

6.3.2 The proposal will obviously result in the loss of part of a field used for grazing and will affect the views of residents that occupy properties opposite the site access and to the East and also views from Mill Lane. However there is no right to a view and it is not considered that the loss of the view enjoyed by a few residents and people using Mill Lane significantly outweighs the benefits of providing additional housing in this sustainable location that have been outlined in section 6.2 above. The site is surrounded by built development on three sides and also along a portion of its fourth side and it is therefore considered that the proposal does not represent significant encroachment into the countryside. In addition the proposed site boundary is in line with the rear of the semi-detached properties in Park View to the South and the edge of built development to the North. The proposal therefore fills in a gap and rounds off the edge of the settlement in this location.

6.4 Highways

6.4.1 The proposed vehicular access to the site will be provided via an existing entrance on the eastern boundary of the site, which is accessed via Park View. The Highways officer has no objection to this proposal for a reduced number of dwellings compared to the 32 previously proposed but has suggested a condition regarding full details of the access being submitted for approval due to concerns about the visibility for drivers when leaving the access. Detailed drawings of the proposed access have been submitted which indicate that a suitable access with the required visibility splays can be achieved without encroachment onto neighbouring land. It is therefore considered that a safe means of access can be provided and that the additional vehicles generated by 6 additional homes using the same highway network as the properties in Park View would not result in any significant congestion or highway safety issues that would justify refusal of this application. In addition the site is located within 200 metres of the high street with services and facilities readily accessible without over reliance on the car. The Design and Access statement suggests the option of introducing a one way system but residents and the PC do not support this and Highways do not consider this is necessary to facilitate the proposed development at this location.

6.5 Others material considerations

6.5.1 **Ecology** – The Councils ecologist has confirmed that due to the site being churned up by horses it is an unlikely habitat for newts and wildlife. However the trees and hedgerows are likely to be used by nesting birds and by bats for foraging and commuting and suggests conditions and informatives to ensure their protection. The site is of low ecological value and no priority habitats or protected species will be adversely affected by this proposal. The provision of six houses with large landscaped gardens that will mature over the years will provide greater ecological enhancement of the site and improve biodiversity compared to its current use as a field.

6.5.2 **Drainage and Contaminated land** – Foul waste will be to public sewer and surface water to soakaways, and the Councils drainage team have suggested that details can be subject to condition or submitted at the Reserved Matters stage. The Public Protection team have recommended a contaminated land condition which can be included on any approval.

- 6.5.3 **Archaeology** – A pre-determination archaeological evaluation of the site has been undertaken, including trenches, which found nothing of archaeological significance and the Councils archaeologist concurs that no further archaeological assessment or mitigation works are required.
- 6.5.4 **Impact on Residential Amenity** – The only properties that the proposal has potential to have any impact on are the two houses to the East and the cottage opposite the access. The occupier of the cottage opposite the access is concerned about the headlights from cars exiting the site shining into the window and the noise and disturbance from passing vehicles and people looking in the window adjacent the pavement. However cars exiting the existing properties either side of the access (Langdale and 42 Park View) already face the single window in this roadside elevation and vehicles and pedestrians already pass near the property due to it being situated on the pavement edge. It is considered that the proposal would not result in any noise and disturbance from traffic and pedestrians significantly greater than that which already exists and would also not result in overlooking and a loss of privacy from the proposed dwellings due to the distance from this existing house. The proposed houses would also not have any significant impact on the properties to the East due to the separation distance between the existing and proposed houses indicated on the proposed layout. In addition these houses will be well screened by existing trees and landscaping along the Eastern boundary.
- 6.5.5 **Rights of way** – The Councils Rights of Way Officer has commented that Footpath UN21 Broseley crosses the development site and that the layout must be adjusted to allow for the public right of way and that if this cannot be accommodated then an application should be made to divert the footpath. An amended layout plan has been submitted that incorporates the existing footpath so there will be no need to divert the footpath. This plan also indicates that access to the existing playground will be maintained. The town council have commented that this play area is substandard and should be replaced with a play area on another site; however this is not relevant to the determination of this application.
- 6.5.6 **Land Stability** – The NPPF advises at Paragraph 120 that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It requires at Paragraph 121 that planning policies and decisions should take account of ground conditions and land stability, and that adequate site investigation be undertaken. A Phase I Report has been prepared by GIP Ltd and accompanies this application. A Coal Mining Report has been obtained for the site from the Coal Authority. The latter concludes that the site is not within the zone of likely physical influence on the surface from past underground workings. The investigations carried out are considered sufficient to demonstrate that there are no technical ground stability or contamination reasons that would justify a refusal of planning permission in this case.

7.0 CONCLUSION

- 7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore considered acceptable in principle. In order to refuse

the application it would need to be demonstrated that there would be significant and demonstrable harm that would outweigh the benefits of the proposed development that will provide housing in a highly sustainable location close to the centre of a settlement identified as a Key Centre. It is considered that the proposal would have no significant adverse impact on the character and appearance of the landscape and adjacent conservation area, it would not result in any adverse highway, ecological or archaeological implications and access to the existing footpath will be maintained. Full details of the scale, design and appearance of the dwellings and landscaping of the site will be considered at the Reserved Matters stage as will the level of affordable housing contribution that will be secured by S106. It is therefore considered that the proposal accords with the NPPF and Adopted Core Strategy Policies CS3, CS6, CS11 and CS17.

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
National Planning Practice Guidance

Core Strategy and Saved Policies:
CS3 Market Towns and other Key Centres
CS6 Sustainable Design and Development Principles
CS9 Infrastructure Contributions
CS11 Type and Affordability of Housing
CS17 Environmental Networks
S1 Development Boundaries
D6 Access and Parking

SPD on the Type and Affordability of Housing
Broseley Town Council Town Plan 2013 - 2026

RELEVANT PLANNING HISTORY:

13/02846/OUT Outline application (access, layout & scale) for the erection of 32 dwellings and associated parking WDN 6th December 2013

List of Background Papers: File 14/01125/OUT
Cabinet Member (Portfolio Holder): Cllr M. Price
Local Member: Cllr Dr Jean Jones
Appendices APPENDIX 1 - Conditions

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

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

Reason: The application is an outline application under the provisions of Article 4 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.

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

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

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

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

4. As part of the first application for Reserved matters and prior to the commencement of development a contoured plan of the finished road levels shall be submitted for approval to the LPA together with confirmation that the design has fulfilled the requirements of Shropshire Council's Surface Water Management: Interim Guidance for Developers paragraphs 7.10 to 7.12 where exceedance flows up to the 1 in 100 years plus climate change should not result in the surface water flooding of more vulnerable areas within the development site or contribute to surface water flooding of any area outside of the development site. Development shall be carried out in accordance with the approved details prior to the first occupation of any of the dwellings

Reason: To ensure that any such flows are managed on site.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

5. a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The Report is to be submitted to and approved in writing by the Local Planning Authority.

b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the

site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.

d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

6. No development shall take place until details of the means of access, including the layout, construction, drainage and sight lines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the first occupation of the dwellings hereby approved.

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

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

8. If non permeable surfacing is used on the new access road, driveway and parking area and/or the new access road slopes toward the highway, prior to construction the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway . Development shall be carried out in accordance with the approved details prior to the first occupation of any of the dwellings

Reason: To ensure that no surface water runoff from the new driveway runs onto the highway

9. 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.

10. Prior to the first occupation of the dwellings details of two woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow 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 nesting opportunities for wild birds

11. Construction works shall not take place outside the following times:
- Monday to Friday 07:30hrs to 18.00hrs
 - Saturday 08:00hrs to 13.00hrs
 - Not at any time on Sundays, bank or public holidays.

Reason: In the interest of amenity of the occupants of surrounding residential properties

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Committee and date
 South Planning Committee
 11 November 2014

Development Management Report

Application Number: 14/02390/FUL	Parish: Much Wenlock
Proposal: Erection of one low profile wind turbine	
Site Address: Lea Quarry, Wenlock Edge, Much Wenlock, TF13 6DG	
Applicant: Mr S Lloyd-Jones, Edge Renewables	
Case Officer: Grahame French	email: planningdmc@shropshire.gov.uk

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



REPORT

1.0 THE PROPOSAL

1.1 The applicant, Edge Renewables is a renewable energy company specialising in supplying biofuel boilers and associated wood chip fuel to customers in Shropshire and adjoining areas. The company became established at the former Lea Quarry site 18

months ago and subsequently acquired a 61ha landholding including the current application site from the former quarry company owner in December 2012. Permission for biofuel storage and preparation and associated uses was granted in 6th March 2013 (12/03034/MAW). A number of associated applications to consolidate this use and comply with requirements of the above consent have since been received.

1.2 The application as originally submitted involved the erection of to install two Evoco Energy Low Profile 10kw Wind Turbines in an area adjacent to the plant site area at Lea Quarry which is the company's main centre of operations. Following objections received as part of the planning consultation process however the company has agreed to reduce the scheme from two to one single turbine. Moreover, this would not be erected permanently at the site but would instead be regularly assembled and disassembled for training purposes. The applicant anticipates that the turbine would be in its assembled state for the majority of each month but would typically be disassembled and reassembled once or twice a month. The turbines are installed using hydraulic power packs and rams for fast installation without the need for heavy lifting equipment and are typically raised in 5 minutes. The foundation structure is lowered into the ground and steel piles are driven in to secure it without the need for concrete. The training turbine would allow Edge Renewables Ltd staff to become accredited installers of these Wind Turbines in order that the company can supply them to customers.

1.3 The turbine would be mounted on top of a single solid tower (monopole). The tower would be 12m high with a hydraulic 'Tilt-Up'. The 3 blade rotor would measure 9.7m in diameter and would be made of reinforced moulded glass-fibre, thus the highest point of the Turbine from the ground level would be 16.850m. The turbine pole would be galvanised steel but the applicant has stated that this could be coloured subject to the requirements of the planning authority. The top of the turbine comprising of the nacelle and blades would be white. The foundations are of a steel pile, sheet and mesh construction and would not require concrete.

2.0 SITE LOCATION / DESCRIPTION

2.1 Lea Quarry is situated approximately 2.5km east of Much Wenlock. The quarry is located within and adjacent to the Shropshire Hills Area of Outstanding Natural Beauty (AONB) and a Site of Special Scientific Interest designated in this area primarily for its geological significance. The site is accessed via existing main entrance gates from the B4371 and through internal access tracks.

2.2 The 'low profile' wind turbine would be located on the south-west edge of the 'operational yard at Lea Quarry close to the boundary before the land slopes away towards the southern timber storage area. This is on the fringe of the area where the buildings are located and where the majority of the renewable energy business activity is carried out. It would stand on an open area of crushed stone which is partly used for access to the north and south timber storage areas and to some of the buildings, and would face to the south west.

2.3 To the north of the site the ground level rises significantly to the top of the Wenlock Edge which is covered in fairly dense broad leaved trees. To the south there is a small general storage area and then a dense broad leaf tree plantation which runs alongside the B4371 road, providing screening of the proposed site.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The application has been subject to a request for referral to committee by the local member Councillor Turner and this request has been agreed by the Area Development Manager in accordance with the Council's adopted scheme of delegation.

4.0 COMMUNITY REPRESENTATIONS

4.1 Much Wenlock Town Council: Objection on the grounds that the Neighbourhood Plan does not support wind turbines except to endorse the approach taken in the Shropshire Hills AONB 2009-2014 Management Plan (Policy 35).

- ii. The wind turbines would be located in an ANOB and close to a SSSI.
- iii. The proposals are contrary to policies, CS6 CS16 and CS17 in the Core Strategy.

4.2 Natural England: No comments received.

4.3 M.O.D: No objection.

4.4 AONB Partnership: No comments received.

4.5 Campaign to Protect Rural England: On behalf of the Campaign to Protect Rural England (CPRE) in South Shropshire, I wish to object to this planning proposal 14/02390/FUL, the erection of two low profile wind turbines by Edge Renewables at Lea Quarry. My reasons are:

- i. The National Planning Policy Framework mentions Areas of Outstanding Natural Beauty (AONBs) specifically in its cornerstone policy on development as 'exception areas where restrictions apply.' This application does not include an 'assessment of any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.' The Shropshire Core Strategy gives a high profile to the AONB in terms of quality of landscape, geo-diversity and biodiversity. It states that proposals which individually or cumulatively erode the character of the countryside will not be acceptable development will need to pay particular regard to landscape character, biodiversity or other environmental considerations - especially the Shropshire Hills Area of Natural Beauty. The Much Wenlock Neighbourhood Plan does indeed support the idea of alternative energy as claimed by the applicant but omits the fact that residents are opposed to wind power in this location and considers that other alternative energy sources are more appropriate.
- ii. Shropshire Hills Area of Outstanding Natural Beauty is a designated area - a special landscape - and deserves protection from development especially as this is both an industrial & a commercial application that will have a negative impact on the environment and the landscape.
- iii. Site of Special & Scientific Interest - Wenlock Edge has unique geology and is visited by geologists from around the world. The turbines would be located close to this SSSI and a recent High Court Judge (May 2012) ruled their right to preserve their landscape was more important than the Government's renewable energy targets.

- iv. Loss of Visual Amenity - Wenlock Edge is a beautiful rural location and is visited by thousands of visitors, locals, walkers, runners, geologists each year. The development would have an impact on the use of footpaths and bridleways the Shropshire Way and a nearby bridleway pass less than 160 metres from the site. The installation of two 'alien' objects to the environment will mean a loss of visual amenity because they have a height of 16.85 m., a diameter in excess of 9.7m., will be contained by protective and barrier fences, and will be operational continuously 24 hours a day & seven days a week. The applicant stresses the protective 'excellent screening by dense broad leaf tree plantations' that almost surround the site but fails to mention that the turbines will be distinctly visible during the autumn & winter months when the trees will be bare of leaves and the moving blades will be both visible and audible to walkers, horse riders, visitors and drivers along the nearby B4371.
- v. Planning Policy: Core Strategy Policy CS5... the proposal is in an AONB, adjacent to an SSSI and is thus not an appropriate site and will not help to maintain the character of the local countryside. Any community and commercial benefits will centre exclusively on Edge Renewables as they will gain exclusive use of generated power and from possible sales emanating from their 'show' turbine. Core Strategy Policy CS6... the proposed development will NOT help sustain the well-being of the local community, nor will the turbines consider the scale, appropriate siting, environmental and other impacts. This policy carries little weight in supporting the development of wind turbines. Core Strategy Policy CS8... development should not have a significant adverse impact on the environment and thus this policy would deem the development as inappropriate. Core Strategy Policy CS13... this is a poor example of Shropshire Council and Edge Renewables working together in this rural area. It fails to offer protection to the SHAONB, it fails to include local opinion, it fails to help preserve tranquility, loss of wilderness and damage to the special qualities of Wenlock Edge. Core Strategy Policy CS16... schemes aimed at diversifying the rural economy for tourism, cultural and leisure uses that are appropriate in terms of their location, scale and nature, and do not harm Shropshire's tranquil nature. The proposal fails to relate to most facets of this policy. Core Strategy Policy CS17... this proposal would adversely affect the visual, ecological, heritage or recreational values and functions of this part of the Wenlock Edge.
- vi. Noise: environmental noise damages human health, particularly at night. Wind turbines operate at night and noise is measured by its audible range - but not the lower frequencies. Aerodynamic Modulation and infrasound could prove hazardous locally. Health Impact... a Health Impact Assessment is called for as this is a continuous operation with audible noise, low frequency and vibration effects. Strobe Effect... from wind turbines, when the sun is behind rotating blades can cause health, shadow flicker and reflected light problems. A Health Impact Assessment should be carried out.
- vii. Wildlife: Bats and their roosts are protected by law and a bat survey must be carried out before any work can go ahead.
- viii. Conclusion: Wenlock Edge is a special place: it is a lovely wooded escarpment that is treasured for its rurality, its views, its geology, its tranquility and its beauty. It is a tourist attraction and its un-spoilt scenery is greatly valued by local people and businesses. The proposed erection of the two wind turbines will harm the unique landscape that makes Wenlock Edge such a special place.

4.4 SC Drainage: No objection.

4.5 SC Public Protection: (comments on proposals as submitted) No objection. There is unlikely to be any impact in terms of noise on the nearest residential dwellings. This conclusion has been drawn due to the fact that although two wind turbines are proposed one will be continually constructed and dismantled for training purposes. The location has high background noise levels in the day due to wood chipping processing on site and the road bordering the site to the south. With nearest residential properties being over 200m away there is little likelihood of issues arising. However, to ensure that no loss of amenity occurs at nearest residential properties a condition ensuring the turbine type is as stated in the application is recommended. Given the turbine type, location and predicted noise emissions, it is not considered that significant noise disturbance is likely to arise from the installation. However, conditions covering noise control are recommended. If the applicant does not think that the turbines proposed can fulfil the recommended conditions a noise report should be submitted following ETSU97 guidance and good practice guides published on how to apply ETSU97. This can then be reviewed and further comments placed as necessary.

4.8i. S.C.Ecology:

Comments if one training turbine is erected

iv. In the Design and access statement it states that:

The one Turbine will be utilised by Edge Renewables Ltd to produce electricity to power the plant, machinery and buildings involved in the production of the Biomass Wood Chip fuel, where a considerable amount of electricity is required. The second Turbine is necessary for training purposes so that Edge Renewables Ltd staff can be accredited installers of these Wind Turbines in order to supply them to customers. This one will therefore be erected and dismantled during the training process.

If the single training turbine is to be erected and dismantled in the same day and/or will not be running overnight (see above) a bat survey would not be required. However, if it is to run overnight, a bat survey will be required as described above, due to its proximity to woodland/scrub edge. An assessment on its potential impacts on birds, including birds of prey, would still be required, but clearly if the turbine can be moved away from bird habitat it would improve matters.

Conditions and informatives

v. Once the outstanding issues have been satisfactorily clarified I will provide appropriate conditions and informatives to be attached to any planning permission if granted. The application site falls in the NE SSSI Risk Zone for which Natural England would like to be consulted on all planning applications. If NE has not already been consulted I recommend they are given a chance to comment if they wish to.

4.9 Public representations: The application has been advertised in accordance with relevant provisions and the nearest properties have been individually notified. Thirteen objections have been received, raising the following points:

i. AONB / SSSI: The site is adjacent to an AONB and therefore contravenes Shropshire Council's core strategy. Wenlock Edge is in an Area of Outstanding Natural Beauty, wind turbines are not "natural" and certainly NOT "Beautiful". The quality of this landscape, geology and biodiversity should not be damaged in any way by this development. Is nothing sacred? This is also a site of special scientific interest, and you should be proud to be part of such a fascinating piece of history. The proposed two

turbines (one of which is described as a "training" structure to be put up and taken down - would permission be required for this?) despite some careful positioning will still be very conspicuous particularly in the wintertime when trees are bare. The site is in the Shropshire Hills AONB and also a area of SSSI designation.

- ii. Tourism / landscape / environment: This proposed application does not take into account Environmental assets and tourism: The interlinked policies CS16 and 17 recognise the subtle but pervasive role of well-conserved and enhanced heritage assets in underpinning a rural economy in which sustainable tourism plays a major role, with the area around Wenlock Edge a key venue. People travel from all over the world to walk and ride on Wenlock Edge where wind turbines have no place in this unique and celebrated landscape. This has already been reflected in the reasoning for refusing the three recent wind turbine planning applications at Kenley, The Hills and Sidnall which were perceived as posing a threat to the environmental capital of the area and by implication to its tourism-based rural economy. This proposal would deal an enduringly negative blow to this sensitive, memorable and celebrated countryside and its perception and enjoyment by the public. I support the protection of our beautiful Corvedale and Wenlock Edge. Wind turbines and any other industrial structure have no place in this area. Two very large visible industrial scale structures in an area of outstanding natural beauty is an abomination. The planning philosophy for Shropshire states very clearly that the landscape is one of our greatest assets and attracts tourists from many other parts of the world creating jobs for the local community. The applicant quotes a proposed tilted height of over 55ft but the potential full height is over 70ft with a diameter in excess of 31ft. They would be a visible scar towering above the treeline of Wenlock Edge and seen for miles around. The proposed site is within the AONB and an area of SSSI and any wind turbine development in this area will have a detrimental effect on tourism and the amenity of local people who enjoy walking on The Shropshire Way and riding on the Jack Mytton Way which runs adjacent to the proposed site. The idea of industrial structures towering over Wenlock Edge is and the applicants statement that the turbines will be screened by trees laughable and it proves that the purpose of such development is purely to attract, and in this case encourage, subsidy payment rather than generate power through wind. am against all on shore wind turbines as they are a proven blight on the landscape regardless of size - This applies to all Wind Turbines large or small - Whatever moves is easily visible. I am also concerned about the cumulative impact with other turbine proposals in area and the negative impact on tourism these would have in the area, especially for walkers and nature enthusiasts. Additionally I am concerned about the impact on wildlife and noise pollution
- iii. Ecology: Peregrine Falcons nest in the quarries on Wenlock Edge. The risk of the turbine blades destroying these endangered birds is considerable. As well as the visual effect the turbines would have on the local environment consideration must be given to the wild life disruption. The constant movement and noise the turbines create causes stress to animals. Peregrine Falcons nest in the quarries on Wenlock Edge. The risk of the turbine blades destroying these endangered birds is considerable.
- iv. Public access: I object to the implied threats made in one of the comments that Edge Renewables could remove public access from the Shropshire Way footpath. This would seem to me to be an admission that the applicant is not confident that his proposal can be justified on planning issues alone. The comment mentioned on the 2nd July, with reference to removing permission for geologists to visit the SSSi, because of the views

of the CPRE, seems rather unfair, as it is clear from all the objections, people genuinely feel that Wenlock Edge is a very special place.

- v. Questioning benefits / better alternatives: Other forms of renewable energy may be more favourable in this case. As part of the application it is noted that perhaps the main selling point of such turbines is the money that they can earn, and I would contend that this is the primary reason for this application. Solar panels have been used successfully up to now to provide clean energy to the existing buildings and I would suggest that this would again be a more acceptable method. The significant structures would have a negative impact on the environment and the Wenlock Edge landscape that would far outweigh any benefit in terms of renewable energy provision (ref: Planning Inspectors Redetermination of Kenley wind turbine appeal). As far as their efficiency is concerned it is inescapable that they are in the main useless in meeting demand led electricity needs and are often seen stationary when there is a perfectly acceptable level of wind owing to the fact that the Grid does not need them to generate - what a waste of time, space and money. Would Wind Turbines be viable without subsidies? - I doubt it, however if we need to encourage renewables with taxpayers money then why not concentrate on Solar as it is relatively non-intrusive if sited sympathetically and battery technology so that we can store the electricity generated. I would also question the proposed location of the turbines in terms of sitting for maximum efficiency and would request that Edge Renewable produce evidence for wind flow in the proposed area.
- vi. Policy: CS8: Facilities, Services and Infrastructure Provision: While encouraging renewable energy development this policy also clearly states that development should not have a significant adverse impact on the environment. In other words, in the case of Kenley and, I would suggest, this proposal, this policy would deem the development inappropriate.
- CS6: Sustainable Design and Development Principles: In the first planning inspectors report, CS6 was used to support the proposed Kenley turbine development on the grounds that the policy supported renewables and developments which mitigated climate change. However, in his Judgement, Mr Justice Parker stated that he was sympathetic to the argument that CS6 was aimed at the design of infrastructure, rather than the installation of wind turbines. This policy would therefore seem to carry little weight in supporting the development of wind turbines. As a consequence of the Judicial Review, the Planning Inspectorates Redetermination of the Kenley wind turbine development and Shropshire Councils Core Strategy, I believe that wind turbines in this particular area and in all other unspoilt landscape areas of Shropshire are contrary to the development plan and the guidance of the National Planning Policy Framework. The applicant also quotes in their Design & Access Statement (5:4) that the Much Wenlock Neighbourhood Plan supporting alternative energy but omits to include the full quotation as follows: *While supportive of alternative energy generation, residents are opposed to wind power in this location and consider that other alternative energy sources are more appropriate in this location.*
- The recently adopted Much Wenlock Neighbourhood plan should not be ignored when considering this application. It clearly states that while supportive of alternative energy generation, residents are opposed to wind power in this location and consider that other alternative energy sources are more appropriate in this location.
- vii. Other: Horse riders enjoying the Jack Mytton Way would most definitely be affected by the turbine presence.

4.10 Much Wenlock Civic Society: Objection. The proposed development lies in an environmentally and scientifically sensitive area adjacent to or within the AONB, and SSSI and the area covered by the AONB advisory plan. Approval of such an application would seriously compromise the nationally important landscape character of Wenlock Edge. It would also be totally incompatible with specific planning policies including policies CS6, CS16 and CS17, adopted by Shropshire Council.

4.11 Comments from applicant (30/06/14): Following the Much Wenlock Town Council meeting Edge Renewables has decided to reduce the application to a single training turbine of the same size in the same location, we do feel this would be suitable and really can't be seen in summer or winter from the B4371 or surrounding area except for a few high surrounding fields. It has always been Edge Renewables' ambition to offer the full range of Renewables and unfortunately we need to install a turbine somewhere to do this, we also need it to be close for staff training and demonstration purposes. We can place one or two turbines on the operational Yard, outside of the AONB, and also outside the SSSI, however this location is far more exposed and would be more contentious as the turbines would be seen from the road. We think it's important to point out the SSSI is a geological one and only available to the Geologists by permission from Edge. Half of the footpath (Shropshire Way) along the top which affords the views is also permitted access. We do hope we aren't penalised for permitting access due to afforded views and forced to review this access due to organisations such as CPRE forcing the issue rather than letting organisations like the Shropshire Geological Society make their own representations. We would highlight planning application 13/01941/FUL and subsequent application 14/00169/AMP which permitted a 21m High by 15m by 15m, building (4,725m³) to be erected by Lime Green in an identical location with similar screening and views within 1.2km of our proposed 16.85m high turbine. The Town Council supported this application subject to screening and no objection from CPRE in this instance!

4.12 The Town Council and other objectors to the scheme have been notified of the company's decision to omit one of the turbines from the scheme. Any comments received in response to this notification will be listed in the update report.

5.0 THE MAIN ISSUES

- Context for the development;
- Operational justification for the development;
- AONB;
- Environmental effects;
- Cumulative Impact

6.0 OFFICER APPRAISAL

Context for the development:

6.1 The principle of establishing a wood chip biofuel processing facility in part of Lea Quarry on Wenlock Edge was established by planning permission ref. 12/03034/MAW granted on 6th March 2013. This allowed a central processing area on part of the former quarry plant site with two areas of external timber storage set down at the base of the quarry on either side. A number of further applications to establish a range of buildings and extensions within the existing plant site have since been approved.

- 6.2 Since the original permission the company has made significant progress in habitat creation, visual and ecological mitigation and public access. An outline planning permission for a visitor centre 1km east of the current application site was also recently approved as a further intended voluntary contribution from the company towards local conservation / interpretation objectives (13/03060/OUT). It is considered that the company has met and in some respects exceeded the initial requirements of the main planning permission for biofuel processing (12/03034/MAW).
- 6.3 At the same time it is recognised that the site is in a sensitive location within / adjacent to an AONB and SSSI and close to popular recreational footpaths. In determining the main biofuel application Shropshire Council's South Planning Committee recognised that an appropriate balance needed to be struck between the requirements for renewable energy / addressing climate change, jobs, investment and the intrinsic protection to be afforded to the environment and the AONB. The committee considered that the benefits of the proposals were sufficient to justify the development, subject to the recommended conditions. The current application seeks approval for a further layering on to the approved activities which can take place in the company's operational plant yard. The environmental implications of the current proposals need to be weighed carefully against relevant environmental concerns.

Operational justification for the proposals

- 6.4 The applicant originally put forward a 2 turbine scheme on the basis that one turbine was required for training purposes and the other would assist in supplying energy for the company's business. The production of wood chip fuel is an energy intensive process. The company is also in the process of installing an indoor wood chipping machine which will require additional electrical power. Permission for the second turbine was therefore sought in order to further offset the company's energy costs. It was proposed that the turbines would benefit from a natural 'wind tunnel' effect which occurs at Lea Quarry.
- 6.5 Following objections received during the planning consultation process however the company has agreed to reduce the proposals to just one turbine to be used for training purposes. This follows concerns about the visual and environmental effects of the proposals and the sensitive nature of the surrounding area. It is intended that the turbine would be regularly assembled and disassembled. It is stated that this facility is required in order for the staff of Edge Renewables Ltd to become accredited installers of Wind Turbines. The applicant states that this will result in the increased business capacity for Edge Renewables Ltd and then the employment of additional staff, recruited from the local community, estimated to be at least four initially and then increased as this part of the business develops. There would also be a benefit to the wider community from the company's ability to supply an additional source of renewable energy to customers.
- 6.6 The remaining turbine would be in an area which is generally well screened by mature vegetation. Some localised views would be available, principally from formal and informal footpaths to the north of the plant site. However, it is not considered that views of the turbine would be obtrusive from this location. This is given the presence of intervening trees and topography and the proximity of the existing buildings within the Edge Renewables plant site. The tallest of these is 15.5m high and is currently used as a salt store by Shropshire Council under the terms of a lease. However, the proposed

turbine would be set at a lower elevation within the quarry site and would be behind mature roadside trees of a similar height.

- 6.8 The company's decision to remove one of the turbines from the scheme strikes a better balance between the company's business needs, renewable energy benefits and the need to protect the local environment, including the AONB. It is considered that the operational justification for the proposed turbine can be supported on this basis. (Core Strategy Policy CS13)

AONB and visual amenity

- 6.9 The proposed turbine would be located just within the AONB and the NPPF advises that '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'. A number of consultees have objected to the proposals on the basis of the impact on the AONB. However, the proposed turbine does not comprise 'major development'. It would be of a low profile design being not significantly taller than the tallest existing buildings in the company's plant yard and would be located in a well screened location.

- 6.10 In particular, the yard area where the turbine would be located is set down relative to the main plant yard and benefits from screening by mature trees of similar height on the roadside to the south and south west and the buildings of the plant yard to the east. Whilst the turbine would be in its assembled state for most of the time the applicant has confirmed that the pole can be painted a matt colour to further reduce visual impact. The turbine would also be prevented from rotating unless ecological criteria had been met. Some objectors have expressed concern that the trees screening the site would lose leaves in the winter rendering the turbine more visible. Officers are satisfied however that sufficient screening would remain and that there would not be any unacceptable adverse effects on the AONB or its setting. The turbine would be set back 95m from the public highway and 160m from the site access, where it would be totally screened by interveining buildings and vegetation. Given also the renewable energy and employment benefits of the scheme it is concluded on balance that the proposals would not conflict with paragraph 116 of the NPPF.

- 6.11 Cumulative impact: A number of other recent proposals have also been approved including:

- Ref. No: 13/03243/FUL - The continued use of the external timber storage areas as approved by planning approval reference 12/03034/FUL.
- Ref. No: 13/03060/OUT - Outline application for the erection of a visitor centre with parking facilities and new vehicular and pedestrian access (all matters reserved).
- Ref. No: 13/03059/FUL - The erection of a wood chip storage building, a timber chipping building to process wood chip and installation of photovoltaic panels to both buildings.
- Ref No: 13/03243/FUL - The continued use of the external timber storage areas as approved by planning approval reference 12/03034/MAW

No further schemes involving operational development beyond the existing plant yard are however proposed and the company has submitted a legal agreement confirming this.

- 6.12 It is recognized that the current proposals and other recently proposed schemes may have the potential to result in some cumulative / in combination impacts relative to the originally approved change of use scheme. However, it is considered that other factors mitigate against the potential for cumulative impacts, including existing and proposed landscaping, re-cladding of existing retained buildings, the low profile nature of the turbine and the level of existing screening of the proposed site. It is concluded on balance that the current proposals would not result in any unacceptably adverse cumulative or in combination effects on the AONB or the local environment.
- 6.13 Ecology: The Natural Environment section objected to the proposals as submitted on the basis that further information is required on protected species. The response was qualified by recognition that there would be different information requirements if just one of the turbines was erected for training purposes. The applicant has since withdrawn the second turbine from the scheme and it has been recently confirmed that the retained turbine would not be allowed to run overnight during times when it is operational. Natural Environment has confirmed on this basis that a bat survey will not be required.
- 6.14 The proposed turbine would have a hub height of 12m and a 9.7m rotor diameter and would be set back 30m from the nearest established trees. This is less than the limit of 50m between blade tip and hedgerow / trees recommended in Natural England Guidance for bats (TIN051). However, as previously stated, the turbine would not be run at night when bats are active. An appropriate condition has been recommended in Appendix 1. If the applicant subsequently decides that it would be beneficial to allow the turbine to run overnight then it would be necessary, without prejudice, to apply to vary the recommended condition. Any such application would need to be accompanied by a bat survey.
- 6.15 A condition recommended in Appendix 1 allows some flexibility in micro-siting the turbine. This would allow it to be located 10m (1 turbine diameter) further to the north-east which would take it further from the main part of an identified landscape area with potential benefits for birds.
- 6.16 The limited scale of the turbine (9.7m rotor diameter) and its siting 30m away from existing mature trees and hedgerows on the edge of a hardstanding area limits the potential for impact to birds. It is considered reasonable to require a survey of birds to be submitted prior to the bringing into use of the turbine, rather than prior to the determination of the application. This would not prevent the turbine from being erected for training purposes, but would require approval of the bird survey before the rotor blades were allowed to turn. As the principal purpose of the turbine is stated as training rather than energy generation this should not present an implementation problem for the applicant. An appropriate condition has been recommended in Appendix 1. If the survey concludes that the turbine would pose any risk to birds then the condition would require that the turbine does not operate during specified hours.
- 6.17 With respect to Great Crested Newts the applicant has agreed to extend a mitigation strategy previously agreed in connection with other plant site areas in order to include the proposed turbine and surrounding areas. The mitigation strategy has already been agreed for adjacent areas it is considered that there is a high degree of and the footprint of the proposed turbine is very limited and within an existing heavily trafficked hardstanding area. It is considered therefore that there is a high degree of confidence

that an appropriate mitigation strategy can be agreed for the current site and that this matter can also be dealt with by an appropriately worded pre-commencement planning condition. (Core Strategy Policy CS17)

- 6.18 Noise: Some objectors have expressed concerns that the proposed turbine could give rise to noise impact which may impact on the amenity of the nearest residents and the tranquility of the AONB. However, Public Protection has not objected given the characteristics of the turbine and the distance to the nearest residential properties. A condition covering noise limits has been recommended in Appendix 1.

7. CONCLUSION

- 7.1 The scheme has been reduced from two turbines to one which would be assembled and disassembled for training and accreditation purposes. It is considered that the need for a training facility of this nature can be justified in principle as a logical extension of the company's existing renewable energy supply activities.

- 7.2 The turbine would be of a low profile design, only slightly taller than the highest building in the plant yard, and would be located in a well contained part of Lea Quarry, immediately adjacent to the operational plant yard area. Views towards the proposed turbine would be very limited. Whilst objections have been received regarding the effect on the AONB it is not considered that there would be any unacceptably adverse effect on the appearance or setting of the AONB which would be sufficient individually or cumulatively to justify planning refusal. This is having regard also to the renewable energy and employment benefits of the scheme. Nor is it considered that there would be any adverse impact on ecology once the detailed characteristics of the proposals and the recommended conditions are taken into account.

- 7.3 It is concluded that the proposals can be accepted in relation to relevant development plan policies and national guidance, subject to the recommended conditions.

8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL

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.
- 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 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 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.

Human Rights

Article 8 give 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.

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 of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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:

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 The Government's objective is that planning should support the transition to a low carbon economy in a changing climate, for instance, by the development of renewable energy (s17). 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, including deep geothermal energy;
- design their policies to maximise renewable and low-carbon energy development while ensuring that adverse impacts are addressed satisfactorily;
- 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 such areas 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 (s97).

10.1.3 When determining planning applications, local planning authorities should apply the presumption in favour of sustainable development and:

- not require applicants for energy development 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. Once opportunity areas for renewable and low-carbon energy have been mapped in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying opportunity areas (s98).

Special tests apply however for development affecting National Parks and AONB's (para. 116) and such areas should be afforded the strongest protection. 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. The current proposals do not comprise 'major development'.

10.1.4 The areas covered by the NPPF include:

- 1. Building a strong, competitive economy;
- 2. Ensuring the vitality of town centres;
- 3. Supporting a prosperous rural economy;
- 4. Promoting sustainable transport;
- 5. Supporting high quality communications infrastructure;
- 6. Delivering a wide choice of high quality homes;
- 7. Requiring good design;
- 8. Promoting healthy communities;
- 9. Protecting Green Belt land;
- 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;
- 13. Facilitating the sustainable use of minerals.

10.2 Core Strategy:

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

- 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:

- CS5: Countryside and Green Belt;
- CS6: Sustainable Design and Development Principles;
- CS13: Economic Development, Enterprise and Employment;
- CS14: Managed release of Employment Land
- CS16: Tourism, Culture and Leisure
- CS17: Environmental Networks
- CS18: Sustainable Water Management

10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;
- P67: Environmental considerations.

10.3.3 The Bridgnorth Local Plan The site is not affected by any specific designations in the Plan. Previously relevant policies have now been replaced by the policies in the Core Strategy.

10.4 Emerging planning policy documents and guidance

10.4.1 Site Management and Allocation of Development Document (SAMDEV) – The site falls within the Much Wenlock area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDEV acknowledges that 'Shropshire must play its part in providing energy from renewable sources. We want to encourage renewable energy developments but we also need to conserve Shropshire's high quality environment. Current Government guidance suggests we should develop criteria to enable low carbon and renewable energy development to proceed when there are no significant adverse effects on recognised environmental assets'.

10.4.2 Draft development management policies for the SAMDEV have been published and indicate the direction of future policy change. The most relevant directions for the current proposals are:

- MD2 – Promoting sustainable design;
- MD7 – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD9 – Safeguarding and improving employment investment (includes seeking to protect existing employment sites in rural areas);
- MD11 – Tourism facilities and visitor accommodation;
- MD12 – Protecting and enhancing Shropshire’s natural and historic environment.

It is considered that the proposals are in broad compliance with these policy directions.

10.5 Other strategies and considerations:

10.5.1 The UK Renewable Energy Strategy (July 2009) implements the EU Renewable Energy Directive which includes a legally binding UK target to secure 15% of energy from renewables by 2020 (a seven-fold increase from 2008 levels). The government states that this will assist in addressing climate change and security of energy supply whilst creating up to half a million jobs in the renewable energy sector by 2020. The strategy advocates the following targets:

- More than 30% of our electricity generated from renewables, (up from about 5.5% today);
- 12% of our heat generated from renewables, (from very low levels today);
- 10% of transport energy from renewables, (current level of 2.6%).

10.5.2 The UK Low Carbon Transition Plan (July 2009) aims to deliver emission cuts of 18% on 2008 levels by 2020. This will be achieved amongst other matters by getting 40% of our electricity from low carbon sources by 2020 (30% from renewables) and by substantially increasing the requirement for electricity suppliers to sell renewable electricity. The plan also sets out measures to promote greener homes and industries. The Government has put in place a legally binding target to cut emissions 80% by 2050 and a set of five-year “carbon budgets” to 2022 to keep the UK on track.

10.5.3 The Climate Change and Sustainable Energy Act 2006 sets out the Government's long term goal of reducing carbon dioxide emissions by 60% by 2050.

10.5.4 DEFRA’s Climate Change Plan 2010 sets out how DEFRA will deal with the challenges of climate change. It refers to anaerobic digestion and states: “Anaerobic Digestion can reduce methane emissions from manures and slurries, whilst at the same time producing renewable energy in the form of biogas and digestate that can be used as fertiliser. The Anaerobic Digestion Implementation Plan published by DEFRA in March 2010, provides a framework for joint action by Government and Industry to drive a major increase in the use of anaerobic digestion.”

10.5.5 The Shropshire Hills AONB Management Plan The AONB Management Plan is a statutory document which the local authorities are required to produce jointly, and aims to influence and guide organisations and individuals on a wide range of topics. The review of the statutory AONB Management Plan started in 2012, and will lead to a new Plan covering the period 2014-19. The Management Plan’s Vision is that “the natural beauty of the Shropshire Hills landscape is conserved, enhanced and helped to adapt by sympathetic land management, by co-ordinated action and by sustainable communities;

and is valued for its richness of geology, wildlife and heritage, and its contribution to prosperity and wellbeing”. The AONB designation is not about preventing change, but managing change in a positive way and securing maximum benefit for the area. The Management Plan defines the following strategic priorities to guide action for 2009 to 2014:

- Valuing, conserving and enhancing what we have: Conserving the landscape, including habitats and wildlife, heritage, tranquility and environmental quality, with adequate advice, support and funding. Ensuring that development is sensitive and appropriate in terms of scale, location and good design.
- Keeping the Shropshire Hills countryside thriving: Supporting farming and land management activities which maintain the landscape, developing local supply chains for food, wood and other products, and raising consumer awareness. Developing the local economy in harmony with the area’s environmental assets. Helping communities to be sustainable, with appropriate affordable housing and business activity.
- Shifting to low carbon: Taking the right action to mitigate climate change – by conserving energy and reducing transport impacts, developing renewables appropriately, and managing land to minimise emissions and optimise carbon storage.
- Adapting for the future, working alongside nature: Achieving conservation at a landscape scale – restoring and re-creating habitat networks. Looking after the ecosystem services which keep us alive – food, water, air, energy, raw materials, soil, etc. Social and economic adaptation – improving resilience of infrastructure and communities.
- Helping people to connect with the AONB: Raising awareness of the AONB and its special qualities, developing sense of place. Maximising enjoyment and wellbeing, and increasing opportunities for active community involvement. Supporting relevant learning, skills and training.

10.5.6 In relation to economic development the plan states (p32) that ‘the economic (and social) inter-relationship between towns and their rural hinterlands needs to be nurtured and re-discovered. Church Stretton is particularly relevant here, but links between the AONB and the significant number of towns lying just outside it are important too. As well as having a concentration of high quality scenery, biodiversity and heritage, the Shropshire Hills is a lagging area by many social and economic indices. *Economic development is therefore a priority, but must be taken forward in ways which do not undermine the high quality environment of the AONB*, which itself is a significant long term economic asset. The right kind of economic activity (e.g. in farming and forestry) can sustain the quality of the landscape, and the quality of the landscape can in turn sustain other economic activities (e.g. tourism). The planning system should help to enable appropriate sustainable forms of development. Awareness could be raised substantially by encouraging or requiring appraisal of the overall sustainability of development proposals against economic, social and environmental criteria. With guidance and support, many people are willing to improve their proposals.

10.5.7 The Much Wenlock Neighbourhood Plan: Key objectives relevant to the current proposals include:

- i. Objective 1 - Local economy and jobs:

The Neighbourhood Plan will facilitate opportunities for new and existing businesses to create employment growth and it will do this through:

- the designation of additional land
- the approval of new premises in appropriate location(s)
- allowing new mixed-use development so appropriate businesses can operate from homes and dwellings and
- by resisting the change of use of sites currently designated for employment purposes

ii. Objective 6: Achieving a more sustainable community and addressing climate change: The Plan will encourage a move towards a low- carbon economy which includes local food production and the generation of renewable energy. We will do this through:

- Permitting the allocation of land within the parish to support food production that meets local needs and the local market;
- *Responding positively to proposals for sites for hydro-electricity, anaerobic digestion or wood fuel projects and encourage their use in the local community.*

iii. Objective 8: Protecting and improving local green and open spaces:

The Neighbourhood Plan will ensure that

- existing areas of open and green spaces within the parish are retained and their quality is improved;
- additional areas of open and green spaces are created within new developments
- the provision of accessible open space meets or exceeds [Shropshire Council] standards for green and play spaces and allotments
- new developments will include gardens of appropriate scale to the property

iv. Objective 9: Improving and protecting the local landscape and wildlife:

The Neighbourhood Plan will encourage sympathetic management of the countryside around Much Wenlock to enhance the high quality landscape, improve local biodiversity and other benefits to the community as part of our 'green infrastructure'

v. Other relevant objectives:

Objective 3: Traffic management and community well-being;

Objective 4: Community facilities;

Objective 7: Protecting our local environment through well-designed development;

The plan lists the following future issue to consider:

How do we reconcile the desire to restore disused quarries for wildlife and recreation with the suggestion that new industry should be located in disused quarries?

11. RELEVANT PLANNING HISTORY:

11.1 Edge Renewables occupied Lea Quarry as a tenant in late 2011 and acquired the site in December 2012. Permission was subsequently granted for wood chip processing and associated activities on part of the former quarry site including the current application site on 6th March 2013 (12/03034/MAW). Some minor ancillary applications and schemes to discharge conditions linked to the above permission have been approved since this time. A number of further applications to consolidate and develop the renewable energy use at the site have subsequently been approved.

List of Background Papers : Planning Applications 13/03159/FUL and 12/03034/MAW and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr David Turner

Appendices: APPENDIX 1

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 Governments Chief Planning Officer to work with applicants in the context of the NPPF towards positive outcomes. The applicant sought and was provided with informal pre-application advice by the authority. The submitted scheme, has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

Conditions:

Commencement of development

- 1a. The development to which this planning permission relates shall be commenced within three years beginning with the date of this permission.
- b. Not less than two weeks prior notice of the intended date for the commencement of any development at the Site shall be provided in writing to the Local Planning Authority. 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 (1a) and to define the Commencement Date for the development hereby approved (1b).

3. Except as otherwise provided in the conditions attached to this permission the operations and uses hereby permitted shall be carried out strictly in accordance with the approved scheme comprising:-
 - i. The application form dated 29th May 2014 and the supporting Planning Design and Access Statement dated from A.C.Craig Associates.
 - ii. The permitted drawing accompanying the planning application, namely drawing reference 1200/12 - 48 (proposed site layout drawing - revision A);
 - iii. The turbine specifications stated on page 6 of the manufacturer's brochure entitled Evco Energy.

Reason: To define the permitted development and protect the amenity of the area.

Note: All other aspects relating to the renewable energy operations within the application site which are not covered by any ancillary planning approvals shall continue to be controlled under the main planning permission for renewable energy uses at the Site reference 12/03034/MAW.

Surface Treatment for Turbine and Hard Surfaces

4. Prior to the commencement date a scheme detailing the finish and colour of the wind turbine shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To confirm surface treatments within the Site in the interests of visual amenity.

Note: consideration should be given to marking the turbine hub so that it is more visible to birds.

- 5a. Prior to the Commencement Date a Great Crested Newt mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall demonstrate the measures which shall be undertaken in order to avoid the potential for any adverse impact on this protected species arising from the development.
- b. The strategy shall take account of the recommendations in the 'Lea Quarry Assessment of proposed development work, Impacts on Great Crested Newts' (August 2013) by Penny Anderson Associates Ltd and shall be implemented in accordance with the approved details.

Reason: To ensure the protection of Great Crested Newts, a European Protected Species

- 6a. Prior to the Commencement Date a bird risk report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail the measures which shall be undertaken in order to ensure that the proposals do not cause any unacceptable risk to birds.
- b. The rotors of this training turbine shall not be allowed to rotate unless the report confirms that this can occur without giving rise to an unacceptable risk to birds.
- c. The bird risk report shall be implemented in full accordance with the approved details and the Local Planning Authority shall receive written notification to this effect prior to any rotation of the turbine blades.

Reason: To ensure that the proposals do not give rise to any unacceptable risk to flying birds, including protected species.

- 7a. Notwithstanding Condition 9, no operations involving rotation of the turbine blades shall take place outside of the following hours under the terms of this permission unless a bat risk report has been submitted to and approved in writing by the Local Planning Authority:

Summer times (April to September inclusive): 06.30hrs – 19.30hrs
Winter times (October to March inclusive): 08.00 – 17.00hrs

- b. The recommendations of the report shall be implemented in accordance with the approved details

Reason: To safeguard protected species including bats and birds

8. All existing hedgerows, shrubs and trees on the margins of the Site shall be protected from damage during construction and disassembly operations.

Reason: To avoid damage to existing vegetation in the interests of ecology and visual amenity.

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.*
- ii. *Operations should 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.*
- iii. *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 there is ever any evidence of a bat strike then the turbine should be shut off and discussions held with Natural England before it is allowed to resume activity.*

Noise:

9. The noise emissions from the wind turbine (including the application of any tonal penalty) shall not exceed a sound pressure level of 35dB LAeqT at 8m/s hub height wind speed free field at the curtilage of any dwelling (including garden areas) lawfully existing at the time of this consent (excluding that in the ownership or control of the applicant extant at the time that planning permission was granted). T = (4 X Turbine blade diameter) seconds.

Reason: In order to protect the amenities of the occupiers of nearby properties and the area in general.

10. The wind turbine hereby permitted shall be maintained to operate and perform in accordance with the manufacturer's specifications/recommendations.

Reason: In order to protect the amenities of the occupiers of nearby properties and the area in general

11. Following notification from the Local Planning Authority (LPA) that a justified complaint has been received, the wind turbine operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, by a method to be approved in writing by the LPA, whether noise from the turbine meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. A copy of the assessment report, together with all

recorded data and audio files obtained as part of the assessment, shall be provided to the LPA (in electronic form) within 60 days of the notification. The operation of the turbine shall cease if the specified level is confirmed as being exceeded.

Reason: In order to protect the amenities of the occupiers of nearby properties and the area in general.

Micro-siting

12. The turbine may be micro-sited within 10 metres (i.e. one turbine blade diameter) of the position shown on the approved location plan, provided this does not take the turbine any closer to established vegetation to the south and west of the site.

Reason: To provide an appropriate degree of flexibility to accommodate minor changes in placement of the turbine within the site for engineering and ecological reasons and having regard to safety implications linked to the topple distance.

Note: It is recommended that consideration is given to micro-siting the turbine a further 10m to the north-east so that it is located further from the mature vegetation to the south west in the interests of ecology.

Hours for construction and disassembly

13. The hours of during which construction and disassembly of the turbine may take place shall be 0730 to 1900 hours on Mondays to Fridays and 0730 to 1400 hours on Saturdays. No such operations shall take place on Sundays or public holidays.

Reason: To protect local amenities including within the AONB.

Restriction of use

14. The use hereby approved shall relate purely to the erection and disassembly of the turbine for training purposed by staff employed directly by Edge Renewables Ltd or any nominated subcontractors or successor in title.

Reason: In accordance with the permitted details and in the interests of general amenity.

Time Limits / Decommissioning

15. The trial wind turbine and its associated ancillary equipment shall be removed from the Site not later than 30 years from the date of this permission and the Site shall be restored in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. Such restoration shall be completed not later than 31 years from the date of this permission and the restoration works shall be undertaken in full accordance with the approved details.

Reason: To facilitate decommissioning and restoration of the Site within an acceptable timescale following the end of the typical planned design life for a wind turbine facility in accordance with Government advice in the Renewable and Low Carbon Energy Guide (DCLG, July 2013).

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Committee and date

South Planning Committee

11 November 2014

Development Management Report

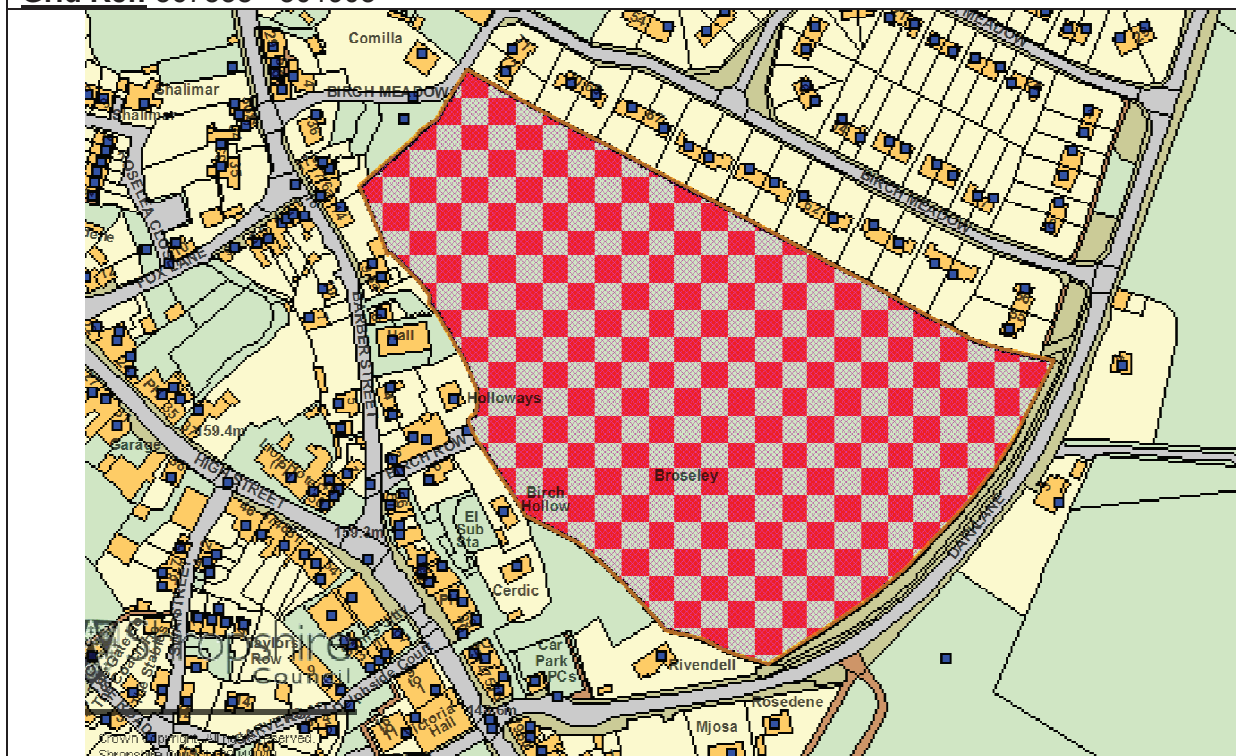
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/02911/FUL	Parish: Broseley
Proposal: Residential development comprising 88 dwellings (to include affordable housing), creation of new vehicular access (off Dark Lane), open space and landscaping, attenuation pond, new surface water drain south of Dark Lane and footpath links to Birch Row and Birch Meadow	
Site Address: Residential Development Land Adjacent Dark Lane Broseley Shropshire	
Applicant: Taylor Wimpey Midlands Ltd	
Case Officer: Kelvin Hall	email: planningdmc@shropshire.gov.uk

Grid Ref: 367538 - 301903



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REPORT

Recommendation:- Grant permission subject to satisfactory agreement being reached on a Section 106 Agreement relating to affordable housing provision, and to secure the provision and maintenance of the open space by an appropriate body, and to the conditions set out in Appendix 1.

1.0 THE PROPOSAL

- 1.1 At its meeting on 9th October 2012, the South Planning Committee resolved to grant planning permission for a development at this site comprising 94 dwellings to include the creation of vehicular accesses (off Dark Lane), estate roads and cycleways; an area of public open space, landscaping scheme and associated infrastructure (ref. 12/02108/FUL). This was subject to the completion of a Section 106 legal agreement for the provision of affordable housing at the site. The legal agreement has not as yet been signed, and therefore the planning permission has not been issued.
- 1.2 The current proposal relates to the same site, and proposes fewer dwellings and a modified design and layout. The proposal relates to some 3.3 hectares of land to the west of Dark Lane which is allocated for residential development in the Bridgnorth District Local Plan (Policy BRO1). In comparison with the previous application the new proposal is to a reduced density (a reduction of 6 units); a revised road layout; a single access point from Dark Lane.
- 1.3 The vehicular access would be approximately central on the site road frontage and would have a width of 5.5 metres with 2 metre wide footpaths on either side. Of the open market dwellings there would be 50no. four bed roomed houses, 25no. three bed roomed houses, and 8no. two bed roomed houses. The proposed affordable housing would comprise 2no. three bed roomed houses, 2no. two bed roomed houses and 1no. two bed roomed bungalow. The properties would comprise a mix of detached and semi-detached dwellings. Other than the bungalow the properties would be two storey. There would be a total of 14 different house types. The dwellings would feature three variations of main brick types, of either red or buff colour, with roof tiles in either russet or blue/black tones. Some properties would have integral garages, with others featuring detached or semi-detached garages. The properties at the northern and southern sides of the site would be positioned with the front elevation facing into the site, with the rear gardens adjacent to the site boundary. The properties occupying a more central positions within the site would generally have rear gardens backing on to each other. A number of properties, including those in key locations, would be provided with chimneys.
- 1.4 The road system would incorporate bends at the eastern side and more gentle curves further to the west. There would be a pedestrian link to Birch Meadow to the northwest and Birch Row to the southwest.
- 1.5 An area of open space would be provided at the eastern side of the development, south of the access road. This would include an attenuation pond, wildflower planting, tree and shrub planting and a pedestrian pathway between grassed areas.

1.6 The application is accompanied by a design and access statement; a planning statement, an ecological assessment, a site investigation report, a transport statement, a flood risk assessment, a drainage strategy, an underground utility survey, a confidential viability report, an archaeological scheme of investigation, a community consultation report, and other technical information.

2.0 **SITE LOCATION/DESCRIPTION**

2.1 The site is situated within the Broseley Development boundary shown in the Bridgnorth District Local Plan. The land is currently rough pasture and is undulating with a gentle rise in a north westerly direction and also slopes up in a northerly direction to the rear gardens of dwellings off Birch Meadow, which adjoin the north eastern site boundary. To the north the site has a short frontage onto Birch Meadow where a pedestrian link would be provided. A pedestrian link would also be provided to Birch Row on the southwestern side of the site. The land to the south west of the site falls within the Broseley Conservation Area and comprises a mix of buildings fronting Barber Street and High Street, with a number of other buildings/dwellings and gardens on the land to the rear of these frontage properties. The south eastern site boundary adjoins Dark Lane which follows a gentle curved alignment with the footway separated from the carriageway edge by a grass verge.

3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 This is a complex /major application. The Principal Planning Officer in consultation with the Committee Chairman and Local Member agree that, in view of the site history and the decision by the Committee on the previous application, that this application should also be determined by the South Planning Committee.

4.0 **Community Representations**

4.1.0 -Consultee Comments

4.1.1 **Broseley Town Council** Concerned that the infrastructure issues raised by a development of this size were not being properly addressed. They endorsed the points made in many of the residents' comments and objections relating to: land stability; lack of affordable housing within the proposal; high density of the housing; drainage, sewerage and water disposal; proximity to conservation area; historic value of reservoir; impact on local schools and the medical practice; pressure on Dark Lane and neighbouring highways; Design and Access claims regarding public transport were absurd; the Japanese Knotweed problem

4.1.2 **Barrow Parish Council (adjacent parish)** Should this application be successful restrictions on the routes to be used by works traffic should apply. Bridge Road, Benthall in particular should be banned for all works traffic.

4.1.3 **SC Highways Development Control**

The application has been discussed with the Highways Officer and it is understood that no objections will be raised to the application on highways grounds. Members will be updated on the formal comments of the Highways team in advance of the Committee meeting.

(The Highways Officer raised no objections in relation to the previous application for residential development at the site (ref. 12/02108/FUL). That application included six more dwellings than the current proposal and also eight separate access points onto Dark Lane.)

- 4.1.4 **SC Drainage** No objections. The surface water drainage proposals are acceptable.
- 4.1.5 **Severn Trent Water** (On previous application for more dwelling units on the land) – no objection.
- 4.1.6 **SC Public Protection** No objections. The Site Investigation report is dated May 2012 and reports on site investigation works carried out in July and August 2010. It also summarises a limited site investigation carried out by Halcrow in January 2010. A risk assessment has been carried out and has concluded that with regard to soil contamination there are no unacceptable risks. However, the old SGV of 450 mg/kg for Pb (lead) has been used and this was withdrawn along with the guidance that underpinned its derivation. Therefore the risk assessment with regard to lead is not acceptable.

In addition, since 2012 there is new guidance and documentation released in respect of lead and the assessment criteria is now lower than the old SGV. Looking at the levels of Pb recorded means that the risk assessment with regard to lead needs to be revised. Accordingly, if planning permission is granted a condition is highly recommended to require the submission of a site investigation report to determine the need for remediation (see Appendix 1).

In order to make the properties ready for electric vehicles, charging point installation isolation switches must be connected so that a vehicle may be charged where off road parking is provided. A condition is therefore proposed should this application be granted approval (see informatives in Appendix 1).

- 4.1.7 **SC Ecology** No objections. Recommends conditions and informatives.

Reptiles: The submitted ecological report considers the vegetation on site to be sub-optimal for reptiles. They do however recommend a scheme of mitigation and set this out in their report, and a condition should be imposed requiring that this is followed (see Appendix 1).

Bats: One tree was considered by the ecological consultants to have low potential to support roosting bats. It is to be removed as part of the plans, and the consultants recommend that it is 'soft-felled'. The recommended methodology should be followed.

It is also recommended that lighting is controlled to avoid impacts on bat behaviour (see Appendix 1).

Nesting Wild Birds: Trees and hedgerows on the site are likely to support nesting birds. The ecology report recommends provision of bird boxes and a condition relating to this is recommended (see Appendix 1).

- 4.1.8 **SC Trees** No objections. The planting plan and landscape specification have been amended to incorporate the three previously unidentified trees on the drawings. Recommends conditions regarding tree protection measures and tree planting (see Appendix 1).
- 4.1.9 **SC Conservation Officer** The proposed development site lies adjacent to the Broseley Conservation Area. A previous application on the site was generally supported from a conservation perspective with comments given about some improvements to layout. It is considered that this proposed new scheme is an improvement in terms of density, layout and design. No objections to the proposed development are raised from a conservation perspective. Recommends imposition of condition requiring the prior approval of external materials.
- 4.1.10 **SC Archaeology** No objections.

The proposed development site contains archaeological remains relating to the early coal mining in the Broseley area and there is a high possibility that the site contains evidence for one of the earliest mining railways in the country. These remains may therefore be impacted on by the proposed development. In view of the above and in accordance with PPS5, a recommendation was made that an archaeological evaluation of the application site be undertaken prior to any planning application being determined. The aim of this evaluation would be 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. The site has been subject to a number of archaeological investigations for a previous development scheme. These in essence remain valid in respect of this new application. These assessment/evaluations comprised a three phased approach that included an initial Desk Based Assessment (DBA), followed by field evaluation in the form of an earthwork survey and finally a programme of archaeological trial trenching. This work has now been completed and reported on in full. The results indicate the site has been subject to mining activity over a considerable period with the remains uncovered being of local significance representing a relict mining landscape, typical of the East Shropshire Coalfield. A remarkable number of shafts or pits, 15 in total, were revealed in the 4% of the site that was excavated. Later mining activity, associated with clay deposits, has to some extent obscured and/or truncated mining remains from earlier periods and those that were revealed were seen to be in poor condition. Because of safety reasons no trenches were excavated below the post-medieval mining activity and some potential for evidence of earlier mining activity remains although this may not survive to any coherent degree. No evidence for the potential early wooden railway mentioned in the documentary records of 1605 was revealed. During the 2011 archaeological excavation an examination was made of an underground chamber accessed via a manhole lying outside of the southern boundary of the development site. Further investigation of this chamber has not elucidated any dating or functional information. The proposed development site can therefore be deemed to have some archaeological potential and any below ground archaeological remains are likely to be affected by the construction of the proposed new dwellings and associated services.

The submitted Written Scheme of Investigation is satisfactory in providing the necessary level of archaeological mitigation for all construction works including any impact on the underground chamber.

- 4.1.11 **SC Affordable Housing** As we have fairly up to date info from this site, we are reasonably content to accept the applicant's offer in relation to the affordable housing and subject to our standard s106 overage clause.
- 4.1.12 **SC Waste Management** The vehicle tracking for this development has been agreed. However there are concerns that the hammerheads will be used for car parking and this will mean that the refuse/recycling vehicles will have to reverse, which is one move that should be eliminated wherever possible, as more accidents occur when refuse/recycling vehicles are carrying out this manoeuvre than any other.
- 4.1.13 **SC Parks and Recreation** The public open space requirement for this development, as identified within the Open Space Interim Planning Guidance 2012 as 30m² per bed space, should provide 9090m² of recreational open space. The current provision is 8400m²! This provision is further reduced as a usable recreational space with the inclusion of a SUDS wetland meadow area. Consideration should be given to creating additional open space within the development.

Within this application the open space is located on the south facing front of the development adjoining Dark Lane, a busy road close to the school. Previous applications on this site had identified the open space as a village green within the development, a design supported by this service.

4.2. -Public Comments

- 4.2.1 The application has been advertised on site and in the local press. In addition more than 250 residential properties in the vicinity have been directly notified. Thirteen objections have been made. The grounds for objection are summarised as follows:
- Will make already dangerous roads between Dark Lane and Broseley even more dangerous
 - Should be significantly reduced in size
 - Insufficient capacity of local schools
 - Traffic survey should be undertaken
 - Detrimental impact upon wider views of Broseley Conservation Area
 - Site inappropriately designated for development within the Local Plan, probably due to the influence of the land owner
 - Traffic from site should not be limited to just one access point, should be links to both the Birchmeadow Estate and to the road leading to the Birchmeadow Centre
 - Concern over flood risk and flash flooding
 - Concern over surface water drainage arrangements
 - Impact on wildlife area opposite the site
 - Impact on stability of surrounding properties both during and after the corrective stabilisation works required for the site; have been told would

- have to claim on our own home insurance
- Impact on water course running through the field
- Impact on Haycop Conservation Area
- several of the various surveys are using out of date and incorrect information
- impact on bats on adjacent nature reserve
- traffic survey undertaken during school holidays so not representative
- zebra crossing should be installed
- density is uncharacteristic of the local area
- affordable homes have no parking spaces attached to them
- increased risk of traffic accidents
- will overload sewerage system, and impact downstream at the Gorge
- will increase subsidence
- potential damage cause by high pressure grouting
- contours on site have shifted since site investigation works were undertaken 4 years ago
- impact on structural stability of houses that are not immediately adjacent to the site boundary
- lack of capacity of existing services to cope with additional residents
- no strategy for dealing with Japanese knotweed problem
- insufficient investigation into the whereabouts of the early wooden railway
- insufficient affordable houses
- query over who will manage the tree planting
- traffic calming required on Dark Lane
- should include three storey houses to match those in Broseley
- new layout is an improvement on the one produced by Bloor homes but still too many houses
- land never identified as suitable for residential development, merely identified as land available for sale
- concern over artesian water course running through the site
- many adjacent properties have wells which are fed by this water supply
- may provide 88 dwellings but also make upwards of 50 houses uninhabitable
- land has not been identified as suitable for development in the local plan

4.2.2 Haycop Conservation Group

- concern over surface drainage water and impact on conservation area
- impact on artesian water course and water supplies
- impact on rare butterflies and moths in the area
- concern over lead levels in the soil
- Dark Lane should be made into a one way pedestrianised area

4.2.3 4 general comments have been made:

- Bridge Road should be banned for all works traffic
- Planning measures should be put in place to monitor ground movements
- A further highways survey should be carried out as there are now more cars on Dark Lane due to speed restrictions on Bridgnorth Road
- 88 is still a high density, especially adjacent to a conservation area
- Small number of affordable houses goes against aim of providing affordable homes for younger people
- Only one bungalow when accommodation for older residents is needed in

Broseley

- May add to parking issues and congestion
- Archaeological interest should be preserved
- will put further pressure on the drainage and sewerage disposal facilities
- potential issues with flooding

4.2.4 1 letter of support has been received:

- refreshing to see a brown field site proposal that 'fits' with the locality and conforms to the Broseley Plan

5.0 THE MAIN ISSUES

Principle of development

Design, scale and character

Highway Safety

Residential Amenity

Land Stability

Drainage

Archaeology

Ecology

Open Space

Viability and Affordable Housing

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Broseley is a settlement identified by saved Local Plan policy H3 as a settlement appropriate for new house building. The application site is an allocated housing site in the Bridgnorth District Local Plan, reference policy BRO1, which is a policy allocation which remains in place following the adoption of the Shropshire Core Strategy. The supporting information to the land allocation indicates the site is to be released for development during the plan phase 2011-2016 and that it has a site capacity of 90 dwellings, and therefore the current proposal is in line with this.

6.1.2 Emerging planning policy as set out in the SAMDev Plan indicates that the site is located within the proposed development boundary. Whilst the SAMDev does not propose to allocate the site for housing development, the supporting text (5.4.2) indicates that this is because there is already a resolution to grant planning permission (subject to a section 106 legal agreement) for 94 homes on the site (ref. 12/02108/FUL).

6.1.3 On the basis of the above there is no in principle planning policy objection to residential development on the land.

6.1.4 Saved Local Plan Policy H7 states that development will not be permitted where the net site density is below 30 dwellings per hectare, unless it can be demonstrated that development at that density would harm the character of the surrounding area. This proposal for 88 dwellings would equate to a net site density of some 27 dwellings per hectare. Whilst this is slightly below the figure of 30, the density of the current scheme is similar to that proposed in the previous application (12/02108/FUL) which proposed a density of 28.5 dwellings per hectare. Both applications seek to address the Committee's refusal of the 107 unit scheme (ref.

11/00955/FUL) on the grounds that it harmed the character of the surrounding area. It is considered therefore that the site density of the current proposal would not be unacceptable as a matter of principle. The consideration of the site through the Local Plan process, and its subsequent allocation for residential development, established that there were no technical constraints which would prevent the site's development. The acceptability or otherwise of the scheme will therefore turn upon the assessment of the scheme under the main issues set out below, and having regard to the refusal reason for application 11/00955/FUL set out in paragraph 1.1 above.

- 6.1.5 The fact that the Committee resolved to grant planning permission 2012 for a similar residential development at this site (subject to the completion of a legal agreement to secure affordable housing) is a relevant consideration which should be given some weight in the decision making process. Although planning permission for that development has yet to be issued, the resolution of the Committee nevertheless confirms that the residential development of the site as proposed by application 12/02108/FUL is acceptable.

6.2 Design, Scale and Character

- 6.2.1 The National Planning Policy Framework (NPPF) at section 7 places an emphasis on achieving good design in development schemes. Its themes are reflected in Core Strategy policy CS6 which seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. This site is adjacent to the Broseley Conservation Area, which borders its southwestern side. Account therefore needs to be taken of the impact of the proposed development upon the setting of the Conservation Area. A note to policy BRO1 advises that "This site adjoins the town's historic core and the layout, design and use of materials should reflect this."
- 6.2.2 The Broseley Conservation Area Appraisal comments that the density, pattern and type of settlement varies greatly within the large conservation area. With regard to the section in the immediate vicinity of the application site it states:-
- 6.2.3 "This pattern of development changes in the more northerly part of Church Street where buildings are more tightly concentrated, with many fronting the street and and grouped in rows or occasionally in terraces. This pattern becomes more dense still along much of High Street. The open areas of The Green and the junction of Barber Street provide counter points to the tightly confined street. To the west of High Street there is an intricate network of lanes and narrow roads, with modest older houses and cottages interspersed with new development.
- 6.2.4 To the north, Barber Street, Duke Street and Fox Lane have regular. More scattered groupings of small houses and cottages, and mid -20th century development fills much of the area between High Street and Queen Street."
- 6.2.5 Much of the development in this area is positioned close to the back edge of the footpath, with a more random disposition of buildings away from the street

frontages.

- 6.2.6 The general approach to the development layout has been to utilise the existing topography of the site to provide a series of streets which link together to form perimeter blocks. This approach has rationalised the need for any retaining features, such as walls, to enable a more open appearance to the development. The relatively informal road layout in the present scheme is also in contrast to the refusal reason's reference to the angular road layout of application 11/00955/FUL.
- 6.2.7 The details of the layout are largely consistent with that previously proposed under 12/02108/FUL, albeit with some revisions to reflect the existence of two mineshafts on the northern portion of the site and ensure that these can be adequately treated. The design approach taken to the new homes is to provide them in the form of short terraces (no more than three dwellings) pairs of semi-detached dwellings or detached dwellings within their own curtilage. A substantial number of housetypes will be provided to provide variety in a manner consistent with the general character found in the town. The detailed layout sets back dwellings from the Dark Lane frontage allowing an area of green space to interface between the development and the adjacent road. This has benefits in delivering a green edge to the proposal.
- 6.2.8 Reflecting the topography of the site, and in particular the difference in levels between the site and Birch Meadow to the north, the design of the scheme has sought to ensure that any retaining features necessary are located within back gardens of homes. As such a number of dwellings along the northern side of the site would have terraced rear gardens, and this would avoid harsh urban features such as brick retaining walls.
- 6.2.9 The proposed development would provide a variety of roofscapes, and chimneys will be provided in key locations to assist in breaking up the roofscape. It should also be noted that the varying site levels, the variety of house types and materials, and the site levels, the variety of house types, materials, and the differing road configurations between the main access roads and shared driveways, along with the associated landscaping, would maintain variety and interest in the layout of the streetscene.
- 6.2.10 An area of open space would be provided on the eastern side of the site, to the south of the access road, and the applicant has stated that this would perform a number of functions. It would include a flood attenuation balancing pond, and would therefore allow the scheme to deliver a SUDS drainage scheme. It would provide a wetland type habitat and peripheral planting reflects this. Whilst it is not intended that the area would have a formal recreation function it would nevertheless be accessible to the public for informal activities such as dog walking. Properties on this side of the site to the north of the access road would be set back from Dark Lane and it is proposed to undertake additional landscaping along this edge. This design would provide a green buffer to existing residential properties that are located to the southeast of the site, and also provide a landscape edge to the main entrance to the development. It is considered that this, together with the additional tree and shrub planting proposed within the site, would constitute adequate landscaping provision for the site.

- 6.2.11 The proposed house types have been considered by the Council's Historic Environment Officer who considers that the new scheme is an improvement in terms of density, layout and design. No objections have been raised in relation to the impact on the setting of the adjacent Conservation Area.
- 6.2.12 It is considered that the proposed house types would be well proportioned and appropriate for this location. The predominant use of brick and tile would reflect the finishes found within the adjacent Conservation Area. The two storey form of the development (apart from one bungalow) would be of a scale subservient to the larger 2 and 3 storey properties found in the historic core and comparable to that of properties which intersperse with them. The provision of chimneys to some dwellings at key focal points within the development, and short projecting front gables to some of the dwellings, would provide variety to the roofscape which was considered to be lacking from the proposal that was refused (11/00955/FUL). As a consequence, it is considered that the built form would not adversely impact upon views into the Conservation Area or upon the views across the site from the elevated position of Birch Meadow to the north. It is considered therefore, for the reasons explained above, that the proposed development would be appropriate in scale, density, pattern and design for the site as required by Core Strategy Policy CS6.

6.3 Highway Safety

- 6.3.1 Saved Local Plan policy D6 states that development will only be permitted where the local road network and access to the site is capable of safely accommodating the type and scale of traffic likely to be generated. A note to the housing land allocation policy BRO1 states that off site development funded highway works or other traffic management measures may be required to improve the junction of Dark Lane and the High Street. The Transport Statement that has been submitted states that Dark Lane has a good safety record and no accidents have occurred at the junction of Dark Lane and High Street in five years. It concludes that traffic from the development would not affect safety on the local road network.
- 6.3.2 It should be reiterated that the site is allocated for residential development, with an indicative number of units of 90. It follows from this that the current proposal of 88 units on the site is accepted under the Local Plan allocation as being capable in principle of being development without leading to conditions detrimental to highway safety. It should be noted that application 11/00955/FUL was not refused on any grounds relating to highway safety.
- 6.3.3 The previous application submitted for residential development at this site (12/02108/FUL) proposed eight separate accesses from Dark Lane: one main access road into the site, and seven drive accesses to those properties proposed along the southeastern side of the site. The current application proposes that all properties would be accessed via a single main access from Dark Lane. This access road would also have footways on both sides, linking in to existing footways along Dark Lane. Whilst the formal consultation comments of the Highways Officer are awaited, it is understood that the Officer has no objections to this access design in principle, and that it would not be detrimental to highway and pedestrian safety. It is noted that the Highways Authority did not raised any objection to the previous application for residential development at this site, but recommended the imposition

of a number of conditions. These conditions included the requirement to submit for approval full engineering details of the site access and roadway; a Construction Method Statement and Traffic Management Plan; a Travel Plan. It is considered that it would be appropriate to impose similar conditions on any permission granted in respect of the current application.

- 6.3.4 Saved Local Plan policy D6 also requires there to be adequate servicing arrangements within developments and for car parking to have regard to the Council's recommended car parking standards. The Council's Waste Management team has confirmed that the road geometry is acceptable for refuse/recycling vehicles based upon the vehicle tracking information provided. The further comments made regarding the hammerhead design are noted, and some changes to the site layout have now been made to provide additional bin collection points in order to improve access by refuse vehicles. The level of car parking provision is two off-street spaces per dwelling. The majority of these spaces are located either to the side of dwellings or in front of properties. This provision complies with the adopted maximum parking standards of the former Bridgnorth District Council which are still in force.

6.4 Residential Amenity

- 6.4.1 Core Strategy policy CS6 seeks to safeguard residential amenity. The positioning, orientation and scale of the dwellings and garages which would be adjacent to the application site boundaries would cause no undue harm to the living conditions of existing adjacent dwellings, in terms of privacy, light and would have no significant overbearing impacts. Within the development, there would be no residential amenity conflicts between the proposed dwellings. The site layout allows for sufficient space for the landscape buffer planting to be established without significantly impacting upon the garden area to those dwellings and the amount of sunlight/daylight reaching those properties.
- 6.4.2 It would be appropriate to impose planning conditions to limit construction hours to the standard hours and to prevent the burning of waste, as recommended by the Council's Public Protection team (see Appendix 1).

6.5 Land Stability

- 6.5.1 The National Planning Policy Framework (NPPF) advises at paragraph 120 that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. It requires at paragraph 121 that planning policies and decisions should take account of ground conditions and land stability, and that adequate site investigation information, prepared by a competent person, is presented. A note to policy BRO1 advises that the site is in an area where land stability may be affected by past mining activity and a site investigation should be undertaken to establish the developable extent of the site.
- 6.5.2 The application is accompanied by a Site Investigation Report undertaken in 2012 in relation to the previous scheme. The main issues identified in the report include: deep and variable strength made ground materials across parts of the site; the presence of shallow coal mineworkings; two identified mineshafts within the site boundary and a third to the north of the site; the likely presence of additional

unrecorded mine entries within influencing distance of the site. The report sets out a strategy in respect of ground stabilisation works and foundation design, and gas protection measures to allow the development to proceed. The proposals include the intention to undertake dilapidation surveys of all existing properties along the western boundary of the site prior to any remediation/piling works commencing to ensure that these works have not structurally affected the properties.

6.5.3 The Council's Public Protection Officer has reviewed the submitted report and considers that a further risk assessment is required to bring the existing data up to date, in particular in relation to current guidance regarding lead, and has recommended that a condition can be imposed to ensure that this is undertaken.

6.5.4 It is noted that the reasons why application 11/00955/FUL were refused did not include ground stability issues. In addition it is considered that there has been no material change in planning circumstances since Members resolved to grant planning permission for residential development at the site under application ref. 12/02108/FUL which would now justify a refusal reason relating to land stability.

6.6 Drainage

6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to reduce flood risk. A flood risk assessment has been submitted with the application. This has established that the site falls within low probability zone 1, meaning that the proposed dwellings would be at little risk of flooding. As part of a Sustainable Urban Drainage Strategy (SUDS), the surface water drainage strategy would incorporate an attenuation pond. This would be designed to attenuate flood water volumes to the 1 in 100 year storm event (plus 30% allowance for climate change). The system would be linked to a surface water drainage system which would connect to an existing watercourse to the southeast, with flows being controlled using a hydrobrake system. The surface water management strategy, including accompanying run off calculations, have been reviewed by the Council's Drainage Officer who has confirmed that it is acceptable. The system would satisfy Core Strategy policy CS18 by not resulting in an increase in run off from the site, in order to safeguard the properties downstream from any increased risk of flooding.

6.6.2 With regard to foul drainage, Severn Trent Water has previously raised no objections to a connection to the foul sewer to serve residential development on this land.

6.7 Archaeology

6.7.1 Core Strategy policies CS6 and CS17 seek to protect the historic environment, which includes areas of archaeological interest.

The results of surveys of the site indicate that it has been subject to mining activity over a considerable period with the remains uncovered being of local significance representing a relict mining landscape. Based upon surveys undertaken the Council's Historic Environment Officer considers that the site can be deemed to have some archaeological potential. The Officer has confirmed that the submitted Written Scheme of Investigation is satisfactory in providing the necessary level of archaeological mitigation for all construction works. A condition can be imposed requiring that this is adhered to as part of the implementation of any permission for

the development (see Appendix 1).

6.8 Ecology

- 6.8.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. An ecological appraisal has been submitted with the application and this confirms that there are no statutory designated ecological sites at or in the vicinity of the site. It states that further afield, there are two SSSI's and a Local Nature Reserve within 2km of the site; however these would not be negatively affected by the proposed development.
- 6.8.2 The Council's Planning Ecologist has reviewed the submitted ecological report and has raised no objections to the proposal. Whilst the vegetation on site provides sub-optimal habitat for reptiles, the Ecologist has recommended that the mitigation measures put forward in the ecology report should be adhered to. This, and the other conditions proposed by the Ecologist can be added to any permission granted for the development.

6.9 Open Space

- 6.9.1 The Council's Parks and Recreation team have noted that the public open space requirement for new development, as set out in the Open Space Interim Planning Guidance document, is 30m² per person. This would equate to a requirement for 9090m² whereas the currently proposed area is 8400m². The team have recommended that consideration should be given to creating additional open space within the development area. The Parks and Recreation team have also noted that previous application had proposed that open space would be provided more centrally within the development area which is favoured over the siting of the open space adjacent to the public highway.
- 6.9.2 Based upon previous advice from the Parks and Recreation service regarding residential development at this site, it is considered that it would not be necessary to provide formal sports provision on site. However it is considered that there is a need for the development to provide some on site informal recreation space, and to have convenient access to the Birch Meadow Community Centre and the adjacent sports pitches and play equipment.
- 6.9.3 As set out in section 6.2.10 above, the proposed development would provide an area of open space at the southeastern side of the site, and this would perform flood attenuation, ecological and informal recreation functions. In addition a footpath link would be provided to Birch Meadow and the areas of open space. It is considered that the proposed site layout has been informed by the need to ensure that it addresses the reasons for the refusal of application ref. 11/0955/FUL, whilst also reflecting density standards. In addition, whilst the comments relating to the amount of open space provision are acknowledged, it should be noted that the current proposal provides for an increased area of open space that the previous application 12/02108/FUL, which Members have resolved to grant planning permission for. The comments of the Parks and Recreation service regarding the positioning of the open space at the edge of the site are valid, however this would also serve to provide a green buffer from the public highway which would improve the appearance of the development from this side.

6.9.4 Taking the above factors into consideration it is considered that, whilst the amount of open space proposed would not meet the requirements of the IPG, the type and amount of open space in conjunction with the linkages proposed to nearby recreation areas, would be acceptable for this particular development.

6.10 Viability and Affordable Housing

6.10.1 The National Planning Policy Framework (NPPF) at paragraphs 173 to 177 addresses 'Ensuring viability and deliverability'. It states in paragraph 173 that;

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

6.10.2 Core Strategy Policy CS9 (Infrastructure Contributions) highlights the importance of affordable housing as 'infrastructure' and indicates the priority to be attached to contributions towards provision from all residential development. With regard to provision linked to open market housing development, Core Strategy Policy CS11 (Type and Affordability of Housing) sets out an approach that is realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period. This will be achieved through consideration of the 'current prevailing target' rate in the calculation of the affordable housing contributions.

6.10.3 The target rate is set annually through the Shropshire Viability Index, which identifies an initial rate based on an assessment of economic viability on a number of sites across Shropshire, and then applies an index, which tracks housing construction costs and house prices, to adjust the level of contributions on an annual basis. In addition, there will be a five yearly review of the viability assessment to allow for adjustment of the index to ensure that it remains fit for purpose. The initial assessment, the annual updates and the 5 yearly reviews are all carried out with the involvement of a panel of representatives from the development industry. The Index has been developed to provide a robust flexible approach in line with national planning policy guidance. The affordable housing contribution rate for this area would be 15%.

6.10.4 The consideration relating to the Dark Lane application is whether or not the developer can deliver an economically viable scheme whilst providing the 'infrastructure' contributions required by the Council – namely the on site provision of 15% affordable housing together with the financial payment in accordance with the Community Infrastructure Levy. It is the applicant's case that it would not be financially viable to deliver 15% affordable housing units on this site and they are instead proposing five units for rent which is equivalent to 5.7%. This would equate to 5.3% affordable housing in the scheme. These units would comprise one x 2

bed bungalow, two x 2 bed houses and two x 3 bed houses. A confidential financial appraisal, undertaken by property consultants, has been submitted to support this contention.

- 6.10.5 This site viability issue, in terms of how much affordable housing the development could deliver, was considered in detail in relation to the previously submitted application for this site, for which Members resolved to grant planning permission. The matter was referred (at the developers cost) to the District Valuation Service (DVS) for expert external analysis and assessment in accordance with the provisions of the adopted Supplementary Planning Document (Paragraphs 4.25 to 4.31 inclusive). In relation to that scheme for 94 dwellings, the District Valuer confirmed that the maximum number of affordable dwellings that could be delivered while allowing the site to come forward for development was 5.
- 6.10.6 The submitted viability report makes a similar conclusion. It states that, despite the improvement in the residential development market, the ability of the site to deliver anything other than 5 affordable dwellings remains compromised on viability grounds. The main reasons for this are that construction costs have continued to rise broadly in line with market values, and the current scheme proposed is for 6 fewer properties than previously proposed so the underlying value of the project is reduced.
- 6.10.7 The Council's Affordable Housing team has advised that this affordable housing offer can be accepted, given the information available in respect of the site. Taking into consideration the specific characteristics of the site it is considered that a reduced affordable housing provision of five units can be accepted for this proposal.
- 6.10.8 Whilst in principle the findings of the viability assessment can be accepted, Officers will be seeking to ensure that the Section 106 legal agreement, as part of any approval, contains 'overage' provisions (as provided for in the Supplementary Planning Document). These provisions will enable the Council to examine the development cost and proceeds as a cumulative whole upon completion to ensure that any profit made by the applicant in excess of a 20% return on the Gross Development Value can be recouped from them and paid to the Council by way of an additional Affordable Housing Payment. Any such monies would be available to reinvest in Broseley for the direct provision of additional affordable homes.
- 6.10.9 Officers have therefore concluded that the Council should accept the applicant's offer to provide 5 affordable homes for rent (5.7%) as part of the proposed scheme. In addition to the financial considerations, Officers have also considered the wider strategic importance of enabling this scheme to come forward rather than the site remaining dormant. Whilst recognising that the reduction of affordable housing is a disappointment to the local community the prominence and contribution of this site within the Development Plan in delivering the overall housing and economic aspirations of the Council cannot be ignored. Enabling its delivery promises to yield significant financial benefits to both the town and Shropshire as a whole through the payment of the Community Infrastructure Levy by the applicant.

7.0 CONCLUSION

7.1 The proposed development would be in keeping with the locality and would not detract from the setting of the adjacent Conservation Area; would not be detrimental to highway safety; and would not unduly harm neighbour amenity. There are no land stability, archaeological or ecology reasons that would justify a refusal of planning permission. With regard to drainage, the designed strategy would be acceptable to avoid increasing flood risk in the area. With regard to affordable housing, it is considered that the number of units proposed is acceptable within the context of the development costs associated with this site. On this basis it is considered that the proposal can be accepted in relation to the Development Plan and other material factors, and that the grant of planning permission can be recommended subject to conditions as set out in Appendix 1 and the completion of a Section 106 legal agreement for affordable housing provision and the provision and maintenance of the open space by an appropriate body.

8. Risk Assessment and Opportunities Appraisal**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.
- ☐ 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 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 a) promptly and b) in any event not later than three months after the grounds to make the claim first arose 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.

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.

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. Financial Implications

There are likely financial implications of 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 dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this application – in so far as they are material to the application. The weight to be given to this issue is a matter for the decision maker.

10.0 BACKGROUND

10.1 Relevant Planning Policies

Policies material to the determination of the Application include:-

National Planning Policy Framework:

6 : Delivering a Wide Choice of High Quality Homes

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

Shropshire Council Core Strategy (February 2011):

CS3 : The Market Towns and Other Key Centres

CS6 : Sustainable Design and Development Principles

CS8: Facilities, services and infrastructure provision

CS9: Infrastructure contributions

CS11 : Type and Affordability of Housing

CS17 : Environmental Networks

CS18 : Sustainable Water Management

Type and Affordability of Housing Supplementary Planning Document
Open Space Interim Planning Guidance (adopted January 2012)

Bridgnorth District Local Plan – saved policies

H3: Residential Development in main settlements

H7: Housing density

D6: Access and parking

BRO1: Housing site west of Dark Lane

Emerging planning policiesSubmitted SAMDev Plan policies:

MD1 – Scale and Distribution of Development

MD2 – Sustainable Design

MD3 – Managing Housing Development

MD12 – Natural Environment

MD13 – Historic Environment

S4 - Broseley Development Strategy

1. Over the period 2006-2026, around 200 dwellings and around 2 hectares of employment land are planned for Broseley. Apart from the site at Dark Lane, housing developments should be small scale to reflect the local character and meet the design principles in policies DS1-DS9 of the Broseley Town Plan.

2. All development proposals should have regard to the adopted Broseley Town Plan. Local green spaces as identified on the Broseley Town Plan map will be protected from inappropriate development that harms their open character.

3. Proposals for small scale office, workshop and light industrial uses and expansion of existing businesses will be supported where they are well located and well suited to employment use. Existing employment land will be protected unless it can be shown that a site is no longer viable, in which case proposals for mixed uses will be supported where the proposed alternative use would provide equal or greater benefits for the local community than the current use.

4. Land is allocated for employment development as set out in Schedule S4.1b below and identified on the Policies Map.

5. Tourist related development will be supported where it enhances an existing business on the same site, offers a conservation gain by restoring or improving the sustainable use of heritage feature or creates a new tourism related business on a suitable infill or brownfield site.

6. Retail development will be directed to the village centre where it will benefit from, and contribute to, the town's historic character. The Primary Shopping Area as shown on the Policies Map is protected for retail uses in accordance with policies CS15 and MD10.

No housing allocations are proposed for Broseley as 48 dwellings have already been built in the period 2006-2013, 34 dwellings have planning consent (as at 31st March 2013) and there is a resolution to grant planning permission (subject to a section 106 legal agreement ref. 12/02108/FUL) for 94 homes at Dark Lane.

10.2 Relevant Planning History

11/00955/FUL Mixed residential development comprising 107 dwellings and garaging (sale, shared ownership and rent) to include creation of vehicular access (off Dark Lane), estate roads and cycleways; an area of public open space, landscaping scheme and associated infrastructure REFUSED 6th December 2011

12/02108/FUL Mixed residential development comprising 94 dwellings and garaging (sale, shared ownership and rent) to include creation of vehicular access (off Dark Lane), estate roads and cycleways; an area of public open space, landscaping scheme and associated infrastructure, resolved to grant permission subject to a legal agreement

11.0 ADDITIONAL INFORMATION

List of Background Papers - Planning Application reference 14/02911/FUL

Cabinet Member (Portfolio Holder) - Cllr M. Price

Local Member - Cllr Dr Jean Jones

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. 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.

4. Tree and shrub planting shall be undertaken in accordance with the approved planting plan (LDS 288-04B, April 2014) and landscape specification (LDS288(B)-LS) and completed by the end of the first bare-root planting season (November - February inclusive) following commencement of development, or each phase of development as agreed in writing with the LPA.

Reason: to ensure a satisfactory form of landscaping and to contribute to long-term continuity of tree cover at the site.

5. The development hereby permitted shall not be undertaken other than in accordance with the surface water drainage system shall be installed in accordance with the submitted details, including those submitted on 29th September 2014.

Reason: To ensure the proper drainage of the site, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

6. Demolition or construction works shall not take place outside the hours of 07.30 to 18.00 Monday to Friday; 08.00 to 13.00 Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: In order to maintain the amenities of the area.

7. No waste materials generated as a result of the construction operations shall be burnt on site and airborne dust from the construction operations on the site shall be minimised by spraying water or by carrying out works that may be necessary to suppress dust.

Reason: To safeguard the amenities of the locality.

8. The development hereby permitted shall be undertaken in accordance with the Written Scheme of Investigation (Nexus Heritage Report No: 3098.R01 Sept 2014).

Reason: To ensure a satisfactory level of archaeological mitigation in view of the archaeological potential of the site.

9. All development, demolition or site clearance procedures on the site to which this consent applies shall be undertaken in line with the Ecological Appraisal by FPCR dated December 2013.

Reason: To ensure the protection of wildlife, including reptiles and bats.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

10. No built development shall commence until details 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.

11.
 - a) No development shall take place until a Site Investigation Report has been undertaken to assess the nature and extent of any contamination on the site. The Site Investigation Report shall be undertaken by competent person and be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. The Report is to be submitted to and approved in writing by the Local Planning Authority.
 - b) In the event of the Site Investigation Report finding the site to be contaminated a further report detailing a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - c) The works detailed as being necessary to make safe the contamination shall be carried out in accordance with the approved Remediation Strategy.
 - d) In the event that further contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b) above, which is subject to the approval in writing by the Local Planning Authority.

e) Following completion of measures identified in the approved remediation scheme a Verification Report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates the contamination identified has been made safe, and the land no longer qualifies as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to human health and offsite receptors.

12. Prior to the commencement of development, tree works shall be carried out and tree protection measures installed to the written satisfaction of the LPA, as described in the Tree Works / Protection Plan (LDS288-03, April 2014). The tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development and shall not be moved or removed, even temporarily, without the prior written agreement of the LPA. The areas within the tree protection barriers are to be treated as a construction exclusion zone throughout the duration of the development, with no storage or construction activities occurring within them.

Reason: to protect retained trees and hedges on and adjacent the site that contribute to the appearance of the area from damage during implementation of the development.

13. Prior to the commencement of the development, full engineering details of the new junction and frontage enhancement on to Dark Lane, including street lighting, carriageway markings/signs, together with the enhancement of the adjacent footway, highway verge and carriageway of Dark Lane fronting the development site, shall be submitted to and approved in writing by the local planning authority: The approved works shall be fully implemented in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: In the interests of highway safety.

14. No development shall take place until details of the design and construction of the new roads, parking and turning areas, footways, cycleways, vehicular and pedestrian accesses, together with details for the disposal of surface water and street lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, with the estate roads, footways, vehicle manoeuvring and turning areas constructed to at least base course macadam level and made available for use before the dwellings that they would serve are first occupied.

Reason: To ensure a satisfactory access to and through the site.

15. Prior to the commencement of development, details of the proposed Travel Plan and Sustainable Travel Information Packs shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan/Information packs shall be fully implemented in accordance with the approved details concurrently with the first occupation of dwellings on the site.

Reason: In the interests of encouraging sustainable travel.

16. No development shall take place, including any works of demolition, until a Construction Method Statement and 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 construction period. The Statement/Plan 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
 - viii. coordination and management of all deliveries, HGV routing proposals and off-site holding areas
 - ix. phasing of any temporary and/or permanent vehicular/pedestrian accesses and management thereof within the construction period of the development.

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

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

17. 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.

18. Prior to the first occupation of the dwellings details of ten artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow 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 nesting opportunities for wild birds.

19. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual and residential amenity.

Informatives

1. If non permeable surfacing is used on the driveways and parking areas and/or the driveways slope towards the highway, the applicant should submit for approval a drainage system to intercept water prior to flowing on to the public highway
Reason: To ensure that no surface water runoff from the new driveway runs onto the highway.

The applicant should consider employing measures such as the following:

Water Butts

Rainwater harvesting system

Permeable surfacing on any new driveway, parking area/ paved area

Greywater recycling system

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner.

Informative Consent is required from the service provider to connect into the foul main sewer.

2. 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."
3. The adder, common lizard, grass snake and slow worm are protected against intentional killing or injury under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

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 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.

4. The land and premises referred to in this planning permission are the subject of an Agreement under Section 106 of the Town and Country Planning Act 1990.
5. 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.

6. 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.
7. You are obliged to contact the Street Naming and Numbering Team with a view to securing a satisfactory system of naming and numbering for the unit(s) hereby approved. At the earliest possible opportunity you are requested to submit two suggested street names and a layout plan, to a scale of 1:500, showing the proposed street names and location of street nameplates when required by Shropshire Council. Only this authority is empowered to give a name and number to streets and properties, and it is in your interest to make an application at the earliest possible opportunity. If you would like any further advice, please contact the Street Naming and Numbering Team at Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND, or email: snn@shropshire.gov.uk. Further information can be found on the Council's website at: <http://new.shropshire.gov.uk/planning/property-and-land/name-a-new-street-or-development/>, including a link to the Council's Street Naming and Numbering Policy document that contains information regarding the necessary procedures to be undertaken and what types of names and numbers are considered acceptable to the authority.



Committee and date
 South Planning Committee
 11 November 2014

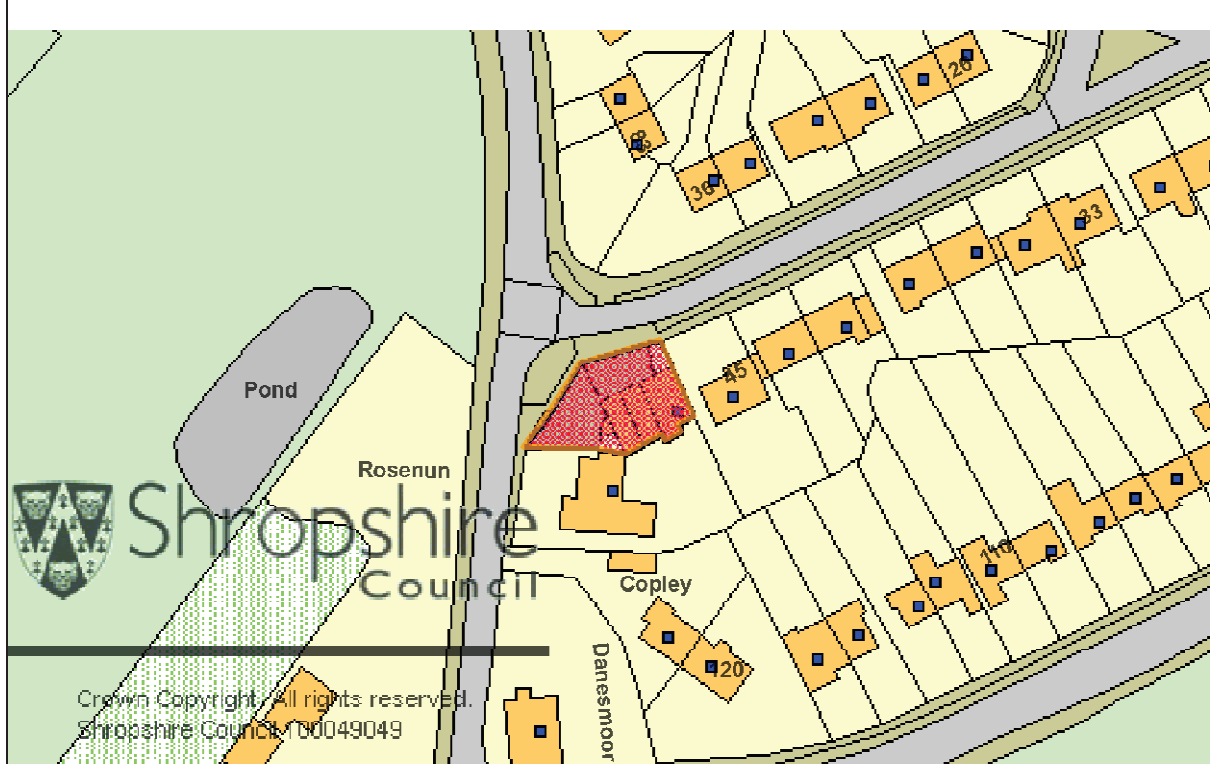
Development Management Report

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

Summary of Application

Application Number: 14/03411/FUL	Parish: Albrighton
Proposal: Erection of 2 bedroom detached bungalow following demolition of existing store.	
Site Address: Elm Road Stores Bishton Road Albrighton Wolverhampton Shropshire	
Applicant: Mrs Louise Fisher	
Case Officer: Lynn Parker	email: planningdmse@shropshire.gov.uk

Grid Ref: 380715 - 303799



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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 is a resubmission of Planning Application Ref: 14/01841/FUL, with design changes, for the erection of a detached bungalow, following demolition of existing corner shop know as Elm road Stores, at Bishton Road, Albrighton. The previous application for a dormer bungalow with integral garage was refused by the South Planning Committee on 24th July 2014 for the following reason:

'The proposed development, by reason of the full gable roof form, large expanse of roof and ridge height which would exceed that of the adjacent bungalow to the east, would result in a dwelling which would be an over development of the site, detracting from the amenities of the adjacent properties through having an overbearing impact, and detracting from the character and appearance of the streetscene. The proposal would therefore be contrary to Shropshire Core Strategy policy CS6 and paragraphs 56 to 64 of the National Planning Policy Framework.'

1.2 A 2 bedroom detached bungalow is now proposed with ground floor accommodation only to comprise lounge, kitchen, laundry, hall, bedroom 1 with ensuite, bedroom 2 and bathroom. The dwelling will measure 12.5m wide x 8.49m in depth x 6.4m to ridge height, 2.4m to eaves amounting to a footprint of approximately 107m². These proportions equate to those of the previously approved dormer bungalow, however, the scale and design of the roof have been altered to be fully hipped with a reduced length roof ridge, rather than providing 2 side gables.

1.3 Materials are indicated to be red facing brick, plain concrete tiles, white UPVC windows and doors, and block paving to the drive/parking area. A 1.8m high, close boarded fence will be erected to the north west and east boundaries with hedging adjacent to the road. It is proposed to retain the rear wall of the existing building along the southern boundary to define that boundary, but with a reduced height to 2m and openings filled in, the proposed dwelling being set forward of it. Vehicular access will be as existing from Bishton Road and there will be parking provision for 3 vehicles. No trees or hedges are affected. Foul sewage will be disposed of as existing to the main sewer and surface water drainage to new soakaways in the proposed garden area.

1.2 During the course of the application amended plans have been submitted in response to neighbours concerns, which indicate the retention of the existing shop eastern wall (which is positioned along the boundary). An amended Design and Access Statement has also been submitted confirming that no porch is proposed to the kitchen door. Additionally, an Affordable Housing Contribution Proforma has been submitted agreeing to pay a financial contribution of £13,500 towards off site affordable housing provision as the internal floorspace is identified as being over 100m² (0.15 x 100m² x 900 = £13,500).

2.0 SITE LOCATION/DESCRIPTION

2.1 The site falls within the development boundary of the Market Town of Albrighton and to the south west of the Town Centre. It is accessed via estate roads from Cross Road which leads to the A41 in the north east and A464 to the south west. The area is primarily residential and characterised by semi-detached bungalows and 2 storey dwellings of red brick with brown tiles roofs. The dwellings are typical mid 20th Century design with hipped roofs and chimneys, the 2 storey properties having brick porches. The site is located between 2 bungalows facing north onto the junction of Bishton Road with Elm Road.

2.2 It is understood that the property is a former commercial shop which has been empty for approximately 5 years and recently sold at auction. The existing building is a single storey brick structure of a relatively low height with a mono-pitch roof sloping downwards to the south and a parapet ridge atop the cream painted front elevation. The exterior is starting to deteriorate. The rear elevation forms the side boundary of the neighbouring rear garden at 'Rosenun', due to the relative angles of the properties, and the east facing side elevation forms the side boundary with no. 45 Bishton Road. There is currently no rear outside amenity space and the rear boundary of 'Rosenun' abuts the side of the rear garden at no. 45. The building is essentially a square unit with most of the openings, including a shop window, in the front elevation. The remainder of the plot comprises a tarmac parking area between the front elevation and Bishton Road and a triangular grass area to the west side. The plot covers approximately 290m².

2.3 Directly to the east is a line of bungalows some of which have off road parking, but not all. These are aligned with the orientation of the existing shop building. The bungalow to the south side at 'Rosenun' differs in appearance from those to the east in that it is detached, has a larger footprint, plot size, and openings, however its design and materials indicate that it may have been constructed during the same period. To the other side of 'Rosenun' are 2 storey properties. There are also semi-detached 2 storey properties across the road to the north, although these are not directly in front of the plot as its outlook is more accurately across the front gardens and along Elm Road. Land to the west and north west across Elm Road is open Green Belt countryside outside the development boundary.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Complex applications which in the view of the Group Manager for Environment or the Service Manager with responsibility for Development Management in consultation with the Committee Chairman or Vice Chairman should be determined by the relevant Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Albrighton Parish Council - At its meeting on 4th September 2014 registered no objections to planning application 14/03411/FUL.

- 4.1.2 SC Affordable Homes - 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 is 15% and as such a proposal for 1 new open market dwelling would be liable to make a contribution equivalent to 0.15 of a whole affordable unit (1 x 15%). As this level of contribution is less than a whole unit, it is translated into a cash sum paid by the developer as an off-site Affordable Housing Contribution used by the Council fund the delivery of affordable housing provision elsewhere in the area. An affordable housing contribution proforma is required to enable the Council to check and clarify the correct level of contribution.
- 4.1.3 SC Drainage – Details, plans and calculations of soakaway design, a drainage system if the driveway is non-permeable and finished floor levels above known surface water flooding level could be conditioned if Planning Permission were to be granted.
- 4.2 - Public Comments
- 4.2.1 Four letters of representation have been received from two different addresses, the neighbours on each side of the site. These can be viewed in full online, however their concerns are précised as follows:

Objections to the proposal as submitted:

- o The unnecessary roof height is higher than any other bungalow in the street, and gives a negative effect on the enjoyment of our garden in our retirement.
- o We are of the opinion that the roof height is to enable a further application to build in the roof space.
- o The 1.8m high fence bordering our front garden has the potential to block light from one of our principle living room windows.
- o The hedging surrounding the proposed garden needs to be controlled to a maximum height re safety and street scene.
- o A porch is shown on the side door of the kitchen in the Design and Access Statement, but not on the drawing.
- o Concerns over the amount of disruption and damage that will be caused to our gardens during construction.
- o We are not prepared to put up with builders, scaffold and materials in our garden.
- o The bungalow should be built within the shop site border, the existing shop wall or a garden fence should form the boundary.

Objections following the submission of amended plans are reiterated, and:

- o The room containing our side window has been used for many purposes as well as a dining room, in the winter months it also serves as our principle living room due to its size and heat retention.
- o Surely a suitable tile could be used to enable the roof height to be greatly reduced.

5.0 THE MAIN ISSUES

- o Principle of development
- o Design, scale and character
- o Impact on neighbours/residential amenity
- o Drainage
- o Access
- o Ecology

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 The proposed site falls within the Market Town of Albrighton 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 Albrighton 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.

6.1.2 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 natural, built and historic environment. The reuse of existing resources, including the conversion of existing buildings and brownfield land is additionally encouraged. These considerations should benefit for the lifetime of the development and provide positive improvements in people's quality of life.

6.1.3 The principle of developing the proposed site for residential use is considered acceptable due to its 'appropriateness', as it is positioned within the key settlement of Albrighton and it involves the re-use of brownfield land.

6.1.4 In order to meet the diverse housing needs of Shropshire residents now and in the future and to create mixed, balanced and inclusive communities, Policy CS11 seeks to ensure that all new open market housing makes appropriate contributions to the provision of local needs affordable housing having regard to the current prevailing target. On sites where 5 dwellings or more are proposed, the affordable housing provision is expected to be on site, below 5, the contribution is expected to be financial. As the proposal is for a single open market dwelling, an affordable housing contribution proforma has been submitted during the course of the application indicating that a financial contribution in respect of affordable housing will be secured via the completion of a Section 106 Legal Agreement.

6.1.5 Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their own merits, having regard to market signals and the relative need for different land uses to support sustainable local

communities. 'No reasonable prospect' of the site continuing to be used as a shop has been demonstrated by it having been closed for approximately 5 years and the site eventually being sold at auction within the last year. This corner within a primarily residential estate is not designated as a shopping centre and is only 650m away as the crow flies from the primary shopping area within Albrighton Town Centre.

6.2 Design, scale and character

6.2.1 It is not felt that the scale of the proposed dwelling is inappropriate. The proposed footprint at 107m² is smaller than that of the existing shop at 128m², allowing for a suitable level of outside amenity space. The roof ridge height roughly equates to that of 'Rosenun' to the west whilst being lower than the 2 storey dwellings opposite. The mass of the roof has been significantly reduced by removing the previously proposed side gables and is now visually in keeping with the hipped roofs on the adjacent properties either side of the plot. No first floor accommodation is now proposed within the roof space.

6.2.2 The existing shop building is incongruous within the street scene, its visual appearance, shape and height unlike any of the surrounding properties. Therefore to replace it with a bungalow which is constructed in materials suitably matched to the adjacent dwellings within a primarily residential area and a design which now equates to those of the bungalows either side, will contribute positively to the street scene. Whilst there is an identifiable character to the estate, individuality is also present, as demonstrated by the existing shop building as well as at 'Rosenun' and 'Danesmoor'. Therefore there is no reason why the more conforming design now proposed should not be found acceptable within this area. Additionally the positioning of the proposed dwelling is felt to follow the pattern of the built environment within this estate by continuing the development line around the corner and emulating the siting of the dwellings opposite to the north on the corresponding corner.

6.3 Impact on neighbours/residential amenity

6.3.1 Whilst the concerns of the neighbours are appreciated it is felt that a greater level of consideration of the potential for overbearing and overlooking impacts has been demonstrated in the design of the bungalow now proposed. Any future proposal to use the roof space for living accommodation will be considered on its own merits and permitted development rights for the dwelling will be removed by condition.

6.3.2 The dwelling has been set further forward than the existing shop building, moving the structure off the rear boundary. This has the advantage of providing a rear patio/yard area for the proposed dwelling and allowing the retention of a 2m high section of the wall of the existing shop building as a boundary wall. It is understood that the neighbour at 'Rosenun' has soft landscaping against and growing up this section of wall which is part of their rear garden and therefore this set up can be retained. Openings on the proposed rear elevation will be screened by this boundary wall. No windows are proposed to the side elevation facing east towards no. 45 and the agent has confirmed that whilst the wall be remain along the boundary, the existing wall of the shop will be retained to avoid disruption. Additionally, the roof rainwater goods on this side will be installed within the

applicant's ownership with no overhanging to the eastern roof eaves. Windows in the front elevation will not face directly towards any adjacent properties.

6.3.3 There is a larger area of glazing proposed to the west facing side elevation in the form of ground floor patio doors. This will face into the allocated garden area and across towards the north facing side elevation and front garden at 'Rosenun'. There are 2 openings at 'Rosenun' which face towards the site, an obscure glazed utility room window which is on the boundary and one serving a more primary room which is approximately 4m from the boundary. It is felt that overlooking from this side of the new dwelling into 'Rosenun' would be difficult to achieve due to the relative angles of the dwellings and that an existing 2.3m high section of brick wall is to be retained in addition to the erection of a 1.8m high boundary fence. Whilst the obscure glazing of the utility room window will prevent views into that room, it is noted that this is an opening window which when open would do so over the proposed garden as the side elevation of 'Rosenun' forms the boundary at this point. This is a matter to be agreed upon between the respective owners of the properties. The 1.8m high proposed fencing on the south western boundary of the plot shared with 'Rosenun' is not considered to result in a detrimental loss of amenity for that neighbouring property. Firstly the adjacent facing window at 'Rosenun' is not the only window which serves that room, there is also a large bow window on the front elevation facing out onto Elm road to the west. Secondly the fence is of the standard height which at 1.8m could be erected along this side boundary without requiring planning permission. Thirdly, there is a distance of 4m between the facing window and the boundary fencing.

6.3.4 Naturally, the neighbours on both sides will notice a difference from the additional mass resulting from the proposed dwelling being higher than the existing shop, however, the new dwelling will be positioned to the north of 'Rosenun' where it will not interfere with the daily light path, and is set slightly forward and to the west of no. 45 where any additional overshadowing from the added height will be minimal. More importantly, the roof design is now fully hipped with a roof ridge length reduced from the 13m previously refused to 4m, and whilst the height of the roof ridge is still 6.4m, the impact on the neighbouring property to the east is significantly minimised by the hipped side of the roof in combination with the reduced roof ridge length. The roof ridge of no. 43 Bishton Road to the east is approximately 6.15m in height therefore being below the level of the proposed roof ridge by only some 0.25m. The roof design now proposed is considered to be in complete accordance with the roof designs of both adjacent properties, will minimise the impact on the neighbouring properties and compensate for the combined factors of the 'full gable roof form, large expanse of roof and ridge height' which formed the reason for the previous refusal. The proposal would promote/reinforce local distinctiveness, in accordance with paragraph 60 of the National Planning Policy Framework.

6.4 Drainage

6.4.1 Connection to the mains sewer for disposal of foul drainage is satisfactory as the connection already exists. Otherwise the disposal of surface water drainage can be dealt with by condition, and the redevelopment of this site is an opportunity to improve this aspect of the site's drainage with benefit to the immediate area too.

6.5 Access

6.5.1 It is considered that as the proposed access is located to coincide with the existing wide shop parking area off Bishton Road and set back from the junction with Elm Road, there will be little impact from it. Additionally, open space which is not within the site's ownership is positioned between its boundary and the roads thus retaining clear visibility for vehicles as proposed boundary fencing will be set well back from the corner. Off road parking provision is proposed where not all residences in Bishton Road have that benefit.

6.6 Ecology

6.6.1 Whilst SC Ecology have not commented on this application, advice was provided in relation to a Pre-Application Enquiry at the site in August 2012 where the existence of a pond was noted within 100m of the site which could have the potential to support Great Crested Newts. All ponds in the vicinity are outside the development boundary across roads and not within the estate, therefore it is felt unlikely that the site would support Great Crested Newts. However, a suitable informative will be applied to ensure awareness of their Protected Species Status.

7.0 CONCLUSION

7.1 The site is in a sustainable location within the development boundary of one of Shropshire's Market Towns on brownfield land where the loss of the shop at the site is already established. The development can be laid out and designed to an appropriately high quality without detrimental impact on the character of the area, the amenities of neighbouring residents or the biodiversity at the site. Improvements will be made to the drainage of the site and access into it will not impact on highway safety.

7.2 The significant reduction in the roof mass and new hipped roof design now proposed are considered to have overcome the reason for the previous refusal under Planning Ref: 14/01841/FUL.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

② As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

② The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or

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

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

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:
CS3 Market Towns And Other Key Centres
CS6 Sustainable Design And Development Principles
CS9 Infrastructure Contributions
CS11 Type And Affordability Of Housing

H3 Residential Developments In Main Settlements
D6 Access And Car Parking

RELEVANT PLANNING HISTORY:

14/01841/FUL - Erection of 3 bedroom detached bungalow with integral garage following demolition of existing store. Refused 24th July 2014.

14/00408/FUL - Conversion of existing shop into two residential units to include first floor extensions to create additional accommodation (re-submission) - Withdrawn 28th March 2014.

13/01237/FUL - Conversion of existing shop into two residential units to include first floor extensions to create additional accommodation - Withdrawn 28th August 2013.

BR/81/0547 – The use of part of shop premises as a printing workshop and store at Middle Shop, Elm Road/Bishton Road, Albrighton. Granted 11th September 1981.

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 4th September 2014

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Malcolm Pate

Appendices

APPENDIX 1 - Conditions

APPENDIX 1**Conditions****STANDARD CONDITIONS**

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

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

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

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

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 percolation tests have been carried out and soakaways designed in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority. Full details, calculations, dimensions and location plan of the percolation tests and the proposed soakaways should be submitted to and agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development. The site lies within a groundwater Source Protection Zone 3. Surface water run-off must be treated through a filtration unit prior to entering the soakaway. Surface water should pass through a silt trap or catchpit just prior to entering the soakaway to reduce sediment build up within the soakaway.

Reason: To ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

5. No development approved by this permission shall commence until details of existing and proposed finished floor levels have been submitted to and approved by the local planning authority.

Reason: In the interest of maintaining the amenity value of the area.

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

6. The development hereby permitted shall not be brought into use until the car parking area shown on approved plans has been constructed and surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the parking space thereafter shall be kept clear and maintained at all times for that purpose.

Reason: To provide for the parking of vehicles, associated with the development, off the highway in the interests of highway safety.

CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

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

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

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

8. No windows or other openings shall be formed in the east facing side elevation without the prior consent of the Local Planning Authority.

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. 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. 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.

5. 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.
6. 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.
7. Consent is required from the service provider to connect into the foul main sewer.
8. The advice of Shropshire Council Drainage is attached for your information.
9. 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.
10. In determining the application the Local Planning Authority gave consideration to the following policies:

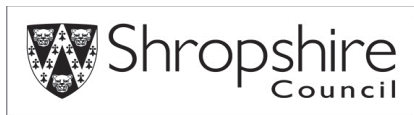
Central Government Guidance:
National Planning Policy Framework

LDF Core Strategy Policies:
CS3 Market Towns And Other Key Centres
CS6 Sustainable Design And Development Principles
CS9 Infrastructure Contributions
CS11 Type And Affordability Of Housing

Bridgnorth District Council 'Saved' Local Plan Policies:

H3 Residential Developments In Main Settlements
D6 Access And Car Parking

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

11 November 2014

Development Management Report

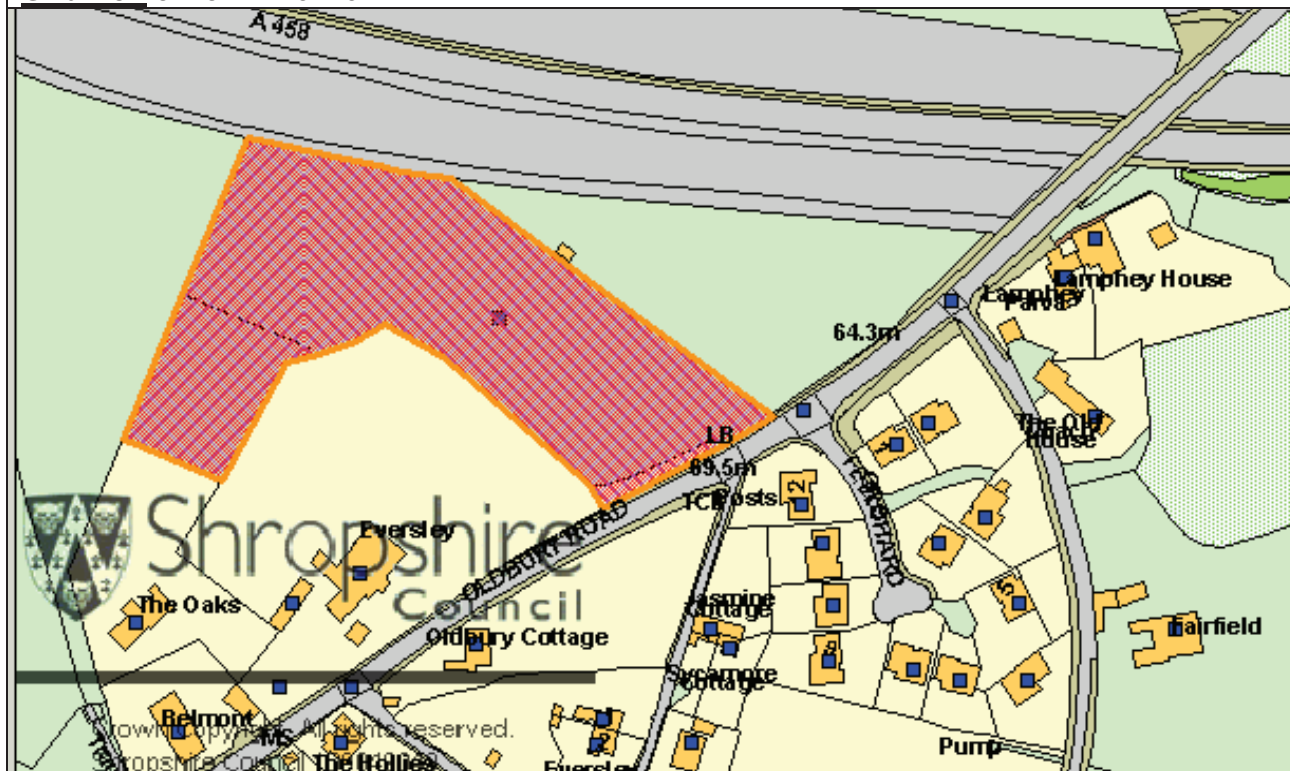
Responsible Officer: Tim Rogers

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

Summary of Application

Application Number: 14/03768/OUT	Parish:	Bridgnorth Town Council
Proposal: Outline planning permission for residential development to include access		
Site Address: Land South Of A458 Off Oldbury Road Bridgnorth Shropshire		
Applicant: P Woodall & I Bissell		
Case Officer: Jane Raymond	email: planningdmc@shropshire.gov.uk	

Grid Ref: 371317 - 292207



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Recommendation:- Grant Permission as a departure and subject to the conditions set out in Appendix 1 and a S106 agreement to secure the relevant on site affordable housing provision and/or the relevant affordable housing contribution at the time of the Reserved Matters application.

REPORT

1.0 THE PROPOSAL

1.1 This application relates to outline consent for residential development of the site to include means of access off Oldbury Road. It is essentially the same as application 14/01016/OUT recommended by officers for approval but refused by members in July of this year. The proposal indicates a single access point off Oldbury Road and the removal of some trees and hedgerow in front of the site (but not the adjoining land) to provide the access and adequate visibility splays. The proposal still reserves landscaping, layout, scale and appearance for later approval but an illustrative site layout plan and street scenes have been provided to support this outline application. However the exact layout of the proposal and the scale and design of the buildings would be a matter for consideration at the reserved matters stage in the event of outline planning permission being granted.

2.0 SITE LOCATION/DESCRIPTION

2.1 The site is approximately 1 hectare of rough grazing land situated to the South of Bridgnorth and on the edge of the village of Oldbury. The site is separated from Bridgnorth by the A458 bypass to the North. The site is 'L' shaped with the southern boundary wrapping around the northern side of the grounds to a property known as 'Eversley'.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as the Town Council has submitted a view contrary to officers and the application has been requested to be referred by the Local Member, and the Committee Chair in consultation with the Principal Planning Officer agrees that the application should be determined by committee.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 Bridgnorth Town Council – Objects as members felt that this was an inappropriate overdevelopment which would have a detrimental impact on the rural character of Oldbury.

4.1.2 SC Trees

It is considered that the current application to be similar in terms of its potential impact upon existing trees and hedges as the previous application at this site (ref: 14/01016/OUT, refused, pending appeal). The original concerns with that application, regarding the loss of trees and hedgerow to create the visibility splay for the new site access, were eventually addressed, following clarification and revision of the arboricultural report. It is noted that the final version of that report (Sylvan Resources Ltd, 8th May 2014) has been submitted with the current application. This report is acceptable as the size and condition of the trees and hedges in and adjacent the site will not have changed significantly in the intervening period.

On balance it is considered that the impact of the proposed development, given adequate protection to retained trees and hedges during construction and taking account of compensatory new planting, to be within acceptable limits and there is no objection to the proposed development on arboricultural grounds.

The key arboricultural issue, aside from adequate protection of retained trees and hedges during implementation of any approved development, remains the creation of the new access and associated visibility splays. In that respect it is noted that the following trees are to be retained during any works: T26 (4-stemmed yew, 6m high), which is on the south-west side of the proposed access; T38 (larch, 10m high), T39 (pine, 13m high) and T40 (sycamore, 10m high) all of which are to the north-east of the proposed access.

The submitted Planning, Design & Access Statement (The Planning Group Ltd, registered 19/08/14) includes as Appendix B a Shropshire Council Highway Engineer's statement about the visibility splay. This statement concludes that the necessary sightline to the south-west of the proposed access can be achieved by cutting the existing overgrown hedge line back to the back of the footway, without the removal of any third party tree. In addition, it notes that relevant government guidance (Manual for Streets) would require a visibility splay of 2.4 x 43m at this site, rather than the 2.4 x 60m proposed in the application. This would further reduce any hedge loss and it is recommended that the lesser visibility splay be incorporated into revised plans for the application.

The indicative site layout (drawing ORB/PP/04) shows the additional tree planting and hedgerow creation to be carried out behind the line of the visibility splay either side of the new access to the site. This new planting will in time compensate for the removal of any existing trees and hedgerow.

Recommends attaching tree protection and new planting conditions to be dealt with at reserved matters to any approval.

4.1.3 SC Ecology

Badgers - Greenscape Environmental (May 2014) report shows that there is no evidence of a badger sett or activity on the site or near the site. No mitigation is needed for badgers.

Bats - Four buildings were examined by Greenscape Environmental (2014) and no evidence or potential for bat roosts was found. The trees and hedgerows on site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour.

Nesting birds - No evidence of nesting birds were found within the buildings on site however the trees and hedgerows on the site are likely to be used by nesting birds.

4.1.4 SC Highways

Principle of Development - Shropshire Council as Highway Authority has no objection in principle to the residential development at the proposed location. It is considered that the proposed development is located within reasonable close proximity to Bridgnorth Town Centre, with direct access on to the B4363.

Access - The submitted Highway, Drainage and Flood Risk Assessment, makes reference to the required visibility splay, in accordance with Manual for Streets, it is considered that the proposed visibility splays as shown on the submitted Proposed Block Plan (Drawing no. 3907/03) are acceptable in view of the posted speed limit and surrounding conditions. Previous planning application 14/01016/OUT generated concerns with regard to the existing hedge line between the proposed development boundary and Eversley House. Site observations in July 2014 noted that the existing hedge line is currently overgrown and is encroaching on to the existing highway boundary.

Due to the existing hedge line is a difficult to establish the proposed visibility splay and mark it on site. However, based on site observations and the information submitted within the amended tree report and Drawing SR3 – Root Protection, it is considered that the proposed visibility splay of 2.4 metres by 60 metres in a south west direction can be provided without the removal of any tree that falls within third party land to include Tree 24.

Shropshire Council as Highway Authority is in a position whereby notice can be served if they consider it necessary, on any land owner where an overhanging hedge line encroaches on the existing highway boundary. It is considered that if the existing hedge line was cut back to the back of the footway, then a sufficient visibility splay can be provided as per the submitted Block Plan (Drawing no. 3907/03).

In addition to the issues raised above, it is worth noting that whilst the applicant has provided visibility splays in accordance with the average vehicle speeds along Oldbury Road, the Department for Transport document that provides advice with regard to visibility splays, Manual for Streets only requires a visibility splay of 2.4 by 43 metres, which in the event of a planning appeal would be upheld as the required visibility splay, further reducing the need for the removal of hedge line.

4.1.5 SC Conservation

Previous comments were made on a previous outline application on the site. This application now includes an indicative layout and street scene.

As previous comments outlined, the rural nature of this site at the north eastern entrance to the village contributes to the character of the village and the Conservation Area. Any development within or adjacent to the Conservation Area has the potential to impact upon its setting therefore layout, size, design and the use of green space and landscaping will be key to ensure any new development proposals fit within their setting. Development proposals should aim to protect and enhance the Conservation Area.

The indicative layout and street scene show the retention of the existing boundary trees and hedges and the provision of additional planting along the boundaries and within the site. This planting will help to screen the development and help to minimise the impact on the setting of the Conservation Area.

4.1.6 SC Archaeology

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

4.1.7 SC Drainage

The drainage details, plan and calculations could be conditioned and submitted for approval at the reserved matters stage if outline planning permission were to be granted.

4.1.8 SC Affordable Housing

If this site is deemed suitable for residential development, the scheme would be required to contribute towards affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full application or a Reserved Matters application. The current prevailing target rate for affordable housing came into force on the 1st September 2013 and in this area is 20%. The assumed tenure of the on-site affordable home would be for affordable rent and would be transferred

to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme. Any additional contribution will be paid as an off-site financial contribution. The size, type and tenure of the affordable home will need to be agreed with the Housing Enabling Team before any further application is submitted.

4.2 - Public Comments

4.2.1 21 letters of objection (including one from the civic society) have been received summarised as follows (full details are available to view on the public file):

- ❑ Negative impact on the Conservation area and semi rural character of the village.
- ❑ Impact on the setting of the adjacent house known as 'Eversley' which is considered to be an outstanding period house.
- ❑ The houses will not be adequately screened from either the road or from the public footpath in the field to the rear.
- ❑ The submitted Heritage Impact Statement is misleading and inaccurate on a number of fronts and therefore cannot be relied upon to form the basis of judgment.
- ❑ The lack of an appraisal of the Conservation Area is no reason to dismiss its value and importance.
- ❑ The houses proposed seem to indicate large executive style homes for which there is no need.
- ❑ Impact on large Oak tree in the garden of Eversley
- ❑ The access requires the removal of mature trees and hedgerow
- ❑ Wildlife habitat will be lost for ever and increased noise and light pollution from such a development will disturb birds and bats beyond the boundaries.
- ❑ The provision of housing in place of the field will provide no scope to protect or enhance the natural environment.
- ❑ The site contains nesting pipistrelle bats, there are badger sets, and it is understood that crested newts are also to be found in the area. There is no consideration as to how these are to be protected.
- ❑ Set a precedent for development of surrounding fields and Oldbury will be subsumed by Bridgnorth.

- ❑ Insufficient infrastructure (school, shopping or leisure facilities for example within Oldbury) to support this level of housing.
- ❑ No public transport to serve the site as the bus stops are half a mile away.
- ❑ The development is not sustainable in terms of employment opportunities, distance from local facilities and the school is over a mile away.
- ❑ Access to local services in Bridgnorth will be by car which is not sustainable
- ❑ This area of Oldbury was rejected from the independent sustainability appraisal conducted as part of the SAMDEV works by the Council
- ❑ Increased level of traffic and impact on highway safety as congestion is already a problem on the road that this road leads to.
- ❑ The proposed entrance to the site is in a dangerous position on a busy road.
- ❑ The footpath indicated on the submitted plan is incorrectly drawn - There is no public footpath diagonally across the field from Oldbury Road; the only public right of way is through the church car park and strictly down the hedge-line to the corner of the field.
- ❑ The proposed houses will need to be screened from the road noise pollution
- ❑ Over 40 members of the public object to this development.
- ❑ The proposal would be contrary to the Bridgnorth Town Plan and is not allocated for housing within SAMDev and is outside the development boundary for Bridgnorth.
- ❑ Shropshire now has a 5 year land supply and additional housing is not necessary or required.
- ❑ The D and A statement repeatedly contradicts this and suggests that the NPPF should prevail.
- ❑ A letter to the local MP from Nick Boles indicates that following the submission of SAMDev for examination '*SAMDev will start to become the over-arching planning document which will determine where and how much development can be expected to take place in Shropshire over the next ten years*'
- ❑ The council would be in breach of its own policies if this application were approved.
- ❑ Nothing of significance has changed in this application since the unanimous rejection of the earlier application from the developers by the Southern Planning Committee.

5.0 THE MAIN ISSUES

Principle of development
Assessment of sustainability
Impact on character of conservation area and landscape/ visual impact
Highways
Others material considerations

- Trees
- Ecology
- Impact on residential amenity
- Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight.

6.1.2 Paragraph 14 of the NPPF states that

'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'

and that for decision making this means:

'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'

NPPF Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This was the position when the previous application was considered and had been the position in Shropshire since September 2013 when the last 5 years' supply statement was published and this meant that on the housing supply point, Shropshire Councils relevant policies were then out of date, and so had less weight as part of the overall consideration. The council published a revised 5 year land supply statement in August 2014 which demonstrates that the Council now has a 5 year land supply.

- 6.1.3 However policies may be considered out of date and of limited weight for other reasons (e.g. age of a saved local plan policy and consequent inconsistency with NPPF policies) therefore simply having a 5 year land supply does not mean full weight can be given to saved housing policies or emerging SAMDev policies (the weight to these policies also being dependent on the extent of unresolved objections and degree of consistency with the NPPF).
- 6.1.4 The SAMDev Plan has been submitted to the Secretary of State for its examination and it is considered to be at an advanced stage of preparation. However, the Plan has not been through the examination stage and there are unresolved objections to elements of it (e.g. sites contributing to the housing supply), so the weight that can be attached has to be considered with care alongside the other material considerations and having regard to the specific circumstances of a particular planning application.
- 6.1.5 There is also a strong likelihood of continuing under delivery against the county-wide Core Strategy target for another few years, meaning that the overall requirement at each update would be higher, even though the number of sites available will be increasing. Consequently, in the balance of considerations the more acceptable sustainable and suitable sites that are permitted the impact of under-delivery is offset to a greater degree.
- 6.1.6 The NPPF aim of boosting significantly the supply of housing is therefore a significant material consideration and “*housing applications should be considered in the context of the presumption in favour of sustainable development*” (NPPF paragraph 49). The fact of having a five year land supply can never be a reason in itself for refusing a planning application; it simply affects what other policy considerations are applied as set out above. The main issues in determining this application are therefore:
- ☐ whether it accords with adopted and emerging plan policy and
 - ☐ whether the proposal would give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme in the context of the presumption in favour of sustainable development.
- 6.1.7 Adopted and emerging plan policy - The adopted planning policy for the area is the Bridgnorth District Local Plan (1996 – 2011) but the site is outside the development boundary on the proposals inset map and is therefore classed as countryside. Shropshire Council has an adopted Core Strategy and Bridgnorth is identified as a market town within policy CS3 (Market Towns and Other Key Centres) which outlines that balanced housing and employment development, of an appropriate scale and design that respects each town’s distinctive character and is supported by improvements in infrastructure, will take place within the towns’ development boundaries and on sites allocated for development. CS3 also states that the detailed scale of development in each market town will be determined through the process of preparing the SAMDev DPD. SAMDev has been submitted for

examination since the previous application and paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The SAMDev draft plan indicates a development boundary for Bridgnorth and allocated housing sites and as the proposed site is not included as an allocated site and is outside the suggested development boundary, allowing this proposal would be contrary to the emerging SAMDev DPD. However as outlined above, there still remain unresolved objections to the SAMDev DPD and although the Council can currently demonstrate a 5 year land supply this is also open to challenge and the Council also risks continuing under delivery against the county-wide Core Strategy target for another few years. Therefore the NPPF 'presumption in favour of sustainable development' still prevails and the need to boost the housing supply (a government priority) is still the most significant material consideration when determining planning applications for housing. The key factor in determining this proposal is therefore assessing whether the proposal would represent sustainable development and whether there would be any significant impact or harm as a result of the proposed development that would outweigh the benefits. This will be considered in the paragraphs below.

6.2 **Assessment of sustainability**

6.2.1 The site is approximately half a mile from Bridgnorth which has a wealth of facilities, services and employment opportunities as would be expected in any large market town. Bridgnorth is accessible by foot or by cycle and there is a regular bus service including the 125 which provides an hourly service to Stourbridge and Bridgnorth (bus stop adjacent Kings Loade Junction) and the 297 that provides an hourly service to High Town. Some residents consider that it is not realistic to consider that future residents would use the bus service which requires a walk of up to 500m but this is not considered to be an unreasonable distance to access public transport. It is considered that the site is situated in a sustainable location with regard to accessibility and proximity to essential day to day services and a range of facilities and employment opportunities without making long journeys and over reliance on the private motor.

6.2.2 However 'sustainable development' isn't solely about accessibility and proximity to essential services but the NPPF states that it is 'about positive growth – making economic, environmental and social progress for this and future generations'. In

paragraph 7 of the NPPF it states that these three dimensions give rise to the need for the planning system to perform a number of roles:

- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.2.3 Economic role – The proposal will help boost the supply of housing in Shropshire and will provide employment for the construction phase of the development supporting builders and building suppliers. The provision of additional houses will also support local businesses as future occupiers will access and use local services and facilities within Bridgnorth. The provision of more homes will create a stimulus to the economy and address the housing shortage. The proposal will also be liable to a CIL payment which will help provide financial contributions towards infrastructure and opportunities identified in the Place Plan.

6.2.4 Social role – The proposal will help boost the supply of open market housing and will provide affordable housing at the prevailing rate at the time of the reserved matters application. The provision of additional housing will help support and maintain existing facilities and services and will benefit both the existing and future residents and help meet the needs of present and future generations

6.2.5 Environmental role – The site is agricultural land with no heritage, cultural or ecological designation. The application site has been assessed for its heritage, cultural and ecological value by the Council's Historic Environment, Ecology and Tree officers and these matters are considered in greater detail below. In principle it has been determined that the proposal would have no significant adverse impacts on these values. Officers consider that the impact of the proposal on the landscape and adjacent Conservation area would not be significant and as such would not outweigh the benefits of the proposal. With regards to its ecological value it is often considered that the large landscaped gardens of private dwellings offer greater biodiversity and ecological enhancement compared to open fields. Some trees and hedgerow will be required to be removed at the front of the site (but not on the adjoining land) and will be replaced by new planting. In addition the proposal would

help contribute to a low carbon economy as the site is reasonably accessible on foot or by cycle and by public transport to the array of services, facilities and employment opportunities in Bridgnorth and any journeys by private car to access these facilities would be short.

- 6.2.6 The site was not progressed as an allocated site within SAMDev partly because it was considered inappropriate given that better alternative sites were available. However simply because there may be sites that score higher on sustainability grounds does not mean that this site is not a sustainable location for development and that it should be rejected at the planning application stage. Officers consider that the proposed development is sustainable having regard to the three dimensions of sustainable development and that the development of this site outside the proposed development boundary identified within the Draft SAMDev is acceptable in principle to help boost housing supply numbers subject to a satisfactory scale and design, and should be supported provided there are no adverse impacts that would outweigh the benefits.

6.3 Impact on character of conservation area and landscape / visual impact

- 6.3.1 This application is the same as a previous application recommended for approval by officers but refused by members for the following reason:

The proposed development would have a detrimental impact upon the character and appearance of the Oldbury Conservation Area and its setting through the erosion of the rural character of the north eastern approach to the village by built development on this site, and the loss of a visually prominent section of roadside hedgerow and trees. The proposed development would therefore be contrary to Shropshire Core Strategy policies CS6 and CS17 and paragraphs 131, 135 and 138 of the National Planning Policy Framework (NPPF) and these adverse impacts would significantly and demonstrably outweigh the benefits in terms of the site contributing to the supply of housing land in Shropshire

- 6.3.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 defines a Conservation Area as: 'an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance' but that the purpose of a conservation area is not to prevent all development but rather to enable its careful management. As part of Conservation Area designation an appraisal is required to demonstrate what factors contribute to the special character of a Conservation Area.
- 6.3.3 A Heritage Impact Assessment has been submitted with the application which confirms that there is no Conservation Area Appraisal for the Oldbury Conservation Area and that there has been no official review of the Conservation Area or its boundary since it was first established in 1981. Since its designation the Conservation area has been significantly altered by the construction of the by-pass and modern developments including the recent suburban 'Fells Orchard' development opposite the application site. Limited weight can therefore be given to

the Conservation status and as no Conservation Area Appraisal has ever been prepared there is no description of the special architectural or historic interest that contributes to the character and appearance of the Conservation Area to assist in the assessment of the impact of the proposal on the Conservation area and its setting.

- 6.3.4 The site is approximately 1 hectare of rough agricultural grazing land situated to the South of Bridgnorth and on the edge of the village of Oldbury within Oldbury Road along its front South East boundary and the A458 Bridgnorth by-pass to the Northern boundary. It is adjacent to the Oldbury Conservation Area, with only a small portion along Oldbury Road lying just within the Conservation Area. Notwithstanding that there has been no appraisal of the factors that contribute to the special character of the Oldbury Conservation Area or its setting the Conservation Officer, at the time of the previous application, considered that the mature trees and hedgerow that run along the boundary with Oldbury Road and the rural nature of the site at the North Eastern entrance to Oldbury contributes to the character of the village and that the loss of this rural character would have some detrimental impact on the appearance of the Conservation Area. Although the proposal would result in the loss of some hedgerow and trees in front of the site (but not the hedgerow and mature trees in front of the adjacent Eversley House as members have been led to believe) the Councils Arboriculturalist has commented that the existing belt of trees and hedgerow within the access and visibility splay are not of any individual or collective merit and that the hedgerow could easily be recreated by suitable replacement planting and enhanced with appropriate standard sized trees. An indicative layout has been submitted that indicates a substantial belt of tree planting behind a front boundary hedge and demonstrates that the proposed dwellings could be set back behind this woodland setting so that the green and rural appearance would be retained and the built development less prominent as only glimpses of the built development would be viewed through the gap.
- 6.3.5 Whilst it is acknowledged that the proposal would result in the loss of part of an agricultural field and the existing mature hedgerow and trees to the front of the site this will be compensated for with additional tree and hedge planting and it is considered that the proposal would not result in significant demonstrable harm to the character and appearance of the Conservation area and wider landscape. The majority of the site frontage is opposite the modern development of 'Fells Orchard' that does not contribute to the character and appearance of this part of Oldbury and the approach from Bridgnorth from the North East has already been altered by the construction of the by-pass and this new development in the vicinity of the site. The view when first approaching Oldbury after crossing the by-pass is an open field with no hedgerow to the front and this view will remain virtually unaltered as the development site is the field beyond this open field and is screened by existing hedgerow and trees along the boundary which are to be retained. The site itself would therefore not be readily viewable from the road on the North East approach from Bridgnorth and when travelling in the opposite direction the site is screened from view by Eversley House and its surrounds. The hedgerow and trees to the front of Eversley house are not required to be felled to provide the required visibility splays but require trimming to the footpath and only a minimal length of hedgerow

and trees are required to be removed at the front of the site.

6.3.6 Officers consider that the loss of an agricultural field and a short length of hedgerow and trees to be substantially replanted but set further back from the highway would not result in significant demonstrable harm to the character and appearance of the Conservation area and wider landscape that would outweigh the benefits of this proposal. Furthermore in the absence of a Conservation Area appraisal when it was designated in 1981 and with no subsequent review since its designation little weight can be given to the Conservation area status. In view of the recent developments near to the site and the appraisal of the impact of the proposal given above it would be difficult to support the view previously agreed by members that *'the proposed development would have a detrimental impact upon the character and appearance of the Oldbury Conservation Area and its setting through the erosion of the rural character of the north eastern approach to the village by built development on this site, and the loss of a visually prominent section of roadside hedgerow and trees.*

6.3.7 Officers consider that an appropriately designed and landscaped scheme could be achieved (to be considered at the Reserved Matters stage) that would reflect the local vernacular in terms of scale, details and materials and provide an attractive and interesting frontage to Oldbury Road that would compliment and make a positive contribution to the existing street scene and would therefore not be in conflict with paragraph 131 of the NPPF. It is not considered that the loss of this field, the removal of a small section of roadside hedgerow and trees to be replaced by seven houses in landscaped gardens set back behind replacement trees and hedgerow would have a significant adverse impact on the character and appearance of the landscape and the setting of the adjacent conservation area. It is therefore also considered that the proposal would not be contrary to paragraphs 138 of the NPPF referred to by members in their reason for refusal as it would not result in substantial or less than substantial harm to an element which makes a positive contribution to the significance of the Conservation Area.

6.4 Highways

6.4.1 The application is outline only but includes means of access. Highways have no objection to the proposed access and consider that the proposed visibility splays indicated on the submitted plan are acceptable and that the proposed visibility splay of 2.4 metres by 60 metres in a south west direction can be provided without the removal of any tree that falls within third party land to include Tree 24 in the hedgerow in front of Eversley House. This hedgerow and tree is not required to be removed but merely trimmed back to the back of the highway. Furthermore the visibility splay indicated is greater than that required for the posted speed limit and takes account of the average speeds which are in excess of the speed limit. The planning conditions suggested regarding full details being submitted for approval and the sight lines being kept free of any obstruction can be imposed. Subject to these conditions it is considered that the proposal would not result in any adverse highway safety implications.

6.5 Other considerations and impacts

6.5.1 **Trees** – The Councils Arboricultuarlist confirms that there are several boundary hedgerows and trees, some of which are protected under a Tree Preservation Order and some by virtue of being located within a conservation area. At the time of the previous application there was some confusion as to which trees or hedges would be required to be removed to enable adequate visibility spays to be provided for the proposed new access onto Oldbury Road. The submitted tree report clarifies that only those to the front of the site and not those in front of Eversley House are required to be removed. Although the proposal would result in the loss of some of the roadside hedge and trees the Councils Arboriculturalist considers that the existing belt of trees and hedgerow that are required to be removed are not of sufficient individual or collective merit as to warrant objection to the application on arboricultural grounds and considers that on balance the impact of the proposed development, given adequate protection to retained trees and hedges during construction and taking account of compensatory new planting, to be within acceptable limits. The tree report also includes details of the proposed method of removal and the Councils Arboricultuarlist has confirmed that this would not damage adjacent protected and other trees to be retained. He also considers that in time the hedgerow could be relatively easily recreated by suitable replacement planting and enhanced with appropriate standard sized trees. Replacement hedge and tree planting and full tree protection measures will be secured at the Reserved Matters stage.

6. **Ecology** – A Phase 1 Environmental Survey by Greenscape Environment has been submitted with the application. This confirms that there is no evidence of protected species on the site such as badgers, bats or newts and that the site is considered to be of low ecological value with no BAP species present. The surrounding trees and hedgerows on site are however likely to be used for bat foraging and commuting, and by nesting birds and the conditions and informatives suggested by the Ecologist can be imposed. The proposal will therefore not cause an offence under the Conservation of Habitats and Species Regulations. In addition in terms of the ecological value of the site and residents concern about the impact of the proposal on wildlife the field itself is of low ecological value and the proposed landscaped residential gardens and the boundary hedge rows and trees to be retained and enhanced by the additional woodland planting will improve the bio-diversity and ecological value of the site.

6 **Impact on residential amenity** – Core strategy Policy CS6 (Sustainable Design and Development Principles) indicates that development should safeguard residential amenity. The nearest property to the site boundary is number 12 'Fells Orchard' to the South East and on the opposite side of Oldbury Road. The only property that shares a boundary with the site is 'Eversley' to the South West. Due to the distance from these and other properties it is unlikely that the proposal would have any adverse impact and this will be fully considered at the Reserved Matters stage.

6.5.4 **Drainage** – The submitted drainage report and FRA indicates that the site is not at risk of flooding and that surface water can be dealt with via soakaways and foul drainage to the Public Sewer or a foul treatment plant could be considered with discharge to soakaway. The Councils drainage engineer has no objection to the proposal and has commented that the detailed drainage proposals can be submitted at the reserved Matters stage and conditions and informatives can be imposed regarding this.

7.0 CONCLUSION

7.1 The proposed development is considered to represent sustainable development in a sustainable location having regard to the three dimensions of sustainable development and is therefore acceptable in principle in the context of the guidance set out in the National Planning Policy Framework. In order to refuse the application there would need to be serious demonstrable harm that would outweigh the benefit of boosting the housing supply. Whilst it is acknowledged that the proposal would result in the loss of an agricultural field and the semi-rural nature of the edge of Oldbury it is considered that this would not result in significant demonstrable harm to the character and appearance of the Conservation area and wider landscape that would outweigh the benefits. Full details of the layout, scale, appearance and landscaping of the scheme are reserved for later approval and it is considered that an appropriately designed scheme that would reflect the local vernacular in terms of scale, design, details and materials could be achieved that would provide an attractive and interesting frontage to Oldbury Road that would compliment the existing street scene. The proposal would have no adverse highway or ecological implications subject to the imposition of the recommended conditions. Although the proposal would result in the loss of some of the roadside hedge the Councils Arboriculturalist considers that the existing belt of trees and hedgerow are not of sufficient individual or collective merit as to warrant objection to the application on arboricultural grounds and that the proposed method of removal would not damage adjacent protected and other retained trees. Replacement planting and full tree protection measures will be secured at the Reserved Matters stage. Any open space provision and on site affordable housing will also be decided at the reserved matters stage and will be secured by a S106 agreement. It is considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF and it is recommended that members support this application and grant planning permission in line with clear guidance within the NPPF.

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
National Planning Practice Guidance

Shropshire Core Strategy and saved Bridgnorth District Local Plan policies:

- CS3 The Market Towns and other Key Centres
- CS5 Countryside and Green Belt
- CS6 Sustainable Design and Development Principles
- CS9 Infrastructure Contributions
- CS11 Type and Affordability of Housing
- CS17 Environmental Networks
- CS18 Sustainable Water Management
- D6 Access and Parking
- S1 Development Boundaries

SPD on the Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

14/01016/OUT Outline application (access for approval) for mixed residential development REFUSE 24th July 2014

Appeal

14/02142/REF Outline application (access for approval) for mixed residential development INPROG

<p>List of Background Papers: File 14/03768/OUT Planning Statement/Design and Access Statement Highways, Drainage and Flood Risk Assessment Ecology Reports Tree Reports</p>
<p>Cabinet Member (Portfolio Holder): Cllr M. Price</p>
<p>Local Member: Cllr John Hurst-Knight and Cllr Les Winwood</p>
<p>Appendices APPENDIX 1 - Conditions</p>

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

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

Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

4. Full details, plans and calculations of the proposed SuDS including calculations and location of the percolation tests and the proposed soakaways and information on the proposed responsibility, should be submitted for approval as part of the first application for reserved matters. The SuDS shall be implemented as approved prior to the first occupation of the dwellings

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner and to ensure that the drainage system remains in good working order throughout its lifetime.

5. On the Pluvial Flood Map, the site is at risk of surface water flooding. As part of the first application for Reserved matters full details on how the surface water runoff will be managed and how the flow of the flood water will be routed away from properties and will not cause flooding of any property either within the proposed development or any other in the vicinity and to ensure that the finished floor levels are set above any known flood level, shall be submitted to and approved by the Local Planning Authority. If non permeable surfacing is used on the new access road, driveway and parking areas and/or the access road slopes toward the highway, full details of a drainage system to intercept water prior to flowing on to the public highway shall be included as part of this submission. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To minimise the risk of surface water flooding and to ensure that no surface water runoff from the new roads and driveway runs onto the highway.

6. As part of the first application for Reserved Matters a landscape plan shall be submitted to the written satisfaction of the LPA, providing details of the species, location, size, planting pattern, means of protection and support and early-years maintenance for those trees, hedges and shrubs to be planted in association with the development.

Reason: to enhance the appearance of the development and its setting within the area.

7. As part of the first application for Reserved matters and prior to commencement of any works on site, a tree protection plan (TPP) and arboricultural method statement (AMS) shall be submitted to the written satisfaction of the LPA. The TPP shall be based on a topographical site layout and identify those trees and hedges to be retained and those to be removed, and their root protection areas. It shall also show the specification and location of the tree protection measures to be used to protect retained trees and hedges within and adjacent the site during the development. The AMS shall describe any necessary pre-commencement tree works and how any works within or that could affect the root protection area of retained trees and hedges within and adjacent the site are to be designed and implemented so as to avoid causing damage to those trees and hedges. The TPP and AMS shall be prepared by a competent arborist, in accordance with British Standard 5837: 2012 - Trees in Relation to Design, Demolition and Construction.

Reason: to protect significant trees and hedges which contribute to the character of the site from damage or harm during implementation of the development.

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

8. The approved tree protection measures shall be installed to the written satisfaction of the LPA, following completion of the approved tree works, prior to commencement of development. Thereafter they shall be maintained in a satisfactory condition throughout the development. They shall not be moved or removed, even temporarily, without the prior written consent of the LPA. The area within the tree protective barrier is to be treated as a construction exclusion zone, within which there shall be no storage or construction activities. The development shall be carried out strictly in accordance with the approved Tree Protection Plan and Arboricultural Method Statement.

Reason: to protect significant trees and hedges which contribute to the character of the site from damage or harm during implementation of the development.

9. No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

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:

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

11. The approved landscape plan shall be implemented in full during the first planting season (November - February inclusive) following completion of development. Any tree, hedgerow transplant or shrub, or replacement tree, hedgerow transplant or shrub, which within a period of three years from planting becomes seriously diseased, dies or is otherwise lost, shall be replaced by another of similar type and specification, to the written satisfaction of the LPA.

Reason: to ensure satisfactory planting and contribute towards long-term continuity of tree cover in the area.

12. Prior to the first occupation of the dwellings details of two woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow 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 nesting opportunities for wild birds

13. Prior to the erection of any external lighting over 150W 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.

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

14. Notwithstanding the provisions of the Town and Country General Development Order 1995 (or any order revoking or re-enacting that order with or without modification),

fences or other means of enclosure at the road junction shall be set back to the sight lines shown on the approved plan and those areas shall thereafter be kept free of any obstruction at all times.

Reason: In the interest of highway safety.

15. Construction works shall not take place outside the following times:

- Monday to Friday 07:30hrs to 18.00hrs
- Saturday 08:00hrs to 13.00hrs
- Not at any time on Sundays, bank or public holidays.

Reason: In the interest of amenity of the occupants of surrounding residential properties



<u>Committee and date</u>
South Planning Committee
11 November 2014

SCHEDULE OF APPEALS AS AT COMMITTEE 11 NOVEMBER 2014

LPA reference	13/04603/FUL
Appeal against	Non-Determination
Committee or Del. Decision	
Appellant	Mrs Sandra Davies
Proposal	Erection of 1 no.15kW wind turbine with a hub height of 15.4m and blade diameter of 11.1m and all associated works
Location	Three Birches, Mardu, Newcastle on Clun, SY7 8QX
Date of appeal	10.10.14
Appeal method	Written Representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/04524/FUL
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	Leslie Fairclough
Proposal	Change of use from agricultural building to residential dwelling
Location	Cramp Pool Farm Coppice Green Lane Shifnal Shropshire TF11 8PE
Date of appeal	21.5.14
Appeal method	Written Representations
Date site visit	8.9.14
Date of appeal decision	22.10.14
Costs awarded	
Appeal decision	Dismissed

LPA reference	13/03506/OUT
Appeal against	Refusal
Committee or Del. Decision	Delegated
Appellant	M Cooksey
Proposal	Outline application (access) for mixed use residential development; formation of vehicular access; erection of an A1 retail unit with residential at first floor level; two areas of retained open space, community play area.
Location	Land At The Hobbins Bridgnorth Shropshire WV15 5HJ
Date of appeal	28/10/2014
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	

LPA reference	13/03805/OUT
Appeal against	Refusal
Committee or Del. Decision	Committee
Appellant	Mr and Mrs C Beaumont
Proposal	Outline application for the erection of three detached houses with garages to include means of access and layout.
Location	Site at Hill Cottage Clive Avenue Church Stretton Shropshire SY6 7BL
Date of appeal	30/10/2014
Appeal method	Written representations
Date site visit	
Date of appeal decision	
Costs awarded	
Appeal decision	



Appeal Decision

Site visit made on 8 September 2014

by Tom Cannon BA DIP TP MRTPI

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

Decision date: 22 October 2014

Appeal Ref: APP/L3245/A/14/2217153

Cramp Pool Farm, Cramp Pool, Shifnal, Shropshire, TF11 8PE

- 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 Leslie Fairclough against the decision of Shropshire Council.
 - The application Ref 13/04524/FUL, dated 6 November 2013, was refused by notice dated 6 March 2014.
 - The development proposed is the change of use of agricultural building to residential dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The parties were given the opportunity to comment on the recent High Court decision on Redhill Aerodrome Ltd v SSCLG and others. No comments on the Redhill Judgement have been received from either party. On the 9 October, the Court of Appeal [2014] EWCA Civ 612 overturned the decision of Patterson J on Redhill Aerodrome Ltd v SSCLG and others.

Main Issues

3. The proposal involves the change of use of an existing agricultural barn to a residential dwelling. The Structural Inspection Report concludes that the building is structurally sound and suitable for conversion, subject to the replacement of the roof and repair works to the walls of the structure. A large timber building to the rear of the barn and open sided lean to element would be demolished to allow for the development. Although the external walls would be clad in sandstone, no extensions are proposed to the existing structure.
4. Therefore, the Council accept, and I agree that the appeal development involves the re-use of a building which is of permanent and substantial construction and preserves the openness of the Green Belt and purposes of including land in the Green Belt. As such, it would fall under one of the exceptions listed in paragraph 90 of the National Planning Policy Framework (the Framework) and would not represent inappropriate development in the Green Belt.
5. Consequently, the main issues in this case are (i) whether the appeal proposal amounts to a sustainable form of development; and (ii) whether a financial contribution in respect of affordable housing is necessary.

Reasons

Sustainability

6. Cramp Pool Farm is located in the open countryside, to the north-east of Shifnal. It comprises of a two storey sand stone dwelling, various outbuildings and two former agricultural barns which have been converted to residential use, including the property occupied by the appellant, to the north-east of the appeal site. The building to be converted sits centrally within this small complex of buildings and is a concrete block structure with a corrugated sheet roof.
7. The proposed conversion would provide a spacious 3 bedroom property, which has been designed as an independent dwelling to reflect the specific needs of the appellant's father, who has Alzheimer's, and requires support from carers, to cook and provide physical care for him 3 times a day. Additional space would be provided to accommodate visiting family members and occasional overnight stays by carers.
8. The converted building occupies its own independent plot and is separated from the appellant's barn conversion by an existing track, fence and mature planting. An existing dwelling, which is not within the appellant's ownership, is also situated between the building to be converted and the appellant's property, adding to the sense of detachment. Although it has been suggested that the independent access serving the appeal site could be removed, with the proposed unit utilising an alternative means of access through the appellant's property, I have not been provided with details of how this could be achieved. Furthermore, the building is located some distance from the main driveway and parking area serving the appellant's barn conversion, increasing the disconnection between the two plots.
9. I acknowledge the benefits of providing suitable independent living accommodation for the appellant's father within close proximity of family members and the additional support they can offer. However, on the basis of the evidence before me, the scale of accommodation to be provided does not appear to be essential for his daily needs, with the two additional bedrooms required only on an infrequent basis. It is also unclear why three bathrooms and a study are required to serve his regular needs.
10. It has been put to me that the occupation of the proposed dwelling could be restricted by condition or legal agreement, initially to the appellant's father, and subsequently to other family members. However, the proposed conversion would remain long after the submitted personal circumstances cease to exist. I also do not have details of any personal circumstances which could apply to other family members, who may occupy the proposed dwelling in the future.
11. Consequently, the proposed residential unit would be both physically and functionally separate from the appellant's property, and would be of a scale which could not be reasonably considered to be ancillary to the existing dwelling. As such, I conclude that the appeal development would not represent an annex.
12. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) advises that, when considering applications for the conversion of rural buildings, equal priority will be given to certain uses, such

as affordable housing to meet local need (including agricultural workers dwellings). As the appeal development does not relate to an agricultural or other essential rural worker, the provision of an independent dwelling restricted to occupation by the appellant's family, will only represent affordable housing to meet local need, if it accords with the qualifying criteria for 'single plot exceptions sites' in the Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document 2012 (SPD).

13. On the basis of the evidence before me, I am unable to establish if the appellant's father is in housing need, or whether he has been unable to identify or afford a suitable alternative home currently available for sale in the local area. Furthermore, although I appreciate the benefits that may be derived from the appellant's father living near to his family, it does not appear from the information provided that he would be dependent on them for his daily care. Therefore, the qualifying criteria for 'single plot exception sites' in the SPD has not been fulfilled and the appeal development would represent an 'open market residential conversion' rather than an affordable house to meet a local need.
14. In such circumstances Policy CS5 of the CS states that open market residential conversions will only be permitted where they respect the heritage asset involved, high standards of sustainability are achieved, and a financial contribution towards the provision of off-site affordable housing is provided. Conversions should also take account of and make a positive contribution to the character of the building and the countryside. This policy is broadly consistent with the Framework's objective to promote sustainable development in rural areas, by locating housing development where it will enhance or maintain the vitality of rural communities, with isolated homes to be avoided, unless there are special circumstances, including where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
15. The appeal building is modern and has no heritage interest. Although the structure would be faced with sandstone and clay roof tiles used to match adjacent properties, due to its extensive footprint and shallow roof pitch, the proposed dwelling would have the appearance of a suburban bungalow. It would therefore conflict with the simple agricultural form of the existing structure, be out of scale and character with other more traditional sandstone buildings at Cramp Pool Farm, and fail to enhance its countryside setting.
16. The site is located in the open countryside over 1 kilometre from the nearest settlement of Shifnal, which is accessed via narrow country lanes with no street lighting or footpaths. I also did not see any evidence during my site visit of any bus routes nearby which connect the site to Shifnal and larger settlements in the area. As such, future occupiers of the dwelling would be reliant on the private car to access essential facilities. These factors weigh against the sustainability credentials of the development.
17. The scheme may provide some minor social and economic benefits to the local community, if local tradesmen are employed in the construction of the dwelling, and the occupiers utilise goods and services in the area. Although I have not been provided with sufficient detail to be able to establish whether or not the Council has a 5 year supply of deliverable housing, the provision of an additional dwelling will also contribute towards housing supply in the area. This would represent a further economic and social gain. I also accept that the

personal circumstances of the appellant's father also weigh in favour of the proposed.

18. However, in considering what is sustainable development the Framework should be taken as a whole. In this case, the benefits of the appeal scheme are substantially and demonstrably outweighed by the adverse environmental harm that would result to the character and appearance of the building and countryside, and the sites unsustainable, isolated location. For these reasons, the appeal proposal does not amount to a sustainable form of development and would be contrary to Policies CS1 and CS5 of the CS and the overarching sustainability objectives of the Framework.

Affordable housing

19. Policies CS5 and CS11 of the CS require all open market dwellings to provide a contribution towards the provision of local needs affordable housing. Whilst the appellant has expressed a willingness to enter into a Section 106 Legal Agreement to this effect, I do not have a completed planning obligation before me. Therefore, as a financial contribution for affordable housing is required to make the development acceptable, the appeal proposal conflicts with Policies CS5 and CS11 of the CS.

Conclusion

20. Accordingly, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

T Cannon

INSPECTOR

SOUTH PLANNING COMMITTEE		
SCHEDULE OF ADDITIONAL LETTERS		
Date: 11th November 2014		
NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting		
Item No.	Application No.	Originator:
6	14/01645/OUT	SC Archaeology
<p>The proposed development site is located immediately adjacent to a section of Roman Watling Street (Margery 06b) that runs south from Wroxeter to Leintwardine (HER PRN 00108). A rectilinear cropmark enclosure c. 50m east of the site, on the opposite side of the road, had previously been interpreted as a Romano-Celtic temple site (HER PRN 02045). However, as a consequence of an archaeological evaluation in 1991, it has been tentatively re-interpreted as a single ditched rectilinear Romano-British enclosure of a type which is relatively common in this part of the Welsh Marches. National Mapping Programme cropmark plots prepared by the former Royal Commission on the Historical Monuments of England show a number of outlying features beyond the enclosure, including two possible clusters of pits and a linear feature which crosses the Roman road just south of the proposed development site. Other Roman sites have been identified elsewhere in and around Craven arms, including a double ditched rectilinear enclosure c.700m north-east of the proposed development site (HER PRN 02046) and an important group of Roman military sites to the north of the town (HER PRNs 00620, 02041 and 02041).</p> <p>Because of the consequent potential archaeological interest of the proposed development site, an archaeological field evaluation, comprising a geophysical survey and target trial trenching, was undertaken prior to submission of the planning application. The only archaeological feature that was identified as a result was a ditch in Trench 3, which had subsequently been recut by a pit or later ditch. A piece of possible slag was recovered from the fill of the ditch, although subsequent analysis indicated that it to be a natural concretion. Analysis of the charcoal recovered from bulk samples of the fills was interpreted as of secondary origin, rather than evidence of in situ burning. The ditch has therefore interpreted as a possible field boundary of post-medieval origin and assessed to be of low significance. On the basis of these findings the proposed development site is deemed to have low archaeological potential.</p> <p>RECOMMENDATION: It is advised that the Archaeological Evaluation report by SLR Consulting provides a satisfactory level of information about the archaeological interest of the proposed site, and likely impact of the proposed development on that interest, in relation to Paragraph 128 of the NPPF.</p> <p>Archaeology Service Based on the recommendations contained within the Assessment, it is advised that a programme of archaeological work, to comprise an archaeological watching brief during the ground works phase of the development, should be secured as a condition of any planning permission under Paragraph 141 of the NPPF. An appropriate condition of any such consent would be: -</p> <p>Suggested Conditions: No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation</p>		

<p>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 site is known to hold archaeological interest.</p>		
Item No.	Application No.	Originator:
6	14/01645/OUT	Case Officer
<p>Apologies but paragraph 6.5.2 of the report contains an incomplete sentence. The final sentence should read – ‘The potential loss of views from existing properties is not a material consideration that can be given weight in the determination of the application.’</p>		
Item No.	Application No.	Originator:
10	14/03768/OUT - Oldbury Rd	Agent
<p>Requests that the receipt of a S106 by way of Unilateral Undertaking is reported to members and that the committee is informed that the subjectivity of a S106 within the report to committee is not relevant as the submission of the signed UU removes the need for committee to resolve to approve subject to a S106. The submission of the S106 in an agreed form is a material planning consideration and indicates the deliverability of the scheme as required by the NPPF.</p> <p>Also submits a letter sent by the applicant to Shropshire Council Highway Maintenance Office setting out the timetable and agreement to undertake a programme of work requested by SC on highway safety grounds and that the works to the applicant's boundary and the adjoining sites will contribute in a positive way with regards to the proposed visibility splays.</p> <p>Also requests that committees attention is drawn to the additional information submitted with this application including the indicative layout and street scene.</p>		
Item No.	Application No.	Originator:
7	14/02390/FUL	Much Wenlock Town Council
<p>Whilst the Council has previously objected it does not feel that it can continue to do so now that the plans have been amended to reduce the scheme. As well as generating sustainable renewable energy. i. The turbine will be sited in an industrial area and used for training purposes. ii. The scheme supports renewable energy. iii. The scheme satisfies Policy EJ3, Objective 9, Policy SCC2 in the Neighbourhood Plan. The Council therefore has no objection.</p>		
Item No.	Application No.	Originator:
7	14/02390/FUL	Resident objections
<p>Ten objections have been received from local residents in response to a re-consultation on the scheme advising of the reduction from 2 turbines to 1. These objections re-state previous concerns listed in the officer report about the inappropriateness of siting a turbine in this part of the AONB and the potential for visual disturbance.</p>		
Item No.	Application No.	Originator:
7	14/02390/FUL	Applicant
<p>The applicant has submitted a method statement setting out the measures which will be undertaken in order to prevent impact to any Great Crested Newts which may be present in the vicinity of the application site. This is based on a method statement which has previously been agreed for a much larger area adjoining the current application site. The Natural Environment section has been informed.</p>		