

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

Date: Monday, 1 December 2014

**Committee:**  
**South Planning Committee**

**Date:** Tuesday, 9 December 2014  
**Time:** 2.00 pm  
**Venue:** Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury,  
Shropshire, SY2 6ND

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

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

**Members of the Committee**

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

**Substitute Members of the Committee**

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

Your Committee Officer is:

**Linda Jeavons** Committee Officer  
Tel: 01743 252738  
Email: [linda.jeavons@shropshire.gov.uk](mailto:linda.jeavons@shropshire.gov.uk)

# AGENDA

## 1 **Apologies for Absence**

To receive any apologies for absence.

## 2 **Minutes (Pages 1 - 12)**

To confirm the minutes of the South Planning Committee meeting held on 11 November 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 at Rhea Hall Rhea Hall Estate, Highley, Shropshire (12/02334/OUT) (Pages 13 - 42)**

Outline application for residential development with all matters reserved.

## 6 **Bradley Farm, Farley, Much Wenlock, TF13 6PE (14/02127/FUL) (Pages 43 - 76)**

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

## 7 **Wenlock Edge Inn, Easthope, Much Wenlock, Shropshire TF13 6DJ (14/02184/FUL) (Pages 77 - 108)**

Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description).

## 8 **Land at Heath Farm, Hoptonheath, Shropshire (14/03290/EIA) (Pages 109 - 164)**

Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping.

**9 Proposed Solar Farm to the West of Sheriffhales, Shropshire (14/03444/FUL) (Pages 165 - 190)**

Installation and operation of a solar farm and associated infrastructure.

**10 Schedule of Appeals and Appeal Decisions (Pages 191 - 214)**

**11 Date of the Next Meeting**

To note that the next meeting of the South Planning Committee will be held at 2.00 pm on Tuesday, 13 January 2015, in the Shrewsbury Room, Shirehall.

This page is intentionally left blank



## Committee and Date

South Planning Committee

9 December 2014

## **SOUTH PLANNING COMMITTEE**

### **Minutes of the meeting held on 11 November 2014**

**2.00 - 4.36 pm in the Shrewsbury 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, Robert Tindall, David Turner, Tina Woodward and Kevin Turley (Substitute) (substitute for Madge Shineton)

### **80 Apologies for Absence**

Apologies for absence were received from Councillors Cecilia Motley and Madge Shineton (substitute: Kevin Turley).

### **81 Minutes**

#### **RESOLVED:**

That the Minutes of the South Planning Committee held on 14 October 2014, be approved as a correct record and signed by the Chairman, subject to it being noted that the resolution at Minute No. 75 should refer to Core Strategy Policy CS5 and not CS6.

### **82 Public Question Time**

There were no public questions.

### **83 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 14/03768/OUT, Councillor J Hurst-Knight declared that, for reasons of pre-determination, he would leave the room and take no part in the consideration of, or voting on, this application.

With reference to planning application 14/02390/FUL, Councillor David Turner, declared that he was a member of the Management Board of the Shropshire Hills Area of Outstanding Natural Beauty Partnership.

#### **84 Land Off Park View, Broseley, Shropshire (14/01125/OUT)**

The Principal Planner introduced the application and with reference to the drawings displayed, he drew Members' attention to the location and access.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further comments from Shropshire Council's Archaeology Officers and the Planning Case Officer.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mr E Miles, representing local residents, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- His property adjoined the application land and he would find it dangerous when reversing to and from his garage;
- The entrance would be awkward and restrictive and would necessitate vehicles driving on opposite sides of carriageway and the blind points on the highway would further impact on highway and pedestrian safety;
- Concerned that in icy conditions vehicles would slide into his property;
- Flash flooding would be increased if a non-pervious road treatment was installed;
- External lighting would impact on his privacy;
- Broseley had met its housing commitment and there was a plentiful supply of mixed housing available in Broseley; and
- Proposal would be overpowering and incongruous.

Mr M Harris, 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 Planning Officer had assessed the proposal and was recommending approval;
- The original application had been withdrawn because of highway concerns. These concerns had been acknowledged and accordingly the number of dwellings had now been reduced;
- Archaeological Officers had considered the proposal and adequate conditions would be attached;
- Any impact on amenities could be adequately addressed through detailed consideration at the Reserved Matters stage; and
- The proposal would be in accordance with the National Planning Policy Framework (NPPF).

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

- The site would be unsuitable for development and had been designated as countryside;
- Broseley was on target to meet housing development;
- The site would not be sustainable and Broseley had access to limited bus services;
- Employment opportunities were limited and use of private vehicles was essential to access employment;
- Would provide large expensive housing which was not needed;
- Would be contrary to the NPPF;
- Would have a detrimental impact on walkers and wildlife;
- Access could encroach on neighbouring properties;
- Highways and local people were against the applicant's suggestion of a one-way system; and
- She urged Members to consider the impact of the proposal on the amenities of the local people.

In the ensuing debate, Members considered the submitted plans and noted the comments of all speakers. Members expressed serious concerns regarding the narrowness of the streets and the potential for increased surface water run-off. They commented that the provision of large houses would not fulfil the overarching need of affordable housing and the proposal would be contrary to the Broseley Town Plan.

In response to comments/questions, the Area Planning and Building Control Manager explained the position to date with the Site Allocations and Management Development (SAMDev) Plan and drew Members' attention to paragraph 6.1.6 of the report which stated that prior to examination sustainable sites for housing where any adverse impacts did not significantly and demonstrably outweigh the benefits of the development would still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply was a minimum requirement and the NPPF aim of significantly boosting housing supply remained a material consideration, it would be difficult to defend a refusal for a site which was considered to constitute sustainable development unless the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits. He further reiterated that no objections had been raised by Highway Officers.

**RESOLVED:**

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

- The proposed development does not represent a sustainable form of development;
- The site is outside any defined development boundary;
- Would have a detrimental and visual impact upon the environment and character of the area; and

- This proposal would exacerbate the already significant traffic problems in the area.

Accordingly, the proposed development would be contrary to the National Planning Policy Framework, Core Strategy policies CS5, CS6 and CS17 and Broseley Town Plan whereby the adverse impacts would significantly and demonstrably outweigh the benefits. In addition, greater weight can now be afforded to the emerging policies in the Site Allocations and Management of Development (SAMDev) documents.

#### **85 Watling Street, Craven Arms, SY7 9AD (14/01645/OUT)**

The Area Planning and Building Control Manager introduced the application. With reference to the drawings displayed, he drew Members' attention to the location, layout, landscaping, drainage and access plans.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

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

The meeting adjourned at 2.40 pm to enable Members to consider further information circulated at the meeting detailing objections from Sibdon Carwood Parish Meeting and further comments from members of the public. The meeting reconvened at 2.43 pm.

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

- Although Craven Arms was in need of affordable housing, this site was outside the development boundary and, although in SAMDev, was not supported by Sibdon Carwood Parish;
- The site lay on a ridge to the west of Craven Arms west of the Roman Road of Watling Street on the edge of the Area of Outstanding Natural Beauty (AONB) and close to Sibdon Church and Stokesay Castle (both listed buildings). The route of the Shropshire Way ran through a section of the site and the development would be prominent from Flounder Folly and the Roman Norton Camp;
- There was no public footpath along the B4368, which was the shortest route into Craven Arms. The school lay to the east of the A49 - this would not be a safe route for school children to use or to access services in the town;
- A previous application for this site had been refused on the grounds of it not being sustainable; and



- Would be built on good arable land, would not be sustainable, constituted overdevelopment and would negatively impact on the surrounding area.

Mrs E Holden, representing Sibdon Carwood Parish Meeting, spoke against the proposal in accordance with the Council's Scheme for Public Speaking at Planning Committees, during which the following points were raised:

- The site would be unsustainable due to its location to services and crossed a historic natural boundary, namely Watling Street (Roman road);
- Affordable housing proposed would be in the wrong place and should be at opposite end of town; and
- Would be out of scale and contrary to the NPPF and Shropshire Council's Core Strategy Policies.

Mr S Thomas, 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 site had been allocated in SAMDev;
- Would be in accordance with CS11;
- Affordable housing had been identified as a key priority and this proposal would exceed required amount;
- Would be located in a developable area and adjoining the development boundary for Craven Arms;
- No objections from Shropshire Council Highways Officers;
- Extension of the 40mph speed limit would be financed by applicant;
- Dedicated footpath link would be incorporated; and
- The proposal was fully policy compliant.

In response to questions from Members, Mr Thomas provided further clarification on the location of the dedicated footpath and the type and number of affordable homes.

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

**RESOLVED:**

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

- A Section 106 to secure the funding of the cost to extend the 40 mph speed limit;
- Any subsequent application for reserved matters being considered by this Committee;
- An additional Condition as recommended by Shropshire Council's Archaeology Officers as set out in the Schedule of Additional Letters; and
- The conditions set out in Appendix 1 to the report.

**86 Edge Renewables, Lea Quarry, Presthope, Much Wenlock, TF13 6DG  
(14/02390/FUL)**

The Principal Planner introduced the application and 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, which detailed further comments from Much Wenlock Town Council and indicated that they had now withdrawn their objection to the scheme, further objections from a local resident and comments from the applicant.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

In accordance with his declaration at Minute No. 83, 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:

- The area attracted a substantial number of tourists and contributed to the important visitor economy. The Shropshire Way and the Jack Mytton Way, which skirted this site, attracted many walkers and riders;
- The proposal would be contrary to SCC3 of the adopted Neighbourhood Plan;
- The applicant had developed a successful business around renewable energy and had created a number of jobs locally - which he welcomed. However, on balance, planning applications for low-profile development that had been brought forward in support of the business's growth had been supported, but he believed this was one step too far;
- In a recent survey he had carried out of all Much Wenlock residents a clear majority of respondents disapproved of smaller turbines and an even greater majority against larger ones. This had reinforced the results of the Much Wenlock Neighbourhood Plan residents' survey in 2012 which revealed strong local resistance to wind turbines, regardless of size;
- Much Wenlock Town Council's Planning Committee had made two incompatible comments illustrated by its objection in July when it described the site as being in an AONB and close to a Site of Special Scientific Interest (SSSI), and its withdrawal from this position in October when it described the site as an industrial area. As a reason for dropping its objection, it now cited the Neighbourhood Plan Policy concerning new business development without reference to the explicit qualification regarding harmful impacts and the Policy regarding individual and community scale energy without reference to its explicit presumption against wind turbines;
- He drew Members' attention to paragraph 115 and Footnote 9 to paragraph 14 of the NPPF;
- He drew Members' attention to the Shropshire Hills AONB Management Plan which indicated that "Proposals for wind turbines and associated infrastructure within the AONB should take account of factors including landscape character,

visual amenity and recreation, biodiversity, heritage assets and their setting” and “Within 100m of buildings one or two wind turbines of *up to 12m to blade tip* are likely to be acceptable within the AONB.”;

- The Design and Access Statement (D&A) stated that this turbine was necessary for training purposes so that the applicant could be accredited installers of these wind turbines in order to supply them to customers. He questioned whether the turbine would be raised and lowered for approximately two business days per month, as stated by the applicant, or would be regularly assembled and disassembled for training purposes, as stated in the Officer’s report;
- Construction - He requested further clarification on the concrete base and whether it would be flush with the ground as stated in the D&A or as stated in the Officer’s report which indicated that steel piles would be driven in to secure it without the need for concrete;
- Scale - The applicant had acknowledged that the site of the turbines could be seen from higher ground nearby. Other structures in the vicinity did not move, they had not been assembled and disassembled and did not have moving parts such as rotor blades;
- Landscape – The turbine would be higher than most of the trees. The trees would only provide screening when in leaf;
- Ecology - Bats and birds of prey, in particular peregrine falcons, were known to nest in the quarries;
- He urged refusal. However, he suggested that, if Members were minded to approve, consideration be given to:

The apparent discrepancy implicit in Condition 3.i. regarding the method of fixing the monopole to the ground;

Condition 4 regarding the colour of the turbine;

Condition 6a and 6b regarding the risks to birds, especially given the reported incidence of peregrine falcons;

Condition 7a which allows blade rotation in the winter between 09:00 and 17:00. It was only mid-November now and already it was sufficiently dark for bats to be abroad before 17:00; and

A condition limiting the number of days on which the turbine may be raised. The applicant had stated that it would be raised and lowered for approximately two days per month, and he suggested that a modest buffer be built in to allow erection for four days per month to avoid further subsequent amendment.

Mr John Woolmer, representing Campaign to Protect Rural England, 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 Much Wenlock Neighbourhood Plan did not support turbines;
- The proposal would be in an AONB and close to an area of SSSI and contrary to CS6, CS16 and CS17 and paragraphs 14, 113, 115 and 116 of the NPPF;
- Would have a detrimental impact on the environment, ecology, landscape and recreational opportunities; and
- Applicant had ignored all local objections re visual effects.

Mr S Charteris, 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:

- The company had been established 3½ years ago and in that time had been responsible for many renewable energy installations and had indirectly and directly employed approximately 50 people. This project would generate further employment;
- The proposal would now be for one turbine which would be used to train staff and to generate electricity;
- The turbine would be well-screened and would not be visible to neighbouring properties and would be located within the existing authorised operational development;
- There were other taller structures in the area;
- Would not be contrary to the NPPF and CS policies; and
- Would not impact on the area and would contribute to renewable energy and a reduction in omissions.

In response to questions from Members, Mr Charteris and the Principal Planner provided further clarification on the use of the turbine, construction and disassembly, and the hours/timings of intended operations.

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

**RESOLVED:**

That the application be deferred to a future meeting to enable the applicant to provide:

- More detailed information with regard to the hours/timings of operation, construction and disassembly and when and how much electricity would be generated; and
- Submit sufficient information to allow full and proper assessment of the potential impact on protected species.

(The meeting adjourned at 3.52 pm and reconvened at 3.58 pm.)

**87 Residential Development Land Adjacent Dark Lane, Broseley, Shropshire (14/02911/FUL)**

The Technical Specialist Planning Officer introduced the application and with reference to the drawings displayed, he drew Members' attention to the location, layout, floor plans and elevations.

Members noted the additional information as set out in the Schedule of Additional Letters circulated prior to the meeting, which detailed further comments from Shropshire Council Highway Officers.

Members had undertaken a site visit that morning and had viewed the site and assessed the impact of the proposal on the surrounding area.

Mr D Onions, 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 previous proposal had been reviewed and revised in response to objections. The number of dwellings had been reduced thus reducing density and the individual access points onto Dark Lane had been removed;
- Had met with Town Council and Planning Officers prior to submission of the application. Further dialogue would be maintained; and
- Would provide affordable housing, open and green space, CIL monies, New Homes bonus and create employment during the construction phase.

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

- She accepted that this was a much improved scheme and consultation with the Town Council and residents had been undertaken;
- The removal of the individual access points off Dark Lane constituted a big improvement although her concerns with the junction onto Dark Lane remained given the proximity of the school; and
- Expressed disappointment with the reduced affordable housing provision.

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

**RESOLVED:**

That planning permission be granted, subject to:

- 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
- The conditions set out in Appendix 1 to the report.

**88 Elm Road Stores, Bishton Road, Albrighton (14/03411/FUL)**

The Principal Planner introduced the application. With reference to the drawings displayed, he drew Members' attention to the location, layout, previously refused plans and elevations, and the now proposed plans and elevations.

Members considered the submitted plans and expressed some concern regarding the close proximity to adjoining properties and the potential for disturbance to residents nearby during construction.

**RESOLVED:**

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

- A Section 106 Agreement relating to an affordable housing contribution;
- The conditions set out in Appendix 1 to the report; and
- Planning Officers be given delegated authority to amend the Conditions as follows:

The deletion of Condition No. 8 by virtue of it being a duplication of Condition No. 7; and

In order to protect the amenities of the occupiers of nearby properties an additional Condition be imposed to ensure an appropriate Construction Management Plan be submitted and approved in writing by the local planning authority prior to any demolition or construction works taking place.

**89 Land South Of A458, Off Oldbury Road, Bridgnorth, Shropshire (14/03768/OUT)**

In accordance with his declaration at Minute No. 83, Councillor J Hurst-Knight left the room and took no part in the consideration of, or voting on, this application. He did not return to the meeting.

The Area Planning and Building Control Manager introduced the application. With reference to the drawings displayed, he drew Members' attention to the location, indicative site layout and the existing and proposed street 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 agent.

Mr M Pugh, 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:

- A letter from local MP Nick Boles had indicated that following the submission of SAMDev for examination, SAMDev would become the over-arching planning document;
- Shropshire Council had now demonstrated it had a 5 year land supply, so proposal would be contrary to the NPPF;
- Would open up the floodgates for further development; and
- Would have a detrimental impact and change the character of the Conservation Area.

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 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. In addition, greater weight can now be afforded to the emerging policies in the Site Allocations and Management of Development (SAMDev) documents.

(At this juncture, Councillor Robert Tindall left the meeting and did not return.)

**90 Schedule of Appeals and Appeal Decisions**

**RESOLVED:**

That the Schedule of Appeals and Appeal Decisions for the southern area as at 11 November 2014 be noted.

**91 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, 9 December 2014 in the Shrewsbury Room, Shirehall.

Signed ..... (Chairman)

Date: .....

This page is intentionally left blank





Committee and date

South Planning Committee

9 December 2014

## Development Management Report

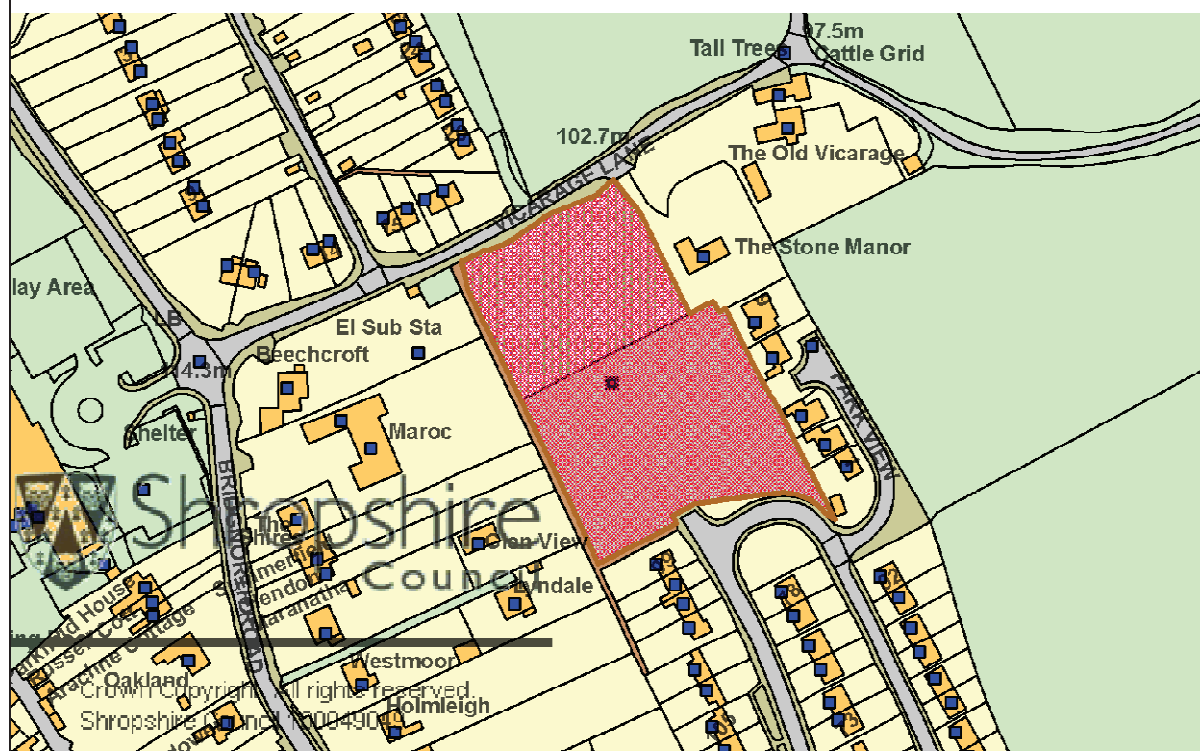
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 12/02334/OUT	<b>Parish:</b> Highley
<b>Proposal:</b> Outline application for residential development with all matters reserved	
<b>Site Address:</b> Land At Rhea Hall Rhea Hall Estate Highley Shropshire	
<b>Applicant:</b> Shropshire Council	
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>

**Grid Ref:** 374088 - 283879



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission subject to the completion of a Memorandum of Understanding to secure affordable housing through a Section 106 Agreement and to the conditions set out in Appendix 1.**

## REPORT

### 1.0 PURPOSE OF REPORT

1.1 To amend the resolution to grant Planning Permission subject to Section 106 Agreement relating to affordable housing and the conditions set out in the report to make reference to a Memorandum of Understanding being agreed to secure a Section 106 Agreement for the provision of affordable housing on the site at the prevailing rate when reserved matters are submitted.

### 2.0 BACKGROUND

2.1 At the 1<sup>ST</sup> April 2014 meeting of the South Planning Committee an application for residential development with all matters reserved on land at Rhea Hall Estate, Highley (ref 12/02334/OUT). A copy of the Committee Report is attached as Appendix 2. The applicant for this application is Shropshire Council and the land is owned Shropshire Council. The recommendation to Grant Permission subject to a Section 106 Agreement relating to affordable housing and the conditions set out in Appendix 1 of the report was accepted by the Committee.

2.2 Advice subsequently received from the Council's Legal Services Team is that, as Shropshire Council is the applicant, it cannot enter into a Section 106 Agreement with itself to secure an element of affordable housing on the site in accordance with Development Plan policy.

### 3.0 OFFICER COMMENTARY

3.1 A solution to this legal technicality has been developed, which would take the form of a Memorandum of Understanding (MOU) between The Planning Services Manager; The Strategic Asset Manager; The Group Manager Public Protection and Enforcement and The Managing Director of Shropshire Towns and Rural Housing Limited. The MOU would state:

- (i) The Planning Services Manager will notify the Strategic Asset Manager and the Group Manager Public Protection and Enforcement when planning permission is granted for the Development;
- (ii) The Strategic Asset Manager and the Group Manager Public Protection and Enforcement confirm that should the Development be undertaken by or on behalf of the Council including by Shropshire Towns and Rural Housing Limited the terms of the draft section agreement appended to this MOU will be complied with and that they understand that planning permission for the development would not have been granted without an obligation as set out in the section 106 agreement attached to this MOU
- (iii) The Managing Director of Shropshire Towns and Rural Housing Limited confirms that should the Development or any part of it be undertaken Shropshire Towns and Rural Housing Limited it will comply with the obligations set out in the draft section 106 agreement appended to this MOU

- (iv) The Strategic Asset Manager and the Group Manager Public Protection and Enforcement further confirm that the Land will not be disposed of for the Development to be carried out by any third party or for any other purpose unless and until a section 106 agreement substantially in the form of that attached to this MOU to secure the necessary affordable housing contributions has been completed to the satisfaction of the Planning Services Manager in consultation with the Head of Legal and Democratic Services.
- (v) In order to ensure compliance with (iii) above the Strategic Asset Manager and the Group Manager Public Protection and Enforcement confirm that they will ensure that any marketing and procedures connected with the disposal of the Land for the purposes of carrying out the Development or otherwise will clearly set out the requirement for any prospective transferee to enter into a section 106 agreement as set out above and will inform the Planning Services Manager of any such proposed disposition.

In the event of any difference(s) or disputes(s) arising out of the interpretation or application of the provisions of this MOU, the Parties shall immediately consult each other with the view to expeditiously resolving such differences or disputes in the interests of the Council and its obligations under the proposed section 106 agreement.

It is intended that the obligations of the Parties in this MOU will survive until the obligations referred to in the proposed section 106 Agreement have been discharged or the Land has been disposed of and (iii) above has been complied with.

- 3.2 In addition, it is recommended that an additional condition is attached to the outline planning permission (no. 14 in Appendix1) which states:

No development shall be commenced by any freehold owner of the site save for Shropshire Council (acting by themselves or through their nominees) until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed with the Council to secure affordable housing in accordance with the Council's adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it).

Reason: To secure the provision of element of affordable housing within the development, in accordance with Shropshire Core Strategy policies CS9 and CS11.

This would provide a further safeguard in the event of the land being sold on.

#### **4.0 CONCLUSION**

- 4.1 The land is likely to be developed by Shropshire Towns and Rural Housing and it is considered that the Memorandum of Understanding approach would ensure that the residential development of this site is in accordance with Shropshire Core Strategy and saved Local Plan policies.

## 5.0 Risk Assessment and Opportunities Appraisal

### 5.1 Risk Management

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

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

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

### 5.2 Human Rights

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

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

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

### 5.3 Equalities

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

## 6.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of

being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 7. Background Papers

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

Planning File 12/02334/OUT

Report on 12/02334/OUT to 1<sup>st</sup> April 2014 South Committee

Minutes of 1<sup>st</sup> April 2014 South Committee

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr Dave Tremellen

**Appendices**

APPENDIX 1 - Conditions

APPENDIX 2 – Officer Report to 1<sup>st</sup> April 2014 Committee

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

1. Details of the layout, scale, appearance, access 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 three years from the date of this permission.

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

3. The development to which this permission relates must be begun no later than whichever is the later of the following dates: (i) the expiration of five years from the date on which this permission is granted; or (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:

The foul and surface water drainage of the site.

Reason: To ensure the development is of an appropriate standard to safeguard amenity and the water environment..

5. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying this application (as such details which were included on the plans accompanying the application are intended for illustration purposes only).

Reason: To define the permission and to retain planning control over the details of the development.

6. The first submission of reserved matters shall include submission of a scheme of mitigation for slow worms which complies with the Reptile Mitigation Strategy and Precautionary Method Statement dated December 2013, unless otherwise agreed in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To ensure the protection of slow worm, protected under the Wildlife and Countryside Act 1981 (as amended)



7. Bat boxes and building features suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site in accordance with a schedule which has been agreed in writing with the local planning authority prior to the first occupation of a dwelling on this site. The schedule shall include details of the locations and types of bat boxes and form of building features, and all boxes must be permanently retained.

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

8. Nesting opportunities for small birds shall be provided on site in accordance with a schedule which has been agreed in writing with the Local Planning Authority prior to the first occupation of a dwelling on this site. The schedule include details of the location and form of nesting opportunities, which shall be permanently retained.

Reason: To ensure the provision of nesting opportunities for wild birds

9. The site must be subject to a further inspection for badger setts by an experienced ecologist immediately prior to the commencement of works on the site.

Reason: Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

10. Prior to the commencement of any development related activity on site, a tree survey and arboricultural implications assessment shall be submitted to the Local Planning Authority (LPA), in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. The survey shall accurately plot and identify all trees and hedges on and adjacent the site, evaluating their condition and suitability for retention. A Tree Protection Plan shall be submitted to the LPA, detailing those trees and hedges to be removed and those retained, along with their root protection areas and the measures to be taken for their protection. An Arboricultural Method Statement shall be submitted to the LPA for approval in writing, for any development works that could affect retained trees and hedges and their root protection areas, as defined on the tree protection plan. The development shall be carried out in accordance with the approved arboricultural method statement and the tree and hedge protection measures shall remain in place for the duration of the construction works.

Reason: To protect during development trees and hedges that make a contribution to the character of the scheme and the neighbourhood.

11. Demolition or construction works shall not take place outside the following times:
  - Monday to Friday 07:30hrs to 18:00hrs
  - Saturday 08:00hrs to 13.00hrs
  - Nor at any time on Sundays, bank or public holidays.

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

12. 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.

13. A landscape management plan, including long term design 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: To ensure the long term maintenance of landscaped areas, in the interests of visual and neighbour amenity.

14. No development shall be commenced by any freehold owner of the site save for Shropshire Council (acting by themselves or through their nominees) until an agreement under section 106 of the Town and Country Planning Act 1990 has been completed with the Council to secure affordable housing in accordance with the Council's adopted Type and Affordability of Housing Supplementary Planning Document (adopted September 2012 or any subsequent replacement of it).

Reason: To secure the provision of element of affordable housing within the development, in accordance with Shropshire Core Strategy policies CS9 and CS11.

### **Informatives**

1. 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.

2. 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.

3. 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 by the National Planning Policy Framework, paragraph 187.
4. 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](http://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.

5. In arriving at this decision the Local Planning Authority gave consideration to the following policies:

Central Government Guidance:

National Planning Policy Framework

Technical Guidance to the National Planning Policy Framework

Shropshire Core Strategy and Saved Bridgnorth District Local Plan Policies:

CS1 Strategic Approach

CS3 The Market Towns and other Key Centres

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS9 Infrastructure Contributions

CS10 Managed Release of Housing Land

CS11 Type and Affordability of Housing

CS17 Environmental Networks

CS18 Sustainable Water Management

S1 Development Boundaries

D6 Access and Car Parking

H3 Residential Development in Main Settlements

HIG1 Rhea Hall allocated housing site

SPD on the Type and Affordability of Housing

Open Space Interim Planning Guidance

This page is intentionally left blank

# APPENDIX 2



<u>Committee and date</u>
South Planning Committee
1 April 2014

<u>Item</u>
Public

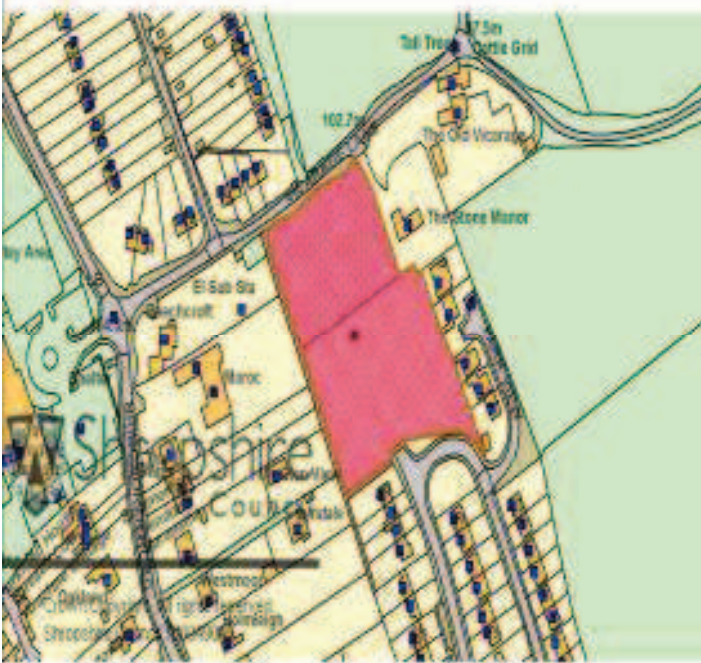
## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 12/02334/OUT	<b>Parish:</b>	Highley
<b>Proposal:</b> Outline application for residential development with all matters reserved		
<b>Site Address:</b> Land At Rhea Hall Rhea Hall Estate Highley Shropshire		
<b>Applicant:</b> Shropshire Council		
<b>Case Officer:</b> Richard Fortune	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 374088 - 283879



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

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

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application relates to some 0.8 hectares of land which is allocated for residential development by saved Bridgnorth District Local Plan policy HIG 1. The allocation of this land for residential development, with an approximate capacity for 30 units, has been carried forward in the Shropshire Council SAMDev Plan at all stages of its production so far.
- 1.2 The application which has been submitted is solely for outline planning permission with all matters (layout, scale, appearance, access and landscaping) reserved for later approval. The Design and Access Statement submitted explains that the land is owned by Shropshire Council at the time the application was lodged in 2012. (It is now owned by the Council's HRA (Housing Revenue Account)). The site would be for Shropshire Towns and Rural Housing to progress with either the development or disposal. The proposal has to be considered therefore as one for general (open market) housing with the option for the amount of affordable housing to exceed the minimum prevailing rate for affordable housing that would be in force at the time of any reserved matters submission, should outline consent be given.
- 1.3 Two illustrative site layouts have been submitted with the application, both with vehicular access from the southern site boundary, off Rhea Hall Estate, and retaining the hedge and bank adjoining Vicarage Lane, in accordance with the notes to site allocation HIG1. The first scheme shows a straight cul-de-sac, terminating in a shared surface square which would provide a vehicle turning facility. Off the eastern side of this road a row of bungalows is shown, with two storey housing along the western side. Around the western and northern sides of the turning area would be a combination of bungalows, dwellings and two storey flats: It would provide a total of 22 dwelling units with two parking spaces per dwelling. Trees and hedges would be retained along the western site boundary and adjacent to The Stone Manor which is adjacent to the northern portion of the eastern site boundary, along with a section of the hedgerow which currently divides the site. The second layout, for 21 units shows a shorter cul-de-sac contained within the southern field, again with bungalows on the eastern side and two storey dwellings on the western side. A private drive would then lead through a gap in the hedge separating the two fields to serve a parking court, along the northern side of which would be bungalows and houses. Trees and hedgerow would be retained along the western site boundary and adjacent to The Stone Manor..

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The site is situated within the Highley Development boundary shown in the Bridgnorth District Local Plan. It is currently subdivided into two fields by a hedgerow. The northern field contains a number of self set trees, with the southern field having dense cover of undergrowth. There are some substantial trees and hedges to the western and northern site boundaries. There is a gentle fall across

the site in an easterly direction. The site is bounded by the rear gardens of dwellings off Bridgnorth Road to the west, Vicarage lane to the north, a dwelling accessed off Vicarage Lane and the bungalows off Park View to the east and the Rhea Hall housing to the south.

### **3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The application is one made by the Council in relation to land owned by the Council which is not in line with statutory functions. The application must therefore determined by Committee.

### **4.0 Community Representations**

-Consultee Comments

Where consultees have made several comments, the latest comment is listed first below to demonstrate where concerns have been addressed through negotiations.

- 4.1 Highley Parish Council – comment that vehicular access to the site should not be off Vicarage Lane as per SamDev. Access via Rhea Hall is unsuitable due to narrow roads and vehicle parking.
- 4.2 SC Highways Development Control – No Objection:  
The existing highway infrastructure in the area is adequate to cater for a small residential development with minimal disruption though there may be some conflict with the numbers of parked vehicles on the roads and it may be necessary to consider the introduction of Traffic Regulation Orders to reduce this. Consideration should be given to the provision of a pedestrian only access onto Vicarage Lane; on no account should vehicular access to this lane be permitted.

Concerns have been raised with regard to the level of parking along Coronation Street, and the Rhea Hall Estate and emergency access to the proposed development and surrounding properties. It is acknowledged that a number of vehicles park on the Highway network within the vicinity of the site due to the restricted amount off street parking.

It is recommended that further consideration is given to introducing Traffic Regulation Orders, within the vicinity of the site to formalise parking and improve safety. The introduction of any Traffic Regulation Orders within the vicinity of the site would be subject to Statutory Consultation and introduced in consultation with the local community. It is recommended that a Highway Contribution is sought to cover the cost of introducing any Traffic Regulation Order, and associated works to improve safety within the vicinity of the site.

- 4.3 SC Ecology (03-01-14) – No Objection:  
I recommend that retention of the woodland area on the site and the two trees with bat potential is secured through a condition on the outline planning consent. One hedgerow across the centre of the site will require removal. To ensure no net loss of hedgerow, an equivalent length of native species hedgerow should be required to be planted.

**Condition**

1. The first submission of reserved matters shall include a scheme of landscaping and these works shall be carried out as approved. The submitted scheme shall include:
  - a) Planting plans, including wildlife habitat and features (e.g. hibernacula)
  - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate  
Native species used to be of local provenance (Shropshire or surrounding counties)
  - g) Details of trees and hedgerows to be retained, which shall include all mature trees on the northern and western site boundaries, and measures to protect these from damage during and after construction works
  - h) Implementation timetables

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

**Slow Worm**

The Reptile Mitigation Strategy and Precautionary Method Statement submitted December 2013 sets out that the Severn Valley Country Park is a suitable receptor site for the slow worms to be translocated from the application site and the approach to be adopted. The following condition is recommended to require compliance with this strategy/statement.

**Condition**

2. The first submission of reserved matters shall include submission of a scheme of mitigation for slow worms which complies with the REPTILE MITIGATION STRATEGY AND PRECAUTIONARY METHOD STATEMENT dated December 2013 attached as an appendix to this planning permission, unless otherwise agreed in writing by the Local Planning Authority and these works shall be carried out as approved.

**Reason: To ensure the protection of slow worm, protected under the Wildlife and Countryside Act 1981 (as amended)**

**Bats**

The retention of the two trees with bat potential should be secured by condition as recommended above. If their removal is proposed then trees should be assessed in line with The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* by a licensed bat ecologist and if deemed necessary activity surveys should be undertaken.

A scheme of bat box provision suitable for common native bat species should be put together for the site with the guidance of an experienced ecologist.



### Condition

3. Bat boxes and building features suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site prior to first use of the buildings hereby permitted, in locations and to details agreed with the local planning authority. All boxes must be permanently retained.

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

### Informative

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.

### Nesting Wild Birds

The site has nesting wild birds present according to the Protected Species Survey by EcoTech (2010). A scheme of artificial nest box provision for the site should be put together with the guidance of an experienced ecologist at the reserved matters/full planning application stage.

### Condition

4. Prior to the first occupation of the buildings hereby approved details for the provision of nesting opportunities for small birds 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**

### Informative

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.

## Badgers

Although the 2010 ecological survey found no signs of badgers on the site, the dense scrub in places means it is important that the site is checked prior to work commencing in case the species has moved in.

## Condition

5. The site must be subject to a further inspection for badger setts by an experienced ecologist immediately prior to the commencement of works on the site.

**Reason: Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.**

SC Ecology (10-10-13) Comment: A reptile mitigation strategy and precautionary method statement should be submitted with this outline application.

The additional information from EcoTech clarifies that the two priority habitat types present on the site are Broadleaved semi-natural woodland and hedgerow. The Protected Species Survey by EcoTech (2010) states that these priority habitats should be incorporated into the site design and maintained where possible. I recommend that retention of the woodland area on the site and the two trees with bat potential is secured through a condition on the outline planning consent.

One hedgerow across the centre of the site will require removal. To ensure no net loss of hedgerow, an equivalent length of native species hedgerow should be required to be planted.

## Conditions

A condition should ensure that the existing woodland on the site shall be retained, in order to preserve biodiversity at the site.

## Slow Worm

Slow Worm is present within the site according to the Protected Species Survey by EcoTech (2010). EcoTech (2010) recommend that either suitable habitat is maintained on the site for slow worm or that a translocation program be undertaken to clear the site of slow worm prior to the development occurring.

At the meeting on the 7<sup>th</sup> October 2013 it was agreed that retention of sufficient and suitable habitat for slow worms on the site is not a viable option for the site. A small number of slow worms have been found at the site but a full slow worm survey and population class estimate has not been carried. Such surveys are not recommended between November and February and best undertaken between April and June or in September. Ecotech are of the opinion that as slow worms have been shown to be present and the extent of their possible habitat known, a translocation can be proposed and made a condition and other restriction on the



outline planning permission. A population class estimate is not included in the Protected Species Survey by EcoTech (2010) and this information should be provided before details of the translocation can be approved. This can be required at the reserved matters/full planning application stage.

**A reptile mitigation strategy and precautionary method statement should be submitted with this outline application.** The following matters should be included:

- ☐ That a reptile survey should be carried out of the application site by an experienced ecologist using the methods set out in the Herpetofauna Workers' Manual (JNCC 2003) at the reserved matters/full planning application stage.
- ☐ Identification of a receptor site, ideally not currently have a slow worm population but capable of improvement to provide slow worm habitat, and demonstrate that it is under the long term control of the applicant.
- ☐ The receptor site should be subject to a written, agreed and funding pre and post-translocation management agreement and monitoring programme.
- ☐ The slow worm habitat will need to be created and ready for occupation prior to the translocation taking place.
- ☐ The proposed methodology for translocation including timescale, capture methods etc.

SC Ecology (31-07-12): Additional information required relating to priority habitats and slow worms. In the absence of this additional information recommend refusal since it is not possible to conclude that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010).

#### 4.4 SC Trees – No Objection:

Mature trees and established hedgerows should be considered and respected during site layout and design. To this end I would recommend attaching the following reserved matters conditions to any approval:

Prior to the commencement of any development related activity on site, a tree survey and arboricultural implications assessment shall be submitted to the written satisfaction of the Local Planning Authority (LPA), in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. The survey shall accurately plot and identify all trees and hedges on and adjacent the site, evaluating their condition and suitability for retention. A Tree Protection Plan shall be submitted to the written satisfaction of the LPA, detailing those trees and hedges to be removed and those retained, along with their root protection areas and the measures to be taken for their protection. An Arboricultural Method Statement shall be submitted to the written satisfaction of the LPA, for any development works that could affect retained trees and hedges and their root protection areas, as defined on the tree protection plan.

Reason: To protect during development trees and hedges that make a contribution to the character of the scheme and the neighbourhood.

Tree and hedge protection measures shall be erected or installed to the written satisfaction of the LPA, prior to commencement of any development related activity on site, as detailed within the Tree Protection Plan.

Reason: To protect from damage during development trees and hedges that make a contribution to the character of the scheme and the neighbourhood.

4.5 SC Rights of Way - Comment:

Footpath 16-1 is partly contained within the curtilage of the development site as shown on the block plan, heading in a SSE from GR 740-839 to GR 740-838 to turn NE to meet Rhea Hall Estate at GR 741-838.

With regard to the development itself, please ensure that the applicant adheres to the criteria stated below:

The design and access statement states: The Public Right of Way FP16 will be retained without the need for diversion within any development scheme. If the developer decides to fence off the path while development is taking place, the Outdoor Recreation Team would ask that a width of approximately 2.5 metres be allowed as this is the width indicated for the path on the GIS mapping system, The alignment of the right of way must not be altered. The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged. No additional barriers such as gates or stiles may be added to any part of the right of way without authorisation as mentioned above.

If it is not possible to maintain public access along the footpath at all times while building works take place, the applicant should apply to the Outdoor Recreation Team for a temporary closure of the path. (Fees apply)

4.6 SC Public Protection – No Objection:

I have reviewed the Phase I Desk Study submitted in support of this outline planning application and the report has not identified any potential contaminated land issues that would impact on the proposed development. Accordingly, Specialist Pollution do not have any comments to make in respect of this planning application.

4.7 SC Drainage – No Objection:

No details of the proposed surface and foul water drainage have been supplied. Full details of the proposed surface water drainage should be submitted for approval. This should illustrate how the development will comply with PPS25, Environment Agency Standing Advice for the particular flood zone / site area and Shropshire Councils Interim Guidance for Developer, and how SUDs will be incorporated into the scheme. As part of the SuDS, the applicant should consider employing measures such as the following:

Surface water soakaways (Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 30% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure.)

Infiltration basins  
 Attenuation ponds  
 Water Butts  
 Rainwater harvesting system  
 Permeable paving on any new driveway/paved area  
 Attenuation  
 Greywater recycling system  
 Green roofs

Reason: To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner. This will also serve to minimise flood risk as a result of the development.

4.8 Shropshire Fire and Rescue – Comment on the access requirements for emergency fire vehicles; water supplies for fire fighting and the benefits for sprinkler systems.

-Public Comments

4.9 14 Objections:

-2 storey buildings would affect light.

-Seek single storey properties by existing bungalows, which have very small back gardens.

-Development should be single storey only.

-Rhea Hall Estate houses have no driveways, leading to cars parking on road and being barely passable by 2 way traffic.

-Access difficult for emergency vehicles.

-Increased traffic dangerous for old people and children; will lead to accidents.

-Access not suitable for more traffic.

-Access on hairpin bend a danger.

-Would become a very congested area.

-Access should come from Vicarage Lane.

-Parish Plan states that large housing developments are not wanted in Highley; no more than 50 houses should be built between now and 2026.

-Only housing which should be built on this land is for elderly people from Highley which would then free up properties for younger members of the community.

-Village infrastructure unable to cope.

-Foul drains at this end of Rhea Hall get blocked when there is heavy rain, due to road gullies going to foul drains, causing smells.

-Harm peace and quiet, but no objections if the development is for the elderly.

-Noise and pollution from extra traffic.

-Harm neighbour amenity; overshadowing.

-More litter.

-Loss of property values.

-Loss of privacy.

- Impact upon several mature trees and wildlife.
- Slow worms found on site.
- Harm view of village from Severn Valley Country Park.
  
- Query proximity of electricity sub station to proposal.
  
- Site includes the well used footpath between Rhea Hall estate and Vicarage Lane.

## **5.0 THE MAIN ISSUES**

Principle of development  
Ecology  
Visual impact and character  
Residential Amenity  
Highway safety  
Drainage  
Affordable Housing  
Open Space  
Contamination

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

- 6.1.1 Highley is identified by Shropshire Core Strategy policy CS3 as a key centre where there is no in principle planning policy objection to residential development on suitable sites within the development boundary of that settlement. Saved Bridgnorth District Local Plan policy H3 also identifies Highley as a settlement appropriate for house building. The application site is an allocated housing site in the Bridgnorth District Local Plan, reference policy HIG1, which is a policy allocation that remains in place following the adoption of the Shropshire Core Strategy. It is part of the Development Plan which has been through a full public consultation process and examination in public before adoption, and the housing allocation is binding on Shropshire Council.
- 6.1.2 The Council currently cannot at this time demonstrate that it has a 5 year supply of housing land as required by the National Planning Policy Framework (NPPF). This means that the Council's housing policies cannot be considered up to date and the NPPF states that in such circumstances a Local Planning Authority should grant planning permission for housing developments unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or unless specific policies in this Framework indicate development should be restricted." In this particular case the site has already been included within the Council's 5 year housing supply figures, due to it being an allocated housing site in the Bridgnorth District Local Plan. The principle of the proposed development is therefore acceptable.

## 6.2 Ecology

6.2.1 Core Strategy policies CS6 and CS17 seek to ensure that developments do not have an adverse impact upon ecology. An Protected Species Survey was submitted with the application. This assessment identified that slow worms were present on the site. The Council's Planning Ecologist requested that further information be gathered on the likely size of the slow worm population, about the possibility of retaining suitable habitat on site and, if translocation is proposed, details of that site and how the developer would find, survey, secure and manage the slow worm translocation site. Further information on the possible site layout in relation to the current habitats on the land and in relation to badgers was also sought. The production of this additional ecological information has been the reason for the long delay in bringing this application before the South Planning Committee. A Reptile Mitigation Strategy and Precautionary Method Statement has now been provided. This document explains that a receptor site for slow worms has been identified at the nearby Severn Valley Country Park. The Strategy explains:

"It is understood that the Country Park area does already have a slow worm population but it can be confirmed that an additional area is capable of improvement to provide a further enhanced slow worm habitat. The land is under the ownership and long term control of Shropshire Council, as the applicant

Alternative receptor sites may be considered prior to commencement of any development, but such revisions to the Mitigation Strategy would need to fully satisfy the Local Planning Authority in line with an agreed statement and translocation plan of proposals and timings for the mitigation strategy

- ☐ The receptor site will be subject to a written, agreed and funding pre and post-translocation management agreement and monitoring programme in line with the approval of reserved matters and its associated conditions.
- ☐ The slow worm habitat will be created and ready for occupation prior to the translocation taking place.
- ☐ Full details of the proposed methodology for translocation including timescale and capture methods will be submitted to and approved by the Local Planning Authority prior to commencement of any works
- ☐ Given the suitable habitat at the Rhea Hall site amounts only to some 0.3ha (approx. 55x55m), it is considered that more than an equivalent area can be created or enhanced in the nearby extensive Severn Valley Country Park. Verbal confirmation has been obtained from the site manager that a) slow worms are already present in several areas and b) that there is scope for this extent of creation/enhancement."

The Council's Planning Ecologist has now raised no objection to the proposed development, recommending that the layout of the development retains some of the woodland area on site; retention if possible of two trees with bat potential and the planting of native species hedgerow to replace any equivalent lengths removed during the course of development. She recommends conditions requiring the development to be carried out in accordance with the Reptile Mitigation Strategy and Precautionary Method Statement; the provision of bat boxes and a scheme of artificial bird nest boxes and a check for badger setts immediately prior to the commencement of works on site. The precise details of the landscaping and the



protection of Environmental Networks would be assessed at the reserved matters stage to address both biodiversity and visual amenity issues. The informatives relating to bats and nesting birds would be attached to any planning permission issued.

### **6.3 Visual impact and character**

6.3.1 Core Strategy policy CS6 seeks to ensure that all development is appropriate in scale, density, pattern and design taking into account the local context and character. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural, built and historic environment. All matters are reserved for later approval in this case and it would be in these submissions, in the event of outline planning permission being given, that detailed design issues would be assessed. However, in terms of landscape impact it is considered that development of the form indicated in the supporting documents would not detract from the landscape setting of Highley. The landscaping reserved matters would give full details of existing trees and hedges proposed for retention, along with new additional planting proposed. Measures for tree protection during site works and the submission of an arboricultural method statement can be covered by condition on any outline planning permission that is issued.

### **6.4 Residential Amenity**

6.4.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available, that the impact of the proposed development upon the residential amenities of existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise. The positioning of the existing bungalows at Park View close to the eastern site boundary are factors that would be taken into account at the detailed planning stage and would not be a reason to refuse the principle of residential development. It is noted that the illustrative site layouts show bungalows close to the eastern edge of this site, which would ensure no unacceptable overbearing impacts and no undue harm to the privacy of the existing properties.

6.4.2 It is almost inevitable that building works anywhere will cause some disturbance to adjoining residents. This issue has been addressed elsewhere through SC Public Protection recommending hours of working (07.30 to 18.00 hours Monday to Friday; 08.00 to 13.00 hours Saturdays and not on Sundays or Bank Holidays); to mitigate the temporary impact. This matter could be conditioned on any approval issued. The noise and emissions from vehicle movements associated with the dwellings after completion would not impact upon the amenity of the area to an extent that would justify a refusal of planning permission.

### **6.5 Highway Safety**

6.5.1 The NPPF, at section 4, seeks to promote sustainable transport. At paragraph 32 it states that decisions should take account of whether safe and suitable access to the site can be achieved for all people and whether:  
“- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Core Strategy policy CS6 seeks to ensure that proposals likely to generate significant levels of traffic be located in accessible locations, where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel reduced. It seeks to achieve safe development and saved Bridgnorth District 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. This proposal must be assessed in the context of the above national guidance and Development Plan policies.

- 6.5.2 The allocation of this site for housing in the Bridgnorth District Local Plan has established that the vehicular access to the site off Rhea Hall and local road network is adequate to accommodate the amount of traffic likely to be generated by a development of around 30 dwellings on this land. The notes to the Local Plan policy housing allocation make no reference to the need for any off site highway works. The Council's Highways Development Control remains content that the proposal would not be detrimental to highway safety. The issue of parking on the adjacent access roads, and the possibility of a traffic order to address any local congestion which may arise, is a matter for the Council, as landowner, to consider separate from this current application.

## **6.6 Drainage**

- 6.6.1 Core Strategy policy CS18 relates to sustainable water management and seeks to ensure that surface water will be managed in a sustainable and coordinated way, with the aim to achieve a reduction in existing runoff rate and not to result in an increase in runoff. The allocation of this land for residential development (Policy HIG1) established that there are no drainage constraints to the development of this land for residential purposes. The comments of the Council's Drainage Team are noted, but it would not be reasonable to require the submission of full drainage details with this outline planning application. The precise drainage details would be the subject of a planning condition on any approval issued.

## **6.7 Affordable Housing**

- 6.7.1 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. The delivery of the affordable housing contribution would be secured through a section 106 Agreement, with the amount being determined at the reserved matters stage in the event of outline planning permission being granted.

## **6.8 Open Space**

- 6.8.1 The precise form and extent of the open space would be a matter for consideration at the reserved matters stage, should outline planning permission be given, and regard would be paid to the Council's Open Space Interim Planning Guidance adopted in January 2012. The equipping of open spaces with any formal play equipment would have to be through the use of Community Infrastructure (CIL) receipts.

## **6.9 Contamination and Land Stability**

6.9.1 Core Strategy policy CS6 seeks to secure safe development. The NPPF, at paragraph 120 advises 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 continues at paragraph 121 that planning decisions should ensure that account is taken of these matters and that adequate site investigation information, prepared by a competent person, is presented. The Coal Authority report referred to in the Land Contamination Assessment advises that the site is in the likely zone of influence from workings in one seam of coal at 290m to 330m depth. The seam was last worked in 1930 and any ground movement from these workings should have stopped by now. The report also states that the property is not in the likely zone of influence of any present underground coal workings. The Council's Public Protection team have considered the Land Contamination Assessment submitted and concur with the findings that there are no potential contaminated land issues relating to this site.

## **7.0 CONCLUSION**

7.1 This outline planning application relates to an allocated housing site in the adopted Bridgnorth District Local Plan, which forms part of the Development Plan, and this designation is binding on Shropshire Council. The site is already included in Shropshire Council's five year land supply calculations as an existing commitment. With all matters relating to the layout, scale, appearance, access and landscaping reserved for later approval (the details supplied being for illustrative purposes only) no reasons relating to these matters would be sustainable reasons to refuse this outline planning application. Drainage and ecology matters can be the subject of conditions on the outline consent. The provision of an element of affordable housing would be the subject of a section 106 Agreement.

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 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.

## 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 of the decision and/or imposition of conditions if 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:  
National Planning Policy Framework  
Technical Guidance to the National Planning Policy Framework

Shropshire Core Strategy and Saved Bridgnorth District Local Plan Policies:  
CS1 Strategic Approach  
CS3 The Market Towns and other Key Centres  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS9 Infrastructure Contributions

CS10 Managed Release of Housing Land  
CS11 Type and Affordability of Housing  
CS17 Environmental Networks  
CS18 Sustainable Water Management  
S1 Development Boundaries  
D6 Access and Car Parking  
H3 Residential Development in Main Settlements  
HIG1 Rhea Hall allocated housing site

SPD on the Type and Affordability of Housing  
Open Space Interim Planning Guidance

**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  
Protected Species Survey  
Land Contamination Assessment  
Reptile Mitigation Strategy and Precautionary Method Statement

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr Dave Tremellen

**Appendices**

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Details of the layout, scale, appearance, access 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 1(2) of the Town and Country Planning General Development (Procedure) Order 1995 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 three years from the date of this permission.

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

3. The development to which this permission relates must be begun no later than whichever is the later of the following dates: (i) the expiration of five years from the date on which this permission is granted; or (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The following information shall be submitted to the local planning authority concurrently with the first submission of reserved matters:  
The foul and surface water drainage of the site.

Reason: To ensure the development is of an appropriate standard to safeguard amenity and the water environment..

5. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying this application (as such details which were included on the plans accompanying the application are intended for illustration purposes only).

Reason: To define the permission and to retain planning control over the details of the development.

6. The first submission of reserved matters shall include submission of a scheme of mitigation for slow worms which complies with the Reptile Mitigation Strategy and Precautionary Method Statement dated December 2013, unless otherwise agreed in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To ensure the protection of slow worm, protected under the Wildlife and Countryside Act 1981 (as amended)

7. Bat boxes and building features suitable for nursery or summer roosting for small crevice dwelling bat species shall be erected on the site in accordance with a schedule which has been agreed in writing with the local planning authority prior to the first occupation of a dwelling on this site. The schedule shall include details of the locations and types of bat boxes and form of building features, and all boxes must be permanently retained.

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

8. Nesting opportunities for small birds shall be provided on site in accordance with a schedule which has been agreed in writing with the Local Planning Authority prior to the first occupation of a dwelling on this site. The schedule include details of the location and form of nesting opportunities, which shall be permanently retained.

Reason: To ensure the provision of nesting opportunities for wild birds

9. The site must be subject to a further inspection for badger setts by an experienced ecologist immediately prior to the commencement of works on the site.

Reason: Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992.

10. Prior to the commencement of any development related activity on site, a tree survey and arboricultural implications assessment shall be submitted to the Local Planning Authority (LPA), in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction. The survey shall accurately plot and identify all trees and hedges on and adjacent the site, evaluating their condition and suitability for retention. A Tree Protection Plan shall be submitted to the LPA, detailing those trees and hedges to be removed and those retained, along with their root protection areas and the measures to be taken for their protection. An Arboricultural Method Statement shall be submitted to the LPA for approval in writing, for any development works that could affect retained trees and hedges and their root protection areas, as defined on the tree protection plan. The development shall be carried out in accordance with the approved arboricultural method statement and the tree and hedge protection measures shall remain in place for the duration of the construction works.

Reason: To protect during development trees and hedges that make a contribution to the character of the scheme and the neighbourhood.

11. Demolition or construction works shall not take place outside the following times:
  - Monday to Friday 07:30hrs to 18:00hrs
  - Saturday 08:00hrs to 13.00hrs
  - Nor at any time on Sundays, bank or public holidays.

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

12. 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.

13. A landscape management plan, including long term design 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: To ensure the long term maintenance of landscaped areas, in the interests of visual and neighbour amenity.

### **Informatives**

1. 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.

2. 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.

3. 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 by the National Planning Policy Framework, paragraph 187.
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](http://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.



Committee and date

South Planning Committee

9 December 2014

## Development Management Report

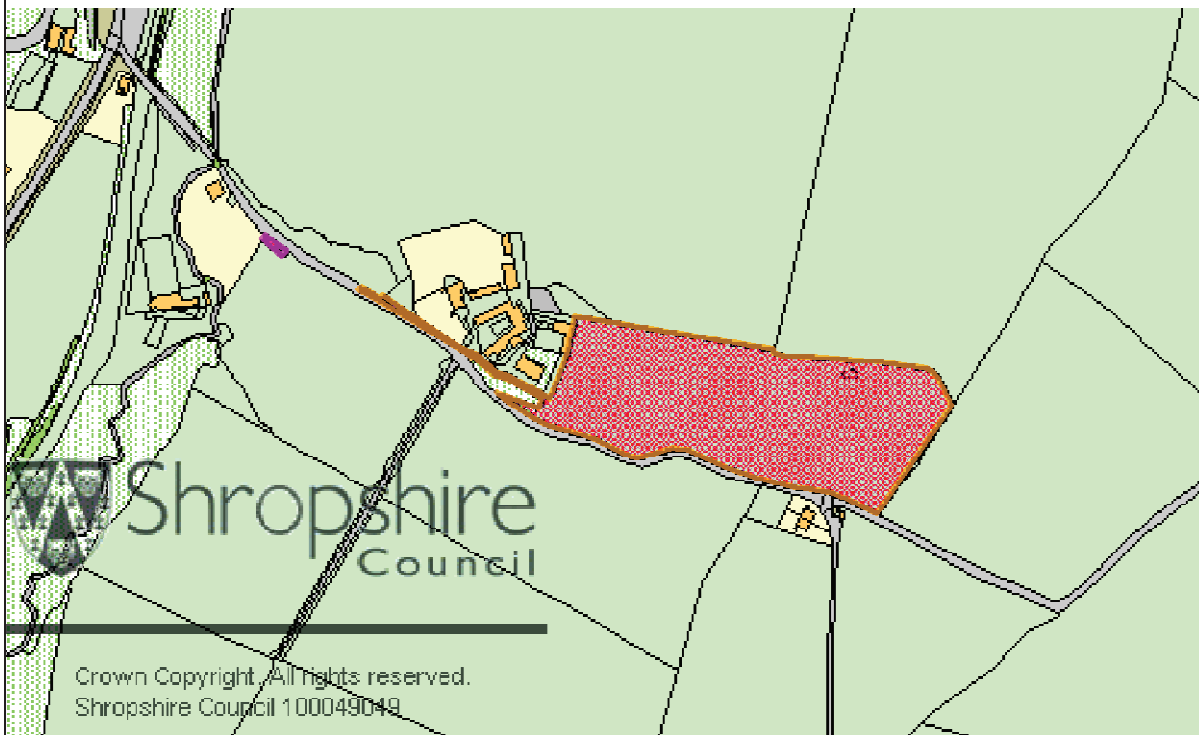
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

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

**Grid Ref:** 363365 - 301381



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.



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

## REPORT

**This application was deferred at the South Planning Committee of 14<sup>th</sup> October 2014 solely to enable further consideration to be given to highway issues in relation to access to and from the development site. Additional information in respect of these issues is now presented within this revised report from paragraphs 6.4.5 to 6.4.7.**

### THE PROPOSAL

- 1.1 This application seeks Full Planning Permission for the construction of an equestrian centre offering therapeutic riding, carriage driving and vaulting for disabled people, with the aim of also creating learning, training and volunteering opportunities in the community. It will include: a main facilities building incorporating a reception, offices, changing rooms, therapy room, toilets, boiler room, viewing area, stables, stores and indoor arena; outdoor manege; carriage track; paddocks; two field shelters; vehicle parking, package treatment plant; surface water attenuation pool and associated drainage; formation of access and highway improvements; and landscaping. There will be 22 car parking spaces, 21 disability parking spaces, 6 cycle spaces and an informal overspill area for up to 35 cars or 15 horse boxes.
- 1.2 The 73m in length x 30m wide x 8.85m high indoor riding school and standard dressage arena would take the form of a typical portal framed agricultural building with a lean-to. On the ground floor there would be: a log/wood pellet store, biomass boiler room, therapy room, mechanical horse room, changing places toilet, male and female toilets, changing and locker room, waiting area, lift, entrance lobby, office/reception, ground floor viewing area, dropping off area with canopy, canopy waiting area/tie up for ponies, mounting platform, pedestrian and vehicular access to the arena, 5 American barn style stables in the lean-to, tack/feed room and carriage store. On the first floor there would be a lift, stairs, viewing area, lobby and store.
- 1.3 The manege would be located to the east of the indoor school and arena and would measure 40 x 20 m<sup>2</sup>. The carriage driving track would be located to the east of the manege and would measure 4m wide x 352m in length. Two field shelters would be located within the track, each measuring 6.5m wide x 14.2m in length, with a ridge height of 3.6m. The field shelters would be open fronted and would be used for the outdoor loose accommodation of horses within the paddock area.
- 1.4 A new 6m wide access would be formed off the public highway, along with two passing places between the site entrance and the A4169 Much Wenlock Road. A surface water attenuation pool would also be created to the east of the proposed new access, adjacent to the car park. Re-grading of levels within the site and landscaping are also proposed.
- 1.5 Proposed construction materials for the following buildings are:
  - Main building: red/orange brickwork, stained softwood (British Larch or similar) feather edged boarding, anthracite coloured profiled fibre cement sheeting and GRP roof lights, with two colour coated steel sliding doors



providing vehicular access to the indoor arena. All other doors would be painted hardwood window frames.

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

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

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

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

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

thus one of organic change over several centuries, fossilised in the surviving buildings and the layout.

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

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

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

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

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

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

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

In this case, the benefits of the scheme are quite obvious. The provision of a modern and much needed riding for the disabled facility in a rural but not

remote setting is to be welcomed on two counts.

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

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

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

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

#### Landscape Appraisal by Allan Moss Associates Ltd dated April 2014

Summarises the effects on Landscape Character as follows:

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

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

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

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

Phase 1 Environmental Survey by Greenscape Environmental Ltd dated May 2014

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

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

Transport Statement by The Hurlstone Partnership dated May 2014

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

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

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

for delay is minimised.

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

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

Concludes that:

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

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

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

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

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

Lighting Statement by Abacus Lighting Ltd dated 20<sup>th</sup> February 2014

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

- 1.11 During the course of the application and mainly in response to public concerns, additional plans have been provided relating to improvements to the junction of the lane with the A4169, and clarifications to the many questions raised have been offered in letters submitted both from the agent and the Perry Riding Group as the applicants.
- 2.0 SITE LOCATION/DESCRIPTION
- 2.1 The application site occupies an area of 2.2 hectares and is located immediately to the east of Bradley Farm in the settlement of Farley, approximately 1.4 miles north-east of Much Wenlock, just off the A4169 Much Wenlock Road. The farmhouse and barns are all separately Grade II listed.
- 2.2 The farmhouse is thought to date back to the mid 17<sup>th</sup> Century, however it may have earlier elements. The buildings have group and individual interest, illustrating changing agricultural practices up until the mid 20<sup>th</sup> Century. The buildings are situated in a slight depression below the main Much Wenlock to Buildwas Road.



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

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

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

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

### 4.0 COMMUNITY REPRESENTATIONS

4.1 - Consultee Comments

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

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

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

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

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

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

#### Junction improvements with the A4169

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

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

#### Event Traffic Management Plan

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

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

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

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

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

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

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

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

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

SC Public Protection (26-09-14) – it has been brought to my attention the fact that when I last responded to you in relation to this application I had noted that in the area to the north west of the site tanks were located underground and that this is not in fact the case. There are in fact a significant amount of above ground storage



tanks on site as well as the underground tanks.

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

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

4.1.8 Shropshire Fire And Rescue – No comment

4.1.9 SC Archaeology - submitted comments as the October Committee Agenda was going to publication, have subsequently carried out a site visit and submitted revised comments as follows:

#### Background to Recommendation

The development proposal involves land adjacent to the existing farm complex at Bradley Farm, Much Wenlock on which there are no recorded heritage assets. However, LIDAR (Light Detection and Ranging) data and vertical aerial photography indicate the presence of a complex of earthwork features within the development boundary that includes enclosures, platforms, possible holloways, field boundaries and complex ridge and furrow relationships indicative of a possible shrunken medieval settlement.

A Heritage Statement submitted in support of the application (Mercian Heritage Series No. 684) provides a detailed analysis of the listed and other buildings within the complex at Bradley Farm and assesses the impact of the proposed development on those heritage assets. It makes no reference to any earthwork remains located within the wider development boundary. Additionally a Landscape Appraisal (Allan Moss Associates April 2014) makes no reference to any complex historic landscape features within the development boundary.

A site visit was undertaken on Wednesday 8th October 2014 which confirmed the presence of a number of surviving earthwork remains (positive and negative) that may relate an earlier phase of occupation/utilisation of the site.

The National Planning Policy Framework (NPPF) Section 141 states: “Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to

record evidence of our past should not be a factor in deciding whether such loss should be permitted.”

#### Recommendation

In view of the above and in line with National Planning Policy Framework (NPPF) Section 141, I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development.

An appropriate condition is specified.

## 4.2 - Public Comments

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

### 4.2.2 Support:

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

- o The Town Clerk confirmed that the application arrived on the day of the scheduled Council Meeting, at which it was discussed. This implies that they had not fully looked at all the documents on this detailed application.
- o I was told by the Clerk that I could not speak at the next meeting as the matter was closed and would not be further discussed.
- o As a resident of Much Wenlock I have not received 'the right to discuss an application to seek an informal opinion with a view to gain support from elected council'

#### British Equestrian Federation

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

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

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

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

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

#### 4.2.3 Objection

##### Planning Policy and Guidance

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

##### Traffic and Road Safety

- o Concerns regarding dangerous access to the site from the A4169 and Farley

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

#### Design, Appearance and Materials

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

#### Nature Conservation

- o Concerned about the impact on the landscape of such a large development. This is an AONB which attracts many visitors throughout the year. The proposed development will be in full view of the Shropshire Way, This is national heritage and a public amenity and is walked throughout the seasons by many people.
- o To be financially viable it is obvious that beyond its charity use it will have to become a commercial enterprise. This will increase the impact on the locality and inevitably result in the inclusion of a wider range of outdoor pursuits and activities in an AONB and an important habitat for plants, insects and animals.
- o Concerns regarding disturbance to wildlife, biodiversity, trees, hedges and geological conservation.
- o This site is a Surface Water Nitrate Vulnerable Zone as designated by the Environment Agency. Horse manure will have to be carefully removed and stored as if it is not managed properly it can cause pollution and harmful build up in the soil. Poorly located or managed heaps of manure can also look unsightly in the landscape and create a nuisance for neighbouring land

owners and people using adjoining paths.

#### Pollution

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

#### Flooding

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

#### General

- o If and when consent is granted, there will presumably be nothing to stop able-bodied riding sessions which may be far more intensive and for longer periods than those quoted in the planning application. Once established, there are no reassurances that there won't be an expansion and extension.
- o Riding for the disabled will depend to an extent upon public funding and volunteers. In both of these it will be in competition with other nearby riding-for-the-disabled establishments, for instance The Wyke, and Berriewood. If this is successful it will be probably be at the cost of other centres' failure.
- o I wish there had been local consultation and discussion about the proposed development which is going to impact on the lives of local people profoundly.
- o We understood, when the project was first mentioned, that the aim was to provide a modest 'RDA centre' comprising mainly an indoor school; the proposed development appears to be much in excess of this intention.
- o Given the national shortage of housing, an alternative use of the site for housing.
- o Planning Creep and impact on activities beyond the site boundary, e.g. the enjoyment of the people who use the local lanes, e.g. Shropshire Way and Jack Mytton Way.



- o The 'Heritage Statement' describes the Bradley Farm buildings, but does not make any reference to the archaeology lying across the field.
- o There are enormous aviation fuel tanks in the Old Bradley Quarry formed in the Second World War which were covered with topsoil to conceal them from Luftwaffe bombers.

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

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

- o There are sufficient concerns regarding access, drainage difficulties, landscape, heritage and protected areas and noise to endanger the laudable aims and threaten the success of such an ambitious project.
- o This is a major development of some 3000m<sup>2</sup> of floor space on an area of 2.2 hectares, with the proposal that the centre be sited in open greenfield countryside close to the Shropshire Hills AONB. The NPPF aims to conserve and enhance biodiversity, whilst Policy CS6 requires all developments to "protect and enhance the natural environment and open countryside", so, whilst we recognise and applaud the desire to create such a RDA project, we feel that this is the wrong site for such a large and challenging application.

Access and transport:

- o A new vehicular access to Bradley Farm is proposed from the adjacent country lane. It should be noted that access from the A4169 into the lane is tight and potentially dangerous for heavy and slow moving disability vehicles, minibuses and horse boxes. Once onto the narrow lane there is a steep drop, a bend and currently only room for single vehicles.
- o As a 'major development' the plans for greatly increased future use of lorries, horse boxes, minibuses and cars to and from Bradley Farm require a full Transport Assessment and Framework Travel Plan – rather than the present assessment that fails to assess the impact of such an increase in traffic on challenging junctions and narrow lanes. The proposed visibility splays and two passing places barely seem adequate for large, heavy vehicles – Policy CS 8 of the Core Strategy and Paragraph 32 of the NPPF.

Drainage:

- o The submitted Flood Risk Assessment suggests that drainage and flooding in this area pose no threat or problem. This contrasts starkly with statements given by objectors living as near neighbours who cite that natural springs exist, waters drain into Farley Brook, and that the area has a history of recent flooding – twice in seven years. Also, nearby Rowan Cottage has been flooded many times in the last twenty years – as known by Shropshire

Council.

- o It also begs the question as to why the submitted FRA fails to include mention of the Much Wenlock IUDMP findings or any detailed assessment of the current baseline flood risk position. The proposed attenuation pond also lacks detail as to depth and size to manage the increased surface water runoff this development would create...Policy CS 18.
- o Finally, one local objector whose house has been flooded twice in seven years band who has kept horses for many years states that the proposed paddock land is 'certainly not suitable for grazing, let alone riding horses or carriage driving as it is basically an upland bog for most of the year'.

Landscape:

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

Noise:

- o The protection of the existing quality of life and amenity of an area is reinforced through CS policy 8 and by paragraph 123 of the NPPF which requires that planning decisions should try to 'protect areas of tranquillity which have remained relatively undisturbed by noise – and are prized for their recreational and amenity value.
- o The proposals to introduce such business/ancillary activities as dressage competitions, modern pentathlons, disabled cricket, archery, mounted games and carriage driving will introduce transport, competitors and spectators... and much increased noise.

Conclusions:

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

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

addressed.

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

## 5.0 THE MAIN ISSUES

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

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

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

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

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

6.1.3 Under paragraph 28 of the NPPF economic growth in rural areas is supported in order to create jobs and prosperity by taking a positive approach to sustainable new development. It indicates that a strong rural economy can be promoted by



supporting the sustainable growth and expansion of all types of business and enterprise in rural areas by well designed new buildings. Sustainable leisure developments in rural areas that benefit communities, visitors and businesses are also supported.

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

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

6.2 Design, scale and character

6.2.1 Policy CS6 of the Shropshire Council LDF Core Strategy states that development should conserve and enhance the built, historic and natural environment and be appropriate in its scale and design taking account of local character and context. LDF Core Strategy Policy CS17 is also concerned with design in relation to its environment, but places the context of the site at the forefront of consideration i.e. that any development should protect and enhance the diversity, high quality and local character of Shropshire's built, historic and natural environment and does not adversely affect the visual, ecological, geological, heritage or recreational values and functions of these assets, their immediate surroundings or their connecting corridors.

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

- o Have regard to the principles set out in the Much Wenlock Design Statement.
- o Make efficient use of land while respecting the density, character, landscape and biodiversity of the surrounding area.
- o Be suitably designed for the context within which they are set.
- o Retain existing important landscape and natural features.
- o Ensure that the scale and massing of buildings relate sympathetically to the surrounding area.
- o Create safe environments addressing crime prevention and community safety.
- o Use traditional and vernacular building materials where such treatment is necessary to respect the context of the development concerned.

6.2.3 The NPPF summarises the requirement for good design as being 'a key aspect of

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

- 6.2.4 The scale of the development is considered to be acceptable in line with the above policies. The proposal incorporates all the elements required for the use of the site up front rather than obtaining planning permission for each of the main sections separately, therefore the complete site can be assessed as a whole. Proposed new buildings are located adjacent to the existing built environment, the indoor school building having been scaled back from the original aspirations in response to site specific characteristics, including its location within a Rapid Response Catchment Area. The footprint of this building at approximately 2,800m<sup>2</sup> is comparable to a building designed to accommodate around 200 cows, and a sixth of the footprint of a typical modern chicken rearing unit. It is recognised that modern farm buildings tend to be larger and are now designed to serve and accommodate larger scale farming practices with increased mechanisation and the advancement in understanding of the agricultural sciences. This size of the indoor school building is therefore commonplace within the rural environment in Shropshire and the UK. The land level development such as the manege and carriage track, which project further into the fields to the east of the built environment, are also not overly large for purpose, are low level/low visual impact features and are widely found within the countryside landscape. They are well placed on the site's periphery to allow the mass of the equestrian centre to be visually associated with the existing agricultural buildings. Therefore, the relative positioning of the proposed elements and their varying scales is felt to be well conceived to fit into the topography of the site, have reference to the usual pattern of farmstead expansion, and to be logical for their intended uses.
- 6.2.5 Whilst the site does not fall within the AONB, the applicant has been keen to adopt recommendations on design and materials for large buildings contained within the Shropshire Hills AONB Agricultural Building Design Guide. The existing buildings are largely traditional in appearance, however their character represents one of organic change over several centuries which is not an uncommon feature of farmsteads as many have continually evolved up to the present day. Working farmsteads consequently often comprise an eclectic mix of buildings around a central yard constructed in a variety of materials. Some of the existing traditional materials and styles at Bradley Farm, have been utilised in the external design of the proposed indoor school building such as low brickwork walling with feather-edged larch cladding above where it is adjacent to the existing building, along with typical modern agricultural features such as projecting eaves, fibre cement roof sheeting and glass reinforced plastic rooflights to minimise reflection. Field shelters will also be clad with larch and have Anthracite coloured fibre cement roofs to match the main building.

Prior to submission, a modern curved roof structure was considered for the indoor school building, but rejected as the orientation of the building provided an ideal

south facing surface for the future mounting of photovoltaic panels. Therefore a typical portal framed shape became the more obvious solution and one which represents the modern proportions of many dairy units with cubicle or loose yard buildings.

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

### 6.3 Visual impact and landscaping

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

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

### 6.4 Access/highway safety

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

6.4.2 Highways issues pertaining to this scheme have been examined in the Transport Statement included with the application and SC Highways agree with the conclusion drawn from it that the highway network can accommodate the vehicle movements likely to be generated by the scheme. Proposed passing places to be constructed in the lane between the junction and the site were indicated as part of the submitted application following prior advice from SC Highways and these are felt satisfactory to allow safe traffic movements up to the site.

6.4.3 In response to public concerns raised regarding vehicles turning into the access road to Bradley Farm conflicting with emerging vehicles turning, and the potential

conflict that may occur if vehicles with restricted rear visibility are forced to reverse back on to the A4169, new plans have been submitted outlining proposed junction improvements which are welcomed as they should reduce any potential conflict at this junction.

6.4.4 The existing site access is sub-standard in terms of layout and visibility but these matters have been address in the design submitted for its improvement. It is therefore felt that conditions can be applied requiring full engineering details in relation to the proposed junction improvement and the submission of an Event's Traffic Management Plan prior to the commencement of development, and the provision of passing places and the new access as proposed prior to occupation of the site in order to successfully manage highway safety.

6.4.5 Following the deferral of this application by the South Planning Committee on 14<sup>th</sup> October 2014, the SC Highways Officer took part in an on site meeting in which it was agreed that the applicant's planning consultant provide additional information in support of the proposal as follows:

1. Junction with A4169

- Details of advance warning signs.
- Proposed improvements to junction and extent of highway boundary defined.
- Junction gradient drawing.
- Consultation with the owner of no.19 adjacent.

2. Road widening

- Consideration given to scope for road widening.
- Potential for additional passing places.

3. Additional Information

- In relation to eventing and types of vehicles and movements
- Any details of existing arrangements when events occur
- An Event Management Plan

6.4.6 Revisions and additional information have therefore been submitted in response, which includes:

1. Junction with A4169

Drawing no. H0184-03-A3-PL-17 showing the proposed positions of advance warning signs. One is proposed on each approach mounted below the existing triangular warning sign and flag signs mounted back to back opposite the junction. Subject to signage size the preferred wording will be 'Cavalier Equestrian Centre', however a condition requiring submission and approval of signage and wording is expected.

Proposed improvements to the junction of the access road with the A4169 on drawing no. H0184-03-A1-PL-14 A, showing the existing carriageway area and a proposed new access splay and retaining wall. Additionally, the area of Highway Authority ownership and title boundaries are clarified.

Junction gradient drawing no. H0184-03-A3-PL-16 showing the proposed reduction to the existing gradient.

Copy of an email sent to the adjacent neighbours (Mr Sandhu and Ms Coates) attaching the revised/new drawings and informing them of the outcome of the site meetings.

The applicant's have voluntarily offered to finance these improvements to the junction to make the development acceptable in terms of traffic impact. These improvements will:

- Further improve visibility to the north and south.
- Greatly improve both the existing layout and the vehicular capacity of the junction.
- Significantly reduce the potential likelihood of vehicles having to wait on the A4169 before turning.
- Provide space for larger vehicles waiting to pull out of the lane onto the A4169.
- Significantly improve the radii of the junction to the south.
- Be undertaken within the existing adopted highway boundary.
- Significantly reduce the potential for delay and conflict at the junction when compared with the existing situation.
- Provide directional signage within the highway boundary

SC Highways have suggested a condition to agree the exact details of the proposed signage (now inserted as condition no.11)

## 2. Road Widening

Drawing nos. H0184-03-A3-PL-10 B and H0184-03-A3-PL-13 have been submitted indicating an extra passing place closer to the junction with the A4169 in addition to the two already proposed closer to the site entrance.

Whilst SC Highways had only requested two passing places initially, the applicant's have offered to finance a third which would:

- Reduce the distance between the A4169 junction and the first passing place on the lane.
- Reduce the distance between locations where vehicles may pass along the western part of the lane.
- Improve inter visibility between available passing places.
- Further increase the capacity of the lane itself.
- Provide an additional passing place between vehicles and other road users.

## 3. Additional Information

Horses and ponies kept at the Centre will be used for the vast majority of riding and driving lessons/sessions. As a consequence the majority of vehicular movements will not involve horse trailers or horse boxes. However it is intended to prepare and agree a Management Plan with SC Highways for those occasions when events are to be held that warrant formal traffic management. Meetings and discussions are imminent in this respect, the outcome of which will be reported at Committee, and a



suitable condition formulated if required.

6.4.7 It is therefore considered that the proposal now offers betterment to the wider highway network over and above that normally required. Highway safety will be significantly improved and benefit the wider use of the road system for both visitors and the local community.

6.5 Drainage/flooding

6.5.1 Policy RF2 of the Much Wenlock Neighbourhood Plan states that, 'All development in flood sensitive areas will be designed and constructed to reduce the overall level of flood risk both to the use of the site and elsewhere when compared to current use'. Therefore in order to comply with this policy in addition to the NPPF and LDF Core Strategy, this development must discharge surface water at a lower rate than that which currently discharges from the undeveloped site to reduce the flood risk.

6.5.2 The following drainage details have been confirmed as part of this application:

- o Surface water run-off from the site is currently un-attenuated and given the soil type and topography, this may be contributing to the risk of flooding of properties located downstream.
- o The submitted scheme would provide on-site storage and attenuation for a 1 in 100 year storm event plus 30% for climate change (i.e. to cater for climate change over the next 100 years). This level of attenuation is greater than that specified by national requirements and would serve to reduce the risk of flooding downstream when compared with the current un-attenuated situation.
- o The outflow of water from the attenuation pond will be restricted to just 5 litres/second and this will be routed to the brook via an existing drainage ditch so as to further reduce the risk of flooding to properties elsewhere.

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

6.6 Impact on neighbours/residential amenity

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

6.6.2 It is considered that both the application itself and its supporting documents offer a honest and comprehensive picture of the proposed development which have clearly worked through and found solutions to the issues raised, and betterment in the case of flood risk and highway concerns. Additionally, it is confirmed that the Perry Group has no intention of using the proposed centre for noisy activities such as clay pigeon shooting, quad biking or hen and stag weekends, and there are no proposals to affix tannoy to the exterior of any building. Common sense dictates

that such activities would not be compatible with an equestrian centre, let alone one that provides for disabled service users that require placid horses and ponies. It is not felt that resulting noise levels from the proposed use will be unusual enough within this countryside site to cause disturbance alien to the rural landscape.

## 6.7 Pollution

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

## 7.0 CONCLUSION

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

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

Both of these risks need to be balanced against the risk of not proceeding to

determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 FINANCIAL IMPLICATIONS

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

## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

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



The Much Wenlock Neighbourhood Plan 2013 - 26

RELEVANT PLANNING HISTORY:

None relevant

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

- Design And Access Statement dated May 2014
- Heritage Statement and Heritage Impact Assessment by Richard K Morriss dated December 2013
- Landscape Appraisal by Allan Moss Associates Ltd dated April 2014
- Phase 1 Environmental Survey by Greenscape Environmental Ltd dated May 2014
- Transport Statement by The Hurlstone Partnership dated May 2014
- Flood Risk Assessment by aba consulting dated March 2014 Amended (May 2014)
- Lighting Statement by Abacus Lighting Ltd dated 20<sup>th</sup> February 2014
- Agent Response Letter To Issues/Objections dated 24<sup>th</sup> September 2014.
- Perry Group Response To Issues Raised Within The Letter Of Shropshire Council dated 12<sup>th</sup> August 2014, received 24<sup>th</sup> September 2014.
- Agent Email dated 24<sup>th</sup> November 2014

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr David Turner

**Appendices**

APPENDIX 1 - Conditions

## APPENDIX 1

### Conditions

#### STANDARD CONDITIONS

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

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

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

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

#### CONDITIONS THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

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

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

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

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard 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, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

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

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

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

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

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

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

9. Prior to the commencement of the development, full engineering details of the proposed junction improvements as detailed on drawing nos. H0184-03-A1-PL-14 A and H0184-03-A3-PL-16 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details prior to the development hereby approved being brought into use.

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

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction

- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

11. Prior to the commencement of the development full details of the proposed advanced warning and directional signage as detailed on drawing HO184-03-A3-PL-17 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved details prior to the development hereby approved being brought into use.

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

12. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI). This written scheme should provide for a pre-construction recording comprising archaeological topographic survey of the earthwork complex and evaluation comprising targeted trial trenching based on the findings from the topographic survey with sufficient documentary research to inform those processes and provision for further mitigation should proved necessary. The written scheme shall be approved in writing by the Local Planning Authority prior to the commencement of works.

The initial recording and evaluation may conclude that further archaeological work may be necessary to ensure appropriate preservation by record is achieved consistent with the significance of the remains and the content of the National Planning Policy Framework.

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

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

13. 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.

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

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

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

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

16. The three passing places along the unclassified highway between the site entrance and the A4169 shall be constructed in accordance with the approved drawing numbers H0184-03-A3-PL-10 B, H0184-03-A3-PL-11 and H0184-03-A3-PL-13 prior to the development hereby approved being first brought into use.

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

#### **CONDITIONS THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

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

Reason: To protect the amenities of properties in the locality

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

Reason: To safeguard the amenities of the locality.

#### **Informatives**

1. Where there are pre commencement conditions that require the submission of information for approval prior to development commencing at least 21 days notice is required to enable proper consideration to be given.
2. Your attention is specifically drawn to the conditions above that require the Local Planning Authority's approval of materials, details, information, drawings etc. In accordance with Article 21 of the Town & Country Planning (Development Management Procedure) Order 2010 a fee is required to be paid to the Local Planning Authority for requests to discharge conditions. Requests are to be made on forms available from [www.planningportal.gov.uk](http://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](http://www.shropshire.gov.uk). Paper copies can be provided, subject to copying charges, from Planning Services on 01743 252621.
4. The advice of Shropshire Council Drainage is attached for your information
5. All species of bats found in the UK are European Protected Species under the Habitats Directive 1992, the Conservation of Species and Habitats Regulations 2010 and the Wildlife & Countryside Act 1981 (as amended).

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

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

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

7. Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a closefitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.
8. On the site to which this consent applies the storage of all building materials, rubble, bricks and soil must either be on pallets or in skips or other suitable containers to prevent their use as refuges by wildlife.
9. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent.

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

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

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

Central Government Guidance:  
National Planning Policy Framework

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

Bridgnorth District Local Plan 'Saved' Policies:  
D6 Access And Car Parking

The Much Wenlock Neighbourhood Plan 2013 - 26

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

This page is intentionally left blank





Committee and date

South Planning Committee

9 December 2014

## Development Management Report

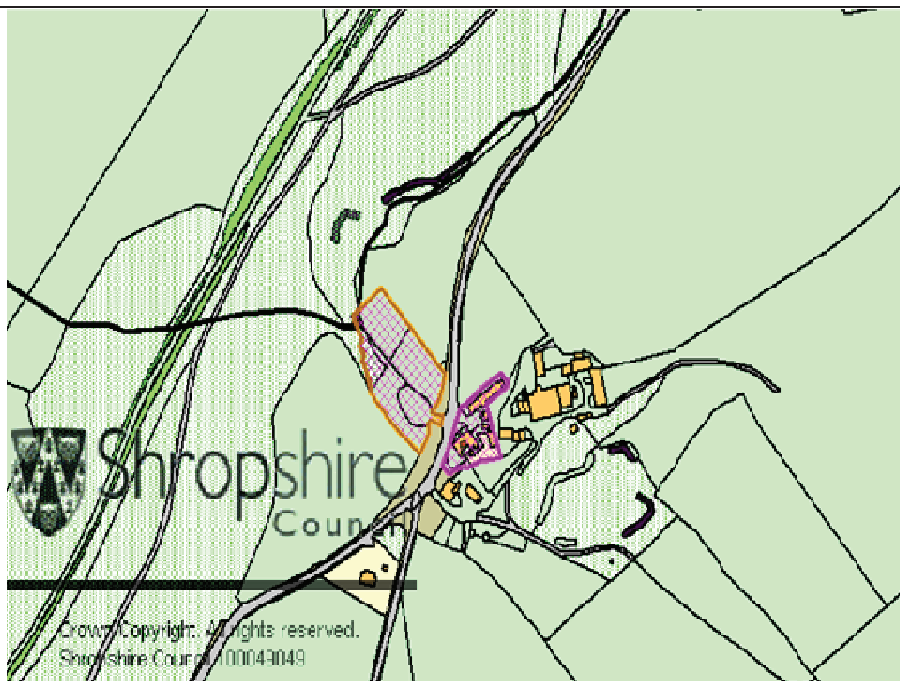
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/02184/FUL	<b>Parish:</b>	Much Wenlock
<b>Proposal:</b> Erection of two tourist accommodation blocks with meeting room; creation of parking areas; demolition of derelict outbuilding; and installation of sewage treatment plant (amended description)		
<b>Site Address:</b> Wenlock Edge Inn Easthope Much Wenlock Shropshire TF13 6DJ		
<b>Applicant:</b> Longville Arms Ltd		
<b>Case Officer:</b> Heather Bradley	<b>email:</b> <a href="mailto:planningdmse@shropshire.gov.uk">planningdmse@shropshire.gov.uk</a>	

**Grid Ref:** 357028 - 296285



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

**Recommendation:- Grant Permission subject to satisfactory resolution of Natural England's drainage concerns, a Section106 Agreement to ensure the holiday accommodation remains part of the business of the Wenlock Edge Inn Public House and the conditions set out in Appendix 1 – with delegated authority to amend/add to the drainage conditions if required as part of resolution of Natural England's concerns.**

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks full planning permission for the following: -

Erection of two tourist accommodation blocks and meeting room;  
Installation of Sewage Treatment Plant;  
Extension of existing car park;  
Demolition of existing outbuildings;

1.2 The application as originally submitted included a proposal for the conversion of an existing outbuilding adjacent to the pub to a shop and formation of 15 parking spaces. These two elements of the scheme have been withdrawn in light of concerns raised by the Highways Development Control Officer.

The amended plans submitted also removed the two storey section from Block A, proposes a relocation of the units to provide a landscaping strip, relocated the position of the proposed Sewage Treatment Plan and amended the design of the car park so it is less formally set out.

1.3 The accommodation is proposed to consist of two detached buildings both constructed with timber clad walls under a tiled roof, the materials to be agreed (named as block A and B on the plans): -

1.4 Block A: -

This building is proposed to be sited along the north eastern side of the site and would provide three double bedrooms with ensembles, a meeting room with WC and boiler room. The building is proposed to measure approximately 21m in width by 6.5m in depth, it would be single storey with a height to the ridge of approximately 4.4m and an eaves height of approximately 2.4m.

1.5 Block B: -

This building is proposed to be sited to the north west and would provide four double bedrooms with ensembles. It is proposed to measure approximately 14.8m in width by approximately 6m in depth. Like block A the building is proposed to be single storey and of the same height.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site comprises of a parcel of land to the west side of the B4371 (Much Wenlock – Church Stretton road). Opposite the site is the Wenlock Edge Inn, a public house which has been shut since March 2013. The applicants are the new owners of the public house.

- 2.2 The land subject to the main part of the application (holiday accommodation, treatment plant and car park extension) is relatively flat and made up of a roughly gravel area and open grass land. To the north west and north east sit open fields which are part of the Wenlock Edge Site of Special Scientific Interest (SSSI). An open wire fence with sparse tree planting defines the boundary. This land slopes gently up away from the site to Ippkins Rock which gives views across the landscape towards Hughley and Church Preen. To the south west are further open fields, the boundary is defined by a mature row of trees. A Shropshire Country Wildlife site is to the north west of the small coppice of trees which lie between the uppermost section of the site.
- 2.3 The application site itself falls within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), the boundary of which runs along the B4371 road, resulting in the pub itself and land on the south east side of the road being outside the AONB.
- 2.4 The nearest neighbouring residential properties are located alongside and to the rear of the Wenlock Edge Inn.

### 3.0 **REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

- 3.1 The application has been called in by the Local Member and following discussion with the Planning Chairman and Planning Manager it is agreed due to the locally sensitive nature of the area and level of public interest the application should be determined by the Planning Committee.

### 4.0 **Community Representations**

#### 4.1 - Consultee Comments

- 4.1.1 Parish and Town Council Consultation – The Wenlock Edge Inn and the application site are located in the Much Wenlock Parish, however the existing hedge/fence line along the south west of the site also marks the border with Easthope Parish. The the north west sits the boundary with Hugley Parish. As a result of the close proximity of the application site to these parishes it was considered appropriate to consult all three parishes.

- 4.1.2 Much Wenlock Town Council – Object – Development of the car park is not appropriate;

- 4.1.3 Easthope, Shipton and Stanton Long Parish Council – Object –

The Parish Council agrees with the comments from the Shropshire Hills Area of Outstanding Natural Beauty submitted recently.

The Much Wenlock Neighbourhood plan should also be noted when considering this application.

It is unclear from the application how the development could affect the nearby Site of special scientific importance.

The site is separated from the development by a post and rail fence only. The site is designated because of the nature of the grassland and therefore could be affected by change to the surrounding area.

Despite no objection from the Highways team their comments do not seem to address the new car park on the same side of the highway as the pub. Visibility is poor looking towards Much Wenlock. The Parish Council and community have concerns about the proposed extra use of the exit. The Parish Council visited the site and had a thorough look at the proposal and site.

The Parish Council would like the pub to re open and accepts to make this economically viable the site needs to be developed to enhance the viability of the site. However it is felt the proposals in the application are not sustainable or suitable in the landscape of Wenlock Edge.

The Parish Council has no objection to the demolition of the fondly remembered village hall.

4.1.4 Hughley Parish Council - No response received;

4.1.5 Parish and Town Council re-consultation on Amended scheme: -

4.1.6 Much Wenlock Town Council – Objects - The Council strongly objects on the grounds that:

In accordance with the National Planning Policy Framework the application does not demonstrate a need for this development in the proposed location, and would be best developed on the same side as the Inn.

The proposals do not meet the requirements for development in an AONB in terms of scale and design as set out in the Shropshire Core Strategy.

The proposed development is contrary to policies CS5, CS6, CS13, CS16 and CS17 in the Shropshire Core Strategy.

It is contrary to the Neighbourhood Plan Policy LL3 because it detracts from the connectivity between wild life areas and green space on the west side of the B4371.

It is not compatible with the Shropshire Hills AONB Management Plan.

The Council does not agree that the six bedrooms on the east side in the Inn cannot make a significant contribution to the finances of the business. In 2002 they contributed £24,478 to that business.

- 4.1.7 Easthope, Shipton and Stanton Long Parish Council – The Parish Council welcomes the amendments to the application removing parking from the pub side of the road however it feels the comments made already and slightly amended still remain.

Easthope Shipton and Stanton Long Parish Council still objects to the development of holiday accommodation on the car park of the Wenlock Edge Inn.

The Parish Council agrees with the comments from the Shropshire Hills Area of Outstanding Natural Beauty submitted recently.

The Much Wenlock Neighbourhood plan should also be noted when considering this application.

It is unclear from the application how the development could affect the nearby Site of special scientific importance.

The site is separated from the development by a post and rail fence only. The site is designated because of the nature of the grassland and therefore could be affected by change to the surrounding area.

The Parish Council would like the pub to re open and accepts to make this economically viable the site needs to be developed to enhance the viability of the site. However it is felt the proposals in the application are not sustainable or suitable in the landscape of Wenlock Edge.

The Parish Council has no objection to the demolition of the fondly remembered village hall.

- 4.1.8 Hughley Parish Council – No response received;

Internal Council consultees: -

- 4.1.9 SC Drainage – No objections subject to conditions requiring details of surface water drainage; The surface water drainage system will need to accord with policy RF.2 of the Much Wenlock Neighbourhood Plan;

SC Drainage – Response to sewage treatment plant drawing – detail does not show the capacity of the treatment plant.

The method of treated effluent disposal, and if appropriate, percolation tests for the drainage field soakaways should be submitted for approval including the Foul Drainage Assessment Form (FDA1 Form).

Details of the surface water drainage system required; - This and the above details can be dealt with via planning conditions;

4.1.10 SC Highways Development Control – Initial comments – No objections – the access and car parking provided for customers of the public house and those occupying the proposed accommodation blocks would be adequate;

SC Highways Development Control - Additional comments in response to third party objection -

- The access is satisfactory for its current unrestricted use and that likely to result from the proposed development;
- The visibility distances quoted by a third party does not correspond with those published in current national documentation, although it is accepted that previous documents recommended greater visibility distance but modern vehicle design and improved stopping distances have reduced these;
- Although maintenance work is required to the overgrown trees/vegetation the visibility splays can be easily restored;
- One concern arising from further consideration of the application is the proposed car parking for 15 spaces on the public house side of the road.
- There is an existing vehicle access which only provides means of servicing the public house and the agricultural land to the rear – concerned that the visibility for drivers emerging from this access is substandard and whilst could be brought up to an acceptable standard by setting back the hedge line on the apex of the right hand bend, this land doesn't appear to be within the applicants control;
- It is recommended that no customer parking is provided on the public house side of the road;

4.1.11 SC Rights of Way – The proposal does not affect any recorded public rights of way. The path which runs from Wenlock Edge to the public house appears to remain available if the development takes place.

4.1.12 SC Ecology - Initial response – Additional information requested in the form of the following: -

Additional assessment of potential impacts on SSSI and the Wenlock Edge Local Wildlife Site;

Ecological Assessment to include an extended phase 1 habitat survey; bat survey and dormouse survey;

The site is within a Environmental Network and the application needs to demonstrate how the development promotes the preservation, restoration and re-creation of priority habitats and ecological networks;

SC Ecology - Further response in light of Protected Species Survey Report by Shropshire Wildlife Surveys dated June 2014 – Additional information is required as follows: -

Additional assessment of potential impacts on SSSI and the Wenlock Edge Local Wildlife Site;

Bat loft needs to be shown on elevation and floor plans;

Details of treatment plant required;

Any trees or shrubs to be removed should be shown on plans;



SC Ecology – Final response 18<sup>th</sup> November 2014 – Provided Natural England are satisfied that there will be no significant adverse impact on the Wenlock Edge SSSI this would overcome the Ecology objection.

The proposed bat loft should be shown on the elevation and floor plans.

- 4.1.13 Natural England – 12<sup>th</sup> June 2014 - The site is adjacent to Wenlock Edge Site of Special Scientific Interest (SSSI) - Additional information is requested regarding the impact of the development on the SSSI; Recommend consultation with Shropshire Hills AONB; The LPA should consider the impact on local sites (biodiversity and geodiversity); local landscape character and local or national biodiversity priority habitats and species;

Natural England - 27<sup>th</sup> November 2014 – Additional information is required in the form of a plan showing the SSSI boundary in relation to the development; Detail of the quality of the treated effluent; details of percolation tests for the foul drainage;

- 4.1.14 Shropshire Wildlife Trust - Holding Objection - There appears to be no ecological survey provided with this application. Given the nature of the site and the high ecological value of the surrounding area (much of which is subject to protective designations) an ecological survey or assessment is clearly required to enable an informed planning decision.

Shropshire Wildlife Trust – No response received regarding additional information and Ecology Survey;

- 4.1.15 Shropshire Hills AONB Office – Object –  
Wenlock Edge is an iconic feature of the Shropshire Hills AONB and a very important location for visitors;  
Travelling south along the Edge from Much Wenlock the location is significant in landscape terms as being the first real place where landscape and views open out to the west of the road. This is made more valuable by the presence of industrial development further north along the Edge;  
The development would compromise this quality to a significant degree;  
The AONB partnership support a sustainable approach to tourism in the AONB – there is scope to develop further facilities for the Inn on the eastern side of the road;

- 4.1.16 South Shropshire CPRE – Object –  
The applicant fails to demonstrate a need for the development;  
It would be better developed to the east of the main road close to the Inn and outside the AONB;  
The development would be isolated, out of scale, badly designed and would erode the countryside;  
The development would not help sustain the well-being of the local community;  
The proposed development is a poor example of Shropshire Council working with the applicant to encourage appropriate economic activity in this rural area;  
The scheme fails to include local opinion; fails to preserve tranquillity;  
Results in loss of wilderness and damages the special qualities of the area;  
The scheme fails to relate to most facets of paragraphs 115 and 116 of the NPPF and Local plan policies CS16, CS17, CS13, CS5;



4.1.17 Bridgnorth CPRE – object –

The pub is an attractive traditional country pub surrounded by equally attractive setting – It is an internationally renowned AONB;  
The proposal would fail to preserve and enhance the character and appearance of Wenlock Edge and would cause irrecoverable harm;

4.1.18 National Trust – Object –

Although we would welcome the re-opening of the Wenlock Edge Inn – the harm that the development would cause to the Shropshire Hills AONB outweighs this benefit and would be contrary to the principles and policies of the National Planning Policy Framework;

The development would be harmful to the Wenlock Edge;

We would in principle support suitable alternative proposals for development on the east side the B4371;

The Trust owns, protects and provides public access to extensive areas of Wenlock Edge including Ippikin's Rock; Easthope Wood; and Ippikin's Meadow - the flower-rich limestone grassland immediately neighbouring the application site.

The car park alterations appear to increase the hardened area west of the B4371 to about twice its current extent.

There are no buildings west of the B4371 in this vicinity. Even allowing for the car park, the land west of the road has an open and undeveloped aspect. The curve of the road makes this area particularly prominent to passing traffic. It can also be clearly seen by walkers on National Trust land. The introduction of buildings and extension of hardened car park on this side of the road would unavoidably harm the open landscape of the area.

The development would harm the Shropshire Hills AONB and potentially the Wenlock Edge SSSI

National Trust – response to amended plans: -

The revisions are an improvement on the original proposal but the development would still entail the construction of two free-standing buildings and a significant extension of the hardened car park in the open countryside of the AONB in a prominent location.

The introduction of the buildings and the extension of the car park would harm the natural beauty of the AONB.

The Trust considers that this harm would not be outweighed by the benefits of the proposal and maintains its objection.

4.1.19 Much Wenlock Civic Society – Object –

The planning authority should refuse this application in its present form as it is not consistent with policies for the AONB and the recently approved Much Wenlock Neighbourhood Plan;

The development would adversely impact an important view;

Development west of the B4371 would increase the danger of accidents;

The Civic Society has never supported development on this side of the B4371 – the implication in the application that we have is at best seriously misleading;

The development does not respect the vernacular architecture required under present policies;

4.1.20 Ramblers Association – No response received;

4.1.21 Shropshire Fire and Rescue – No Comment;

4.2 - Public Comments

4.2.1 This section of the will first set out the responses received to the proposal as originally submitted before covering the responses received following a re-consultation on the amended scheme: -

Petition of 493 Signatures against proposal;

4.2.2 Letter of 'Community Objection' – signed by 24 People all of whom has also objected individually.

The community objection contains the following: -

Passionate about the Wenlock Edge as a community and individuals;  
Copy of the speech made by Local community to the Much Wenlock Town Council Parish Meeting on 03<sup>rd</sup> June 2014 setting out objections - that the scheme will harm to Tranquillity of the Wenlock Edge and Shropshire Hills AONB;  
Notes that rock samples of the Wenlock Edge can be seen at the 'Pitt Rivers' Museum in Oxford;  
Photographs of site in the past and present states, photos of local wildlife captured this year;  
Extracts from books by writers who have commented on and been inspired by the Wenlock Edge;  
Evidence of historical community use of hall and public house, including use of the former petrol garage at the pub;  
Evidence of the right of way;  
Copy of objections submitted individually;  
Copy of Much Wenlock Neighbourhood plan;  
Copy of the planning application documents;  
Copy of Natural England Guidance on SSSI's  
Copy of Shropshire hills AONB objection with an added community comment that the objection is perfect and AONB understands;

4.2.3 Chairman of Bridgnorth and District Tourist Association – Object as it stands;

The proposed development is sited in what presently is in an open area and fields directly adjacent to (if not actually in) the AONB, the National Trust, Wenlock Edge and a notable viewpoint Ippikin's Rock.

In all my 50 years experience of providing tourist accommodation fail to see how more than doubling the number of letting rooms can be profitable if one cannot consistently fill the present number;

If the Wenlock Edge Inn is so unviable as a business, why purchase in the first place?

May support an application to enhance the accommodation if positioned on the pub side of the B4371;

4.2.4 54 objections: -

4.2.5 **Detrimental impact on AONB/landscape and visual amenity: -**

Wenlock Edge has been there for over 400 million years, is an SSSI and in an AONB;

It is one of the seven natural wonders of the Midlands it is a very special and sensitive place;

The Wenlock Edge is a great asset both to visitors to the area and the local communities;

Portsmouth University have visited Hill Top Farm for the past 30 years, just to study this historic rock formation;

The relatively unspoiled character of the Easthope area is rare even in this county;

Would affect landscape, is part of the open countryside;

The proposals are out of context and views within and out of the AONB would be compromised;

Any development in a protected landscape of undeveloped land would be harmful;

To lose the historical unbroken escarpment of the Wenlock Edge limestone, as highlighted in the Pitt Rivers museum in Oxford, which catalogues the importance of this Silurian limestone would be very wrong;

The open vista towards the West and even from the pub terrace itself is a notable feature and should be preserved;

A building or buildings of the construction and position proposed would be blight on the landscape which at present attracts a great many visitors to this area;

There is no development on the edge side of the B4371 from Lea Quarry to Longville and this must remain non-negotiable;

The building would detract from the beautiful countryside - which is visually unacceptable;

The countryside is constantly under threat from developers with only financial gain in mind and the long term view should be taken to preserve our historic landscape;

The proposal contradicts all of the guidance for allowable development in an AONB as described in the NPPF - paras - 115,116 and 118;

It conflicts with the AONB management plan, Core Strategy and SamDev;

The impact on the landscape should the pub fail, with further buildings left to dereliction or planning being sort for residential buildings on the site of the existing wooden two storey structures, would be disastrous;

Building on this proposed site of AONB will set a bad precedent for future urbanisation of the area;

The B4371 is essentially the gateway to The Stretton Hills and this development will have an irreversibly negative effect on the area, as such a real 'blot' on the landscape;

The current appearance of the car park is unobtrusive, with pale gravel and soft edges creating minimal impact on the landscape. The proposed scheme provides parking for 66 cars in a very structured and formal layout. The applicant states that there is currently parking for 51 cars and this does not truthfully reflect the current situation;

The proposed two tourist accommodation blocks are in an Area of Outstanding Natural Beauty (AONB) and as such this development is contrary to the principal of

this designation, which is to preclude this form of conflicting development from it;  
The proposed development is insensitive and fails to protect and enhance the site and would result in a detrimental impact upon the exceptional visual quality of the area and the wider landscape;

It is vital that we conserve and preserve the amenity for future generations;

I live in Australia but when I last visited England I visited the pub and enjoyed the experience – I would like to visit it again to enjoy the beauty it is situated in. The Wenlock Edge is an unspoilt escarpment – note unspoilt;

The Wenlock Edge views should be accorded similar protection to a number of views of St Paul's in London – which are protected by law;

The recent depositing of ballast already has an adverse impact – degrading the scenic beauty;

Building in should not be allowed so close to a beautiful location such as Ippikins Rock;

The area should be left as it is;

It would, as H.R.H so delicately put it be a "*monstrous carbuncle on the face of a much loved and elegant friend.*"

The fact that the site is within an AONB should not be so lightly glossed over;

The site is part of the open countryside, and neither visually contained or part of the cluster of development on Hilltop, being separated by the B4371;

The existing space used as a car park occupies less than half of the site;

The scheme would damage rather than support tourism by altering the landscape and spoiling access to Ippikins Rock;

Wenlock Edge has inspired artists and writers from Mary Webb to A E Housman and with its geological credentials probable influenced Charles Darwin – This makes the area of Shropshire of paramount national importance and needs to be protected for future generations;

#### 4.2.6 **Design of proposed buildings: -**

building 'wooden ranch style' accommodation on the area previously a car park (opposite the site of the pub) would be out of character and seriously detrimental to the attractive surroundings which draws people to such an idyllic spot.

The materials and appearance ignore local vernacular - All the buildings at hill top and in Easthope are made from stone. Wenlock Edge is famous for limestone; The wooden structure proposed is visually unacceptable and in no way in keeping with any local building structures, the two storeys impacting heavily on the skyline above any hedging and trees that already exists.

The significant number of car park spaces on both sides of the road are unacceptable - ugly, replace green space and are out of scale - increasing the impact of the buildings on the landscape.

The scheme would represent overdevelopment;

#### 4.2.7 **Highway Safety: -**

The B4471 will runs through the middle of the site;

The holiday makers on the new site would inevitably be crossing the road to reach the pub/shop and this is not a very easy/safe road to cross - particularly for children;

Speeds are very high as vehicles descend from a high point further up the road. It is on a bend;

There have been 13 accidents on this stretch of road since 1996, and a fatal accident prior to 1996;

If further car parking was situated on the pub side, what would be the breaking speed people would need to turn back on themselves into a car park, would highways need to put in a deceleration lane?

As a professional transport planner with thirty-six years experience and have dealt with, inter alia, hundreds of residential planning applications. I am very surprised that Highways officers have raised no objection to this application;

The main road serving both proposed car parks is derestricted with a 60mph speed limit;

Visibility leaving the detached car park is acceptable to the left, but is significantly below standard to the right. According to normal standards there should be over 200m available visibility for a 60mph road; whereas in fact there is less than 100m. It is not valid to claim that the existing junction operates successfully, it is the considerable intensification of use of the junction, on both sides of the road, that should have alerted the highway officers to the safety implications of the application;

There is no speed survey; transport plan or formal Safety Audit accompanying the application to confirm the junction is acceptable;

It should be remembered that visibility distances are there to protect all parties on the road - Without any of this evidence and with the intensification of use of the junction, do not understand the response from Highways;

Having accommodation units across the B4371 from the Pub the potential risk of children wandering unsupervised into the path of vehicles travelling on a de-restricted unlit country road is, in my opinion, very high;

The Councils Highway planners need to attend site and seek clarification on these matters and confirm my fears that this could become a serious accident blackspot and that planning should not be allowed on these grounds;

The proposals allow for 15 car parking spaces on the East side of the B4371, where none exist at the present, thereby greatly increasing traffic movements on a high speed blind bend as traffic approaches the Pub from Much Wenlock;

The gravel has also meant that cars cannot safely pull in to allow children to get the school bus;

#### 4.2.8 Additional comments to Highways Development Control Officers response: -

Pleased to see that the Councils highways officers promoted by objects has realised there is an issue with visibility associated with this application and it is agreed that visibility to the right from the pub side is unacceptable;

However the proposed solution is questionable, and reference to the highways assessment being based on potential car parking use of the public house in its present form cannot be appropriate in this application because the development proposes new car park in addition to the existing;

Still question the Highways officer calculation for visibility requirements for a 60mph road;

The highways report to committee should detail the Councils visibility calculations in order for them to be understood by objectors;



**4.2.9 Need: –****Need for holiday accommodation: -**

The application is premature as there are already 5 existing's letting rooms available and a self-contained holiday let;

There is no evidence that a serious market appraisal has been undertaken to demonstrate a need or economic benefit to the area. If this further development is built it could impact on existing local bed and breakfast businesses and holiday lets. This would then in turn damage the local rural economy.

The Shropshire Hills & Ludlow Area Visitor Survey Research Report 2013 it states that 91% of visitors associated high quality unspoilt countryside with the Shropshire Hills and Ludlow area. This document does not draw any conclusions from this research that there is a shortage of tourist accommodation in this area;

There is sufficient low cost accommodation locally to supplement what the Wenlock Edge currently able to offer - Plenty of B&B's ,self-catering and campsites (1 in Easthope, 1 on Wenlock Edge and 1 in Hughley) as well as Wilderhope Manor YHA (75 beds) , Stokes Barn Bunkhouse(44 beds) plus the 5 double rooms that already exist at the Wenlock Edge Inn;

If there is such a need for tourist accommodation why has the applicant not opened up the Longville arms and the Wenlock Edge Inn – both of which have letting rooms available;

Will not provide employment for the local population as there cannot be many chefs, hotel manager and the like living in the local area;

Tourism here is highly seasonal and most of the existing hotels, guest houses, B and B's, campsites operate empty or well below capacity for much of the year;

**Need for meeting room: -**

The applicant proposes a meeting room after 'local consultation'. There are several meeting areas/halls in the locality already - in Easthope we often use the church, we use Brockton school hall, Shipton village hall, and Rushbury Village Hall.

Several of these are already underused;

**Need for shop: -**

A local village shop on the site would have little viability as this has already been tried at The Feathers pub in Brockton and it did not attract enough trade to continue;

**4.2.10 Viability of existing pub business: -**

Do not agree that the Wenlock Edge is un-viable as a pub - It has always been a busy and thriving venue attracting both local and tourist trade

Concerned that a pub can be bought and left unused and neglected for as long as this one has;

Since the closure of both the Feathers at Brockton and the Wenlock Edge Inn, there are currently no local pubs in this area. This has had a detrimental effect on the social and community life here and it needs to be reopened as soon as possible.

The applicant has made no attempt to re-open the Wenlock Edge Inn either during the lucrative Christmas Period or for summer season when tourist trade reaches its peak;

The pub was mismanaged prior to its sale in 2013, but was well-frequented by both

locals and visitors and with the correct management could run viably even in the current economic climate.

It is not the responsibility of the Planning Committee to speculatively enhance the viability of a private development.

#### 4.2.11 **Drainage:** -

The site has no mains water; there is no mention in the plan as to how a reliable supply might be provided. The pub is on a private borehole which is not wholly reliable as it run dry in 2010/2011. There is no guarantee that it or another borehole they can provide water for these extra 7 rooms.

How would an extra borehole affect the local water supply, as Easthope has it's own water.

A septic tank of up to 10,000 litres would have be installed, the area is on rock, where and how would this happen.

The septic tank has to be at least 15m from the dwelling, if there is more than one dwelling , as in this case, it should be a minimum of 25 metres from any dwelling. If the percolation value is greater than 140, a soakaway for a septic tank cannot be used.

Rainwater cannot go into a septic tank, it must travel along a separate ditch to a watercourse.

Soakaways must be 50m from a well or borehole, bearing in mind the pub has it own borehole and so does The Firs.

Hill Top Farm has its own borehole but it is situated, a substantial distance away from the property.

It will add to pollution from waste both sewerage and rubbish on an area which is located on a SSSI site.

The flooding experienced in Southern England earlier this year gives an indication of the type of adverse effects that can occur on neighbouring sites.

#### 4.2.12 **Biodiversity:** -

The site is close to and maybe part of the SSSI;

There are owls nesting in Ippikins Rock, a pair of red kites nesting at the moment, and several deer regularly visit the field next to the car park;

At night there would be light pollution - disturbing local wildlife in the SSSI as well as the natural beauty of the area;

The SSSI could well be compromised with pollutants from the roofing and effluents from the larger soakaway that will be needed – the existing one will be inadequate as has been proven by past experience;

No supporting evidence has been submitted to demonstrate that the proposed development will not have an adverse impact upon the SSSI;

#### 4.2.13 **Residential amenity:** -

The neighbouring farm would have their view and levels of light adversely affected.

Disturbed by noise levels;

#### 4.2.14 **Right of way:** -

The right of way past the pub has been there for over 88 years and has caused no problems in the past.



The submitted plans exclude the existing footpath access directly across the proposed site and should be reinstated before any further deliberation is given. The building would block direct access to Ippikins Rock – a well established walking route;

#### 4.2.15 **Previous Planning Permission: -**

The site never had planning permission for the car park;  
An application for change of use to allow the land to be lawfully used as a car park was refused by the Councils predecessors and then failed to enforce their decision – Does this Council want to be known for a similar failure in duties;  
An earlier application to construct a public car park on this area BR/88/0630 was refused, so I assume the Council at that time considered it should be kept as is. (Note - Correct planning reference number is BR/87/0745 and was refused only due to safety concerns about the new vehicular access proposed)  
The previously approved scheme should be re-visited as it wouldn't encroach into the open countryside and the AONB and SSSI;  
I do not object to the applicant re-applying for planning permission, in line with the same plans (4<sup>th</sup> March 1996 ref BR/96/0136) for which permission was granted, this would give the applicant the opportunity to use the site of the existing function room to build self contained units and meeting room (if there was seen to be a need, on the same site as the existing pub which lies outside of the AONB).  
There is already existing development in the form of the double storey residential dwelling, single storey office, letting bungalow and function room. I am in agreement with the applicant with regards to the latter – this is not viable to be reused. However, something in its place would be viable and would not have such a detrimental impact on the landscape and be much less out of context and scale than the current proposals.

#### 4.2.16 **Other matters raised: -**

Health and Safety - What about the sheer drop from Ippikins Rock which is on the same side of the road as the proposed development. I doubt that many parents would be happy with this;

Internet and Mobile access - Business people would not find this development useful to conduct their business. The broadband for internet in this area is extremely slow and cannot support the most recent technology and the phone signal is extremely weak and at times non-existent. There is no 3G let alone 4G.

Future applications - This may be a stage 1 proposal, if the business is not viable the developer may apply for residential property on the site and it would be perceived as easier if there are already buildings on site;

Use of a "blackmail" type argument for the development - if not allowed no business at all - shows a total disregard for the important and fragile environment of the Edge.

Development like this sets a precedent and leads to slow degradation of the area;

Climate Change - The development may not be climate change proof in accordance with the core strategy. Temperatures are difficult to manage in wooden structures probably necessitating air conditioning which is not necessarily sustainable thus an energy assessment may be appropriate;

Disabled Access - Great emphasis is made in the application for the accommodation of disabled and families with young children to be able to use the new development. However there is no indication that these measures will be extend to the Public House itself, which currently does not comply with DDA legislation and will in fact isolate such people from using the entire site and the facilities available.

Legal right of way - Hill Top Farm has right of way across the car park reserved in a conveyance – this has not been taken into account in the plans;

The dumping of gravel stopping people walking on the permissive path doesn't show a developer who actually cares about the AONB or the surrounding environment;

The scheme de-values the brand and therefore commercial sustainability of the Wenlock Edge Inn;

Any decision on this application should be deferred until after the publication of the inspectors report on the SAMDev as this will give a clear idea of where and how much development can be expected;

#### 4.2.17 3 letters of support: -

##### Accommodation Need: -

As a professional within Shropshire, the proposed site is an ideally situated catchment area for meeting fellow professionals within a 30mile radius i.e. Shrewsbury, Kidderminster, Hereford, Suburbs of Birmingham etc.

Many others have stated there is ample accommodation in the surrounding area, however often struggle to accommodate visitors or workers in the area unless booked months in advance or have to shift accommodation during their stay.

The existing accommodation rooms are not ideally located or proportioned and the low pub ceilings make noise an issue whilst guests have to walk through the serving areas to access their rooms. Realistically two of these bedrooms would be better suited to extra dining or allow for function rooms.

It will provide a unique and appealing premises as a meeting point which in turn will create an influx of professionals within the area.

##### Viability of pub: -

The pub has a great character and should be encouraged to be viable for any owner.

The pub needs to attract visitors, and coach loads of tourists to increase turnover significantly as happened in the past when the pub was thriving (Pub of the Year 2002).

The price paid for the pub was at a level that would just allow the pub to be viable, however the pub also needs significant investment in the Kitchen, Lounge, Toilets, Dining areas and Accommodation rooms to be of a standard acceptable for anything other than a pub for locals.

The location of the existing barn/ hall that could be developed unfortunately does not come with enough surrounding land to guarantee any investment could not be affected by others, in effect the neighbours could hold the pub owners to ransom by affecting the outlook.

The proposal will allow the owners the comfort to invest into the Pub and bring the whole site up to scratch whilst having the ability to attract tourists and locals alike.

Impact on local area/businesses –

The development will lead for opportunities within the area, creating a catalyst for job opportunity and development – a positive impact for the Much Wenlock parishes and the people who operate businesses within the area;

As per the Neighbourhood Plan, it is also hopeful to increase professional services and businesses within the area. As per page 6 of the plan with the intention of professionals working from home, it again provides a facility where by locals can utilise a modern, professional environment.

Design: -

The design is unobstructive and the parking facility realistic;

The materials have been proposed to be in-keeping and sympathetic to its rural surroundings;

The accommodation is well thought out and generous for modern families and visitors to area;

The proposed development whilst not ideally located has been well thought out., being a replica of the existing structure and by splitting into two, forming an 'L' shape significantly reduces the impact from the elevated approach when approaching from Much Wenlock. Some additional immediate screening for this approach would be preferable;

The general area, along with the derelict buildings will only benefit from the renovations;

Neighbour amenity –

Surrounding dwellings have no principle elevation facing on to the proposed site, apart from obviously the Inn itself, and therefore no privacy issues are raised by such a proposal.

4.2.18 Public Comments – Reconsultation: -

Petition stating the community still object – 01<sup>st</sup> August 2014 – 17 signatures;

27 Objections – Reiterating main objections still stand and that consider the amendments do nothing to resolve the harm on the AONB; SSSI, highway safety or sufficiently justify the need;

Proximity to Farm: -

The comments about the nearness of the farm are not valid as Hill Top Farm is a working farm but not an intensive one and never has been;

The buildings at the farm have been there since the 1950's and are standard steel portal framed – over the past 60 years these buildings have not caused any problem to the pub or its business by using the right of way;

If the farm is such a problem the pub would have a reputation as a place never to visit;

The applicants have never approached the landowner at the Farm to buy or exchange land;

Right of way: - Note the comments about the wish to keep the right of way clear – but why is it still blocked off by fencing?;

The public footpath reference is actually the parish boundary line;

The farms right of way have never been a nuisance or drawback in anyway to previous landlords;

As former licensees of the pub (during 1967 – 1970) we know the area and the wooden buildings will be an eyesore and will drive people away rather than attract more visitors;

Since the relaxation of the planning regulations the neighbours and local community of a proposed planning application have more say in whether they wish the proposed development to take place;

Since the application has been submitted the applicant has sprayed the whole car park area with weed killer and constructed gravel barriers – adding to a public eyesore;

Where will the water and electricity supply come from;

## 5.0 THE MAIN ISSUES

Planning History

Principle of development

Viability of public house and need for accommodation

Siting, scale and design of structure

Visual impact

Shropshire Hills AONB

Highway Safety

Drainage

Biodiversity

Residential amenity

Right of way

## 6.0 OFFICER APPRAISAL

### 6.1 Planning History

- 6.1.1 For the avoidance of doubt it is necessary to briefly set out the relevant planning history for this site. In 1996 planning permission (ref: - 96/0136 and 96/0137) was granted for the conversion of the existing function room to provide 6 ensuite bedrooms, and a meeting room. The conversion was never carried out.

6.1.2 Whilst not mentioned within the description the permitted plans also granted an extension to the existing car park which was shown to on the west side of the road (opposite the Wenlock Edge Inn). Notwithstanding the planning permission itself reference is made in the submitted documents under the 1996 planning file that a car park existed in the place it currently exists. A check of the planning history has established that planning permission was given on 2<sup>nd</sup> May 1962 for the construction of a car park on land opposite what was then known as the Plough Inn (ref 61/2699).

## 6.2 Principle of development

6.2.1 The first two questions which arise in relation to the proposed development is whether the holiday accommodation is in an appropriate location and whether it is needed to sustain the service of the existing building, currently a closed public house.

6.2.2 The Sustainable Communities Act 2007 passed 'to make provision about promoting the sustainability of local communities' requires that regard must be given to the provision of local services amongst other matters. The definition of 'local services' in this Act includes public houses which are Use Class A4.

6.2.3 The NPPF also includes social sustainability alongside environmental and economic sustainability in the presumption in favour of sustainable development. The NPPF at paragraph 7 states that the planning system should support strong, vibrant and healthy communities, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. It also states the planning system should contribute to building a strong, responsive and competitive economy and seek to protect and enhance the natural, built and historic environment.

6.2.4 Paragraph 28 of the NPPF at bullet point 4 states that in order to support a prosperous rural economy Local Planning Authorities should promote the retention and development of local services and community facilities, including public houses.

6.2.5 The important contribution of facilities and services to social and economic vitality is recognised at a local level in Policy CS1: *Strategic Approach* where it is acknowledged that intangible assets such as social fabric do contribute to the sustainability of a community. Additionally Policy CS8: *Facilities, Services and Infrastructure Provision*, recognises that facilities, services and infrastructure have a direct effect on the quality of life of Shropshire's residents and includes pubs.

6.2.6 Both national and local planning policy clearly identifies the importance of community facilities and the need to enable opportunities to retain them for the benefit of the community and economy of an area. It is acknowledged that rural pubs face a number of issues with regard to their continued operation; drink drive legislation, the smoking ban, increasing duty on alcohol sales and the easy availability of low price alcohol from high street stores and supermarkets, along with social change and economic hardship meaning a general reduction in disposable income. One way in which public houses try to remain viable is through

diversification schemes, such as providing holiday accommodation as is proposed in this case.

- 6.2.7 National Planning Policy Framework states that local planning authorities should support sustainable rural tourism developments in appropriate locations, and where they would benefit local businesses, communities and visitors and respect the character of the countryside.
- 6.2.8 Shropshire Council's own Core Strategy Policy CS16 supports the provision of high quality visitor accommodation in accessible locations served by a range of services and facilities. In rural areas it requires proposals to be of an appropriate scale and character for the surroundings, and close to or within settlements or an established and viable tourism enterprise where accommodation is required. It also emphasises the desirability of reusing existing buildings where this would accord with Policy CS5, and although the latter does provide some scope for 'new-build' aimed at diversifying traditional rural economies, such schemes must be small scale and require justification in terms of the need for the development and benefits it would bring.
- 6.2.9 In considering the need for the proposed accommodation the applicant has submitted information from Companies House demonstrating that the previous owners had a deficit of more than £500,000.
- 6.2.10 Considering this and the applicants existing knowledge of the public house trade they have submitted information which indicates that hypothetically if the pub was to re-open as existing it would result in an annual loss. Whereas if the pub had the addition of the holiday accommodation proposed there could be an annual net profit.
- 6.2.11 To ensure that the holiday accommodation and public house remain as a single planning unit and prevent the holiday accommodation from being sold off separately a legal agreement in the form of a S106 should be entered into. The S106 would seek to tie the holiday accommodation to the public house business.
- 6.2.12 Putting aside the other planning implications at this stage and purely considering the viability of the public house it is considered there is a case for the business to be diversified to ensure its retention/re-opening and holiday accommodation is one way in which this could be done. In terms of Policy CS16 it is considered that subject to a S106 to link the holiday accommodation to the public house the scheme proposed would meet the policies main objectives. Therefore there is no in principle planning policy objection to the proposal. This report will now turn to consider the other planning matters arising from the proposed development.
- 6.3 **Scale and design of structure, impact on visual amenity and Shropshire Hills AONB**
- 6.3.1 The scheme includes the proposed demolition of the existing function room, which sits to the north of the public house. The removal of this building, which is clearly no longer functional and would require sustainable works to be converted into use for accommodation, is considered acceptable.



- 6.3.2 As noted above the application site is within the Shropshire Hills AONB. The Wenlock Edge and Dales alongside the Stretton Valley are identified within the Shropshire Hills AONB Management Plan as being the heart of the AONB. The plan goes on to state that the wooded limestone escarpment of the Wenlock Edge is a major landmark running from near Much Wenlock to Craven Arms, and separates Apedale from the Corve Dale.
- 6.3.3 National and local plan policies, including the Much Wenlock Neighbourhood plan and Shropshire Hills AONB Management plan seek to protect the character and natural beauty of the AONB. The explanatory text of CS5 summarises the aims, advising that proposals which would result in out of scale or badly designed development, or which may erode the character of the countryside and the Shropshire Hills AONB in particular, will be unacceptable.
- 6.3.4 In terms of the design of the proposed units, Core Strategy policy CS6 requires development to be appropriate in scale, and design taking into account local context and character. This is supported by policy EJ7 of the Much Wenlock neighbourhood Plan which states that proposals for recreational and tourism activities and facilities will be supported providing that the siting, design and scale of the development conserves the quality of the parish's built and natural environments, including its townscape and surrounding countryside.
- 6.3.4 The two units are proposed to form an L shape, in the north corner of the section of the site which falls outside of the SSSI. Both units are proposed to be constructed with timber clad walls under a tiled roof. Whilst not of stone like the existing public house, the use of timber cladding is not considered detrimental to the rural character of the area, given its presence on existing outbuildings and its traditional use for rural outbuildings such as stable blocks and agricultural buildings. The use of the materials proposed would create two subsidiary units, further the single storey nature and simple design would prevent the units from competing with the dominance of the Wenlock Edge Inn itself. As such it is considered the units proposed would not demonstrably harm the visual amenity of the area or the character and natural beauty of this part of the AONB.
- 6.3.5 Turning to the proposed location of the buildings and the potential impact on the visual amenity of the area and character and natural beauty of the Shropshire Hills AONB. The site is most visible from two directions - one from the north, when travelling down towards the site from Much Wenlock and secondly from the east side when looking across at the site from the public house and land of Hill Top Farm.
- 6.3.6 The scheme as amended has removed the proposed two storey section allowing the entire scheme to be single storey. Block A has been moved away from the northern boundary in the amended scheme to allow for a landscaped zone. The use of careful landscaping could contribute to the existing wooded character of the Edge, referred to in the Shropshire Hills AONB Management Plan.
- 6.3.7 The single storey buildings would be low lying on the site and the proposed landscaping strip would go some way to screening the buildings from views from



the north down towards the site. The buildings however will remain visible from the Wenlock Edge Inn and views from the land along the east side of the B4371, however given the low lying nature of the buildings and use of materials which are associated with rural locations, it is judged in this case that the proposed buildings would not adversely harm the rural character of the area or the character and natural beauty of the Shropshire Hills AONB.

- 6.3.8 When travelling from Longville, the site is much more screened as a result of existing mature landscaping and the sweep of the highway. As such the buildings proposed would not be significantly visible until immediately alongside the site and then although separated by the highway would be viewed as part of the existing public house, rather than as an isolated feature within the countryside.
- 6.3.9 In this case it is clear that there must be a balance between the potential impact on the AONB, and the loss of a local service which may contribute to social sustainability. It is acknowledged that the site will be more visible with the buildings on them rather than at present, however given the highway objections to developing adjacent to the Wenlock Edge, it is considered the siting proposed is the only viable option for the applicants in terms of seeking to develop holiday accommodation to support the public house. The design and scale of the buildings proposed combined with a landscaping scheme would not adversely harm the character and appearance of the AONB.

#### 6.4 Highway Safety

- 6.4.1 The pub is split from the site of the proposed holiday accommodation and the existing car park by the B4371. No alterations are proposed to the existing access into the car park. The junction from the car park has in the past clearly had the hedge lines swept back on both sides to provide visibility splays. The splays at current are being affected by the sites derelict state and maintenance works to tidy up the overgrown vegetation need to be carried out. However the land requiring maintenance is within the application ownership and thus the unmaintained land is not considered to be a barrier to highway safety. The visibility into and out of the access is as such considered acceptable and meets the standards of modern highway requirements.
- 6.4.2 On the basis that the existing car park is unrestricted and that visibility splays can be restored it is considered that the use of the access is satisfactory for both the activity likely to be generated as a result of the proposed development. Customers will, as they have previously, need to cross the B4371 to enter the public house. The Councils Highways Officer considers that this road is capable of safe crossing at this point by pedestrians and thus the scheme.
- 6.4.3 The proposal as originally submitted sought to utilise the space left by the removal of the function room as car parking. There is an existing vehicular access that has only previously provided a means of servicing the public house (deliveries etc.) and the agricultural land to the rear. The Councils Highways team raised objections to the proposed car parking as the visibility splays at the public house entrance are insufficient and the use of the access would compromise highway safety. As the applicant does not have control over the land required to create adequate splays

the car parking has therefore been removed from the scheme.

6.4.4 In response to suggestions that the proposed accommodation should be built in place of the function room, in a scheme similar in to the planning permission given in 1996, the Councils Highways officer has advised that additional accommodation located on this east side adjacent to the public house, would be detrimental to highway safety as like the car parking spaces originally proposed it would be likely to result in intensifying the vehicle movements via the existing access. It is concluded that from a highways point of view it is safer to have any new accommodation constructed on the west side of the road where guests can park directly by it and can safely enter/exit the existing car park. It would also make the servicing of the accommodation by cleaners, laundry firms etc safer.

## 6.5 **Drainage**

6.5.1 The scheme proposes a sewage treatment plant for foul water drainage and soakaways are proposed for surface water drainage. Policy RF.2 of the Much Wenlock Neighbourhood Plan requires developments to be designed and constructed to reduce the overall level of flood risk and the any surface water drainage system will need to accord with these requirements of this policy. It is consider this and the detailed drainage scheme can be dealt with via planning condition.

## 6.6 **Biodiversity**

6.6.1 The site itself falls outside of the SSSI, and the County wildlife site, however they both bound the site. National guidance gives a duty to public bodies (including Local Planning Authorities) to ensure development does not harm protected species or its habitat. The National Planning Policy Framework (NPPF) emphasises that Local Planning Authorities should ensure development contributes to and enhances the natural and local environment including minimising impacts on biodiversity and providing net gains where possible.

6.6.2 The Ecology report and drainage information has been reviewed by the Councils Ecologist whom is satisfied that subject to no objection from Natural England the development could be carried out without harm to the biodiversity of the area, the protected habitats and any protected species which maybe in the area.

6.6.3 Natural England has since replied and have requested additional information set out in paragraph 4.1.13. This information has been discussed and requested from the applicant's agent. The recommendation to grant consent is subject to the satisfactory resolution of Natural England's concerns.

## 6.7 **Residential amenity**

6.7.1 In terms of impact on surrounding properties, there is no reason why the proposed development which is separated from the nearest neighbouring properties by the main highway and existing public house would result in undue harm to the levels of residential amenity which should already be expected in this area. The proposed development is not considered to conflict with the section of Core Strategy Policy

CS6 which seeks to safeguard residential amenity.

## 6.8 **Right of way**

6.8.1 The Council's Countryside access team have identified that there is public right of way which runs from the from Wenlock Edge to Wenlock Edge Inn, however they have also confirmed that the proposed scheme would not appear to result in the loss of this right of way and it would not be obstructed by the proposed buildings. An informative shall be attached to any permission granted which advises of the need for the right of way to be kept open at all times, unless the necessary orders are in place.

## 7.0 **CONCLUSION**

7.1 The scheme proposes two holiday accommodation units to be used to enable the re-opening and retention of an existing public house which is currently closed. The siting, design and scale of the buildings would not harm the rural appearance of the area or cause demonstrable harm to the character and natural beauty of this part of the Shropshire Hills AONB.

7.2 Highway safety would not be compromised as a result of the scheme and would not unduly harm levels of residential amenity. It is judged therefore that the scheme meets the main aims and objectives of the relevant development plan policies and it is therefore recommended that planning permission is granted subject to no objections from Natural England and the signing of a S106 agreement to ensure the holiday accommodation remains part of the public house business and there is no separate disposal of any part of the land within the red line of the application site.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

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

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

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

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

## 8.2 Human Rights

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

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

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

## 8.3 Equalities

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

## 9.0 Financial Implications

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

## 10. Background

### Relevant Planning Policies

#### Central Government Guidance:

National Planning Policy Framework

1: Building a strong, competitive economy

3: Supporting a prosperous rural economy

7: Requiring good design

11: Conserving and enhancing the natural environment

#### Core Strategy and Saved Policies:

Core Strategy:

CS5: Countryside and Green Belt

CS6: Sustainable Design and Development Principles

CS8: Facilities, Services and Infrastructure Provision

CS13: Economic Development, Enterprise and Employment

CS16: Tourism, Culture and Leisure  
CS17: Environmental Networks  
CS18: Sustainable Water Management

Saved Policies:  
Bridgnorth District Council Local Plan  
D6: Access and Car Parking

Much Wenlock Neighbourhood Plan, July 2014: -  
Objective 2: Economy and Jobs – Policy:EJ7  
Objective 3: Reducing flood risk – Policy:RF2  
Objective 5: Community well-being – Policy:CW2  
Objective 6: Good quality design – Policy: GQD1 and GQD2  
Objective 8: The local landscape and wildlife – Policy:LL3

Shropshire Hills AONB Management Plan (2014 – 2019), March 2014:

#### RELEVANT PLANNING HISTORY:

BR/85/0831 Alterations to toilet block to form holiday accommodation GRANT 14th August 1987

BR/86/0662 Erection of single storey rear extension to form laundry GRANT 14th October 1986

BR/87/0745 Construction of public car park and formation of vehicular access REF 3rd November 1987

BR/90/0233 Erection of a dwelling GRANT 11th June 1990

BR/96/0399 Alteration renovation and conversion of existing function room to provide holiday accommodation (amendment to permission 96/0136) REFUSE 24th July 1996

BR/96/0137 Erection of single storey extensions at the rear of the public house GRANT 7th June 1996

BR/96/0136 Alteration renovation and conversion of existing function room to provide 6 self-contained units and meeting room GRANT 7th June 1996

BR/85/0433 The erection of a single storey side extension to form enlarged ladies toilet GRANT 6th August 1985

**List of Background Papers**

14/02184/FUL – Documents can be viewed on the Councils planning webpages.

**Cabinet Member (Portfolio Holder)**

Cllr M. Price

**Local Member**

Cllr David Turner

**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 numbered 1275/14-04 received by the Local Planning Authority on 14th May 2014 and the amended plans and drawings numbered, 1275/-01 Rev B and 1275/14/-03 Rev B received by the Local Planning Authority 10th November 2014 and with the Protected Species Survey by Shropshire Wildlife Surveys, July 2014; the bat loft plan received by the Local Planning Authority 26<sup>th</sup> November 2014; and the sewage treatment plant drawing number 2020-00 received 10<sup>th</sup> November 2014.

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

#### CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

3. No development shall commence until precise details of surface and foul water drainage systems have been submitted to and approved in writing by the Local Planning Authority. These shall include:
  - Percolation test results and sizing calculations for all drainage fields
  - Foul drainage assessment (FDA1) form
  - The type and capacity of any septic tank or private sewage treatment plant
  - A drainage layout plan;

The approved scheme(s) shall be implemented in full prior to the first use/occupation of the development, and shall thereafter be maintained in the absence of any further specific permission in writing from the Local Planning Authority.

Reason: To ensure that the development is provided with satisfactory means of drainage and avoid causing or exacerbating flooding or pollution on the site or elsewhere, in accordance with Policies CS6, CS17 and CS18 of the Shropshire Local Development Framework Adopted Core Strategy.

4. Before any above ground works commence details of the colour, form and texture of the roof tiles and finish of the timber cladding shall be submitted to the Local Planning Authority for approval in writing.

Reason: In the interests of visual amenity to ensure the development harmonises with the area, in accordance with policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.



5. No development approved by this permission shall commence until there has been submitted to and approved by the local planning authority details of the hard surfacing materials for the car park area and a scheme of landscaping for the north east field boundary, the south east boundary between block A and the B4371 and for the area currently occupied by the former function room to the north of the Wenlock Edge Inn. The submitted scheme shall include:

- Planting Plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- Implementation timetables

The approved hard surfacing and landscaping scheme shall be carried out in full in accordance with the approved details and implementation timetable

Reason: In the interest of protecting the amenity of the area and the Shropshire Hills AONB in accordance with Shropshire Council Core Strategy CS17

6. 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. wheel washing facilities
  - v. measures to control the emission of dust and dirt during construction
  - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In interests of highway safety and to protect the amenities of the area and nearby residential properties.

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

7. 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.

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

8. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

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

9. The existing visibility splays shall be permanently kept free of all obstacles or obstructions at a height not exceeding 0.9metres above the level of the adjoining carriageway.

Reason: In the interest of highway safety in accordance with Shropshire Council policy CS6.

10. The development hereby permitted shall be occupied as holiday accommodation by holidaymakers whose main residence is elsewhere, and not as a permanent residential dwelling. The owner/operator of the holiday accommodation enterprise shall maintain an up-to-date register of occupiers and their main home addresses, and shall make this information available to the local planning authority at all reasonable times.

Reason: To prevent the establishment of new permanent dwelling unit in the open countryside, in accordance with Policies CS5 and CS11 of the Shropshire Local Development Framework Adopted Core Strategy.

11. All parking associated with the holiday accommodation hereby approved shall be in the car park on the west side of the B4371 as shown on the approved block plan (1275/-01 Rev B).

Reason: In the interests of Highway safety and residential amenity in accordance with Shropshire Council Policy CS6.

### **Informatives**

1. **Percolation Tests**

Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365 to cater for a 1 in 100 year return storm event plus an allowance of 20% for climate change. Alternatively, we accept soakaways to be designed for the 1 in 10 year storm event provided the applicant should submit details of flood routing to show what would happen in an 'exceedance event' above the 1 in 10 year storm event. Flood water should not be affecting other buildings or infrastructure.

2. **Sustainable Urban Drainage**

To ensure that, for the disposal of surface water drainage, the development is undertaken in a sustainable manner, 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
- ' Attenuation
- ' Greywater recycling system
- ' Green roofs

### 3. **Surface Water Drainage**

Your attention is drawn to policy RF.2 of the Much Wenlock Neighbourhood Plan as any surface water drainage system will need to accord with the requirements of this policy.

### 4. **Right of Way:** This permission does not entitle the developer to obstruct a public right of way. Development insofar as it affects a public right of way should not be started and the right of way should be kept open unless and until any necessary statutory orders have been made and confirmed. The applicants should ensure that: -

- The right of way remains open and available at all times and the public must be allowed to use the way without hindrance both during and after the works have taken place. If this is not possible, the applicants will need to apply to the Council for a temporary closure of the route. The Council can supply the relevant application form and advice in this respect.
- Vehicular movements (i.e. works vehicles and private vehicles) must be arranged to ensure the safety of the public on the right of way at all times. Debris, etc must not be stored or deposited on the right of way. There must be no reduction of the width of the right of way.
- The alignment of the right of way must not be altered.
- The surface of the right of way must not be altered without prior consultation with this office; nor must it be damaged.
- No additional barriers such as gates or stiles may be added to any part of the right of way.
- If any path needs to be diverted or extinguished to allow development to take place, then a public path order is required. No works may be carried out on a definitive route until the order to divert or extinguish has been confirmed, and the diverted route is open and available for public to use.

If you require any further information on Public Rights of Way and development, contact the Countryside Access Team on 0345 678 9000.

### 5. **Nesting Wild Birds**

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

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

Note: If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an

experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

6. **Bats**

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.

7. **Reptiles**

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).

8. **S106**

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.

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



Committee and date

South Planning Committee

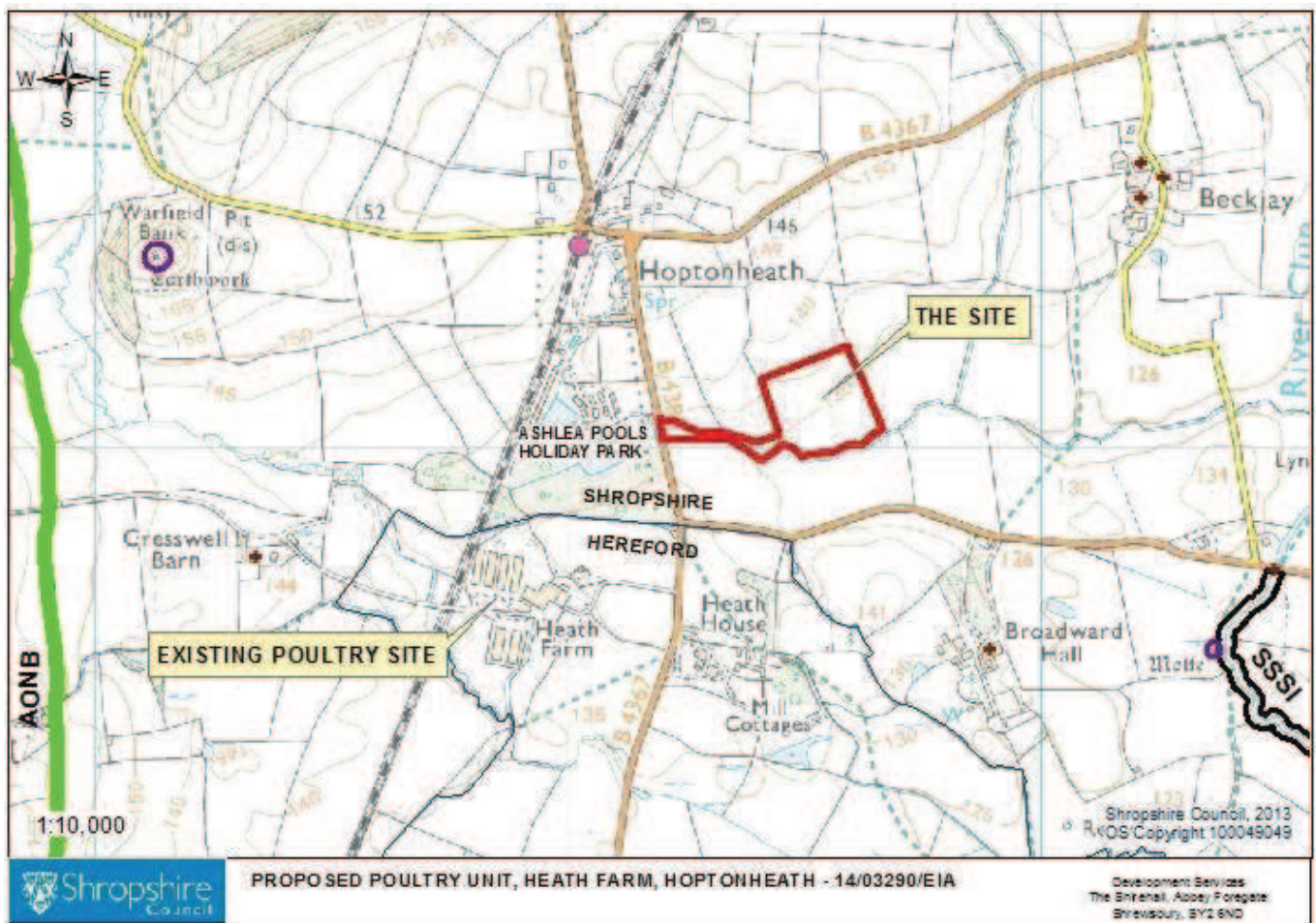
9 December 2014

## Development Management Report

<b>Application Number:</b> 14/03290/EIA	<b>Parish:</b> Clungunford
<b>Proposal:</b> Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping	
<b>Site Address:</b> Land at Heath Farm, Hoptonheath, Shropshire	
<b>Applicant:</b> MS And JE Mann Bedstone Growers	
<b>Case Officer:</b> Grahame French	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

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

This is subject to any decision not being issued until Natural England has been consulted on the Appropriate Assessment of the proposals and the statutory 21 day consultation period has elapsed (the application will be reported back to committee in the event that Natural England makes an objection to the conclusions of the Appropriate Assessment).





## REPORT

### 1.0 THE PROPOSAL

- 1.1 It is proposed to construct four poultry rearing sheds to allow Bedstone Growers to increase the existing poultry operation. There would be a maximum of 54,000 chicks in each building, leading to total stocking numbers of 216,000. The chickens would be grown in 36-day crop cycles per year with a around a 10 day clean out and turn around period per crop.



- 1.2 The sheds would measure 109.73m by 24.5m with a height of 4.89 metres to the ridge vents and would be accessed from the west. They would be of standard portal frame construction with profile sheet cladding, and fully insulated to reduce energy consumption and finished in a BS12B29 Juniper Green colour. In addition to the four poultry buildings, there would be 5 feed bins between buildings 1 and 2 and a further 5 between buildings 3 and 4 which would have a capacity of 30 tonnes and would measure 7.5 metres in height and 2.8 metres diameter. It is also proposed that 4 x 199kWh biomass boilers be constructed in order to reduce the carbon footprint of the proposed development. These would be constructed from external facing materials which match the poultry sheds. The buildings would be heated using wood in biomass boilers initially sourced from the farm.
- 1.3 The biomass boilers would be housed in a building to the south west of the poultry sheds. The housing will be split into two sections: one section storing the biomass

and biomass hoppers, and the other side housing biomass boilers and associated flues.

- 1.4 Access to the site would be obtained via a 280m track linking to the B4385 at a point 240m south of Hopton Heath. The proposed new access will be formed using 15m junction radii and have a carriageway width of 6m for the first 20m minimum. Junction visibility will be provided in accordance with the national speed limit that is in force along the site road frontage of the site access. All land for the access and visibility splays fall within the applicant's ownership and/or the highway boundary. There would be 7.5 crop cycles per year and approximately 4 days of peak activity per crop cycle, including 2 days with 17 movements and 2 with 20 movements.
- 1.5 A landscaping scheme has been designed to utilise the existing landscape and topography and ensure compatibility with the existing landscape character.
- 1.6 The proposed poultry farm would require an environmental permit from the Environment Agency to operate. This provides a system for regulating poultry operators based on the general principle that operators should take all appropriate preventative measures against pollution, in particular through the application of Best Available Technique (BAT) enabling improvements in environmental performance.
- 1.7 The proposed development would accommodate in excess of 85,000 broiler chickens so falls within schedule 1 of the Environmental Impact Assessment Regulations. Accordingly, the application is accompanied by an EIA.

## 2.0 SITE LOCATION / DESCRIPTION

- 2.1 The proposed site is located on a field 700 metres to the north-east of the main farmstead on land farmed by Bedstone Growers. It covers an area of approximately 2.49 hectares (6.15 acres) including the landscaping and access. The site is currently utilised for arable cropping and is located in an area of countryside 1.6km to the south and east of the Shropshire Hills AONB. The applicant advises that it has been selected due to the well screened location which benefits from natural topography and presence of existing vegetation.
- 2.2 The site falls from a high of approximately 139.99m from the northwest and a low of approximately 128.15 centrally along the southern boundary. There is a ditch/watercourse which runs along the field boundary to the south of the site. It is relatively remote from residential property. The settlement of Hopton Heath extends to within 320m to the north west of the site on the opposite side of the B4367 / B4385 junction. A small caravan park (Ashley Pools) extends to 320m to the west. The hamlet of Heath House is located 440m to the south. In addition, three isolated properties are located 300m to the south west, 275m to the south and 335m to the south east of the respectively.
- 2.3 Bedstone Growers is a family business based at Heath Farm, Hopton Heath. The farm extends to 283 hectares in total, the majority of which is down to arable cropping. There is also a successful broiler operation located at the main farmstead consisting of 8 poultry houses with chickens being supplied to Cargills in Hereford. A 400kW Anaerobic Digester unit associated with the poultry site has been operating for 18 months.



### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The proposals comprise schedule 1 EIA development so a committee decision is mandatory under the Council's Scheme of Delegation.

### 4.0 COMMUNITY REPRESENTATIONS

4.1 Clunjunford Parish Council: Objection. The Parish Council considers the application should be rejected on the following grounds:

- A. Scale and situation
- B. Sustainability
- C. The environment, particularly
  - (a) Odour pollution
  - (b) Noise pollution
  - (c) Light pollution
  - (d) Drainage and impact on the natural environment
- D. Highways aspects

The full text of this objection is included in Appendix 2.

4.2a. Natural England: Original consultation response. Objection with respect to SSSI concerns. The following comments are made:

- i. Internationally and nationally designated sites: The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Clun Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as part of the River Teme Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.
- ii. Further information required: The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA). In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We make the following comments in order to help undertake a Habitats Regulations Assessment: The ecology chapter of the EIA states that White Clawed Crayfish are a notified feature of the River Clun SAC however, the only notified feature of the SAC is Freshwater Pearl Mussel and it the impacts on this species that should be considered in your HRA.

- iii. Clarification: It would be useful if the relationship between these proposed units and the existing poultry sheds was clarified. For instance, it is not entirely clear from the application where the existing units are located in relation to the new units however it is implied that they are relatively close. Is it therefore possible to consider the scope and impacts of the proposal under one Environmental Permit? Given that the application documents suggest exchanges of manure and operating the units in tandem it might be useful to see the impacts assessed as part of a single permit. The EIA report implies there will be significant traffic between the two sites. Will there be transport of manure from the existing facility to the new Anaerobic Digestion (AD) plant since the new AD appear to be larger than the AD at the existing farm? If so the route taken should ensure that no contaminated effluent reaches the unnamed watercourse. P18 of the EIA report makes it unclear as to whether the slurry goes into the AD on site or to the one at Heath Farm. If digestate is spread to land what impacts are likely?
- iv. Emissions: We note that ammonia emissions have been screened out of further assessment by the Environment Agency using the Ammonia Screening Tool (AST), however no assessment of nitrogen deposition has been submitted. Will there be any emissions arising from the Anaerobic Digester and if so were they included in the AST? The AST only appears to consider the impacts of the new poultry units. You may wish to consider in combination effects with the existing poultry sheds. According to the amenity chapter, dust from the proposal will travel up to 400 metres from the units and although this is mentioned in reference to human health, no consideration of dust entering the watercourse and increasing sedimentation in the River Clun SAC has been provided. We note that page 55 of the EIA mentions digestate spreading, are emissions associated with this and have they been taken into account in relation to the conclusions about air pollution?
- v. Hydrology: We note the Water Resources Impact Table. This indicates that the River Clun is of high sensitivity which we would agree with. However, due to the link to the river via the unnamed ditch we would consider that the ditch too should be afforded the highest level of sensitivity. These receptors will be sensitive during both construction and operation of the development. It would be useful for clarification as to how the conclusion that the proposal will have negligible risks and insignificant impacts has been reached. Detail of stand-off barriers and tree protection have been provided, however there is insufficient detail about surface water body protection and run-off prevention we recommend a detailed construction plan demonstrating that the proposal can be constructed without pollution to watercourses. The drainage plan appears to show the tanks holding dirty water are located close to the un-named watercourse. The plans do not appear to show any kind of secondary containment such as bunding which should prevent the contents of the tanks entering the watercourse should there be some kind of failure. Additionally, the soakaways for the anaerobic digester appear to be very close to the watercourse. We note that Flood Risk Assessment and Drainage Report states: "All surfacewater not leading to soakaway will be directed to the unnamed watercourse "The natural fall of the ground is towards the ditchcourse along the southern side of the site, therefore all other surface water run-off will be directed to this, similar to the existing Greenfield run-off for the existing site." You should satisfy yourselves that this will not lead to increased sedimentation and nutrients entering the watercourse and thus the River Clun SAC.
- vi. SSSI – Objection: This application is in close proximity to River Teme Site of Special Scientific Interest (SSSI). Natural England objects to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features

for which the River Teme SSSI has been notified. Our concerns are set out below. Natural England has raised several concerns about the impact of the proposal on freshwater pearl mussels, one of the notified features of the River Teme SSSI above and recommended you seek further information / clarification around this. We note the conclusions of this chapter of the EIA on other notified features and protected species in the vicinity of the development site however, at present we are unable to agree with them as we have not been provided with the technical appendices and reports which indicate how the conclusions were reached. We would find it most useful if this could be provided to us in any future consultation in relation to this proposal. Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate. If your Authority is minded to grant consent for this application contrary to the advice relating to the River Teme SSSI contained in this letter, we refer you to Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

vii. Other advice: We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application

viii. Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

4.2b. Natural England has been consulted on additional ecological and hydrological information submitted subsequently by the applicant which seeks to address the points

raised. Any additional comments received in response to this re-consultation will be reported to the Committee.

4.3i. Environment Agency: Thank you for referring the above application which was received on the 29 July 2014. We have no objection to the proposed development and would offer the following comments for your consideration at this time. Environmental Permitting Regulations: The proposed development will house a maximum 54,000 birds (taking the total number of bird to approximately 216,000) which is above the threshold (40,000) for regulation of poultry farming under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. The applicant will be required to apply for a variation to their current permit. The EP will control day to day general management, including operations, maintenance and pollution incidents. In addition, through the determination of the EP, issues such as relevant emissions and monitoring to water, air and land, as well as fugitive emissions, including odour, noise and operation will be addressed. Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. It will be the responsibility of the applicant to undertake the relevant risk assessments and propose suitable mitigation as part of any future EP variation application to inform whether these emissions can be adequately managed. For example, management plans may contain details of appropriate ventilation, abatement equipment etc. Should the site operator fail to meet the conditions of a permit we will take action in -line with our published Enforcement and Sanctions guidance. For the avoidance of doubt we would not control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters.

ii. Biomass: Under the Environmental Permitting Regulations, we regulate Part A (1) activities and installations as defined by Schedule 1. The relevant part of Schedule 1 is: Section 1.1 Combustion Activities: burning any fuel in an appliance with a rated thermal input of 50MW or more and burning any fuel manufactured from, or comprising, waste in an appliance with a rated thermal input of 3MW or more but less than 50 MW. An Environmental Permit is required for such activities. For proposals where the thermal input is less than 3MW for the burning of waste wood then this aspect would normally (providing certain requirements are met) fall below the threshold for burning waste, under the Environmental Permitting (England and Wales) Regulations (EPR) 2010. However, in this instance, due to the Permit requirements for the existing, and proposed, poultry units the biomass boiler would be regulated under the Permit as a source of emission. Whilst the application will need to apply for a Permit variation a quantitative assessment of air emissions will not be required in instances where:

- the fuel is derived from virgin timber and;
- the aggregate boiler net rated thermal input is:
  1. less than 0.5MWth, or;
  2. less than 1MWth where the stack height is greater than 1 metre above the roof level of any buildings within 25 metres (or where there are no buildings within 25 metres, the stack height must be a minimum of 3 metres above ground) and there are:
- no Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest within 500 metres of the emission point(s);
- no National Nature Reserves, Local Nature Reserves, ancient woodlands or local wildlife sites within 100 metres of the emission point(s),



- iii. Flood Risk: The site is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Map. Whilst development may be appropriate in Flood Zone 1 a Flood Risk Assessment (FRA) is required for development proposals on sites comprising one hectare or above where there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off. Under the Flood and Water Management Act (2010) the Lead Local Flood Authority (LLFA) should be consulted on the proposals and act as the lead for surface water drainage matters in this instance. We would also refer you to our West Area Flood Risk Standing Advice – 'FRA Guidance Note 1: development greater than 1ha in Flood Zone 1' for further information.
  - iv. Water Management: Clean Surface water can be collected for re-use, disposed of via soakaway or discharged directly to controlled waters. Dirty Water e.g. derived from shed washings, is normally collected in dirty water tanks via impermeable surfaces. Any tanks proposed should comply with the Water Resources (control of pollution, silage, slurry and agricultural fuel oil) Regulations 2010 (SSAFO). Yard areas and drainage channels around sheds are normally concrete. Shed roofs that have roof ventilation extraction fans present, may result in the build-up of dust which is washed off from rainfall, forming lightly contaminated water. The EP will normally require the treatment of roof water, via swales or created wetland from units with roof mounted ventilation, to minimise risk of pollution and enhance water quality. Under the EPR the applicant will be required to submit a Manure Management Plan, which consists of a risk assessment of the fields on which the manure will be stored and spread, so long as this is done so within the applicants land ownership. Information submitted within the Design, Access & Planning Statement proposes that poultry manure will be removed from the buildings, loaded directly into sheeted trailers and transported off site. The manure/litter is classed as a by-product of the poultry farm and is a valuable crop fertiliser on arable fields.
  - v. Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice. The construction phase in particular has the potential to cause pollution. Site operators should ensure that measures are in place so that there is no possibility of contaminated water entering and polluting surface or ground waters. No building material or rubbish must find its way into the watercourse. No rainwater contaminated with silt/soil from disturbed ground during construction should drain to the surface water sewer or watercourse without sufficient settlement. Any fuels and/or chemicals used on site should be stored on hardstanding in bunded tanks.
- 4.4i. AONB Partnership: Objection. The proposed development is located adjacent to a tributary stream joining the River Clun and is within close proximity to the River Clun Special Area of Conservation (SAC) and the River Teme Site of Special Scientific Interest (SSSI). The River Clun is designated as a SAC for its freshwater pearl mussel interest; it is of international significance and is one of only three rivers in England so designated. Natural England considers the River Clun SAC to be in 'Unfavourable Condition' and therefore failing to meet its statutory target. Furthermore the International Union for Conservation of Nature (IUCN) identifies freshwater pearl mussel as a 'Critically Endangered' 'Red List' species. In this context, the River Clun pearl mussel population represents a unique genetic resource requiring special measures to ensure its future survival. Over recent years the River Clun has been subject to extensive studies and an understanding of the situation relating to pearl

mussels and the processes contributing their decline (and that of the River Clun SAC) has improved greatly in recent years. These studies have established that the mussels are in critical decline and unlikely to survive unless the pressures contributing to the deterioration of the SAC are reversed. Studies include the River Clun SAC Nutrient Management Plan (Draft) and the River Clun SSSI/SAC Restoration Strategy. Both of which consider the main reason for decline to be intensification of land management practices, particularly those that lead to elevated levels of nutrients, sediment and pesticides. The proposed development is large scale and represents significant intensification within close proximity of to the River Clun SAC. The stream that runs adjacent to the site is designated as an 'Ordinary Watercourse' and therefore a key receptor and pathway to the River Clun SAC only a short distance downstream. The applicant's reference to a 'ditch' would appear to downplay its significance. The Flood Risk Assessment and Drainage Report (Appendix 10) indicates an intention to divert exceedance flows to this watercourse. This has the potential further contribute to the already unsustainable nutrient and sediment load and increase flood volumes to increase erosive impact at times of high flows. It is also unclear whether all the poultry manure will be processed by the biomass plant or if any will be spread to land locally, similarly how dirty water arisings are to be used in by the biomass plant and how the digestate produced by the plant are to be disposed of. This should be clarified, as any potential increase in nutrient or sediment load to the River Clun will be unsustainable for pearl mussels. Significant financial resources have been directed at the River Clun to help meet statutory targets, and the AONB Partnership has been closely involved with project work on the river for some years. This development is of concern and should it go ahead would put in jeopardy the conservation objectives set for returning the River Clun SAC to favourable condition. On this basis the Shropshire Hills AONB Partnership objects to this application. The following policy statements support the position that this application should be refused: Policy MD12 Natural Environment: 4.115 Policy MD12 sets out in detail the level of protection offered to Shropshire's natural assets. Internationally and nationally important sites of wildlife conservation and geological interest as well as legally protected habitats and species will be afforded the highest level of protection in line with the relevant legislation and policy. Development proposals affecting or involving the following will be assessed in accordance with the relevant legislation and national policy; European and nationally designated wildlife sites (Special Protection Areas (SPA), Special Areas of Conservation (SAC), Ramsar and Sites of Special Scientific Interest (SSSIs) and all candidate designations; Shropshire Council SAMDev Policy MD12: The Natural Environment states: in accordance with Policies CS6, CS17 and through applying the guidance in the Natural Environment SPD, the conservation, enhancement and restoration of Shropshire's natural assets will be achieved by:

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

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



## ix. landscape character and local distinctiveness

- 4.5 English Heritage: No objection. Should the development be granted permission we recommend that this should be subject to the prior securing of a comprehensive scheme of screening to be achieved by design, including materials and recessive colours, and by landscaping so as to minimise the impact of the development within the landscape.
- 4.6 SC Trees: No objection. There are no tree preservation orders or conservation area tree related constraints at the site. The proposals indicates the removal of approximately 260m of existing hedgerow, this to be compensated for by establishing new native hedgerow and bund / plantation around the site boundaries. At this stage the detail is sufficient but any full application would require details of planting mixtures, planting density, after care and measures for replacement of losses. The native species hedgerow would benefit from a mix that includes a minimum of seven native woody species in every 30m length.
- 4.7i SC Archaeology: No objection. The proposed development is located between the hamlet of Hopton Heath and the B4385 west of Broadward Hall. There are no known heritage assets within the proposed development boundary. However, the immediate surrounding area contains a number of designated assets including the scheduled monuments of Motte castle 510m east of Broadward Hall (National Ref: 1019007). Additionally there are several non-designated heritage assets relating to Bronze Age and later periods located within the immediate area and within the wider landscape. A recommendation was made at the pre-application stage that any subsequent full application be supported by a full heritage assessment in accord with section 128 of the NPPF. This should take the form initially, of an archaeological desk based assessment and walkover survey of the site to include all heritage assets that may be directly affected by the development and addressing any issues of setting of heritage assets that may arise. The current application includes a heritage assessment (Mercian Heritage Series No. 716 May 2014). In respect any issues of impact on the setting of designated or non-designated heritage assets, the report concludes that there will be no significant impact on any designated or non-designated heritage assets within or adjacent to the study area. In respect of direct impact on known or unknown archaeological remains within the development site the report specifically identifies three known archaeological sites within 1km of the site but neglects to mention a number of equally significant sites within the same area making a much richer grouping of mainly prehistoric sites. The report does however conclude in the above respect that, although no significant impact on any possible but as yet unidentified remains is expected, the extent of the ground disturbance associated with the development is quite extensive. In light of that and the extent of the known archaeology in the surrounding area the report suggests that a programme of archaeological work including geophysical survey and trial trenching, if appropriate, should be considered. I concur with both of these conclusions.
- ii. The conclusions of the Heritage Assessment could not rule out the potential for archaeological remains within the development boundary. The impact of the ground disturbance from the site levelling is likely to be significant on any below ground archaeological remains. As the archaeological potential of the development site has not been tested the impact of the development on archaeology cannot be disregarded. In view of the above, and in relation to Paragraph 141 of the NPPF, I recommend that a programme of archaeological work be made a condition of any planning permission for

the proposed development. An appropriate condition has been recommended and is included in Appendix 1.

4.8. SC Highways: Verbal comments - no objection.

4.9 S.C.Ecology: No objections subject to the inclusion of conditions relating to protection of the River Clun special area of conservation (included in Appendix 1). A Habitat Risk Assessment is included as appendix 3. There is a requirement for the applicant to prepare an Appropriate Assessment given the proximity of the site to the special area of conservation in the Clun Catchment. No decision notice should be issued until Natural England has been consulted on the Appropriate Assessment and has had a minimum of 21 days to respond.

*(Note: The Appropriate Assessment is being prepared by the applicant's agent. The requirement to consult Natural England and to allow time for them to respond is referred to in the recommendation section of this report)*

4.10 S.C.Drainage: No objection. The drainage details, plan and calculations could be conditioned if planning permission were to be granted.

1. The drainage layout and calculations are acceptable.

2. The proposed soakaways are deeper than the percolation test trial hole. Confirmation is required that the level of the water table has been determined as the site is identified as being at risk of groundwater flooding.

Reason: To minimise the risk of groundwater flooding.

3. Informative: 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.

4.11 SC Conservation: The site is near to listed buildings (those identified are within Shropshire and those in Herefordshire are not listed): Broadward Hall (Grade II), Broadward Bridge (Grade II), The Lynches (Grade II), Beckjay Farmhouse (Grade II), The Thatch (Grade II) and Little Beckjay (Grade II). Any development in this location should have no detrimental impact on the setting of these listed buildings. It is acknowledged that the Historic Assessment concludes that there is no significant impact; however this would need to be demonstrated within the application with photomontages and detailed plans etc. It may be the case that the Conservation Team at Herefordshire Council are advised of the proposal to ensure there is no adverse impact on heritage assets across the border. Developments of this type also have the potential to have an adverse impact on the landscape character of the area. However, this is not something which the Historic Environment Team can advise on. We would therefore recommend that Development Management consider obtaining further advice on this. Should further specific advice relating to the historic environment be required during the process of the application please contact the team again.

4.12 SC Trees: No objection providing due care is taken to protect existing trees and hedgerows to be retained from damage during development, and appropriate tree and shrub planting is carried out to enhance the development. Conditions covering these matters are recommended and are included in Appendix 1.

4.13 SC Public Protection: No objection. Having considered the information provided it is noted that a permit is in place which will ensure that noise is controlled. In general

there may be noise levels associated with feed delivery to the installation which could generate complaints. As a result I therefore advise the applicant to receive feed deliveries in daytime hours only. Depopulation of poultry houses can cause complaints and a change in the character of the area on nights when depopulation occurs. I therefore propose the following condition should this application be granted approval: No more than 2 single traffic movements (single traffic movement having the meaning of one HGV either moving to or from the site) shall occur in any given hour between the times of 23:00-07:00 hours. Reason: to protect the amenity of the area.

Public representations:

4.12 The application has been advertised in accordance with relevant provisions and the nearest properties have been individually notified. Representations covering the following matters have been received from local residents in response to this publicity:

- i. Tourism / Leisure: I am currently owner/occupiers of a beautiful holiday lodge on Ashlea Pools Country Park which is immediately adjacent to the site of the proposed poultry units. The site is opposite a thriving holiday centre which provides much-needed tourist income to the area. In addition to the Ashley Pools centre, there are other holiday lets which will also lose their attraction. The inevitable loss in tourist income will affect the employment of many local people. The proposed development is likely to have a deleterious effect on the operations of a number of businesses reliant on tourism located close to the site. It is therefore difficult to see that the proposal will be any net benefit to the local economy. The holiday industry is an important feature in the area. The placing of a large poultry unit in the proposed position would seriously affect the surrounding B and B's, holiday homes etc. with loss of custom and income. There would be the visual impact, which would affect the tourism in the area, and be very displeasing for local residents and would probably affect the value of their properties. The area in question is a uniquely beautiful part of Shropshire which we visit on a regular basis. The income in terms of annual visitor spend generated to benefit services in Shropshire must far outweigh the alleged benefits of the proposed development of this poultry farm and, whereas tourism income tends to filter into many areas of economic life within the County, this cannot be said of a development which will be privately-owned and largely for the economic benefit of a private individual. Certainly, if this development goes ahead, I am sure we will no longer feel inclined to visit an area dominated by an unpleasant and smelly eyesore and will take our visits and spend elsewhere and this if replicated by other visitors, would do the Clun and Shropshire area no favours. This is a precious corner of England valued by tourists for peace, beauty, walks, nature and fresh air. If I am to be confronted by smells, large trucks, industrial buildings and noise, I will reluctantly be obliged to book my country stay in another area which would be very sad. As a regular tourist to this area I and my family are horrified by this proposal and would be very unlikely ever to visit this locality again if the proposal were to be approved. We are drawn back year after year to enjoy the delightful beauty of the area and this would be completely destroyed by the extensive industrial buildings and associated negative environmental effects including smells and increased traffic density. The development is likely to have a negative impact on tourism, and the marketing of local high quality produce, both of which are currently supported by DEFRA and Shropshire Council initiatives. Whilst the development has done what it can to mitigate visibility of the buildings from the immediate area, its very presence will deter visitors to the area and can be nothing but unsightly when viewed from surrounding local landmarks enjoyed by both visitors and residents alike, therefore a detriment to the natural and local environment. The noise,

light and odour pollution will also have a negative impact on the local area, on both residential properties and those associated with the tourist business. The light and odour pollution will definitely adversely affect our letting business and may stop it altogether. All of this will have a negative effect on the local businesses, we have fantastic B and B and holiday cottages and lodges. Who will want to come and stay in Hopton Heath with this development?? Look at the employment these businesses provide to the people in this area. Jobs may be lost. As the owner of a local public house and restaurant attracting customers who visit from far afield in order to enjoy the quietest place under the sun? I would like to strongly object to the application for chicken sheds to be built in an area that is currently particularly beautiful, unspoilt and exceptionally quiet. The proposed development will without doubt have an effect on my business and others who rely on visiting trade and our trademark being the pretty and peaceful Shropshire countryside. I have no doubt there will also be an increase in lorries attending this site creating great disruption to hamlets and villages, offering further noise pollution. We attract money into the area and employ 2 people directly and source as much of our food locally as possible, supporting local farmers and traders. The basis of the offering is the peace and quiet of the countryside, the "rural idyll" - people come here to relax and escape to the country. The proposed development will very seriously compromise our business, leading to a loss of revenue and employment. The level of traffic created, lorry movements particularly at night will be significantly disruptive.

- ii. Effect on countryside: These units would undoubtedly spoil this beautiful tranquil part of the Shropshire Countryside. The environmental damage will be considerable in an area of great beauty. The proposed group of large poultry sheds would be equivalent to a 24/7 industrial site. It would be inappropriate to therefore build these in an existing area of very attractive countryside close to and visible from the local hills and AONB. These proposed sheds form a very big complex of buildings, probably the largest floor plan buildings for miles around. No image has been provided of how these sheds would appear in their setting, and it's possible that this has not been provided because it would show the damage that would be done to the landscape. This application is in effect a change of use from attractive farmland to unattractive industrial sheds, and painting them green is not enough to make them fit in. The design pays no attention to the local tradition of farm buildings in scale, form or materials. As designed these buildings would make the area much less attractive for both residents and for tourists, who are vital for the local economy. I am sure I am not alone in saying this would have a terrible and detrimental effect on such a beautiful area, with the noise and smell, along with light pollution, and surely the risk to the River Clun has to be considered, as the Clun is only a short distance downhill from the proposed site. We live in a rural area, not an industrial one and the building of such large units would be totally inappropriate. The environmental impact would be catastrophic to the local area and thus detrimental to all residents and general public. Please reject this 'Blott on the landscape'. The planning suggests the erection of large buildings which would significantly impact on the open aspect of the immediate environment. One of the major attractions of this area is the unbuilt aspect and open views. this proposed development is a major building on what is presently a greenfield site - it would have a major visual impact and cause structural damage to the immediate ground area. Any amount of screening cannot prevent the negative effects of odour, noise and traffic pollution all of these are likely to reduce the desirability of South Shropshire and Hopton Heath/ Clungunford as a tourist area. It is very apparent that the proposed poultry sheds and accompanying facilities would be a significant detriment to the beauty of the Clun Valley and the patchwork of fields that have been developed and maintained over



the centuries for mixed arable and livestock farming. It would also be a detriment to the tourist accommodation currently at Hopton Heath and elsewhere in southwest Shropshire. Hopton Heath is an beautiful, quiet, idyllic location to live and visit. it is an agricultural area and a major building development would ruin the look of our fantastic surroundings. The effect would be to change the character of the area from one of unspoilt pasture and arable land to one of semi-industrial appearance.

- iii. Drainage: The site in question has frequently flooded over the past 10 years in fact in 2007 you were unable to leave the village due the River Clun flooding over the B4367 which is one of the main routes into Hopton Heath over the very narrow Broadward Bridge and this also flooded into the field in question. There are obvious concerns over flooding that effluent from the units causing contamination to the River Clun itself. The "dry ditch" referred to in the documentation is often a running stream and is uncomfortably close to the proposed development . Although precautions have been proposed to avoid contamination of this ditch any kind of mistake or calamity means that it would be possible to contaminate this watercourse and consequently the river Clun and the pearl mussels which it contains - a risk that is too great to take. A greenfield site such as this so close to a stream is not suitable for such a large development. The "dry" ditch is in fact a tributary of the river Clun. The adjacent fields experience flooding almost annually, our fields are adjacent to the same stream. Cultivation is limited against this stream as the land is very boggy, this year the land here did not dry up until June. By lowering the ground levels to ensure that the proposed buildings are not seen from the road, the plan accentuates the risk of flooding in an area that has been known locally (by local farmers) as 'the bog'. Surrounding fields, both in Clungunford and along the nearby road have been liable to serious flooding and have been slow to drain, often taking weeks to soak away. No mention of any impact on the aquifer feeding Ashlea Pools and Hopton Heath is made. There is no mention in the planning of where the site intends to gain water from to service the facility
- iv. Traffic: As well as increased heavy traffic over the very narrow Broadward Bridge and into the village of Hopton Heath which would be created by the proposed poultry units into this area the other routes into the village being Clungunford and Purslow also have very narrow bridges which are entirely unsuitable for additional heavy vehicles into the village. I would also add that these particular bridges were flooded and the surrounding fields in 2007 which also made it impossible to leave the village by any route. The development would involve a high level of traffic movement including large HGV's whose only access/egress would be from/to narrow, twisting B grade roads. This would cause a hazard to other road users. Whilst the B road for the short section where the access is proposed may be wide enough for two big trucks to pass each other, as it continues in all directions the road narrows significantly. For example there is the narrow bridge over the railway in Hoptonheath, and a further one if continuing that way through Twitchen, just before Purslow, as well as narrow sections of road. Going on instead through Clungunford towards Craven Arms there is the sharp bend in the village near the junction to Leintwardine, and then a very narrow and dangerous point with poor visibility just as you leave Clungunford, and once you get nearer to Long Meadow End there is a very narrow sharp bend under the railway bridge, again with no visibility. Going in the Bucknell direction, there are extensive sections of narrow road where two trucks can't pass each other, and as the B road reaches the level crossing in the village there is a junction towards Chapel Lawn, with poor visibility over the crossing towards Lingen Bridge. Non of these roads are suitable for increased heavy traffic. A big industrial development such as proposed needs access to a suitable A

road, wide enough in all directions. The villages mentioned above all suffer as it is from traffic, and would be made less attractive to visitors if the traffic is increased. The highways statement refers to deliveries of LPG but not biomass which it is planned to use. Biomass deliveries will result in more lorry traffic since calorific value is less than LPG, typically 12.5-14.7 GJ/tonne for biomass and 46.3 GJ/tonne for LPG (see, for example, Biomass Energy Centre, Typical Calorific Value of Fuels). This increase in traffic has a greater impact on the highway and noise emissions which have not been considered in the reports addressing these issues. The Highways Assessment indicates there will be an additional 560 HGV journeys to Hereford, equivalent of over 14,000 miles per annum. The B4385 which goes past Broadward is a very narrow road and Broadward Bridge is old. It is impossible for two vehicles to pass on Broadward Bridge. It is difficult for a lorry and a car to pass anywhere on the road and impossible for two lorries to pass on the road. We have been in touch with the road department of Shropshire Council to protect the road verges, which are already being eroded by vehicles. They have helped us with the limited funds at their disposal but more traffic is bound to make matters worse. If the road collapses into our fields the Council would be involved in considerable expense. The sites location away from the main farm will greatly increase the amount of traffic on the roads near our property. With the T junction at Heath Lodge having particularly poor visibility and no doubt a great increase in lorries attending the site, which will have a detrimental effect on us and the surrounding villages. The proposed site is directly in front of our property in open countryside, and will clearly be visibility from the main rooms in our property. We see that there is plans for additional bank and plant screening, however are concerned that this will not hide the sheds due to their sheer scale and that the type of planting will not be in keeping with the existing countryside. We are also concerned that the lightning at night from the sheds and the vehicles accessing the sight will impact our lives and the environment.

- v. Pollution: A poultry production unit would provide a significant risk of pollution to the River Clun and aquifer. It is very likely that pollution from this site would flow into the river Clun, affecting fish, otters, the freshwater mussel beds and other wildlife. From an environmental and tourism standpoint we also understand that the pollution generated by this development into the local river system poses a serious danger to the unique freshwater pearl mussel habitat in the River Clun. Nitrogen, ammonia and phosphate emissions result in eutrophication and acidification of fresh water. These changes are known to be detrimental to the habitat of Freshwater pearl mussels. The poultry houses will result in the addition of nitrogen to the soil which will affect Freshwater pearl mussels in the River Clun, downstream of the chicken sheds. The Environment Agency, in its reply as a consultee, said that nitrogen emissions do not threaten the local environment. However, the models on which this response is based are generic. The Clun Valley is not in a nitrate sensitive area and therefore the EA has not considered the impact of increased nitrogen emissions on the Freshwater pearl mussels in the River Clun. Natural England object to planning developments such as new housing and foul water discharges which increase nitrogen discharges into the river. The discrepancy between the EA's apparent position and that of Natural England must be due to the fact that the EA has not considered the position of the Freshwater pearl mussels. Phosphate emissions are also problematic. There is no mention of controls to avoid accidental discharge of pollutants into soakaways and into the groundwater. This is industrial farming and can therefore be done at any random site, including those on industrial estates and brown field sites. There is no agricultural need for it to be on land which can be put to better use for other types of food production. Irrespective of how the case is argued, locating the unit on this site results in a net



decline in ecosystem services since the land it occupies can no longer sequester carbon, provide habitat, food or energy, participate in gaseous exchange with the atmosphere, store water, or contribute to recreation and local amenities. Any contamination of this stream would affect the endangered Pearl mussels in the river Clun. All landowners beside this river are going to great pains to protect the river from pollution which would threaten the preservation of these mussels. We already experience light pollution from the existing site at Heath farm, this proposed development will increase the problem. We have worked hard with Natural England to preserve the SSSI status of the River Clun and to increase the number of breeding Pearl Mussels. The run off from the development, sited so close to the Clun river, seriously risks a clean, recovering river, and compromises significant investment to sustaining a very rare mussel bed, in particular the Woodlands Trust's very recent, significant investment.

- vi. Odour / amenity: I am writing as a householder living approx. 1.5km from the proposed site, where I already experience unpleasant odours from time to time from the existing poultry unit. I am particularly concerned about the impact of the development on the value of my property: at present the lower Clun valley is a pristine rural landscape much appreciated by both residents and visitors alike. This quasi-industrial development will inevitably discourage any would-be house buyers who are looking for a quiet and unspoilt corner of England to move to. I have previously lived near large chicken sheds and I know that the smell of chicken manure is very unpleasant. This would probably affect us at Beckjay, as well as nearer residences. Noise from the ventilation units and general smell from the poultry sheds would be inevitable 24/7 and this would disturb and pollute the current quiet and atmosphere respectively of the surrounding properties. An earlier application by Bedstone growers for a biodigester suggested that this would lead to a reduction in traffic and odour. One result of this application will be to lead to increased traffic by day and night both to Heath farm and at all hours of day and night. As a resident of Hopton Heath I can confirm that both odour and noise of fans and unloading of feedstuff at the existing poultry units are present particularly in the evenings. These projections are not based on actuality and it would seem that if it is now possible to hear and smell the existing poultry houses at Heath farm some 1200 metres distant then poultry houses some 400 metres or less are bound to affect both the neighbouring houses and the neighbouring holiday park. The site is in fact surrounded by properties on all sides so any movement of chickens or associated manure is bound to cause disturbance or odour in the neighbourhood. Noise pollution not only in the immediate vicinity, but also on the local roads through night movements of birds and deliveries of feed etc is not sufficiently addressed in the application. Light pollution is another significant factor which needs to be taken into account in an area where there are currently very low levels of light pollution. It seems to that residents close to the existing Heath Farm poultry units experience odour pollution to a greater extent than is estimated in the planning application. The proposed development has not considered enough the impact of the noise, light and smell it will bring to the area. We already have a smell from the poultry sheds at Heath farm and this development will be much closer to other properties. It is a fact that if the smell is currently carried to all the properties in the area from Heath Farm, which is further away, then how can it not badly affect us all if one was built closer? There will be a large amount of extra noise from this development due to the extra volume of traffic. The odour & noise from the existing facilities is very obvious, doubling capacity will make this a routine occurrence. The impact of noise, light and odour pollution has not been either adequately considered or described accurately in the planning submission. As residents of Hopton Heath we are aware from time to time

of strong odours coming from the existing site at Heath Farm which is further away from us than the one proposed. Our dwelling located at the address shown above is already exposed to frequent periods of unpleasant excrement odour generated by the existing poultry houses operated by the applicant and located on the west side of the B4367. This pervasive smell varies in intensity depending on temperature and weather conditions but all too often coincides with periods of time that we and others want to spend outside. The outstanding neglect of the odour report is that it fails to take any account of existing migration of bad odour from a similar and nearby array of existing commercial poultry houses. In doing so the report has strategically ignored the compound consequences of two very large poultry/hen house complexes to nearby families which include children. Our view is that the unpleasant odour production from the existing unit needs to be significantly mitigated as a demonstration of intent and a precursor to giving further evaluation or favourable consideration to this application. We object to this application on grounds that the escape of the existing undesirable levels of noxious odours would not be reduced but very significantly increased and would significantly be to the detriment of those living nearby, the value of their property and also that it might adversely affect the wellbeing of children. It appears from the applicants' reports that odour pollution will affect nearly all properties in Hopton Heath, Broadward and Beckjay. In conjunction with the present odour pollution from the existing poultry units operated by the applicants, it is difficult to understand why it can be stated that there will be no significant impact from the proposed development. I am extremely concerned about the noise that will be generated at this site, as it is going to be a 24/7 operation with particular attention being paid to night time activity, well beyond the normal working hours of any other business. This will obviously result in complaints from the surrounding area and I see nothing from the report into any effective screening being introduced. Also the report submitted has no firm noise readings, as this is a green field site, so the measurements are purely hypothetical. The report submitted by the applicants is also inaccurate in that it totally omits one residence from the report, this being Broadward Cottage. This is far closer to the proposed development than Heath Lodge, which the report inaccurately states to be the closest residence. For 40 years we have lived at Broadward Cottage, the closest property to the proposed site of the proposed development. Over the last number of years we have seen the existing site at Heath Farm transform from a small family business to a industrial factory operation. The location of the proposed additional chicken sheds will surround our home from both directions, and its closer proximity (only 270 meters) will have a much greater impact on our lives. The planing application has a detailed Odour report and a comprehensive model, but it's written in a style that only an expert can understand. In summary it appears to state that there will be only a small impact on our property. This is not the case for the existing site, as odour can regularly be smelt at our property. Having a larger additional chicken farm closer to our home on the opposite side of the house will mean there will be no escape from the smell. We are regularly disrupted by the noise from the existing development and there is no doubt that this will be worsened by the location of the proposed sheds. This noise includes lorries, tractor, loading the digester (bucket clanging) and the sounds of sirens and alarms.

- vii. Questioning benefits: The proposed development would bring no significant benefit to the local community. an alleged benefit of this development is purported to be the potential for the creation of local employment but it our understanding that poultry farming at this level is carried out on a highly mechanised basis and will employ few people (and there are no assurances or dependable provisions which would ensure that the little employment created would be for current residents of the area. The

proposal will only bring 2 jobs to the area; there are surely many other schemes which could bring greater employment to local people. This development will not be appropriate at Hopton Heath. The application fails to demonstrate any local economic or community benefits, as evidenced in the objections already received. If there is any economic benefit it is very limited and only clearly demonstrated in relation to the Farm itself. Whilst the application indicates additional employment will be created, the Highways Assessment states no new employee traffic movements. What little local employment proposed would not offset the loss elsewhere. For such a scheme to proceed it must show that it is of benefit to the local community. It will scour the landscape and ruin a beautiful valley. It is not sustainable on its own, it will require considerable sourcing of materials, not least fuel, chickens and water. It is suggested to be low visible impact, but whatever trees are planted will take years before effective screening takes place and will need to be This is also not diversification but expansion and the application has not adequately displayed any need or benefit for the proposed development. The underlying need is for extra supply for Cargill UK in Hereford and outside of the family unit, it is highly unlikely to be of benefit to locals. This scheme is solely for the benefit of the Bedstone Growers. It is not going to create any skilled jobs for locals, indeed it may have the opposite effect with a detrimental effect on tourism. evergreen to be effective and as such will not be in keeping with other local trees.

- viii. Other: The development would result in the loss of good productive agricultural land. The construction phase is likely to be especially damaging, but there will also be ongoing deterioration of the tourist and amenity values of the area. The application's tree report does not comply with BSS 5837 Trees in Relation to Construction (2012): ? there is a tree survey drawing but no tree removal and tree protection drawings (tree protection has been included on the survey drawing); There is no indication of the extent of hedgerow removal at the entrance to the site, including what must be removed to create visibility splays. There is no method statement for the protection of the adjacent retained hedgerow; Canopy spreads have not been measured at the cardinal points; There is no indication of the tree's remaining contribution to the local environment. This is industrial farming and can therefore be done at any random site, including those on industrial estates and brown field sites. There is no agricultural need for it to be on land which can be put to better use for other types of food production. Irrespective of how the case is argued, locating the unit on this site results in a net decline in ecosystem services since the land it occupies can no longer sequester carbon, provide habitat, food or energy, participate in gaseous exchange with the atmosphere, store water, or contribute to recreation and local amenities. There is no doubt that this development will impact on the value of our home. Any potential purchasers are likely to view the property on the internet, a satellite view on the 'Google maps' website will clearly show the property is surrounded by large sheds. Heath Farm already has very large poultry units in the vicinity of Hopton Heath although this is actually classed as Herefordshire it is only a short distance from these further proposed units.
- 4.13 Owner of Ashlea Pools Holiday Park: My wife and I are the owners of the Ashlea Pools holiday park immediately adjacent to the site of the proposed poultry unit. We lodge this objection not only on our own behalf but also on behalf of the 23 owner occupiers included in our park. We fully support the objection submitted by Clungunford Parish Council and would like to add the following remarks. We have invested heavily in the business in recent years. Together with many helpers, we have worked hard to make the business what it is today, namely a successful and leading player in the tourist business in South Shropshire. We have 15 lodges available for holiday letting, and

there is a high occupancy rate. We hope to expand our business by implementing an existing planning permission for 16 further units. We also have 23 lodges that are occupied as second homes/holiday homes by owner occupiers. We have opened a shop that serves the holiday park and is open to villagers round about. It goes without saying that it is the only shop for some miles, and without a successful holiday let business, the shop would not be viable. The Area of Outstanding Natural Beauty is immediately behind us and overlooks us. As we said at the public meeting, the whole selling point for our business is that holiday makers can come for peace and quiet in rural Shropshire. As it is, we suffer from existing noise and odour pollution from the poultry units currently operated at Heath Farm, and we have no doubt at all that the scale and density of the proposed development, together with the increased odour and noise pollution and heavy vehicle traffic movement, will have a detrimental effect on tourism in the area in general and, being right on our door-step, on our business in particular. This development will tip the already fine balance between what is just about bearable and what is not, and we notice that the various reports accompanying the application make no mention of nuisance from the existing operation, but merely refer to the effects of the new stand-alone units in isolation. In these days of the internet it is all too easy for tourists to spread widely reports of any discomfort or bad experience, whether it is smell, noise or whatever, and we fear for the consequences that will follow from the proposed development. Tourists cannot be expected to put up with the consequences of the development, and they will not: it is too easy for them to move on to more amenable surroundings. We have three full time employees in our business, supplemented at any given time by 3-5 cleaners and 2 ground staff. Should the development proceed, these jobs may be at risk, as may our entire investment in Ashlea Pools. We are very fearful for the future sustainability of our business, if the proposal gets the go-ahead: we do not have a 700 acre farm or a global commodity business to fall back on, as the applicants and their partners do. Certainly, future expansion plans for already permitted development would have to be put on hold, and with them the scope for further employment opportunities. Finally, and this is a fairly obvious point, it is not only we who will suffer. Our holiday makers spend a lot of money in the local economy, particularly on meals out in the local pubs and restaurants. If our trade suffers, so does their trade and with it the sustainability of our local communities

- 4.14 South Shropshire Green Party: The Green Party is committed to the prohibition all mass, caged rearing of poultry, including 'enriched cages' and to transition to small free-range units. We support the highest levels of animal welfare in farming and believe that the 'Five Freedoms' listed in the Animal Welfare Act should be applied to all farm animals, including poultry. We therefore have a fundamental prior objection to this proposal. I have read in its entirety the objection submitted by Clungungford Parish Council. I am in agreement with all objections raised in this document. In particular I wish to emphasise that this is neither a sustainable development, nor a diversification, but an extension of an existing industry to unacceptable capacity with respect to its likely disadvantageous effect on local tourism, and nuisance (noise and smell) to residents. Environmental hazards including flood risk and risk to rare species are also poorly addressed in the application. I note too that good farmland will change to an industrial use, which is unacceptable.

## 5.0 THE MAIN ISSUES

- Policy context and justification for the development;
- Environmental effects of the development (odour, noise, traffic, drainage, pollution, visual impact, heritage and ecology);



## 6.0 OFFICER APPRAISAL

### Policy context:

- 6.1 National Policy: The National Planning Policy Framework (“NPPF”) advises that the purpose of the planning system is to contribute to achieving sustainable development (para 6) and establishes a presumption in favour of sustainable development (para 14). This means “approving development proposals that accord with the development plan without delay” and supporting sustainable economic growth (para 18). There are three dimensions to sustainable development: an economic role, a social role and an environmental role (para 7). Significant weight should be placed on the need to support economic growth through the planning system (para 19). Paragraph 28 states that “planning policies should support economic growth in rural areas in order to create jobs and prosperity...”.
- 6.2 The proposed development performs an economic role because it involves investment and economic diversification of an existing business which will provide / sustain rural jobs for local people. It is stated that the development also performs a social role because the local jobs and investment would in turn promote a strong vibrant community. In addition, it is stated that the development performs an environmental role because it produces food through an environmentally efficient system of farming with associated landscaping to protect the local natural and built environment. Specifically, the Environmental Statement advises that there would be net gains in biodiversity from the landscaping proposals and concludes that there would be no significant adverse effects on health and quality of life when available mitigation measures are taken into account. This conclusion has however been challenged by objectors who cite concerns including in relation to odour, traffic, pollution, effect on the countryside and the local tourism economy.
- 6.3 Core Strategy: Policy CS1 of the Core Strategy sets out in general terms that Shropshire will support investment and new development and that in the rural areas outside of settlements this will primarily be for “economic diversification”. The current proposals represent an extension to an existing business rather than further diversification of that business, but it is considered that poultry farming in general adds to the diversity and robustness of Shropshire’s rural economy.
- 6.4 Policy CS5 (Countryside and Green Belt) supports agricultural development, provided the sustainability of rural communities is improved by bringing local economic and community benefits. Proposals should however be “on appropriate sites which maintain and enhance countryside vitality and character” and have “no unacceptable adverse environmental impact”. The policy recognises that “the countryside is a ‘living-working’ environment which requires support to maintain or enhance sustainability”. Paragraph 4.74 states that: “Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural ...related development, including ... poultry units ... can have significant impacts and will not be appropriate in all rural locations”. The Parish Council and local residents have questioned the benefits of the scheme and expressed concern that existing local leisure businesses will be adversely affected. These concerns are assessed further in succeeding sections. However, it is considered that in general terms, the proposals would contribute to the local rural economy through major investment in local goods and services and creation / maintenance of local employment. Hence would in principle contribute to countryside vitality, provided that

this effect would not be outweighed by any negative effects such as impacts on existing leisure businesses.

6.5 In terms of maintaining countryside character, the proposals would represent new large scale agricultural development in the attractive open countryside approximately 1.5km to the east of the AONB. However, Policy CS5 recognises that the countryside is a living working environment and landscape and visual impact assessment (LVIA) accompanying the application concludes that the site has been well chosen given the screening effect of existing vegetation and topography and a comprehensive planting scheme is proposed. The introduction of large agricultural buildings into the landscape would not enhance the landscape and character of the countryside. However, it is considered that the carefully chosen site, low profile nature of the development and proposed landscaping measures would serve to minimise visual impacts from most publicly accessible locations in the surrounding area.

6.6 Policy CS6 advocates high standards of design and sustainability. The applicant states that the proposal incorporates sustainable design and operational considerations including:

- Sustainable drainage, water efficiency, renewable energy generation systems, and energy efficiency (appropriate insulation);
- Sustainable construction methods (modern poultry shed design).
- The proposal does not propose significant sustained levels of traffic. There would typically be seven annual peaks in activity lasting 4 days each with quiet periods between and a new purpose built access is proposed;
- It is stated that the proposal does not adversely affect the natural and built environment and is appropriate in scale, density, pattern and design taking into account the local context and character.

These features are acknowledged. The overall level of sustainability of the scheme depends also however on the characteristics of the site / location and the extent to which any identified impacts can be appropriately mitigated. These issues are considered in succeeding sections.

6.7 Policy CS13 states that “Shropshire Council will plan positively to develop and diversify the Shropshire economy, supporting enterprise, and seeking to deliver sustainable economic growth ... In so doing, particular emphasis will be placed on ... supporting the development and growth of Shropshire’s key business sectors ... particularly food and drink production ... [and] ... in the rural areas, recognising the continued importance of farming for food production”. The applicant states that the proposal accords with this Policy as it delivers economic growth within the rural economy and the food and drink industry, which is one of Shropshire’s key business sectors. Objectors have however questioned this conclusion citing concerns that any potential benefits are outweighed by potential adverse impacts on the local tourism industry.

6.8 To be fully sustainable and therefore to benefit from the presumption in favour of sustainable development set out in the NPPF the proposals must demonstrate acceptability in relation to environmental considerations and the policies which cover these matters. This includes the above policies CS5, CS6 and CS13, and also policies CS7 (Transport), CS8 (local amenities) and CS17 (Environmental Networks) and CS18 (Water Resources). On balance it is recognised that the proposals would help to deliver economic growth, rural diversification and improved food security. They would



therefore deliver local economic benefits potentially helping to maintain countryside vitality, provided any effects are not outweighed by negative effects on tourism and local amenities. Although the proposals would not add to countryside character the LVIA concludes that any visual effects are capable of being mitigated. These issues are discussed in succeeding sections.

#### Justification for the proposals and choice of site

- 6.9 The applicant advises that the proposed development is required to help ensure the viability of the farming business for future generations and to help meet the high demand for chickens. The UK poultry production industry continues to grow to meet the demand for home grown produce and this committee has considered a number of such schemes in recent years. There is no further land available for expansion on the existing site due to boundaries formed by the B4384 to the west, trees to the north (Decoy Wood), buildings and trees to the east and watercourse to the south. There are already 8 sheds at Heath Farm which is a large number of broilers to be housed on a single site. Additional buildings would start to cause operational difficulties during the clean-out period. The flocks are currently cleaned out on a single site basis so there is a very busy clean out period in time for the next flock to arrive. Additional buildings would present a difficulty in cleaning out effectively in time for the next flock. It would also increase the possibility of odour issues occurring during the clean-out period. A site an appropriate distance from the existing buildings could be operated on a separate timescale – allowing different flock changeover dates from the existing site. This would offer significant benefits in terms of overall site management, efficiency and biosecurity. However, if that site is too far from the existing site, there can be losses in efficient site management (e.g. travel time between the sites, vehicle storage etc).
- 6.10 The initial assessment of site suitability narrowed the choice down to two sites both to the north of Heath Farm. The first is the chosen site, and the second was the adjoining field to the east. The applicant states that these are both a good distance from the holiday park (Ashlea Pools) to the west and the prevailing wind from the south-west blows away from Hopton Heath and the holiday park. The proposed site was chosen due to its greater proximity to the B4367 and greater separation from the cluster of sensitive receptors at Beckjay. In particular:
- It is within 700m of the existing farm buildings which are the hub for management of the farm unit,
  - It has sufficient space to accommodate the development and can accommodate the required infrastructure (power, drainage, access);
  - It benefits from the screening effect of natural topography and existing vegetation;
  - It is not affected by any statutory environmental designations;
  - It is separated from the nearest privately owned residential properties;

These justifications can be supported in principle provided the requirements of other relevant policies and guidance are also met.

#### Environmental implications of the proposals

- 6.11 Transport: Policy CS7 requires sustainable patterns of communications and transport. A highway assessment concludes that the vehicle movements generated by the development will be adequately accommodated within and would have a very limited

impact upon the existing highway network. A new access to the site from the public highway would be provided and designed in accordance with all relevant regulations and guidance. The increase in vehicle movements for 44 of the 48 days of the crop cycle would amount to less than 1 per day which would have no impact on the B4385. During the 4 day clearance phase there will be up to 13 movements per day but these will occur when the highway is used least intensively. It is stated that this peak event would be suitably accommodated on the existing road networks. Manure would be taken direct to the AD Unit at the main farmstead and would significantly reduce levels of manure currently being brought to the AD unit from further afield. Highway officers have confirmed verbally that there are no objections to the proposals and it is concluded that the proposals are capable of complying on balance with Policy CS7.

### Noise and odour

6.12 Odour: Concerns about odour are one of the main objections against the proposals raised by local residents. It is stated that odour from the existing 8 shed poultry operation is evident at a number of local properties which are at similar distances from the proposed development. Hence, there is concern about the possibility of a cumulative odour impact and that this could have the potential to impact in turn on local tourism / leisure businesses. Core Strategy Policy CS8 seeks to maintain and enhance existing facilities, services and amenities and to contribute to the quality of life of residents and visitors. No clear local or national planning guidance exists with respect to separation distances between dwellings and poultry units. It is generally accepted however that a 400 metre zone around intensive livestock development is the threshold for nuisance complaints relating to airborne emissions. The nearest residential properties not linked to the applicant are located at the following distances from the site boundaries:

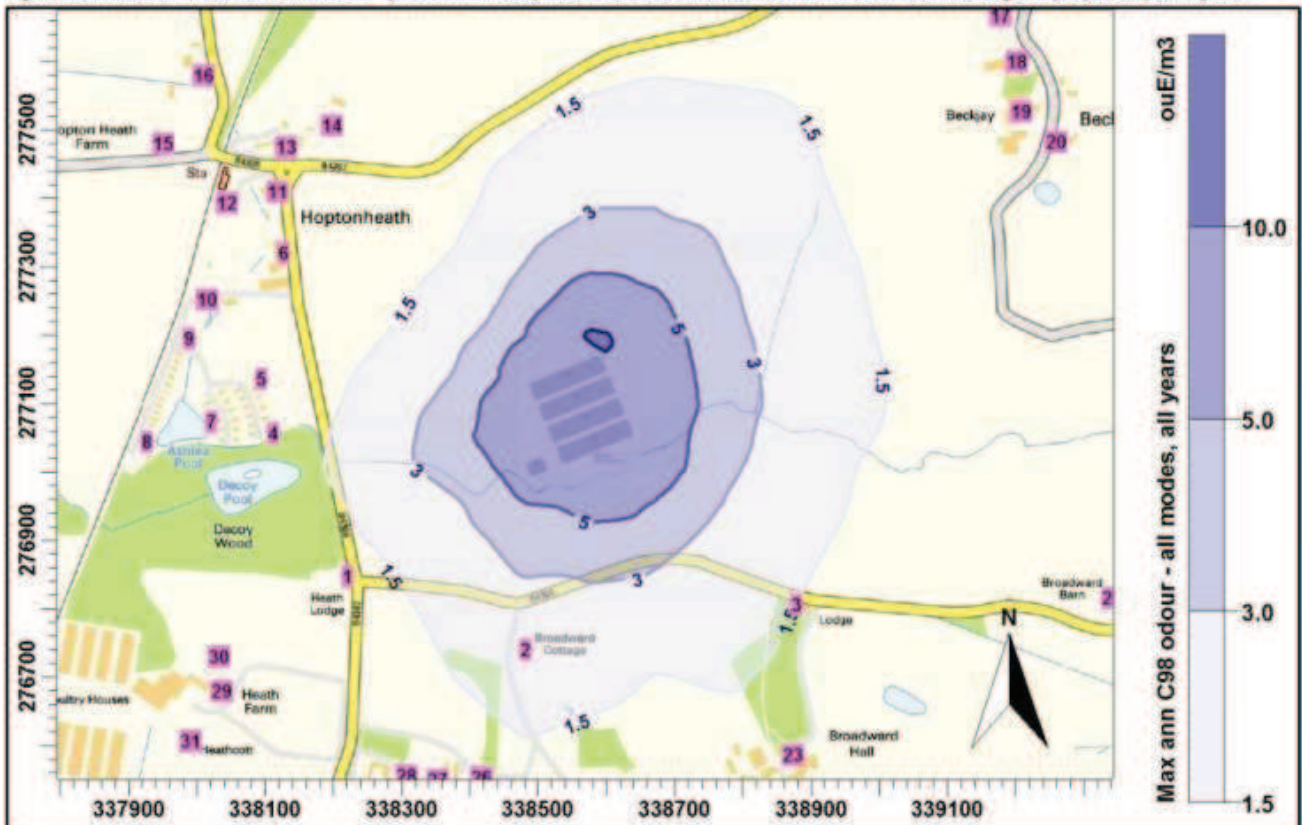
- 17 properties are located 340-650m to the north-west of the site at Hopton Heath. The nearest four of these are located between 350-400m north-west of the site;
- One property (Heath Lodge) is located 320m to the south west of the site and one (Broadward) is located 275m south. These form the nearest parts of a dispersed grouping of properties centred around Heath House located between 260-740m to the south.

However, the doors of the proposed 110m long sheds which are the main potential source of odour would be accessed from the eastern elevations, furthest from these properties – except Gate Lodge (350m to the south of the nearest shed door). The existing poultry sheds at Heath Farm are also further than 400m from all the nearest properties, with the exception of Heath Lodge, which is 360m from the existing site.

6.13 An Odour Impact Assessment advises that peak odour emission rates are likely to occur during the short time (usually around an hour per shed) when the housing is cleared of spent litter at the end of each crop. The sources of odour (the doors to the proposed chicken sheds) would be further away from the dwellings than the existing farm buildings (110m for the nearest unit). The proposed poultry buildings would also provide good initial dispersion of emissions by virtue of the use high velocity ridge mounted fans. There would be 4 days per 48 day cycle during which opening of shed doors will be required for crop clearance and cleaning and there is greater potential for odour at these times. However, shed doors would be on east elevations upwind of prevailing south-westerly winds which would be expected to blow any odour within the buildings away from the nearest properties.

- 6.14 There are measures that can be taken to minimise odour production during this time. There is usually some discretion as to when the operation is carried out. It may therefore be possible to time the operation to coincide with winds blowing away from the nearest properties. The odour modelling indicates normal measures to reduce odour, such as optimised feeding regimes will be sufficient to reduce the impact to an acceptable level at all receptors. That the worst case odour concentration at nearby residences (i.e. during shed cleaning) would be below the Environment Agency's benchmark for moderately offensive odours (like poultry litter) and in most cases odour from the proposed poultry unit would rarely be detectable. An environmental permit application has been issued by the Environment Agency and contains additional detailed information on odour modelling. The Permit includes an Odour Management Plan including a specific plan to deal with odour during the clean-out phase. The Environment Agency has confirmed that there are no objections on this basis.
- 6.15 Whilst the odour from the existing operation is evident on occasions in the local area it is not considered that the extent of any odour impacts arising from concurrent operation of the existing and proposed poultry sites would substantially exceed that expected in a normal agricultural context. The following points are noted in this respect:
- Manure from the operations would be introduced into the applicant's AD facility rather than being spread on adjacent fields so there would be a consequent reduction in this 'background' odour source.
  - Separation distances of more than 400m from the main odour sources are capable of being maintained at all except one property which nearly achieves this separation;
  - The EA has not objected and has issued an environmental permit which incorporates manure and odour management plans.

It is not considered on this basis that a refusal on odour grounds could be justified. It is however recommended that appropriate odour control and amenity protection conditions are imposed on any permission (included in Appendix 1).

Figure 6. Predicted maximum annual 98<sup>th</sup> percentile hourly mean odour concentration in the area surrounding the proposed poultry unit

© Crown copyright and database rights 2014.

*Plan from odour report indicating predicted maximum (worst case) odour concentration in the area surrounding the proposed poultry unit*

- 6.16 **Noise:** A noise assessment compares existing noise with that expected from the proposed poultry unit to assess the possibility of complaints being received. Complaints are considered to be generally unlikely except when feed delivery is taking place when there would be a marginal possibility of complaints. Feed delivery will however only take place during normal working hours. At the start of the crop there would be two lorries a week for the first two weeks and then one feed lorry per day at the end of the crop. A total of 23.2 lorries of feed would be consumed during each crop. The impact would be lessened by the feed bins being located to the east of the site away from the nearest sensitive receptors. The proposed bunding will further reduce any noise from the blowing of feed but this has not been factored into the Noise Assessment. The overall conclusion is that there will be no significant impact as a result of noise generated by the proposed development. Public Protection has not objected subject to the imposition of a condition restricting the hours for depopulation. The Environment Agency would also have the potential to impose additional safeguards as part of the permitting process. It is concluded that the proposals are compliant on balance with relevant amenity policies including Core Strategy Policy CS8 and that refusal on grounds of odour or noise could not be justified.

#### Natural and Historic Environment:

- 6.17 Policy CS17 states that “development will identify, protect, enhance, expand and connect Shropshire’s environmental assets, to create a multifunctional network of natural and historic resources, and should not adversely affect visual, ecological ... heritage or recreational assets.



- 6.18 Ecology: An ecological report assesses the potential impacts of the proposed poultry farm on protected species and their habitats. The proposed poultry units, biomass boilers and most of the access road would be constructed within two ecologically poor arable fields. None of the habitats listed in the Shropshire Biodiversity Action Plan would be significantly affected by the proposed development. The site is also not designated for its wildlife interest at an international, national or local level and no legally protected plant species were identified or are likely in the habitats encountered. However, the proposed access off the B4385 would affect a 6m section of the western boundary hedgerow and field margin. Consideration also needs to be given to the potential impacts of drainage and surface water run-off on the watercourse along the southern boundary of the site and further downstream where it flows into the River Clun Special Area of Conservation. One tree would be lost from the highway frontage in constructing the proposed access but this would be mitigated by the proposed landscaping works, including along the site access road. The Council's Trees section has not objected. The report concludes that any direct impact will only be of very minor/minor significance, particularly taking into account the recommended mitigation. Detailed mitigation measures in relation to specific protected species are recommended in the Ecology Report.
- 6.19 Natural England lodged a holding objection to the proposals as submitted on the basis that there was a need for further information in order to demonstrate that there would not be an adverse effect on the River Teme and River Clun SSSI's and the Special Area of Conservation associated with the latter. The applicant has subsequently submitted additional information including on ecology and hydrology and in addition, the Environment Agency has issued a Permit which concludes amongst other matters that ammonia emissions can be controlled within acceptable limits. This information concludes that there are no source / receptor pathways between the site and these designated sites which could result in adverse ecological impacts.
- 6.20 The Council's Natural Environment (Ecology section) has provisionally accepted this conclusion and has recommended a number of conditions which are included in Appendix 1. A Habitat Risk Assessment has also been prepared and is included in Appendix 3. In addition, the Council is required to consult Natural England on the Appropriate Assessment and give them 21 days to respond prior to the issue of any decision. This document assess potential source / receptor pathways between the site and the River Clun Catchment Special Area of Conservation. This document is under preparation but will conclude that there are no source receptor pathways capable of impacting on the SAC once available mitigation measures have been taken into account. The Council is obliged to give Natural England 21 days to consider the Appropriate Assessment before any decision can be issued and this period expires 2 weeks after the date of the committee. An appropriate reference to the requirement for this consultation has been included in the recommendations section of this report. It is concluded at this stage however that the proposals would not be likely to impact adversely on ecological interests and the proposed landscaping measures are capable of delivering ecological enhancements in accordance with Policy CS17.
- 6.21 Cultural Heritage: A Heritage Impact Appraisal has considers the potential impact of the proposals on individual heritage assets within a 1km area surrounding the proposed development. This concludes that there will be no significant impact on any heritage or archaeological features and there would be no impact for many such features. The Council's Historic Environment team has not objected subject to an

archaeological watching brief during groundworks. An appropriate condition has been recommended in Appendix 1.

- 6.22 Visual impact: A landscape and visual impact appraisal has been undertaken in accordance with relevant methodology. This includes photographs looking towards the proposed site from potentially sensitive locations such as roads, public rights of way, residential and recreational areas. An associated Heritage Impact Assessment considers the visual impact on designated and non-designated heritage assets. In terms of visual impact the poultry buildings would be set down at a lower level than the surrounding visual receptors. There is a tree lined brook to the south and a field hedgerow to the east which further reduce visual impact. A landscaping scheme has also been designed to utilise the existing landscape and topography. It includes planted screen bunding on the northern and western margins to hide any views from the vicinity of Hopton Heath. The existing hedgerow to the east and trees along the ditchcourse to the south would be retained and gaps would be planted up. Additional tree planting is also proposed between the buildings and the ditchcourse. The creation of the new access would necessitate the removal of a tree close to the entrance, but this would be replaced by additional planting along the access track.
- 6.23 Part of the buildings may be visible from upstairs windows in some properties along the road. The buildings would however be at a lower level to the houses, and set into the site levels. Views would be further reduced by the creation of an earth bund with suitable planting to the north and west of the site. The closest dwelling is also approximately 400metres away. The impact on the public rights of way would be negligible in most places and slight from the path to the north-east. The LVIA concludes that visual impact would be negligible to slight and the landscaping scheme would further reduce any impact.
- 6.24 In terms of landscape effects the site is located in the Estate Farmland character type and could be partly visible from some locations within the surrounding landscape. However, the topography of the area and existing vegetation will significantly reduce any potential visual impact. The LVIA considers that the magnitude of landscape change resulting from the buildings would vary from slight to moderate, but any adverse landscape effects would be limited in extent, restricted to nearby locations and the effects would be mitigated by the proposed landscaping works. The site is not within a protected landscape designation. It is located 1.5km east of the AONB from which it is generally well screened by existing landscape features. The LVIA concludes that there would not be an adverse impact on the AONB.
- 6.25 Officers have visited that site and would concur with the above conclusions, provided the proposals are subject to appropriate landscaping and surface treatment conditions. The photomontages suggest that the colour of juniper green proposed by the applicant for the sheds and feed bins would be appropriate in this setting. It is considered that any residual visual effects after the proposed landscaping is taken into account would be limited and would be outweighed by the benefits of the scheme to agriculture and the rural economy (Core Strategy CS5, CS17).
- 6.26 Water resources: Policy CS18 requires sustainable water management to reduce flood risk and avoid an adverse impact on water quality. The site is not located within a flood plain and is located over a minor aquifer. A full Flood Risk and Drainage assessment concludes that the proposals will not give rise to significant adverse effects on water or flooding given that the proposed Sustainable Urban Drainage Systems (SuDS) would



restrict site run-off to greenfield run-off rates. A suitable means of dirty water drainage disposal from the proposed development is proposed. The Council's Drainage section has not objected. Appropriate conditions and advisory notes are recommended in Appendix 1.

- 6.27 Manure management: The applicant has confirmed that all manure from the site would be fed into the applicant's anaerobic digester (AD) site, as would dirty water from the shed cleaning phase. No manure would be stored on site, even for a short period following shed cleaning. The applicant farms sufficient land area to spread the digestate from the AD site which is based at the main Heath Farm site. There would be no overall increase in feedstock for the AD site as the manure from the proposed operation would be used to replace other existing feedstocks. None of the land that the applicant farms falls within a Nitrate Vulnerable Zone. The Environment Agency has not objected and has issued a Permit which includes a manure management plan. It is considered that the proposals would not pose any significant risk to ground or surface water quality.
- 6.28 Biomass boiler: The poultry units would be heated by a modern biomass boiler system which would be fully compliant with relevant air emission standards. Biomass boilers produce a drier heat than traditional gas fired boilers which reduces the moisture content of poultry litter. This in turn reduces ammonia emissions and has benefits for bird welfare. The renewable heat energy produced by biomass boilers also has benefits in terms of climate change by substituting for the greenhouse gases which would otherwise be emitted by a fossil fuel heating system.
- 6.29 Material balance: The proposals would require excavation works in order to create a level development platform. The site would be excavated into the existing gently sloping field and surplus excavated material would be used to construct screen bunds on the north and western margins as part of the proposed landscaping scheme. Hence, there would be no need to export material from the site.

## 7. CONCLUSION

- 7.1 The proposals involve extension of an existing well established family run poultry business in order to ensure the future profitability / robustness of the business whilst continuing to contribute to the local economy and employment. They will also provide locally sourced food as part of a key industry in Shropshire, supplying a strong national demand for poultry meat under a contract with a national supplier (Cagills, Hereford). The proposals therefore comply with the economic criteria specified in Core Strategy policies CS1(sustainability), CS5 (Countryside) and CS13 (economy).
- 7.2 Concerns have been expressed by local residents with respect to the potential for odour / amenity impacts from the proposed development and the potential for these to impact adversely on existing leisure and amenity interests in the surrounding area. However, the Environment Agency has not objected and has issued an environmental permit which contains detailed controls with respect to odour and air quality. The site would be downwind of the majority of the nearest properties relative to the prevailing south westerlies and separation distances have been maximised for these properties by placing the shed doors on the eastern facades. There would be some odour impact during shed cleaning and some potential for noise during feedstock delivery. However, these impacts are predicted to be minor and temporary and it is not considered that refusal on the grounds of amenity impact can be justified on this basis.

- 7.3 It is considered that the EIA accompanying the application demonstrates that the other environmental impacts of the proposed development are not significant and are capable of being effectively controlled and mitigated. The LVIA supports the conclusion that the site is capable of being well screened, given existing vegetation, topography and proposed landscaping measures. There would be some localised changes but the LVIA concludes that these would be minor and limited to the immediate vicinity of the site. The design of the scheme incorporates sustainable features such as biomass heating, SuDS and landscaping. Stringent conditions have been recommended in Appendix 1 to cover site controls, including amenity issues. These would be supported by detailed operational controls under the Environment Agency's permitting regime. Whilst the concerns of
- 7.4 The site is located in open countryside some 700m from the existing farmstead. Core Strategy Policy CS5 requires that countryside vitality and character is preserved and expects new development such as agricultural schemes to deliver local benefits. The economic benefits of the scheme would in the first instance be specific to the applicant and local contractors / suppliers. It is considered nonetheless that these benefits are potentially significant given the level of investment involved and the requirements for local goods and services during the construction and operational phases (CS5), as is the ability to supply a national need for poultry meat through an established contract (CS13). It is concluded on balance that the benefits of the scheme are sufficient to outweigh any residual impacts and meet the tests of Core Strategy policy CS5 and related policies, having regard to the available controls and mitigation measures.

## 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 emphasizes sustainable development and planning for prosperity. Sustainable development 'is about positive growth – making economic, environmental and social progress for this and future generations'. 'Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision'. The framework sets out clearly what could make a proposed plan or development unsustainable.

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

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

#### 10.2 Core Strategy:

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

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

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

- CS5: Countryside and the Green Belt: supports agricultural related developments, recognising the need to ensure proposals for large scale new developments do not have unacceptable adverse environmental impacts. Importantly Policy CS5 also supports the retention and appropriate expansion of existing established businesses.
- CS6: Sustainable Design and Development Principles: To create sustainable places, development will be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness and which *mitigates and adapts to climate change*. This will be achieved by: Requiring all development proposals, including changes to existing buildings, to achieve criteria set out in the sustainability checklist. This will ensure that sustainable design and construction principles are incorporated within new development, and that resource and energy efficiency and renewable energy generation are adequately addressed and improved where possible. The checklist will be developed as part of a Sustainable Design SPD; Requiring proposals likely to generate significant levels of traffic to be located in accessible locations where opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced; And ensuring that all development: Is designed to be adaptable, safe and accessible to all, to respond to the challenge of climate change and, in relation to housing, adapt to changing lifestyle needs over the lifetime of the development in accordance with the objectives of Policy CS11 Protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate; Contributes to the health and wellbeing of communities, including safeguarding residential and local amenity and the achievement of local standards for the provision and quality of open space, sport and recreational facilities. Is designed to a high quality, consistent with national good practice standards, including appropriate landscaping and car parking provision and taking account of site characteristics such as land stability and ground contamination; Makes the most effective use of land and safeguards natural resources including high quality agricultural land, geology, minerals, air, soil and water; Ensures that there is capacity and availability of infrastructure to serve any new development in accordance with the objectives of Policy CS8. Proposals resulting in the loss of existing facilities, services or amenities will be resisted unless provision is made for equivalent or improved

provision, or it can be clearly demonstrated that the existing facility, service or amenity is not viable over the long term.

iii. CS13: Economic Development, Enterprise and Employment:

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

iv. CS17: Environmental Networks

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



provision for long term management and maintenance. Sites and corridors are identified in the LDF evidence base and will be regularly monitored and updated.

v. Other relevant policies:

- Policy CS7: Communications and Transport;
- Policy CS8: Facilities, services and infrastructure provision.

10.3 Saved Local Plan Policies:

10.3.1 Shropshire Structure Plan – Relevant saved policies:

- P16: Protecting air quality;

10.3.3 The South Shropshire 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 Clun area of the emerging SAMDEV but is not subject to any specific allocation. The SAMDev states that all development in Clungunford Parish must have regard to the conservation targets for the River Clun catchment as set out in the Nutrient Management Plan and agreed management strategy for the river catchment. 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 policy directions for the SAMDEV have been published and indicate the direction of future policy change. The most relevant directions for the current proposals are:

- MD9 – Managing development in the countryside (seeks to protect heritage, landscape and biodiversity assets);
- MD14 – Protecting and enhancing Shropshire's natural environment (seeks to ensure that biodiversity sites, habitats and species of recognised value are protected and enhanced).

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

11. RELEVANT PLANNING HISTORY:

11.1 The application site is located on an agricultural field which has no prior planning history.



List of Background Papers : Planning Application 14/00784/EIA and supporting documents and plans.

Cabinet Member (Portfolio Holder): Cllr M. Price

Local Member: Cllr Nigel Hartin. Clun

Appendices: APPENDIX 1 - Conditions

## **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. Further information has been provided by the applicant on odour and noise. The submitted scheme has allowed the identified planning issues raised by the proposals to be satisfactorily addressed, subject to the recommended planning conditions.

### **Conditions**

- 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 one weeks prior notice shall be provided in writing to the Local Planning Authority of the intended date for the commencement of operations under the terms of this permission,. Such date shall be referred to hereinafter as the Commencement Date.

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

2. The development shall be carried out strictly in accordance with the approved scheme comprising the following documents:
  - i. The application form dated 22<sup>nd</sup> July 2014 2014 and the accompanying planning statement and design and access statement;
  - ii. The environmental statement and supporting appendices accompanying the application including the updated drainage and flood risk assessment dated June 2014, the updated Ecological Assessment from Turnstone Ecology dated September 2014 and the addendum report from Berries dated November 2014
  - iii. The approved drawings namely:
    - SA14116/01 Location Plan;
    - SA14116/02 Proposed Block Plan- Showing Access
    - SA14116/03 Proposed Site Plan;
    - SA14116/04 Building Plans;
    - SA14116/05 Elevations and Full Site Sections;
    - SA14116/06 Biomass Building Plans;
    - 01 Land at Hopton Heath (Site survey) EIA Appendix 2;
    - 02 Land at Hopton Heath (Site survey) EIA Appendix 2;
    - HH-DL-100.Rev A Drainage Layout Plan (Revised) (EIA Appendix 6);
    - HH-AA-101 Access Arrangements Plan (EIA Appendix 6);
    - SA14116/LVIA/May14 LVIA Map – EIA Appendix 4;

- 01 Land at Hopton Heath (Tree Plan) EIA Appendix 12;

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

3. Prior to commencement of development, the tree works and tree protection measures identified in the tree condition report, arboricultural impact assessment and tree protection plan (Terry Merchant, 13/05/2014) and the Tree Location and Protection Plan (drawing 1, 13/12/13) shall be implemented to the written satisfaction of the Local Planning Authority. Thereafter the tree protection measures shall be maintained in a satisfactory condition throughout the duration of the development.

Reason: To protect retained trees and hedges contributing to the character of the location from damage.

- 4a. Tree, shrub, hedge and other planting and subsequent management shall be carried out in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date. All planting and seeding shall be carried out in accordance with the approved landscaping plan within twelve months of completion of the construction phase.

- b. Any tree, shrub or other planted material which dies or is otherwise lost during the first 5 years post-planting shall be replaced with a tree, shrub or other plant of similar size and species.

Reason: To ensure landscaping is carried out and managed in a way that will provide the best conditions for it to reach maturity and thereby provide the intended mitigation and amenity benefits in the long term.

5. Prior to the Commencement Date a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details for the duration of the construction period.

Reason: In the interests of highway safety.

*Note: The scheme shall amongst other matters confirm that measures that will be put in place so that there is no possibility of contaminated water entering and polluting surface or ground waters and no possibility of any building material or rubbish must finding its way into the watercourse.*

- 6a. The proposed surface water drainage scheme shall be installed in accordance with the approved drainage details prior to the first occupation of any of the development hereby approved. Details of the flow control structure should be submitted for approval prior to the commencement of the works.

- b. No proposed soakaway shall be placed within 20m of any watercourse

Reason: To ensure that the surface water drainage system is adequate, to minimize flood risk and to protect watercourses from potential pollution.

7. Prior to the Commencement Date a scheme confirming the drainage details of the new access road shall be submitted to and approved in writing by the Local Planning Authority.

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

*Note: The scheme shall confirm that the proposed drainage provisions fulfil 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 any area outside of the development site.*

- 8a. No rainwater contaminated with silt/soil from disturbed ground during construction shall drain to the surface water sewer or watercourse unless a scheme detailing of measures to ensure settlement of silt/soil have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- b. Any fuels and/or chemicals used on Site shall be stored on hardstanding in bunded tanks.

Reason: To protect surface and ground water resources from pollution.

- 9a. No development shall commence on site in connection with this approval until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for the carrying out of a geophysical survey in all areas of significant ground disturbance prior to the Commencement Date. If the results of this survey indicate that further evaluation is necessary to assess the extent, survival and significance of any archaeological remains then proposals for carrying out this additional survey work shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement Date.

Reason: To allow appropriate recording of any archaeological remains which may be present at the Site and to provide an opportunity to record any such features.

10. No development shall commence on site in connection with the approval until details of materials including colour finishes for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

Reason: To ensure the materials are appropriate in the landscape.

11. 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.

- 12 Before any other operations are commenced, the proposed vehicular access and visibility splays, shall be provided and constructed to base course level and completed to adoptable standard as shown on the application drawings before the development is brought into use. The area in advance of the sight lines shall be kept permanently clear of all obstructions.

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

13. 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.

Notes:

- i. *This planning permission does not authorise the applicant to construct any means of access over the publicly maintained highway (footway or verge). The applicant should apply to Highways Development Control using the application form and procedure shown on the attached document:*  
<http://www.shropshire.gov.uk/hwmaint.nsf/open/BC00D601A750273C80256DD6003A5EA2>
- ii. *Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact the Co-ordination Manager at the appropriate Area Office: - Craven Arms - southshropshire.highways@shropshire.gov.uk who shall be given at least 3 months-notice of the applicant's intention to commence any works affecting the public highway. This will ensure that the applicant is provided with an appropriate licence, an approved specification for the works and a list of approved contractors, if required. <http://www.shropshire.gov.uk/hwmaint.nsf/open/D8DAF1CB579FD61380256E2A004908E5>*
- 14a. Construction works shall not take place outside 06:30 to 19:00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.
- b. No more than 2 single traffic movements (single traffic movement having the meaning of one HGV either moving to or from the site) by lorries transporting birds to or from the Site shall occur in any given hour between the times of 23:00 and 07:00 hours.
- c. The removal of poultry manure shall not take place outside the hours of 07.00 to 18.00 hours Monday to Friday, Saturday 08.00 to 13.00 hours and at no times during Sundays and bank or public holidays.

Reason: To protect the amenity of the area.

*Note: It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of each building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire*

*Authority advises that early consideration is given to this matter. The Building Regulations, 2000 (2006 Edition) Fire Safety Approved Document B5 provides details of typical fire service appliance specifications.*

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification), no development shall be carried out under Class 6 Parts A and B without the prior grant of planning permission from the Local Planning Authority.

Reason: The effect of carrying out additional development of the facility under agricultural permitted development provisions has not been assessed as part of this proposal. The Local Planning Authority needs to retain full planning control over any future development of the site in order to assess whether any potential impacts associated with further development may cause harm to interests of acknowledged importance.

16. All plant and machinery on site shall be installed as per the figures within the application and maintained thereafter in accordance with the manufacturer's recommendations.

Reason: To protect neighbouring properties.

- 17a. No more than 2 single traffic movements (single traffic movement having the meaning of one HGV either moving to or from the site) shall occur in any given hour between the times of 23:00-07:00 hours. Reason: to protect the amenity of the area.

- b. Feed deliveries shall be managed so as to avoid the need for this activity to take place outside of daytime hours.

Reason: To protect neighbouring properties.

18. Prior to the bringing into use of the development the operator shall submit for the approval of the Local Planning Authority a complaint procedures scheme for dealing with noise, odour and other amenity related matters. The submitted scheme shall set out a system of response to verifiable complaints of noise received by the Local Planning Authority. This shall include:

- i. Investigation of the complaint;
- ii. Reporting the results of the investigation to the Local Planning Authority;
- iii. Implementation of any remedial actions agreed with the Authority within an agreed timescale.

Reason: To put agreed procedures in place to deal with any verified amenity related complaints which are received during site operation.

19. No development or clearance of vegetation shall take place until a wildlife protection (mitigation) plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) An appropriately scaled plan showing 'wildlife/habitat protection zones', where construction activities are restricted and where protective measures will be installed or implemented;



- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction (including a fenced buffer of 20m from the bank of the watercourse during construction);
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (dormice/nesting birds);
- d) Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction;
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
  - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

Reason: To protect features of recognised nature conservation importance.

20. A total of 2 woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be erected on the site as shown on site plan prior to first occupation of the buildings hereby permitted.

Reason: To ensure the provision of nesting opportunities for wild birds

21. 10m buffer strips of tall natural vegetation measured from the northern bank of the southern watercourse shall be retained or installed. The buffer zone shall be maintained for the lifetime of the development.

Reason: To ensure reduction of nutrient rich run-off and sediment entering the watercourse, to protect the River Clun SAC, a European protected site.

22. No development or clearance of vegetation shall take place until a scheme of landscaping has been submitted and agreed in writing by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:

- i. Planting plans, including wildlife habitat and features (e.g. dormouse boxes)
- ii. Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
- iii. Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
- iv. Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
- v. Implementation timetables

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

23. Prior to occupation, a 'lighting design strategy for biodiversity' for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- i. Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - ii. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
  - iii. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that lighting does not impact on bats, all species of which are protected under wildlife legislation and in the interests of general and residential amenity.

24. Note: No poultry manure or other waste material derived from the development hereby approved shall be spread within 30m of any watercourse or ditch on land under the control of the applicant within the catchments of the River Teme or River Clun.

Reason: To ensure reduction of nutrient rich run-off and sediment entering the Folly Brook, to protect the River Clun SAC, a European protected site.

Note:

- i. *The applicant is advised that digestate from the Anaerobic Digestate facility at Heath Farm which utilises feedstock materials from the approved site should not be spread within 30m of any watercourse or ditch on land within the catchment of the River River Clun in order to protect this catchment and the associated Special Area of Conservation.*
- ii. *The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.*
- 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). Any trees within the hedgerows may have potential for roosting bats. If these trees are to be removed then an assessment and survey for roosting bats must be undertaken by an experienced, licensed bat ecologist in line with The Bat Conservation Trusts Bat Surveys Good Practice Guidelines prior to any tree surgery work being undertaken on*

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

- iv. Badgers, the setts and the access to the sett are expressly protected from killing, injury, taking, disturbance of the sett, obstruction of the sett etc by the Protection of Badgers Act 1992. An experienced ecologist should assess whether any badger setts are present in the hedgerows. If any hedgerow removals are planned within 30m of the sett then it may be necessary to apply for a Licence to interfere with a Badger Sett for the Purpose of Development from Natural England. The applicant should follow the advice of their experienced ecologist throughout the works. If the applicant does not follow the procedure advised above then they may find themselves vulnerable to prosecution for an offence under the Protection of Badgers Act 1992. 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.*

**APPENDIX 2****TEXT OF OBJECTION FROM CLUNGUNFORD PARISH COUNCIL**

- i. The application falls to be considered within the policy guidelines of the National Planning Policy Framework published in March 2012 ("NPPF") and Shropshire Council's Core Strategy published in March 2011. The Parish Council is strongly of the view that the application does not sufficiently meet the criteria laid down in either policy document, such that Shropshire Council should refuse planning permission. It is appropriate to consider first the policy guidelines.
- ii. The NPPF has a general approach of supporting "sustainable development", and in particular with regard to the rural economy it is stated under the heading of Chapter 3 and in paragraph 28 ("Supporting a prosperous rural economy") that local plans should facilitate this. The Core Strategy executes this national policy in the following way. The Spatial Vision — Shropshire in 2026 sets out the objectives of the Core Strategy. The following are relevant (page 29): In rural areas, new development of a scale and location appropriate to the size, role and function of each settlement will have delivered significant community benefit, helping places to be more sustainable. Rural areas will stay rural and villages will retain their separate, distinctive and varied character. Village based services will have become more economically resilient and strengthened. New development which has taken place within Shropshire will be acknowledged by others as being of high quality sustainable design and construction that promotes safer communities, is respectful of local character, and planned to mitigate, and adapt to, the impacts of climate change. Shropshire will have a thriving, diversified local economy, with a growing enterprise culture. It will have raised its profile as a recognised location for business development and as a tourism destination, capitalising on its unique landscape and heritage assets without damaging their value for residents and visitors. The comment is made at page 30:  
Farm diversification, food and drink processing, the environmental economy, green tourism and leisure will be expanding areas of economic activity. Agriculture and farming will still be a prominent and successful economic sector. The Spatial Vision is to be achieved by the Strategic Objectives, of which the most relevant is C5 ("Countryside and Green Belt") at page 65 et seq. The following edited paragraphs are germane in the context of this application:  
New development will be strictly controlled in accordance with national planning policies protecting the countryside ..... development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to:
- Small-scale new economic development diversifying the rural economy, including farm diversification schemes; ... With regard to the above ... [type] of development, applicants will be required to demonstrate the need and benefit for the development proposed. Development will be expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.
  - Agricultural/horticultural/forestry/mineral related development, although proposals for large scale new development will be required to demonstrate that there are no unacceptable adverse environmental impacts;
  - The retention and appropriate expansion of an existing established business, unless relocation to a suitable site within a settlement would be more appropriate;

The following is offered at paragraphs 4.71, 4.72 and 4.74 by way of explanation and elaboration of the CS policies:

4.71 The emphasis of this policy is on sustainability and rural rebalance.... The policy seeks to enhance the broader social and economic well-being of rural communities, facilitating development that supports appropriate land and resource based uses and economic diversification and that provides for local needs, including affordable housing, community facilities and infrastructure. It provides recognition that the countryside is a 'living-working' environment which requires support to maintain or enhance sustainability, together with the ability to adapt to the changing needs and circumstances.

4.72 However, whilst this policy seeks to facilitate a wide range of beneficial rural development, the operation of this policy... recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. There will be a significant emphasis on achieving quality and sustainability of design, particularly locally appropriate design and use of materials. Thus, proposals which would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable. Whilst these considerations will apply generally, there will be areas where development will need to pay particular regard to landscape character, biodiversity or other environmental considerations including in the Shropshire Hills Area of Outstanding Natural Beauty.

4.74 Whilst the Core Strategy aims to provide general support for the land based sector, larger scale agricultural/horticultural/forestry/mineral related development, including livestock production units, poultry units, greenhouses/poly tunnels and mineral extraction, can have significant impacts and will not be appropriate in all rural locations. At C6 on page 69 it is provided that it must be ensured that all development (inter alia) ....protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate. I have set out the relevant policy provisions because it is important that Shropshire Council keeps sharp focus on them. In so doing, the Parish Council submission is that the application must inevitably be rejected for the following reasons.

- iii. A. Scale and situation: The application affects part of a large block of agricultural land bordered by the hamlets of Hopton Heath to the west, Broadward to the south and Beckjay to the north-east. It is a mosaic of smallish fields, typical of the area and to a pattern formed over several centuries. Other than farm buildings and cottages at Beckjay and an isolated barn conversion at Broadward, which are all on the periphery, the whole block has for generations been used for mixed arable and livestock farming. Residents of Clungunford and the hamlets have previously fought hard to preserve this block as agricultural land in the face of a previous application for two poultry sheds a short distance away from the present site at Broadward (see refusal 1/01830/0 dated 19 December 1991). We are faced here with an application for over 115,200 square feet of sheds and service structures of appearance indistinguishable from those found on any urban industrial business park. These sheds are sited upon a larger concrete pad with a lengthy concrete accessway. I have already made the point that in terms of scale the application is by far the largest ever made in Clungunford Parish or, I believe, in neighbouring parishes for some miles around. Any of the individual units would be larger than any existing building in the parish. The scale and contrast with existing



structures is indeed startling. Although classified as an agricultural use, this is factory farming: the proposal is widely regarded as a borderline light industrial use, and the residents of Hopton Heath, Beckjay and Broadward see it in that light (or worse due to the 24 hour nature of the proposed operation). In practice, this is a dramatic change of scale of use from the current agricultural user. Whilst it is accepted that the applicants have tried their best to minimize visual impact, the inescapable fact is that presence of the development will be blindingly obvious, both day and night. Tree planting will not solve the problem of visual impact. If evergreens are used, they will be totally out of character with the existing trees and hedgerows in and around the site. If deciduous trees are used to blend in with the existing tree cover, then, of course, they will not serve their purpose when without leaves.

The situation of the proposed units is such that they are close to Broadward Cottage (270m in this instance), the Ashlea Pools Country Park complex, Broadward Hall Lodge and Heath Lodge. A modest residence at this distance would hardly impact on any of these properties, but that would not be permitted on current policies. Instead, the owners are being subjected to what is to all outward appearance an industrial estate of some magnitude. There will be a valuation impact on these named properties and indeed much further afield in the vicinity. In the explanatory words of paragraph 4.72 of C5 this application is both isolated and out of scale with its surroundings, and so in policy terms it is not acceptable. The proposed development is sadly out of character with the landscape, and whilst the site is not within the Shropshire Hills Area of Outstanding Natural Beauty, it is certainly clearly visible from one of the most visited spots in the AONB, Hopton Titterhill. In this context I think I can do no better than refer to the reasons given for the refusal in 1991:

"The proposal represents an unacceptable visual intrusion into the landscape as the application shows the erection of two large, industrial type buildings in an area of gently rolling countryside....."

The policies have changed, but the aesthetics remain.

There are environmental considerations involved in the application, and these I turn to below, but subject to these and existing problems raised by residents being dealt with adequately, several of those attending the meeting of 7 August commented that had the application been for units contiguous with the applicants' existing operation at Heath Farm, it is likely that there would have been fewer objections to the proposal from the point of view of scale and situation. I observe that successful poultry unit applications generally involve sites at or close to the farm homestead, not on a stand-alone distant site.

- v. B. Sustainability: In order to succeed the applicants must demonstrate sustainability in the application. This is plain right the way though from the NPPF to C5 and to the explanation at 4.7L In order to lay claim to sustainability the applicants in summary argue that the establishment of these four units is a diversification that will safeguard the family business unit for future generations, both in terms of profitability and in terms of reducing the exposure of their current arable business to fickle commodity markets. The applicants are said to be key employers in the area, and the argument continues along the lines that if their business prospers, this is good for agriculture, and that is good for the area. This argument is presumably designed to deal with the requirement in C5 their proposal must improve the sustainability of rural communities by bringing local economic and community benefits. The argument about sustainability must be analyzed closely, and with all respect to the applicants and their agents, once analyzed, the applicants do not satisfy the requirements of C5. The first point to make is that this cannot be said to be a diversification. Diversification, put simply, is the addition by an enterprise of a second business different from its prime business



activity. The applicants already have a substantial poultry rearing business, which is presumably profitable. That they should wish to add further units at a different location is not a diversification, but an extension of the existing business and, moreover and paradoxically because of the applicants' expressed desire to reduce risk, a considerable intensification of risk in exposure to the chicken meat section of the commodity market. The second point is that according to the application the applicants run a 700 acre arable farm, including a bio-digester and an existing poultry business of some substance. It beggars belief that a holding of this size is in need of a further four poultry units to make it sustainable. It is correct to say that profits may well increase by the addition of the four units, but it is not at all correct to state that the increase is necessary for sustainability. The third point is that, dress it up how one may, the applicants' business venture is something of a joint venture. Had this application been submitted by the UK arm of the largest private company in the United States with a turnover of £80 billion and profits of £1,375 billion (2013 figures), it would be difficult to see how the proposal could impact upon sustainability. Yet it is Cargill UK of Hereford, the UK subsidiary of a world-wide food processor and commodity trader, that on the applicants' own admission provides the wherewithal for this business activity in terms of hatched birds, feed and end market. It is to be observed that at about the time this proposal apparently germinated late last year, Cargill UK had announced an expansion of its business at Hereford and a requirement for more birds for slaughter. The fourth point is that the applicants do not appear, as is alleged to be the case, to be a key local employer, as stated in the application. No figures are given in the application, but the residents of Hopton Heath have not been able to identify any local employees outside the family unit.

- vi. My purpose in making these points is that the proposed development cannot be shown to improve the sustainability of rural communities by bringing local economic and community benefits. It may well bring benefits to the business of the applicants and its partner, but otherwise it appears to bring no local economic or community benefit. Notwithstanding the above points, strong as they are, there is another, more fundamental issue on the sustainability of the proposed development. This is that any permitted development should not have the effect of making pre-existing local businesses less sustainable. This is not stated expressly in C5 but is implicit within it. I refer, of course, to the likely impact of the proposed development on tourism. The site for the proposed development is surrounded by tourist accommodation, both cottages to let and bed and breakfast accommodation. Ashlea Pools Country Park is one of the closest properties to the proposed development site, and it has a number of holiday cottages to let as well as owner occupied units. It is a major player in the tourist market in South Shropshire, marketing itself both direct to the public and through Hoseasons. In all it is believed that there are at least 30 holiday units around all sides of the site except for the Beckjay side. Broadward Hall has a function suite. There are a number of cottages available for general non-holiday letting as well. It goes without saying that local tourism has a far bigger impact on the community than the poultry business is ever likely to have in terms of employment. Most of the owners of the accommodation derive direct employment from their efforts, and some need cleaners and ground staff etc. Without thriving tourism the local community and economy would be so much the poorer. It is considered that the environmental downside to the proposed development, whether real or imagined, is likely to have a detrimental effect on tourism. The point was very cogently made by several people attending the meeting on 7 August. Permanent residents have objections to periodic smells and noise pollution emitting from the current poultry unit at Heath Farm, and it is inevitable that these problems are going to be exacerbated by having four large units so very much closer to the

accommodation. Nevertheless, permanent residents generally put up with the occasional nuisance, simply because they have no choice. Those booking accommodation do have a choice, and they are likely to exercise it. The very presence of a poultry unit so close to accommodation is always going to be heavily influential in whether tourists book accommodation. Adverse sentiment is always likely to be magnified by the effects of the internet and the likes of TripAdvisor.co.uk . This produces an adverse effect on the sustainability of these businesses and local employment, an adverse effect that the proprietors of these businesses cannot have foreseen when setting up and investing in their businesses, some of them heavily. From the foregoing it will be apparent that on a balance of probabilities the grant of permission is likely to diminish the overall sustainability of the community.

vii. C. The environment. The following environmental aspects cause concern, and I will deal with each of them in turn:

- (a) Odour pollution
- (b) Noise pollution
- (c) Light pollution
- (d) Drainage and the impact on the natural environment

(a) Odour pollution  
The Odour Report dated 16 April 2014 from AS Modelling & Data is fundamentally flawed. Residents at Hopton Heath complain about odours emitting from the present poultry operation at Heath Farm, and I understand that complaints have been made from time to time to regulatory authorities. I have no information as to the outcome, and the complaints may well have been from residents outside our parish boundary. The Odour Report suffers from the fundamental defect that it does not take into account the cumulative effect of the odour from the existing site, but merely concentrates on the odour from the proposed development. Given the mature nature of the existing operation at Heath Farm, it should surely have been a simple matter to produce hard measurements and statistics on odour at the various receptor points. The opportunity has not been taken, although this application has been long in germination, and one has to question why. As things stand, it seems reasonable to assume that the cumulative odour from the two sites is likely to be such that at a number of houses measured as receptor points in Table 3b of the Odour Report the Environment Agency's benchmark for acceptability of 3.0 ou E /m<sup>3</sup> (based on the 98th percentile hourly mean measurement is likely to be exceeded. We must be sure that we understand what Table 3b of the Odour Report shows. It is admitting that nearly all properties in Hopton Heath, Broadward and Beckjay will suffer a level of odour above the benchmark limit for at least some days a year, even before the cumulative effect of the existing Heath Farm operation is taken into account: see last paragraph on p16. Residents are a captive market for odour: tourists are not. A model such as that relied on in the Odour Report is a model. It may be right: it may be wrong. The problem is that if it is wrong, any positive decision based upon it will most likely wreak irremediable damage to those affected. The Parish Council submission is that it has not been demonstrated that there will be no significant impact from the odour of the proposed development.

viii. (b) Noise pollution. The Noise Assessment Report of John Waring dated 18 July 2014 is woefully inadequate. The fundamental flaw is that the author assumes the nearest residence to be Heath Lodge, which he measures to be 425m away from the centre of the ventilation fans (his scaling incidentally shows the distance selected to be 400m). He equates Heath Lodge with Ashlea Pools, although his comments as to lack of permanent residency of the latter are wrong. The nearest residence is plainly Broadward Cottage, which is not reproduced at all on the author's plan of the environs.

Broadward Cottage is the nearest residence at around 270m (or less) to the ventilation fans. In terms of the noisiest contemplated activity, namely feed delivery at the rear of the buildings, both Broadward Lodge and Broadward Cottage will be much nearer to the noise source than Heath Lodge. Further, as with the Odour Report, the author does not take into account any noise from the existing facility at Heath Farm. The evidence we have is that such activities as feed delivery can be heard as far away as Beckjay and occasionally even in Clungunford village. In as much as anything useful can be obtained from the Noise Assessment Report, we learn that complaints are likely to emanate from feed deliveries, both at Heath Lodge and Ashlea Pools (which is put forward as the comparable to Heath Lodge). It is an a fortiori case that complaints are ever the more likely from Broadward Cottage and Broadward Lodge, as the activity, which will take place on the eastern side of the buildings, is not screened by the buildings themselves (a factor which substantially mitigated the impact on Heath Lodge and Ashlea Pools). On the report as it stands fan noise levels at Heath Lodge and Ashlea Pools are borderline complaints level at 3dB during the night. Broadward Cottage and Broadward Lodge must inevitably be over the complaints level, being that much closer. There are further criticisms of the Noise Assessment Report. The delivery of and dispatch of birds may well take place during the night, according to other documents submitted with the application, and so the background noise should not be that applicable to the day but to the night. If this revision is made, the assessment level becomes 4dB instead of - 3dB. In other words, even at the chosen measurement point at Heath Lodge (and by way of chosen comparable at Ashlea Pools), the assessment is above the level at which complaints are likely. The impact at Broadward Cottage and Broadward Lodge will be greater still. Feed deliveries have been assessed as if taking place during the day and been found above the trigger level for complaints at Heath Lodge and Ashlea Pools. In fact, it would appear that deliveries take place at night at Heath Farm, and so it is reasonable to assume the same regime will apply to this site. If so, the noise levels are likely to be much higher and well beyond the accepted complaints level of 3dB. The Noise Assessment Report does not mention the impact of movements of HGVs at night on residents on the periphery of the roads leading to the development. Already residents complain of the noise as lorries brake, change gear and accelerate to deal with winding lanes and roads leading to the site, and naturally this is going to be exacerbated by the further traffic projected to arise from the proposal. From the foregoing the Parish Council submission is that the Noise Assessment Report, properly analyzed, demonstrates that there will be significant activity at the development which will generate noise at and beyond the 3 dB acceptable limit at a number of nearby properties. This is not a state of affairs that can be remedied by condition: it is a reason to reject the application in its entirety.

- (c) Light pollution: Whilst it is accepted that light from the poultry units themselves is unlikely to be a source of pollution if the projected automatic shutters are used, there is concern that lighting of the greater compound will cause light pollution. At present there is no lighting at all in the centre of this block of agricultural land. Any light will, therefore, be seen by residents as an intrusion and visible from a number of properties on the periphery of the block. If the development were to use white light only and down-lighters, this would be less intrusive. It is accepted that per se light pollution could be dealt with adequately by condition, but taken in conjunction with other forms of pollution and taking into account the character of the area, any light pollution is unacceptable without cogent reasons to justify it. Sadly, this application has little by way of community benefit to commend it.

- (d) Drainage and impact on the natural environment: It is well known in South Shropshire planning circles that considerable efforts are being made to preserve the freshwater pearl mussel beds close to the site of the proposed development. The water course running at the south side of the site leads directly to the River Clun at a point upstream from the mussel beds. The Ashlea Pools are drained by this watercourse, which takes also much run off water from fields. It is not "a dry ditch", as represented to the Parish Council by the applicants and their agent at their meeting with the Parish Council. Evidence from a former owner of the site (Mr Geoffrey Rollason) informs us that the site, at precisely the end of the field where the development is proposed, used to be called "The Bog" because of its propensity to retain water. This is confirmed by one of the Parish Councillors (Mr Bert Bason MBE), the former farm manager of the Rocke Estate and also previous owners of the field, whose knowledge of the site goes back 80 years. The owners of the adjacent field to the north of the site inform us that the eastern end of their field is very wet. The site is believed to have benefited from drainage works over a century or more ago. Several large land drains (9 inch pipes) discharge into the River Clun close to this site, and it is thought that one or more of them serve this site and land beyond. There is concern that the considerable earthworks involved in the proposal will disturb the natural drainage, poor as it is, for surrounding land, but the greater concern is that the application takes little account at all of the mussel beds and the SAC and the potential impact of the development upon them. On page 63 of the Environmental Statement it is agreed that "there is the potential for indirect impacts to occur". What is proposed is by no means a fool proof method of protecting the SAC against possible escapes or emissions from the development site. There does not appear to be within the proposal any provision for staff toilets and washing facilities. We understand that for purposes of farm assurance approval there must be provision for toilets and hand washing facilities on site (Red Tractor Poultry Standards - Broilers and Poussin — Condition AM9.3). A similar requirement would exist for reasons of staff welfare. We know from the drawings that dirty water from the units themselves is to be deposited into a 6,000 litre tank (referred to as 5,000 litre on the plan) and thence removed from the site, but there is no mention made of foul drainage. We can only assume that facilities such as these have not been mentioned to preclude possible objections from Natural England, who appear to have been objecting even to the extension of even very modest residential toilet facilities throughout the whole of the Clun Valley. There is no mention of provision of foot dips at the farm entrance and entrances to the poultry houses (/oc cit, Condition AM9.2) and the method of disposal of contaminated waste. Farm and other vehicles entering and leaving the site should be cleansed and disinfected (Condition AM9.6). No mention is made of provision for this, nor of how the waste washings would be directed to the dirty water tank rather than be allowed to escape through the soakaways. The proposals for ground and surface water drainage are for drainage to soakaways in what is an already wet field. In the Flood Risk and Drainage Assessment of June 2014 it is stated that "The proposed surface water drainage soakaways have been designed for a 1 in 10 year event + 20% climate change. Any exceedence (sic) flows and the 1 in 100 year storm event run-off will be directed towards the adjacent ditchcourse running along the southern site boundary." The problem with this design is that within the last seven years in the village we have had two 1 in 50 year rainfall events. With the ever present threat of climate change it seems inevitable that the ditch at the south of the site will be called upon to discharge from the site from time to time. The flow of the water course into the River Clun leaves the SAC exposed to a potentially cataclysmic event through pollution from this site. It seems to the Parish Council to be an unacceptable risk. The same remarks apply to any drainage from this site that might occur through historic drainage systems. The applicants have in effect no control over these conduits as they

are not in their ownership when they leave the eastern boundaries of the site. The application does not appear to deal at all with the Clun Catchment Nutrient Management Plan propounded by The Environment Agency and Natural England, which is currently in consultation. This plan is designed to bring about the necessary improvements in the quality of water in the River Clun to enable the mussel bed to thrive.

- ix. D. Highways aspects. The concern of the Parish Council is that the access is at a long, straight section of the B4385 road where vehicles have been known to gather speed: it is, however, a long straight section with a dip. There seems to be scope for accidents as slow moving vehicles, whether they are articulated lorries or tractors and trailers, emerge into the road. The greatest danger is likely to arise from traffic travelling from Hopton Heath toward Bucknell, where speeding traffic may not be able to see emerging traffic until it is too late. This is a significant risk.
  
- x. In summary Clungunford Parish Council considers the application should be rejected on the following grounds as expanded above:
  - A. Scale and situation
  - B. Sustainability
  - C. The environment, particularly
    - (a) Odour pollution
    - (b) Noise pollution
    - (c) Light pollution
    - (d) Drainage and impact on the natural environment
  - D. Highways aspects



**APPENDIX 3****Habitat Regulation Assessment (HRA) Screening Matrix**

Application name and reference number:

<p>14/03290/EIA Proposed Poultry Units South East Of Hoptonheath Shropshire Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping.</p>
--

Date of completion for the HRA screening matrix:

28 <sup>th</sup> November 2014
--------------------------------

HRA screening matrix completed by:

<p>Nicola Stone Assistant Biodiversity Officer 01743-252556</p>
---

**Table 1: Details of project or plan**

Name of plan or project	<p>14/03290/EIA Proposed Poultry Units South East Of Hoptonheath Shropshire Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping.</p>
Name and description of Natura 2000 site	<p>River Clun SAC (14.93ha) supports a significant population of Freshwater Pearl Mussel <i>Margaritifera margaritifera</i>. The River Clun SAC is currently failing its water quality targets particularly relating to ortho-phosphates. The current phosphate target for the river and particularly at the SAC is 0.02mg/l. Shropshire Council is working closely with Natural England and Environment Agency on developments within the Clun catchment. Shropshire Council formally consults Natural England on any planning application within this area.</p> <p>Annex II Species that are a primary reason for selection of site:</p> <ul style="list-style-type: none"> <li>Freshwater pearl mussel <i>Margaritifera margaritifera</i></li> </ul>
Description of the plan or project	<p>Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping. The proposed application will house 216000 birds.</p> <p>We have identified the following effect pathways:</p> <ol style="list-style-type: none"> <li>Possible impact of ammonia emissions on River Clun.</li> <li>Possible increase in sediment flowing down the southern</li> </ol>



	<p><i>stream.</i></p> <p>3. <i>Run-off from fields carrying more phosphate and nitrogen into the southern stream through poultry rearing compared with previous agricultural practice.</i></p> <p>4. <i>Increase on phosphate/nitrogen from spreading digestate on the land.</i></p>
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	<p>Shropshire Council, under Regulation 61 in the Habitats Regulations, can rely on the 'evidence and reasoning' of another competent authority. Shropshire Council can therefore rely on the evidence provided by the Environment Agency, EA permit, to complete the assessment of air pollution impacts. Shropshire Council can assume that the Environment Agency has taken into account any in-combination affects.</p> <p>(Applications for dwellings or employment projects generating waste water are being assessed against an interim guidance note agreed with NE and EA).</p>

### Statement

Natural England has formally responded to this planning application in a letter dated 18<sup>th</sup> August 2014 & 12<sup>th</sup> November 2014. Natural England has a current objection on this application, Shropshire Council's Draft HRA must be submitted to Natural England for approval prior to a planning decision being formally granted.

Shropshire Council has sought further information on the proposed poultry application in order to consider if the development will adversely affect the integrity of the River Clun SAC.

The information provided by the applicant is summarised below and listed under the appropriate identified effect pathway;

#### **A) Possible impact of ammonia emissions on River Clun.**

- ➔ Pre-application report from the Environment Agency 13/03/2014
  - The EA, as a more competent authority, has screened out the ammonia impacts from the proposed development on SAC, SPA, Ramsar within 10km; SSSI within 5km; NNR, LNR & LWS within 2km. The EA have stated that detailed modelling is not required. Shropshire Council can rely on 'evidence of reasoning' provided by another competent authority when undertaking a HRA. Shropshire Council can assume that the EA have taken into account any in-combination effects.
- ➔ Environmental Permit from the Environment Agent (November 2014)
  - The Environment Agency has granted a permit for the works proposed under planning application 14/03290/EIA.

#### **B) Possible increase in sediment flowing down the southern stream.**

- ➔ Ecological Survey Report conducted by Turnstone Ecology (July 2014) and update (September 2014)

- Additional native species hedge planting/meadow creation will be created buffering the application to the un-named ditch.
- SC Ecology has provided a condition, listed below, which will ensure that there is at least a 20m buffer from the bank of the un-named ditch to the proposed development boundary. This 20m buffer will be fenced during construction to ensure that the potential increase in sediment flowing down to the un-named ditch is limited.
- Within this 20m buffer strip there will be a 10m wildlife buffer. This will include tall natural vegetation. The 10m buffer will be measured from the northern bank of the southern un-named ditch and will be maintained for the lifetime of the development.

Providing the applicant accepts this as a condition of their planning application SC Ecology is satisfied that the risk of sediment increasing in the southern un-named ditch is low.

**C) *Run-off from fields carrying more phosphate and nitrogen into the southern stream through poultry rearing compared with previous agricultural practice.***

- ➔ Drainage Details for the proposed development, including Soakaway Design, Plan, and Soil Infiltration Rates have been provided by the applicant.
- Comments from Shropshire Council Flood and Water Management Team, Mr Bruce Bartlett, state that the surface water drainage provision is acceptable.
  - Surface water run-off (clean water) will be directed to appropriately designed soakaways.
  - All dirty water produced by the proposed development will be collected by a sealed drainage system connected to an underground pumping chamber. This will be located underneath the yard area. Dirty water will be pumped out and taken by slurry tanker to Heath Farm where it will be pumped into dedicated storage facilities at the AD site before being used in the existing Anaerobic Digester.
  - Spill kits will be stored within the site compound during and post construction and all spills will be cleaned up accordingly and if necessary reported.
  - All chemical waste will be stored to EA guidelines

Providing the applicant confirms that no dirty water will enter the soakaways, and the conditions below are appropriately enforced SC Ecology is satisfied that the run off from the fields should not carry more phosphate or nitrogen.

**D) *Increase on phosphate/nitrogen from spreading digestate on the land.***

The applicant will provide plans showing fields which will be used to spread the digestate before planning permission is granted. This information will be used to complete the planning condition as listed below. There shall be no digestate/waste from the poultry application spread within 30m of any watercourse or ditch for the lifetime of the development.

**Conclusion**

Providing the following conditions are on the decision notice and are appropriately enforced Shropshire Council has concluded that the proposed development will not impact on the integrity of the River Clun SAC.

1. No works shall be carried out other than in accordance with the approved plans. Details of any further works shall be submitted to the Local Planning Authority and approved in writing prior to those works being carried out.  
**Reason: To ensure reduction of nutrient rich run-off and sediment entering the watercourse, to protect the River Clun SAC, a European protected site.**

2. No development or clearance of vegetation shall take place until a Wildlife Protection (mitigation) plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- a) An appropriately scaled plan showing 'Wildlife/habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction (including fenced buffer of 20m from the bank of the watercourse during construction);
- c) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (dormice/nesting birds);
- d) Persons responsible for:
  - i) Compliance with legal consents relating to nature conservation;
  - ii) Compliance with planning conditions relating to nature conservation;
  - iii) Installation of physical protection measures during construction;
  - iv) Implementation of sensitive working practices during construction;
  - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
  - vi) Provision of training and information about the importance of 'Wildlife protection zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.

**Reason: To protect features of recognised nature conservation importance.**

3. 10m buffer strips of tall natural vegetation measured from the northern bank of the southern watercourse will be retained or installed. The buffer zone will be maintained for the lifetime of the development.

**Reason: To ensure reduction of nutrient rich run-off and sediment entering the watercourse, to protect the River Clun SAC, a European protected site.**

4. No development or clearance of vegetation shall take place until a scheme of landscaping is submitted and agreed in writing by the local planning authority and these works shall be carried out as approved. The submitted scheme shall include:
  - a) Planting plans, including wildlife habitat and features (e.g. dormouse boxes, bird and bat boxes, bat lighting plan)
  - b) Written specifications (including cultivation and other operations associated with plant, grass and wildlife habitat establishment)
  - c) Schedules of plants, noting species (including scientific names), planting sizes and proposed numbers/densities where appropriate. Native species used to be of local provenance (Shropshire or surrounding counties)
  - d) Details of trees and hedgerows to be retained and measures to protect these from damage during and after construction works
  - e) Implementation timetables

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

5. Spreading of the digestate material will take place **only on fields #, #, #**. Any other waste from the proposed poultry units will not to be spread within 30m of any water course for the lifetime of the development.

**Reason: To ensure reduction of nutrient rich run-off and sediment entering the Folly Brook, to protect the River Clun SAC, a European protected site.**

#### The Significance test

The proposed works in application No Application No. 14/03290/EIA, Proposed Poultry Units South East Of Hoptonheath, Shropshire. Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and

associated landscaping.

Could have a significant effect on the European Designated Site at the River Clun SAC, through Phosphate, ammonia/nitrate and sediment washing in to unnamed ditch to the south of the development site generated by poultry rearing, reaching the River Clun SAC. The Habitat Regulation Assessment process cannot be satisfied and an Appropriate Assessment is required

### The Integrity test

It was concluded that the proposed works under planning application No Application 14/03290/EIA, Proposed Poultry Units South East Of Hoptonheath, Shropshire. Construction of four poultry sheds and feed bins, ancillary works, formation of new vehicular access, erection of biomass building and associated landscaping, will not adversely affect the integrity of the European Designated Site at the River Clun SAC providing the development is implemented in accordance with the above conditions and submitted documents.

### Conclusions

Natural England should be provided with SC Ecologist Draft HRA. Planning permission can only be granted when Natural England agrees and accepts Shropshire Council's HRA.

## Guidance on completing the HRA Screening Matrix

### The Habitat Regulation Assessment process

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

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

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

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of that site,

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

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

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

In this context 'likely' means "probably", or "it well might happen", not merely that it is a fanciful possibility. 'Significant' means not trivial or inconsequential but an effect that is noteworthy –

Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

### **Habitat Regulation Assessment Outcomes**

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

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

### **Duty of the Local Planning Authority**

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





<u>Committee and date</u>
South Planning Committee
9 December 2014

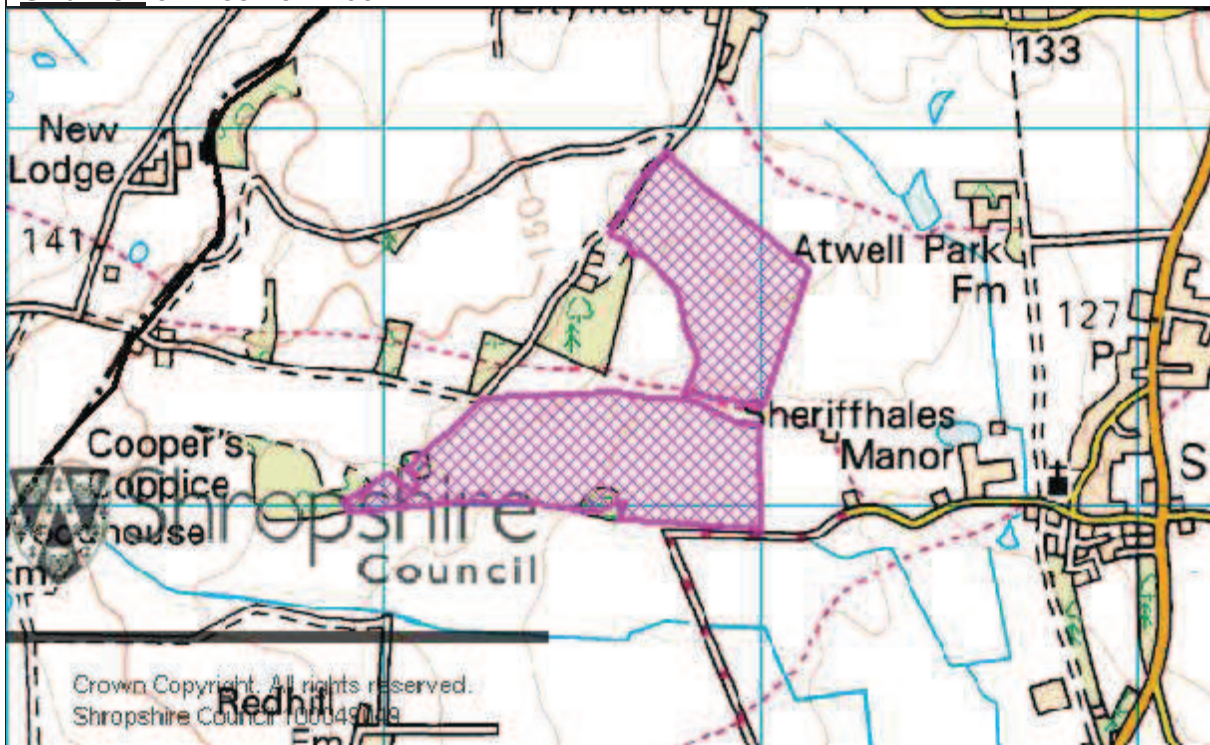
## Development Management Report

Responsible Officer: Tim Rogers  
 email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b>Application Number:</b> 14/03444/FUL	<b>Parish:</b>	Sheriffhales
<b>Proposal:</b> Installation and operation of a solar farm and associated infrastructure		
<b>Site Address:</b> Proposed Solar Farm To The West Of Sheriffhales Shropshire		
<b>Applicant:</b> Lightsource SPV 39 Limited		
<b>Case Officer:</b> Kelvin Hall	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 374785 - 312106



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2011 For reference purposes only. No further copies may be made.

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



## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks permission for the installation of a solar farm comprising arrays of solar panels with associated buildings and infrastructure. The proposal (as amended) would comprise the installation of 97,336 solar panels generating 24.82MW of electricity which would be fed into the local power grid network. The panels would be installed within west-east orientated rows. They would be mounted on fixed frames, of either galvanized aluminium or steel, in a landscape configuration. They would be angled at 20 degrees, with the highest edge at a maximum height of 2.4 metres and the lowest at 0.8 metre.
- 1.2 Buildings and other infrastructure proposed comprises the following:
- 14no. inverter buildings: each measuring 8 metres x 1.3 metres x 2.6 metres high;
  - 8no. transformer installations: each measuring 4.5 metres x 4.1 metres x 3.6 metres high;
  - 7no. production substations: 5 metres x 2.4 metres x 3.2 metres high
  - Client side substation: 6 metres x 2.4 metres x 3.2 metres high
  - Distribution Network Operator (DNO) substation: 9.1 metres x 2.9 metres x 3.1 metres high.
- 1.3 The above buildings would be cabin like structures, constructed of either stainless steel or polyurethane panels. The DNO substation would be located at the southern boundary of the site. The other buildings would be sited in seven separate clusters, relatively evenly space around the central parts of the site. Other than the DNO substation the buildings would be Moss Green in colour. The DNO substation would be Bottle Green.
- 1.4 A 2 metres high timber post and wire fence would be installed around the perimeter of the solar farm, for security purposes. CCTV security cameras (39no.) would be erected around the site perimeter. These would be on timber poles, approximately 2.8 metres in height. Once the panels have been erected the land is proposed to be grazed by sheep.
- 1.5 Landscaping would include tree planting along the southern boundary of the site, the planting of a new hedgerow along the eastern boundary of the northernmost field, and the planting of a new hedgerow through the middle of the southwestern field. Other planting would include infill planting to close up gaps in existing hedgerows. Swales would be constructed to improve runoff and reduce flood risk.
- 1.6 The application is supported by a number of detailed documents, including: Landscape and Visual Impact Assessment; Ecological Appraisal; Archaeological Assessment; Historic Environment Settings Assessment; Flood Risk Assessment; Traffic Management Method Statement; Biodiversity Management Plan; Agricultural Land Classification Assessment.

**2.0 SITE LOCATION/DESCRIPTION**

2.1 The application site lies approximately 800 metres to the west of the village of Sheriffhales. The site covers an area of approximately 42 hectares on three adjacent agricultural fields. The northernmost field is gently undulating; the westernmost field is on a gentle south-facing slope; the southeast field is relatively flat.

2.2 There are scattered residential properties in the vicinity of the site. The nearest of these are: Big Wood Cottage (approximately 90 metres to the southwest of the northernmost field), Keepers Cottage (approximately 190 metres to the east), Lilyhurst (approximately 260 metres to the north), Manor Cottages (approximately 450 metres to the east). Atwell Park Farm (approximately 490 metres to the northeast), Sheriffhales Manor, a Grade II Listed Building (approximately 540 metres to the east), and Redhill Farm is situated approximately 600 metres to the south. It should also be noted that planning permission for the conversion of agricultural buildings at Redhill Farm into seven residential units was granted in 2011.

2.3 Between the northernmost field and the southwesterly field there is an area of woodland which is designated as ancient woodland. The boundary of the Lilleshall Hall Grade II Registered Park is approximately 560 metres to the north. The site lies approximately 630 metres to the west of the boundary of Sheriffhales Conservation Area. A public footpath runs in a generally west-east orientation to the north of the southern fields. The Green Belt lies approximately 1km to the south.

2.4 Vehicular access to the site would be gained from the A5 public highway to the south of the site, via an existing access track. A new field access point would be created in order to facilitate this which would avoid the need for construction traffic to pass through the village of Sheriffhales.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

3.1 Parish Council's views are contrary to the Officer recommendation; the Local Member and Committee Chair have both requested a Committee decision.

**4.0 COMMUNITY REPRESENTATIONS****4.1 Consultee Comments**

4.1.1 **Sheriffhales Parish Council** Objects to this planning application on the grounds of:

- 1) Totally inappropriate development in open countryside
- 2) Inappropriate use of good agricultural land bringing industrialisation use into farm lane
- 3) The size of the site - 110 acres, is massively out of scale and character to anything in the very rural Parish of Sheriffhales
- 4) Such development should be on roofs of industrial/factory sites
- 5) No power produced is for use by the two farms involved in the application and is there for a purely operation taking land away from the production of food
- 6) The site can be seen from fourteen sites in and near the Parish: Hilton Bank, The Centre of Sheriffhales Village, Pinfold, The Evergreens, Church Lane, Dukes Drive (Crackley Bank to Lillyhursh Road, A5, Crackley Bank, Sandy Lane, Redhill, Houghton Hill, Decker Hill and from near to the Crematorium.

In relation to the modifications made to the layout, the Parish Council confirms that it maintains its objection.

4.1.2 **Natural England** No objections.

Statutory nature conservation sites: – no objection. The proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species: We have not assessed this application and associated documents for impacts on protected species. Standing Advice should be applied to the application.

Local sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

4.1.3 **SC Highways** No objections.

Construction and decommissioning: Section 3 of submitted Construction, Decommissioning, and Traffic Management Method Statement provides information with regard to proposed access to the site during construction and decommissioning. The proposed access to the site is an existing access and considered acceptable. However, as per the submitted plan confirmation of the construction traffic route will be required prior to commencement. Section 3.3 of the statement suggests a condition survey will be undertaken prior to construction; the applicant should contact the Highways Manager for the area prior to commencement of development. It is recommended that the following planning condition or similar is attached to any permission granted to ensure that recommendations within the submitted Construction, Decommissioning, and Traffic Management Method Statement are adhered to for the duration of the development:

No development shall take place until details of the proposed construction traffic route has been submitted to, and approved in writing by, the local planning authority. The submitted Construction, Decommissioning, and Traffic Management Method Statement shall be implemented prior to commencement, and adhered to throughout the duration of the development.

4.1.4 **SC Drainage** The surface water run-off from the solar panels is unlikely to alter the greenfield run-off characteristics of the site therefore the proposals are acceptable.

Watercourses are present within the development site. A 3m wide easement from the top of each watercourse bank, is required for maintenance purposes.

4.1.5 **SC Ecologist** Recommends conditions.

Trees to be removed should be assessed for bat potential and any necessary aerial survey undertaken.

Great crested newts A single pond (P4) was present on the application site. Three ponds within 250m of the site were assessed by Avian Ecology (2014) for great crested newt (GCN) suitability. Ponds 1 and 2 were found to have 'below average' suitability and eDNA tests concluded 'undetectable' GCN presence. Ponds 3 and 4 were evaluated as 'poor' suitability. The majority of the site is arable land, considered sub-optimal for GCN. It is agreed that no further survey is necessary.

Avian Ecology propose a series of Risk Avoidance Measures to prevent incidental harm to amphibians during construction in Appendix 2, which should be conditioned (see Appendix 1).

Bats: Avian Ecology carried out a scoping survey of trees and report that 8 have bat roosting potential with a further 14 with limited potential. The Arboricultural Appraisal Tree Protection Plan indicates removal of T12 (a dead cherry tree and T13 a sweet chestnut) to facilitate construction of the access track. It is not clear whether these have been categorised for bat roosting potential.

Trees to be removed should be assessed for potential bat roost habitat as described in The Bat Conservation Trust's *Bat Surveys – Good Practice Guidelines* (2<sup>nd</sup> Edition 2012).

The hedgerows, waterbodies and woodland edges provide suitable bat foraging and commuting habitat. These are to be retained and the reversion of the arable land to grassland and native tree and hedgerow planting are likely to improve bat foraging opportunities. Avian Ecology also recommends installation of bat boxes on the site margins.

Nesting birds: Avian Ecology recommend that any vegetation removal is undertaken outside of the bird breeding season and an informative is recommended.

Habitat Enhancement: Enhancement measures such as hedgerow planting and grassland (re)creation are set out in the Biodiversity Management Plan dated July 2014. Management of the grassland by sheep proposed with an area excluded to provide habitat for nesting birds. A condition is recommended requiring that the Biodiversity Management Plan shall be carried out for the lifetime of the development (see Appendix 1).

Badgers: A Badger Appendix by Avian Ecology identifies badger features within and adjacent to the site – confidential advice has been given by the Ecologist and has been omitted from this summary.

The perimeter fencing has potential to interfere with badger foraging routes. To maintain these badger gates or lifted fencing will be provided. These are shown on the submitted fencing design plans.

A pre-construction badger survey is recommended to check for any newly created setts and any necessary amendment to the plans or licences will be applied for. A condition is recommended requiring that work is carried out strictly in accordance with the Badger Appendix.

4.1.6 **SC Rights of Way** Footpath 2 Sheriffhales runs between the two areas proposed for the solar farm. It is noted that the path has been taken into consideration within the plans.

4.1.7 **SC Archaeology** No objection subject to conditions. The development proposal involves land covering c45ha located west of the village of Sheriffhales. There are two recorded Historic Environment Records within the development boundary Find Spot in c1953 of a rotary quern near Lillyhurst, Sheriffhales and Old quarry, Far Wood nr. Lilleshall A number of non-designated heritage assets relating to prehistoric settlement are located within the surrounding area.

In terms of direct impact on known and unknown archaeological remains the Archaeological Desk Based Assessment concludes that a moderate potential for Roman activity of local to regional significance has been identified for the northern limits of the study site. This despite the significant concentrations of Roman military and civilian occupation located to the south of the proposed development and linked by the major Roman road of Watling Street, several of which should be deemed to be of national significance. A low, but untested, potential for Prehistoric remains was identified, based on the known HER records of three rectangular ditched enclosure to the south of the development site.

On the basis of the above a recommendation was made for further pre-determination evaluation in the form of a geophysical survey of the site. This has now been completed and a report issued (Archaeological Geophysical Survey 2014 Bartlett-Clark Consultancy). The report identifies two discreet linear features that are potentially of archaeological relevance and although no extensive disturbances were identified that would relate to the presence of a WWII decoy site there were a few strong/recent disturbances nearby.

The conclusions of the Archaeological Desk Based Assessment could not rule out the potential for archaeological remains within the development boundary and the Geophysical Survey identified features of possible archaeological potential but stressed their significance would be low. The impact of the ground disturbance from piling, cable trenching, access tracks and other infrastructure installations is likely to be significant on any below ground archaeological remains. As the archaeological potential of the development site has not been fully tested the impact of the development on archaeology cannot be disregarded. In view of the above, and in relation to Paragraph 141 of the NPPF, I recommend that a programme of archaeological work be made a condition of any planning permission for the proposed development (see Appendix 1).

A condition should be considered requiring the extent of the areas requiring alternative construction methods to be confirmed in writing during the course of the development

4.1.8 **SC Conservation** Overall it is considered that the conclusions arrived at within the Historic Environment Settings Assessment are broadly accurate. Paragraph 134 of the NPPF states that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered that in this instance there



may be some less than substantial harm to heritage assets as a result of this proposal, however it is considered that the public benefits of the proposal outweigh this harm and the impact will be timelimited and reversible at the end of the lifetime of the development. The proposed landscaping and planting measures will also help to minimise any impact to heritage assets.

4.1.9 **SC Trees** No objections. The revised arboricultural report and associated plans satisfactorily address the points raised in my previous consultation response. No objections providing suitable measures are taken to protect retained trees and hedges from damage during development and subject to appropriate new planting (see conditions in Appendix 1).

4.1.10 **English Heritage** No specific comments. The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

## 4.2 **Public Comments**

4.2.1 There have been four objections to the proposal and 25 letters of support. The grounds for objection are summarised below.

### Damage to the Landscape and Environment

- The proposed development will create a significant eyesore. In particular, this will affect the residents of Sheriffhales, traffic on the nearby stretch of the A5 road and residents of the neighbouring dwellings.
- The development is not in keeping with the agricultural character of the locality.
- The proposed development would cover an area of 110 acres which is too big.
- The development site is good agricultural land and should be used for growing crops.
- Badgers may suffer as a result of the development. In particular, their setts may be damaged by the construction of the perimeter fence and from the proposed planting of trees.
- There are more appropriate locations for solar panels, such as on factory roofs.
- If the proposed development is approved it may set a precedent for financial investors purchasing good agricultural land to convert into solar farms.
- If the feed in tariff make this a non viable operation, it would be abandoned for others (council) to deal with
- Concern over what will happen after its 20 year life
- Solar is best placed on buildings with dwellings or commercial operations going on below, not agricultural land and of this scale

### Personal Concerns

- A local farmer has planning permission for the construction of seven dwellings on land adjacent to the development site which, when built, will look over the solar farm.
- The development may exacerbate a drainage issue whereby water runs off the development site onto adjacent land that is owned by a local farmer.



### Safety

- There would be issues with glare off the solar panels. In particular, this would affect helicopters from Shawbury that train overhead of the development site.
- The plan proposes improvements to an existing through road for access. This may encourage motor vehicles to use the improved roads which would create a hazard for the cyclists, horse riders and pedestrians who currently enjoy the road.

### Electricity generation

- To promote the fact that it will power thousands of houses is incorrect, as the sun goes down, the output will cease
- Peak demand for domestic power is in the evening when the sun is not shining.

#### 4.2.2 The grounds for support are summarised below:

### Sustainability

- Solar farms are an environmentally friendly and sustainable way of producing renewable energy.
- Britain, to satisfy its energy consumption, has an unhealthy overreliance on fossil fuels, global economics and foreign political stability. This kind of development should be welcomed as it helps to combat the national energy problem.
- Local authorities and local communities have a civic duty to contribute towards renewable and low carbon energy generation. The development accords with paragraph 97 of the NPPF which contains this sentiment.

### Protection of the Landscape and the Local Environment

- The development would be well concealed by hedges and the natural contours of the landscape.
- The design given in the proposed development carefully considers the local environmental impact of the development.
- The solar farm would include sheep grazing so that there is an ongoing agricultural use of the site.
- The development will enhance the natural environment for the enjoyment of local wildlife by planting a hedgerow and a wild flower meadow.
- The development would be removed after 25 years. So any detrimental impact is only temporary.
- Solar panels are preferable to wind turbines because they are short in height and silent.

### Benefit to the Community

- The development would give a much needed boost to the local rural economy.
- The development site is of poor agricultural quality and difficult to farm conventionally. The proposed development site would make excellent use of such land. The objectors' claims that the land is of a good quality are unfounded and inaccurate.

- The Parish Council has objected with no evident consultation with the community. In particular, it has appeared to dismiss the £30,000 a year, for 20 years, offered to the community by the developer. The Parish Council vote on the matter was unfair to the community, unconstitutional and potentially invalid. Furthermore, one of the Councillors appears to have a vested interest in the matter and is not representing the community as he / she should.

#### Diversification

- Solar farms, along with other 21<sup>st</sup> Century technological diversification of the rural landscape, will inevitably become more commonplace in future years to come. This should be welcomed and embraced.

## 5.0 THE MAIN ISSUES

- Principle of development
- Community consultation
- Siting, scale and design and impact on landscape character
- Site selection and agricultural land quality considerations
- Local amenity considerations
- Historic environment considerations
- Ecological considerations
- Highways considerations
- Flood risk considerations
- Decommissioning and land reinstatement

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

6.1.1 One of the core planning principles set out in the National Planning Policy Framework (NPPF) is to support the transition to a low carbon future. This includes encouraging the use of renewable resources. Planning Practice Guidance on Renewable and low carbon energy sets out the particular planning considerations that apply to solar farm proposals (see Section 10.2 below) and states that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses.

6.1.2 The Shropshire Core Strategy provides similar support by stating that the generation of energy from renewable sources should be promoted (Strategic Objective 1), and that renewable energy generation is improved where possible (Policy CS6). Core Strategy Policy CS8 positively encourages infrastructure, where this has no significant adverse impact on recognised environmental assets, that mitigates and adapts to climate change, including decentralised, low carbon and renewable energy generation, and working with network providers to ensure provision of necessary energy distribution networks.

6.1.3 The proposed 24.82MW solar farm would be capable of generating enough electricity to power 6770 typical households. The application states that this would reduce emissions of carbon dioxide into the atmosphere by around 11550 tonnes each year, the equivalent of removing 2560 standard cars from the road each year. The

proposal would provide significant environmental benefits through the generation of renewable energy, and it is considered therefore that there is no in principle planning policy objection to the proposal and that there is significant policy support in principle.

## 6.2 **Community consultation**

6.2.1 The application is accompanied by a Statement of Community Involvement which summarises the pre-application engagement and consultation that the applicant undertook with the local community and stakeholders. Prior to the submission of the planning application the applicant distributed a leaflet to 206 local residents and businesses and the Parish Council, providing information on the application and an invitation to a drop-in event. A subsequent community engagement event was held, organised by the applicant. This was also publicised through an advertisement in the local press. It is understood that approximately 50 people attended the event. Other publicity has also been undertaken.

## 6.3 **Siting, scale and design and impact on landscape character**

6.3.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. Saved Bridgnorth Local Plan Policy D11 requires that buildings and structures associated with renewable energy schemes are designed to minimise their impact on the landscape. It is noted that the site and surrounding land are not covered by any landscape designation.

6.3.2 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This confirms that the site and its immediate surroundings fall within the landscape character type identified as Estate Farmlands in the Shropshire Landscape Character Assessment. This typology is typical of the gently rolling lowland rural landscape found within the central part of Shropshire, and typically includes an ordered pattern of medium to large scale fields and pockets of woodland. Existing uses of land in this rural area primarily comprise agriculture, with scattered farms and residential properties, and the village of Sheriffhales to the east.

6.3.4 The LVIA assesses the value of the local landscape as moderate. The LVIA notes that existing features in the area include intact field hedgerows typically 2 metres or more in height, hedgerows associated with trackways and lanes reaching 3-4 metres in height, and small copses. It states that given the degree of hedgerow enclosure in the local landscape, development of the type proposed has potential to be integrated with the local landscape without resulting in significant disruption to local landscape character. As a result it suggests that landscape sensitivity is medium.

6.3.5 In terms of mitigation, it is proposed that existing hedgerows would have gaps filled, and a significant amount of new hedgerow planting is proposed. Hedgerows would be managed to allow them to establish to 3 metres in height and 1.5 metres in width. Tree planting is proposed along the southern boundary (41no.) and also along the southern part of the eastern boundary of the site (14no.).

6.3.6

The LVIA states that the proposed development would be integrated into the local landscape through hedgerow reinforcement and additional hedgerow planting, and that in time this would enhance local landscape features. It suggests that the magnitude of landscape impact is considered to be low and, taking into account the medium landscape sensitivity, the overall significance of landscape effect is considered to be minor.

#### 6.3.7

The LVIA suggests that potential visual receptors include scattered residential properties, public rights of way, and local roads. It states that the properties are high sensitivity receptors, the public rights of way are medium sensitivity, and the transport corridors are low sensitivity. In assessing visual effects the LVIA has chosen a number of locations around the site as representative receptors. The LVIA assesses the significance of visual effects by considering the visual sensitivity of each of these receptors against the magnitude of change, taking into account the landscape mitigation proposed. For receptors within close proximity of the site, the LVIA considers that the significance of visual effects for would be no greater than moderate, during both winter and summer. Given the landform and vegetation cover, it states that visual receptors beyond distances of 500m would generally only experience partial or filtered views, resulting in only very inconspicuous changes or no change in the existing view. As a result the LVIA considers that, at worst, effects for such receptors would be considered to be minor in winter reducing to negligible during the summer.

#### 6.3.8

As a general observation it is recognised that the proposed development covers a significant area of land and has the potential to impact adversely on the character of the local landscape. Nevertheless it is considered that the presence of a block of woodland between the northernmost and southernmost fields of the site acts as a backdrop to many views of the site. In terms of views from the village of Sheriffhales, these would be restricted due to distance, existing vegetation and the proposal to plant a new hedgerow and trees along the eastern boundary of the site. The topography of the area and the existing hedgerows and other vegetation would serve to restrict views into the site further.

6.3.9 However, following a site visit Officers recommended that the applicant investigated what further mitigation could be achieved to reduce the visibility of the proposed solar farm, particularly from views from the south. The application was subsequently revised, as follows:

- removal of panels from the higher parts of the southwest field
- removal of panels from the higher parts of the northernmost field
- additional planting of trees along the southern boundary of the site, within the hedgerow which is proposed to be reinforced.

6.3.10 It is recognised that these modifications have reduced the energy generation benefits of the proposal through the reduction in the number of panels, decreasing its capacity from 30.5MW to 24.82MW. Nevertheless the additional mitigation put forward by the applicant is welcomed, as it is considered that this has significantly reduced the visual impact of the proposed development. The planted height of the proposed trees would be 3-3.5 metres and this would provide immediate impact in the landscape. The applicant states that they would reach a semi-mature height within a period of 10-15 years.

- 6.3.11 It is accepted however that parts of the proposed solar farm would still be visible from receptors to the south, including Redhill Farm. From Redhill Farm, the principal visible elements of the development would be those situated on the higher slopes of the southern fields and parts of the northernmost field. Due to topography and existing intervening vegetation, the nearest visible panels would be likely to be significantly more than 600 metres away. At this distance, and given the proposed planting which would in time provide some level of additional screening, it is not considered that the visibility of the panels at these receptors would be overbearing or prominent in the landscape.. As such it is not considered that it would represent an unacceptable impact.
- 6.3.12 In relation to the public rights of way network, the main impacts of the proposal would be on views from the footpath adjacent to the northern boundary of the site. At the eastern section of this (approximately 400 metres in length) the panels would be sited adjacent to the path. At the western section (approximately 280 metres in length) it is proposed to provide a strip of wildflower meadow between the path and the nearest panels which would provide a separation distance. It should be noted that the adjacent field to the south slopes downwards away from the path, and this would reduce the extent to which the site could be considered to have an overbearing impact on users of the path. The solar farm would however be visible from the path through the proposed post and wire perimeter fence, and it is accepted that it would have some impact upon views of the wider landscape experienced from the path. Nevertheless these views would be transitory and overall, in view of the wider benefits which would be provided by the solar farm, it is not considered that the impact of the proposal due to visual effects from the public rights of way network is sufficient to warrant a reason for refusal of the application.
- 6.3.13 Overall it is considered that whilst the proposal would have some impact on the character of the local landscape it is not considered that this would be unacceptable particularly given the significant benefits that the proposal would bring about through the generation of renewable energy. On this basis, it is considered that the proposal can be accepted in relation to Core Strategy Policies CS6 and CS17 and saved Bridgnorth Local Plan Policy D11.

#### 6.4 **Site selection and agricultural land quality considerations**

- 6.4.1 Planning Practice Guidance advises that local planning authorities should encourage the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value.

- 6.4.2 The application sets out the justification for proposing the use of agricultural land for the solar development, and states that factors influencing site selection include site size, grid capacity and site availability. It states that at present a minimum of 8ha is required to provide a viable solar farm given current market conditions. The application is accompanied by an assessment of vacant or derelict sites within Shropshire. Based upon records of brownfield sites in the National Land Use Database of Previously Developed Land (NLUD-PLD), the applicant's assessment concludes that there are no available vacant or derelict sites within Shropshire above 6ha.



- 6.4.3 Planning Practice Guidance advises that, in considering solar farm proposals located on greenfield sites, local planning authorities should consider whether the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 6.4.4 An Agricultural Land Classification report has been submitted with the application. This states that 58% of the site area is classed as Grade 2 (very good) agricultural land, 8% is Grade 3a (good) and 34% is Grade 3b (moderate). The best and most versatile agricultural land is classified as Grades 1, 2 and 3a. Grade 3b is classed as moderate quality agricultural land. Most of the site is therefore classed as best and most versatile agricultural land.
- 6.4.5 The application is accompanied by a Sequential Test Analysis Study undertaken by the applicant's consultants. This considered 34 potential alternative sites within 2km and 10km of the site. It found that there are no potential alternative sites of poorer quality agricultural land or subject to any less environmental constraints than the proposed site.
- 6.4.6 In relation to the impacts of the proposal on the best and most versatile agricultural land, it should be noted that the development would not result in the loss of agricultural land, as it is proposed that the land would be grazed by sheep once the panels have been installed. In addition the land would be returned to agriculture once the panels have been removed when they are no longer used, or after 30 years. In addition it is noted that there would be biodiversity enhancements proposed by way of significant additional hedgerow planting, tree planting and the provision of wildflower meadow. The preference for the use of poorer quality agricultural land, as set out in planning guidance, is acknowledged. However, based upon the information submitted it is considered that a satisfactory level of assessment has been undertaken to justify the use of best and most versatile land for the proposed solar farm development. As such it is concluded that the greenfield location proposed for the site would not conflict with national planning guidance. In the absence of any other specific objections to the proposal it is not considered that the use of higher quality agricultural land for the development would warrant a refusal of the application.
- 6.5 **Local amenity considerations**
- 6.5.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. Saved Bridgnorth Local Plan Policy D11 requires that renewable energy schemes do not detract from the residential amenities of the area.
- 6.5.2 Noise: In terms of noise, the application states that the cooling fans within the inverter cabinets would generate a small amount of noise whilst the solar farm is operating during the day. However the application states that the cabinet itself trap the majority of noise generated. In addition the application states that no noise is generated in the evening, night and early morning when ambient noise levels are typically lowest. The application states that there are strict conditions relating to noise within the contracts that are entered into with the construction firms which require that a maximum noise level of 35dBA is not exceeded at the site boundary.



It is not anticipated that the proposal would have any significant impact on the local area due to noise emissions.

- 6.5.3 Glint and glare: The planning application notes that the glass used to make the panels is specifically designed to absorb as much daylight as possible to convert to electricity, and therefore has a low level of reflectivity when compared to surfaces such as window glass, water or snow. It states that the potential for glint and glare from a solar farm is much lower than the potential for glint and glare from other man-made structures such as poly tunnels and glass houses, as well as natural features such as water or snow. There is no information to suggest that the proposal would result in adverse levels of impact upon local amenity due to glint or glare.

## 6.6 Historic environment considerations

- 6.6.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. Saved Bridgnorth Local Plan Policy D11 requires that renewable energy schemes do not result in adverse impact on the setting of heritage assets. Paragraph 134 of the NPPF requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission which affects the setting of a Listed Building, the local planning authority shall have special regard to the desirability of preserving the setting.

- 6.6.2 A Historic Environment Settings Assessment has been submitted as part of the planning application to assess the impact of the proposed development on the setting of designated heritage assets in the area. This assessment finds that the proposed development would have no more than a negligible impact on the significance of the designated heritage assets in the surrounding area, due to the distance from the proposed development and favourable screening provided by the surrounding topography and vegetation.

- 6.6.3 The Council's Historic Environment team initially requested additional photo montages to provide further evidence of the conclusions of the heritage assessment. These has now been provided.

- 6.6.4 The nearest listed buildings in the area are located within the historic core of Sheriffhales to the east, and at Sheriffhales Manor. Intervening vegetation provides visual separation of these assets to the application site, and it is considered that this minimises the impact upon the setting of these listed buildings. The Conservation Officer considers that the conclusions of the submitted are broadly accurate. The Officer considers that the harm to heritage assets may be less than substantial. Officers are of the view that this level of harm is outweighed by the public benefits of the proposal. It is also noted that the proposed is time limited and reversible.

- 6.6.5 In relation to archaeological matters, the Council's Archaeological Officer has noted that the submitted Desk Based Assessment finds that the potential for archaeological remains of low to moderate significance to survive within the site cannot be ruled out. The Officer has recommended additional archaeological evaluation. The applicant

is preparing this with a view to undertaking trial trenching. The Officer has recommended that a condition is imposed to secure this work and this is included in Appendix 1.

6.6.6 On the basis of the above it is considered that subject to the condition recommended the proposed development would provide satisfactory protection against harm to heritage assets, particularly when considered against the significant public benefits of the proposal in terms of renewable energy production.

## **6.7 Ecological considerations**

6.7.1 Core Strategy Policy CS17 seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. It is noted that the application site does not form part of any statutory or non-statutory designated site for nature conservation.

6.7.2 A desk-based ecological study and Extended Phase I habitat survey have been undertaken to assess the impact the proposal would have upon ecology and habitats on and near to the site. No protected or notable species were observed during the survey. The application states that the ecological value of the site overall is considered to be low. It is proposed that precautionary measures are adopted to protect habitats and species during the construction phase of the development, including general Reasonable Avoidance Measures for reptiles and amphibians. Boundary hedgerows, field margins and hedgerow trees would be predominantly retained as part of the proposed development. Other proposed mitigation and enhancement measures include: the reversion of arable land to more species diverse grassland; the planting of approximately 900 metres of native species hedgerows and more than 50 trees; the installation of bird and bat boxes; the planting of wildflower meadow areas. The Ecological Appraisal states that implementation of these measures will lead to a net biodiversity gain at a local level.

6.7.3 The Council's Ecologist has not raised any specific concerns over the proposed development. In relation to great crested newt the Ecologist has confirmed that no further survey work is required. A condition can be imposed requiring that the Risk Avoidance Measures and the recommendations of the ecological reports are adhered to. It is considered that this will provide satisfactory safeguards in relation to badgers. In addition it is proposed that a condition requiring that if any trees need to be removed to form the access then satisfactory investigations for their bat roosting potential are agreed (see Appendix 1).

6.7.4 Biodiversity management: A condition can be imposed to require that landscape planting is protected and managed and to require any failures to be replaced. In addition it is considered that it would be appropriate to require that a biodiversity management plan is submitted and agreed to ensure that habitat enhancement measures are managed appropriately. An appropriate condition can be imposed on any permission granted.

6.7.5 Subject to this, it is considered that the measures proposed in relation to protected species, and those for ecological enhancement are appropriate, and that the proposal is therefore in line with Core Strategy Policy CS17.

**6.8 Highways considerations**

6.8.1 Once construction has been completed the application states that there would be up to 31 vehicle visits to the site per year. These would be principally for maintenance purposes, including grass cutting, the washing of panels, general site maintenance, and meter reading. These vehicles would access the site via an existing farm track to the east. It is not considered that this limited amount of traffic raises any particular highways issues.

6.8.2 The application is accompanied by a Construction, Decommissioning and Traffic Management Method Statement which provides details of the level of construction traffic and how this would be managed, including delivery times and the anticipated level of traffic. This indicates that there would be typically up to 6 deliveries per day during the construction period. This construction traffic would access the site via a track from the A5 to the south, thereby avoiding the need for vehicles to pass through the village of Sheriffhales. The Method Statement proposes that a highway condition survey is undertaken prior to the commencement of construction, and that any damage caused would be repaired following the completion of construction works. The Highways Officer has raised no concerns regarding traffic issues, subject to agreement on traffic routing. It is considered that the Traffic Management measures put forward are suitable for the proposed development, and a condition can be imposed to require that these procedures are adhered to along with a traffic route to be agreed (see Appendix 1).

**6.9 Flood risk considerations**

6.9.1 Core Strategy Policy CS18 seeks to reduce flood risk and avoid adverse impact on water quality and quantity. A Flood Risk Assessment (FRA) has been submitted as part of the planning application. This confirms that the site lies entirely within Flood Zone 1, signifying areas with the lowest probability of fluvial flooding.

6.9.2 Rainwater running off the panels would drain into the ground as a present. Access paths would be formed using compacted stone/gravel. The FRA estimates that these, and the proposed buildings would result in an impermeable area of 2% of the overall site area of 47 hectares. The FRA concludes that the runoff rates for the proposed development are likely to be similar to those for the existing land use.

6.9.3 It is proposed to deal with any additional volumes for rainfall runoff generated from tracks and the buildings through the creation of SUDS features such as swales. These swales would encourage infiltration to ground and provide attenuation and further storage for rainfall runoff during significant storm events.

6.9.4 The Drainage Officer has confirmed that the existing surface water drainage characteristics of the site are unlikely to be affected by the proposed development, and it is considered that the drainage strategy is acceptable. Overall it is considered that the proposal does not raise significant issues in relation to flood risk and surface water management, and that the proposal can be accepted in relation to Core Strategy Policy CS18.

**6.10 Decommissioning and land reinstatement**

6.10.1 Saved Bridgnorth District Local Plan Policy D11 requires that renewable energy schemes include realistic means to ensure the removal of any plant, buildings or structures when they become redundant, and that they provide for the restoration of the site. Concern has been raised by a resident regarding the possibility that the development would be abandoned if the feed-in tariff make the proposed non viable, and that this may be the case at the end of its life. It should be noted that the feed-in tariff situation is not a planning matter. In relation to potential abandonment, a planning condition can be imposed to require the removal of all of the equipment at the end of its useful life, or within 30 years whichever sooner. In addition, the application confirms that the applicant is responsible for full reinstatement of the site at the end of the lease. The application also states that the scrap/recycle value of the raw materials used in the construction of a solar farm exceeds the cost of removing them from the site and undertaking minor site restoration, and this would serve as an incentive to remove the infrastructure at the end of its operational life.

## 7.0 **CONCLUSION**

7.1 The proposed installation of a solar farm on agricultural land to the west of Sheriffhales would allow the generation of a renewable form of energy for export to the National Grid, and contribute to a reduction in carbon emissions. As such it is supported in principle by both national and local planning policy. The proposal would have some impact on local landscape character and on visual amenity, however this would be relatively localised due to topography and existing vegetative cover. Landscape mitigation would be provided in the form of the planting of significant new hedgerow, infill hedgerow planting and new trees. In addition modifications have been undertaken to the site design to remove panels from the more prominent locations at higher elevations, in order to seek to address local concerns over their visibility. Any limited harm to heritage assets in the area is considered to be outweighed by the public benefits of the proposal. The proposal would generate minimal traffic once constructed, and construction traffic can be satisfactorily managed. Whilst the proposal would utilise a significant proportion of best and most versatile agricultural land, the land would remain in agricultural use through sheep grazing and would be returned to agriculture at the end of its operational life following the removal of the panels. In addition the proposal would result in significant ecological benefits through the planting of trees and hedgerows and other biodiversity enhancement measures. It is not considered that the prevention of the use of the land for arable farming is a sufficient reason on its own to refuse the application. The proposal would not adversely affect local amenity or existing drainage conditions.

Overall, whilst it is recognised that the development would result in some impact on the character of the area, particularly in view of the scale of the proposal, in relation to the significant wider benefits of the proposal, it is considered that these impacts can be accepted on balance in relation to Development Plan policies and other material considerations. As such the grant of planning permission can be recommended subject to the conditions as set out in Appendix 1.

## 8. **Risk Assessment and Opportunities Appraisal**

8.1 Risk Management

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

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

## 8.2 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.

## 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. Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if 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

### 10.1 Relevant Planning Policies

#### 10.1.1 Shropshire Core Strategy

This promotes a low carbon Shropshire by promoting the generation of energy from renewable sources (Strategic Objective 1)

- Policy CS5 (Countryside and Green Belt)
- Policy CS6 (Sustainable Design and Development Principles)
- Policy CS8 (Facilities, Services and Infrastructure Provision)
- Policy CS13 (Economic Development, Enterprise and Employment)
- Policy CS17 (Environmental Networks) – to identify, protect, enhance, expand and connect Shropshire’s environmental assets
- Policy CS18 (Sustainable Water Management)

#### 10.1.2 Bridgnorth District Local Plan ‘saved’ policies

- Policy D11 (Renewable Energy) – proposals should minimise impact on the landscape; avoid impacts on heritage/nature conservation assets; not detract from the residential or recreational amenities of the area; provide for removal of structures and site restoration when they become redundant

### 10.2 Central Government Guidance:

10.2.1 National Planning Policy Framework (NPPF): Amongst other matters, the NPPF: encourages the use of renewable resources (para. 17 - Core Planning Principles); promotes good design as a key aspect of sustainable development (Chapter 7); supports the move to a low carbon future as part of the meeting of the challenges of climate change and flooding (Chapter 10); advises that lpa’s recognize that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and approve applications if its impacts are (or can be made) acceptable (Chapter 10); states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to unacceptable levels of soil, air, water or noise pollution (Chapter 11).

10.2.2 Planning practice guidance for renewable and low carbon energy (March 2014) states (para. 001) that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

The PPG states that:

- All communities have a responsibility to help increase the use and supply of green energy, but that this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities (para. 003).
- The need for renewable or low carbon energy does not automatically override environmental protections



- cumulative impacts require particular attention, especially the increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases
- local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- protecting local amenity is an important consideration which should be given proper weight in planning decisions.

In relation to proposals for large scale ground-mounted solar photovoltaic farms, the PPG states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors the local planning authority will need to consider in relation to solar farms include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- Planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the proposal's visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect

The PPG refers to a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013. This commented that, the Government will focus deployment of solar panels on buildings and brownfield land, not

greenfield, and that “where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation, incorporating well thought out visual screening, involving communities in developing projects and bringing them with you”.

The PPG gives guidance in relation to assessing cumulative landscape and visual impact, and states that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

### 10.3 Emerging policy:

10.3.1 Site Allocations and Development Management (SAMDev) document: The SAMDev has been submitted to the Secretary of State and is currently being examined. The SAMDev will allocate sites for various types of development and will set out detailed policies to guide future development in the county. At this stage, the site and surrounding area are not subject to any specific allocations in the SAMDev.

10.3.2 Draft Development Management policies: Relevant draft Development Management policies include:

- MD2 (Sustainable Design)
- MD8 (Infrastructure Provision)
- MD12 (Natural Environment)
- MD13 (Historic Environment)

### 10.4 Relevant Planning History:

- BR/98/0095 additional use of farm for equestrian accommodation and grazing, Manor Farm, Sheriffhales, permitted 1998

## 11. **Additional Information**

<http://planningpa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) The application ref. 14/03444/FUL and supporting information and consultation responses.
--

Cabinet Member (Portfolio Holder) Cllr M. Price
--

Local Member Cllr Kevin Turley (Shifnal North)
---

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.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. No development shall take place until details of the proposed construction traffic route have been submitted to, and approved in writing by, the local planning authority. No construction or decommissioning work shall take place other than in accordance with the traffic management measures set out in the submitted Construction, Decommissioning, and Traffic Management Method Statement, and in accordance with the construction traffic route to be agreed as part of this condition..

Reason: In the interests of highway safety and to protect the amenities of the local area.

4. No development approved by this permission shall commence until the applicant, or their agent or successors in title, have secured the implementation of a programme of archaeological work that makes provision for a limited programme of trial trenching and watching briefs in areas of significant ground disturbance that should be in accordance with a written scheme of investigation (WSI). This written scheme shall be approved in writing by the Planning Authority prior to the commencement of works. Non-intrusive construction methods (concrete shoes and above ground cable trays) or realignment of the arrays to avoid archaeological remains should be applied in all areas where significant archaeological remains are identified and tested by evaluation. Such alternative construction methods shall not be used other than as agreed by the local planning authority.

Reason: To provide satisfactory investigation and protection of any archaeological interest at the site.

5. Prior to the commencement of development, facilitation tree works and road refurbishment shall be undertaken and tree protection measures installed to the written satisfaction of the LPA, as specified in chapter 5 (sections 5.1, 5.2, 5.3 and 5.5) and Appendix 4 (Tree Protection Plan) of the Arboricultural Appraisal (ref: 001-UA007275-EECR-02-Arb, Hyder Consulting, 18th August 2014). Thereafter the tree protective barriers shall be maintained in a satisfactory condition throughout the duration of the development, in accordance with section 5.4 of the Arboricultural Appraisal.

Reason: to protect retained trees and hedges from damage during implementation of the development.

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

6. Within two months of the commencement of the development, a planting plan shall be submitted for the approval of the local planning authority. The plan shall include details of the size, type of planting stock and means of protection and support of the trees and shrubs to be planted in association with the development. It shall also include measures for the maintenance of the trees and shrubs and replacement of any losses, during the first three years post-planting. The approved planting plan shall be implemented in full within the first planting season (November - February inclusive) following approval of the plan.

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

7. Notwithstanding the submitted details, within three months of the commencement of the development a biodiversity management plan shall be submitted in writing for the approval of the local planning authority. The submitted details shall specify the biodiversity enhancement measures proposed for the site, and set out the management regime to develop and maintain wildlife habitats at the site throughout the lifetime of the development.

Reason: To ensure the protection and enhancement of species and habitats on site.

8. Within two months of the commencement of the development details of 10 bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to first operation of the solar farm.

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

9. No trees shall be removed to facilitate the construction of the access track until details of an assessment undertaken to check these for bat roosting potential have been submitted to and approved in writing by the local planning authority. The submitted details shall include measures to prevent disturbance to bats. Trees shall not be removed other than in accordance with the approved details.

Reason: To prevent disturbance to bats, a protected species.

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

10. The external materials and colour specification of the buildings hereby permitted shall conform to the details as set out in the table included in the email from Mr J Mellor of Lightsource Renewable Energy Ltd. Dated 26th November 2014.

Reason: To ensure a satisfactory design and appearance of the buildings to protect the visual character of the area.

11. No construction or decommissioning works shall be undertaken outside of the following hours: 0800 and 1800 Monday to Friday; and 0800 to 1300 on Saturdays. No such works shall take place on Sundays or bank or public holidays.

Reason To protect the amenities of the local area.

12. The development shall be carried out strictly in accordance with the Badger Appendix by Avian Ecology, and Appendix 2 of the Ecological Appraisal dated July 2014, and the Biodiversity Management Plan dated July 2014, unless as otherwise superseded by an approved biodiversity management plan.

Reason: To ensure the protection of badgers, great crested newts, and to protect features of recognised nature conservation importance.

13. All CCTV cameras shall be orientated so that they do not face directly towards the route of the public rights of way adjacent to the site.

Reason: To minimise adverse intrusion and protect privacy.

14. (a) Within one week of the completion of the construction of the solar panels, written notice of the date of completion shall be given to the local planning authority
- (b) Within 6 months of the cessation of energy generation from the site, or a period of 30 years and 6 months following completion of construction, whichever is the sooner, all infrastructure associated with the solar farm will be removed from the site.

Reason: To ensure that the solar farm development is removed from the site following the end of its operational life or within a reasonable period of time to protect the landscape character of the area.

### **Informatives**

1. 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](http://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.



2. The applicant should contact Graham Downes, Shropshire Council's Highways Manager for the area prior to commencement of development to discuss the highway condition survey.
3. For the transformer installation, the applicant should consider employing measures such as the following: surface water soakaways; water butts; rainwater harvesting system; permeable surfacing on any new driveway, parking area/ paved area; greywater recycling system.

Watercourses are present within the development site. A 3m wide easement from the top of each watercourse bank, is required for maintenance purposes.

4. 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.

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. The local planning authority has worked in a positive and proactive way in determining this planning application, as required by paragraph 187 of the NPPF, in order to address issues raised and secure an acceptable development.



<u>Committee and date</u>
South Planning Committee
9 December 2014

## Schedule of Appeals and Appeal Decisions

<b>LPA reference</b>	14/03048/OUT
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Colin Warrington
<b>Proposal</b>	Erection of dwelling (outline application with all matters reserved)
<b>Location</b>	Land Adj. Little Stoke Bank Farm Stoke St Milborough Ludlow Shropshire SY8 2EN
<b>Date of appeal</b>	31.10.14
<b>Appeal method</b>	Written Reps.
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	13/03443/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Ms Judy Collyer
<b>Proposal</b>	Change of use of agricultural land for the siting of a timber chalet for use as holiday accommodation
<b>Location</b>	Site at Affcot Mill, Affcot, Church Stretton, SY6 6RL
<b>Date of appeal</b>	07.08.14
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	05.11.14
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed

<b>LPA reference</b>	14/01841/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Louise Fisher
<b>Proposal</b>	Erection of 3 bedroom detached bungalow with integral garage following demolition of existing store
<b>Location</b>	Elm Road Stores Bishton Road Albrighton Wolverhampton
<b>Date of appeal</b>	06/11/2014
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14.03472/FUL
<b>Appeal against</b>	Non-Determination
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Mr Paul Stokes
<b>Proposal</b>	Erection of 2No one bedroom flats
<b>Location</b>	Site at 7 Steeple Close Cleobury Mortimer DY14 8PD
<b>Date of appeal</b>	6/11/14
<b>Appeal method</b>	Written Representations
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	11/04897/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Committee
<b>Appellant</b>	Mr Shane Roberts
<b>Proposal</b>	Change of use of land to private gypsy and traveller caravan site
<b>Location</b>	Land Adjacent The Round House Fenn Green Alveley Shropshire
<b>Date of appeal</b>	26.11.12
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	06.03.13
<b>Date of appeal decision</b>	27.11.14
<b>Costs awarded</b>	
<b>Appeal decision</b>	Dismissed by Secretary of State

---

## Appeal Decision

Site visit made on 14 October 2014

**by Thomas Shields MA DipURP MRTPI**

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

**Decision date: 5 November 2014**

---

**Appeal Ref: APP/L3245/A/14/2222980**

**Affcot Mill, Affcot, Church Stretton, SY6 6RL**

- 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 Ms Judy Collyer against the decision of Shropshire Council.
  - The application Ref 13/03443/FUL, dated 24 August 2013, was refused by notice dated 5 February 2014.
  - The development proposed is change of use of agricultural land for the siting of a transportable log chalet for occupation as a holiday lodge.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The parties refer to the potential of stabling and livery utilising the adjoining field shelters. However, those are outside of the appeal site. In addition, the application description, and hence the appeal before me, did not include such activity. To clarify, I have determined the application on the basis of the application description as set out above in the fourth bullet.
3. The Government's Planning Practice Guidance (PPG) was published on 6 March 2014. I have considered the content of the PPG but in the light of the facts of this case the document does not alter my conclusions.

### Main Issue

4. The main issue is whether the proposal would be sustainable development having regard to local and national planning policy regarding development in the countryside.

### Reasons

5. The appeal site is a small parcel of land located in the lower part of a field within which there is a timber shed building. It lies in the countryside and within the Shropshire Hills Area of Outstanding Natural Beauty (AONB), close to the appellant's house and other nearby properties within Affcott Mill. Along with these other properties the appeal site is surrounded by agricultural land. To the rear of the site the land forms part of the steeply rising wooded slopes of Wenlock Edge, and access to the appeal site is from a long single track lane which runs to the village of Strefford. Overall, the character and appearance of the area is one of an unspoilt tranquil and verdant natural landscape.

6. The Framework<sup>1</sup> sets out (paragraphs 6-7) that the purpose of the planning system is to contribute to the achievement of sustainable development of which there are 3 dimensions; economic, social and environmental, and which should not be undertaken in isolation (paragraph 8). This approach is reflected in its core principles (paragraph 17) which identify the need to *proactively drive and support sustainable economic development*, while also *taking account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside*.
7. Paragraph 28 of the Framework sets out the need to promote and support the sustainable growth and expansion of all types of business and enterprise in rural areas, including well designed new buildings, the diversification of agricultural and other land-based rural businesses, and sustainable rural tourism and leisure developments which respect the character of the countryside, and also in appropriate locations where identified needs are not met by existing facilities in rural centres.
8. Paragraph 115 of the Framework provides guidance in respect of higher value environmental assets. It states that *great weight* should be given to conserving landscape and scenic beauty in AONBs *which have the highest status of protection in relation to landscape and scenic beauty*.
9. With a few exceptions Policy CS5 of the Shropshire Adopted Core Strategy (2011) strictly controls development in the countryside. One such exception is sustainable rural tourism and leisure and recreation proposals which require a countryside location in accordance with Policy CS16 (and CS17). Policy CS16 supports development that promotes opportunities for accessing, understanding and engaging with the AONB. However, it also restricts development by requiring proposals for visitor accommodation to be of high quality, and in rural areas: to be of an appropriate scale and character for their surroundings, be close to or within settlements, or an established and viable tourism enterprise where accommodation is required. While it places an emphasis on re-using existing buildings where possible, it does not prohibit new buildings.
10. Contrary to the appellant's view, I consider that Policies CS5 and CS16, taken together, are broadly consistent with the aims and objectives of the Framework's policies with regard to encouraging rural-based enterprise, while also restricting development in order to protect the intrinsic character and beauty of the countryside and to conserve the landscape and scenic beauty of AONBs.
11. I have been provided with a copy of an email from a holiday letting agency indicating their recommendation on rental occupancy levels, price banding, and expected net income. However, it does not contain any detailed and robust quantitative or qualitative analysis, for example in respect of total current supply and demand for rural accommodation units in the area, and hence the "identified needs"<sup>2</sup>. This falls well below the level of evidence that would be necessary for me to be able to conclude that the proposal is in an appropriate location where identified needs are not met by existing facilities in rural centres. Accordingly, I attach only limited weight to it in support of the appeal.

---

<sup>1</sup> National Planning Policy Framework (2012)

<sup>2</sup> National Planning Policy Framework (2012), paragraph 28

12. Clearly, the remote location of the proposal would not be close to or within a settlement or an established and viable tourism enterprise where accommodation is required. Given that the purpose of the Council's policies, as with the provisions of the Framework, is to limit development in the countryside as I have set out previously, I conclude that the proposal would be unjustified and hence unsustainable development in the countryside. As such, it would conflict with Policies CS5 and CS16 and the overarching aims and objectives of the Framework in achieving sustainable development.

*Other matters*

13. The proposed chalet building would be constructed in timber with a shingle roof approximately 10 metres in length, 6 metres in width, and 3.6 metres to ridge height with a veranda, and would sit on a hard core base with rolled gravel surface. The drawings and other evidence before me indicates that it would be a standardised prefabricated Scandinavian design.

14. Policy CS5 requires new development to maintain and enhance the character and appearance of the Shropshire countryside. The policy's supporting text at paragraph 4.72 indicates the need to pay particular regard to the landscape character for development proposals in the AONB. Policy CS16 requires new developments to be sensitive to Shropshire's intrinsic natural and built environment qualities, and that they should be of an appropriate character for their surroundings. In addition, Policy CS17 requires new development to contribute to *local distinctiveness*. These aims and objectives are consistent with the provisions of the Framework which states that good design is a key aspect of sustainable development. In particular, paragraph 60 states that in terms of design it is proper to seek to promote or reinforce local distinctiveness.

15. Given all the above factors and policy background, I am unable to reconcile how a timber chalet of Scandinavian design would appropriately reflect local character and distinctiveness. Nonetheless, the Council considered<sup>3</sup> that the proposed chalet building would result in only *limited harm* to the character and appearance of the area and the AONB. Due to its scale I consider it would be highly visible from many views and would result in a greater level of harm. However, this did not form a part of the Council's reason for refusal, although it adds to my concerns that the proposal would represent unsustainable development and so adds further weight against allowing the appeal.

16. From my observations of the appeal site and the access route to it, I have no doubt that a degree of care would need to be taken along the access lane and when entering and leaving the site, particularly in poor weather. However, there is no convincing evidence before me that leads me to conclude that the proposal would result in any significant increase in risk to highway safety. I also acknowledge that the proposal would produce a diversified form of income for the appellant which in turn would benefit the local economy. However, these positive aspects of the proposal do not lead me to reach a different conclusion.

---

<sup>3</sup> Development Management Report 13/03443/FUL, paragraphs. 6.3 -7.0.



**Conclusion**

17. For all the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Thomas Shields*

INSPECTOR



Department for  
Communities and  
Local Government

Dr A Murdoch  
Murdoch Planning  
PO Box 71  
Ilminster,  
Somerset

Our Ref: APP/L3245/A/12/2179881  
Your Ref: ROBERTS 1 2012

27 November 2014

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY MR SHANE ROBERTS:  
LAND ADJACENT TO THE ROUND HOUSE, FENN GREEN, ALVELEY,  
SHROPSHIRE  
APPLICATION REF: 11/04897/FUL**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, AR Hammond, MA, MSc, CEng, MIET, MRTPI, who conducted a hearing on 6 March 2013 into your client's appeal. The appeal was against a refusal to grant planning permission by Shropshire Council ("the Council") by a notice dated 17 July 2012 for a change of use to a private Gypsy and Traveller caravan site comprising one mobile home and two touring caravans, application Ref 11/04897/FUL.
2. On 3 July 2013, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to the Town and Country Planning Act 1990 because it involves proposals for a Gypsy and Traveller site in the Green Belt.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed in part and temporary planning permission granted. For the reasons given below, the Secretary of State disagrees with the Inspector's conclusions and recommendations insofar as they relate to temporary planning permission, and dismisses the appeal. A copy of the Inspector's Report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Department for Communities and Local Government  
Philip Barber, Decision Officer  
Third Floor, Fry Building,  
2 Marsham Street,  
London SW1P 4DF

Tel 030344 42853  
pcc@communities.gsi.gov.uk

### **Matters arising after the close of the Inquiry**

4. Following the close of the inquiry the Secretary of State wrote on 17 March 2014 to both you and the Council inviting further information for the purposes of his consideration of the application. This matter was: If you consider that the planning practice guidance (or the consequent withdrawal of any previous planning practice guidance) has relevance to your case. No representations were received in response to this invitation.
5. On the 14 August 2014, following the High Court Judgment in the case of Redhill Aerodrome vs. SSCLG and others the Secretary of State wrote to all parties to seek their views on the implications, if any, of the Judgment on their case. The Council responded saying –

“The application and subsequent judgment regarding the construction of a hard runway to replace an existing runway and associated works at Redhill Aerodrome has no bearing on the planning case that is currently before you for determination.”; and

“The Council’s reason to refuse planning application 11/04897/FUL states that the proposal is inappropriate development eroding the openness of the Green Belt. The refusal reason also refers to the development detracting from the visual amenity and rural character of the area and it is the Council’s position that these other adverse impacts are significant and are sufficient to justify refusal whether or not the site is within the Green Belt.”
6. No other responses were received. Copies of the correspondence can be made available upon written request to the address at the foot of the first page of this letter. On 9 October 2014, the Court of Appeal set aside the Judgment and Order of Patterson J dated 18 July 2014. As such, and given the parties responses on the matter, the Secretary of State does not consider it necessary to revert to the parties prior to reaching his decision on this appeal.

### **Policy considerations**

7. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
  8. In this case, the development plan comprises the Shropshire Core Strategy (2011) (“CS”); the saved policies of the Shropshire County Council Joint Structure Plan 2006-2011 and adopted Shropshire Supplementary Planning Guidance.
- Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (“the Framework”); the planning practice guidance published 6 March 2014; Planning Policy for Traveller Sites (PPTS); and the Written Ministerial Statements on Planning and Travellers of 1 July 2013 and 17 January 2014. The Secretary of State has also had regard to the fact that between 14 September 2014 and 23 November, the Government consulted on proposed changes to national planning policy and Planning Policy for Traveller Sites through the consultation document: “Planning and Travellers”. However, given that the consultation has now closed and that the Government is considering the responses to the consultation, he has given little weight to it in the determination of this appeal.

### **Main issue**

9. The Secretary of State considers that the main issues are those identified by the Inspector at IR1.

### **Harm to the Green Belt and other harm**

10. The Secretary of State agrees with the Inspector that the development constitutes inappropriate development in the Green Belt (IR2). He further agrees that the appeal scheme would be detrimental to the openness of the Green Belt, and that while this loss of openness could be limited in scale and could be restricted by conditions, it would still cause harm to the Green Belt (IR4). For the reasons given in IR5 the Secretary of State agrees that the development would involve encroachment into the countryside, contrary to one of the purposes of the Green Belt, and that while that harm would be limited as the site is close to other development, it would comprise additional harm.
11. The Secretary of State agrees with the Inspector that the visual harm to the character and appearance of the area is limited, for the reasons set out at IR6, and that this harm could be further limited by appropriate landscaping. However, he does not agree that this harm is minimal and attaches substantial weight to all Green Belt harm. He concludes that the siting of a mobile home and two touring caravans will in this instance impact on the character and appearance of an area on the edge of open countryside, and that this causes harm which he weighs against the appeal.
12. For the reasons given at IR7-8 the Secretary of State does not give any weight to the question of whether the site is or could be made fit for human habitation, or to issues of safety. For the reasons set out at IR9 he agrees with the Inspector that there is no significant harm caused by the impact of the development on the outlook of nearby residential properties.

### **Development Plan Policy**

13. For the reasons given at IR11-13, the Secretary of State agrees that the appellant has a strong local connection as defined by Adopted Shropshire Planning Guidance "Type and Affordability of Housing", as required by CS Policy CS12 when considering small scale rural gypsy sites of under five pitches in the Green Belt.

### **Need for and supply of Gypsy sites**

14. For the reasons given at IR16 the Secretary of State agrees with the Inspector's conclusion that the Council cannot demonstrate a five year supply of sites, and that there will remain a substantial unmet need for sites for the next few years (IR17).

### **Alternative sites**

15. The Secretary of State agrees with the Inspector, for the reasons set out at IR18-20, that there is a lack of an identified alternative site for the appellant and his family, and that if the appeal site is not available they are likely to have no alternative but to return to a roadside existence.

### **Personal circumstances**

16. The Secretary of State has carefully considered the personal circumstances of the appellant's children as set out at IR21-23. He agrees with the Inspector at IR23 that being at a stable fixed location would mean that the children would be able to access education and health services. However, he notes, with the Inspector, that the site is not ideally located in respect of distance to educational establishments (IR22), and while a school bus passes the appeal site he concludes that this does not entirely obviate the disadvantage of the site in terms of access to services, particularly given that the GP practice in Alveley is part time (IR23). Nevertheless he considers that the best interests of the children are a primary consideration of considerable weight in this case.
17. The Secretary of State has taken into account the appellant's health needs as described in IR24, and the importance of him having access to medical care. However, he notes, in common with the Inspector, that the appeal site is not ideally located for this purpose, especially in relation to travel to Birmingham. Albeit he recognises the importance that a settled base would provide to the appellant in facilitating access to medical care.
18. The Secretary of State has had regard to the care provided by the appellant's wife for his mother-in-law (IR25), to which he attaches limited weight.

### **Planning Balance**

19. The Secretary of State attaches substantial weight to the fact that the proposed development is inappropriate development within the Green Belt. In line with paragraph 88 of the Framework he attaches further substantial weight to the limited harm to the openness of the Green Belt, and to the harm caused by reason of encroachment into the countryside, contrary to one of the fundamental purposes of the Green. In addition he gives more weight than the Inspector to the harm to the visual amenity of the Green Belt, for the reasons given at paragraph 11 above. He gives further limited weight to the adverse effect on the character and appearance of the area (IR29).
20. Against this, the Secretary of State gives some weight to the unmet need for Gypsy and Traveller sites and the fact that there is no immediate prospect of this need being met in the near future, and further weight to the lack of an alternative site for the appellant and his family. He gives minor weight to the family's need for access to educational and health services, for the reasons give at paragraph 16-17 above. He gives further limited weight to the care provided by the appellant's wife to her mother-in-law.
21. The Secretary of State concludes, in agreement with the Inspector at IR32, that on balance the factors in support of the appeal do not clearly outweigh the conflict with national policies designed to protect the Green Belt. The Secretary of State does not consider that the factors in support of the appeal comprise very special circumstances necessary to justify development.

## **Temporary permission**

22. The Secretary of State has gone on to consider whether very special circumstances exist to justify the grant of a temporary planning permission. He has considered the Inspector's arguments in favour of granting temporary permission as set out at IR35, but concludes that the overall harm to the Green Belt will be substantial even when only for a limited period of time, and he attaches substantial weight to this.
23. The Secretary of State gives some weight to the unmet need for Gypsy sites in the Borough, and additional weight to the fact that there is no available alternative site for the appellant. He notes that that if the appeal site is not available the appellant and his family are likely to have no alternative but to return to a roadside existence. He gives minor weight to the benefit to the family in having access to health and educational services, for the reasons set out at paragraph 16-17 above. He notes (IR33-34) that the Council is working to identify suitable sites to meet the identified need for Gypsy and Traveller sites, and that as such the planning circumstances are expected to change, and he gives some weight to this in favour of the proposal.
24. On balance he concludes that the totality of the harms, caused by the development, in particular by reasons of inappropriateness, even when only for a limited period of time, is not clearly outweighed by the factors in favour of the appeal. As such he concludes that very special circumstances do not exist so as to justify the grant of a temporary planning permission in this appeal.

## **Public Sector Equality Duty**

25. In making his decision, the Secretary of State has had due regard to the requirements of the Public Sector Equality Duty, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and others. In this regard and in coming to his decision he has considered the following impacts on the protected group: the need for sites and human rights considerations.
26. The Secretary of State agrees with the Inspector that the balance of considerations in favour of the appeal do not clearly outweigh the harm to the Green Belt by reason of inappropriateness, and harm to openness and encroachment into the countryside. He finds that the harm to the Green Belt arising from the development would not be clearly outweighed by other considerations such that the very special circumstances necessary for the granting of planning permission arise.

## **Human Rights**

27. In terms of interference with the rights of the appellant and his family under Article 8 of the European Convention of Human Rights, the Secretary of State considers that these rights are engaged but qualified. He notes that a dismissal of the appeal would likely result in the appellant and his family being removed from the site and may force the family to continue a generally itinerant lifestyle resulting in an interference to their rights under Article 8 (IR23&26).
28. The Secretary of State considers that it is his role as planning decision-maker to ensure that any interference with these rights is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality. In consideration of this appeal he has particularly considered the economic well-being of the country (which includes the preservation of the environment).



29. The Secretary of State agrees with the Inspector that the need to maintain a Gypsy lifestyle is an important factor here, and that without an authorised site the appellant and his family will face difficulties in continuing this lifestyle (IR28). As such he agrees with the Inspector that, given the lack of an alternative site, the interference with the appellant's private and family rights is more serious. However, in this case the Secretary of State considers that the harm to the Green Belt is such that dismissal of this appeal is a necessary and proportionate response.

**Conditions**

30. The Secretary of State has considered the proposed conditions set out by the Inspector in Annex A to the IR. He is satisfied that these would meet the tests of the planning practice guidance. However, he does not consider that they overcome his reasons for dismissing this planning appeal.

**Formal decision**

31. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal for the change of use to a private Gypsy and Traveller caravan site comprising one mobile home and two touring caravans, application Ref 11/04897/FUL.

**Right to challenge the decision**

32. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

33. A copy of this letter has been sent to Shropshire Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

**Philip Barber**  
**Authorised by the Secretary of State to sign in that behalf**



---

# Report to the Secretary of State for Communities and Local Government

by **A R Hammond MA MSc CEng MIET MRTPI**

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

Date **3 July 2013**

---

**TOWN & COUNTRY PLANNING ACT 1990**

**SHROPSHIRE COUNCIL**

**APPEAL BY MR SHANE ROBERTS**

Hearing held on 6 March 2013

Land adjacent to The Round House, Fenn Green, Alveley, Shropshire.

File Ref: APP/L3245/A/12/2179881

---

**File Ref: APP/L3245/A/12/2179881**

**Land adjacent to The Round House, Fenn Green, Alveley, Shropshire.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Shane Roberts against the decision of Shropshire Council.
- The application Ref 11/04897/FUL, dated 14 October 2011, was refused by notice dated 17 July 2012.
- The development proposed is change of use of the land to a private gypsy and traveller caravan site comprising one mobile home and two touring caravans.

**Summary of Recommendation: The appeal be allowed, and planning permission granted subject to conditions.**

---

**Main Issue**

1. The main issue in this appeal is whether the harm by virtue of inappropriate development in the Green Belt, and any other harm, is clearly outweighed by other considerations so as to justify the scheme on the basis of very special circumstances.

**Reasons**

***Harm to the Green Belt and other harm***

2. Government policy, as expressed in Planning Policy for Travellers sites (PPTS) is that travellers sites (temporary or permanent) are inappropriate development in the Green Belt, which is, by definition, harmful. It is common ground that the appeal proposals are inappropriate development in the Green Belt.
3. In addition, Shropshire Core Strategy (2011) (CS) Policy CS5 strictly controls development in the countryside and Green Belt but concedes, with reference to CS Policy CS12 that small scale rural gypsy sites of under 5 pitches may be allowed where there is a strong local connection. CS Policy CS5 adds that development in accordance with CS Policy CS12 should maintain and enhance countryside vitality and character.
4. By introducing a residential caravan site into an undeveloped parcel of land the appeal scheme would be detrimental to the openness of the Green Belt. Whilst the reduction in openness, or lack of development, would be limited in scale and could be restricted to a small part of the appeal site by condition, it would nevertheless add to the harm by virtue of inappropriateness.
5. The appeal site is bounded to the south-east by "The Round House" a residential property; to the north-west by a large former public house, now a residential care home, and a number of agricultural buildings; and to the south-west by a lane, on the opposite side of which are a number of dwellings. The A442 road runs along the north-east side of the appeal site with open countryside beyond. Whilst the appeal site has development along 3 sides it is open land on the edge of open countryside and any development on it would comprise encroachment into the countryside, contrary to one of the purposes of the Green Belt. However the development would be restricted to the rear of the site close to existing development such that the harm would be limited, albeit that it would add further to the harm described above.

6. The appeal site is clearly visible from the A442 and the appeal scheme would be visible from the road. However it would be located at the extreme rear of the site and would be seen against the backdrop of existing residential development. Any visual intrusion could be ameliorated by appropriate landscaping, such that any resulting harm to the character and appearance of the area would be minimal, particularly given its location on the edge of the settlement.
7. A previous application for a residential caravan site, Ref. 11/01163/FUL, had been refused partly on the grounds that the land had previously been used for the tipping of waste and that no information had been provided to enable an assessment to be made as to whether the land was, or could be made, fit for human habitation. The appellants have provided a site investigation report. Despite concerns being expressed by neighbouring residents as to the efficacy of the investigation the Council's specialists are content that subject to a condition requiring further investigation and, if necessary, remediation, there is no reason to refuse planning permission on the grounds of contaminated land.
8. Local residents had also raised objections on the grounds of highway safety, sustainability and the effect on living conditions with regard to outlook. The Council confirmed at the hearing that they did not consider the site to be unsustainable and that the Highway Authority had no concerns regarding the access or highway safety. No evidence was put forward which would lead to a different conclusion on highway safety or sustainability and I consider that concerns on these grounds are unfounded.
9. With regard to outlook, the appeal proposal would be visible from nearby residential properties, in particular "The Round House". However the boundary with that property is some distance away from the proposed location of the mobile home and hardstanding for touring caravans. Any harm with regard to outlook could be mitigated by conditions regarding the precise positioning and the provision of landscaping such that there would be no significant harm in this respect.
10. Notwithstanding the above, the totality of harm to the Green Belt has substantial weight.

### ***Development Plan Policy***

11. Adopted Shropshire Supplementary Planning Guidance *Type and Affordability of Housing* (SPD) explains that for the purposes of applying CS Policy CS12, "strong local connection" is defined as meeting 2 or more of a set of criteria which include that:-
  - The applicants were born in the Shropshire Council area or lived in the Shropshire Council area as a child; and
  - The Shropshire Council area is their main place of work.
12. PPTS follows previous policy guidance in stating that local planning authorities should determine applications for sites from any travellers and not just those with local connections.
13. Nevertheless, at the hearing the appellant produced copies of his birth certificate, showing that he had been born in Oswestry, and the death certificate

of his father showing place of death as Whitchurch and the usual address as School Lane, St. Martins, Oswestry. Furthermore the appellant explained that he travelled throughout the County seeking work as a gardener. This evidence was not disputed and therefore, the appellant has a strong local connection as required by CS Policy CS12. This is a material consideration of some weight.

### ***Need for and Supply of Gypsy Sites***

14. PPTS provides national policy guidance for considering matters of need and supply with the emphasis of an assessment being carried out at the local level. Local planning authorities should use robust evidence to establish accommodation needs to inform plan making and decisions. Local plans should identify a supply of specific deliverable sites, updated annually, to provide 5 years worth of sites, together with specific developable sites or broad locations for growth up to ten years.
15. Paragraph 22 of PPTS sets out the considerations that apply in decision making. These include the existing level of provision and the availability of alternative accommodation.
16. The Council did not produce an up to date Gypsy and Traveller Accommodation Assessment (GTAA) but conceded at the hearing that there was currently a substantial unmet need for 65 pitches. The Council maintain that they are working hard to identify additional sites and have also approved a number of windfall sites. However the Council's planning policy team have advised that "Allocations for new sites for Gypsy and Traveller pitch provision will be made in a specific DPD and will not be part of the emerging Site Allocations and Management of Development (SAMDev) DPD. It is proposed to begin work on the first 'Issues and Options' stage of a Gypsy and Traveller DPD during late 2013 but because of the resources needed for the SAMDev examination in 2014 the Gypsy and Traveller DPD is unlikely to be completed before the end of 2015."
17. Therefore, it is clear that there will remain a substantial unmet need for sites for at least the next few years. This adds considerable weight to the appellant's case.

### ***Alternative sites***

18. The appellant and his family are currently at the appeal site in their touring caravans having previously been travelling, at the roadside or temporarily pitched at other sites when the occupiers were away travelling. It was explained that the appellant had spent time at a site at Wyrley in Staffordshire whilst undergoing medical treatment in Birmingham. The owner of that site, Mr Clee, had confirmed that Mr Roberts had been allowed to stay there on occasions and to use the site as a mailing address but that lawful occupation of the site was restricted to Mr Clee's family, which did not include the Roberts family.
19. At the hearing the Council confirmed that if the appeal was dismissed they would consider enforcement action to remove the Roberts family from the appeal site but would assist in attempting to identify an alternative site. However, given the existing unmet demand for sites in Shropshire it would

appear unlikely that a site could be found by the appellant or by the Council in the reasonable future.

20. With all authorised sites in Shropshire being full and/or restricted to specific families and the lack of any identified site elsewhere, the appellant would in all likelihood have no alternative but to return to living at the roadside if the appeal site were not available.

### ***Personal Circumstances***

21. The appellant has two children, Shane junior and Anna. Shane is of secondary school age and does not attend school but receives one hour home tuition a week. Anna is intending to attend college in Kidderminster and Shane junior intends to attend school in Bridgnorth.
22. The best interests of the children are a material consideration of considerable weight. Whilst the appeal site is not ideally located in respect of distance to educational establishments, there is a school bus which passes the appeal site on the way to Bridgnorth.
23. Being at a stable fixed location would mean that Shane junior in particular but also Anna would be able to access education as well as health services, albeit that the GP practice in Alveley is part time. As indicated above, in all likelihood the family would be forced to resume living at the roadside if they could not remain at the appeal site in which case the children would be denied that access to services. This adds substantially in favour of the case for the appellant.
24. Mr Roberts is currently in remission having been treated in Birmingham for acute myeloid leukaemia. Although in remission it is important that Mr Roberts has access to medical care for ongoing monitoring and potential further treatment. Again, that access would be denied if the family did not have a stable base. Whilst the appeal site is not located in an ideal location, especially in respect of travel to Birmingham should that be necessary, it is the only site available to him. Mr Roberts's health needs adds significantly to the case in his favour.
25. In addition, the appellant's mother-in law lives relatively nearby at Cutnall Green in Worcestershire. Mrs Roberts provides care for her mother on a regular basis. This matter adds further weight to the appellant's case.

### ***Human rights***

26. As regards Article 8 of the European Convention on Human Rights the appellant and his family are currently living on the appeal site, albeit in touring caravans without the benefit of planning permission, and dismissal of the appeal would be likely to result in their removal from the site and interference with their home and private and family life. It is necessary to consider whether it would be proportionate to refuse planning permission in all the circumstances of the case.
27. That interference must be balanced against the wider public interest in pursuing the legitimate aims stated in Article 8, particularly the economic well-being of the country (which includes the preservation of the environment). The objections to the development are serious and the harm to the Green Belt could not be overcome by planning conditions.



28. The need to maintain a gypsy lifestyle is an important factor in the decision making process. Those gypsies without an authorised site face difficulties in endeavouring to continue their traditional way of life within the law. There is no site currently available within Shropshire and that lack of alternatives makes any interference with the appellant's private and family rights more serious. Whilst the appellant has moved onto the site without the benefit of planning permission the circumstances of his previous lack of a stable location needs to be taken into account.

**Summary and overall conclusions**

29. The development is inappropriate and, by definition, harmful to the Green Belt. That fundamental objection cannot be overcome by planning conditions and carries substantial weight. The development would also cause limited harm to the openness and to the purposes and visual amenities of the Green Belt in this location. There would also be an adverse effect on the character and appearance of the surrounding area. However, overall, the development would add only a small degree of additional harm to that caused to the Green Belt by reason of inappropriateness.
30. It is not disputed that there is a clear and immediate unmet need to accommodate gypsies in Shropshire. There is no immediate prospect that that unmet need will be satisfied in the immediate future such that there will be no other site available. If forced to leave the site it is likely that the appellant would be living on an unauthorised roadside encampment.
31. There is a general benefit to the family having reasonable access to a GP and educational services. Mr Roberts has a serious medical condition which, although in remission, would be difficult to monitor and manage if he did not have a settled base.
32. I have considered the factors in support of this development both singularly and cumulatively. Those considerations in support of the appeal, taken together, do not clearly outweigh the conflict with national policies designed to protect the Green Belt so as to justify the grant of a full planning permission on the basis of very special circumstances. Although, at present, there is no alternative site for the appellant to go to, in all the circumstances it is not disproportionate to refuse the grant of permanent planning permission.
33. Notwithstanding that the application is for a permanent permission the appellant submitted at the hearing that any temporary planning permission should be for a period that would enable the Council to search for sites and adopt a Development Plan Document (DPD) that caters for the needs that have been identified. Such a DPD would be likely to assist the appellant in identifying a suitable parcel of land and obtain planning permission for its use as a gypsy site. In the meantime the family would not have to suffer the considerable hardship that a roadside way of life would involve.
34. The Council state that it is working hard towards identification of suitable sites or broad areas to meet the identified need. Whilst resisting any grant of temporary permission it proposed that any temporary permission should be for no longer than 3 years. In my view it is optimistic to expect that a site specific DPD would be available within that timescale. The grant of a 5 year planning

permission would enable the identification of additional sites to have made considerable progress.

35. It is likely that changes to the planning circumstances that are expected to occur over the period of 5 years will significantly alter the overall balance in this case. I conclude that the substantial harm, when for a limited period, is clearly outweighed by other considerations including the current unmet need for Gypsy sites in the area, the inadequacies of adopted Development Plan policies, the present lack of a suitable alternative site, the personal needs and circumstances of this particular Gypsy family and the prospect of considerable progress towards a Gypsy and Traveller DPD over the temporary period. Very special circumstances therefore exist to justify the grant of a temporary planning permission for the period of 5 years.
36. I consider the grant of a temporary permission to be a proportionate response that strikes a balance between the competing interests of the appellant and of the wider public interests. There would be no violation of the appellant's rights under article 8 of the Convention.

### ***Planning Conditions***

37. At the Hearing the main parties discussed planning conditions that might be imposed in the event of the appeal being allowed. For the reasons given above I consider that the permission granted should be for a temporary period of 5 years. In order to reflect the personal circumstances and need which justified allowing the appeal I believe that the permission should be made personal to Mr Shane Roberts, Mrs Sharon Roberts and their dependants. As a personal condition would be imposed it would not be necessary to also impose a Gypsy-occupancy condition.
38. As the permission is temporary, it would be necessary to impose a condition requiring all caravans, structures, materials and equipment to be removed and the land restored when the use ceases.
39. There are 2 touring caravans on the site and it is proposed to add one mobile home. The appellant agrees that any planning permission granted should be so limited. I also consider that it is necessary to control the siting of the caravans within the plot. I believe that it is both reasonable and necessary to impose planning conditions to limit the use in this way. This is so as to uphold the purposes and safeguard the openness of the Green Belt and to safeguard the rural character and appearance of the surroundings.
40. As the change of use has taken place it would not be necessary to impose a condition requiring the development to be begun within 3 years from the date of the decision and it would not be possible to impose conditions requiring works to be undertaken or schemes approved prior to any development taking place. It would therefore be necessary to impose any conditions requiring schemes to be agreed, or works carried out, to require the use to cease and all caravans, structures, equipment and materials brought onto the land for the purposes of that use to be removed should the requirements of the condition not be met within a specified timescale.
41. Notwithstanding the submitted drawings, it would be necessary to impose a condition requiring approval and implementation of a scheme of siting of the

caravans; foul and surface water drainage; and hard and soft landscaping of the site, including walls, fences and other means of enclosure, hardstanding, parking and amenity areas and existing and proposed planting, in order to protect the visual amenities of the Green Belt and the surrounding rural area. The condition imposed will also make provision for the replacement of failed planting. I do not believe that the capital outlay would be excessive. It would not be unreasonable to impose such a condition on a temporary permission of this length.

42. Given the nature and history of the appeal site it would be necessary that a condition be imposed requiring a site investigation to be undertaken to establish the nature and extent of any contamination on the site and requiring any necessary remedial works to be carried out.
43. In order to protect the Green Belt and visual and residential amenity it would also be necessary to impose a condition to prevent any commercial activity or storage of materials and to restrict the number of commercial vehicles on site to not more than one which shall be of not more than 3.5 tonne gross weight.

**Recommendation**

44. I recommend that the appeal be allowed and planning permission be granted subject to the conditions in the attached schedule.

*Andrew Hammond*

INSPECTOR

### **Schedule of conditions**

- 1) The use hereby permitted shall be carried on only by Mr Shane Roberts and Mrs Sharon Roberts and their dependants and shall be for a limited period being the period of 5 years from the date of this decision, or the period during which the site is occupied by them whichever is the shorter.
- 2) When the site ceases to be occupied by Mr Shane Roberts and Mrs Sharon Roberts and their dependants, or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the premises in connection with the use hereby approved shall be removed, and the land restored to its condition before the use commenced.
- 3) No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan or mobile home), shall be stationed on the site at any time.
- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
  - (i) within 3 months of the date of this decision a scheme providing details of the siting of the caravans; surface and foul water drainage; the hard and soft landscaping of the site including details of the position, height, colour, type and materials of walls, fences and other means of enclosure; hardstanding; parking and amenity areas; indications of all existing trees and hedgerows on the land, and details of any to be retained; details of the size, species and spacing of all proposed trees and shrubs (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
  - (ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
  - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
- 5) If at any time during the occupation of the site by Mr Shane Roberts and Mrs Sharon Roberts and their dependants any tree, hedge or shrub planted as part of the development scheme is removed, uprooted or destroyed or dies or, in the opinion of the local planning authority, becomes seriously damaged or defective, it shall be replaced with another of the same species

- and size as that originally planted unless otherwise approved in writing by the local planning authority.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:
- (i) Within 3 months of the date of this decision a scheme and timetable for a site investigation of the nature and extent of contamination (hereafter referred to as the site investigation scheme shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
  - (ii) within 11 months of the date of this decision the site investigation scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
  - (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site investigation scheme shall have been approved by the Secretary of State.
  - (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.
  - (v) the results of the site investigation shall be made available to the local planning authority. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
  - (vi) if an appeal is made in pursuance of (v) above, that appeal shall have been finally determined and the submitted site investigation scheme shall have been approved by the Secretary of State.
- 7) No commercial activities shall take place on the site, including the external storage of materials.
- 8) No more than one commercial vehicle, which shall be of not more than 3.5 tonnes gross weight, shall be brought onto site at any one time.

## **APPEARANCES**

### FOR THE APPELLANT:

Dr Angus Murdoch	Angus Murdoch Planning, P. O. Box 71, Ilminster, Somerset
Mr Shane Roberts	Fenn Green, Alverley, Bridgnorth WV15 6JA
Mrs Sharon Roberts	Fenn Green, Alverley, Bridgnorth WV15 6JA

### FOR THE LOCAL PLANNING AUTHORITY:

Dyane Humphries	Shropshire Council
Cllr Tina Woodward	Shropshire Council

### INTERESTED PERSONS:

David Voysey	Local resident
Vanessa Steele	Local resident
Mr & Mrs Spencer	Local residents
Syd Matthews	Local resident
Miss Isley Jakeman	Local resident
Clive Haycocks	Local resident





## RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.