

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

Date: Monday, 9 February 2015

**Committee:**  
**North Planning Committee**

**Date:** Tuesday, 17 February 2015  
**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**

Arthur Walpole (Chairman)  
Paul Wynn (Vice Chairman)  
Joyce Barrow  
Gerald Dakin  
Steve Davenport  
Pauline Dee  
Vince Hunt  
David Lloyd  
David Minnery  
Peggy Mullock

**Substitute Members of the Committee**

Nicholas Bardsley  
John Cadwallader  
Karen Calder  
Steve Charmley  
Peter Cherrington  
Andrew Davies  
Ann Hartley  
Simon Jones  
Brian Williams  
Thomas Biggins  
Roger Hughes

Your Committee Officer is:

**Emily Marshall** Committee Officer  
Tel: 01743 252726  
Email: [emily.marshall@shropshire.gov.uk](mailto:emily.marshall@shropshire.gov.uk)

# AGENDA

## **1 Apologies for Absence**

To receive apologies for absence.

## **2 Minutes**

To confirm the Minutes of the meeting of the North Planning Committee held on 20<sup>th</sup> January 2015. (Report to Follow)

Contact: Shelley Davies 01743 252719

## **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 North West Brooklands Farm Dudleston Ellesmere (14/02730/MAW)**

Temporary operation for exploratory borehole and associated infrastructure. (Report to follow)

## **6 Land at Brookmill, Hampton Wood, Ellesmere (14/02078/FUL)**

Construction of stables, manege and temporary mobile home and change of use of land from agricultural to equestrian use. (Report to follow)

## **7 Proposed Residential Development South of Ash Hall, Ash Magna, Whitchurch (14/03484/OUT) (Pages 1 - 16)**

Outline application (access for approval) for residential development (some affordable housing) and associated amenity space.

## **8 Land South of 54 Red Bank Road, Market Drayton (14/03759/FUL) (Pages 17 - 26)**

Erection of a pair of semi-detached dwellings.

## **9 Land Off A49 Hadnall, Shropshire (14/03995/OUT) (Pages 27 - 52)**

Outline application (access for approval) for residential development of up to forty dwellings, the provision of public open space and car park and restoration of the moat (amended description).

## **10 Proposed Residential Development Land Between Aston Road And Church Lane Wem (14/03428/OUT)**

Outline application for the erection of 50No dwellings (to include access). (Report to follow)

**11 Development Land East Of Wem Road Shawbury (14/04558/OUT)**

Outline application (access for approval) for mixed residential development. (Report to follow)

**12 Land On Runway At Twemlows Hall Higher Heath Whitchurch (14/03957/FUL)  
(Pages 53 - 86)**

Formation of solar farm consisting of 79,968 solar panels on 3,332 frames; 12 inverter/transformer units; 2 sub-stations; installation of 2.2m high boundary fencing; maintenance trackways; storage area.

**13 Land At Lostford Lane, Wollerton (14/04787/VAR) (Pages 87 - 98)**

Variation of Condition No.1 (approved plans) attached to planning application 11/04429/FUL approved on appeal to amend the approved plans.

**14 Land off GreenFields Lane, Market Drayton (14/03782/OUT)**

Outline application (access for approval) for the residential development of up to 250 dwellings; to include demolition of existing structures on site; formation of vehicular accesses from the A53 and Hampton Drive. (Report to follow)

**15 Appeals and Appeal Decisions (Pages 99 - 106)**

**16 Date of the Next Meeting**

To note that the next meeting of the North Planning Committee will be held at 2.00 pm on Tuesday 17<sup>th</sup> March 2015, in the Shrewsbury Room, Shirehall.

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## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application seeks outline planning permission for the creation of seven dwellings. The means of access is to be considered as part of the outline application with the appearance, landscaping, layout and scale for consideration at reserved matters stage. Six of the dwellings would be new build with the seventh being created through the conversion of The Smithy.

### 2.0 SITE LOCATION/DESCRIPTION

- 2.1 The application site is located to the south of Ash Hall and to the north of Ash Lane between the War Memorial to the west and the entrance to the tennis courts/bowling green to the east.
- 2.2 It is an undulating area of land which is above the level of Ash Lane. The boundary to the highway is defined by a mature hedgerow. There are dwellings located to the south of Ash Lane and to the west of the site all of which are on the opposite side of highways to the site. To the east is the entrance to the tennis courts and the bowling green with the village hall on the opposite side of the vehicular access.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 Complex or major applications which in the view of the Group Manager for Environment or the Service Manager with responsibility for Development Management in consultation with the committee chairman or vice chairman should be determined by the relevant Planning Committee.

As there have been a number of objections to the proposal including a petition it is considered that in this case it would be more appropriate for the proposal to be debated by the North Planning Committee.

### 4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online

#### 4.1 Consultee Comments

##### 4.1.1 Whitchurch Rural Parish Council:

##### Original Comments

The Councillors agreed to object to this application as they believe it to be outside a current development boundary, contrary to CS6, in close proximity to a grade 2\* listed building and on the basis of community objections.

##### Final Comments

The Parish Council agreed to support the application following consideration of the amendments to the proposal. Highways alterations were noted with approval. Councillors noted plans to maintain the Old Smithy building which they would like to see restored and given a suitable ongoing function.

- 4.1.2 **Affordable Housing Officer:** No objection subject to the appropriate contribution for affordable housing is made. The level will be set at the approval of reserved matters stage.

- 4.1.3 **Drainage:** No objection but further information will be required as part of a reserved matters application.
- 4.1.4 **Public Protection:** No objection. However the development should include vehicle charging points.
- 4.1.5 **Historic Environment – Archaeology:** The site has a moderate-high archaeological potential.
- 4.1.6 **English Heritage:** Although not designated The Smithy is of some quality and is a significant component on the village. Its retention in the proposed scheme is appreciated.
- 4.1.7 **Tree Officer:** No objection and details for the planting of the new hedge have been provided.
- 4.1.8 **Highways Development Control:** No objection subject to the inclusion of the recommended conditions should planning permission be granted.
- 4.1.9 **Ecology:** Concerns raised regarding the mitigation proposals for Great Crested Newts but otherwise no objection subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.
- 4.2 **Public Comments**
- 4.2.1 There have been 8 letters of objection and 2 letters of support from the public. There has also been a petition against the removal of an ancient hedgerow (associated with the development site) that has received 110 signatures. The grounds for objection are as follows:
- Shrewsbury, at present, has a 5.47 year housing supply. It therefore is unnecessary to consider this site for development because it is outside the development boundary as outlined by SAMDev.
  - The community has strong feelings against the proposal.
  - The development will upset the character of the village.
  - An ancient hedgerow will be removed for access. This hedgerow is a haven for wildlife and a habitat for the Great Crested Newts. It also contributes to the character of the village.
  - There will be drainage issues. The road running through the village already does not cope with moderately heavy showers and there have been incidences of garages, drives and gardens flooding.
  - Access to the new properties will be dangerous. The road through the village is narrow and unable to accommodate the projected increase in traffic.
  - The new two-way access by the village hall will be extremely dangerous as a result of poor visibility.
  - The increase in traffic will create more pollution. If there are electrical cars, this will contribute to the current electricity shortage in the Whitchurch area.
  - In the last 50 years, Ash Magna has been affected by foot and mouth disease. It is believed that carcasses may have been buried on the site of the proposed development. Little research has been undertaken into the

exhumation of FMD carcasses and there may be a risk associated with opening such burial sites.

- There are issues with broadband speeds in the village. New houses will only exacerbate the issue.
- There is no gas supply for Ash Magna. New houses will add to this problem.
- Ash Hall is a Grade 2 listed building and it has 'medium / high' archaeological' interest.
- The land is sloping. This would mean that development would either result in a loss of privacy for the neighbours opposite or expensive excavating would be required, making the project very expensive.
- Listed in the amenities of the village is a 'daily bus service'. This is a school bus and therefore should not be considered as such.

#### 4.2.2 Comments for support are as follows:

- SAMDev states that Ash should have at least 15 new dwellings by 2026. This development will make a major contribution to this total. It is also in keeping with the village setting of ribbon development. This is preferable to trying to squeeze in development on inappropriate sites (e.g. gardens).
- The development is of enormous importance to the landscape of the village. Support is offered for the development however, given its significance, it would be appropriate for this application to go to Committee.

## 5.0 THE MAIN ISSUES

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Policy & Principle of Development

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation



of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.

- 6.1.3 In both the current North Shropshire Local Plan and the SAMDev Final Plan, this area is identified as being in an area of open countryside although adjacent to the existing and proposed development boundary. As such any new housing development in the area would normally be strictly controlled as defined in policy CS5 of the Shropshire Core Strategy. However as SAMDev has not yet been adopted and considering the age of the North Shropshire Local Plan it will be necessary to consider the proposal in light of the NPPF.
- 6.1.4 In the intervening period between submission and adoption, sustainable sites for housing where the adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF. As such it remains officer's advice that it would be difficult to defend a refusal for a site which constitutes sustainable development and that the presumption in favour of sustainable development at paragraph 47 of the NPPF is given greater weight than either the adopted or forthcoming policies. The NPPF does not permit a housing development free-for-all, the principle issue for consideration is whether the development is sustainable or not when considered against the NPPF as a whole. As such a development which is not sustainable can be refused against the NPPF but officers advise that caution should always be taken when considering refusal against the NPPF. Paragraph 14 advises that the adverse impacts of granting consent would need to significantly and demonstrably outweigh the benefits.
- 6.1.5 Although SAMDev has not yet been adopted the documents submitted as part of the Final Plan identify that Ash Maga and Ash Parva provide a total of 15 new dwellings up to 2026. However with the exception of land at Ash Parva it is difficult to see how any further dwellings could be constructed within the proposed development boundary for Ash Magna to meet their target. The land at Ash Parva is the subject of a current application which is proposing the construction of 8 dwellings. Therefore this application for 7 dwellings on land adjacent to the development infill boundary would provide the remaining dwellings required under the proposed SAMDev.
- 6.1.6 Having regard to the position regarding land supply, the key points to consider are that the land supply calculation includes a number of sites in SAMDev and brownfield locations yet to be developed. Under delivery on the ground will

continue to erode the 5 year land supply figure until such a time as development activity on the ground increases. In principle the site is considered to be sustainable and as it is adjacent to a cluster in SAMDev which has also been taken into consideration as part of the Council's five year housing land supply calculations. To encourage the early delivery of the site it is recommended that the permission is reduced to 12 months and a planning condition will be included to this effect. The officer recommendation, having regard to these factors and the changing balance of considerations in the context of a 5 year housing land supply is to therefore to maintain a recommendation for approval.

- 6.1.6 In terms of deliverability, it has been confirmed by the Agent to the Case Officer that the Applicant is in discussion with developers about the possibility of the scheme being brought forward. However, this will not be progressed any further until planning permission is secured. This information confirms that the site is deliverable.
- 6.1.7 With regard to affordable housing officers note the recent Ministerial statement and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application. However, following a subsequent decision by the Cabinet of the Council, the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites (please see the public statement of the Council 'as published on the website 30/01/15' – or 'attached as appendix').
- 6.1.8 Given the above, it is recommended that planning permission be granted only subject to the satisfactory completion of a legal agreement to secure the provision of affordable housing in accordance with the terms of the policy. Non compliance with the requirements of adopted Core Strategy Policy CS11 would mean that the proposal would be in clear conflict with the aims and requirements of the Development Plan and should therefore be refused, unless other material considerations indicate otherwise.
- 6.2 **Is the Development Sustainable**
- 6.2.1 The sustainability of a site is not judged purely on its location, or on whether it is deliverable. The fact that the site is deliverable and available is a positive in its favour. However, the suitability of a site in terms of its sustainability needs to be considered against the NPPF as a whole and the policies within the Core Strategy which do not relate to housing supply and therefore remain up to date policies. Paragraph 6 of the NPPF advises that paragraphs 18 to 219 constitute sustainable development.
- 6.2.2 Paragraph 55 of the NPPF promotes sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. The example given is where there are groups of smaller settlements and a development in one of these may support the services in others nearby. However dwellings in isolated locations should be avoided
- 6.2.3 A number of appeal decisions have been received where the issue of

sustainability is dealt with. This has provided conflicting views as to what is or is not considered sustainable development. It is also noted that a number of small settlements are being promoted within SAMDev for development which would have few if any local services or facilities.

6.2.4 This land is shown to be adjacent to the settlement of Ash Magna on Ordnance Survey maps. The land is currently for grazing with no buildings having been constructed on it. Whilst there are some hedges particularly along the road frontage these would not be considered sufficient to screen the proposed development. The proposal is considered to be located on land designated as open countryside. However it lies between and adjacent to other development within the village along one of the main access roads. Therefore whilst it would be visible within the landscape it is closely associated with other existing buildings. The proposal would provide dwellings that are linear with the highway which is a main characteristic of development in the village. As such the proposal is one that would be considered to meet the requirements of the NPPF when read as a whole as this proposal would not lead to a sporadic form of development in the open countryside.

### 6.3 **Economic Consideration**

6.3.1 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development and provides an overview of what is considered to be the economic, social and environmental roles of the planning system.

6.3.2 It is acknowledged that there are economic benefits of new house building in providing housing in close proximity to the settlement and that it is located relatively close to other settlements where potential employment opportunities exist. Whilst it may be necessary to drive to some of these locations this does not necessarily preclude them from consideration as most rural settlements in Shropshire require access to other areas by vehicle.

6.3.3 As detailed in Paragraph 55 of the NPPF the benefit to nearby services can also be taken into consideration and as further development would contribute to the vitality and viability of these facilities in the area this aspect also has to be considered.

6.3.4 In this case Ash Magna benefits from a public house together with village hall, tennis courts and bowling green. The village is also within close proximity of Whitchurch. As such there is potential for the development to have a significant impact on the businesses and facilities in the area which would help maintain their vitality and viability.

6.3.5 Taking the above in to consideration it is noted that there may be potential benefits to the economy of the area and nearby settlements.

### 6.4 **Social Considerations**

6.4.1 The development of the site would increase the population of the settlement and as such provide potential support to village clubs, societies and the various facilities available. It is also within close proximity of Whitchurch where there are a significant number of other public facilities and services available. There is a

footpath through the village connecting the site to the facilities and as a result of the development it would be possible to include a further footpath along the roadside. In addition the development may provide an Affordable Housing Contribution that would assist in the provision of much needed affordable dwellings in the area. As with the economic benefits this is an accepted benefit of house building. Therefore in this instance it is considered by officers that the benefit to the social aspects would outweigh the harm potentially that could be caused.

6.4.2 Concerns have been expressed by local residents that comment has been made in the submitted documents that the village has a bus service. However this is only a school bus and there is no other regular public bus service available. This concern is appreciated, however, it is considered by Officer's that Ash Magna is close enough to other settlements with their associated services and facilities that this would not outweigh the benefit of the development. Previous appeal decisions have provided guidance that to use a car to access services in rural areas is not a reason to justify a development as being unsustainable. It should also be bourn in mind that as Ash Magna is being promoted within the SAMDev as a Cluster, the village must be considered a sustainable location and therefore to justify refusal on this issue would be difficult to sustain should it be taken to appeal.

## 6.5 **Environmental Considerations**

6.5.1 The site is currently used for grazing purposes. It is appreciated that the site is close to other dwellings and whilst the new development would have a visual impact on the area, this would not be considered to be unacceptable given its close association to other buildings. Whilst it will result in the removal of the existing highway boundary hedge, a new hedgerow would be planted and whilst it would take time to establish, using appropriate plants would provide an improved hedgerow which would maintain and improve upon the character of the existing.

6.5.2 The Smithy is also to be included within the scheme and following the recommendation of English Heritage will be converted as part of one of the proposed dwellings. This will therefore ensure the preservation of the non-listed heritage asset which is currently vacant and unused.

6.5.3 It is acknowledged that the development of the site from agricultural land to built development will have an environmental and visual impact, as considered in greater detail below. However there are also environmental benefits gained from the development. It has also been accepted in considering the applications around settlements, that development of agricultural land is unavoidable to deliver the housing required. The loss of grade 3 best and most versatile agricultural land is an impact of the development proposed, however officers consider that the loss of the area proposed for the seven houses would not constitute significant loss of agricultural land and as such that this harm is not so significant and demonstrable as to outweigh the benefits of new housing.

## 6.6 **Summary**

6.6.1 Local residents have objected to the proposal on the basis that the site is in an area of open countryside and therefore as there is a 5 year housing land supply

there is no necessity for the site to be developed and contrary to policy.

6.6.2 In view of the above it is the opinion of officers that the proposed development will have an impact on the character and appearance of the area. However the site is closely associated to other dwellings within the village and village facilities. It is also within close proximity of other settlements, particularly Whitchurch, where additional facilities and services are available. It will also ensure the preservation of a heritage asset within the village. Overall in view of the above it is considered that the potential benefits of the development outweighs the potential harm as such the development does meet the criteria set out in the NPPF.

## 6.7 **Design, Scale and Character**

6.7.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

6.7.2 This is an outline application where the layout, appearance, scale and landscaping are not for consideration at this stage. However, following the recommendation by English Heritage the application has been slightly varied to allow for the retention of The Smithy within the proposal. The amended indicative layout plans identify that this would be incorporated by being converted to residential use. This would ensure the preservation of the non-listed heritage asset and the feature of the village. Full details of the proposed conversion scheme would need to be included as part of the reserved matters application should outline planning permission be granted.

## 6.8 **Impact on Residential Amenity**

6.8.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.8.2 Concerns have been expressed by local residents that the proposal will result in a loss of privacy and light to neighbouring properties.

6.8.3 There are no dwellings immediately adjacent to the site. There are dwellings to the south and west of the site but these are separated from the application site by public highways. The indicative plan also shows that the houses could be set approximately 30 metres from the front wall of the houses opposite. This is well in excess of the guidance generally accepted as a minimum of 21 metres to maintain privacy. However, the final design and layout together with the proposed landscaping will assess this more fully.

## 6.9 **Highways**

6.9.1 Local residents have raised concerns regarding the impact the proposed

development may have on the highways in the area. It is considered that the access arrangements and additional traffic will increase highway hazards.

- 6.9.2 The proposed development provides the opportunity of regularising the width of the carriageway along the site road frontage. In this respect it is considered that the carriageway should be widened to a minimum width of 5.0 metres by incorporating some localised widening. The setting back of the hedge by a depth of 2.4 metres from the carriageway edge as stated in the Design and Access Statement provides a satisfactory measure of visibility from the new accesses and an improvement to the existing entrance serving the adjoining tennis and bowling clubs. A surfaced footway should however be provided along the site road frontage to link into the village hall facility and not a grassed margin. The setting back of the hedge enables this to be provided. The principle of grouping the accesses is supported and the proposed parking and turning arrangements indicatively shown on the illustrative layout are satisfactory. The principle of the amended access arrangement to the club is also welcomed from the highway perspective. Improving an existing substandard point of access and enabling vehicles to have a more direct route to the adjoining Class III rather than travelling around the one way system to the east of the site.
- 6.9.3 In view of the comments from the Highways Development Control Officer it is considered that the proposal will not have a detrimental impact on highway safety. It may also result in improvements both through the provision of an additional footpath and also a widening of sections of the highway.
- 6.10 **Impact on Hedgerow**
- 6.10.1 Objections to the proposal also include the loss of the mature hedgerow along the highway frontage.
- 6.10.2 It is noted that the hedgerow does not fully enclose the site from the highway as sections have previously been removed or lost. Therefore the hedgerow is not considered a good example of a mature hedgerow. The new hedge to be planted could contain a mixture of new plants which would improve the bio-diversity of the area. In addition by setting the new hedgerow back from the roadside it would not only allow for the provision of a footpath but also allow for the maintenance of the hedge to be more safely carried out.
- 6.10.3 The Council's Tree Officer has made comment on the application and has recommended the species of plants to be used and other information which should be included as a condition and/or informative.
- 6.10.4 On balance the new hedgerow would be an improvement on the existing, allow improved village connectivity and provide an improvement to the biodiversity of the area.
- 6.11 **Ecology**
- 6.11.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected

species and habitats. Therefore the application has been considered by the Council's Ecologist.

- 6.11.2 No objection has been raised by the Council Ecologist to the proposed development subject to the inclusion of the recommended conditions and informatives on any planning permission that may be granted.
- 6.11.3 In view of the above it is considered that the proposed development will not have a detrimental impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF and policy CS17 of the Shropshire Core Strategy.
- 6.12 **Drainage**
- 6.12.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.12.2 Concerns have been raised by local residents regarding the potential for surface water flooding in the area as a result of the proposed development.
- 6.12.3 No objection to the proposed development has been raised by the Council's Drainage Engineer. However, should outline planning permission be granted conditions will be required to ensure that appropriate information is provided as part of the reserved matters application to demonstrate that appropriate systems can be installed. This additional information would ensure that there would be no increase in the risk of flooding in the area as a result of the proposed development.
- 6.12.4 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.
- 6.13 **Impact on Historic Environment**
- 6.13.1 Issues have been raised by local residents that the proposed development will have a detrimental impact on the historic environment of the village. Of particular concern is the impact on Ash Hall which is a Grade II\* listed building and that the site is identified as of moderate to high archaeological interest.
- 6.13.2 As the site is close to a Grade II\* listed building the application has been considered by both English Heritage and the Council's Historic Environment Team.
- 6.13.3 No objections were raised in connection with the potential impact on the setting of the listed building. However a request was made that the non-listed Smithy be retained within the development. Amended plans were submitted which show this to be incorporated within the scheme as one of the proposed dwellings.
- 6.13.4 With regard to the archaeology on the site, the Council's Archaeologist has comments that the proposed development site lies within the core of the historic village of Ash Magna, and within a part of the settlement that is likely to have been inhabited since the medieval period. The Tithe Award map for Ash Magna

Township in Whitchurch Parish of 1841 and historic editions of the Ordnance Survey map indicate that from at least mid-19th century it previously formed part of the part of the grounds for Ash Hall (Grade II\* Listed National Heritage List ref. 1366504). However, the position of the site in relation to the wider morphology of the village suggests that it may have been occupied by buildings in earlier centuries. It is therefore possible that archaeological features and deposits relating to the medieval and later development of the village will be present on the proposed development site. As a consequence, on present evidence it is deemed to have moderate high archaeological potential.

- 6.13.5 A condition has been recommended for inclusion should planning permission be granted which will allow for a programme of archaeological work to be carried out prior to works commencing on site.
- 6.13.6 In view of the comments above whilst the concerns of local residents are appreciated, the advice that has been provided does not object to the proposal. In deed the proposal will provide an opportunity for the knowledge of the history of the village to be increased and for the retention of a heritage asset which at present is unused and is falling into dis-repair.
- 6.13.7 As such it is considered by Officers that the proposal would be in accordance with the requirements of the NPPF and policy CS17 of the Shropshire Core Strategy.

#### 6.14 **Other Matters**

- 6.14.1 Local residents have commented that there is a lack of broadband and gas to the village. These are not reasons that can be used to justify refusal of a planning application. The construction of additional dwellings may lead to the provision of such services to the village but this is most likely dependent on the need of the community and the willingness of suppliers to provide these services.
- 6.14.2 Comments have also been received that the site may be the burial site of livestock with Foot and Mouth. Following discussions with the Public Protection Officer, there is no record of this site having been used for such a purpose. In addition as this potentially would have been sometime ago, it is unlikely that there would be any residual contamination in the ground.

### 7.0 **CONCLUSION**

- 7.1 The proposed development will be visible within the rural landscape however, its close association with existing development, services and facilities ensure that the benefits of the development outweigh the harm and as such it meets the criteria set out in the NPPF for sustainable development.

The reserved matters application will provide the detail to ensure that the layout, appearance, scale and landscaping are appropriate for the area.

Overall it is considered that on balance the proposed development is in accordance with the NPPF, policies CS5, CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy and the SPD on the Type and Affordability of Housing.

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.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- 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 six weeks after the grounds to make the claim first arose first arose.

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

### **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**

- ### **9.1**
- 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

Core Strategy and Saved Policies:  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS11 - Type and Affordability of housing  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

## 11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder) Cllr M. Price
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Local Member Cllr Gerald Dakin
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Appendices APPENDIX 1 - Conditions
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## APPENDIX 1

### Conditions

#### STANDARD CONDITION(S)

1. Approval of the details of the siting, design and external appearance of the development and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: The application is an outline application under the provisions of Article 4 of the Development Management Procedure Order 2010 and no particulars have been submitted with respect to the matters reserved in this permission.

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

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

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

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

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

The number of units but not exceeding seven

The means of enclosure of the site

The levels of the site

The means of access for disabled people

The drainage of the site

The finished floor levels

Full details for the conversion of The Smithy as part of the development for Plot 7

Reason: To ensure the development is of an appropriate standard.

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

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

Reason: The site is known to hold archaeological interest.

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

6. The accesses shall be satisfactorily completed in accordance with the approved plan JG\_003 Rev E and setting back of the boundary hedge to depth of 2.4 metres from the carriageway edge prior to the dwellings being occupied.

Reason: In the interests of highway safety.

7. No development shall take place until a scheme for the strip widening of the Class III road to 5.0 metres along the site road frontage has been submitted to and approved by the Local Planning Authority; and the development hereby permitted shall not be occupied until the works have been carried out strictly in accordance with the approved details.

Reason: In the interests of highway safety.

8. No development shall take place until full engineering details for the footway along the site road frontage and amended access arrangement to the tennis and bowling club, indicatively shown on drawing JG\_003 Rev E have been submitted to and approved by the Local Planning Authority; and the development hereby permitted shall not be occupied until the works have been carried out strictly in accordance with the approved details.

Reason: In the interests of highway safety.

9. Details of the parking and turning areas shall be submitted as part of the first reserved matters application. The approved scheme shall be satisfactorily completed and laid out prior to any of the dwellings being occupied. The approved parking and turning areas shall thereafter maintained at all times for that purpose.

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



<b>Committee and Date</b>
North Planning Committee
17 February 2015

<b>Item</b>
8
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> 14/03759/FUL	<b>Parish:</b> Market Drayton Town
<b>Proposal:</b> Erection of a pair of semi-detached dwellings	
<b>Site Address:</b> Land South Of 54 Red Bank Road Market Drayton Shropshire	
<b>Applicant:</b> Mr J Jones	
<b>Case Officer:</b> Sue Collins	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 366831 - 333606

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**Recommendation:- Grant Permission subject to the applicant entering into a S106 agreement to secure an affordable housing contribution and subject to the conditions set out in Appendix 1.**

Recommended Reason for Approval

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks planning permission for the construction of a pair of semi-detached, split level dwellings on land to the south of Red Bank, Market Drayton. The development will be single storey to its frontage with Red Bank and then due to the slope of the site, the lower floor will cut into the bank and provide two storey accommodation at the rear. Parking space will be provided to the side of the dwellings with external steps being provided to allow access to the rear garden.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is currently vacant grassland within a residential area of Market Drayton. The public highway is at the top of the bank and provides access to five other dwellings. There is no definitive character of design of dwellings in this area as there is a mix of styles and sizes.

2.2 The land slopes down steeply from the top of Red Bank towards the dwellings on Dalelands with low timber fences marking the boundaries between the site and the rear gardens. There are a few trees and bushes along the rear boundary and at the top of the bank.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Applications where the Parish Council submit a view contrary to officers (approval or refusal) based on material planning reasons the following tests need to be met:  
(i) these contrary views cannot reasonably be overcome by negotiation or the imposition of planning conditions; and  
(ii) the Area Manager or Principal Planning Officer in consultation with the committee chairman or vice chairman and the Local Member agrees that the Parish/Town Council has raised material planning issues and that the application should be determined by committee

In this case the Town Council has objected to the proposal on the grounds that the development will cause of loss of privacy and light to neighbouring properties and there will be an issue with surface water run-off.

Officers have sought amended plans which when assessed together with the orientation of the development would ensure that it would not have an unacceptable impact on the residential amenities of the neighbouring properties. In addition no objection to the proposal has been received from the Council's Drainage Engineer who has requested that further information be provided as the subject of a condition, to ensure that an appropriate scheme of drainage be installed. As such the Officer recommendation would be for approval of the proposed scheme.

### 4.0 COMMUNITY REPRESENTATIONS (full versions of the responses can be

viewed online)

#### 4.1 **Consultee Comments**

4.1.1 **Drainage:** No objection subject to the inclusion of the recommended conditions and informatives should planning permission be granted.

4.1.2 **Affordable Housing Officer:** No Objection provided the appropriate level of affordable housing contribution is made.

4.1.3 **Market Drayton Town Council:** Object to the planning application on the grounds that the dwellings would impinge on the light and privacy of the houses below, with possible problems of the run off of surface water.

#### 4.2 **Public Comments**

4.2.1 Four letters of representation have been received from three different addresses in connection with the development. The areas of concern are as follows:

- Loss of privacy to existing dwellings
- Drainage will be an issue
- The land is used by wildlife
- Loss of value of properties
- Loss of light
- Noise from vehicles and people
- The development will cause damage to neighbouring property.
- The land is not suitable for development
- Additional traffic will be an issue
- The proposal will be overbearing to the dwellings behind.
- There is a protected tree on the site.

### 5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage

### 6.0 **OFFICER APPRAISAL**

#### 6.1 **Policy & Principle of Development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight

in determining applications.

- 6.1.2 Following the submission of the SAMDev Final Plan to the Planning Inspectorate at the end of July, the Council's position is that it has identified sufficient land that will address the NPPF 5 year housing land supply requirements. In the calculation of the 5 years' supply, the Council recognises that full weight cannot yet be attributed to the SAMDev Final Plan housing policies where there are significant unresolved objections. Full weight will be applicable on adoption of the Plan following examination but, even as that document proceeds closer to adoption, sustainable sites for housing where any adverse impacts do not significantly and demonstrably outweigh the benefits of the development will still have a strong presumption in favour of permission under the NPPF, as the 5 year housing supply is a minimum requirement and the NPPF aim of significantly boosting housing supply remains a material consideration. However, with a 5 years' supply including a 20% buffer and supply to meet the considerable under-delivery since 2006, existing planning policies for the supply of housing are not out-of-date by virtue of NPPF para 49 and these provide the starting point for considering planning applications.
- 6.1.3 In both the current North Shropshire Local Plan and the SAMDev Final Plan, this area is identified as being in the development boundary for Market Drayton. As such any new housing development in the area would need to comply with policy H5 of the North Shropshire Local Plan and CS4 of the Shropshire Core Strategy.
- 6.1.4 Policy H5 of the North Shropshire Local Plan identifies Market Drayton as a Market Town which has a wide range of facilities and services and are centres serving their surrounding rural areas. As such housing development that is appropriate in its location and scale would be considered acceptable.
- 6.1.5 Policy CS4 of the Shropshire Core Strategy focuses development within the Community Hubs and Clusters. There is a requirement that development should provide a mix of housing to cater for the needs of the community whilst respecting the character of the area.
- 6.1.6 With regard to affordable housing officers note the recent Ministerial statement and amendments to the National Planning Practice Guidance as a material consideration in determining a planning application. However, following a subsequent decision by the Cabinet of the Council, the Council continues to give full weight to Policy CS11 of the adopted Core Strategy and Type and Affordability of Housing SPD and continues to seek on site provision of affordable housing and/or developer contributions to the provision of affordable housing in relation to all sites (please see the public statement of the Council 'as published on the website 30/01/15' – or 'attached as appendix').
- 6.1.7 Given the above, it is recommended that planning permission be granted only subject to the satisfactory completion of a legal agreement to secure the provision of affordable housing in accordance with the terms of the policy. Non compliance with the requirements of adopted Core Strategy Policy CS11 would mean that the proposal would be in clear conflict with the aims and requirements of the Development Plan and should therefore be refused, unless other material



considerations indicate otherwise.

- 6.1.8 On the basis of the above the construction of a new open market dwelling would normally be considered acceptable in this location.

## 6.2 **Design, Scale and Character**

- 6.2.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

- 6.2.2 The proposal is for a pair of semi-detached dwellings and as the site is on a steep slope a split-level style of building has been designed. The upper floor will be level with the highway at Red Bank and the lower one cut into the bank so that the building will appear as a two storey from the rear elevation. Each dwelling will have an internal floor area of approximately 80 sq metres and comprise a kitchen, living room and utility on the upper floor with two bedrooms and bathroom on the lower.

- 6.2.3 Externally the building would be clad with brick and tile and has been designed with a hipped roof to minimise its visual impact and has a asymmetrical roof pitch. On the rear elevation the number of windows has been limited to two fixed light obscure glazed windows on the lower floor to the bathrooms and four rooflights to the upper floor. Due to the height of the roof at the rear, the bottom of the rooflights would be 2 metres above floor level.

- 6.2.4 In order to minimise the number of windows in the rear elevation, most of the windows have been inserted into the side and front elevations. An enclosed patio area served by steps from the parking areas will provide some private amenity space.

## 6.3 **Impact on Residential Amenity**

- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 Concerns have been expressed by the Town Council and local residents that the proposed development will have an unacceptable impact on the amenities of nearby residential properties. The development would result in a loss of privacy, a loss of light and have an overbearing impact on the amenities of the adjacent residents.
- 6.3.3 The amended proposal is for a split level dwelling with a maximum height to ridge of 6.3 metres above finished floor level. This will involve cutting back into the bank to provide the lower floor accommodation. The width of the building will be approximately 11.7 metres with retaining walls being constructed to the sides with

steps down from the drive to the patio area. The rear wall of the proposed dwellings would be approximately 19.28 metres from the rear wall of the dwellings onto Dalelands and the finished floor level of the dwellings would be approximately 4 metres above the ground level of the dwellings on Dalelands .

- 6.3.4 At present it is possible to view the whole of the rear gardens and elevations of the existing dwellings along Dalelands from Red Bank. To minimise any impact of the development on the privacy of these properties the building has been designed with limited windows on the rear elevation. Those that are proposed are either obscure glazed and fixed shut or are rooflights at too high a level to be seen out of. A condition is proposed which would prevent the installation of further windows on this elevation and also require the bathroom windows to remain obscure glazed and fixed closed.
- 6.3.5 A parking space has been provided to each unit with external steps leading down to patio areas located to the side. These areas will be screened by timber fencing to minimise any views towards the properties at the rear. Whilst the remainder of the garden would be higher than those of the properties at Dalelands a 2 metre high fence together with additional planting along the rear boundary would minimise any potential loss of privacy. A condition is recommended for inclusion on any planning permission granted requiring this to be carried out and thereafter maintained.
- 6.3.6 With regards to the issue of loss of light, the proposed dwellings are located north east of the dwellings on Dalelands. As such they would not obscure any direct sunlight. Furthermore to minimise any loss of residual light, the height of the dwellings has been minimised and hipped roofs installed.
- 6.3.7 Generally there is a guide that in order to prevent a loss of privacy there should be a minimum of 21 metres unobstructed view between habitable room windows. In this case, no windows in the proposed dwellings will provide direct views into habitable room windows and the distance between the dwellings is in excess of 19 metres. Whilst there may be some loss of privacy in parking the vehicles to the side of the dwellings or using the steps down to the screened patio areas, this would not be to an unacceptable level.
- 6.3.8 It is appreciated that with the initial scheme that the height a mass of the building would have had an overbearing impact on the residential amenities of the neighbouring properties. However, the scheme has been reduced in height by approximately 0.5 metres and the roof redesigned to be hipped and asymmetrical. These factors when combined have significantly reduced the overall mass. Therefore whilst it will still be higher than the properties on Dalelands, its impact would be significantly less and to an acceptable level.
- 6.3.9 In view of the above it is Officer opinion that the potential loss of light and privacy would be minimal and to an acceptable level. In addition whilst the building would be higher than the neighbouring properties and close to their rear boundaries it is considered that the proposal would not have an overbearing impact. Therefore the proposal would be in accordance with policy CS6 of the Shropshire Core Strategy.

## 6.4 **Drainage**

6.4.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.

6.4.2 The drainage of surface water run-off from the development has also been raised as an issue by the Town Council and local residents.

6.4.3 The Council's Drainage Engineer has assessed the proposal and has raised no objection. However it is recommended that a condition be included on any planning permission requiring the full details of the proposed drainage system be submitted for approval. This would be to ensure that any proposed drainage system is appropriately designed to deal with the development. As such a scheme can be installed that would not exacerbate existing flooding risks.

6.4.3 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

## 6.5 **Trees**

6.5.1 Local Residents have commented that there is a protected tree on the site and that this will affect the development. A check of the records has been carried out and the Tree Officer has confirmed that there are no Tree Preservation Orders on the site.

## 7.0 **CONCLUSION**

7.1 The proposed development is acceptable in this location and is of an appropriate design and scale. It will not have a detrimental impact on the character and appearance of the area. The submission of the drainage details would ensure that there would be no flood risk as a result of the development and the design and orientation of the development would cause minimal impact on residential amenities of the area. Therefore provided the applicant enters into a S106 Legal Agreement to ensure payment of the affordable housing contribution, the proposal is in accordance with the NPPF, policy H5 of the North Shropshire Local Plan, policies CS4, CS6, CS11, CS17 and CS18 of the Shropshire Core Strategy and the SPD on the Type and Affordability of Housing.

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.

## 8.0 **RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### 8.1 **Risk Management**

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

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

- 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 6 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 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

- 9.1 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

Core Strategy and Saved Policies:

CS6 - Sustainable Design and Development Principles  
 CS11 - Type and Affordability of housing  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 H5 - Infilling, Groups of Houses and Conversions in Market Towns and Main Service Villages  
 SPD Type and Affordability of Housing

## 11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
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Cabinet Member (Portfolio Holder)
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Cllr M. Price
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Local Member
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Cllr Roger Hughes Cllr David Minnery
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Appendices
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APPENDIX 1 - Conditions
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## 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 built development shall commence until details of all external materials, including hard surfacing, have been first submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. 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.

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

5. Prior to the first occupation of the dwellings hereby approved a 2 metre high timber fence shall be constructed along the rear boundary of the dwellings.

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

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

6. The lower floor windows in the rear elevation shall be permanently formed as a fixed light and glazed with obscure glass and shall thereafter be retained. No further windows or other openings shall be formed in that elevation unless otherwise agreed by the Local Planning Authority.

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



Committee and Date  
 North Planning Committee  
 17 February 2015

Item  
**9**  
 Public

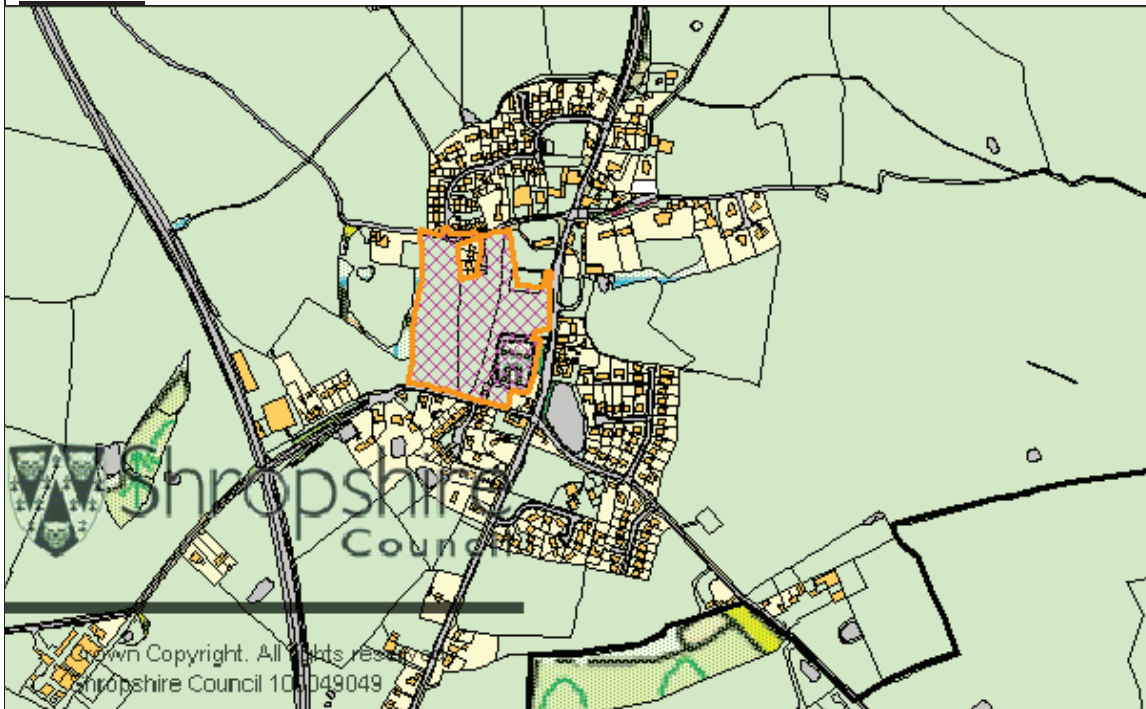
## Development Management Report

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> 14/03995/OUT	<b>Parish:</b> Hadnall
<b>Proposal:</b> Outline application (access for approval) for residential development of up to forty dwellings, the provision of public open space and car park and restoration of the moat (amended description)	
<b>Site Address:</b> Land Off A49 Hadnall Shropshire	
<b>Applicant:</b> Sansaw Estates And Galliers Homes	
<b>Case Officer:</b> Jane Raymond	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 352120 - 320067



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**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and a S106 agreement to secure the relevant affordable housing contribution at the time**

**of the Reserved matters application and the restoration and future maintenance of the moated site.****REPORT****1.0 THE PROPOSAL**

- 1.1 This application relates to outline permission to include access for residential development of up to forty dwellings, the provision of public open space and car park, and restoration of the moat. The proposal has been amended since first submitted so that vehicular access is only via Station Road. The proposal also originally include the provision of a bowling green within the moat and a club house adjacent, but this has been omitted following advice from English Heritage and SC Archaeology who support the restoration of the moat.

**2.0 SITE LOCATION/DESCRIPTION**

- 2.1 The site is an agricultural field roughly rectangular in shape apart from the top North East Corner where the Church and Village green is located and the bottom South East Corner which is occupied by the moated site. The proposed site is bound by built development on three sides with agricultural fields to the West. To the North is Church Lane, to the East is the main A49 and to the South is Station Road.

**3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION**

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

**4.0 Community Representations****4.1 - Consultee Comments****4.1.1 SC Archaeology (Historic Environment) No Objection**

The proposed development site includes the Scheduled Monument of Moated site and associated ridge and furrow cultivation remains, 145m south of St Mary Magdalene's Church (National Heritage List ref. 1019650). It is also adjacent to the boundary of the churchyard of the Church of St Mary Magdalene, which is a Grade II\* Listed Building (National Heritage List ref. 1177680).

The application includes proposals which will directly affect the Scheduled Monument and which will therefore require Scheduled Monument Consent. The proposed development will also fall within the setting of both of these designated heritage assets.

A Heritage Statement has been submitted with the application which also indicates that non-designated heritage assets with archaeological interest may be present on



the proposed development site beyond the Scheduled area. These may include features and deposits associated with the moated site, as well as possible agricultural features of medieval and post-medieval date. The proposed development site is therefore deemed to have high archaeological potential.

Further to both English Heritage's comments on this application of 7 October 2015 and 7 January 2015, our comments of 9 October 2014, and a joint site meeting with the applicant's planning agent on 15 January 2015, the applicant has provided a second revised site layout. This seeks to address our previously expressed concerns regarding the potential impacts of the development on Scheduled Monument of Moated site and associated ridge and furrow cultivation remains, 145m south of St Mary Magdalene's Church (National Heritage List ref. 1019650), and the wider archaeological interest of the proposed development site.

Recommendation:

In their most recent consultation response of 3 February 2015, English Heritage have indicated that the amended site layout has addressed their previously expressed concerns about the impact of the development on the Scheduled Monument. In particular, they state that the proposals are now acceptable to English Heritage in principle, subject to a Section 106 or similar legal agreement being secured that addresses the current management issues affecting the Scheduled Monument and provides for its long term maintenance. We confirm that we are in agreement with English Heritage's advice and recommend that a Section 106 Agreement or similar is secured as they have indicated.

With regard to the wider archaeological interest of the proposed development site, the revised site layout indicates that the development will not now occur within those areas which are considered to have the highest archaeological potential; namely on the moated site itself and within the area immediately to the west. As a consequence, we now recommend that the previously advised pre-determination field evaluation is undertaken as part of a phased programme of archaeological work secured as a pre-commencement condition of any planning permission. This should comprise a geophysical survey of the areas of the site which will be developed for housing and targeted trial trenching of any anomalies thus identified, followed by further mitigation as appropriate.

#### 4.1.2 **English Heritage** No objection

The application is on a site to the west of St Mary Magdalene's Church, listed II\* and also a scheduled monument, Hadnall moated site, national monument number UID 1019650. English Heritage has undertaken pre-application discussions with the applicant regarding these designated heritage assets. The discussions have concerned the location and density of development, and the achieving of wider community benefits that will enhance the historic environment, especially the medieval moated site, as an accessible community asset. The application is supported by a Heritage Statement by Richard K Morriss, Mercian Heritage Series report No. 742.

Summary

Hadnall moated was a medieval manor house and is of national archaeological importance. The site has well preserved upstanding earthworks, although overgrown. It was the centre of an economic and social complex which will contain well preserved archaeological evidence as buried deposits on the platform, in the surrounding ditch, and in the environs, which can inform us of day to day medieval life. There are considerable historical values in the site as, along with the adjacent church, it demonstrates the structure of medieval village and wider society, dominated by church and state. The moated site demonstrates the wealth and prominence of the feudal aristocratic elite, and as the centre of an economic complex is evidence for the organisation of society within a rural manor. The remains of a manor house, and other high status buildings may survive on the platform itself and nearby.

We met the applicants and their agent to review initial proposals (plan JO510:SK1:1) on 21st July 2014, to consider the impact of proposals upon the designated historic assets, both in terms of their settings and directly. We subsequently advised concerns over the proximity of some of the development area to the designated assets, and also confirmed we felt it may be possible to relocate the bowling green onto the platform (area within the ditch) of the monument as part of an overall package. The applicant subsequently revised proposals, drawing SA16168/02, to relocate the bowling club and reduce the number and proximity of houses to the moated site. On 3rd September we responded to the revised proposals with further comments. Our view was that further analysis of the options for the bowling green needed to be investigated because of uncertainty about the degree of intervention and infrastructure actually required. The response from the bowling club to the Parish Council following the public meeting of 3rd October confirms that the degree of work involved may be considerable.

The development proposal is within the setting of designated heritage assets, and this setting makes an important contribution to the significance of both the church and moated site. The area in-between them is important is an open space that allows this interrelationship to be read in the landscape. This area is partially scheduled itself (as an extension of the moated site that contains medieval earthworks), and is not included in the development proposals. The area to the west of the moated site and church is also important in maintaining the contribution of setting to the significance of these assets.

The proposals, as set out in an email from Stuart Thomas, Partner and Head of Planning at Berrys dated 22 January, are acceptable in principle, subject to agreement on detailed design, and including the securing of a programme of works to put the adjacent site of Hadnall Manor (a scheduled ancient monument of national importance) into good heart as an accessible and attractive public open space.

We have previously responded on 7th October 2014, and 7th January 2015, confirming that some development could be appropriate at this site, but seeking modifications to the proposals in order to ensure that the significance of the historic environment is not unduly affected. We set out aspects of the sites significance in those letters. We met with the applicant on 21st July 2014 to discuss proposals and on 15th January 2015 to discuss the second revision to the application details.

A legally binding planning agreement, such as a Section 106 agreement, should be secured to provide a Management Plan for the scheduled ancient monument of Hadnall Moated site. The Management Plan should set out works to clear vegetation from the site and establish permanent grass cover, site interpretation, and a long term maintenance plan. The provision of this public open space and improvements to the historic environment should be fairly and reasonably related in scale and kind to any permitted development, and is in our view necessary to make the development compliant with the NPPF and sustainable in overall terms. We would anticipate that archaeological survey and supervision would be required within the overall development proposals.

We support the application in principle subject to the securing of a legally binding agreement.

#### 4.1.3 **SC Conservation** No objection

The setting of the Church from the west is currently open fields and this will be lost as part of the development. The impact of the proposed development on the setting of the Grade II\* listed Church has been described, within the Heritage Statement, as “fairly low” and “very minor or non-existent” but as there is a footpath across the site and there are existing views of the Church from the west, from both Church Road and Station Road this is understating the impact. The views from Station Road would be dramatically altered by the development, only really leaving the tower to be seen, however, as a wider view this could be regarded as less than substantial harm in regard to para 134 of NPPF and as one comes nearer to the site the Church can be viewed within a more appropriate setting. The view of the Church from Church Road by Wincote and moving eastwards towards the Church is also less than substantial harm, but would be considered in regard to paras 132, 134 and 137 of the NPPF). The design of any proposed dwellings should reflect the local vernacular detail in terms of scale, details, materials and layout.

The amendments appear to have responded to the comments made previously and have improved upon the previous layout.

#### 4.1.3 **SC Highways** No objection

Following the previous highway comments the scheme has been amended to now show all vehicular access serving the development to be via Station Road, with the principle development access point towards the eastern end of the site road frontage. It is noted in this regard that local concerns have been raised regarding the suitability of Station Road and its junction onto the A49. The highway authority however consider that Station Road is adequate to cater for the level of development indicated. In addition, the highway authority would point out that works are currently being undertaken to introduce a pedestrian crossing on the A49 to the north of the Station Road junction. This scheme also includes alterations to the Station Road junction kerb line/footway widening on the northern side, which facilitates the current ‘Give Way’ road markings to be moved forward and therefore improve visibility for emerging drivers onto the A49. It is considered that the highway improvements currently being undertaken will assist to reduce traffic speeds along the A49 in the vicinity of the Station Road junction. Whilst clearly the

current application submission seeks outline consent including access and scale, the development provides opportunity to provide footway linkage between the site and the A49. The current scheme indicates linkage through the Village Green, but this would need to be considered as part of a reserved matters application, together with layout of the site.

#### 4.1.4 **SC Ecology** No objection

##### Environmental Networks

The Shropshire Core Strategy contains in Policy CS17: Environmental Network provision for mapping and subsequently protecting, maintaining, enhancing and restoring Environmental Networks in the county in line with the recommendations of both The Lawton Review and the National Planning Policy Framework. The area in and around the Moat is within the Environmental Network and as such the proposed scheme must clearly demonstrate how the development will 'promote the preservation, restoration and re-creation of priority habitats and ecological networks' as required by paragraph 117 of the National Planning Policy Framework. Whilst the housing proposal itself would not interrupt the Network, the proposal shown to relocate the bowling green inside the moat would result in replacement of semi-natural vegetation with a close mown green.

The amended Proposed Block Plan revised 20/11/14 now show the moat excluded from the application site, which will retain the Environmental Network. A landscape scheme should be conditioned to specify the management proposed for the moat and other open space areas.

##### Great crested newts

Blacktree (2014) have carried out presence/absence surveys for great crested newts for 5 pools and 5 ditches. Access permission was not obtained for 3 other ponds and a ditch. No great crested newts were found in the ponds surveyed however frogs, toads and smooth newt were recorded. No further survey is proposed. Blacktree (2014) recommend enhancement of the moat ponds for wildlife. There are recent records of a small great crested newt population to the east of the A49 for the application South of Hermitage Farm 14/01872/OUT (within 70m of the application site).

The road barriers between the unsurveyed ponds and the site will reduce the likelihood of newts using the application site and Turnstone have now supplied Risk Avoidance Measures for great crested newts, which should be conditioned.

##### Bats

Blacktree Ecology (2014) notes the presence of bat roosts in nearby buildings. The oak on the south hedgerow of Field 1 offers potential as a bat roost but appears to be retained on the Block Plan. The trees and hedgerows on site are likely to be used for bat foraging and commuting. A condition on lighting is recommended to avoid affecting bat behaviour and installation of bat boxes as an enhancement measure.

##### Nesting birds

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

Recommends conditions and informatives.

#### 4.1.5 **SC Drainage**

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

#### 4.1.6 **SC Rights Of Way**

Footpath 6 Hadnall runs across the development site and is affected by the proposal. It is noted that the developers intend to apply to legally divert the route if permission is granted.

#### 4.1.7 **SC Affordable Houses**

If this site is deemed suitable for residential development, then there would be a requirement for a contribution towards the provision of affordable housing in accordance with Policy CS11 of the adopted Core Strategy. The level of contribution would need to accord with the requirements of the SPD Type and Affordability of Housing and at the prevailing housing target rate at the time of a full or Reserved Matters application. The assumed tenure split of the affordable homes would be 70% for affordable rent and 30% for low cost home ownership and would be transferred to a housing association for allocation from the housing waiting list in accordance with the Council's prevailing Allocation Policy and Scheme.

If this site is deemed suitable for residential development, then the number, size, type and tenure of the on-site affordable units must be discussed and agreed with the Housing Enabling Team before an application is submitted.

## 4.2 - **Public Comments**

### 4.2.1 Hadnall Parish Council:

08 Oct 14

Met for a site meeting on Wednesday 1st October 2014 No declarations of interest were made. A further Public Meeting was held on Friday 3rd October 2014, where 71 residents discussed with the Applicant and his agents, the proposed application.

Hadnall Parish Council has voted, by majority to object to the proposed scheme, with one abstention. The main reasons for the objections:

- Hadnall Parish Council Parish Plan voted for Countryside (Parish Plan adopted May13th 2013) (Core Strategy Policy C55). This application contravenes the strict development control to protect open countryside. A 28% increase in building over the next 4 years threatens the Village identity.
- NPPF targets for building 27000 new properties in Shropshire (announced by Shropshire Council) was shown to be met August 2014; the 20% buffer also met. Therefore, no further development in Shropshire is required.

- Although Hadnall falls within policy H5 in the Local Plan, this only covers development within the development boundaries set by the Plan; the proposed site falls outside of the development boundaries; therefore this application cannot be accepted.
- According to Shropshire's Core Strategy Hadnall falls within policy CS5; Hadnall is Open Countryside and as such any new development must be strictly controlled in order to protect the countryside. When considered together, 80+ new homes in a village the size of Hadnall is disproportionate and will change the structure and character of the village, turning it into a housing development, whereas we should be protecting our villages.
- Although Shropshire's SAMdev Plan has not yet been adopted, significant weight should be applied to it when assessing this application; as of 12/08/2014 Shropshire have now clearly demonstrated an adequate 5 year housing supply. The site subject to this proposal is not included in the Plan, in fact Hadnall does not feature in any of the core documents submitted for the SAMdev examination demonstrating that Shropshire Council has not identified Hadnall as an area which has a demand for housing, as per the requirements in the NPPF. It goes against the development plan for Hadnall, on which the public were consulted.
- The heart of the NPPF is about 'empowering people to shape their surroundings' and any development should be considered along with other policies and plans, as well as the wishes of the local community and of course site based and material considerations.
- Hadnall PC objects to closing Church Lane to traffic. Church Lane at the narrow point could have been widened at the previous phase of development. The existing residents of the Chapel Road Estate do not consider that further traffic along the road is allowable, given the narrowness of the road and the right angled blind bend by the play area. They do not consider that the exit onto the A49 is good enough for their existing use, let alone additional traffic from the new development. They consider that vision lines are not good despite assurances from the Highways Department. Residents have expressed similar views about additional traffic on Station Road. Some lorries and the very large tractors in use these days, make it quite hazardous. The bend in the road also makes vision lines quite limited.
- The Moat is a listed ancient monument with English Heritage. The proposed development is extremely close to this ancient site, with too many houses too close. The Parish Plan voted(52%) that The Moat should remain a Nature Reserve. An ecological survey should be carried out to protect Great Crested Newts, other species and the loss of pond habitat.
- The NPPF requires that developments make full use of public transport, there is a very limited public transport service in Hadnall. Policy CS7 of the Core Strategy requires that a site has a broad range of transport available. Hadnall does not have sufficient public transport in place. The hourly bus service does not have a sufficient range of times to meet the needs of working people. The cost of re-opening Hadnall Railway station is very large and unlikely to be

considered in the today's financial climate and would be beyond any funds available through CIL payments.

- The village school is currently oversubscribed and will need significant investment to allow it to meet the needs for this level of development.
- Hadnall has experienced flooding problems; the existing infrastructure may be at full capacity with new housing causing a deeper problem.
- Councillors cite our traffic survey showing the average speed of traffic is 38mph we would request a further traffic impact assessment to be actioned by the applicant.
- The development access needs to be considered in relation to the 28 dwellings with outline planning on Hermitage Farm.
- We request that the access is denied until further consultation has been carried out with the local community as it involves the closure of a public right of way giving access to a number of existing properties.
- The Shropshire Way public footpath is removed without provision for its replacement

#### 09 Jan 15

Planning Policy - Hadnall has been listed as 'Countryside' within the parish plan after a full consultation with the community. This proposal fails to satisfy the three dimensions of sustainable development defined within the National Planning Policy Framework: the economic, social and environmental roles. Given the council's current five year housing land supply position, the proposed scheme is not considered necessary to meet Shropshire Council's housing development requirements of the community and would therefore undermine the strategy for the location of housing. Furthermore, the development would extend into the countryside, utilising high quality agricultural land and would fail to protect or enhance the natural environment. Accordingly, the proposal would fail to accord with the aims and requirements of saved policy HS3 of the Shrewsbury and Atcham Borough Plan, adopted Core Strategy policies CS4, CS5, CS6 and CS17, and emerging Site Allocation and Management of Development policies MD1 and MD3.

Village Growth - The application must be considered in perspective of other recent planning applications in Hadnall as follows;

- Ref. No: 14/01872/OUT 28 Houses at South of Hermitage Farm Shrewsbury Road Hadnall GRANTED OUTLINE PLANNING PERMISSION
- Ref. No: 14/01670/OUT 3 dwellings on Land Adjacent Beech Tree Lodge Shrewsbury Road Hadnall GRANTED OUTLINE PLANNING PERMISSION
- Ref. No: 14/05138/AMP 2 Dwellings between Friars Halt and Glenville Shrewsbury Road Hadnall GRANTED OUTLINE PLANNING PERMISSION
- Ref. No: 14/03159/OUT Proposed Dwelling SW Of Leondari Manor Station Road Hadnall is PENDING CONSIDERATION.
- 10 Dwellings are to commence build at Forestart, Church Farm Shrewsbury

Road. FULL PLANNING PERMISSION GRANTED build commenced.

- Ref: 14/04559/OUT Proposed Residential Development Land East Of Shrewsbury Road Hadnall Shropshire. Outline application (All Matters Reserved) for residential development including retirement bungalows and open space. PENDING DECISION

These developments, including this development application for a further 40 houses amount to a potentially 124 new properties in Hadnall. The number of properties in the whole of Hadnall parish is 323 therefore this would represent a 38% growth. The number of houses within the village boundary itself is 173 therefore this would represent 72% growth rate. This cumulative impact is an unacceptable growth rate within a short time period. It would substantially change the character of the village irrevocably from an economic, social and environmental perspective.

Exit from Station Road onto the A49 - Given the traffic flow figures showing the average number of vehicles passing through the village to be in excess of 10,000 vehicles per day with an average speed of 35mph and the 85 percentage averaging 40mph the parish council believe a further 40-60 vehicles generated by the development will not be able to exit station Road onto the A49 without considerable delay. This will be especially difficult for cars turning right necessitating the crossing two lanes of traffic or for vehicles crossing the junction to reach the school or nursery. Local knowledge and experience tells us that negotiation the junction from Station Road is challenging. There is poor visibility looking south with the New Inn steps and hand rail obscuring visibility. The Parish council has received a number of complaints from residents of cars parking outside the houses cornering Station Road and the A49 which necessitates vehicles moving over the centre line and being out of position at the junction, effectively blocking access to Station Road from the A49. Vehicles turning into Station Road from the south of the A49 have their visibility blocked by the New inn and have met commercial vehicles head on narrowly avoiding collision.

Entrance to Station Road from the A49 - Visibility turning left into Station Road when approached from the south is severely restricted by the New Inn building which is close to the corner edge. This necessitates a tight turn and forced larger commercial vehicles who access the industrial estate off Station Road to swing out over the centre line of the A49 into traffic and onto the opposite side of the road when entering Station Road meeting other approaching vehicles head on.

Traffic Accident Report - An accident search for the 5 years from 1 April 2008 to 13 April 2013 has shown there have been 3 (personal injury) accidents within the extent of the 30mph zone on the A49 in Hadnall. Two of the accidents involved a motorcycle and resulted in slight injuries, whilst the other accident involved a cycle only and resulted in serious injuries. One of the motorcycle accidents involved a vehicle turning right into Wedgefields Close, within 300m of the Station Road / A49 crossroad, being in collision with the motorcycle as it attempted to overtake the right turning vehicle. The other motorcycle/vehicle accident was a shunt type accident involving 3 vehicles. The accident involving a cycle did not involve another vehicle, but the cyclist was reported to lose control and fall from his cycle. The cyclist sustained serious injuries. The cyclist was taking part in a cycle race along the A49. The weather conditions at the time of all three accidents were dry,



fine and without high winds. All occurred during daylight hours. The two motorcycle / vehicle accidents occurred near to the Station Road / A49 junction, within the 30mph zone. A further serious accident in the village is reported by the Shropshire Star on 4 September 2012. Three people were seriously injured in a collision between two vehicles. The accident happened between Chapel Road and Ladymas Road towards the north end of the village and close to where the speed limit changes from 30 to 40mph.

Road Safety Solution - The Parish Council request that 'if' the development is granted permission it should be with the provision that the development addresses the road safety issues and funds appropriate traffic control measures at the Station Road / A49 crossroads in the form of a four way traffic light system including pedestrian crossing control.

Car Parking - We acknowledge the placement of a car park for the use of the bowling club, moat visitors being open to the general public. Lack of parking has been identified within the village. As part of the site development we would request that the eastern boundary is adapted to extend and join both lay-bys on the A49 in order to provide parking for visitors to the shop and church and to solve the present double parking which has been identified as a major problem within the village.

Moat - The moat is listed as being restored however there is no confirmation of whether the development will fund this work. We would respectfully request confirmation of this from the developer with the understanding that English Heritage has approved the restoration. We would also request confirmation from both the developer and English Heritage of the restoration plan which we would like to become public information, the long term maintenance plan and that the moat will be given open public access once restored.

The Shropshire Way - The Shropshire Way presently passes through the development site however the developer has omitted to detail how this will be routed through the development. The parish believe this should remain within the area identified as public open space and a path provided on the north east along the church boundary to exist into Church Lane. .

#### 4.2.2 There have been 24 public letters of objection, which are summarised below (full comments are available to view on the file)

##### Highways

- The proposed access is not safe.
- The vehicle movements anticipated is grossly underestimated
- The local roads will not cope with the additional traffic
- An increase in traffic on either Station Road, Church Lane or Chapel Road is not acceptable
- The initial proposal to route traffic through a housing estate (Chapel Road) would affect highway and pedestrian safety
- Station Road is already well used by HGVs and large agricultural vehicles
- There are significant road safety issues in Hadnall
- There are parking issues
- There is a children's play area in close proximity to a dangerous junction.

- The West of the A49 is the wrong side of the road to develop as residents will have to cross the road to access facilities
- The A49 should be diverted to the West of Hadnall

#### Impact on the Landscape and Natural Environment

- There are air pollution issues.
- The development would affect the Shropshire Way.
- The development is in open countryside.
- Flora and Fauna, such as newts, may be adversely affected.
- It will destroy the rural setting of Hadnall
- There are flooding and surface water drainage issues and the land is always flooded after heavy rainfall and for most of the winter.
- The cost of restoring the moated site should be paid by the applicant and not CILL funds

#### Impact on the Community and Residential amenity

- Local services, such as the primary school, will not be able to cope.
- There are already inadequate public services, for example buses are infrequent.
- There is inadequate amount of outdoor recreational space, play area or playing fields in Hadnall
- The development may cause petty crime and antisocial behaviour.
- It will adversely affect disabled neighbours.
- Measures must be undertaken to preserve the bowling club for the use of future generations.
- This application follows the current trend to build large housing estates in rural areas without the supporting infrastructure
- The development is urban in nature and will affect the quality of village life
- It will affect neighbours views of the countryside.
- House prices will fall.

#### Policy

- The application contravenes the Parish Council Plan for 2013, which only supports the 'building of groups of houses in numbers of 10 or less'.
- The site is situated outside the development boundary and is countryside
- There is unsold recently developed housing in Hadnall and there is no need for more housing in Hadnall

4.2.3 In addition, CPRE considers the development to discord with CS5 as it fails to demonstrate how the development will maintain and advance countryside vitality and character.

#### 5.0 THE MAIN ISSUES

- Principle of development
- Vehicular and Pedestrian Access/Highways
- Layout, Scale and Appearance and Residential Amenity
- Impact on heritage assets
- Trees, Landscape and Open Space
- Ecology

- Developer contributions
- Drainage

## 6.0 OFFICER APPRAISAL

### 6.1 Principle of development

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

6.1.2 Paragraph 14 of the NPPF states that:

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

and that for decision making this means:

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

NPPF Paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The council published a revised 5 year land supply statement in August 2014 which demonstrates that the Council now considers that it has a 5 year supply of housing.

6.1.3 Even though the Council has a 5 year housing land supply prior to adoption of SAMDev the balance of material consideration is still in favour of boosting housing supply in locations that are considered to be sustainable and/or those locations that are being promoted by the Parish as a Community Hub or Community Cluster within the emerging SAMDev DPD or are located within the development boundary under saved local plan policies. Consequently in the balance of considerations the key issues in determining this application are:

- Whether the proposal accords with adopted and emerging local plan policy and
- Whether the proposal represents sustainable development (an assessment of the benefits and harm).

6.1.4 **Adopted and emerging policy:** The relevant adopted Local Plan for Hadnall is the North Shropshire District Council (NSDC) Local Plan and the Shropshire Core Strategy. The site is outside the development boundary for Hadnall on the

proposals map of the NSDC local plan and is not an allocated site under saved NSDC policy H4 and is therefore classed as countryside. The relevant Core Strategy policy that relates to development in the countryside is CS5 which seeks to control development such that only limited types of development, such as accommodation for essential countryside workers and other affordable housing, is permitted. Core strategy policy CS4 outlines that development, which amongst other things, provides housing for local needs and that is of a scale appropriate to the settlement will be allowed in villages in rural areas that are identified as Community Hubs and Clusters within the SAMDev DPD and not allowing development outside these settlements unless it meets policy CS5. The explanation within CS4 states that *'Shropshire Council is adopting a "bottom up" approach, whereby it works with communities at the parish and village level in together undertaking an intelligent analysis of the nature of their local community and how their village functions, and how it can be improved'* and that *'a key consideration in identifying Community Hubs and Community Clusters is the views of the local community regarding whether they wish to put themselves forward for this status, whether singly or as a part of a networked group of settlements'*. Following extensive consultation the community and the Parish Council have not put the settlement of Hadnall forward and it has not been identified as a Community Hub or Cluster settlement. Development of the proposed site would therefore be contrary to both adopted and emerging policy.

6.1.5 Paragraph 216 of the NPPF states that decision-takers should give weight to the relevant policies in emerging plans according to:

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

The SAMDev Plan is considered to be at an advanced stage of preparation having undergone significant public consultation and has been submitted to the Secretary of State for its examination. It is therefore considered that even though there are some objections to it that some weight can now be given to SAMDev and the wishes and aspirations of the community that have chosen not to promote Hadnall as a Hub or Cluster settlement.

6.1.6 The objections to Hadnall not being identified as a hub or cluster have mainly been from landowners with land in the Hadnall area and/or whose sites are not allocated sites within SAMDev. If Hadnall had been put forward as a Hub or Cluster settlement adopted policy CS4 would apply and this seeks to restrict development outside of the settlement. Paragraph 4.69 of CS4 states that *'Development in Community Hubs and Community Clusters will be within the village, or on land that has been specifically allocated for development. To prevent fragmented development, windfall development adjoining the village is not acceptable, unless it is an exception site for affordable housing or other development allowed under Policy CS5 Countryside and Green Belt'*. This proposal is situated outside of the

adopted development boundary for Hadnall but it is not considered to be ‘fragmented development’ or land that adjoins the settlement but that it is a site situated within the settlement being bound and enclosed by development on three of its four sides. Therefore if Hadnall had come forward as a hub or Cluster settlement then it is officers opinion that this site would be considered to be within the settlement and would accord with CS4 in that respect.

6.1.7 Notwithstanding the above although the Council can demonstrate a 5 year housing land supply it is acknowledged that full weight cannot be given to the housing policies within SAMDev until its is adopted and that the five year housing supply is a minimum requirement. Until SAMDev is adopted it is still appropriate to determine development in accordance with the ‘Presumption in favour of sustainable development’ and assess whether there would be any impact or harm as a result of the proposed development that would outweigh any benefits. This will be considered in the paragraphs below.

6.1.8 **Sustainable development (an assessment of the benefits and harm when considering the three dimensions to sustainable development: economic, social and environmental)**. Policy CS6, amongst a range of considerations, requires 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. Paragraph 17 of the NPPF advises that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Hadnall is a village of approximately 180 dwellings (within a Parish of approximately 300). The services and facilities available within the village include a primary school, shop with a post office, public house, restaurant, village hall and church. These facilities within the village could be accessed on foot by footpath from the application site and a pedestrian crossing is currently being installed which will provide a safe route to the opposite side of the A49. There is an hourly bus service (511) between Whitchurch, Wem and Shrewsbury that stops in Hadnall. The first bus in the morning to Shrewsbury Mon to Friday is at 08:08 and the latest bus leaving Shrewsbury is 16:06. The bus stop is adjacent the New Inn or Chapel Lane which is conveniently located for future residents of this site to access. It is considered that the site is situated in a reasonably sustainable location with regard to accessibility to public transport to reach larger settlements and in reasonable proximity to some local facilities but it is accepted that future occupiers are likely to use the private car to access all essential day to day services and employment.

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

- *an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

- *a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

6.1.10 Social role - As the Council can meet the NPPF requirement to provide five years worth of housing against its housing requirements, the contribution that the proposal would make in terms of providing additional housing is not required to meet a shortfall in housing in Shropshire, nor does it meet a local housing need. Paragraph 52 of the NPPF indicates that the supply of new homes can sometimes be best achieved by extensions to existing villages and towns but that working with the support of communities consider whether such opportunities provide the best way of achieving sustainable development. The Parish Council and the Community through the SAMDev consultation process and the PC response to this application have clearly indicated that more housing in Hadnall when combined with other sites already approved and under consideration does not represent sustainable development. They have referred to a total of 124 houses. However of those 124, 40 relate to this site and 40 relate to another site South of the village (14/04559/OUT) that has recently been refused. It was refused as it was considered to be an unacceptable extension of the village into countryside. However this site is not considered to be an extension of the village but is contained on three sides by built development and is situated centrally to the village. Whilst not meeting an identified local need the provision of 40 houses will add to the total housing numbers for Shropshire which is currently being challenged and the provision of more housing in sustainable locations is still a requirement of the NPPF. The proposal will in a small way help increase the housing supply numbers therefore helping the Council to resist challenges to its 5 year supply and speculative proposals for development on less sustainable sites.

6.1.11 Of the 40 houses proposed at the current prevailing rate 6 would be affordable which could be seen as a social benefit to this proposal but it is acknowledged that this would not be a benefit of developing this particular site compared to any other site. Allowing additional housing will help to provide support for and maintain the level of services and facilities already available in the village and surrounding area. The NPPF positively encourages the siting of housing in settlements where it will support facilities helping to retain services and enhancing the vitality of rural communities. Providing housing that will help support and maintain existing facilities will benefit and meet the needs of both the existing and future generations. It is recognised that increasing the number of dwellings in a settlement without a proportionate increase in the provision of local services risks impacting upon the social integrity of the settlement. Residents are concerned that the infrastructure is not capable of accommodating the new development and that the school is already over subscribed. However infrastructure and education are in part funded by CIL contributions. In addition Education have confirmed that the school is only full as children from outside the catchment area attend the school and that if out of

catchment children attended their local school in future the school has the capacity to cope with the numbers of children the proposed development is likely to bring. There are approximately 300 dwellings in Hadnall and up to 40 additional houses is not considered to be a disproportionate number that would adversely change the structure and character of the community.

6.1.12 In addition to housing the development also proposes the restoration of the moated site, provision of a car park for the existing bowling green and the provision of a large amount of public open space. These are seen as significant social benefits to the community and the restoration of the moated site will in particular provide an accessible community asset.

6.1.13 Environmental role - The part of the site proposed for housing is grade 3 agricultural land, and it is considered that the loss of this piece of agricultural land for agricultural purposes would not be significant. It is accepted that the application site is greenfield land classed as countryside and that the development of it would change its character. However the development would not extend the natural boundaries of the settlement or intrude into the countryside. Part of the site is occupied by the Scheduled Monument of Moated site and associated ridge and furrow cultivation remains. The application includes restoration of this site and the amended indicative layout indicates that a wider area will be retained between the proposed built development and the moated site which will ensure that the setting and the interrelationship between the moated site and the Church and the view from Station Road will be preserved.

6.1.14 Economic role – The provision of more homes would create a stimulus to the economy and help to address the National housing shortage and the provision of up to 40 houses would provide some local economic benefits during the construction phase but this would be for a limited period and are not specific to delivering housing on this site compared to any other site in Hadnall or the County. The proposal will also be liable for a CIL payment which will provide financial contributions towards infrastructure and opportunities identified in the Place Plan. But this again is not a benefit specific to delivering this particular site and these benefits could be said for any development in any location. Future residents might use local services such as the shop, pub and restaurant, so supporting local business but this again would not be a significant benefit and future residents are more likely to travel by private car to Shrewsbury to access the full range of essential day to day services and facilities that are not available in Hadnall. It is considered therefore that there would be some but not significant economic benefits of developing this particular site.

6.1.15 On balance whilst the social and economic benefits of this proposal would not be significant there are no significant adverse impacts of allowing residential development of this site. Officers consider that the limited harm in terms of developing this greenfield site does not outweigh the overall benefits of allowing this proposal outlined above including the enhancement and restoration of the moated site. On balance it is considered that the proposal represents sustainable development.

## 6.2 **Vehicular and Pedestrian Access/Highways**

- 6.2.1 The application when first submitted included the closure of Church Lane and routing existing and proposed traffic via Chapel Road. This was strongly objected to by the local residents and the PC, and Highways also found it unacceptable. In consultation with Highways the scheme has been amended to include all vehicular access off Station Road but there is still local opposition to this and the suitability of Station Road and its junction with the A49 to take the additional traffic. However Highways consider that Station Road is adequate to cater for the level of development indicated.
- 6.2.2 The PC has requested that if this development is approved then the applicant should be required to provide a pedestrian crossing and four way traffic lights at the Station Road junction. Highways do not consider that a traffic light controlled junction is necessary and that works are already being undertaken to introduce a pedestrian crossing on the A49 to the north of the Station Road junction. This scheme also includes alterations to the Station Road junction kerb line/footway widening on the northern side, which facilitates the current 'Give Way' road markings to be moved forward and therefore improve visibility for emerging drivers onto the A49. It is considered that the highway improvements currently being undertaken will assist to reduce traffic speeds along the A49 in the vicinity of the Station Road junction.
- 6.2.3 In addition to vehicular access the proposal also provides opportunity for pedestrian access to both the North and the South of the site and to the existing and proposed open space and village green to the East. The indicative layout also indicates a car park for use by the bowling club and the general public. This is welcomed as the PC has identified a lack of parking within the village and has also requested that the applicant extends the layby parking adjacent to the A49. This request is however is considered to be unreasonable as an applicant should not be required to provide something to resolve an existing issue that their proposal would not exacerbate.
- 6.2.4 The Shropshire Way public footpath currently crosses the proposed development site and it is proposed that this is rerouted through the site. The exact route will be indicated on any proposed layout plan which together with the internal road layout, footpaths and parking provision within the site will be considered at the Reserved Matters stage. A separate application for the diversion of the Shropshire Way will also be required.

### 6.3 **Layout, Scale and Appearance and Residential Amenity**

- 6.3.1 This proposal is Outline with all matters other than access reserved for later approval. An indicative layout has been submitted that illustrates that the site can satisfactorily accommodate up to 40 dwellings of various footprints and plot sizes. The Conservation officer has commented that the design of any proposed dwellings should reflect the local vernacular detail in terms of layout, density, scale, details and materials. It is considered that an appropriately designed scheme could be achieved that would respect the context of the site and without adverse impact on the character and appearance of the locality. The initial concern of Conservation that the proposal would impact on the setting and views of the church have been addressed by the revision to the indicative layout.



6.3.2 Whilst it is accepted that the built development of part of this site will change the view of a field enjoyed by existing residents in Station Road and Church Lane there is no right to a view. However it is not considered that the development would appear obtrusive and overbearing or result in overlooking and loss of privacy and this would be considered fully at the reserved matters stage. It is accepted that the construction phase of the development would result in some noise and disturbance but this can be controlled by condition. However it is not considered that the use of this field for residential development once complete and occupied would result in unacceptable levels of noise and disturbance to existing residents. Impact on property values is not a material consideration.

#### 6.4 **Impact on heritage assets**

6.4.1 The proposed development site includes the Scheduled Monument of the moated site and associated ridge and furrow cultivation remains and is adjacent to the boundary of the churchyard of the Church of St Mary Magdelene, which is a Grade II\* Listed Building. The proposal therefore has the potential to impact on these heritage assets. A heritage Impact assessment has been submitted with the application and has been reviewed along with revisions to the proposal by SC Archaeology and English Heritage. Their detailed analysis is contained within the consultee comments earlier in this report. The proposal as first submitted included a bowling green within the moat and a club building/pavilion adjacent. However this has been omitted from the proposal following advice from English Heritage. The application now includes restoration of the moated site which can be secured by a legal agreement. The amended indicative layout indicates that a wider area will be retained between the proposed built development and the moated site which will ensure that the setting and the interrelationship between the moated site and the Church and the view from Station Road will be preserved. It is therefore considered that subject to conditions the proposal would have no adverse impact on heritage assets but would provide enhancement of the site.

#### 6.5 **Trees, Landscape and Open Space**

6.5.1 Full landscape details and details of the open space will be provided at the Reserved matters stage but an indicative layout has been submitted which includes the provision of a large amount of open space including extension of the existing village green in addition to the restoration of the moated site. The amount of open space indicated significantly exceeds that required by the Open Space IPG for the number of dwellings proposed. The site is surrounded by mature hedgerows and trees and is also split in two by a field hedgerow. An indicative layout indicates that the trees and the majority of the hedgerows will be retained apart from the removal of a small part of the hedgerow which currently divides the site. A landscaping condition is not required at this is one of the reserved matters and if tree protection measures are considered necessary when a layout plan is submitted conditions can be imposed on any reserved matters approval.

#### 6.6 **Ecology**

6.6.1 A Phase 1 Ecological Survey and Report has been submitted which concludes that the land to be developed is of limited ecological value, with no BAP species identified on site. The Councils Ecologist however commented that due to recent

records of a small great crested newt population to the east of the A49 for the application South of Hermitage Farm 14/01872/OUT (within 70m of the application site) the applicant should put forward suitable Risk Avoidance Measures for great crested newts. This has been received and a condition will be imposed regarding implementation. The recommended conditions regarding the provision of bat and bird boxes will also be imposed and this will provide ecological enhancement of the site. An appropriate landscaping scheme to be considered at the reserved matters stage will ensure that the Environmental Network or 'Green Corridor' is satisfactorily preserved. Subject to the imposition of conditions it is not considered that the proposal would have any adverse impact on wildlife, protected species or their habitat.

## 6.7 Developer contributions

6.7.1 At the existing prevailing rate of 15% this proposal for up to 40 dwellings should provide 6 affordable homes and the applicant has indicated that they are willing to enter into a S106 agreement to secure the relevant contribution in accordance with the requirements of the Type and Affordability of Housing SPD at the prevailing housing target rate at the time of the Reserved Matters application. English Heritage has also requested that the restoration and future management of the moated site is secured by a S106 agreement. The development will also be liable for a CIL contribution and if at the Reserved matters stage an equipped play area is incorporated into the open space then this would be funded by CIL. Some residents have raised concern about the capacity of the local infrastructure (including school places) to support the additional dwellings. However CIL replaces the need to seek additional developer contributions via a S106 for Education, Highway improvements or other infrastructure improvements for example and can also be used to target community improvements identified in the LDF Implementation plan and Place plans.

## 6.8 Drainage

6.8.1 The site is in Flood Zone 1 (which is an area of low risk of flooding) but on the Pluvial Flood Map the site is at risk of surface water flooding. A FRA has been submitted and the Design and Access statement indicates that foul drainage will be to the public sewer and surface water will be to soakaways at greenfield run off rates. The Councils drainage engineer has no objection to the proposal and has commented that the detailed surface and foul water drainage proposals including full details on how the surface water runoff will be managed can be submitted at the reserved matters stage and recommends appropriate conditions to be imposed. Full drainage details will also be considered as part of an application for Building Regulation approval.

## 7.0 CONCLUSION

7.1 On balance it is considered that the proposal represents sustainable development when considering the three dimensions outlined in the NPPF. Whilst the social and economic benefits of this proposal might not be significant there are no significant and demonstrable adverse impacts of allowing this proposal and the limited harm in terms of developing this greenfield site does not outweigh the combined benefits of allowing this proposal outlined in this report, including the enhancement and

restoration of the moated site.

7.2 Layout, scale, appearance and landscaping of the scheme are reserved for later approval but it is considered that an acceptable and appropriately designed scheme could be achieved that would have no significant adverse impact on residential amenity and would not result in significant or demonstrable harm to the character and appearance of the locality. The proposal would not result in the loss of any significant trees or hedgerow, and would have no adverse highway or ecological implications subject to conditions being imposed. Landscape details and open space provision will be fully considered and determined as part of an application for reserved matters. The on site affordable housing provision and the restoration and future maintenance of the moated site will be secured by a S106 agreement. It is therefore considered that the proposal accords with Shropshire LDF policies CS6, CS11, and CS17 and the aims and provisions of the NPPF.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

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

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

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

Core Strategy and Saved Policies: CS4, CS5, CS6, CS11 and CS17

### RELEVANT PLANNING HISTORY:

NS/96/00194/FUL Land part OS 1500 – Hadnall: erection of four low cost houses with parking and formation of new vehicular and pedestrian accesses. Approved 21st April 1997

## 11. Additional Information

### View details online:

List of Background Papers: File14/03995/OUT
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Simon Jones
Appendices APPENDIX 1 - Conditions



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

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

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

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

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

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

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

4. As part of the first application for reserved matters an updated FRA, and a surface water drainage strategy shall be submitted for approval and shall be implemented as approved prior to the first occupation of the dwellings.

Reason: To ensure that all potential flood risk to the development has been addressed and to minimise the risk of surface water flooding.

5. As part of the first application of reserved matters, in addition to a proposed landscaping scheme, a detailed design and programme of works for the restoration of Hadnall Manor (a scheduled ancient monument of national importance) to be used as an accessible and attractive public open space shall be submitted for approval. The approved programme of works shall be fully implemented prior to the occupation of more than 50% of the development.

Reason: To ensure the restoration and preservation of the scheduled monument

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

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

Reason: The proposed development site has high archaeological potential

7. Prior to the commencement of development full engineering details of the access, visibility splays, footway provision along Station Road, internal road layout, parking and turning areas shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme shall be fully implemented prior to any dwelling being first occupied.

Reason: In the interests of highway safety.

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

8. Work shall be carried out strictly in accordance with the Further Information Regarding Great Crested Newt Mitigation by Turnstone Ecology dated 9th January 2015.

Reason: To ensure the protection of great crested newts a European Protected Species

9. Prior to the first occupation of the dwellings details of five woodcrete artificial nests suitable for small birds such as robin, blackbird, tit species, sparrow and swallow shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

10. Prior to the first occupation of the dwellings details of five woodcrete bat boxes suitable for nursery or summer roosting for small crevice dwelling bat species shall be submitted to and approved in writing by the local planning authority. All boxes must be at an appropriate height above the ground with a clear flight path and thereafter be permanently retained. The approved details shall be implemented in full prior to the occupation of the dwelling/ building.

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

11. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a) Identify those area/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
  - b) 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.
 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 minimise disturbance to bats, a European Protected Species.





Committee and Date

North Planning Committee

17 February 2015

Item

12

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><u>Application Number:</u></b> 14/03957/FUL	<b><u>Parish:</u></b>	Whitchurch Rural
<b><u>Proposal:</u></b> Formation of solar farm consisting of 79,968 solar panels on 3,332 frames; 12 inverter/transformer units; 2 sub-stations; installation of 2.2m high boundary fencing; maintenance trackways; storage area		
<b><u>Site Address:</u></b> Land On Runway At Twemlows Hall Higher Heath Whitchurch Shropshire		
<b><u>Applicant:</u></b> Sunsave 27 (Twemlows) Ltd		
<b><u>Case Officer:</u></b> Kelvin Hall	<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>	

**Grid Ref:** 356350 - 337709



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**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 would comprise the installation of 79,968 solar panels generating 16MW of electricity which would be fed into the National Grid. The panels would be mounted on fixed steel frames in west-east orientated rows. They would be angled at approximately 15 degrees, with the highest edge at a height of approximately 1.7 metres and the lowest at 0.7 metre. There would be a separation distance of approximately 1.5 metres between each row of panels.

1.2 Buildings and other infrastructure proposed comprises the following:

- 12no. inverter/transformer units: each measuring 8.9 metres x 2.5 metres (3.2 metres including the fan vents) x 2.8 metres high;
- 1no. client substations, measuring 3.7 metres x 3 metres x 3.1 metres high;
- 1no. Distribution Network Operator (DNO) substation, measuring 6.5 metres x 3.5 metres x 3.8 metres high.

1.3 The inverters/transformer units would be of steel construction and sited at regular spacings across the site. The client substation would be a pre-fabricated corrugated construction. The DNO substation would be of brick construction, and these would be located at the northern boundary of the site.

1.4 A 2.2 metres high green wire mesh fence would be installed around the perimeter of the solar farm, for security purposes. This would be set back 3 metres from the existing fence line. This fence would be alarmed and monitored through a connection to a remote security company. No CCTV cameras or security lighting is proposed. Gravel trackways of 3.5 metres width would be constructed to provide access to the arrays. Once the panels have been erected the land is proposed to be grazed by sheep.

1.5 Landscaping would comprise the planting of a new hedgerow around the site boundaries, to be managed to a height of 2.5 - 3 metres, and hedgerow trees along the western side of the site.

1.6 The application states that the proposed development would be in operation for 25 years, following which the site would be decommissioned. This would entail the dismantling and removal of the panels and associated buildings and equipment, and the reinstatement of the land back to its original condition.

1.7 The application is supported by a number of detailed documents, including: Planning Statement; Landscape and Visual Impact Assessment; Heritage Impact Assessment; Ecological Appraisal; Flood Risk Assessment; Statement of Community Involvement.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The application site is a former RAF airfield, which is currently in agricultural use for growing silage. The site is approximately 23 hectares in size, and is relatively flat with an elevation of between 90 metres and 93 metres AOD. Access to the site, for

both construction and operational traffic, would be gained from the A41 to the west of the site via an existing concrete road (approximately 25 metres wide at the entrance) which serves the Twemlows Hall stud farm.

- 2.2 Land to the west and north comprises the Prees Heath Common, an area of open access common land. Land to the east forms a runway currently used by the local parachute club, beyond which is agricultural land and the landowner's stud farm. Buildings associated with the parachute club are located to the south, on the opposite side of the access road. The nearest residential property is Lonsdale Cottage, adjacent to the south western boundary of the site. This property is owned by the owner of the proposed solar farm site. Other than this, the nearest residential properties are located to the southwest at Prees Higher Heath, approximately 220 metres away. Other dispersed properties in the area include The Twemlows, approximately 560 metres to the east.
- 2.3 The nearest public right of way is a footpath, approximately 130 metres to the southwest, on the opposite side of the A41. The nearest Listed Building to the site is the Grade II Listed Laurel House, approximately 1.8km to the northwest.
- 2.4 Adjacent land to the west is Open Access land. The Prees Heath SSSI is located approximately 190 metres to the west, and The Prees Heath Common nature reserve is approximately 130 metres to the west, both on the opposite side of the A41.

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

- 3.1 The Local Member has requested that the application is decided by Planning Committee, and this has been agreed with the Committee Chairman in consultation with the Principal Planning Officer.

### 4.0 **COMMUNITY REPRESENTATIONS**

#### 4.1 **Consultee Comments**

- 4.1.1 **Whitchurch Rural Parish Council** Supports the application. Councillors considered the application against concerns for visual amenity, public safety and potential local impact.
- 4.1.2 **Prees Parish Council (adjacent Parish Council; boundary is approximately 25 metres from the application site)** Has withdrawn their original objection to the proposal.

The Parish Council, in their original deliberations, considered the views of the principal objectors, the parachute club members and various local objections from parishioners who were not members of the club and were expressing their own observations. It was noted that the majority of views were connected with the potential impact approval would have on the club and many other businesses in the area.

The Council has been informed that the principal objectors have now, apparently, been able to achieve a position that now allows both the parachute business and

the solar farm to coexist which negates their objections and they have withdrawn them. Provided this agreement does in fact secure the long term viability and practical operation of the parachute business the Council is satisfied that its own and numerous other parishioner objections are satisfied with this change and can no longer be supported.

There were other objections to the proposal but, after review, these cannot be supported as being relevant on their own to refuse the application.

4.1.3 **English Heritage** No comments to make. The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

4.1.4 **Natural England** No objections.

Brown Moss Special Area of Conservation (SAC) / Midland Meres & Mosses Phase 1 Ramsar Site – No objection

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 Brown Moss Special Area of Conservation (SAC) which is a European site. The site is also listed as the Midland Meres & Mosses Phase 1 Ramsar site. It is notified at a national level as Brown Moss Site of Special Scientific Interest (SSSI).

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.

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.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site
- the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects. The scale and nature of the scheme and the distance involved mean that the development proposal as submitted is unlikely to have any impact on the European site or the interest features for which it has been designated.

SSSI No objection – no conditions requested:

This application is in close proximity to Prees Heath and Brown Moss Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application.

Agricultural land: - No objection – no conditions requested

The proposed development falls outside of the scope of the consultation procedures in relation to agricultural land as it would not appear to lead to the loss of over 20ha of 'best and most versatile' agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system). The area of land lost to agriculture for the lifetime of the proposed solar farm is 22.96 hectares. Most of the land is classified as subgrade 3b quality, with two small patches of subgrade 3a quality land. Although a precise breakdown does not appear to have been provided, it is clear that only a small proportion of the land area is of 'best and most versatile' (BMV) quality (subgrade 3a or better). The proposed development site, a disused RAF airfield, is currently used for harvesting silage. According to the Design & Access Statement, although the solar farm installation would involve a change of land use, the land would still be used for agricultural purposes, namely the grazing of sheep around and beneath the modules.

The proposed development is unlikely to lead to significant and irreversible long term loss of agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards.

The guidance on BMV agricultural land set out in the Planning Practice Guidance for Renewable and Low Carbon Energy (March 2014) should be considered.

If the development proceeds, relevant general guidance for protecting soils during development, as set out in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, should be followed, e.g. in relation to handling or trafficking on soils in wet weather.

Consideration should be given to applying conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when planning permission expires.

Other advice:

Possible impacts on the following should be assessed:

- 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, and

further information should be sought from appropriate bodies such as the wildlife trust.

Protected Species:

Natural England has not assessed this application and associated documents for impacts on protected species. Standing advice should be referred to.

Green Infrastructure & Biodiversity Enhancements:

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

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, and the Natural Environment and Rural Communities Act (2006).

We are encouraged by the following excerpt from the Planning Statement:

“A Biodiversity Management Plan will be in place to increase biodiversity within the site. The adoption of a grassland improvement scheme will increase botanical and structural diversity, which will further increase biodiversity. The improvement scheme will involve adding a mix of wildflower, grass and wild bird seed which will increase the food source available. A scheme to introduce hedgerows to the site is also proposed which will improve biodiversity, benefiting a range of species, by providing habitat. In addition the developer is engaging with the Prees Heath Site of Special Scientific Interest (SSSI) to enable an extension of the reserve’s work within the site. The aim of this is to increase the presence of wildflowers and butterflies within the area.”

Landscape: All planning proposals should complement and where possible enhance local distinctiveness.

Natural England has received notification from a member of the public expressing concern regarding the proposal as the site supports two breeding pairs of curlews and skylarks. Both of these birds have been identified as species of principal importance for the conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act.

4.1.5 **SC Highways** No objections.

4.1.6 **SC Drainage** No objections. Details of the proposed swales should be shown on a drainage plan, and can be required by condition. Informatives are recommended (see Appendix 1).

4.1.7 **SC Ecologist** Recommends conditions and completion of Habitat Regulation Assessment.

Protected sites: Natural England have advised that a Habitats Regulation Assessment is necessary for this application in relation to Brown Moss SAC/Ramsar site and Local Nature Reserve (1.2km from the application site). They go on to advise that the scale and nature of the scheme and the distance involved mean that the development proposal as submitted is unlikely to have any impact on the European site or the interest features for which it has been designated. They also advise that there would be no impact on the Prees Heath and Brown Moss SSSI sited 200m from the application site.

Prees Heath is an important site for the Silver Studded Blue Butterfly (nationally scarce) and the SSSI and land to the east is a Butterfly Conservation reserve, and Butterfly Conservation have therefore been consulted.

A Habitat Regulation Assessment matrix is attached with this response. The HRA matrix must be included in the Planning Officer's report for the application and must be discussed and minuted at any committee at which the planning application is presented. Planning permission can only legally be granted where it can be concluded that the application will not have any likely significant effects on the integrity of any European Designated site.

Nesting birds There is an email from Natural England dated 10<sup>th</sup> October 2014 stating that the application site supports two breeding pairs of curlews and skylarks. Neo (2014) also note that ground nesting birds including skylarks have been observed within the site. They recommend further survey work prior to work commencing if this takes place during the bird breeding season. Nesting birds are also likely to use the hedgerows and trees on the site. These are indicated for retention. Informatives are recommended.

Great crested newts: The revised Ecological Appraisal now states that the pond sited 50m to the south does not now exist. Other ponds within 500m are on the far side of the A49, which is considered to be a barrier. No further survey is considered necessary.

Biodiversity Management Plan (BMP): The Biodiversity Management Plan has been updated to include the addition of native tree planting within the hedgerow along the western boundary. A hibernaculum is also proposed. The wildflower planting scheme is designed to encourage ground nesting birds and butterflies. A condition is recommended to require that the BMP is carried out as approved (see Appendix 1).

4.1.8 **SC Trees** This proposal does not appear to affect any trees, either within or adjacent to the site. A native hedgerow is proposed for screening and long term environmental enhancement. Therefore I have no objection on the grounds of trees.

4.1.9 **SC Archaeology** Recommends a condition requiring a pre-commencement geo-physical survey.

The proposed development site is located within parts of the former RAF Tilstock airfield (HER PRN 21549). It is understood that the airfield opened in August 1942 and comprised three concrete runways and four aircraft hangars. Its wartime role was as a satellite airfield for RAF Sleaford, used by 81 Operational Training Unit attached to 38 Group Royal Air Force Fighter Command. It is understood to have closed in 1946. The Shropshire Historic Environment record contains no records for any other known heritage assets with archaeological interest within the proposed development site itself. There are number of other records for other features on the adjoining Prees Heath Common, including a late Bronze Age cremation cemetery c. 950m to the north of the proposed development site (HER PRN 00919). The Historic Landscape Character assessment suggests that, prior to the establishment of the airfield, the historic field pattern on the proposed development site was the result of post-medieval in-takes from the heath. Other than likely post-medieval agricultural features, any potential archaeological features and deposits on the site are therefore likely to be of prehistoric or Roman date. The desk based assessment contained within the Cultural Heritage Assessment by Neo Environmental confirms this overview and has not identified any previously unknown archaeological sites or features. It therefore assesses the proposed development site to have low archaeological potential.

The Cultural Heritage Assessment provides a satisfactory level of information about the archaeological interest of the proposed site, and likely impacts of the proposed development, in relation to Paragraph 128 of the NPPF. The Cultural Heritage Assessment concludes that the proposed development will not adversely affect the settings of any Scheduled Monuments. We concur with these findings. It is further noted that English Heritage do not raise any objections to the proposed development in their consultation response of 6 October 2014. Whilst at present the archaeological potential of the proposed development site is assessed as low, it is advised that both the foundations of the proposed solar panels and the associated infrastructure have the potential to impact on any remains which are present. No previous archaeological field investigations of the proposed development site have taken place. To provide an appropriate level of archaeological mitigation, and in line with Paragraph 141 of the NPPF, it is therefore advised that a phased programme of archaeological work should be a condition of any planning permission for the proposed development. This should comprise a pre-commencement geophysical survey followed by further mitigation as necessary (see Appendix 1).

- 4.1.10 **CPRE Shropshire** Objects. Proposal would result in harm to the area's landscape character and quality when viewed from publicly accessible vantage points. Although the landscape of the area is predominantly flat, the proposed solar installations will be clearly visible from several aspects, particularly from the region of Ash Magna and, indeed, from the A41. The solar panels will also abut publicly accessible open access countryside and will clearly be out of character with the surrounding area. Would query why an Environmental Impact Assessment does not appear to have been prepared in relation to this application.
- 4.1.11 **Shropshire Wildlife Trust** Welcomes the proposals for biodiversity enhancements included within the scheme. Given the importance of the area for butterfly species, including the last sanctuary for the Silver-studded Blue in the Midlands, taking the



requirements of butterfly species into account is especially welcomed.

Since the 2013 desk study the mapped boundary of the Prees Heath local wildlife site has extended and now lies adjacent with the development. We do not see this as a problem but more of an opportunity to explore further enhancement measures in the wider landscape.

We generally concur with the findings and recommendations of the ecological appraisal but would recommend that to ensure fencing does not affect badgers the minimum distance between the bottom of the fence and the ground should be 25cm as a minimum. Sections of 300mm pipe could be used.

The route of the high voltage cable connection appears to cross the common and LWS land but we were unable to find details within the documents. We would seek assurances that this connection can be undertaken, and maintained, without ecological impact.

Have been informed that there are breeding pairs of curlews and skylarks on the Skydiving landing area. Recommends that the guidance relating to solar farms produced by RSPB and the 'Biodiversity Guidance for Solar Developments' is used to inform the detailed design ensuring that suitable measures are included. This would help to protect and enhance the opportunities for these priority species on the site.

- 4.1.12 **Butterfly Conservation** Owns and manages Prees Heath Common Reserve, a 60 hectare site across the A41 road from the proposed development. The reserve not only supports the last remaining sanctuary for the nationally threatened Silver-studded Blue butterfly in the Midlands and a range of other wildlife, but it is also an important public amenity as it is designated as both open access and registered common land, is a very popular place for visitors and has a high public profile.

We would not expect the proposed development to impact significantly on the Silver-studded Blue colony on the reserve either detrimentally or beneficially. However, the Silver-studded Blue colony does extend its breeding range outside the reserve to include those former airfield runways that are part of Prees Heath Common across the A41 road from the reserve. These areas have been designated as Wildlife Sites by Shropshire Wildlife Trust, and we would not want to see any undue disturbance to this land caused by the installation of cabling or other matters relating to the scheme.

Butterfly Conservation recognises that more solar farms are likely to be constructed, and is keen to work with developers to enhance the wildlife, especially as regards butterflies and moths, within such schemes, particularly on former arable land. The creation of grassy areas, hedgerows and wildflower strips between PV modules can be of benefit to a range of wildlife. It is noted that this scheme does contain proposals of this nature, and that is to be welcomed. However, we would question if the proposed gaps between the PV modules and the size of some of the grassy surrounds as outlined in the application will allow in sufficient light, and we believe there is scope to have these increased. If the scheme proceeds, we would expect the developer to monitor the success or

otherwise of such enhancements for wildlife.

The proposed site for the development lies within 100 metres approximately of the reserve at its nearest point. Consideration has to be given to the visual impact of the development on the reserve. Along much of the A41 boundary of the reserve Butterfly Conservation has planted several hundred trees which in time will provide a screen from the road and will lessen the visual impact of the proposed development.

Further detailed guidance has been provided entitled “Enhancing Solar Farms on Former Arable Land for the Benefit of Butterflies”.

- 4.1.13 **Open Spaces Society** Objects. The boundary of the site extends along the eastern and northern boundary of Open Access land for almost one mile. Open Access land means that the public can exercise their right of access right up to the security fence with obvious implications.

Common Land is a national and local heritage asset and is unique in our cultural history and is important in matters of planning. No fencing is allowed on Common Land and where possible open views should be preserved. Planning Practice Guidance states that local topography should be taken into account and flat land can be just as important as hilly areas. Prees Heath has a unique geological formation of glacial sand spill and is unequalled in Shropshire and probably in the whole of GB and is a landscape worth preserving especially given proximity to 310 acres of public access common land. The PPG also states that the effect of glint and glare should be assessed. The area is an active airfield and also on Shawbury approach. Impact of security measures such as lights and fencing should be taken into account.

The common is a major heritage asset and views/setting is an important consideration. The western half of the common has been restored by Butterfly Conservation and is now a major visitor asset to Shropshire; will adversely affect views from the reserve, and adversely affect wildlife.

## 4.2 **Public Comments**

- 4.2.1 There have been 135 public comments of objection and 6 public comments of support. The vast majority of objections relate to the damage that the proposal will have on Tilstock Parachute Club and the loss of facilities associated with parachuting. The grounds for objection are summarised below:

### Damage to the Landscape and Environment

- There are more suitable locations for solar panels locally, such as on top of existing buildings where their generated power can be used immediately.
- will be inappropriately large.
- will have a detrimental impact on the local fauna and flora. For example. Hedgerow teeming with wildlife will be destroyed, a butterfly sanctuary adjacent to the A41 will be threatened and the solar panels may generate a ‘heat island’ which will damage grassland.
- The solar farm will abut publicly accessible open access countryside.

- An ecology survey is required and has not been provided.
- An Environmental Impact Assessment is required and has not been provided.
- Contrary to claims, it will not be possible to use the proposed solar farm for grazing sheep.
- The grass on the development site will suffer from light deprivation. This will affect the quality of good agricultural land even after the removal of the solar farm.
- The proposed development will create an eyesore, visible from miles around. The extent to which this development will be a visual blight will be exaggerated because of the glare of the sun coming off the panels.
- The solar farm will clearly be out of character with the surrounding area.

#### Damage to the Community

- The development site is currently used by Tilstock Parachute Club. The club is an established and important part of the Whitchurch local community; it is an employer, it attracts visitors and it encourages local people to lead an active lifestyle. The proposed development is a threat to the club. The club will be forced to reduce the scale of its operation and will cease to offer certain services.
- Alternative landing site offered is not satisfactory. For example, the alternative site is almost certainly unsuitable for trainee parachutists who require a larger landing area than more experienced parachutists.
- Relocation elsewhere would be extremely difficult. This is due to a lack of viable alternative sites and a number of constraints relating to finances, legality, planning, logistics and safety.
- Parachute Club may even be forced to close altogether.
- If Club was to close or relocate there would be a large knock on affect on the local economy. For example, a local business that maintains the club's aircraft would loose a lot of business and many hotels and restaurants in the area would suffer a loss in trade.
- More generally, the development site as a landing field for sky divers is the only facility of its kind within a hundred mile radius. It is the 'local' sky diving site for an enormous section of the country, including much of Wales and the cities of Birmingham, Manchester and Liverpool.
- The site is often used by fundraisers who are parachuting for charity and the proposed development may lead to a large loss of income for a number of charities. Some objectors estimate the total loss to be as much as £25,000,000 (based on an estimate of £1,000,000 a year for 25 years).
- Inaccurate for the application to state that the site is a disused airfield, as it is used extensively for sky diving.
- The developer is a foreign company and the local area will not feel any of the economic benefit of the proposal.
- The money being offered to the local community by Vogt is tiny in comparison to the impact that the development will have on the local economy and the local community. Furthermore, the funds will only benefit a few groups, not the wider community.

- This is a cynical attempt from Vogt to get British Government funding before the subsidies for solar energy production are revoked.
- The development will damage the historical character of the area, which has been used for aviation since the Second World War.
- The development contravenes the Shropshire Core Strategy.

#### Public Protection

- Solar panels contain hazardous chemicals, including known carcinogens, that may leak. This could lead to the contamination of the water supply, crops being rendered infertile, skin burns and lung disease.
- More generally solar panels can cause pain, serious injury, cancer and death. They can also lead to headaches, breathing difficulties, pneumonia and undesirable mood changes.
- The solar panels are so large that they could distract drivers on the nearby A41, leading to a road safety hazard. This will be exacerbated by the glare coming off the solar panels.
- The development will lead to an increase in traffic on the A41. In particular it will lead to an increase in HGVs using the road during construction. This will lead to a road safety hazard.
- The solar panels will create noise pollution, particularly noticeable because of the low level of background noise in the locality.
- Small children may venture into the proposed solar farm. This would be of concern as they may come into contact with electrical wires.
- The site is likely to be attacked by organised gangs. This may be an issue for the local police and the onsite security may not be adequate.

#### Personal Concerns

- Property prices may decrease.

**British Parachute Association (BPA) Objects.** BPA is the National Governing Body for Sport Parachuting, recognised by UK Sport and the Home Countries Sports Councils.

- adverse effect on one of our Affiliated Sport Parachuting Centres, Skydive Tilstock, for skydiving which is a sport requiring specialised facilities
- would have a significant negative effect on provision for sport parachuting not only in Shropshire but far wider, given that sport parachuting centres are few and far between
- The next closest sport parachute facility is over 100 miles away. Skydive Tilstock is the only Sport Parachute Club able to provide 'local' facilities North and Mid Wales as well as the North Midlands, Cheshire, and the southern part of the North West of England
- would be almost impossible to relocate Skydive Tilstock's specialist facilities elsewhere as the various barriers to entry (legal, financial, planning, logistic, safety, etc) of a new sport parachute location are likely to make this extremely difficult
- Parachute Drop Zone at Skydive Tilstock has been operating at Tilstock Airfield since 1965 and is probably the oldest, continuously operating, sport parachuting facility anywhere in the UK

- Contributions to charity - The majority of the Club's novice parachutists are raising funds for charity and the loss of the many thousands of pounds raised would cause hardship to those local charities
- Social amenity - The social side of the Club is renowned among sport parachutists in the UK and, if the members had to travel to more distant parts of the UK, our area would lose the benefits of a local centre of social interaction, self-discipline and safety awareness
- Necessary safety restrictions on operation at alternative local sites likely to make operations unviable - at present, site provides one of the largest, hazard-free PLAs (Parachute Landing Area) in the UK with a clear landing area in excess of 100 acres
- no local alternative landing area that would afford the same benefits, and necessary safety restrictions placed on alternative areas would be likely to destroy the economic viability of the Club, causing a now healthy Club of long heritage, to fail

### **Parachute Club Action Group (PCAG)**

Objects. The PCAG represents the Club and its membership.

- proposal is generating a massive negative response because it pays nil regard to the economic and social advantages that the parachute training facility offers both locally and nationally
- a number of inaccurate statements/claims have been made by the developer
- applicants have not provided opportunity for the community to influence decisions affecting them, as specified in the Government's UK Solar PV Strategy dated April 2014
- solar farm is not appropriately sited and insufficient consideration has been given to the needs of the parachute training facility
- disregards the negative impact it will have upon the existing local economy and the national parachute training facility, contrary to para. 21 of the NPPF which advises that new development must "support existing business sectors" and para. 28 which deals with the need to "support a prosperous rural economy"
- significant harm will accrue for many local businesses, resulting in the loss of a number of jobs that only exist by virtue of the existence of the parachute training facility, including professionally associated employment opportunities and businesses including some 15 training instructors, four aircraft maintenance jobs; four on site cafeteria and administration jobs; two parachute rigging and repair jobs
- application site is not a 'disused airfield' as claimed, and is not a farm; airfield is in use by the parachute club, a thriving non-profit making club and important national parachute training facility. The parachute centre provides income for many people and contributes to the local economy through 15,000 visitors per annum that it attracts from a wide catchment area
- proposed solar farm creates no long-term jobs locally and therefore makes no contribution whatsoever to the local business community. The application fails to meet the requirement that development should build a strong competitive economy
- NPPF restricts building on existing open space, sports and recreational buildings and land, including playing fields, subject to specified criteria - none of the land over which the parachute club operates is surplus to

- requirements; the alternative being offered is not equivalent or better than the existing arrangements and the development is not for a better, alternative facility
- Loss of a nationally important training and recreation facility; since its commencement the parachute centre has spawned a number of international competitors; is renowned for its training facilities by parachutists across the UK so its potential loss should be afforded considerable weight
  - The alternative drop zone offered is not now usable by virtue of various hazards having sprung up including trees, structures and power cables; and in wrong location given prevailing wind direction; offer does not take any account of the safety of users and how this will curtail training opportunities at the site. The alternative landing area will not meet regulatory requirements for the full range of student training from where a large portion of the parachute centre's income is derived
  - Tilstock is an old and important drop zone, used annually by thousands of students and experienced parachutists and has trained many long term jumpers as well as contributing to charity through sponsored jumping
  - there is no area on the estate on which it would be "legal" under British Parachute Association rules to land. The drop zone for students has to be clear of structures and of sufficient area to allow wayward parachutists to land safely; all jumps will have to pass over the solar farm before landing; incidence of parachutists having to land in the solar farm area will be more than likely
  - irresponsible to consider that the training facility can continue with such a massive area of glass enclosed in 2.2m high fencing topped with barbed wire
  - more than likely that the training facility would have to close thereby taking with it the jobs and the businesses that are linked to it
  - proposal fails to meet the requirement that development shall support existing local and national communities and their health/well being
  - proposed development is of a specification that will close down an existing facility/amenity, the Parachute Centre, where no equivalent or improved provision has been put forward. As referred to previously, the alternative site does not satisfy the regulations that govern a parachute centre and would therefore not be viable
  - development would destroy a long-standing recreation/tourist attraction, contrary to Policy CS13 and Policy CS16
  - when proposal is being considered under the EIA regulations, following should be considered: the public will be affected by this development as it effectively limits access to the training facility; the training facility at the Parachute Club will be significantly harmed as a consequence of this development. An Environmental Impact Assessment should be required
  - in conclusion, significant harm will result for the existing land users and associated businesses if this development is permitted

The grounds for support are summarised below:

- Solar farms only occupy land temporarily and therefore the development site could be used for agriculture at some point in the future.

- Solar farms generate electricity without damaging the environment.
- will help to combat Britain's energy problem in a sustainable way.
- will be quiet, have a low visual impact and not cause a significant or unsafe increase in traffic.
- site is not suitable for agriculture and industrial development would destroy the local wildlife. The proposed development is a good compromise that will preserve and prevent the destruction of local flora and fauna.
- suggest that the generated electricity should be used exclusively to help combat the power shortage in the Whitchurch area. This could even negate the need for the highly controversial proposed Anaerobic Digester nearby.
- Within the constraints of the law, the landowner has the right to use and develop his land as he chooses. Tilstock Parachute Centre should perhaps focus on negotiating with the landowner himself to try and secure a longer lease or purchase of the land in question.

## 5.0 THE MAIN ISSUES

- Screening Opinion
- Pre-application community engagement
- Principle of development
- Siting, scale and design and impact on landscape character
- Site selection and agricultural land classification considerations
- Local amenity and other considerations
- Highways and access consideration
- Historic environment considerations
- Ecological considerations
- Flood risk considerations

## 6.0 OFFICER APPRAISAL

### 6.1 Screening Opinion

6.1.1 The proposed development is of a type that falls within Schedule 2 of the 2011 Environmental Impact Assessment regulations. Officers have assessed the proposal against the relevant criteria of these regulations, and confirmed in a formal Screening Opinion issued in October 2013 that an Environmental Impact Assessment would not be required.

### 6.2 Pre-application community engagement

6.2.1 The NPPF states that applicants are expected to work closely with those directly affect by their proposals, to evolve designs that take account of the views of the community. The application is accompanied by a Statement of Community Involvement (SCI) setting out the steps that the applicant has taken to publicise the proposal and engage with local residents and stakeholders. These included the holding of a public exhibition (attended by approximately 70 people).

### 6.3 Principle of development

6.3.1 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.

6.3.2 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. Core Strategy Policy CS5 states that 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 benefits and community benefits, particularly where they relate to specified proposals which include small-scale new economic development diversifying the rural economy, including farm diversification schemes.

6.3.3 The proposed 16MW solar farm would be capable of generating enough electricity to power up to 2,189 average homes. The application indicates that this would reduce emissions of carbon dioxide into the atmosphere by more than 4,424 tonnes each year. The proposal would provide significant environmental benefits through the generation of renewable energy, and it is therefore considered that there is no in principle planning policy objection to the proposal and that there is significant policy support in principle.

#### 6.4 **Siting, scale and design and impact on landscape character**

6.4.1 Core Strategy Policy CS5 states that 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 benefits and community benefits, particularly where they relate to specified proposals which include small-scale new economic development diversifying the rural economy, including farm diversification schemes. 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. Core Strategy Policy CS7 states that footpath and bridleway networks will be protected and enhanced for recreation and leisure use. Core Strategy 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. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. It is noted that the site and surrounding land are not covered by any landscape designation.

6.4.2 The application states that the proposed development would provide a sustainable source of income to the farm, through land rental payments. It states that this



would allow the farm to remain economically viable, by reducing exposure to variable market prices and securing a low risk guaranteed income for the lifetime of the project. In this respect the proposal would constitute a farm diversification scheme and therefore falls within the criteria for development within the countryside as set out in Core Strategy CS5.

- 6.4.3 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This acknowledges that the proposed development would add a new industrial feature into the landscape. However it points out that the landscape already contains industrial characteristics, due to its previous use as an airfield, with remnants remaining including airstrips and several large hangars which are prominent local features. It states that whilst the solar farm would slightly add to the local landscape's industrial characteristics, any effects would be reduced by the small scale of the development's structures. In addition it states that the busy A41 road deters from the sense of tranquillity experienced within the Prees Heath common.
- 6.4.4 Landscape character: The LVIA confirms that the application site falls within the Enclosed Lowland Heaths landscape character type and assesses the effects of the proposal on the character of this area as Minor Adverse to Minor Beneficial due to the proposed planting. In relation to the Common Land, it considers that these have a high sensitivity but notes that the setting of the Common is already influenced by large hangars and the main roads. For this reason it assesses the effects of the proposal on the landscape character of the Common Land as Minor Adverse.
- 6.4.5 Visual effects: The LVIA has assessed the visual effects of the proposal from various receptors in the area, including residential properties, public footpaths, and roads. The LVIA considers that, in relation to representative viewpoints in the area, the greatest visual effects would be on the Prees Heath Nature Reserve where there would be a moderate adverse impact on visual amenity. It states that this would reduce to minor adverse as the planting along the edges of the reserve, and also the proposed hedgerow along the site boundary, establishes. The LVIA considers that effects on visual amenity from other representative viewpoints would be up to moderate/minor adverse.
- 6.4.6 The LVIA notes that the proposed development would be visible from a number of properties on the southern edges of Ash Parva and Ash Magna, approximately 2km north of the site. The development would also be visible from Lonsdale Cottage, adjacent to the south western boundary of the site, through breaks in the line of trees along the property boundary.
- 6.4.7 The LVIA considers that there would be a minor adverse effect on the visual amenity from these dwellings. It should be noted that any views from Ash Parva and Ash Magna to the north would be at some significant distance, and it is accepted that this would limit the significance of these views. In relation to Lonsdale Cottage, it is recognised that this property is within the ownership of the site owner.
- 6.4.8 In relation to views from roads and paths in the area, the LVIA considers that views

of the solar farm would be greatest from those routes crossing the open lands of Prees Heath Common. It states that users would clearly notice a change in views at the old airfield from pasture to a solar farm development. The development would also be visible from the A41. It assesses the visual effects from these areas as moderate adverse.

6.4.9 In summary, the LVIA considers that the effects of the proposed development on views would be greatest on users travelling along the A41 road and through the Prees Heath Common lands. Officers concur with this assessment. Views from the nearest residential properties not in the site owner's ownership, i.e. at Prees Higher Heath to the south, would be largely obscured by existing tall coniferous at the site entrance, and by other buildings, including large hangars, in the vicinity. Views from The Twemlows to the east would be possible. However these would be at a distance of approximately 560 metres and partially filtered by existing vegetation. In relation to the visual effect from the A41, it is noted that these views would be transient, that the intervening field between the road and the site would reduce the visibility of the development, and that views would be screened as the proposed hedgerow establishes. In relation to the common lands, it is considered that the proposed development would have an adverse visual impact on users of the routes within this area. Nevertheless these views would be transient, and would reduce in time as the proposed planting grows. Overall, given the wider benefits of the proposal in relation to the generation of renewable energy and biodiversity enhancements, it is not considered that these impacts would be unacceptable.

6.4.10 Cumulative effects: The LVIA notes that there are no other operational or approved solar farms within 5km of the application site. It is accepted that the proposal would not result in any significant cumulative impact.

## 6.5 **Site selection and agricultural land quality considerations**

6.5.1 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. In addition, 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.

6.5.2 Agricultural Land Classification reports have been submitted with the application. The applicant has confirmed that 80% of the land is classified as Grade 3b, i.e. moderate quality, with the remainder classified as Grade 3a (good quality). The 'best and most versatile' agricultural land is classed as Grades 1, 2 and 3a, therefore the proposal would utilise some land which is classed as 'best and most versatile', albeit a small proportion.

6.5.3 In terms of site selection the applicant has advised that the application site comprises the poorest quality land on the farm, and that this is the reason why this particular area was chosen for the solar panels. It is the intention that the land

would be grazed by sheep following the completion of construction works, thereby allowing the continuation of the existing agricultural use of the site, and it is noted that there would be biodiversity enhancements proposed by way of significant additional hedgerow planting and some tree planting. On this basis it is concluded that the greenfield location proposed for the site, comprising a majority of moderate quality agricultural land, can be accepted in relation to national planning guidance.

## 6.6 **Local amenity and other considerations**

- 6.6.1 Core Strategy policy CS6 seeks to safeguard residential and local amenity. Planning Practice Guidance states that the effect on landscape of glint and glare and on neighbouring uses and aircraft safety should be considered.
- 6.6.2 Impact on current use of land by parachute club: A strip of land on the north eastern boundary of the site is currently used as a runway by the local parachute club, at the discretion of the landowner. The application as originally submitted stated that this use would cease if planning permission for the panels is granted. The majority of the public objections to the proposed development have been received from users of the parachute club facilities and others on the grounds that the proposal would result in the closure of the club and the loss of parachute jumping facilities.
- 6.6.3 Since the application was submitted, further discussions between the relevant parties have taken place. A meeting held in November 2014 between the landowner, the parachute club owner and the Chief Operating Officer of the British Parachute Association (BPA) to discuss alternative drop zones. It is understood that the BPA have agreed a proposed new drop zone in principle, and that this has been deemed viable for tandem jumping, qualified jumpers and student jumpers, with the restriction that there would only be one student jump at a time. The applicant has advised that this would mean that the only restriction would be that there would only be one student drop at a time, but that this would allow the solar farm and the parachute club to coexist side by side without significantly curtailing jumping activities. It is understood that the BPA Officer will be putting this recommendation to the next BPA Board meeting in February.
- 6.6.4 Based upon the details of correspondence between the landowner, the Parachute Club owner and the BPA Chief Operating Officer, it is understood that a resolution will be found which will ensure that the parachute club can continue to operate from the area, albeit with specific restrictions on activities and this being subject to review. As a result of this it is anticipated that the proposed development would not have a significant impact on employees, local businesses or charities associated with the club.
- 6.6.5 Noise: It is considered that the primary source of noise of the proposed development would be likely to be from the inverters/transformer units. It is understood that these would be likely to only operate during the day. Given the elevated levels of background noise from the nearby A41 it is not anticipated that these units would be likely to adversely affect residential or local amenity due to noise emissions.
- 6.6.6 Glint and glare: In relation to possible impacts on the area from glint and glare, the

applicant notes that solar PV panels are designed to absorb, not reflect, light. As such the applicant states that they have a low level of reflectivity when compared to surfaces such as window glass, water or snow. In relation to potential glint and glare effects on users of the A41 to the west of the site, the applicant notes that the panels would face south. On this basis the applicant considers that glint and glare would not be an issue, particularly when travelling from the northwest to southeast, as the back of the panels will only be visible when travelling in this direction. When travelling from the southeast to the northwest, the applicant recognises that the front of the panels will potentially be visible, however has advised that studies have indicated that PV panels do not create a risk for vehicle traffic or aircraft, due to the adsorptive properties and low reflection levels of the panels. The applicant notes that it is common for PV systems to be installed on airport terminal buildings, or within airport grounds, such as at Gatwick Airport.

6.6.7 It is considered that the generally flat nature of the site, and the fact that it is at a similar elevation to the nearest properties would reduce the visibility of the panels and therefore the potential for glint and glare. In addition, existing and proposed tree and hedgerow planting would filter direct views. Based on the available information it is not considered that the proposal would raise any specific impact from glint and glare.

6.6.8 Common Land: The Open Spaces Society has raised concerns regarding the impact of the proposal on the adjacent Open Access land. It should be noted that the proposed site does not include any Open Access land, and therefore the proposal would not affect the use of this land. The proposed development does not propose any security lighting, and the security fencing would be set back from the existing boundary fence by 5 – 5.5 metres. A native hedgerow, interspersed with hedgerow trees, would be planted along the boundary between the Open Access land and the site, and in time this would reduce direct views of the panels from the Open Access land. In addition Butterfly Conservation has advised that it has planted several hundred trees along much of the A41 boundary of the reserve which in time will provide a screen from the road and will lessen the visual impact of the proposed development.

## 6.7 **Highways and access considerations**

6.7.1 The proposed development would utilise the existing access to the airfield for both construction deliveries and operational traffic. This is a wide entrance from the A41 and it is considered that the use of this access is acceptable. Once construction has been completed vehicles accessing the site would comprise those associated with maintenance, and amount to approximately four routine maintenance visits every three months. It is not considered that this is significant in highway terms.

6.7.2 The application is accompanied by a Construction Traffic Management Plan which sets out how impacts associated with deliveries would be minimised. The application states that there would be 691 HGVs to the site (1,382 movements) during the construction period which is expected to occur over a 16 week period. The majority of these movements would occur during the first 5 weeks. These HGVs would be either rigid or articulated vehicles, up to 40 tonnes. The measures put forward in the Traffic Management Plan include provision for wheel washing and dust suppression, and are considered to be appropriate for this development.

**6.8 Historic environment issues**

6.8.1 Core Strategy Policy CS17 requires that developments protect and enhance the diversity, high quality and local character of Shropshire's historic environment. 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.

6.8.2 The Cultural Heritage Assessment includes details of a desk based assessment and field assessment, and concludes that the proposed development will not adversely affect the settings of any Scheduled Monuments. In addition it states that the proposed development would not affect the setting of any of the Grade I or II\* Listed Buildings within 5km of the site, or Grade II Listed Buildings within 1km of the site. The nearest Listed Building is approximately 1.8km away. The findings of the Cultural Heritage Report that these assets would not be seen in conjunction with the proposed development due to hedgerows, topography and intervening buildings are accepted.

6.8.3 In relation to archaeological matters, the Cultural Heritage Report confirms that there are no statutory designated heritage assets within the site boundary, and that a walkover survey did not identify any unrecorded remains.

6.8.4 Neither English Heritage nor the Council's Historic Environment Officer have raised any objections to the proposal. However the Historic Environment Officer has recommended that a pre-commencement geophysical survey is undertaken, given that there have not been any previous archaeological field investigations of the application site. It is considered that this would be appropriate given that the proposal has the potential to adversely impact on any archaeological remains that are present in the area. An appropriate condition is included in Appendix 1.

**6.9 Ecological considerations**

6.9.1 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. In addition the proposal would not result in the loss of any trees or hedgerows.

6.9.2 The application is accompanied by an Ecological Appraisal report and a Biodiversity Enhancement Plan. The Ecological Appraisal concludes that none of the habitats within the study area are considered to be particularly sensitive to the proposed development, however it notes that the site does offer the potential to support ground nesting birds.

6.9.3 The application site lies approximately 1.2km to the south of the Brown Moss Special Area of Conservation (SAC)/Ramsar site and Local Nature Reserve, and

approximately 200 metres from the Prees Heath and Brown Moss SSSI. Natural England has advised that the proposal is unlikely to have any impact on these designated sites. A Habitat Regulation Assessment matrix has been completed (see attached) which confirms that the proposal would not have any significant effects on the integrity of any European Designated Site.

- 6.9.4 The Council's Ecologist has confirmed that no further survey work is required in relation to Great Crested Newts. In relation to nesting birds, the Ecological Appraisal notes that skylarks were observed within the study area. It recommends that ground nesting bird surveys are conducted if construction commences during the bird breeding season, and this will be included as an informative as suggested by the Council's Ecologist.
- 6.9.5 Biodiversity Management Plan (BMP): Following on from comments made by the Council's Ecologist the BMP has been revised. Biodiversity improvements would include the planting of a mixed species native hedgerow around the perimeter of the site (in excess of 2km); planting of trees along the western boundary; creation of species-rich grassland across the site; provision of logpiles as habitat for herptiles. The BMP recognises the work currently being undertaken by Butterfly Conservation at the nearby Prees Heath SSSI, to improve the area for the benefit of butterflies. It states that the recommendations within the Butterfly Conservation's guidance document for enhancing solar farms for the benefit of butterflies have been incorporated within the habitat management plan. The BMP sets out objectives to create and enhance habitats recommendations for management to be undertaken throughout the operational life of the development, and submission of progress reports to the Council.
- 6.9.6 Butterfly Conservation, the owner and manager of the Prees Heath Common Reserve approximately 130 metres to the west of the site, have advised that they do not expect the proposed development to impact significantly on the nationally-threatened Silver-studded Blue butterfly colony. Both Butterfly Conservation and Shropshire Wildlife Trust have welcomed the proposals to benefit wildlife. Comments of the Trust regarding the location of the cable connection are acknowledged, however this element of the proposal does not form part of the planning application submitted.
- 6.9.7 It is considered that the BMP provides satisfactory measures to ensure that the ecological value of the area can be enhanced. A condition can be imposed to require that it is implemented and that landscape planting is managed appropriately (see Appendix 1).
- 6.10 **Flood risk considerations**
- 6.10.1 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. The FRA states that the proposed development would increase the impermeable surface area by less than 0.1%. However it is proposed that a shallow swale would be constructed along the southern boundary to intercept and dissipate surface water flows. It is accepted that this would provide betterment over existing conditions.

6.10.2 The Drainage Officer has raised no objections to the proposal. The details of the proposed swale can be dealt with through an appropriate planning condition. Overall it is considered that the proposal does not raise significant issues in relation to flood risk and surface water management.

## 7.0 **CONCLUSION**

7.1 The proposed installation of a solar farm at the former airfield at Twemlows Hall 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 impact of the proposal on local landscape character and on visual amenity would be relatively limited due to the topography of the site and existing vegetative cover. Whilst the proposal would have some impact on landscape character and visual amenity, including in relation to the adjacent open access Common Land, these impacts would be reduced in time as existing and proposed tree and hedgerow planting establishes. Concerns over the potential loss of parachute jumping zones are acknowledged, however it is understood that the British Parachute Association has agreed a proposed new drop zone in principle, and that this would ensure that the parachute jumping can continue.

7.2 The majority of the site is not classed as 'best and most versatile' agricultural land, and the proposal would result in significant ecological benefits whilst ensuring that the agricultural use of the site can continue. Surface water drainage would be improved through the provision of a swale. The panels would be removed once they have got to the end of their useful life, and the land returned to its current condition. Overall in relation to the wider benefits of the proposal, it is considered that the impacts of the proposal can be accepted on balance in relation to Development Plan policies and other material considerations, and planning permission can be granted 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 six weeks after the grounds to make the claim first arose first arose.

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

## 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 North Shropshire Local Plan 2000 - 2011 ‘saved’ policies – no relevant policies.

## 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.

10.2.3 The Government has advised that from January 2015, farmers who choose to use fields for solar panels will not be eligible for any farm subsidy payments available through the Common Agricultural Policy for that land. The Government has advised that the subsidy change follows other measures designed to end support for solar farms in agricultural fields, and should help to halt the expansion of solar farms on agricultural fields as it will now become less financially attractive for farmers to install the solar panels.

### 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: None.

## 11. **Additional Information**

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) The application ref. 14/03957/FUL and supporting information and consultation responses.
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr Gerald Dakin (Whitchurch South)
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 external materials and colour of all buildings, including the inverter/transformer units, and substations, have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approval details.

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

4. No development shall take place until details of the proposed swales have been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure that sustainable drainage arrangements are satisfactory.

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

Reason: The development site is known to have archaeological interest

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

6. The Biodiversity Management Plan dated October 2014 by Neo Environmental and Landscape Proposals plan dated 30/10/14 shall be carried out as approved, unless otherwise approved in writing by the local planning authority, for the lifetime of the development. This shall include monitoring and the submission of a progress report to the local planning authority every two years, as detailed in section 6.8 of the Plan.

Reason: To protect and enhance features of recognised nature conservation importance.

7. Construction work shall not take place other than between the following hours:  
0730 - 1800 Mondays to Fridays;  
0800 - 1300 Saturdays.

No construction work shall take place on Sundays, or Bank or Public Holidays.

Reason: To protect local amenity.

8. Unless specified otherwise by conditions of this permission, the construction phase of the development hereby permitted shall be undertaken in accordance with the details set out in the Construction Traffic Management Plan.

Reason: To minimise adverse impacts on local amenity and on highway safety.

9. 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.

10. (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 25 years and 6 months following completion of construction, whichever is the sooner, all buildings and infrastructure associated with the solar farm will be removed from the site and the land shall be reinstated to its former condition.

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.

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## Habitat Regulation Assessment (HRA) Screening Matrix & Appropriate Assessment Statement

Application name and reference number:

14/03957/FUL

Runway and Twemlows Hall, Higher Heath, Whitchurch, Shropshire

Formation of solar farm consisting of 79,968 solar panels

Date of completion for the HRA screening matrix:

20<sup>th</sup> October 2014

HRA screening matrix completed by:

Alison Slade

Planning Ecologist

Shropshire Council

01743 252578

[Alison.Slade@Shropshire.gov.uk](mailto:Alison.Slade@Shropshire.gov.uk)

**Table 1: Details of project or plan**

Name of plan or project	Runway and Twemlows Hall, Higher Heath, Whitchurch
Name and description of Natura 2000 site	<p>Brown Moss SAC and Ramsar site, part of the Midland Meres and Mosses Phase 1.</p> <p>Brown Moss SAC (32.02ha) is a series of pools set in heathland and woodland. The site is of special importance for the marsh, swamp and fen communities associated with the pools which occupy hollows in the sand and gravel substrate.</p> <p><b>Criterion 1a.</b> A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog.</p> <p>Ramsar criteria:</p> <p><b>Criterion 2a.</b> Supports a number of rare species of plants associated with wetlands. The site contains the nationally scarce six stamened waterwort <i>Elatine hexandra</i>, needle spike-rush <i>Eleocharis acicularis</i>, cowbane <i>Cicuta virosa</i>, marsh fern <i>Thelypteris palustris</i> and elongated sedge <i>Carex elongate</i>.</p> <p><b>Criterion 2a.</b> Contains an assemblage of invertebrates, including the following rare wetland species. 3 species considered to be endangered in Britain, the caddis fly</p>

	<i>Hagenella clathrata</i> , the fly <i>Limnophila fasciata</i> and the spider <i>Cararita limnaea</i> . Other wetland Red Data Book species are; the beetles <i>Lathrobium rufipenne</i> and <i>Donacia aquatica</i> , the flies <i>Prionocera pubescens</i> and <i>Gonomyia abbreviata</i> and the spider <i>Sitticus floricola</i> .
Description of the plan or project	Formation of solar farm consisting of 79,968 solar panels on 3,332 frames; 12 inverter/transformer units; 2 sub-stations; installation of 2.2m high boundary fencing; maintenance trackways; storage area
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

### Statement

Brown Moss SAC and Ramsar site, part of the Midland Meres and Mosses Phase 1 is around 1.2km from the application site. Natural England advise that the scale and nature of the scheme and the distance involved mean that the development proposal as submitted is unlikely to have any impact on the European site or the interest features for which it has been designated.

The application site is outside of the mapped surface water catchment of Brown Moss. The proposed solar farm is not predicted to have any impact on water quality or the hydrology of Brown Moss or any other Ramsar site. The proposal will also have not result in any increase in recreational pressure on the site.

### The Significance test

The proposed works in application 14/03957/FUL Runway and Twemlows Hall, Higher Heath, Whitchurch, Shropshire Formation of solar farm consisting of 79,968 solar panels will not have a likely significant effect on the Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.

### The Integrity test

The proposed works in application No: 14/03957/FUL Runway and Twemlows Hall, Higher Heath, Whitchurch, Shropshire Formation of solar farm consisting of 79,968 solar panels will not have an impact on the integrity of the Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.



## Conclusions

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

## Guidance on completing the HRA Screening Matrix

### The Habitat Regulation Assessment process

Essentially, there are two 'tests' incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the 'significance test' and the other known as the 'integrity test' which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

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.**

## **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.



Committee and Date

North Planning Committee

17 February 2015

Item

**13**

Public

## Development Management Report

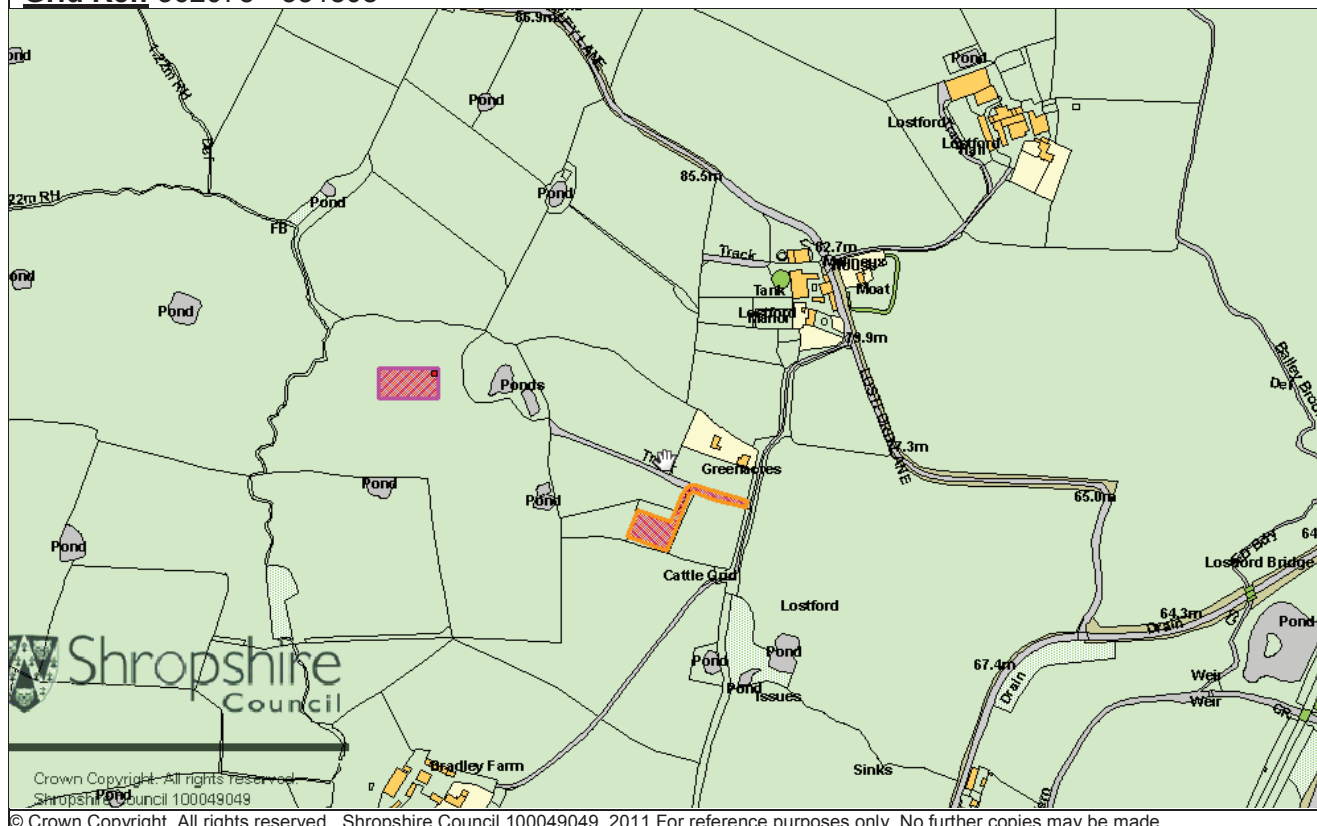
Responsible Officer: Tim Rogers

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> 14/04787/VAR	<b>Parish:</b> Hodnet
<b>Proposal:</b> Variation of Condition No.1 (approved plans) attached to planning application 11/04429/FUL approved on appeal to amend the approved plans	
<b>Site Address:</b> Land At Lostford Lane Wollerton Shropshire	
<b>Applicant:</b> Cheshire Game Supplies	
<b>Case Officer:</b> Sue Collins	<b>email:</b> <a href="mailto:planningdmne@shropshire.gov.uk">planningdmne@shropshire.gov.uk</a>

**Grid Ref:** 362075 - 331808



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

## REPORT

### 1.0 THE PROPOSAL

1.1 This application seeks planning permission to vary condition 1 (approved plans) attached to planning permission 11/04429/FUL that was granted on appeal on the 2<sup>nd</sup> January 2013. The variation relate to the size and cladding of the agricultural building and the duck and geese sheds. The works have already been commenced and therefore development is for retrospective approval.

1.2 The planning permission allowed for an agricultural building measuring 30.48 metres x 12.192 metres with a height to ridge of 5.892 metres. It is proposed with this application that the agricultural building will measure 32.3 metres by 15.826 metres with a maximum height to ridge of 6.413 metres. The original sizes of the bird sheds were 5 buildings of 7.315 metres by 5.486 metres with a maximum height of 2.787 metres. The proposed bird sheds will be 20 buildings 3.05 metres by 3.66 metres with a height of 1.88 metres with and 3 buildings 2.44 metres x 2.44 metres and 1.52 metres high.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The site forms part of a larger holding of four fields totalling 10.96 hectares and is within an area of open countryside where there is a sporadic scattering of residential dwellings, farms and equine facilities. The site originally consisted of five adjoining fields which are defined by a mix of hedgerows, post and wire fences and mature trees. Only one of the four fields is proposed to be used for the pens which will occasionally be relocated within that field. The first field, which lies closest to the road, would have the access track and storage building. Within the wider land ownership there are two small ponds and another two lie immediately outside the applicants ownership. Some of these are known to contain great crested newts.

2.2 The nearest dwelling to the site is Greenacres, a bungalow adjacent to the access track that formed part of the proposal. Other dwellings in the vicinity are Bradeley Farm to the south of the site, and Lostford Manor Farm to the north east. There are a number of dwellings to the north and north east of the site

2.3 The nearest settlement as identified in the Council's Settlement Strategy (Policy G1 of the adopted Local Plan – see Appendix 1 to this Statement) is Hodnet which lies approximately 3.5 km away.

2.4 The site is set within an area characterised by large open fields and sporadic development. The fields are marked by hedgerows of varying quality, some post and rail fencing and some trees. The trees are mainly mature or over-mature and parts of the hedgerow have not been managed and therefore present an open structure. Views of nearby properties are readily available from within the site and the reverse is equally true due to the gentle changes in contours around the site.

2.5 The Shropshire Landscape Typology 2006 identifies this area as lying within or on the edge of the Principal Settled Farmlands. The Key characteristics of this landscape type are:

- Mixed farming land-use

- Varied pattern of sub-regular, hedged fields  
The area has a mix of clusters of houses and farmsteads set in open countryside with labourers cottages set along the roadside. Furthermore, the site is visible from a public footpath and a road.

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

3.1 Applications requested to be referred, by the Local Member, to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Service Manager with responsibility for Development Management in consultation with the committee chairman or vice chairman to be based on material planning reasons. A Practice Note is available in relation to “material planning considerations”.

Cllr Calder requested that if this application were to be recommended for approval that it should be considered by the Planning Committee as the planning permission was granted by the Inspector with specific conditions in place. The floor area of the storage shed is, according to this new application, exactly 50% larger than that for which consent was secured.

The storage building is 523mm higher than that permitted and thus significantly more visible from, for instance, Lostford junction of Hodnet By-pass.

The building is built of corrugated asbestos roof and concrete panel walls, whereas the consent specified plastic coated box section steel.

This request has been discussed with the Chair of the Planning Committee who has confirmed that the application should be considered by members.

### **4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online**

#### **4.1 Consultee Comments**

4.1.1 **Highways Development Control:** No objection

4.1.2 **Drainage:** No objection. However confirmation of the revised drainage area of the portal shed is required.

4.1.3 **Natural England:** No comment.

4.1.4 **Rights of Way:** No objection.

4.1.5 **Hodnet Parish Council:** Cheshire Game Farms have not met the terms of their successful application in the size and scope of the permitted development neither have they carried out the accompanying measures to mitigate that development as listed by the Planning Inspector. Hodnet Parish Council opposed the original development and object to this variation. Further we would remind the planning officers that Cheshire Game Supplies are breaking the terms of permission by rearing birds for shooting - the appeal Inspector granted permission for the rearing of ducks because that is "agriculture", whereas the rearing of game birds is as deemed "industry". It is imperative that the applicant meet the terms laid out by the Planning Inspector.

## 4.2 **Public Comments**

4.2.1 13 Letters of representation have been received in connection with the application. The areas of concern relate to:

- Failure by the applicant to discharge conditions previously imposed.
- The development shows a flagrant disregard for planning regulations and should be refused and the conditions enforced.
- The justification for changing the approved buildings is not acceptable.
- At the appeal the approved scheme was described as being appropriate for the business. There is no justification for a larger building.
- The full impact of the development on the countryside should be given consideration.
- The storage building, bird sheds and pens are a significant increase over the original approval.
- The development is visually a major scar on the landscape and increasing the size of the buildings has increased this impact.
- The increase in the floor space of the building will cause an increase in the number of birds and therefore the flies, odour and run-off.
- The external cladding of the storage building is more industrial and therefore detrimental to the rural surroundings.
- Policy CS5 of the Shropshire Core Strategy protects the countryside from unnecessary development
- The increase in the sizes of the buildings will cause more traffic to be generated to the detriment of other road users.
- 

## 5.0 **THE MAIN ISSUES**

- Policy & Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity
- Highways
- Impact on Trees
- Ecology
- Drainage

## 6.0 **OFFICER APPRAISAL**

### 6.1 **Policy & Principle of Development**

6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

6.1.2 Para 28 of the NPPF supports the principle of a prosperous rural economy including the sustainable growth and expansion of all types of business and enterprise in rural areas. Within the NPPF paras 109 to 125 deal with the issue of

the impact of development on the natural environment. It requires development to protect and enhance the natural environment.

- 6.1.3 Policy CS13 in the Shropshire Core Strategy supports the principle of economic development within rural areas recognising the continued importance of farming for food production. This is provided the development accords with the principles contained in policy CS5.
- 6.1.4 The issues regarding the design, scale and other material planning considerations will be discussed further within this report.

## 6.2 **Design, Scale and Character**

- 6.2.1 Policy CS5 'Countryside and Green Belt' of the Shropshire Core Strategy Policy requires that new development in the countryside be strictly controlled. It identifies that agricultural related development, although it may be large scale, will be required to demonstrate that there are no unacceptable adverse environmental impacts. CS6 'Sustainable Design and Development Principles' requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. Policy 7 'Requiring Good Design' of the National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.
- 6.2.2 Concerns have been received regarding the scale and external appearance of the building and the pens. It is considered by local residents and the Parish Council that the larger building and the increase in the number of pens has a detrimental impact on the rural landscape of the area. There is further concern that at the appeal the previously approved buildings were considered large enough for the business and there is insufficient to warrant the changes.
- 6.2.3 In the appeal in 2013 the issue of the size of the agricultural building and the pens was considered by the Inspector. Evidence submitted at the time indicated that the sizes were the minimum to allow the agricultural business to operate.
- 6.2.4 The approved agricultural building measured 30.48 metres x 12.19 metres with an eaves height of 3.95 metres and a ridge height of 5.89 metres. Externally the building was to have been clad in slate blue coloured box profile cladding to its roof and walls. Two roller shutter doors were included, one at each end of the northern elevation.
- 6.2.5 As built the building measures 32.2 metres x 15.85 metres with a height to eaves of 3.94 metres and a ridge of 6.4 metres. This represents an approximate increase of 38% in the floor area of the building. The height will also be increased by approximately 0.6 metres. Externally the walls will be part clad in slate blue box profile sheeting, part Yorkshire boarding and part pre-cast concrete panels. Part of the northern elevation and the western elevation will remain open. Doors will be included on the western and eastern elevations. The roof is clad in anthracite grey cement fibre sheeting.

- 6.2.5 When submitted the justification given for the change in the sizes of the approved buildings was due to an incorrect order being made for the agricultural building, and the smaller pens for the geese and ducks being more readily available given the timescales available to the applicant. Further justification regarding the size of the building has been submitted regarding the agricultural building. This states that the agricultural business not only includes the ducks and geese but also sheep and cattle and that the building will be required to house them at various times of the year. The building will also need to accommodate agricultural equipment, feed and bedding.
- 6.2.6 Whilst the external materials have changed, these are not uncommon materials used in agricultural buildings. Yorkshire boarding over concrete panels is regularly used in buildings that will house livestock as it provides the shelter, air and protection required for animals. The anthracite coloured roof is also a regularly used material in agricultural buildings as particularly in the UK climate the colour blends better with the natural surroundings.
- 6.2.7 The proposed duck and geese pens have been changed to 20 triangular prisms which are much smaller in their cubic capacity. As a result more of these are required to accommodate the same number of birds. Each of the prisms measures 3.05 metres by 3.66 metres with a height of 1.88 metres and externally is coloured green and three wooden sheds measuring 2.44 metres by 2.44 metres with a height ridge of 1.52 metres. The previous approval comprised five wooden sheds measuring 7.315 metres by 5.486 long by 2.796 metres high.
- 6.2.8 It is acknowledged that the proposal increases the size of the agricultural shed and the number of duck and geese structures and as such would make them more visible in the landscape than those previously approved. However, officers do not consider that this additional visual impact would result in significant material harm to the landscape. The materials and their colour are similar to many other agricultural buildings within the County and will ensure that the proposal has minimal visual impact and there is justification which demonstrates the building size is appropriate for the agricultural business.
- 6.2.9 In addition the applicant has provided a plan outlining a proposed scheme of landscaping. Whilst it is appreciated that this will not completely screen the agricultural shed from view, it will further soften the visual impact of it in the landscape.
- 6.3 **Impact on Residential Amenity**
- 6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.
- 6.3.2 The nearest dwelling to the application site is located to the north east of the agricultural building. This is a detached dwelling which has outbuildings typical of a rural location. At approximately 90 metres from the agricultural shed and given the orientation of the development, this would be too far from the development to have an impact on the residential amenities enjoyed.



## 6.4 Ecology

- 6.4.1 The NPPF and policy CS17 of the Shropshire Core Strategy require consideration to be given to the impact of the proposed development on the natural environment. This particularly relates to the impact on statutorily protected species and habitats. Therefore a consultation has been sent to the Council's Ecologist.
- 6.4.2 The application has been supported with plans to show the position of the duck and geese pens. These demonstrate that the pens can be located within the parameters set out in the original planning application to protect the local great crested newt populations. Although the opinion of the Ecologist is awaited at the time of writing this report it is the opinion of the Case Officer that had this been a potential issue the Planning Inspector would not have allowed the pens and sheds to be within 50 metres of their location.
- 6.4.3 In view of the above it is considered that the proposed development will not have a detrimental impact on statutorily protected species and habitats. Therefore the proposal meets the requirements of the NPPF and policy CS17 of the Shropshire Core Strategy.

## 6.5 Drainage

- 6.5.1 The NPPF and policy CS18 of the Shropshire Core Strategy require consideration to be given to the potential flood risk of development.
- 6.5.2 The development has been assessed by the Council's Drainage Engineer. No objection has been raised to the scheme however they require confirmation that the installed soakaway drainage system has sufficient capacity.
- 6.5.3 As there is land available to the applicant to ensure that an appropriate system is installed a condition will be included on any planning permission that may be granted requiring full details to be submitted to the Local Planning Authority for approval. The approved scheme shall be installed within three months of the date of planning permission being granted.
- 6.5.4 In view of the above it is considered that an appropriate drainage system can be installed to meet the requirements of the NPPF and policy CS18 of the Shropshire Core Strategy.

## 6.6 Other Matters

- 6.6.1 It is alleged by local residents that the applicant has failed to comply with conditions attached to the original planning permission. This should be used as a reason to refuse any further applications. Apart from the change to the structures that have been constructed, all other conditions appear to have where necessary been discharged and complied with. Whilst it may be of concern to local residents, this is not a material planning consideration that can influence a recommendation.
- 6.6.2 Concerns have been expressed that the larger building will encourage more vehicle movements to the detriment of highway safety. The access drive to the site only serves Bradley Farm and Greenacres. The applicant has no planning restriction on how many vehicles and their type that can use this drive or the land.

The erection of the building to store agricultural vehicles would not necessarily increase the amount of traffic using the premises or the driveway over and above that currently experienced.

- 6.6.3 Both the Parish Council and local objectors have raised concern that the applicant is raising game birds and not ducks and geese. However at the time of the officer site visit the pens were erected but not stocked and the Council have not been provided with any evidence to show non-compliance with the condition. Should this become an issue the Council will be able to take enforcement action but it is not a matter for this application which is proposed to be approved with the same conditions as the appeal decision.

## **7.0 CONCLUSION**

- 7.1 It is appreciated that the buildings are different to those previously proposed and in the case of the agricultural shed significantly bigger. However on balance the increase would not necessarily make them more visually intrusive in the rural landscape. The proposed materials and the size of the agricultural shed are similar to other agricultural buildings within Shropshire and the colours generally minimise their visual impact. The extra landscaping proposed will further soften the impact of the building. The proposed duck and geese sheds, although there are more of them, will only contain the same number of birds as limited by the condition imposed on the original planning permission. Their smaller scale will not have any more impact on the character of the area than the previously approved fewer, but larger buildings.

It is the opinion of officers that the amended scheme has no further detrimental impact on the character and appearance of the rural landscape than the previous approval. As such the proposal is considered to be in accordance with the NPPF and policies CS5, CS6, CS13, CS17 and CS18 of the Shropshire Core Strategy.

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.

## **8.0 RISK ASSESSMENT AND OPPORTUNITIES APPRAISAL**

### **8.1 Risk Management**

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

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal - written representations, a hearing or inquiry.
- 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 six weeks after the grounds to make the claim first arose first arose.

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

## 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**

9.1 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

Core Strategy and Saved Policies:  
CS5 - Countryside and Greenbelt  
CS6 - Sustainable Design and Development Principles  
CS13 - Economic Development, Enterprise and Employment  
CS17 - Environmental Networks  
CS18 - Sustainable Water Management

Relevant planning history:

09/70036/FUL Change of use of land from agricultural for the rearing of game birds, erection of bird rearing pens/ runs and erection of associated storage building with creation of access REFUSE 15th September 2009

09/03052/FUL Erection of temporary seasonal rearing pens and outdoor runs; formation of access track to include change of use of land REFUSE 19th August 2010

11/04429/FUL Erection of an agricultural storage building and 5 no. wooden sheds for livestock; retention of hardcore track and hardstanding REFUSE 1st June 2012

Appeal

09/01611/REF Change of use of land from agricultural for the rearing of game birds, erection of bird rearing pens/ runs and erection of associated storage building with creation of access DISMIS 20th September 2010

Appeal

12/01984/REF Erection of an agricultural storage building and 5 no. wooden sheds for livestock; retention of hardcore track and hardstanding ALLOW 2nd January 2013

**11. ADDITIONAL INFORMATION**

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

Cabinet Member (Portfolio Holder)

Cllr M. Price

Local Member

Cllr Karen Calder

Appendices

APPENDIX 1 - Conditions

**APPENDIX 1****Conditions**

1. 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.

2. The duck and geese sheds shall not at any time be sited within 50 metres of the top of the bank of any pond.
3. The duck and geese sheds shall not at any time be sited within 50 metres of the top of the bank of any pond.
4. The hibernacula, setaside areas and fencing shall be maintained as shown in the approved details drawing SA12603/02 revision B received on the 17th May 2013.  
.
5. The development shall be carried out and used in full accordance with the recommendations of the Method Statement (Shropshire Wildlife Surveys, March 2012) and the Great Crested Newt, Habitat Improvement and Management Plan (Shropshire Wildlife Surveys, March 2012).
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no external lighting shall be installed within any part of the site.
7. The agricultural storage building shall not be brought into use until soakaways have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

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Committee and Date

North Planning Committee

17 February 2015

Item

15

Public

## SCHEDULE OF APPEALS AS AT COMMITTEE 17<sup>th</sup> February 2015

### Appeals Lodged

<b>LPA reference</b>	14/03770/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	H Martin
<b>Proposal</b>	Erection of a two storey rear extension and link between garage and house
<b>Location</b>	Red Brick House, Ashfields, Hinstock, Market Drayton,. Shropshire
<b>Date of appeal</b>	20.01.15
<b>Appeal method</b>	Written
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

<b>LPA reference</b>	14/02730/MAW
<b>Appeal against</b>	Non determination
<b>Committee or Del. Decision</b>	
<b>Appellant</b>	Dart Energy (Europe) Ltd
<b>Proposal</b>	Temporary operation for exploratory borehole and associated infrastructure
<b>Location</b>	Land North West of Brooklands Farm, Dudleston
<b>Date of appeal</b>	05.02.2015
<b>Appeal method</b>	Written
<b>Date site visit</b>	
<b>Date of appeal decision</b>	
<b>Costs awarded</b>	
<b>Appeal decision</b>	

**Appeals determined**

<b>LPA reference</b>	14/01104/FUL
<b>Appeal against</b>	Refusal
<b>Committee or Del. Decision</b>	Delegated
<b>Appellant</b>	Enterprise Prospects Ltd
<b>Proposal</b>	Erection of one dwelling
<b>Location</b>	Land Adj. Rednal Manor West Felton Oswestry
<b>Date of appeal</b>	21.08.2014
<b>Appeal method</b>	Hearing
<b>Date site visit</b>	11.12.2014
<b>Date of appeal decision</b>	13.01.2015
<b>Costs awarded</b>	
<b>Appeal decision</b>	<b>Dismissed</b>





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## Appeal Decision

Hearing held on 11 December 2014

Site visit made on 11 December 2014

**by Jonathan Hockley BA(Hons) DipTP MRTPI**

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

**Decision date: 13 January 2015**

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**Appeal Ref: APP/L3245/A/14/2223087**

**Land adjacent to Rednal Manor, West Felton, Oswestry SY11 4HT**

- 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 Enterprise Prospects Limited against the decision of Shropshire Council.
  - The application Ref 14/01104/FUL, dated 12 March 2014, was refused by notice dated 17 July 2014.
  - The development proposed is described as 'construction of a single dwelling on land which has been residential curtilage of Rednal Manor, Rednal, Shropshire'.
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. In evidence presented by the neighbouring occupiers of Rednal Manor, it is clear that the address provided on the application form is incorrect. The address of the site should be as detailed by the Council on their decision notice, namely 'land adjacent to Rednal Manor, West Felton, Oswestry'. I have dealt with the appeal on this basis.
3. The inquiry into the Shropshire Site Allocations and Management of Development (SAMDev) document is on-going. I was informed at the Hearing that the discussion concerning housing land supply had taken place in the preceding week. Given these exceptional circumstances I accepted some late evidence from the Council two days prior to the Hearing. This was shared with the appellant at the same time. Whilst this is clearly not ideal timing, the SAMDev inquiry has had the opportunity to discuss in far more detail, and with a wider range of witnesses, the proposed 5 year housing land supply than I was able to in a Hearing. I therefore considered it important in making my decision that I had access to the most recent and relevant information available on this issue. The appellant was able to address this evidence during the Hearing.

### Main Issue

4. Based on all that I have seen, read and the discussions at the Hearing, I consider the main issue in this case to be whether the proposal would provide a suitable site for housing, having regard to housing land supply and the principles of sustainable development.

## Reasons

5. The appeal site is an area of longish grass, sited to the south of Rednal Manor and the well kept garden to that property. There is no clear division between the site and the Manor's garden, other than the condition of the land. The site has an existing farm gate on its western boundary, and rises gently to the east. Boundaries on the east, west and south sides are a mixture of hedges and fences. It is not entirely clear whether the site has been in use as garden land previously; evidence suggests it may have been around the year 2000. However, it is clear that no such use has occurred on the land since at least 2009, when Rednal Manor was sold to the current owners.
6. Rednal is a small settlement, with very few properties; estimated at 8 houses by interested parties at the Hearing. There are no services or facilities in the settlement, other than a post box. According to evidence at the Hearing the nearest shop and bus stop is located in West Felton, around 2 miles away down a single track road to the south. A large industrial/commercial estate is located to the east based around Rednal Airfield.

### *Housing Land Supply*

7. There is disagreement between the parties over whether the Council can demonstrate a 5 year supply of deliverable housing land. With reference to paragraph 47 of the National Planning Policy Framework (the Framework), at the Hearing it was broadly agreed that the 20% buffer included by the Council for previous under provision of housing supply should not also include 20% of the previous shortfall. I agree with this, as to do so would appear to be effectively double counting previous under-provision.
8. I do not agree with the appellant's points concerning an additional discount for North Shropshire, due to the viability of building residential properties in the northern part of the County as compared to other parts of the County. The logical implication of such a policy would be to even out such a discount by reducing discounts in other areas of the County. I also do not agree that the selected allocations within the SAMDev document itself should not be included. The evidence presented by the Council provided an up to date narrative on the current state of many of these sites and the ones considered appropriate to include within the 5 year housing land supply. I am satisfied on the evidence provided to me that these sites are achievable and viable with a realistic prospect that housing will be delivered on the sites within five years.
9. On the subject of sites with delays over section 106 agreements and older consents, at the Hearing the Council acknowledged that the speed of progression of sites with Section 106 agreements was not always ideal. However, I note that these sites already have a 10% discount applied to them which appears reasonable to me. I have however noted that one site (Former Dairy Site, School Road, Ruyton XI Towns) was acknowledged to still be in full use for commercial purposes and I have thus discounted the impact of this site (80 units).
10. In summary, taking the Council figure of a requirement of an annualised average of 10,970 (Scenario 2, the worst case for the Council), and removing the 80 houses provided for in Ruyton XI from the Late November 2014 figure of 11,063 houses leaves a supply of 10,983 houses, a figure just over the required amount. From the evidence that was available to me, which as noted

above is clearly far more limited than is available to the SAMDev inquiry, it appears therefore that even with the worst case scenario from the Council's point of view that the Council was able to demonstrate a 5 year supply of deliverable housing land.

*Sustainable development*

11. However, notwithstanding my conclusions made above, I note that the Council when making their decision on the application took the pragmatic view of assuming that they did not have a five year supply. It was confirmed at the Hearing that the Council still considered that the proposal should be dismissed at appeal should paragraph 49 of the Framework apply. Given the difficulties of examining such a subject in the time available to a Hearing, particularly whilst an inquiry into the very subject is on-going, and the closeness of the figures described in paragraph 10 above, I have also taken this pragmatic approach below.
12. Paragraph 14 of the Framework states that there is a presumption in favour of granting sustainable development, and that when the development plan is out of date that development should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. Paragraph 55 of the Framework concerns sustainable development in rural areas. This paragraph states that rural housing should be located where it will enhance or maintain the vitality of rural communities. The Framework notes, that where there are groups of smaller settlements, development in one village may support services in a village nearby. New isolated homes in the countryside should be avoided unless certain defined special circumstances apply.
14. I note the appellant's view that much of the historic pattern of development in Shropshire has been that of sporadic development in rural communities. However, the proposed dwelling would result in a new home with no real physical links to any facilities or services other than those possible through the use of private transport. The appeal site is located on the edge of Rednal, with open fields on two sides. There are no services in Rednal that the future occupiers of the proposal could help to maintain and there was none advanced in local villages that the development could help support. The closest shop is in West Felton, around 2 miles away down a single track road and evidence from local residents in the Hearing suggested that current residents would travel further to larger settlements with a wider range of services, such as Oswestry or Ellesmere for their day to day needs.
15. The appellant noted in the Hearing that the construction of the proposed dwelling and subsequent residency of the house would have a positive economic effect and that the future residents of the proposal would add to the local social fabric. However, in sustainability terms I consider that these small benefits would be outweighed by the lack of sustainable access to the site. Furthermore, due to this isolated location and inaccessibility of the site by public transport or realistically by foot or bike I do not consider that the proposal would constitute sustainable development at all for the purposes of paragraph 14 of the Framework.

16. The appellant considers that the design of the proposed dwelling is of exceptional quality, such as to qualify for one of the defined special circumstances provided for in paragraph 55. However, whilst an attractive design I have no detailed evidence of how the building would be truly outstanding or innovative. Nor was any evidence produced suggesting how the proposal would significantly enhance its immediate setting.
17. The type of house proposed was advanced as a positive feature. The proposal would provide one fairly large dwelling, which in size terms would not be dissimilar to many of the other properties in Rednal. It would thus not provide an alternative type or size of house that is not already available in Rednal or other nearby communities.
18. In their evidence the appellant noted the range of outbuildings that could be built on the site under permitted development powers. However, it was acknowledged at the Hearing that given the ownership of the site and its curtilage that such powers would not be as wide ranging as previously contended. I therefore give this consideration little weight.

### **Conclusions**

19. On the evidence provided to me the Council can demonstrate a five year supply of deliverable housing land. However, even if the Council could not demonstrate that there was such a supply, then I do not consider that the proposal would constitute sustainable development in the context of paragraph 14 of the Framework. In reaching this conclusion I have borne in mind the guidance in the Framework that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling (paragraph 17), and the provisions of paragraph 55.
20. I therefore conclude that the proposal would not provide a suitable site for housing, having regard to housing land supply and the principles of sustainable development. The Council provided a list of 4 policies in the Shropshire Adopted Core Strategy, March 2011 (the Core Strategy) against which the proposal was assessed. These four policies (CS4, CS6, CS11 and CS 17) appear to have limited relevance to the proposal. However, the proposal would be contrary to Policy CS5 of the Core Strategy, as referred to in the Council appeal statement. This policy aligns relatively closely with the Framework and states that new development will be strictly controlled in the countryside except for certain defined uses, none of which are the subject of this proposal.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jon Hockley*

INSPECTOR

**APPEARANCES**

**FOR THE APPELLANT:**

Robin Hooper

Appellant's Agent

**FOR THE LOCAL PLANNING AUTHORITY**

Matthew Farmer

Shropshire Council

Dave Wallace

Shropshire Council

Janet Davies

Shropshire Council

**INTERESTED PARTIES**

Catherine Burton

Near neighbour

Andrew Burton

Near neighbour

**DOCUMENTS SUBMITTED AT THE HEARING**

1. Image attributed to Google Earth of the appeal site, dated 2000.
2. Copies of Council Core Strategy policies CS4, CS5, CS6, CS11, CS12, CS17.

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